

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Board of Zoning Adjustment  
441 4th Street, N.W.  
Washington, D.C. 20001

SPECIAL PUBLIC MEETING AND PUBLIC HEARING  
November 9, 2010  
10:00 a.m. through 3:07 p.m.

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

Board Members

Meridith Moldenhauer - Chairperson  
Nicole Sorg - Vice Chairperson  
Jeffery L. Hinkle - NCPC  
Michael G. Turnbull - Architect  
Greg Selfridge - Zoning Commission  
Clifford Moy - Secretary  
Beverley Bailey - Office of Zoning  
Mary Nagelhout - Office of the Attorney General  
John Nyarku - Office of Zoning

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

2 CHAIRPERSON MOLDENHAUER: This meeting  
3 will please come to order good morning ladies and  
4 gentleman. This is the November 9, 2010. Public  
5 Meeting of the Board of Zoning Adjustments for  
6 the District of Columbia convening to act on the  
7 Chancery application pursuant to the Foreign  
8 Mission Act in Chapter 10 of the Zoning  
9 Regulations. My name is Meridith Moldenhauer,  
10 Chairperson. Joining me today to my left will be  
11 Nicole Sorg, Vice Chair, to my right is Peter May  
12 Representative of the U.S. National Park Service,  
13 and to my left is the Federal Representative  
14 Marcel Acosta, Representative of the National  
15 Capital Planning Commission. Copies of today's  
16 meeting agenda are available to you and are  
17 located to the left in the wall bin near the  
18 door. Please be advised this proceeding is being  
19 recorded by a court reporter and is also being  
20 webcast live. Accordingly we must ask you to  
21 refrain from any disturbing noises or actions in  
22 the hearing room. When presenting information to

1 the Board please turn on and speak into your  
2 microphone first stating your name and home  
3 address. When you are finished speaking please  
4 turn off your microphone so that your microphone  
5 is no longer picking up sounds or background  
6 noise. All persons planning to testify either in  
7 support or in opposition are to fill out two  
8 witness cards these cards are located to my left  
9 on the table near the door and on the witness  
10 tables. Upon coming forward to the Board please  
11 give both cards to the court reporter sitting to  
12 my right, the order of procedure for a Foreign  
13 Mission case is as follows. 1. Statement and  
14 witness of the applicant. 2. Government reports  
15 including the United States Secretary of the  
16 State and the District of Columbia Office of  
17 Planning on behalf of the Mayor. 3. Reports and  
18 recommendations by other public agencies. 4.  
19 Reports of the ANC. 5. Persons in support. 6.  
20 Persons in opposition. Please note that request  
21 for party status in a Chancery Application are  
22 not applicable because of its rule making

1 procedures. The following time constraints will  
2 be maintained pursuant to Section 3117.4. The  
3 applicant including its witnesses will be  
4 permitted 60 minutes to present its case.  
5 Persons testifying whether in support or in  
6 opposition will be given three minutes each  
7 except in ANC and the associations will be given  
8 five minutes. These time constraints do not  
9 include time during which questions will be asked  
10 from the Board. The Board may place reasonable  
11 restrictions on or permit additional time for  
12 testimony as it deems appropriate. Because this  
13 is a rule making procedure there are no parties  
14 and therefore there is no cross examination. The  
15 record will be closed at the conclusion of each  
16 case except it will remain open for any materials  
17 specifically requested by the Board. The Board  
18 and the staff will specify at the end of each  
19 hearing exactly what is expected and the date  
20 when the material must be submitted to the Office  
21 of Planning. After the record is closed no other  
22 information will be accepted by the Board. The

1 Sunshine Act requests that the public hearing on  
2 each case be held in the open before the public.  
3 The Board may The Board may consistent with its  
4 rules and procedures and the Sunshine Act enter  
5 into Executive Session during or after a public  
6 hearing on a case for purposes of reviewing the  
7 record or deliberating on a case. The decision  
8 of the Board and the legislative proceeding must  
9 be based exclusively the public record to void  
10 any appearance to the contrary the Board requests  
11 that persons present not engage the members of  
12 the Board in conversation. Please turn off all  
13 beepers and cell phones at this time as to not  
14 disturb these proceedings. At this time the  
15 Board will consider any preliminary matters,  
16 preliminary matters relate to whether a case  
17 should or will be heard today such as a request  
18 for postponement, continuance or withdrawal or  
19 whether proper or adequate notice of a hearing  
20 was given. If you are not prepared to go forward  
21 now please let me know and if the Board should  
22 believe that we should postpone the proceeding

1 now is the time to raise such a matter. Mr.  
2 Secretary do we have any preliminary matters?

3 SECRETARY MOY: Good morning Madam,  
4 Members of the Board at this moment there's not  
5 major preliminary matters.

6 CHAIRPERSON MOLDENHAUER: Perfect, then  
7 we will swear in the witnesses and call the first  
8 case. Okay we will swear in the witnesses then  
9 we do have another morning case this afternoon we  
10 will swear the witness for that case after the  
11 foreign mission cases have been concluded. If we  
12 can call the first case then.

13 MS. BAILEY: Madam Chair, Members of the  
14 Board to everyone good morning. This is the  
15 application of the Peoples Republic of China and  
16 the No. is 18131 and is pursuant to: 11 DCMR  
17 Section 1002 to permit the construction of a new  
18 Chancery in Embassy Staff Residential Building as  
19 a replacement for an existing Chancery and  
20 Embassy Staff Residential Building. The property  
21 is zone R-1-B and R-5-D it's located at 2300 and  
22 2310 Connecticut Avenue, N.W., Square 2526, Lot

1 197.

2 CHAIRPERSON MOLDENHAUER: Good morning  
3 would you introduce yourself and then introduce  
4 all the individuals?

5 MR. COLLINS: My name is Christopher  
6 Collins with the Law Firm of Holland and Knight.  
7 With me you see behind me is Kyrus Freeman from  
8 our office as well, seated to my immediate left  
9 is Madam Niu Xiaoping, Madam Niu is the ranking  
10 Embassy Official in charge of this project. To  
11 her left is Mr. Chun Genting, of the Embassy as  
12 well, and to my far left is Mr. Erwin Andres from  
13 Gorove Slade Associates. I also want to  
14 introduce behind me Ms. Chun and Mr. Bay also  
15 from the Embassy, to my right Christopher  
16 Reutershan for UGL - Equis, the Development  
17 Manager for the project preceding onto the right  
18 Emily Eig, President of EHT Traceries, Historic  
19 Preservation Consultant Cooper Melton and Phil  
20 Esocoff from Esocoff Architects, the architects  
21 for the project.

22 CHAIRPERSON MOLDENHAUER: Thank you.

1 MR. COLLINS: This is an application to  
2 replace an existing Chancery and Staff residence  
3 building with a new Chancery and staff residence  
4 building, the Chancery portion of the building  
5 will be the non-public portion of the councilors  
6 section of the embassy. The building will also  
7 contain 160 residences, 130 of those residences  
8 will be 2 and 3 bedroom apartments and there will  
9 be 30 bachelor apartments. There will also be  
10 onsite amenities for the residence and below  
11 grade parking. The project also includes the  
12 retention of a historic façade to the building.  
13 There has been widespread public notice and  
14 involvement by the government and the community  
15 in this project, we started out in the springtime  
16 with our public outreach and Mr. Reutershan will  
17 go into that in a little more detail. Our  
18 prehearing statement we submitted is fairly  
19 extensive and hopefully you've had a chance to go  
20 through all of it and we will have five witnesses  
21 today. So unless there's any questions I'd like  
22 to proceed to the first witness, oh I'm sorry

1 before that a housekeeping measure we did hand in  
2 several items this morning for you the first is a  
3 testimony of Madam Niu, then there are some  
4 PowerPoint slides many of these are already in  
5 the plans in the record but some illustrative  
6 PowerPoint slides for the record. The third is a  
7 letter from Esocoff Associates dated October 26,  
8 2010, that was within the two weeks prior or our  
9 submission, it was less than two weeks prior to  
10 the public hearing therefore we couldn't submit  
11 except for this morning, this letter is a  
12 submission to the Department of Transportation at  
13 their request showing some additional features of  
14 the project that were the results of discussions  
15 we had with DDOT. There are some slides by that  
16 Ms. Eig will show in her presentation and then  
17 finally two articles that appeared in the local  
18 press northwest current article dated September  
19 1, and an article from the Entanner dated  
20 September 10.

21 CHAIRPERSON MOLDENHAUER: I don't believe  
22 we have those articles I have the PowerPoint

1 slides, I have the letter that you referenced in  
2 regards for DDOT but I don't have and the Board  
3 Members are agreeing that no we don't have any  
4 articles from local. Ms. Bailey making sure we  
5 have everything.

6 MR. COLLINS: So as Ms. Bailey is handing  
7 those out and because of our time constraint I'd  
8 like to turn to the first witness Madam Niu  
9 Xiaoping. Madam Niu is Councilors and is here on  
10 behalf of Minister Young, Minister Young is  
11 unable to attend this morning due to other  
12 business and Councilors Niu is here on his  
13 behalf. So with that I'd like to ask Madam Niu  
14 to proceed with her testimony.

15 MADAM NIU: Honorable Members of the  
16 Board, good morning, my name is Niu Xiaoping  
17 Counselors of the Embassy of the Peoples Republic  
18 of China in the U.S.A. On behalf of the Chinese  
19 Embassy I would like to thank you for the  
20 opportunity to appear before you today to present  
21 our application for approval of the development  
22 replacement of our former Chancery and the

1 residence building at 2300 and 2310 Connecticut  
2 Avenue and W, with a new Chancery and residence  
3 building. China values its relations with the  
4 United States, our new Chancery Building located  
5 at the International Chancery Center in  
6 Washington, D.C. is a vivid reflection of this  
7 important relationship, and this building was  
8 designed by the famous architect Mr. I.M. Pei,  
9 and was completed in July 2008. Mr. Pei has also  
10 designed a number of landmark structures in D.C.  
11 such as the East Wing of the National Gallery of  
12 Art. We at the Embassy can say proudly that Mr.  
13 Pei is the most befitting architect who has done  
14 a great job in helping us build our new chancery.  
15 Today, we'd like to inform you about the  
16 redevelopment project of our old chancery at 2300  
17 and 2310 Connecticut Avenue, NW. The building is  
18 located in the center of a beautiful and  
19 historical community. We have been located in  
20 this place for about 40 years. The Chinese  
21 Embassy is deeply honored to be in this location  
22 and expects to continue to be a good neighbor in

1 the community for many years to come. After the  
2 Chinese Embassy moved to the new chancery we have  
3 studied how to make better use of our old  
4 chancery and residence. Over the years, our  
5 relationship with the US continues to grow; many  
6 of our staff has had to look for accommodations  
7 outside the Embassy. With most of our chancery  
8 operations moving to our new building—we now have  
9 the opportunity to bring our Embassy staff back  
10 under one roof. In order to achieve this idea,  
11 the Embassy has chosen a first-class consultant  
12 team, including the architect, historic  
13 consultant, and lawyer and development experts.  
14 They have worked together to create an excellent  
15 new building while taking into consideration the  
16 historic context, the traffic, and the concerns  
17 of our neighbors. Our chief architect, Mr. Phil  
18 Esocoff and his associates have designed a lot of  
19 residence buildings in Washington, D.C. Mr.  
20 Esocoff has lived across the street for many  
21 years in charge of these projects, the new  
22 building will fit well within this urban historic

1 residential surrounding. Ms. Emily Eig of the  
2 historic preservation firm Traceries is well  
3 known as an expert in historic preservation  
4 matters. Among her many achievement, Ms. Eig is  
5 the author of the historic designation  
6 application to create the Sheridan Kalorama  
7 Historic District. Mr. Erwin Andres of the  
8 traffic consulting firm Gorove Slade has a great  
9 deal of experience advising clients and public  
10 officials on a variety of development projects.  
11 Mr. Christopher Collins of Holland & Knight, who  
12 you have already met is our land use counsel and  
13 has guided us through the approval process under  
14 the Foreign Missions Act. Mr. Christopher  
15 Reutershan of UGL-Equis has many years of  
16 experience in the real estate development  
17 industry both as a government official and as a  
18 development advisor in the private sector, and  
19 has been responsible for many signify ant  
20 projects. We are very excited about the  
21 opportunity to create a secure, modern and  
22 historically respectful new facility in this

1 lovely city. We are looking forward to working  
2 closely with the District of Columbia and the  
3 community to ensure that our new facility meets  
4 all or your rules and requirements and  
5 expectations. Thank you again for the  
6 opportunity to present our application to you.  
7 We very much appreciate your support. Our team  
8 is pleased to answer any questions that you may  
9 have. Thank you for listening.

10 CHAIRPERSON MOLDENHAUER: Thank you Madam  
11 Niu, do any Board Members have any questions?  
12 Seeing none if you can continue on with your next  
13 witness.

14 MR. COLLINS: Thank you Madam Niu, the  
15 next is Christopher Reutershan of UGL-Equis.

16 MR. REUTERSHAN: Good morning my name is  
17 Chris Reutershan, I'm a Senior Vice President and  
18 the Group Executive for UGL-Equis' Development  
19 Services Group. UGL-Equis is a national real  
20 estate provider and part of a large international  
21 public company, my office is located 1909 K.  
22 Street. I have lived and worked in the District

1 of Columbia since 1987. In early 2008, we were  
2 engaged to assist the Embassy in developing a  
3 strategic feasibility study and plan for the  
4 redevelopment of its former Chancery. Equis was  
5 subsequently engaged as the Embassy's development  
6 manager to assist the Embassy Staff with the  
7 project. The project located in ANC 2-D in  
8 Sheridan Kalorama Historic District comprises two  
9 buildings 2300, 2310 Connecticut Avenue and is  
10 adjacent to Rock Creek Park. There are two  
11 adjoining buildings 2300 Connecticut which is not  
12 contributing it was built in 1946 and 2310 which  
13 is contributing and was built in 1923. The  
14 proposed use of the property will be for Chancery  
15 use incorporating non-public elements of the  
16 Embassy's Chancery operations together with  
17 residential accommodations for its' Embassy  
18 Staff. The overall program calls for non-public  
19 office space and associated below grade document  
20 storage together with 160 residential units,  
21 residential amenities, and underground parking at  
22 the rate of approximately one space per unit.

1 Beginning in 2008, I assisted the Embassy in  
2 assembling the core project team and we began  
3 programming a design in 2009. Given the projects  
4 location in the Sheridan Kalorama Historic  
5 District and the contributing designation of one  
6 of the buildings we recommended that the Embassy  
7 engage Emily Eig, she was the author of the study  
8 that created that District and at least in our  
9 view we believe she's probably the most if not  
10 one of the most knowledgeable architectural  
11 historians in the District of Columbia. Chris  
12 Collins was chosen to be our land use council  
13 because of his extensive Embassy experience and  
14 his firm and his extensive land use experience in  
15 the District of Columbia. From the beginning the  
16 Embassy has been very, very focused on creating a  
17 building that is respectful of its historic  
18 context and the residential character of the  
19 neighborhood where it's located. In 2008, we  
20 undertook a significant selection process  
21 involving initially identifying 20 firms with  
22 residential and historic experience, we asked

1 them to submit their qualifications based on our  
2 review of those qualifications, we brought it  
3 down to 10 that were asked to submit proposals  
4 five firms were then asked to make formal  
5 presentations to the Embassy. We selected Phil  
6 Esocoff and his firm for a number of reasons  
7 first Phil is arguably the best multi-family  
8 residential architect in the region, he's a  
9 fellow of the AIA, second he has just a huge  
10 amount of experience in creating contextual  
11 solutions in historic and sensitive locations.  
12 He's well known and universal respected by the  
13 historic community, and finally we picked Phil  
14 because he happen to live across the street and  
15 he would have to live with whatever he created  
16 and whatever his neighbors thought he had  
17 created. Prior to starting we engaged  
18 consultants to do a survey, a geotechnical study  
19 and an environmental analysis and those results  
20 are incorporated in Phil's design. Also from the  
21 beginning we understood that traffic and parking  
22 would be two major issues for the community in

1 fact they are some of the sole criteria that his  
2 Board is empowered to review in deciding this  
3 case. We engaged Gorove Slade to advise us on  
4 these matters and their conclusion which will  
5 begin with Mr. Andres is that the project level  
6 of parking is appropriate and that there will be  
7 no impact on traffic or parking in the  
8 neighborhood. Finally we engaged a nationally  
9 prominent security firm to advise the team on  
10 structural and design matters that would be  
11 important to ensure the security of the Embassy  
12 and their staff, in fact early on we learned that  
13 the façade of 2310 Connecticut was extremely  
14 robust being comprised of several courses of very  
15 strong brick, however the internal structure back  
16 in 1923 they weren't thinking about the potential  
17 for lateral pressure and we learned that the  
18 internal structure would not accommodate the  
19 requirements of the Embassy and Phil will discuss  
20 this in his presentation. The Embassy's goal for  
21 the project has been to produce a project that is  
22 respectful in every way of its neighbors, of its

1 neighborhood and of the many stakeholders with an  
2 interest in the project. The project is in just  
3 a prominent and sensitive location within an  
4 important Historic District actually adjacent to  
5 a Historic District along one of the District's  
6 principle avenues it's adjacent to both Rock  
7 Creek Park on the north and to a single family  
8 residential District on the west. It's the  
9 center of two vibrant connected and active  
10 residential communities. Given the potential  
11 impact of the project and the importance of the  
12 site every effort has been made by the Embassy to  
13 reach out to the city, the community to ensure  
14 that everyone's views were heard and every effort  
15 has been made to incorporate those views into the  
16 overall design and plan for the new building. I  
17 believe the Embassy has been extremely successful  
18 in meeting this goal. Early in the project we  
19 met with the Deputy Mayor and invited her to  
20 bring the Directors of the Office of Planning and  
21 DDOT as well as their key staff members. The  
22 purpose of the meeting was to share the Embassy's

1 plan for the site at least our initial thoughts  
2 as to how it was going to develop and to seek  
3 their counsel on the Embassy's intended approach.  
4 We also had at that time a separate meeting with  
5 Jack Evans Council Member for Ward 2, who  
6 represents this community in the council to get  
7 his insight into what was going to be important  
8 both to him and his constituents. He mentioned a  
9 couple of things but the real concern that he had  
10 and he felt his neighbors would have was the  
11 level of parking that would be provided, in fact  
12 he indicated at that time that he did not believe  
13 that he or his constituents would be able to  
14 support the project if there was any significant  
15 diminution of the proposed level of parking that  
16 we had been talking about which at that time was  
17 153 and now is 154 spaces. Subsequent to this we  
18 had follow on meetings with DDOT with Office of  
19 Planning and the Historic Preservation Office to  
20 present, to discuss and to recalibrate the  
21 details of the project. There was substantial  
22 interaction and the current plans incorporate

1 many of the design features and modifications  
2 that were suggested by these agency staffs. We  
3 also contacted ANC-2-D and ANC-1-C which is  
4 located immediately to the east across  
5 Connecticut Avenue to offer a presentation to  
6 them, ANC-2-D accepted the offer, and ANC 1-C did  
7 not respond to several efforts to contact them.  
8 Presentations were formerly made to the Sheridan  
9 Kalorama Historic Association, to all the  
10 Embassy's immediate neighbors within a 200 foot  
11 radius of the site and to ANC-2-D on two separate  
12 occasions. The community has had several  
13 concerns all most all of which we've been able to  
14 incorporate into our application that's before  
15 you today. Again one of the principle issues we  
16 kept hearing time and time again was about the  
17 parking and their desire to see as much parking  
18 as possible to ensure that every Embassy Staff  
19 Members car would be in the building and not on  
20 the street. I think you should probably know  
21 there are many buildings in that neighborhood,  
22 many significant multi-family buildings with

1 little to no parking. So while parking is a  
2 problem everywhere in the District it's  
3 especially acute in this particular neighborhood.  
4 In addition to our design and plans the  
5 community asked that we prepare a proposed  
6 construction management plan a copy of that plan  
7 is in our application that's before you today.  
8 We also met onsite with representatives of the  
9 Park Service to discuss the project due to it's  
10 adjacency to Rock Creek Park, we also met with  
11 CFA staff and based on discussions with the State  
12 Department and the CFA Staff we submitted the  
13 plans to CFA for their review and Phil will talk  
14 about that later. Our project was covered in the  
15 local press you have two articles before you. I  
16 believe that based on my extensive experience in  
17 District it is unusual to get such glowing  
18 reports on projects of this nature. I guess in  
19 conclusion what I'd like to say is the Embassy is  
20 proud of it's plans for the new building, our  
21 team is equally proud of all the good work that's  
22 gone into preparing our plans and our application

1 for your review today. We are confident that you  
2 will agree the building is respectful of and  
3 compatible with its important and historic  
4 location. Likewise we're also confident you will  
5 agree that the buildings use is appropriate in  
6 its residential setting. That's its scale is in  
7 keeping with the intent of the District Zoning  
8 and use regulations and that once completed it  
9 will be viewed as an important addition to it's  
10 neighboring historic gems. The Embassy has  
11 worked hard to gain the trust and approval of  
12 both its neighbors as well as all the District  
13 and Federal Government's relevant agencies and  
14 stakeholders. We are pleased with the level of  
15 support the project has received thus far.  
16 Section 4306-D of the Foreign Mission Act sets  
17 out the six sole criteria for determination; we  
18 believe that our application and the testimony  
19 that you hear today overwhelmingly meets each of  
20 these six criteria for these reasons we  
21 respectfully ask for your approval and support of  
22 or application, thank you for the opportunity to

1 testify.

2 CHAIRPERSON MOLDENHAUER: Thank you very  
3 much; do any Board Members have any questions?  
4 Seeing none you can move on to your next witness.

5 MR. ESCOFF: Could we have the lights  
6 down a little bit I think it will be easier to  
7 see these slides; we've handed in a paper copy of  
8 this presentation. Most of these drawings are in  
9 your package, we may have added a few labels for  
10 clarity. The Chinese Embassy site sits in  
11 Kalorama halfway between the DuPont Circle Metro  
12 Stop and the Woodley Park Metro stop and of  
13 course Tishan our most famous Chinese resident  
14 used to live just up the block from the site.  
15 This brown area shows the Sheridan Kalorama  
16 Historic District and it's on the opposite side  
17 of the street from Kalorama Triangle Historic  
18 District and the building is on that cusp. You  
19 can see the way Connecticut Avenue wiggles around  
20 through here and that's an example of one of the  
21 earliest unfunded mandates where congress asked  
22 the District to buy that right of way to keep a

1 straight street in here but didn't provide the  
2 funding to do that and eventually we traced it.  
3 Luckily that produced probably one of the more  
4 thrilling entrances into the city as you come  
5 down Connecticut Avenue at the edge of the  
6 Piedmont Plateau and then descended into what was  
7 historically L'Enfant plan for the District that  
8 ended at Florida Avenue. Here this courtesy of  
9 Google view of the neighborhood you can see the  
10 low rise buildings in Kalorama to the west of the  
11 Embassy site and some of the main buildings that  
12 we've used as inspiration and studied in  
13 relationship to this project. This project and  
14 this neighborhood really provides a phenomenal  
15 opportunity for architects to demonstrate how  
16 buildings can be equally good and equally  
17 different and still compose a coherent public  
18 realm, it's a great metaphor for what is a very  
19 diverse culture that we have here where very  
20 diverse individuals can still create a coherent  
21 public realm, so in that sense it is a great  
22 opportunity for an architect. There's the

1 Chinese Embassy site with the 1948 building, 1923  
2 building. You can see it a little more clearly  
3 here, this seven story building sits right at the  
4 foot of the bridge opposite the Woodward and it  
5 was joined in 1946 by a less sensitive addition  
6 to the neighborhood you can see this sheer wall  
7 back here and it was a modernist building, but  
8 not a great modernist building. The rest of the  
9 site is asphalt and concrete with on grade  
10 parking except for some small green area just in  
11 the nook of this corner here, National Park  
12 Service there. The 2310 the historic building is  
13 in remarkably good shape after all these years  
14 it's really a testimony to what a great job  
15 architects used to do and how well we used to  
16 build building when we built solid self  
17 supporting massive walls with four and three wide  
18 of solid brick, so this building really exceeds a  
19 lot of the security requirements of a temporary  
20 building in this category and unfortunately  
21 though because if you put pressure on this wall  
22 with so effectively transfer loads laterally the

1 clay tile joist system structure inside would  
2 just typical of this neighborhood really wouldn't  
3 be able to resist that force, so we really need  
4 to put a new structure inside the old building,  
5 quite different than buildings from the 60s and  
6 70s where they had flimsy exterior walls and the  
7 structural system can be maintained if you can  
8 put a new façade on it. These three arches you  
9 can see here at the entrance will be restored to  
10 have the same kinds of glass windows that were  
11 once in the façade of the existing building, we  
12 suspect these may even be encapsulated behind  
13 this stucco that's in there now. Here's the  
14 building from 1946, not much to say about that,  
15 here it is today, not much of an improvement  
16 through wall air conditioners, it's really at the  
17 end of its useful life. There's access to the  
18 site off of Kalorama Road there's a gate we're  
19 maintaining that access point and you can see the  
20 back of the building truly was the back of the  
21 building, not the West Façade and that's what  
22 faces all the wonderful embassies and historic

1 buildings in Kalorama today. Off of Belmont Road  
2 which is seriously deteriorated but has been used  
3 since 2310 was constructed it's been used as a  
4 service drive for that building you can see some  
5 of the pea gravel concrete ramp that goes into  
6 the site from there and there's another one to  
7 the west along Belmont. There's a garage  
8 entrance off of the circle in front of the 1946  
9 building this will be removed there won't be a  
10 curb cut for access to parking at that location I  
11 the future in the new plan and looking west from  
12 Connecticut and Belmont where Belmont actually is  
13 paved on the east side of Connecticut at the foot  
14 of the bridge you can see the entrance, the curb  
15 cut that leads you down what is Belmont Road  
16 currently. The existing building stops at 7  
17 floors we're not building above this building.  
18 I'll show you a little bit more about the plan  
19 and how we're dealing with it, but you can see  
20 the sort of haphazard arrangement of some rooftop  
21 equipment, the historic elevator overrun and then  
22 some of the rooftop mechanical penthouse

1 equipment on to of the 1946 building there are  
2 few more of these but I'll spare you the pain of  
3 seeing them. So here are some of the great old  
4 buildings of this neighborhood starting with my  
5 30 year home the Woodward and looking out that  
6 window have the Chinese Embassy has been one of  
7 the only sour notes in the neighborhood and I  
8 think that's going to be improved. 2101  
9 Connecticut Avenue is down the road by Joseph  
10 Able, there's 2029 a beautiful building and  
11 (INAUDIBLE) directly across from the Woodward and  
12 the Chinese Embassy. Having lived in this  
13 building and looked out at the neighborhood and  
14 studied all those buildings about 20 years ago I  
15 designed a building on Pennsylvania Avenue really  
16 based on a lot of the lessons learned from that  
17 area the sort of the strong Kornis line, sort of  
18 a reed at the roof the way this building has a  
19 reed, sort of a silhouette that's distinctive and  
20 iconic. The use of good materials at the base  
21 that is a little different than the middle and  
22 then the use of giant order elements at key

1 locations to help organize the façade. You can  
2 see the Woodward has wonderful rooftop tower that  
3 really anchors your view coming down Connecticut  
4 Avenue from the north, this is a very wonderful  
5 and important urban design gesture, and it's just  
6 a beautiful embellishment to the building. You  
7 see terracotta panels and terracotta tiles. A  
8 view from that tower out really connects your  
9 experience and allows people on the ground to  
10 psychologically inhabit the building by looking  
11 up at the tower and wondering what it would be  
12 like to be there. From a distance it seems a  
13 rather monochromatic building you can just sort  
14 of slightly pick up some of the color here and of  
15 course the red roof, but when you get up closer  
16 to the building you can see that there's  
17 polychrome focused right at the entrance and an  
18 iron gate door and this is now 100 years old.  
19 Here's the building on Pennsylvania Avenue now 20  
20 years old and this is a picture taken today and  
21 we take a lot of pride in taking photographs of  
22 our buildings that are current to show that

1 actually they look as good today if not hopefully  
2 better than they did when they were new, now that  
3 they've had the opportunity to (inaudible). You  
4 can see sort of the coloration of the  
5 (INAUDIBLE)lime stone that we used on this  
6 building and how it picks up on some of the color  
7 there. When you get down to the details of the  
8 Woodward and then of 2401 Penn, you can see how  
9 it's almost gotten a burnished antique quality to  
10 it over the years. It's learning about the  
11 detailing of buildings in this neighborhood that  
12 has instructed us as students of architecture as  
13 to how you really design a new building that will  
14 actually like a vintage wine get better with age  
15 not like grape juice have an expiration date.  
16 Here's some of the tricks or techniques that the  
17 architect on the Dresden used sort of pulling the  
18 wall out just a few inches here create a vertical  
19 façade with a centering device here embellishing  
20 the windows to create a giant order element to  
21 help you visually organize and understand the  
22 façade and provide a spring point for this

1 dramatic and bold curve. Sort of creating a  
2 light frame even though that window is smaller  
3 the architect knew that when you looked at this  
4 building quickly you would see this as the same  
5 framework around a dark opening as if it were a  
6 large window. So we learned about how to  
7 embellish a corner from the Dresden and apply  
8 that to 2401 Penn but with a topical ornament  
9 that could only make sense in the District this  
10 being the District of Columbia Flat. So the view  
11 out my dining room window was sort of an almost  
12 like a seminar on good architecture over the  
13 years. Looking south you can see the Dresden  
14 2101 and 2029. You can see the entrance of 2101  
15 and how there's a recess and then there's sort of  
16 a triple arch with open air above it and a  
17 beautiful canopy to provide rain cover and how  
18 that also was appropriated as an architectural  
19 topology to 2401 to create that entrance. The  
20 use of ornament is sort of impish if you new Joe  
21 Able who I met you'd know that this was his sense  
22 of humor this devil throwing balls off the roof

1 and this sort of funny little mask that he had  
2 put on the building way up where people from  
3 across the street would read it and architects on  
4 the ground who took the time would be able to  
5 visually see it and of course we appropriate sort  
6 of topical ornament in some of our buildings too,  
7 this happy elephant I guess today and this  
8 somewhat less happy donkey down the block there.

9 We also learned from this is a terracotta detail  
10 at 2101 you can see this fine little raking here  
11 that's sort of a stone detail done in terracotta  
12 well contemporary terracotta cast stone is  
13 something we've studied and we've taken that same  
14 kind of subtle texturing to help our ornamental  
15 patterns to read in sunlight but also to  
16 accumulate residue in a way that creates a patina  
17 not a schmutz. You can see the difference  
18 between the (INAUDIBLE) bidding back to 1980 but  
19 built 15 years ago and how we brought this modern  
20 mansard into the end tower chimney of the  
21 national trust but also how we detailed all of  
22 these little moldings so that after 15 years,

1 this picture's current, it's actually (INAUDIBLE)  
2 in a way that's actually mellowed this limestone  
3 whereas the same forms that might look good in  
4 drawing but not as carefully detailed on the  
5 Greek Embassy it's annex is only 5 years old and  
6 you see how the weathering has really made a mess  
7 of this building. That's really studying things  
8 beyond just sort of the schematic level. So when  
9 we look at the encrustation at the top of 2029 we  
10 studied how we might do that on the Whitman at  
11 910 M Street and understood that we needed to do  
12 this in more than half an inch but no more than  
13 an inch and a half these bar relief details here  
14 that surround windows on the top floor. You can  
15 see how much light and shadow effect you can get  
16 just using daylight not a computer rendering to  
17 create a sense of light and shade, these are  
18 things we learned from Kalorama along with how to  
19 use an ornament. We've actually gone out and  
20 looked at people who make the terracotta tile  
21 that's on top of the Woodward in Ohio and the  
22 different kinds of tile they make still today by

1 hand, two craftsmen. They are even making  
2 replacement parts for buildings in London and  
3 that's sort of a nice thing to think that an  
4 American company is that sophisticated that  
5 people from London and Paris would come to Ohio  
6 to make replacement parts. Artisans make these  
7 special pieces for the crests of buildings and  
8 they have to make them 20% larger so that when  
9 they shrink they're the right size and that's  
10 really a skill of the highest order. So here we  
11 are on Connecticut Avenue and there's our site  
12 there's the footprint of 2310, 2300 and this gray  
13 is the asphalt parking lot behind it. Here's the  
14 proposed footprint you can see we've created a  
15 garden and gotten rid of that solid wall and  
16 we've defined the circle here with our building  
17 and defined the edge of this great urban park,  
18 Rock Creek Park, with our building. So here's  
19 the footprint of the existing building you can  
20 see we've scooped out part of the 1946 building  
21 and part of the 1923 building to create a garden  
22 facing the low rise neighborhood to our west,

1 here's the Portuguese Embassy property there.  
2 Some of the initiatives we've taken is that in  
3 order to get the right curve we pushed this back  
4 because of the idiosyncrasies of the way the  
5 streets are laid out there really wasn't enough  
6 green space between the back of the sidewalk and  
7 our building we felt that adding about another 10  
8 feet or so to that area on top of natural grass we  
9 kept our basement also held back so that the  
10 plantings we put along the front can flourish and  
11 grow for the next 100 years the way they have  
12 along the streetscape along here for the last 100  
13 years. We've created a garden and there's a 9  
14 foot change in grade downward to Belmont Road  
15 where all our service vehicles and cars can come  
16 in and pick up our trash is picked up underneath  
17 this thin green roof that's at the second floor.  
18 We've retained the primary façade that heavy  
19 robust façade of 2310. So pedestrian entrance is  
20 off here, there's the entrance to the parking  
21 garage which can be gotten off of the ne Belmont  
22 Road or from Kalorama Road down a paved drive

1 that would be paved more like a garden walk not  
2 an asphalt drive. We're keeping the existing  
3 drop off we're eliminating curb cut to the  
4 underground garage we're providing convenient  
5 bicycle parking at these two locations about 20  
6 bikes in each location that's part of the  
7 additional FAR that we were asking for and we're  
8 also covering not just the driveway into our  
9 parking garage but also the (INAUDIBLE) where the  
10 service vehicle, trash is picked up in a building  
11 like I say two or three times a week. The  
12 Chinese Embassy provides furnished apartments for  
13 their Diplomats so there's no really major  
14 loading activities here to the building because  
15 when people move here they bring their clothes  
16 and personal belongings but there's no bit  
17 furniture move in and move outs and the turnover  
18 frequency is far less than an apartment building.  
19 So we have bicycle vehicle here and I think  
20 that's that. Here's a typical floor plan you can  
21 see that basically it's the same kind of grain of  
22 texture of apartments but what you might notice

1 is that there's a lot more green space around the  
2 Chinese Embassy because the way we have arranged  
3 the building then there is unfortunately sort of  
4 the back of the woodwork and these buildings have  
5 double loaded corridors. One of the things about  
6 this embassy and the expectation of people in  
7 China is that units of through ventilation that's  
8 a much greener kind of approach actually and  
9 that's one of the other areas we were asking for  
10 some additional square footage to create seven  
11 individual elevator and stair cores, that's about  
12 five more stairs and five more elevators than a  
13 typical building of this ilk would have and we've  
14 done about 20 such buildings in the District in  
15 the last 10 years. So that's really the bulk of  
16 what we're talking about it's not actually  
17 raising the density of usage on the site it's  
18 raising the amount of infrastructure we need to  
19 support what is probably no more than the same  
20 level or less density of actual use, so those are  
21 those cores there's a thru ventilation. We have  
22 also been very careful because one of the

1 greatest things about living in the Woodward is  
2 the view of the cathedral out in that direction  
3 so we were very careful in redeveloping the  
4 property to make sure that not only did we save  
5 the façade of 2310 but we also saved the  
6 volumetric reading of it by keeping it's roof low  
7 and so people from the Dresden can see straight  
8 across that to the cathedral. Of course the  
9 Woodward really it's more to your left the  
10 cathedrals in this direction. So we actually  
11 went up and took photographs and showed what the  
12 view from the Dresden will be in the future  
13 there's the cathedral and the terrace gardens of  
14 our project. From the Woodward you can see the  
15 garden that we'll be putting on top of the  
16 historic building and you actually don't look at  
17 this light when you're sitting out here having  
18 dinner you really look at the cathedral off in  
19 the distance. So now we're up to the roof plan  
20 that's a seven story area and the taller portions  
21 and you can see these sort of puddles up here,  
22 what we've done is we've taken all the mechanical

1 space and put it in the basement all of our pumps  
2 and boilers. We've taken our cooling return and  
3 recessed it into the roof here so all we've  
4 really brought up to the roof are the stairs and  
5 elevators of each of these cores plus the  
6 required stair pressurization fan and fresh air  
7 fan. These are the sort of lower parts of these  
8 linked penthouses. The only part that really  
9 comes up to 18'6" are these darker green egg  
10 shapes and that's really just the elevator  
11 overrun. Over the last many years of course  
12 because of ADA and because of just good design  
13 we've always brought elevators to the roof of the  
14 penthouses in our buildings and with the newer  
15 greener elevators that have no machine rooms that  
16 easy to do and you can do it in just the  
17 footprint of the elevator and a little bit of  
18 extra space because there's always some kind of  
19 pipe or conduit or vent they don't tell you about  
20 so having a wrapper that can encapsulate that is  
21 important so we've shrink wrapped these green  
22 eggs around the elevator overruns. This shows

1 that this portions 9 stories there's a recess for  
2 the cooling tower, the penthouse is set back for  
3 the elevators that serve the apartments in the  
4 historic building portion and then just these  
5 small parts are 18' 6" the lower pale green parts  
6 are only 11 feet above the roof so we've actually  
7 reduced that and that's really happened over the  
8 course of working with the community. Then this  
9 is in your packet we've created an LID (low  
10 impact development) planting strip along the  
11 parameter of the site, the nine foot sidewalk per  
12 DDOT's requirements, we'll have an 18 inch knee  
13 wall to provide some vehicle deterrents this is  
14 not like a super high security facility but  
15 rather than have a million bollards it's not  
16 unlike what you see in just the historic  
17 neighborhood think about the Indonesian Embassy  
18 on Massachusetts Avenue just off DuPont Circle  
19 for instance and then an 8'6" high foot and then  
20 there's our voluntary set back along the circle.  
21 Further along these are sections along the  
22 historic building where next you can see that we

1 have the nine foot sidewalk 5'4" planting strip  
2 that's sort of existing, then we're putting in  
3 sort of an ornamental gate system here because we  
4 have to create some level of security after all.  
5 We will be restoring the gates, not restoring  
6 but we're providing gates at what was the  
7 historic entrance to 2310 and creating a room  
8 inside that's the same size, shape, height and  
9 layout as the historic lobby was, so if people  
10 were to look in there they'll see a similar  
11 volume. Then along the new well the  
12 reconditioned part of Belmont Road. We're  
13 creating a 4'8" sidewalk with a handrail to keep  
14 people from falling into the park ware, although  
15 we followed grade it doesn't take very long  
16 before it becomes very steep. We have a 16'  
17 drive which sheds its water into a rain garden  
18 low impact development planting strip along the  
19 Embassy side of the road so that we're not  
20 shedding oil or water into the park and then we  
21 have an additional planting strip behind the  
22 fence. Here's the section along Kalorama Road,

1 you can see the French Ambassador's residence as  
2 this sort of 12' high gateway an intern from our  
3 office actually went out with this giant yard  
4 stick so that we could actually put a number to  
5 the fences in the neighborhood. You can see how  
6 we've created gates into the drive off of  
7 Kalorama Road which are very much in keeping with  
8 what happens further on down along Kalorama Road,  
9 there's entrance for pedestrian and cyclists off  
10 of Kalorama Road and here's the streetscape along  
11 Kalorama Road with the knee wall planting strip.  
12 There's the fence the knee wall next to us going  
13 along to the just due west of us is the  
14 Portuguese Ambassadors residence, it's got about  
15 a 3' high knee wall and then an 8'6" fence. So  
16 we're picking up on some of these things. This  
17 fence is not historic we looked more like fences  
18 like at the Cosmos's Club for our inspiration not  
19 here. You can see the existing condition along  
20 Kalorama Road these really great trees cut the  
21 sidewalk down a bit. We widened the sidewalk  
22 projecting some of the paving onto our site so

1 that we wouldn't threaten this tree and  
2 originally we had like a 30" knee wall along here  
3 but after discussions with the community we  
4 agreed that an 18" high knee wall was perfectly  
5 adequate and also very much in keeping with the  
6 building and our prehearing submission shows  
7 that. Likewise here's the streetscape along  
8 Connecticut. In response to the neighborhood  
9 we've also reduced that knee wall and taken these  
10 lights off and other than that it's pretty much  
11 the same. We reduce it we'll probably just make  
12 it stone because you're not going to coarse an  
13 18" high knee wall. Here's the view along the  
14 circle looking there's the Woodward over there  
15 and the bridge and here's our building sort of  
16 following this sort of playing off that curve of  
17 the circle, our green area and then a small  
18 canopy about the same size as 2101 Connecticut  
19 Avenue and using the same curb cuts that exist  
20 currently. The view looking north coming up  
21 Connecticut there's the Dresden, the Woodward,  
22 the existing building. This was our initial

1 scheme as you can see we are saving the historic  
2 building but we had this original scheme where we  
3 weren't quite sure how small we could make the  
4 penthouses but you can see through doing the  
5 research we're not interested in building anymore  
6 penthouse than there is, we're able to shrink  
7 wrap our mechanical penthouses into two lower  
8 ends and small discreet higher volumes that we  
9 wrapped in terracotta tile. Looking at the  
10 Woodward and these other buildings and the  
11 careful way the brickwork is done you know once  
12 again these dark lines that's rusticated brick  
13 and it's an inch and a quarter of rustication,  
14 you can't do that with a modern brick unless it's  
15 solid because you have these holes, these cores  
16 in the brick so water gets into your brickwork.  
17 One of the things we're considering on this  
18 building is a more solid brick wall sitting on  
19 it's foundation but also getting solid bricks if  
20 necessary to create these kinds of details but  
21 also using modern means to create (INAUDIBLE)  
22 relief and ornament at the top of the building

1 and a Kornis line and ornamental iron work with  
2 the kinds of fine shadow lines and relief that  
3 you accomplished with very small details that are  
4 as small as they are important and that sometime  
5 they're only and inch and a quarter but that  
6 makes a world of difference. So here's the  
7 beautiful Rock Creek Urban Park with buildings in  
8 it, there's the cathedral and the shorum once  
9 again actually designed by Joe Able who also  
10 designed 2101. The view that I fell in love with  
11 Washington coming down and seeing this view and  
12 seeing that building where there was an apartment  
13 available in 1979 and thinking wow wouldn't that  
14 be a great place to live and unfortunately on the  
15 other side there was just some penthouses that  
16 weren't really ready for prime time. When this  
17 building was done I don't think this was quite as  
18 dramatic of an entrance because the city really  
19 didn't there wasn't that much city still going up  
20 Connecticut Avenue and in the future there will  
21 be actually a building that is actually fronting  
22 the park and has it's own little pavilions and

1 roof gardens to join in kind of a dialog with the  
2 woodwork you can see the frame of these trees the  
3 lions in this perspective into the city. So  
4 there's the building these are sort of motifs  
5 that we're studying that have to do with symbols  
6 that are interesting and based on Chinese  
7 prototypes but then the gingko leaves that I had  
8 on 2401 are actually based on the gingko tree a  
9 tree that was reintroduced to this continent  
10 after they were wiped out of North America during  
11 one of the ice ages so there's been a lot of  
12 literally cross cultural (inaudible) for many,  
13 many ions and this is just a continuation of that  
14 process, thank you.

15 MR. COLLINS: Thank you Mr. Esocoff, I  
16 would like to just briefly like to address  
17 several of the features of the building in terms  
18 of zoning while variances and special exceptions  
19 are not applicable in a Chancery case I do want  
20 to address four instances where we do deviate  
21 from the zoning regulations and that is in terms  
22 of FAR, rear yard, roof structures and the

1 loading berth. The site is unusual in a number  
2 of respects T-101 in the packet that's under Tab  
3 C it's the second drawing in it shows the site  
4 and shows the split zoning of the site, you can  
5 see there that the site on the left hand side of  
6 T-101 you can see that the site has an unusual  
7 configuration and within that configuration it's  
8 split zoned at an irregular angle. The zoning  
9 lines are intended to follow lot lines according  
10 to the zoning regulations and this site has been  
11 in single ownership since at least 1973 but that  
12 zoning line separating the R-5-D and the R-1-B  
13 cuts across the site. If you look at the first  
14 exhibit which has the based Atlas map you can see  
15 where the zoning lines genesis was when there  
16 were three lots fronting solely on Belmont Road  
17 that were never developed it was a subdivision by  
18 someone at sometime and just not developed and  
19 when that property was incorporated into the St.  
20 Alban's site the lot for some reason which we  
21 don't know why the zoning line remained. The  
22 improved portion of Belmont Road ends at Lot 840

1 at the western lot of what used to be Lot 840 so  
2 there's not physical access to these other two  
3 lots, so it's unlike that they will be developed  
4 residentially they are incorporated actually into  
5 the Portuguese Ambassadors residence, so the  
6 irregular shape, the irregular zoning line, the  
7 subservice rock condition is also unusual for  
8 this site. The site has two buildings one of  
9 which contributes to the character of the  
10 Historic District and one which does not. Then  
11 finally this is the only R-5-D zoned site in the  
12 area that is adjacent to an R-1-B zone that is  
13 developed that the R-1-B zone is actually  
14 developed according to R-1-B standards. There is  
15 other 5-D, R-1-B just to positions but in those  
16 R-1-B zones they are developed with higher  
17 density residential. So we have a challenge how  
18 do we respond to the R-1-B properties to the west  
19 in conjunction with everything else, these  
20 (INAUDIBLE) aspects of the property dictate the  
21 design of the project for a smaller footprint of  
22 the building is irregular, the building as

1 explained was designed to hold the street lines  
2 along Connecticut and Kalorama to better define  
3 the Connecticut Avenue corridor. The building is  
4 also designed to respect the R-1-B developments  
5 to the immediate west of the site, the Portuguese  
6 Ambassador's residence the French Ambassadors  
7 residence by holding back from the western  
8 property line as much as possible. There is a  
9 one story garage entrance and a loading and trash  
10 area in the R-1-B portion of our development  
11 which is covered and enclosed but it doesn't need  
12 to be and it's not required by zoning to be  
13 covered and enclosed but we've done that in order  
14 to be sensitive to the Portuguese Embassy  
15 residence right next door to make sure that these  
16 back of the house services don't become an  
17 eyesore for our neighbor to the west. The  
18 building footprint does attempt to respect the  
19 zoning line with a 35 foot extension under 2514.2  
20 as much as possible but we believe the zoning  
21 line is really a vestige of a 50 year old zoning  
22 classification that has no current relation to

1 the pattern of development in the immediate area.  
2 We've retained the façade at 2310 and the  
3 building design including the roof structures are  
4 sculpted to respect the historic portions of the  
5 building that remains on the site as well as to  
6 be consistent with the historic character of the  
7 important and boldly designed historical  
8 apartment's houses in the immediate area.  
9 Finally the subservice rock condition precludes  
10 the location of more uses below grade and thus  
11 being able to take them out of the FAR. In terms  
12 of the FAR the total site area is 55,607.1 square  
13 feet with the R-1-B portion measuring 7,559.23  
14 square feet and the R-5-D portion representing  
15 the remainder which is 48,047.17 square feet.  
16 Mr. Esocoff has done a bar chart that you can put  
17 up which hopefully you can see without turning  
18 out the lights otherwise I brought my flashlight  
19 if you need to turn the lights out so I can read  
20 my testimony. That shows three things, on the  
21 left when you apply a loud density on the site,  
22 if this was developed privately and with the

1 ability to use the 35 foot extension of the R-5-D  
2 into the R-1-B you can see that the total  
3 permitted density under IZ would be 222,534  
4 square feet and if you added the roof structure  
5 you'd go up to 243,000 square feet permitted on  
6 the site if it was developed privately as a  
7 residential building. If you did not include the  
8 35 foot extension but just rather did the R-5-D  
9 zoning with the IZ and the R-1-B and what we're  
10 assigning here just to be clear the R-1-B we're  
11 assigning 1.2 FAR, there is no FAR limitation in  
12 the R-1-B zone but a private developer would  
13 likely do is take that former Lot 840, carve it  
14 out and put a very nice mansion on the site at 3  
15 stories and 40% lot occupancy, and that equals  
16 1.2 FAR. So if that was done with high density  
17 residential on the R-5-D portion you'd yield an  
18 FAR of about 210,869 and then if you added the  
19 roof structures on top at .37 FAR you get up to  
20 231,444. What we're proposing is a building of  
21 211,000 it's 700 square feet more than the R-5-D  
22 with IZ but when you include the roof structures

1 is much less and the reason this comparison is to  
2 show you what in the private sector what can be  
3 done, of course IZ does not apply to diplomatic  
4 housing that's because the intention was to not  
5 require diplomatic housing to provide affordable  
6 housing for the public to come on site and rent  
7 or buy. This is what could be done on the site  
8 under matter of right today if it was done  
9 privately. You also note that we are doing  
10 several things there's a number of features that  
11 add to the buildings density without increasing  
12 the habitable square footage and we've  
13 incorporated these features for the benefit of  
14 the project and the benefit of the client, there'  
15 covered loading which adds 768 square feet, not  
16 required to be done. The bike rooms for 69  
17 bicycles inside adds 1172 square feet. The  
18 additional cores, we have 7 cores in the building  
19 because of these what we're calling a single  
20 loaded corridor the thru units rather than the  
21 typical double loaded corridor with a unit on  
22 each side so facing out some facing in. This is

1 a more green concept, this is something that the  
2 client specifically requested, China is very  
3 forward thinking in terms of green technology and  
4 this is an important feature in this project but  
5 in doing so of course it requires additional  
6 cores we have seven elevator cores where  
7 typically you would have two for a building of  
8 this size so these additional cores, elevators,  
9 stairs and other core features adds 13,500 square  
10 feet to the project. With a building like this,  
11 in this site it was developed privately, the  
12 developer would probably put bay projections on  
13 the outside. We did not, the architect felt that  
14 this was not appropriate and so the balconies  
15 that are in the building are actually set in  
16 somewhat, their small indentations to add  
17 interest to the building without being  
18 disrespectful to the historic façade so that  
19 foregone bay projection equals 5300 square feet  
20 and of course with the subsurface rock condition  
21 we could have put all the Chancery space below  
22 grade unlike residential space the building code

1 does not require that an office building have  
2 windows, we could have put it all below grade but  
3 for the rock condition that adds 6,000 square  
4 feet. So the total additional area is 26, 882  
5 square feet that's in the building that if it was  
6 a private development they would have figured out  
7 some way to squeeze all that out. When you  
8 subtract that 26,882 from the site it brings the  
9 building FAR down to about what a matter of right  
10 would be without the IZ being factored in. We  
11 think this is an appropriate density of the site.  
12 The current site density is over the permitted  
13 FAR because the site has included the R-1-B as  
14 well as the R-5-D since 1973, all devoted to  
15 Chancery use. We are asking or pointing out that  
16 the extension of the use, height and bulk  
17 regulations of the R-5-D into the entire R-1-B  
18 portion but we really don't need it. You will  
19 see by looking at T-101 the drawing on the right  
20 hand side that only a small portion of the 90  
21 foot building is outside of that 35 foot  
22 extension into the R-1-B zone so what we need

1 only for that small piece. The use extension the  
2 property has been used since 1973 as Chancery and  
3 under the Foreign Missions Act there's an  
4 absolute right to continue Chancery use of that  
5 property so we really don't need the use to be  
6 extended, it's the bulk and I've just gone  
7 through how with the bulk that we believe it is  
8 appropriate. What we are putting into the R-1-B  
9 portion primarily is the one story garage and one  
10 story garages are permitted uses in the R-1-B  
11 zone. The bulk of the R-1-B zone the extension  
12 is removed from the public streets invisible it  
13 doesn't add any apparent bulk to the building.  
14 So to reiterate our proposal it's roughly the  
15 same as the maximum matter of right density  
16 allowed under IZ, less than the maximum IZ  
17 density allowed under the site utilizing 35 foot  
18 extension of the R-5-D zone into the R-1-B  
19 portion and we believe that this extension will  
20 have no adverse effect on the present character  
21 or future development of the neighborhood.  
22 Secondly quickly just the rear yard, the rear

1 yard requirement based on the height of the back  
2 of the building and the back of the building here  
3 is Belmont Road we've taken the measurement from  
4 Kalorama the rear yard requirement is 32.72 feet  
5 we're providing a 30 foot rear yard in this zone  
6 the rear yard can be measured to the center line  
7 of the abutting street at the rear Belmont road's  
8 right of way is 60 feet wide measuring to the  
9 centerline that's 30 feet. We are constrained by  
10 the fact that the existing historic façade is on  
11 the property to the north so we can move it any  
12 further south to pick up 2.72 linear feet, it is  
13 very close to the property line. There will be  
14 no development across Belmont Road to the north  
15 because that is Rock Creek Park and the  
16 topography drops off severely at that point so  
17 there's really no adverse impact on a potential  
18 future neighbor back there, the roof structure,  
19 Phil as explained the roof structures we're  
20 providing three roof structures one on top of  
21 each of the two new wings of the building and one  
22 on the historic lower 2310 and that's having more

1 than one roof structures permitted when you have  
2 varying heights so that doesn't require a waiver  
3 but they are designed to be sculpted so they  
4 don't rise vertically to a single height they are  
5 as Phil described shrink wrapped to be as small  
6 as they need to be and we have the roof also has  
7 recreation features on the roof which is also  
8 permitted in that zone. Due to the long narrow  
9 and serpentine design of the building the roof  
10 structures are set back from Connecticut Avenue  
11 and Kalorama as much as possible consistent with  
12 the needs to locate the elevators and stairs in  
13 certain locations and accordingly in a number of  
14 locations principle along the façades that do not  
15 front on the street and those that front into the  
16 interior court yard there are some instances  
17 where the roof structures do not meet the set  
18 back or requirement. In terms of loading birth  
19 one 55 foot birth is required and one 20 foot  
20 service delivery loading space for the  
21 residential use, there's not loading requirement  
22 for the Chancery office use. Rather than a 55

1 foot berth we're using a 30 foot berth we've  
2 discussed this with Office of Planning and with  
3 DDOT and the reason is as Phil mentioned these  
4 units are furnished and there will not be the  
5 monthly in and out of residents taking their  
6 couches and T.V. and other furniture in and out  
7 so we think that a 30 foot berth is sufficient  
8 here, frankly we don't think that a 55 foot berth  
9 could negotiate into the site in any event but  
10 it's not necessary. In terms of public space and  
11 this Board has authority to approve public space  
12 features by virtual ruling that was done about a  
13 year ago in two cases the Embassy South Africa  
14 you may recall. We have discussed this issue the  
15 public space features with Karina Ricks, two  
16 meetings, Ms. Ricks is the DDOT Associate  
17 Director for Policy and Planning and also Chair  
18 of the Public Space Committee. We've gone  
19 through with her all of these features in public  
20 space which Phil has mentioned the entrance  
21 canopy located partially on private property,  
22 partially on public space, the retention of the

1 curb cuts at the entrance and the one on Kalorama  
2 Avenue, removal of the curb cut on Connecticut  
3 Avenue, the repaving of Belmont Road. We will  
4 occupy Belmont Road per a occupancy permit which  
5 allows up in a conversation with Ms. Ricks, which  
6 allows the Embassy to pave in accordance with  
7 it's own design and to file a covenant with the  
8 city to maintain that and to accept liability for  
9 it and also to accept the fact that if the city  
10 ever in the future needs Belmont Road to go  
11 through for some reason as a roadway and wants to  
12 improve it as a roadway that we recognize that  
13 and we will repave it to city standards we don't  
14 think that ever will happen but that's the issue.  
15 We also in terms of that agreement it will be  
16 open to the public now in a discussion with our  
17 neighbors the significant use of Belmont Road  
18 people walking their dogs getting into the park  
19 and that will continue. Phil described the  
20 architecturally designed combination knee wall  
21 and fence and the heights of the fence he's gone  
22 through that on the plans and has we handed in

1 today's additional treatment of the vehicular  
2 entrance on Connecticut Avenue per the  
3 suggestions of DDOT in our most recent meeting  
4 which resulted in submission less than two weeks  
5 in advance of this hearing and you have those  
6 drawings now they do show some bike rack, bike  
7 racks for visitors that are outside not within  
8 the secure perimeter but outside as well as some  
9 feature to separate vehicles coming into that  
10 entrance from the pedestrian portion of that  
11 entrance. Then we believe that these  
12 improvements are consistent with other  
13 developments in the historic area and we have as  
14 I said we've made these in consultation with the  
15 DDOT public space staff and we ask for your  
16 approval the project to include also these public  
17 space features. So at this point unless you have  
18 any questions of me or Mr. Esocoff I'd like to  
19 then turn to Mr. Andres our traffic witness.

20 CHAIRPERSON MOLDENHAUER: I believe we  
21 may have some questions from the Board so I'll  
22 turn to other Board Members first to see if

1 there's any questions.

2 MR. May : I have a couple of  
3 primarily architectural questions when you  
4 describe the individual cores, the multiple cores  
5 and the thru ventilation you said that there was  
6 a Chinese precedent for this or that it's common  
7 there.

8 MR. COLLINS: It was a programmatic  
9 requirement of the Chinese that's a very typical  
10 way that buildings in China are developed and we  
11 tried double loaded carters but they were  
12 consistently rejected.

13 MR. MAY : But you said that it was  
14 also something that you had done recently in the  
15 city or did I misunderstand that:

16 MR. COLLINS: No what I was saying based  
17 on our recent experience in the city we wouldn't  
18 be doing this and we'd be able to support the  
19 building with two elevators and two stairs  
20 instead of 7 and 7.

21 MR. MAY : Got it, okay and it's a  
22 very unusual arrangement is there separate

1 emergency exciting and is that along the back,  
2 that that what I see along the back?

3 MR. ESOCOFF: Yeah, what's interesting is  
4 that it means that there's a walkway where people  
5 can exit their apartments and go to doors that  
6 allow you to go to another elevator core. There's  
7 enough so that there's no dead ends and it's kind  
8 of interesting because it constitutes what used  
9 to be called a smoke proof tower so your actually  
10 outside the building and if you think about  
11 trying to rescue somebody who's handicapped a  
12 handicapped person can go to one of these places  
13 and be taken down in an elevator as opposed to  
14 taken down the stair so it's actually kind of a  
15 sophisticated approach it's not what we normally  
16 do and our zoning is written around. Sort of our  
17 expectations of conventional building built on a  
18 D.C. site and this is a very elongated building  
19 for that reason it's a little thinner than the  
20 other buildings in the neighborhood but it's kind  
21 of interesting I'd like to see how that might be  
22 applicable elsewhere in the city.

1           MR. May: its single elevators in each  
2 core so really good preventative maintenance is  
3 that what you're counting on.

4           MR. ESOCOFF: And really friendly  
5 neighbors who are friendly by law because they're  
6 all part of a community so I guess if an elevator  
7 went out you could walk along the terrace and go  
8 through another to one of these other cores.  
9 Elevators are pretty dependable these days I know  
10 our building had one elevator for many years.

11          MR. May: You don't use the elevator in  
12 this building very often do you showed the  
13 section through Belmont Road and I didn't see an  
14 indication of where the right of way ends at the  
15 park and I'm just curious about that.

16          MR. ESOCOFF: Yeah the right of way, the  
17 park right of way is actually 60 feet so we're  
18 only using about 22 feet of it so the public D.C.  
19 right of way starts at the property line, goes  
20 through here and then continues on and if you  
21 know Belmont Road on the other side of  
22 Connecticut there's a side walk and then there's

1 a drive area and then there's sort of a roll  
2 asphalt curb and a crash barrier but that right  
3 of way also goes on further on down the hill and  
4 careful getting out, if you park there you're  
5 also going further down the hill.

6 MR. MAY : I'm going to assume that  
7 was one of the areas where there's been some  
8 coordination with the park service. This may  
9 not, this isn't really an architectural question  
10 but maybe you can speak more to what's been done  
11 on that side of things in terms of coordinating  
12 with the park manager.

13 MR. REUTERSHAN: We had a meeting on site  
14 with the representatives of the park service the  
15 road itself is a District of Columbia right of  
16 way, the park service entrance starts on the  
17 other side of the road, the 60 foot roadway. I  
18 think the biggest concern that they had was the  
19 how we would manage and coordinate with them with  
20 some of the large trees that are growing in the  
21 park they also had a concern about the possible  
22 (inaudible) of creating site lines for surveying

1 which most of the surveying has already been done  
2 so it would to impact it. We also had other  
3 discussions about coordinating potentially in the  
4 future the landscaping in front of the embassy  
5 with the landscaping on the circle, the circle is  
6 the responsibility of the park service and at  
7 that time they weren't sure if there was an  
8 historic plan that attached to the circle but our  
9 plan is over the construction period to  
10 coordinate with them to the greatest extent  
11 possible.

12 MR. MAY : Okay thanks. Did the  
13 subject of storm water management on Belmont Road  
14 come up too?

15 MR. REUTERSHAN: We talked about it and  
16 as Phil said in his presentation the roadway for  
17 Belmont is designed to include towards our  
18 building and there's a catchment area immediately  
19 adjacent to our building where storm water will  
20 enter into a system that will then be  
21 consolidated in a specific location.

22 MR. 3: Okay. Then just one last

1 question looking at this supplemental exhibit  
2 that we got today and that bike racks that were  
3 shown there it took me a long time to find the  
4 bike racks on that drawing because it looks like  
5 it's just a single line which to me implies that  
6 it's this kind of a bike rack and DDOT actually  
7 approve that because they tend to want the single  
8 upside down you rack kind of lined up.

9 MR. REUTERSHAN: We're happy to work with  
10 DDOT and find the bike rack they want.

11 MR. MELTON: I'm Cooper Melton I'm one of  
12 Phil Esocoff's associates. We actually submitted  
13 the drawings to DDOT showing this sort of wave  
14 form they replied back sending us a set of their  
15 standards which is the inverted U and there  
16 should be a catalog cut sheet in the materials  
17 showing a typical bike rack of that design which  
18 we plan on incorporating.

19 MR. MAY: The space requirements for that  
20 might be a little different.

21 MR. MELTON: Right and we'll continue to  
22 coordinate our drawings as we go forward.

1 MR. 3: Thanks.

2 MR. MOLDENHAUER: Thank you very much Mr.  
3 May do any other Board Members have any  
4 questions? Seeing none then if you can turn to  
5 your next witness.

6 MR. ANDRES: Good morning Madam Chair,  
7 Members of the Board my name is Erwin Andres,  
8 Principle of Gorove Slade Associates I reside at  
9 475 K Street. With respect to our involvement in  
10 the project we've been tasked with identifying  
11 what the traffic impact is, seeing how we can  
12 incorporate some transportation demand, manage  
13 and measures into the project as well as  
14 coordinate with the District Department of  
15 Transportation regarding the traffic and parking  
16 issues. Many of the issue have been addressed  
17 earlier by Mr. Esocoff and Mr. Reutershan a well  
18 as Mr. Collins so I'm just going to highlight  
19 some of the other benefits of the plan and some  
20 of the elements of the plan. With respect to the  
21 actual traffic impact it's important to note what  
22 context this new redevelopment of the site is

1 given the previous use of the site the prehearing  
2 statement had identified that previously the site  
3 had provided 345 residential units and 86 parking  
4 spaces as part of the development program we are  
5 providing 160 residential units and 154 parking  
6 spaces. So in essence if we were to compare the  
7 proposed use with the preexisting use the impact  
8 is significantly less given that there are less  
9 residential units. In addition to that the main  
10 Embassy use that was part of the previous  
11 building and project has been moved to the UDC  
12 and Van Ness Site therefore the traffic impacts  
13 associated with that office and Chancery use is  
14 significantly reduced with this proposed  
15 development. Given that the proposed number of  
16 trips associated with the development is in the  
17 range of 27 morning peak hour trips and 34  
18 evening peak hour trips. The transportation  
19 demand management component of our plan has been  
20 coordinated with DDOT and what resulted were the  
21 additional parking spaces that have been  
22 incorporated into the project. Based on the

1 zoning requirements there is no requirement for  
2 bike parking spaces but as has been identified  
3 earlier we are providing 61 parking spaces inside  
4 the building and 7 outside. In addition to that  
5 there is a van service that provides access  
6 between the Chinese Embassy building at  
7 International Court that provides opportunity for  
8 many of the employees to use both in the morning  
9 and in the evening. In addition to that based on  
10 our coordination with our client it's been their  
11 experience that many of the Chinese Embassy  
12 employees also take transit or in some cases walk  
13 given the proximity to the Metro rail stations  
14 both at DuPont Circle as well as Woodley Park.  
15 The additional emphasis that we've been engaged  
16 in is also identifying what potential relief is  
17 required although this is a BZA application  
18 technically there is no variance requested. Mr.  
19 Collins actually brought up that the loading  
20 requirement and the relief if it were a BZ  
21 application would consist of the need to not  
22 require a 55 foot loading berth and that again

1 results from the fact that all of the move-ins  
2 and move-outs are associated with furnished  
3 apartments. The plan to implement the Belmont  
4 Road access point what we've identified was that  
5 by providing an access point right on Connecticut  
6 Avenue we are looking to address some of the  
7 community issues related to the activity on  
8 Kalorama Road by providing and emphasizing the  
9 Belmont Road access point is the main access  
10 point into the site. We're encouraging the  
11 traffic into and out of the site to use Belmont  
12 Road and the Kalorama Road entrance as a  
13 secondary entrance. The benefit obviously of  
14 providing that direct entrance off Connecticut  
15 Avenue is that you're not introducing any of the  
16 loading or any of the residential traffic onto  
17 Kalorama Road so again that is a benefit to the  
18 plan as well as the decreased development density  
19 associated with the site. Given that I have that  
20 ends my testimony if there are any other  
21 questions.

22 CHAIRPERSON MOLDENHAUER: Thank you do

1 any of the Board Members have any questions? One  
2 question I had you may answer or maybe somebody  
3 else in the group may. Are there going to be  
4 any, did you analyze the site for any traffic  
5 impact in regards to events, will there be any  
6 events coordinated on the other than residential  
7 in connection with the Office of Chancery use.

8 MR. REUTERSHAN: Yeah, no the principle  
9 location for events will be the Chancery on  
10 International Drive so that at this point other  
11 than a child's birthday party of grandma and  
12 grandpa coming to town something like that  
13 there's really no formal events planned for the  
14 site. In fact we spent a lot of time talking  
15 about well maybe we should put a special area in  
16 for it or something like that the Embassy will be  
17 the location for significant events.

18 CHAIRPERSON MOLDENHAUER: Okay I  
19 appreciate that thank you for clarifying that  
20 issue. Any other Board questions? Seeing none  
21 I'll turn back to the Applicant for any other  
22 witness testimony.

1           MR. COLLINS: Our final witness is Emily  
2 Eig of EHT Traceries.

3           MS. EIG: Good morning I'm Emily Eig with  
4 EHT Traceries, an Architecture Historian and  
5 Preservation Consultant and as was mentioned  
6 earlier that I was the author of the Sheridan  
7 Kalorama Historic District Nomination as well at  
8 the Kalorama Historic District Nomination and the  
9 Old Woodley Park which is to the north. So I'm  
10 very familiar with this area and I would like to  
11 just clean up such as baseball season is over but  
12 I think that's the place that I want to be here.

13       Just to for the record point out that we have  
14 the 2300 Connecticut Avenue 1946 which was built  
15 as a hotel and is non-contributing. This is a  
16 decision that is part of the nomination actually  
17 as it went to the National Register the Historic  
18 Preservation Office made the determination of  
19 non-contributing at that time. And 2310  
20 Connecticut Avenue which was built in 1923,  
21 Architect Sternan Tomlinson and actually these  
22 architects went on after the success of this

1 building to design all Alban Towers for the same  
2 developers, St. Alban's and Alban Towers. This  
3 is a contributing resource to the Historic  
4 District I would like you to see the location of  
5 the Historic Districts that is the Kalorama  
6 Triangle in purple, Sheridan Kalorama is in green  
7 and Woodley Park is to the north and the new in  
8 yellow is Washington Heights, DuPont Circle of  
9 course is to the south. What's important here is  
10 that this building is on the edge of Sheridan  
11 Kalorama and Sheridan Kalorama developed in such  
12 a way that Connecticut Avenue became a lets us  
13 say a seam of these two Historic Districts and  
14 they have very interesting and complimentary  
15 histories not exactly the same histories but  
16 complimentary. The arrow on the right shows you  
17 where this, the two buildings are obviously the  
18 Taft Bridge to the south. I would like to just  
19 point out the smaller buildings we have talked  
20 about the Portuguese and the French Residence  
21 Ambassadors Residence that are to the west and  
22 while they are large residences they are smaller

1 buildings obviously then the large buildings that  
2 are part of Connecticut Avenue. There is a  
3 number of them that are listed here which I don't  
4 need to go into, but the point is that these  
5 buildings are very, they're vibrant, they're  
6 large, they define that entry point from Taft  
7 Bridge going south towards DuPont Circle and  
8 leading to the, what is the Federal City of  
9 Washington and moving downtown. Very important  
10 to our understanding of our city and very  
11 beautiful. The buildings are of brick, they are  
12 brick and limestone for the most part, they have  
13 some coloration there's a lot of buff and tan.  
14 The Dresden on the lower left has got a red brick  
15 with the limestone whereas the newest building of  
16 this group which is at 2100 Connecticut is a buff  
17 with very little limestone in it. They all have  
18 detail that distinguishes them from a building  
19 like 2300 which is very straight forward a box  
20 with punched openings and very much a product of  
21 what happens later in architecture but not part  
22 of the history of Sheridan Kalorama. My part of

1 this project is to do the evaluation for  
2 compatibility as part of your six criteria and to  
3 ensure the compatibility with historic landmarks  
4 and districts. The Act requires substantial  
5 compliance with District of Columbia and Federal  
6 Regulations governing Historic Preservation. As  
7 a means to access that compatibility I used the  
8 District of Columbia's Historic Preservations  
9 Design Guidelines for new construction, there are  
10 12 principles of compatibility and while it  
11 somewhat of a check list I think that you will  
12 see as we go through these slides that you've  
13 seen most of these slides because in this case  
14 the architect is very much relied upon the  
15 Historic District for his design direction and  
16 it's very obvious that this building is a  
17 compatible building. We're using setback I think  
18 that's one of the more interesting and inventive  
19 ways that the building does in fact it hugs the  
20 street and clearly makes a definition that is  
21 strong and yet there's a slight setback which  
22 allows for more green space as you might see on

1 the buildings that are around it where's there's  
2 just a little bit more green space for a large  
3 building then we see in contemporary construction  
4 unless it is required. But at the same time the  
5 new design is very clever it follows this curve,  
6 it goes around to setback so that it allows the  
7 façade of 2310 which is right at the property  
8 line to continue to read as a separate building.  
9 Then when we're along Belmont Road we have  
10 undulation that is going along and  
11 differentiation and of course the setback here  
12 where the garden will be which is obviously based  
13 on a (inaudible) but the sense of the building is  
14 that it is a thin and very complex massing.  
15 Orientation is obviously straight forward this  
16 building like the other buildings orients itself  
17 to the street and in fact it has two orientations  
18 because it will be well not using the 2310  
19 entrance, that entrance will appear to be, it  
20 will be a gated entrance and have return that  
21 building to having a door in it's visual  
22 appearance which will be very positive for

1 orientation on the street. I combined scale in  
2 proportion which are actually distinct but I  
3 think in this case they are quite related and I  
4 think you can see very easily from the drawing  
5 that the scale of the building is in keeping with  
6 these large apartment buildings that are fronting  
7 Connecticut Avenue that the window openings and  
8 the size of these windows are very much, they're  
9 not exactly the same on all these buildings but  
10 there is a proportional relationship that's very  
11 comfortable in the historic buildings as well as  
12 in the new one. The rhythm of this is also  
13 something that reads very well. We have this  
14 sense of this movement as we go down this street  
15 and this is also the rhythm as we look at the  
16 Belmont Avenue elevation and we're very fortunate  
17 Sheridan Kalorama and Kalorama Triangle are very  
18 interesting forms of buildings and this new  
19 building is in keeping with that creating a  
20 rhythm that is in keeping with the different  
21 forms as one goes down to the north or runs up to  
22 the south on Connecticut Avenue. The massing is

1 where this building truly meets and exceeds it  
2 requirements as a compatible building because of  
3 the forms that are around Connecticut Avenue the  
4 Dresden which follows that great curve, that  
5 wonderful curve as you come from the south and  
6 the complexity of other buildings that we've just  
7 seen, the massing that (INAUDIBLE) created here  
8 adds a contemporary expression of that that is  
9 very, very in keeping with the Historic  
10 Districts. The height is in keeping with the  
11 other once again large, tall buildings. The  
12 materials similarly in keeping, we have brick and  
13 some limestone and there are some things to  
14 happen as Mr. Esocoff completes his design in  
15 fully developing that. The colors are something  
16 he spoke about earlier there is a wonderful  
17 opportunity here the Woodward particularly with  
18 its terracotta colors that are the polychrome  
19 right across the street from this building and  
20 the opportunity there and we've see Mr. Esocoff's  
21 work in other buildings where he has introduced  
22 color as he said it's something that is not

1 immediately obvious but as you get closer to a  
2 building it's that wonderful surprise that both  
3 the strong form of the building is visual from a  
4 far and as one closer the colors will be evident.  
5 The roof shape is very nice this has been a  
6 struggle for them to get this to work in the way  
7 they wanted because the Woodward with it's  
8 beautiful ornamentation of roof we are  
9 unfortunately we suffer in Washington from the  
10 inevitable mechanical penthouse and all of the  
11 equipment that we see on our roofs and those  
12 buildings that and there are more of them I'm  
13 sure you're seeing them as well, more buildings  
14 that are being sensitive to this issue and trying  
15 to improve our skyline at the same time that they  
16 meet our requirements but the buildings that pre-  
17 date our zoning code definitely were interested  
18 in roofs in more of a level than we have been  
19 historically and in this case the roof shape is  
20 flat but the roof structures that are on top are  
21 tended to and more like ornament than they are  
22 like mechanical equipment. Details and

1 ornamentation is something that they are working  
2 hard on and they are working very much on  
3 developing the Kornis band I have see beautiful  
4 materials of glazed bricks of different colors in  
5 their office that incorporate both details,  
6 ornamentation and color in a subtle way just as  
7 the buildings where you saw the slide earlier  
8 where there's a lot of texture going on, we also  
9 have it in the metal, in the fences that's  
10 developed in the details of these recessed  
11 balconies and the design is filled with as I said  
12 in my report a veritable feast of ornamentation  
13 and has they continue with their design  
14 development they will develop that and they are  
15 very careful to develop it so that it will work  
16 on that site with the way that the sunlight will  
17 hit the building and how one reaches the  
18 building, how one views it from different angles.  
19 And as we saw it's also something that they're  
20 looking at it from the vantage point of the other  
21 buildings and their own roof tops how they look  
22 at the buildings so that there will not be an

1 ugly view for the neighbors anymore. Then  
2 there's landscape features this is always a  
3 challenge when one has an embassy project because  
4 of the security requirements and their working  
5 hard to have a design that allows for this fence  
6 and yet does so by setting the fence back there's  
7 more green material that is currently on the site  
8 it's a very tight squeeze especially along  
9 Kalorama and that will be alleviated because of  
10 the slight set back in the building consistent  
11 with the line of the property line but set back  
12 from the absolute level of where they could build  
13 that allows to have more plantings and have  
14 materials that I think have been very sensitive  
15 to the neighbors who obviously walk by this  
16 building regularly and have a lot of concern for  
17 how that landscape will appear and many of this  
18 design is in response to those comments. So as I  
19 come to the conclusion I believe that the design  
20 for the building is consistent with 2310 which  
21 will remain as visible as a Historic Image, it  
22 will read as a building even though it is just a

1 façade it's unfortunate that we have to lose this  
2 building but the façade itself and as it goes  
3 along the park and the fact that it will be  
4 restored to the beauty that you can see and sort  
5 of the photograph that Mr. Esocoff showed will be  
6 definitely a benefit to all of us. It's  
7 compatible with the Sheriden Kalorama Historic  
8 District the adjacent Kalorama Triangle Historic  
9 District and when viewed from the Woodley Park  
10 Historic District it will be a wonderful subtle  
11 but clear gateway into that crossover Rock Creek  
12 into Washington, D.C. I believe that you'll find  
13 that it is substantially in compliance with D.C.  
14 and Federal Preservation Laws. I should add that  
15 we've been working very closely with the D.C.  
16 Historic Preservation Office, I know they didn't  
17 actually write a real report but they told us  
18 that's hearsay obviously but they are very happy  
19 with the direction it's going and they feel that  
20 the building and the way it's being developed  
21 will be an asset to the Historic Districts that  
22 are there and is something that they are very

1 comfortable with and look forward to the  
2 building, thank you.

3 CHAIRPERSON MOLDENHAUER: Thank you very  
4 much, does that conclude all of your testimony?

5 MR. COLLINS: Yes it does and I would  
6 just like to say in closing that as Mr.  
7 Reutershan mentioned we have had discussions  
8 between the State Department and the Fine Arts  
9 commission staff about the nature of the  
10 requirements of the Foreign Missions Act as to  
11 whether CFA review is required in this instance  
12 and we have recently concluded those discussions  
13 and have submitted our plans to the CFA for their  
14 review. I have spoken with the Secretary to the  
15 Commissioner, Mr. Leubke and he has asked that  
16 the record be left open they will be considering  
17 on their November 18, agenda he's asked that  
18 because the Thanksgiving Holiday that the record  
19 be left open to November 30<sup>th</sup> for the receipt of  
20 that report and that we would ask for three days  
21 after that to file any response if necessary  
22 which would bring us up to Friday December 3<sup>rd</sup> and

1 then that would allow the Board if your so  
2 inclined to put this on your December 7<sup>th</sup> agenda  
3 for decision.

4           CHAIRPERSON MOLDENHAUER: Thank you very  
5 much we will consider that I think we probably  
6 would not, we'd want to maybe push it back a week  
7 after the December 7<sup>th</sup> decision since we already  
8 have some other decisions set for that date so we  
9 may push it a week back but we'll go forward in  
10 the rest of the hearing today. Thank you at this  
11 point in time we'll turn to any testimony from  
12 the United States Secretary of State I think if  
13 we can make one seat available that would be  
14 great. Hi how are you doing?

15           MR. SEAGROVES: Madam Chairwoman, Members  
16 of the Board my name is Clifton Seagroves I'm the  
17 acting Director of the Office of Foreign Missions  
18 Office of Diplomatic Property, taxes, services  
19 and benefits. I'm directly responsible for the  
20 real estate matters of foreign, diplomatic and  
21 consummations of the United States and my office  
22 is located at 2201 C Street, NW. I'm here today

1 on behalf of the Secretary in support of the  
2 application of the Embassy of the Peoples  
3 Republic of China associated with the proposed  
4 construction of a new Chancery Annex and staff  
5 residential facility at the location of its  
6 former Chancery. Foreign Missions Act defines  
7 the term Chancery as the principle offices of a  
8 Foreign Mission used for diplomatic or related  
9 purposes and annex as to such offices it includes  
10 the site and any buildings on such site which is  
11 used for such purposes. As you're aware the  
12 Foreign Missions Act establishes six criteria  
13 under which the Board Zone Adjustment is required  
14 to solely consider when making any determination  
15 with respect to the location of a Chancery three  
16 of which are made by the Secretary of State as  
17 for the first three criteria determined by the  
18 Secretary is the obligation of the United States  
19 to facilitate the provision of adequate and  
20 secure facilities for Foreign Missions in the  
21 Nations Capitol. Second after consultation with  
22 relevant Federal Agencies authorized to

1 protective services it has been determined that  
2 for this case there are no special security  
3 requirements relating to parking. After similar  
4 consultation it has also been determined that  
5 following the installation of the proposed  
6 security fence which has an average height of  
7 9'6" the subject site and area are capable of  
8 being adequately protected. Finally with respect  
9 to the Federal interest in this project pursuant  
10 to Annex 1 of the agreement between the  
11 Government of the United States and the  
12 Government of the Peoples Republic of China on  
13 the conditions of construction of diplomatic and  
14 counselor complexes in the Peoples Republic of  
15 China and the United States of America signed  
16 August 20, 2009, the government of the Peoples  
17 Republic of China is not obligated to grant the  
18 necessary approvals for the construction of a  
19 planned annex to the Chancery of the U.S. Embassy  
20 in Beijing until after the Board of Zoning  
21 Adjustment has determined not to disapprove BZA  
22 Application No. 18131 and the Embassy of China

1 subsequently obtains all necessary permits from  
2 the District of Columbia's Department of Consumer  
3 and Regulatory Affairs. The afore mentioned  
4 agreement is commonly referred to by the acronym  
5 COCA II. With respect to solely the BZA process  
6 COCA II requires the Federal Government to make  
7 its best efforts to ensure that all required  
8 reports are submitted prior to the BZA's hearing.  
9 Further in the event issues arise in the course  
10 of the BZA hearing the Embassy will entirely  
11 resolve such matters with the assistance of the  
12 Department of States Office of Foreign Missions.  
13 Lastly within the limits of U.S. Law the Federal  
14 Government is obligated to assist the Embassy in  
15 obtaining the BZA's decisions not to disapprove  
16 this project within six months of the date in  
17 which its application was first submitted. In  
18 addition to the Federal Governments obligations  
19 with respect to the product established under  
20 COCA II both the Government of the Peoples  
21 Republic of China and the Cities of Beijing and  
22 Guangzhou have in the recent past assisted and

1 favorably approved the zoning and land use  
2 request of the U.S. Government. Such cooperation  
3 is essential for successfully achieving the  
4 Federal Government's Mission for providing safe,  
5 secure and functional facilities needed for the  
6 conduct of U.S. Diplomacy and the promotion of  
7 U.S. interest World Wide. Therefore the  
8 Department of State has determined that the  
9 Embassy of the Peoples Republic of China has  
10 successfully met the requirements of three of the  
11 six criteria under which this application must be  
12 adjudicated. Unless you have any questions this  
13 concludes my presentation.

14 CHAIRPERSON MOLDENHAUER: Thank you very  
15 much, no questions, do any of the Board Members  
16 have questions? Seeing none, thank you. Then at  
17 this time we turn to the Office of Planning for  
18 their report.

19 MR. MORDFIN: Good morning I'm Stephen  
20 Mordfin with the Office of Planning. This  
21 application is in conformance with the provisions  
22 of Section 1001 of the Zoning Regulations because

1 it does meet the international obligations  
2 required as stated by the Department of State and  
3 also in their letter that they submitted to the  
4 file dated November 4<sup>th</sup> to facilitate acquisition  
5 and adequate and secure premises by the  
6 Government of the Peoples Republic of China for  
7 it's diplomatic mission in Washington. Section  
8 1001.3 and 1001.4 deal with historic preservation  
9 and the applicant did meet with the historic  
10 preservation staff at the Office of Planning and  
11 that office did not have an issue with the  
12 demolition of either the Windsor Park Hotel or  
13 the interior of the St. Albans provided that the  
14 exterior walls of the St. Albans that face street  
15 frontages are preserved and the plans indicate  
16 that is what's proposed. The HP staff also  
17 expressed no concern regarding the compatibility  
18 of the proposed construction with the Historic  
19 District. 1001.5 deals with parking and  
20 transportation, adequate parking will be provided  
21 the applicant will be providing 154 parking  
22 spaces, 53 are required also even though there

1 are no bicycle parking spaces required there will  
2 be 61 bicycle parking spaces provided within 3  
3 bike rooms within the building and at the request  
4 of DDOT and additional 7 parking spaces will be  
5 provided to the front of the building along  
6 Connecticut Avenue for the use of any visitors  
7 that may come to the site. DDOT did inform the  
8 Office of Planning that it had no comments on the  
9 proposed bike rack as is currently proposed by  
10 the applicant. The site is also within  
11 approximately one half mile from the DuPont  
12 Circle Metro Station, approximately one half mile  
13 from the Woodley Park Station and also is  
14 serviced by a Metro Bus Service on weekdays along  
15 Connecticut Avenue. The applicant did work with  
16 DDOT concerning the reconstruction of Belmont  
17 Road on the north side of the property to alley  
18 standards and this arrangement is acceptable to  
19 DDOT provided that the applicant signs a  
20 maintenance agreement and obtains all appropriate  
21 permits and maintains public access and restores  
22 Belmont Road to full standard should DDOT ever

1 suspend that permit and require the use of  
2 Belmont Road. The site can be adequately  
3 protected by the fence that is proposed as stated  
4 by the Department of State and a letter that was  
5 submitted on November 4<sup>th</sup>, and the application  
6 also meets the municipal interest. Now the  
7 application has requested relief from five  
8 separate sections of the zoning regulations, one  
9 being the maximum floor to increase it from 3.5  
10 to 3.8 and in this case the design of the  
11 building does increase the floor area as defined  
12 by the zoning regulations. It does have the 7  
13 stairwells with the 7 elevator shafts and the  
14 zoning regulations do count all of those areas on  
15 each floor towards FAR. The building is designed  
16 this way because they wanted thru ventilation  
17 which is a nice feature of the building but at  
18 the same time it increased the number of  
19 stairwells and the number of elevators. Also the  
20 applicant was (INAUDIBLE) to dig down further  
21 into the ground to put all of the office space  
22 below grade and was forced therefore to put some

1 of it above grade which then does contribute  
2 towards the FAR. The applicants also requested  
3 to reduce the rear yard from 32.72 feet to 30  
4 feet which is very minimal it's less than 10% but  
5 part of that is required because the rear of the  
6 property faces Belmont Road and you have the wall  
7 of Historic St. Alban's which cannot be moved  
8 without destroying it so the applicant is unable  
9 to conform to that small change in the rear yard  
10 setback. The roof structures are of unequal  
11 height and not setback a distance equal to their  
12 height however they are designed to coordinate  
13 with the architecture of the building and also to  
14 minimize their views by making them the different  
15 heights but they also fit in with the  
16 architecture of the building and therefore are  
17 consistent with the intent of the regulations to  
18 not have many roof structures that are of  
19 different appearances throughout the building.  
20 The loading berth has been requested to be  
21 reduced from 55 feet to 30 feet because all of  
22 the units within the building are furnished there

1 will not be people moving in and out of the  
2 building with large trucks as you might expect in  
3 a typical apartment building. So therefore  
4 because people will only be bringing their  
5 personal effects with them the 30 foot loading  
6 berth should be adequate to serve this building.  
7 Then lastly to extend the R-5-D District into  
8 the R-1 in its entirety in this case what that  
9 does is it does place the entire property under  
10 one set of regulations which does streamline the  
11 review of the application and the functioning of  
12 the site to be operated as under R-5-D only. The  
13 applicants also requested to place the fence  
14 which is going to be partially in public space  
15 where it goes around the existing walls of the  
16 St. Albans that are required to be maintained and  
17 also around the corner at Connecticut and  
18 Kalorama although this will be higher than  
19 typically is permitted around residential  
20 buildings this wall has been determined to  
21 adequately secure the site and therefore is  
22 acceptable for the municipal interest. Lastly

1 1001.8 talks about the Federal interest and then  
2 as was presented by the Department of State it is  
3 in the Federal interest not to disapprove this  
4 application because of the planned annex to the  
5 Chancery of the U.S. Embassy in Beijing can only  
6 receive it's necessary approvals if this  
7 application is not disapproved. Therefore the  
8 Office of Planning finds that the application is  
9 in conformance with the regulations of Section  
10 1001 and recommends that the subject application  
11 not be disapproved, thank you.

12 CHAIRPERSON MOLDENHAUER: Thank you very  
13 much Mr. Mordfin. Do any Board Members have any  
14 questions for the Office of Planning? Seeing  
15 none does the applicant have any questions?

16 MR. COLLINS: Thank you for the  
17 opportunity but as a rule making proceeding I'm  
18 not allowed to ask any questions.

19 CHAIRPERSON MOLDENHAUER: No cross  
20 examination I appreciate that thank you. Then at  
21 this point in time we'll turn to any testimony  
22 from the ANC, seeing nobody present then we will

1 accept any individual testimony from individuals  
2 that are in support or in opposition please step  
3 forward if you have any. You'll be provided  
4 three minutes you'll be on the clock and if you  
5 could turn on your microphone and start off by  
6 introducing yourself with your name and home  
7 address.

8 MS. HOKE: Yes, my name is Celia Hoke and  
9 I live at the Woodward Condominium 2311  
10 Connecticut Avenue just across from the proposed  
11 project. Madam Chair, Members of the Board  
12 earlier our condominium association did provide  
13 in writing a statement of support, I don't know  
14 if you have that in your packet.

15 CHAIRPERSON MOLDENHAUER: We do have that  
16 in our packet, yes.

17 MS. HOKE: So you are aware that we  
18 logged the architectural plan we think that this  
19 will be not only esthetically a very great  
20 enhancement preserving the old building but also  
21 taking in to account the nature of the Kalorama  
22 Circle it's green aspects and it will be we think

1 a great enhancement for the neighborhood. I  
2 would like though to address one specific point.  
3 We're delighted that a great number of parking  
4 spaces almost equal to the occupancy will be  
5 provided in the basement area for the parking.  
6 However our great concern and really our support  
7 for this is based on this, that during the  
8 construction period that will be two years or  
9 more, there will be a great diminution of on  
10 street parking for all of us who live in that  
11 area and this is particularly critical to the  
12 Woodward Condominium it's 100 years old I think  
13 as Mr. Esocoff point out and there are seven  
14 parking spaces. A great number of parking spaces  
15 on Connecticut Avenue and along Kalorama Road  
16 will be lost to us for a long period, that's a  
17 very dense area and on street parking is critical  
18 and therefore we are really requesting strongly  
19 that the consideration be given to extending zone  
20 1, 2 Parking along Kalorama Road and along  
21 Kalorama Circle to help us in the parking  
22 situation during what will be a very long

1 construction period.

2 CHAIRPERSON MOLDENHAUER: Thank you very  
3 much Ms. Hoke for coming down and providing your  
4 support and your concern. Just so that you know  
5 and on the record the BZA acting under the  
6 Foreign Missions Act does not have any authority  
7 even typically the BZA not even when their not  
8 handling Foreign Missions Cases doesn't have the  
9 authority to address during construction issues.

10 Your concern with parking will have to be  
11 brought up specifically with the Department of  
12 Transportation and Public Works and we don't have  
13 any jurisdiction on that issue but I appreciate  
14 you coming down and raising your concerns.

15 MS. HOKE: So who should that be  
16 addressed we need to take it separately?

17 CHAIRPERSON MOLDENHAUER: Office of  
18 Planning will address that.

19 MR. MORDFIN: I did receive copies of the  
20 letters that indicated that and I forwarded them  
21 on to DDOT who informed me that they were going  
22 to reach out to the ANC regarding the parking

1 issue.

2 MS. HOKE: Do we have some idea of when  
3 there would be a decision.

4 CHAIRPERSON MOLDENHAUER: I'm not going  
5 to, we can't get into this discussion I would  
6 just recommend that you have that discussion  
7 offline with DDOT and I believe that  
8 communication has already been started but this  
9 is not the correct. At this point in time are  
10 there any other individuals in support or in  
11 opposition? Seeing none, then if there's any  
12 closing remarks I believe the applicant already  
13 made his closing remarks but we'll just turn back  
14 for any final statements.

15 MR. COLLINS: The only final statement is  
16 thank you for your indulgence I think we made it  
17 just under the one hour limitation. Maybe not  
18 (laughing) but thank you again and we just  
19 renewed the request to leave the record open for  
20 CFA and enlighten of your statement that you  
21 would likely not be able to make a decision until  
22 December 14<sup>th</sup> that we ask for more than three days

1 to respond maybe into the following week maybe  
2 until Tuesday the 7<sup>th</sup> to file any response to  
3 CFA's report.

4 CHAIRPERSON MOLDENHAUER: Thank you what  
5 we'll do is we will leave the record open both  
6 for the CFA report as of November 18<sup>th</sup> and we'll  
7 also leave the record open for any response  
8 comments from the applicant but let me just  
9 confirm. So what we'll do is we will schedule  
10 this for decision on December 14<sup>th</sup> and we will  
11 then provide, we'll ask any submissions from the  
12 applicant in response to any comments from the  
13 CFA be received by our office by close of  
14 business on December 8<sup>th</sup>.

15 MR. COLLINS: Thank you.

16 CHAIRPERSON MOLDENHAUER: Then that  
17 concludes this hearing. We'll take a brief 5  
18 minutes recess and we'll hear the next, we will  
19 go through all the morning cases prior to taking  
20 a lunch recess so if the United Arab Emirates can  
21 get set up while we take a brief 5 minute recess  
22 we'll reconvene in 5 minutes at 11:55.

1 **CASE 18136 ANC-2D**

2 MS. BAILEY: Madam Chair the next is  
3 United Arab Emirates an it's 18136, pursuant to  
4 11 DCMR Section 1002 to permit the renovation and  
5 expansion of an existing Embassy building for  
6 Chancery use, the property is located in the D/R-  
7 3 District at 2406 Massachusetts Avenue, NW,  
8 Square 2507, Lot 52.

9 CHAIRPERSON MOLDENHAUER: Thank you very  
10 much. Good afternoon almost, if you can  
11 introduce yourself and then introduce the panel  
12 as well, thank you.

13 MR. FEOLA: Thank you Madam Chair,  
14 Members of the Board for the record my name is  
15 Phil Feola with the Law Firm of Goulston and  
16 Storrs. With me is my colleague Cary  
17 Cattlecheck. We're here on behalf of the United  
18 Arab Emirates and to my immediate left is the  
19 (INAUDIBLE) of the Embassy, Mr. Omar Al Shamri  
20 and I'm going to go to my right next, to my  
21 immediate right is Mr. J.C. Richards who's the  
22 Development Manager of the project to his right

1 is Erwin Andres of Gorove Slade the Traffic  
2 Consultant. To his right are respectfully Bill  
3 Anderson and David Cooper of ACG Architects they  
4 are the project architects. Now back to the far  
5 left is Guy Williams of DCA Landscape Architects,  
6 who's our landscape architect. We're here this  
7 afternoon on behalf of the United Arab Emirates  
8 which we seeking to convert and existing building  
9 that had been an Embassy which it has owned for  
10 almost 40 years to a Chancery Annex to supplement  
11 its Chancery uses at International Center and Van  
12 Ness. The property is located at 2406  
13 Massachusetts Avenue in the D/R-3 zone and the  
14 property has an area slightly less than 7,000  
15 square feet, it's bounded by Massachusetts Avenue  
16 on the north, the Embassy of Paraguay on the  
17 East, the Embassy of Malawi on the west and the  
18 Rock Creek Park on the south. We intend to show  
19 this afternoon that the project should not be  
20 disapproved pursuant to the six criteria in both  
21 the Foreign Missions Act and Chapter 10 of the  
22 Zoning Regulations in that it for fills the

1 obligations of the United States meets the design  
2 requirements of the Historic District within  
3 which it sits provides adequate parking that the  
4 State Department can provide adequate security,  
5 it is in both the District and the Federal  
6 interest to have the project approved. I'd like  
7 to call your attention to the three deviations  
8 from the Zoning Regulations that are part of this  
9 application. The first is lot occupancy as the  
10 Board is well aware the lot occupancy in the R-3  
11 Zone is 40% for everything but public schools.  
12 We are proposing a project that has a lot  
13 occupancy of 64% and the regulations also require  
14 parking for this facility to be at 16 spaces,  
15 we're providing 10 with a transportation  
16 management plan which you'll hear in a second in  
17 a fairly unique underground parking garage which  
18 also doesn't meet some of the requirements of the  
19 zoning regulations with regard to isles and  
20 access. Finally not all of the roof structures  
21 meet the one to one setback as you'll hear in a  
22 second. We believe that with the evidence we'll

1 show today that all of these deviations are  
2 justified as we go forward. Despite all the  
3 people at the table here and cognizant of your  
4 timing we only have four direct witnesses and we  
5 will be well, well under the 60 minutes that my  
6 former colleague Mr. Collins took.

7 CHAIRPERSON MOLDENHAUER: We always  
8 appreciate that.

9 MR. FEOLA: The first witness is Mr. Al  
10 Shamri, the second witness is David Cooper of ACG  
11 and the third witness is Erwin Andres from Gorove  
12 Slade and finally Mr. Williams will talk about  
13 the landscaping. So I'd like to introduce the  
14 minister.

15 MINISTER AL SHAMRI: Thank you, Madam  
16 Chairwoman and Members of the Board, my name is  
17 Omar Al Shamri and I am the Deputy Chief of  
18 Mission at the Embassy of the United Arab  
19 Emirates. I'm here presenting (INAUDIBLE) who is  
20 this week in consultation at the Foreign Ministry  
21 in the UE. I bring the greetings and best wishes  
22 of the Government and citizens of the United Arab

1 Emirates. The UE property at 2406 Mass Avenue  
2 was purchased by the UAE in 1973, and used until  
3 2003 as the residence of the UA Ambassador to the  
4 United States. It has been vacant since 2003,  
5 although we have performed periodic maintenance  
6 on the house and grounds. The UE mission in  
7 Washington has continued to grow which growth  
8 reflects the importance of their relationship  
9 between the United Arab Emirates and the United  
10 States. With that growth have come certain  
11 challenges with regards to office space at the  
12 current Chancery in the International Center.  
13 Ambassador (inaudible) and I in consultation with  
14 the Foreign Ministry believe that it's most  
15 efficient to utilize the existing property at  
16 2406 Mass Avenue and the application before you  
17 today reflects our governments desire to convert  
18 this space to function as Annex for our Chancery.  
19 We have some extra parking capacity at the  
20 Chancery in the International Center and I would  
21 prefer the transportation managements plan is  
22 intended to make the most efficient use of that

1 capacity. I know that intent of the plans set  
2 forth is to preserve the exterior of appearance  
3 of the existing structure which dates from the  
4 early 20<sup>th</sup> century. While renovating the interior  
5 to provide for the Chancery needs. On behalf of  
6 our government I appreciate your favorable  
7 consideration of the application, thank you.

8 CHAIRPERSON MOLDENHAUER: Thank you very  
9 much. I don't believe we have any questions at  
10 this time, seeing none we can move forward.

11 MR. FEOLA: Next witness Mr. Cooper.

12 MR. COOPER: Madam Chair, Members of the  
13 Board my name is David Cooper I reside at 22036  
14 Oatlands Road, in VA. Our first slide indicates  
15 the subject building, we have Massachusetts  
16 Avenue running top left to bottom right here, the  
17 view is taken to the southwest and the Rock Creek  
18 Park occupies the northern boundary of the site  
19 to the left hand side you have the Embassy of  
20 Paraguay and to the right hand side the Embassy  
21 of Melawi. A broader view of the site in context  
22 with the remainder of the adjacent D.C. vicinity.

1 We have Sheriden Circle in the bottom right hand  
2 corner and we have numerous other embassies on  
3 both left and right hand sides of both sides of  
4 the street adjacent to us. This is an existing  
5 site plan, we have Massachusetts Avenue on the  
6 right hand side, and we have the four courts to  
7 the existing building which is 50 feet back from  
8 the curb. The existing building shown in dark  
9 gray here is a four story structure and a single  
10 story garage building to the adjacent embassy. At  
11 the rear of the property is a hard surface  
12 terrace and swimming pool and infamous five  
13 evergreen trees which are on National Park  
14 Service property. This is the proposed plan, the  
15 site is provided with two curb cut accesses from  
16 Massachusetts Avenue which currently exist, the  
17 configuration of the driveway is to remain  
18 virtually identical it was very important that we  
19 reduce the amount of impervious service or  
20 maintained it as is. The front of the building  
21 we've had to introduce an ADA compliant ramp as  
22 the existing floor level was 30 inches above the

1 existing four courts. The gray area of the  
2 building is indicated here as the existing  
3 building, the light colored gray and the green  
4 roof addition which is an L shape configuration  
5 creating an open court between the new and the  
6 old, the open court is open to the sky. The new  
7 addition comprises approximately 7,000 feet and  
8 is in a three story format. The existing  
9 building is four stories. Between the new  
10 proposed addition and the park we have a terrace  
11 garden which is open to the sky and has a  
12 southern exposure. This is the lower floor, the  
13 basement floor one level below grade and  
14 indicates the 10 parking spaces we are providing  
15 in conjunction with this application. The dark  
16 gray is the lower basement level of the existing  
17 house. Here we have an auto elevator which  
18 conveys cars from the surface down to this level.  
19 We have back up space here to enable cars to  
20 enter an egress easily. We have compliant column  
21 spacing here with District of Columbia's  
22 requirements. First floor amplifies the ADA ramp

1 entrance to the front of the building, the  
2 existing building will be comprised of offices,  
3 we are adding a supplemental elevator in the top  
4 left hand corner which is required to provide  
5 access to the 4 floors we have above. The new  
6 addition in this L-shape configuration will be  
7 comprised of bathrooms and office space. This  
8 office space will feature large areas of glass on  
9 both sides of the space which has a double  
10 advantage of allowing natural light into the back  
11 of the existing building. Down here we have the  
12 auto elevator and a symbol of our vehicles will  
13 enter through here and descend at that auto  
14 elevator point. The second floor is almost  
15 identical to the first with the exception of the  
16 auto elevator and at this level we've introduced  
17 a sky bridge linking the old to the new which  
18 will assist with the efficiency of internal  
19 circulation. Third floor is largely the same as  
20 the second and the fourth floor shows the top  
21 floor of the existing building which as we said  
22 earlier is a fourth floor structure. The

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1 proposed L-shaped addition here is only three  
2 stories and the light green tone indicated here  
3 is going to be the green roof which is going to  
4 contribute to (INAUDIBLE) certification. Here we  
5 have existing and proposed elevations and they  
6 are hard to tell apart I have to admit, however  
7 the one at the top is the proposed elevation and  
8 differs only from the bottom one in that we have  
9 shown the ADA ramp to the right hand side of the  
10 main entrance and to the left hand side we've  
11 shown security gates which provide access to the  
12 parking in place of the existing garage doors  
13 which were built much later. Proposed elevation  
14 on the top is a little bit hard to see, basically  
15 it's intended to be very neutral and unassertive  
16 and in fact the only features really visible are  
17 going to be sun controlled louvers which will  
18 extend from right to left and top to bottom these  
19 are computed activated and controlled glare and  
20 sunlight and daylight. The bottom illustration  
21 is the existing face of the building which is  
22 actually setback probably 40 feet from the

1 property line and shows the existing wall and  
2 fence to the National Park Service property. We  
3 intend to demolish that wall which is actually on  
4 National Park Service property and replace it  
5 with a new security fence on our property. The  
6 bottom left illustration indicates the  
7 relationship of the building and Massachusetts  
8 Avenue located up here with the park and the  
9 parkway which is approximately 70 feet in  
10 elevation difference. So the elevations we've  
11 been showing you are really taken from the spot  
12 somewhere up in the sky that no one would ever  
13 see. The top enlargement of the lower drawing  
14 indicates site lines from Massachusetts Avenue  
15 sidewalk on the opposite side of Massachusetts  
16 Avenue confirming that the slight 3'6" elevator  
17 overrun we have is not visible from any point  
18 long Massachusetts Avenue. We have the open  
19 court to the sky in the center, we show here  
20 elevate the basement elevation which extends  
21 under the existing building and the open garden  
22 space to the rear and the actual scale of the

1 existing Evergreens in the National Park Service  
2 property which we will do everything we can to  
3 maintain throughout construction. This is a  
4 computer generated model of the front of the  
5 building. The existing features of the building  
6 including its coping windows and masonry  
7 generally remain virtually unchanged, there will  
8 be some restoration work to the roof and the  
9 coping, it will be redecorated and we are  
10 considering replacing windows obviously on a like  
11 for like basis. This illustration is without the  
12 trees and the former one was with the trees and  
13 to the left hand side between the existing  
14 building and Paraguay is a glimpse view of the  
15 back of the L-shaped addition, that façade is  
16 actually almost 100 feet back from Massachusetts  
17 Avenue and will only be seen for glimpse views by  
18 traffic. This is an elevated view again no one  
19 would ever see this indicating the sun louvers on  
20 the back of the building and the existing trees  
21 and park service property, this is the same slide  
22 without the trees. The lower left insert there

1 shows three camera angles showing photographs of  
2 the site from Rock Creek Park taken in the summer  
3 on the bottom three slides and the winter on the  
4 top three slides. It's almost a where's Waldo  
5 exercise but at least for seven months of the  
6 year the building will be totally obscured by  
7 foliage and in the winter almost totally  
8 obscured, thank you.

9 MR. FEOLA: Madam Chair the next witness  
10 is Erwin Andres; did we want to stop to ask  
11 questions of the architect?

12 CHAIRPERSON MOLDENHAUER: Yes I think we  
13 do I have one question, I don't know if any other  
14 Board Members have any questions. In the diagrams  
15 and as shown on the exhibits you have a screening  
16 you identify it as a mechanical screen in the  
17 rear elevation yes, but if you look at the  
18 drawings or from my review of drawings there's no  
19 mechanical equipment shown behind that, is that  
20 an oversight, is there going to be mechanical  
21 equipment that's hiding can you just address that  
22 issue.

1           MR. COOPER: It's most definitely going  
2 to be required; we just haven't finally  
3 determined the physical size of the units.

4           CHAIRPERSON MOLDENHAUER: So there will  
5 be mechanical equipment behind that structure?

6           MR. COOPER: That's correct the screen is  
7 intended from any and all angles within District  
8 of Columbia to conceal whatever we're going to  
9 put up there.

10          CHAIRPERSON MOLDENHAUER: I appreciate  
11 that clarification. Do any Board Members have  
12 any other questions?

13          MR. MAY: On that same subject that  
14 mechanical screen is two sided and then you've  
15 got the stair overrun so is it going to be  
16 screened also from the courtyard.

17          MR. COOPER: We haven't actually finalized  
18 that design yet but it will be concealed from the  
19 courtyard.

20          MR. MAY: Okay and how tall will the  
21 screen be?

22          MR. COOPER: Minimally necessary to

1 conceal the equipment.

2 MR. MAY: Okay what's been drawn there do  
3 you know.

4 MR. COOPER: What we've actually shown  
5 there is 9'6".

6 MR. MAY: Okay that's not very big and  
7 what's it going to be made of do you know?

8 MR. COOPER: It's a metal panel, an  
9 enameled metal panel finish.

10 MR. MAY: On the back side the louvers,  
11 the louver system, what's the material of the  
12 louvers and what color?

13 MR. COOPER: Okay their extruded aluminum  
14 they will be painted in the same color as the  
15 remainder of the elevation, at this point in time  
16 we don't have a final color decision. We know  
17 we're not going to do anything in a gloss finish;  
18 we're looking at mat dark gray right now.

19 MR. MAY: Okay so it's going to have some  
20 value to it, it won't be a sheer white because  
21 that elevation there is fairly start in terms of  
22 seeing the white of the mechanical screen and I

1 just didn't and because of the line thickness you  
2 can't really get a sense of what the louver  
3 material might actually be and I would be very  
4 concerned it was just upright white.

5 MR. COOPER: No we are totally away from  
6 bright white.

7 MR. MAY: Okay it will be something more  
8 subdued, this is just a suggestion since you  
9 haven't finished the design effort yet but on  
10 that screening it wouldn't be a bad idea I think  
11 to look at something that's actually somewhat  
12 similar to the louvers simply so that it reads  
13 less as a penthouse but just a thought.

14 MR. COOPER: You would be on my side in  
15 the design discussion.

16 MR. MAY: It's just a thought it's not  
17 really that relevant to our approval. Can you  
18 tell me a little bit more about the encroachment,  
19 the existing encroachment and the coordination  
20 that you've done with the Park Service to both  
21 ensure the health of the trees but also to  
22 eliminate the encroachment.

1           MR. COOPER: Okay we've been working with  
2 Joe Kish who's been down to the site on several  
3 occasions and tried to accurately determine the  
4 species of the evergreens which I think has  
5 finally been determined but he's very anxious  
6 that those trees should be retained and we  
7 believe with good construction practices we'll  
8 get there eventually. We can retain, the root  
9 structure is such that it's grown against the  
10 existing wall and as such the roots do not  
11 encroach beyond the existing wall on park service  
12 property which is two feet out from the actual  
13 property line.

14           MR. MAY: And that encroachment will be  
15 eliminated with the new construction so it's  
16 almost like you've had your new construction  
17 formed out for you a little bit.

18           MR. COOPER: We've given the trees an  
19 extra couple of feet to grown into.

20           MR. MAY: Okay I guess maybe there's a  
21 bright side on an encroachment like that. I think  
22 that was it, yeah that's it for me.

1           CHAIRPERSON MOLDENHAUER: Any other Board  
2 Members have any other questions? Then if we can  
3 turn to the next witness.

4           MR. FEOLA: Mr. Andres.

5           MR. ANDRES: Good afternoon Madam Chair,  
6 Members of the Board, my name is Erwin Andres,  
7 Principle of the Gorove Slade Associates, as part  
8 of our scope we have helped with the team to  
9 identify the issues related to the coordination  
10 with District Department of Transportation as  
11 well as the impacts related to the site. It's  
12 important to note that with the project itself  
13 it's located very central to downtown D.C. within  
14 a half mile walking distance of the DuPont Circle  
15 Metro Station as well as access to approximately  
16 12 bus lines within a short walking distance.  
17 Given the access to transit as well as the  
18 limited on street and off street parking what  
19 we've done is we've coordinated with DDOT to help  
20 reduce the demand related to traffic and parking  
21 by implementing an aggressive transportation  
22 management program associated with the site. As

1 part of the program we've identified the need to  
2 minimize onsite parking and what we've done is  
3 we've incorporated 10 parking spaces on a lower  
4 level which is probably 8 to 9 spaces more than  
5 what's currently on site. In addition to that  
6 we're providing Metro cards for staff so that in  
7 the event that they need to take the Metro to off  
8 site locations or office site meetings that's  
9 available to them, we're also implementing smart  
10 benefits plan and program for the employees that  
11 are eligible for it. We're also incorporating a  
12 shuttle bus route that provides access to and  
13 from this location and the location on  
14 International Court. That shuttle bus route will  
15 enable the employees to be shuttled back and  
16 forth in the instance they need to be shuttled  
17 back and forth. What that shuttle also provides  
18 is, what that slide also shows is and that  
19 service also provides is the opportunity for any  
20 other employees or visitors who chose not to walk  
21 from the DuPont Circle Metro what they have the  
22 opportunity to do is take the Metro to the Van

1 Ness UDC stop, walk to the UA Chancery building  
2 and then take the shuttle from that location.  
3 The benefit of that service is that the shuttle  
4 bus in our coordination with DDOT doesn't go near  
5 some of the congested area such as DuPont Circle  
6 and it doesn't take routes that are through any  
7 residential streets if you notice the shuttle  
8 route to and from it goes from the site up  
9 Massachusetts Avenue, turns right on the 34<sup>th</sup>  
10 Street which eventually runs into Reno Road and  
11 vice versa, so using that route we're providing a  
12 service to help reduce the traffic and parking  
13 demand while maintain this traffic off of the  
14 residential streets. Some of the other important  
15 aspects of the plan is that the plan does as I  
16 mentioned generate some traffic it is very light  
17 considering it proximity to transit and the  
18 aggressive T&P elements that we're incorporating,  
19 the traffic impact is associated with the site is  
20 estimated to be 12 trips in the morning and 12  
21 trips during the evening peak hour and in  
22 relative terms Massachusetts Avenue during the

1 peak hour carries about 2400 vehicles so it's  
2 less than half a percent. So given the impact  
3 and given the parking that we're providing and  
4 the transportation management plan elements we  
5 believe that the transportation impacts and  
6 parking impacts are there are none, there are no  
7 adverse impacts to the surrounding roadway  
8 network and parking. With respect to trash pick-  
9 ups the trash given that this site is an office  
10 building and that there are sensitive materials  
11 there is a cleaning service that comes in similar  
12 to a bank where a cleaning service comes in picks  
13 up the trash and leaves and the deliveries  
14 associated with the site are again given that  
15 it's an office building are your Fed Ex trucks,  
16 UPS trucks, trucks of that nature and vehicles of  
17 that nature. Given that as I mentioned we don't  
18 believe that there is any impact associated with  
19 this development on the surrounding neighborhood.

20 CHAIRPERSON MOLDENHAUER: Thank you is  
21 there any questions?

22 MR. COSTA: Thank you for your

1 presentation, I had a question about the current  
2 employees at the embassy and their transit usage  
3 today, do you have statistics showing how well  
4 existing T&P measures work with embassy staff  
5 because your relying on those figures to  
6 accommodate reduced parking at this facility.

7 MR. RICHARDS: Mr. Costa for the record  
8 my name is J.C. Richards I'm the Project Manager  
9 for this project at the UAE Embassy I reside at  
10 8420 Hollow Leaf Drive, McClain, VA. I can  
11 answer that question. Currently there are about  
12 135 employees at the existing Chancery building  
13 in the International Center, approximately 35% of  
14 those employees use public transit and  
15 specifically they are coming to the Van Ness  
16 Metro Station and walking from there to the  
17 existing Chancery on International Court.

18 MR. COSTA: Thank you.

19 CHAIRPERSON MOLDENHAUER: Any further  
20 questions. Actually I have a couple of  
21 questions. You indicated that pick-up of trash  
22 and other type of UPS or trucks of that effect

1 wouldn't have any impact. Can you just explain  
2 what the initial plan would be are they going to  
3 use the circular court drive or are they going to  
4 pull in the loading area, how is that planned in  
5 regards to facilitating drop-off or pick-up.

6 MR. RICHARDSON: I'll take that question  
7 Madam Chairwoman. We expect that those services  
8 will utilize the existing circular drive in front  
9 and then will exit with the trash that they pick  
10 up from every daily cleaning and then will go  
11 from there to wherever they drop the trash.

12 CHAIRPERSON MOLDENHAUER: Thank you, then  
13 one last question, similar to the question I  
14 asked on the last case is there plans to do any  
15 sort of events at this location or are most of  
16 the events going to be occurring at the  
17 International Court site?

18 MR. RICHARDS: There are no plans for any  
19 events at this facility; the International Court  
20 facility has a large ballroom which accommodates  
21 all of the diplomatic events that take place  
22 under the UA Embassy.

1           CHAIRPERSON MOLDENHAUER: Thank you, your  
2 next witness.

3           MR. FEOLA: Our final witness Mr. Williams  
4 really briefly on the landscape both in the front  
5 and the back.

6           MR. WILLIAMS: Hello my name is Guy  
7 Williams I'm a Principle at DCA Landscape  
8 Architects and I reside here in the District at  
9 2325 42<sup>nd</sup> Street, NW. Briefly I believe what's  
10 most important in the plans that we have  
11 developed for the UAE Chancery Annex are that in  
12 the front garden we've maintained the existing  
13 drive configuration and maintained the existing  
14 green space. One of the other important aspects  
15 that was important to the community if you all  
16 are familiar with restore Mass Ave, what restore  
17 Mass Ave is looking to accomplish is to maintain  
18 open vistas and views to the architecture of the  
19 fine buildings along Massachusetts Avenue and to  
20 maintain the Boulevard concept that was  
21 originally developed for Mass Ave, so what we  
22 have done is created a low lying plane of plant

1 material incorporating a majority of evergreen  
2 with areas for seasonal color and ground cover in  
3 the foreground. What we have also done is  
4 provided for a secondary level of street trees  
5 originally along Mass Ave there were two rows of  
6 (inaudible) of Linden Trees that lined  
7 Massachusetts Avenue and we're working with  
8 restore Mass Ave and also the District on the  
9 street tree commission to go ahead and provide  
10 for this secondary level of trees which will  
11 either be Lindens to match the historic tree or  
12 Valley Forge Elms which are the other replacement  
13 tree that has been designated for this section of  
14 street front. Our views to the building are  
15 maintained through the selection of plant  
16 material that we have allocated for there on  
17 either side of the building right and left we  
18 have used Magnolia Grand (inaudible) to frame the  
19 building provide some evergreen and the evergreen  
20 along the front edge of the handicapped access  
21 ramp does help to screen the ramp from the  
22 streetscape so that you do view the building in

1 it's historic character. The central courtyard  
2 that we have shown here provides for again since  
3 its an open area courtyard and the spaces face  
4 each other within the buildings we provided for  
5 raised planter since it's an above grade parking  
6 and building facility we have raised planters  
7 which house multi-stemmed trees to provide for  
8 green space between the building and in the rear  
9 courtyard we've maintained an area at the back  
10 for use for the employees while again providing  
11 for green along the periphery of the site both in  
12 terms of evergreen just green the neighbors at  
13 the sides and at the back to create foreground  
14 for the evergreen trees along the park that we  
15 are maintaining. Thank you very much if you have  
16 any questions I'll be happy to answer them.

17 CHAIRPERSON MOLDENHAUER: Thank you; do  
18 Board Members have any questions for the last  
19 witness? Seeing none then if you have any  
20 closing remarks.

21 MR. FEOLA: Just to say thank you for  
22 your time. We believe that the project is unique

1 in many ways and that it takes and completely  
2 restores an existing 1912 building in its'  
3 entirety and creates an elite silver addition and  
4 brings it back into modern use as a Chancery  
5 Annex for the main chancery the UAE has at  
6 International Square. Combining with the T&P and  
7 the unique unusual parking arrangement we don't  
8 believe there will be any adverse impact caused  
9 by the use of reuse of this building as an office  
10 and with that we'll close and ask your  
11 indulgence. One thing as you've heard in the  
12 previous case the State Department and the  
13 Commission of Fine Arts have come to some  
14 accommodation with jurisdictional issues and they  
15 the State Department and the Commission of Fine  
16 Arts would like the record held open for their  
17 comments. We don't know when those comments are  
18 coming although we hope also to be on the  
19 November 18<sup>th</sup> agenda of Fine Arts so we may be in  
20 the same time frame as the Chinese Embassy Case  
21 previously heard this morning.

22 CHAIRPERSON MOLDENHAUER: That's fine I

1 thought that was probably coming. So what we'll  
2 do is after hearing the rest of this case we'll  
3 leave the record open as we did previously both  
4 for CFA comments as for response comments from  
5 the applicant and then hopefully we'll shoot for  
6 a December 14<sup>th</sup> decision on this case as well.  
7 That being said then at this point in time we'll  
8 turn to the United States Secretary of the State  
9 for comments and presentation.

10 MR. SEAGROVES: Madam Chairwoman and  
11 Members of the Board my name is Clifton  
12 Seagroves, I'm the acting Director of the Office  
13 of Foreign Missions, Office of Diplomatic  
14 property, taxes, services, and benefits. I'm  
15 directly responsible for the real estate matters  
16 of foreign diplomatic and consummations of the  
17 United States and my office is located at 2201 C  
18 Street, NW. I'm here today on behalf of the  
19 Secretary in support of the application of the  
20 Embassy of the United Arab Emirates for the  
21 conversion of a residence to an annex of its  
22 Chancery. As you're aware the Foreign Missions

1 Act establishes six criteria under which the  
2 Board Zone Adjustment is required to solely  
3 consider when making any determination with  
4 respect to the location of a Chancery three of  
5 which are made by the Secretary of State as for  
6 the first three criteria determined by the  
7 Secretary it is the obligation of the United  
8 States to facilitate the provision of adequate  
9 and secure facilities for Foreign Missions in the  
10 Nations Capitol. Second after consultation with  
11 relevant Federal Agencies authorized to perform  
12 protective services it has been determined that  
13 for this case there are no special security  
14 requirements relating to parking in this case.  
15 After similar consultation it has also been  
16 determined that subject site and area are capable  
17 of being adequately protected. Finally with  
18 respect to the Federal interest in this project  
19 pursuant to Annex 1 of the agreement between the  
20 Government of the United States and the  
21 Government of the United Arab Emirates and the  
22 Governments of Emirates of Abitibi and Dubai have

1 in the recent past assisted and favorably  
2 approved the zoning and land use request of the  
3 U.S. Embassy and it's consult present in Dubai.  
4 Such cooperation is critical the U.S. Governments  
5 efforts and responsibility for successfully  
6 achieving it's mission for providing safe, secure  
7 and functional facilities with the contact of  
8 U.S. Diplomacy and the promotion of U.S. interest  
9 around the world. The host is able to continue  
10 its alliance and the cooperation of these  
11 governments in this regard, that your final  
12 decision concerning today's case will play a  
13 significant role in this important matter. In  
14 summary the Department of State has determined  
15 that the Embassy of the United Arab Emirates has  
16 successfully met the requirements of three of the  
17 six criteria under which this applications must  
18 be adjudicated. Unless you have questions this  
19 concludes my presentation.

20 CHAIRPERSON MOLDENHAUER: Thank you very  
21 much Mr. Seagroves, do any Board Members have any  
22 questions? Seeing none, thank you and we'll turn

1 to the Office of Planning.

2 MR. JACKSON: Good afternoon Madam Chair  
3 and Members of the Board, my name is Arthur  
4 Jackson I'm a development review specialist at  
5 the District of Columbia Office of Planning and  
6 I'll briefly go through the Office of Planning's  
7 report that you have before you. Regarding the  
8 standards for approval the Office of Planning  
9 notes that under Section 1002.2 the subject  
10 property is located at Massachusetts Avenue and  
11 the Sheriden Kalorama Historic Districts. The  
12 application has been reviewed by the State Office  
13 of Historic Preservation and our District Office  
14 did not have any issues with this proposal as was  
15 noted the CFA will be looking at under a separate  
16 process but for the purpose of the BZA review the  
17 criteria has been met because our agency did not  
18 have any concerns in regard to compliance with  
19 Historic Landmarks and Historic Districts again  
20 no concern was expressed by the State Historic  
21 Preservation Office in terms of the adequacy of  
22 the off street parking will be consultants report

1 explains what was found after they did the  
2 research in regard to the demands on site and the  
3 peak traffic and he also summarize all of the  
4 provisions that will be made on site to the  
5 transportation management plan. The conclusion  
6 of the report was that this would not have any  
7 adverse impact of existing road network and we  
8 think that this report adequately addresses the  
9 criteria with regard to transportation impacts  
10 with regard to the municipal interest we note  
11 that the proposed relief would not impact on  
12 neighboring properties or will not be detrimental  
13 to the intent of the zoning regulations therefore  
14 we think the proposal is considered to be in  
15 municipal interest in regard to 1002.7, 1002.1,  
16 1002.3, the Secretary of State has indicated that  
17 all the standards with regard to the Federal  
18 interests are being met. Based on this  
19 information Office of Planning does support the  
20 Board not disapproving this application and we  
21 note that as a part of this special exception  
22 review that the property will be subject to

1 relief from 42.3 to increase the allowable lot  
2 occupancy 400.7, 411.3 for the multiple roof  
3 structures that did not meet required setbacks  
4 and 2101.1 for reduction of parking from 16 to 10  
5 spaces and probably 2117 for access to parking  
6 spaces which was not detailed in our report but  
7 wasn't raised by the original presentation. This  
8 concludes the brief summary of the Office of  
9 Planning report and we're available to answer  
10 questions.

11 CHAIRPERSON MOLDENHAUER: Thank you very  
12 much, are there any questions from Board Members  
13 for the Office of Planning? Seeing none thank  
14 you for your report and then at this point in  
15 time we'll turn to see if there's anybody in the  
16 audience from the ANC present for this case,  
17 seeing none then we'll turn to see if there's any  
18 individuals in the audience either in support or  
19 in opposition and would like to testify as a  
20 three minute witness, would you like to come  
21 forward, if you've already done so following your  
22 testimony you can fill out two witness cards and

1 provide them to the court reporter to my right.  
2 You can take a seat and you'll be provided three  
3 minutes and you can first start off by  
4 introducing your name and home address.

5 MR. JINGA: My name is Ronald Jinga from  
6 the Malawi Embassy which is close we are adjacent  
7 to the UAE Embassy. On behalf of the Ambassador  
8 we support the project and we are happy that the  
9 Embassy (INAUDIBLE). When they are finalizing  
10 their plan they'll be contacting us. We also  
11 supporting the project because during our  
12 renovation the UAE provided a lot of support to  
13 us so we actually want to note that we will do  
14 the same during their construction, that's all I  
15 have to say, thank you.

16 CHAIRPERSON MOLDENHAUER: Thank very much  
17 for coming down and providing your testimony is  
18 there any individuals in the audience wishing to  
19 testify in support or in opposition? Seeing none  
20 then at this point in time we will conclude our  
21 hearing on this case and as stated earlier what  
22 we're going to do is we're going to leave the

1 record open for the CFA report and comments and  
2 then as indicated earlier we'll leave the record  
3 open for an applicants response by close of  
4 business on December 8<sup>th</sup> so any response from the  
5 applicant from the CFA comments will be due in  
6 our office by close of business on December 8<sup>th</sup>  
7 and then we'll this decision set for December the  
8 14<sup>th</sup>. Thank you very much and that concludes our  
9 Foreign Mission Act cases on behalf of the Board  
10 of Zoning Adjustment.

11 **CASE NO. 18113 ANC-4A**

12 CHAIRPERSON MOLDENHAUER: This is the  
13 November 9<sup>th</sup>, 2010, Public Hearing of the Board of  
14 Zoning Adjustments for the District of Columbia.

15 My name is Meredith Moldenhauer, joining me  
16 today to my left is Vice Chair Nicole Sorg,  
17 Mayoral Appointee, and to my right is Jeffrey  
18 Hinkle representative of the National Capital  
19 Planning Commission. Copies of today's agenda  
20 are available to you and are located to my left  
21 in the wall bin near the door. Please be advised  
22 this proceeding is being recorded by a court

1 reporter and is also being webcast live.  
2 Accordingly we must ask you to refrain from any  
3 disturbing noise or action in the hearing room  
4 when presenting information to the Board please  
5 turn on and speak into your microphone first  
6 stating your name and home address, when you are  
7 finished please turn off your microphone so your  
8 microphone is no longer picking up sound or  
9 background noise. All persons planning to  
10 testify either in favor or in opposition are to  
11 fill out two witness cards; these cards are  
12 located to my left on the table near the door and  
13 on the witness tables. Upon coming forward to  
14 speak to the Board please give both witness cards  
15 to the court reporter sitting to my right. The  
16 order of procedures for special exceptions and  
17 variances are as follows. 1. Statement of the  
18 Applicant and Applicants witnesses. 2. Parties  
19 and persons in support. 3. Persons in  
20 opposition. 4. Government reports including the  
21 Office of Planning. 5. Reports from the ANC and  
22 then finally rebuttal and closing statements of

1 the Applicant. Pursuant to Section 3117.4,  
2 3117.5 the following time constraints will be  
3 maintained. The Applicant, Appellant, persons  
4 and parties except an ANC in support including  
5 witnesses will be given 60 minutes collectively.  
6 Apelles's persons and parties except an ANC in  
7 opposition including witnesses will be given 60  
8 minutes collectively. Individuals will be given  
9 three minutes and organizations will be given  
10 five. These time restrictions do not include  
11 cross examinations or questions from the Board.  
12 Cross examinations of witnesses is permitted by  
13 the applicant or parties and the ANC within which  
14 the property is located is automatically a party  
15 to a special exception or variance case. Nothing  
16 prohibits the Board from placing reasonable  
17 restrictions on cross examination including time  
18 limitations, limitations on the scope of cross  
19 examination. The record will be closed at the  
20 conclusion of each hearing except for any  
21 materials specifically requested by the Board.  
22 The Board and the staff will specify at the end

1 of each hearing exactly what is expected and the  
2 date when persons must submit the evidence to the  
3 Office of Zoning. After the record is closed no  
4 other information will be accepted by the Board.  
5 The Sunshine Act requires that public hearings  
6 on each case be held in the open before the  
7 public. The Board may consider the rules and  
8 procedures in the Sunshine Act enter into  
9 executive session during or after a public  
10 hearing for purposes of reviewing the record or  
11 deliberating on the case. The decision of the  
12 Board in these contested cases but be based  
13 exclusively on the record to avoid any appearance  
14 to the contrary the Board request that the  
15 persons present not engage the Members of the  
16 Board in conversation. Please turn off all cell  
17 phones and beepers at this time as to not disturb  
18 these proceedings. The Board will now consider  
19 any preliminary matters. Preliminary matters are  
20 whether a case should or will be heard today such  
21 as a request for a postponement, continue or  
22 withdraw or whether proper adequate notice of a

1 hearing was given. If you are not prepared to go  
2 forward today or you believe that your case  
3 should not proceed now is the time to raise such  
4 a matter. Mr. Secretary do we have any  
5 preliminary matters?

6 MR. MOY: Good morning Madam Chair, and  
7 other Members of the Board there are no  
8 preliminary matters that I'm aware of for the  
9 morning session cases.

10 CHAIRPERSON MOLDENHAUER: All individuals  
11 wishing to testify please stand and Ms. Bailey  
12 will administer the oath.

13 MS. BAILEY: Please raise your right  
14 hand. Do you solemnly swear or affirm that the  
15 testimony that you'll be given today will be the  
16 truth the whole truth and nothing but the truth?

17 CHAIRPERSON MOLDENAUER: Will the parties  
18 please come forward and we have the Applicant and  
19 then we also have the party status opposing party  
20 that should also come forward to the table.  
21 Introduce yourself for the record please.

22 MR. HARWITZ: My name is Jonathan Harwitz

1 I reside at 1407 Leegate Road, NW, Washington,  
2 D.C.

3 MS. MEHTA: I'm Sandy Mehta I also live  
4 at the same premises, we're married.

5 CHAIRPERSON MOLDENHAUER: Okay and to my  
6 right if you could turn on your microphone  
7 please.

8 MS. BROWN: My name is Jurdynia S. Brown  
9 I live at 7820 14<sup>th</sup> Street NW.

10 CHAIRPERSON MOLDENHAUER: Ms. Brown and  
11 you are our only individual that has party  
12 status, is there an ANC member also sitting at  
13 the chairs, everybody else I believe would  
14 probably be individual witnesses so you'll be  
15 introduced at the time that that comes forward.  
16 We'll start with the Applicant and you can start  
17 with your presentation.

18 MR. HARWITZ: Thank you, very briefly  
19 because I think the record is fairly complete.  
20 As contemplated by 11 DCMR Section 3104.1 we've  
21 applied for a special exception under (Subsection  
22 20.1) for an accessory apartment. As a result of

1 our children who are now age 6, growing older and  
2 no longer needing a live in Nanny as well as some  
3 financial hardship that's been outlined in the  
4 record we are seeking an exception to allow the  
5 rental of this apartment. At this point we have  
6 complied with all of the notice and other  
7 requirements. Since the beginning of our  
8 application the ANC for Ward four has met on this  
9 issue and unanimously recommended approving the  
10 exception with two qualifiers, one being that it  
11 be for two years and secondly that the home be  
12 owner occupied, we are fine with that  
13 recommendation with the additional request that  
14 we would ask that it would be two years from the  
15 date of lease. So that's the ANC position on the  
16 matter, I believe you have a letter from the ANC.  
17 The Planning Commission has issued their report  
18 and found that under the standard which applies  
19 which is whether the proposal is in harmony with  
20 the general purpose and intent of the zoning  
21 regulations and zoning map. Whether it will tend  
22 to effect adversely the use of neighboring

1 property, whether it will generate an increase in  
2 noise for the property and whether it would cause  
3 any adverse impact on the availability of on  
4 street parking and traffic movements in the area  
5 with respect to all those criteria and I won't go  
6 through the planning commissions report, they  
7 found that this is appropriate for the special  
8 exception and our preference would be to have the  
9 exception granted with no qualifications but as I  
10 said earlier we are prepared to accept the ANC  
11 recommendation, I don't know if it's appropriate  
12 we have two things that we want to offer into  
13 evidence into the record today, one is a petition  
14 in support of our application and just to be very  
15 clear this petition is in support of the position  
16 of the ANC so I don't want to represent that we  
17 have a petition that supports the granting of the  
18 exception with no qualifications. So if we could  
19 submit that for the hearing record we would like  
20 to do that.

21 CHAIRPERSON MOLDENHAUER: You can do  
22 that, you can provide them to Ms. Bailey and

1 she'll provide us copies.

2 MR. HARWITZ: Okay, in addition if it's  
3 appropriate we would also like to offer excerpts  
4 from exchanges on the neighborhood list serve  
5 regarding this exception application simply to  
6 show that along with the petition that there is  
7 support for the special exception application.  
8 We're certainly not denying that there are  
9 concerns that have been raised and we believe  
10 that those concerns should not lead to the denial  
11 of the application but at this point I think  
12 that's going to conclude our initial  
13 presentation.

14 CHAIRPERSON MOLDENHAUER: Okay thank you  
15 very much. Do any Board Members have any  
16 questions for the applicant at this time? Not at  
17 this time well obviously we can return back to  
18 any questions. At this point in time then we'll  
19 turn to Ms. Brown, for your presentation.

20 MS. BROWN: I'm here today to represent a  
21 group of over 50 community opponents who live on  
22 the same block as the applicant and on blocks in

1 close proximity, namely the 1300 block of Leegate  
2 Road, the 1400 block of Primrose and nearby 14<sup>th</sup>  
3 Street. Of the 24 citizens or residence to whom  
4 you sent BZA letters notifying them of the  
5 application there were 21 of them who signed in  
6 opposition to the petition, there were 5 who did  
7 not sign and 2 of whom do not live in the area.  
8 So the majority of the people to whom you sent  
9 the BZA letter opposed the application. We in  
10 the community purchase our homes with the idea  
11 that it would be a single member detached  
12 residential community zoned R-1-B and people that  
13 live there would have a vested interest in their  
14 property and in maintaining the character and  
15 integrity of the neighborhood. The opponents  
16 oppose BZA application No. 18113 for the  
17 following reasons. 1. There will be a loss of a  
18 feeling of personal safety especially among the  
19 seniors who live on the same blocks as the  
20 applicant. There are at least 9 or 10 homes  
21 occupied by seniors who have varying degrees of  
22 health challenges including being immobile and

1 cannot leave their homes. Accessory apartments  
2 in an area zoned R-1-B are inconsistent and  
3 incompatible with the Districts Master Plan and  
4 it will erode it. As well as impact the  
5 integrity of our community. The community is  
6 already encroached upon by high density  
7 development, high rise apartments only three very  
8 short blocks from our adjacent neighborhood, as  
9 well as there are a number of group homes and  
10 four churches in the surrounding areas all of  
11 which have increased traffic congestion, parking  
12 problems, pollution and public safety, which have  
13 adversely effected the peace and quiet of our  
14 community. If the BZA approves the application  
15 for a rental apartment in addition to the above  
16 it will be a travesty it will be impossible to  
17 maintain the viability and sustainability of an  
18 old well established community for which some of  
19 the residents have worked diligently for years to  
20 maintain and sustain that neighborhood, even when  
21 people were leaving the District. 5. Approving  
22 the application for an accessory rental apartment

1 will set a precedent for our single family  
2 residential detached neighborhood. Consequently  
3 opening the door for individuals who have similar  
4 requests or problems. In our opinion the  
5 applicant who has lived in the community for five  
6 years should have known that they were requesting  
7 an exception in a well established community and  
8 that it would have been more amicable if they had  
9 discussed their intent with the surrounding  
10 neighbors. The applicant's needs having been  
11 changed is not an adequate reason for applying  
12 for an exception to the zoning regulations. Many  
13 of us have had changing needs in these economic  
14 down times and must seek alternatives other than  
15 impose an exception on the community. An  
16 exception to the zoning regulations has the  
17 distinct possibility of lowering our property  
18 values and changing the character of our  
19 neighborhood. In addition to the petition that  
20 was originally submitted I have 8 more names to  
21 add to it and I will give you a copy in fact I  
22 have a copy of my testimony for each of the

1 commissioners.

2 CHAIRPERSON MOLDENHAUER: Please provide  
3 that to Ms. Bailey and she will provide it to us.

4 MS. BROWN: In addition to the above  
5 please see I have an attachment to my testimony  
6 which would state some irregularities that we  
7 believe in the ANC meeting. At the ANC meeting  
8 held in September we had a petition of only not  
9 people that live outside of our area, only the  
10 people that live on the applicants block, the  
11 1300 block of Leegate and the 1400 block of  
12 Primrose and those few neighbors who live by on  
13 14<sup>th</sup> Street. Since you didn't send the letter to  
14 everybody, the BZ letter to the whole community  
15 we tried to restrict our petition to only the  
16 blocks that were near the residence of the  
17 applicants. Also we received a number of emails  
18 from people who live nearby the applicants and  
19 people who lived in other parts of the community.  
20 I will not enter those as evidence because I  
21 think this hearing was restricted more or less to  
22 the people who live surrounding the area of the

1 applicants therefore I don't have any emails to  
2 present to you, I have no signatures of anyone  
3 who lives outside of the area. At the ANC  
4 meeting in September there were representatives  
5 from the community who spoke in opposition to the  
6 petition. When the ANC called upon those that  
7 spoke in opposition to the applicant where the  
8 ANC spoke to the applicants and asked them did  
9 they have anyone from that area to speak in favor  
10 of their application the answer was no. In  
11 addition to the representatives that spoke we  
12 have that petition, at that time there were only  
13 40 some names on the petition but as of today we  
14 have added 8 more whom we could not contact at  
15 the time. When one of the representatives gave  
16 the petition to the ANC the ANC did not read our  
17 petition they gave it back to the person who had  
18 presented it to them. There was absolutely no  
19 attempt by the ANC to arrange for mediation or  
20 working on some kind of amicable agreement and  
21 this was very unusual because usually if the  
22 opposing parties at the ANC meeting that is done,

1 even at the last one just this month that I  
2 attended there were two opposing parties. The  
3 ANC decided to postpone their decision until they  
4 had a chance to try to work together and come to  
5 an agreement. At least when we heard about the  
6 application we met at my home because I was a  
7 former ANC and asked people to state their  
8 opinion about this first time BZA exception that  
9 had been requested. After everybody present had  
10 a chance to discuss his or her opinion about it,  
11 it was a unanimous agreement that everyone should  
12 oppose the position of the Applicant on the  
13 applications. I will agree that the ANC did set  
14 limits in the letter to the Board however the ANC  
15 does not have the power to set limits as to what  
16 the BZA will allow. Furthermore the ANC did not  
17 notify, did not properly notify the community,  
18 however there was one article in the Northwest  
19 Current that some of the community residents saw  
20 it is the responsibility of the ANC to notify the  
21 community by at least two means, one of them  
22 could be the newspaper but no one else saw the

1 notice, I did not. We all were concerned as to  
2 how the ANC decision was made, the community  
3 asked me as their representative to write a  
4 letter to the ANC and them for the rationale in  
5 making their decision, I did in fact I wrote four  
6 or five emails asking the ANC Chair and our  
7 single member District representative to please  
8 reply and state their rationale as well as some  
9 other questions were asked. As of yesterday when  
10 I wrote out my testimony I still had not received  
11 a reply to any of the emails that I had sent to  
12 the ANC Chair and our SMD Representative. We  
13 believe that it is the statutory duty of the ANC  
14 to represent the neighborhood as well as the  
15 applicant. Furthermore it is incumbent upon the  
16 applicant to follow the BZA rules of practice and  
17 procedures which they received when they applied  
18 for the exception. When we appeared here on the  
19 16<sup>th</sup> of October the hearing was postponed we had  
20 people who could not come back today because they  
21 were working or had other appointments or  
22 whatever. Alright at that time they had not

1 posted the plaque on their lawn now had they  
2 presented the affidavit in a timely manner.

3 CHAIRPERSON MOLDENHAUER: Okay Ms. Brown  
4 those things have been addressed, the petition  
5 and the postings already been addressed.

6 MS. BROWN: I have one more idea about  
7 the petition. The petition is located on 14<sup>th</sup>  
8 Street which is on one side of their property, on  
9 the other side is Leegate Road, their address,  
10 there is not a petition on Leegate Road unless it  
11 was placed there last night, there is not a  
12 posting on Leegate Road as of yesterday. Also  
13 the one that is on the 14<sup>th</sup> side is set so far  
14 back I guess you can correct me 3 or 4 feet from  
15 the house, a lot of the neighbors have said they  
16 could not read it and asked me what was on it.  
17 No one has moved it at least half way the lawn so  
18 that people passing could read it because they  
19 did not want to encroach upon their property to  
20 read it. I find it very difficult for the ANC to  
21 deny us the transparency and objectivity of their  
22 decision. I will close my remarks at that point.

1           CHAIRPERSON MOLDENHAUER: Thank you very  
2 much Ms. Brown for your testimony. Do you have  
3 any witnesses or the other individuals just  
4 simply 3 minute witnesses.

5           MS. BROWN: The others are 3 minute  
6 witnesses I have back there as witnesses and the  
7 ones that attended the first protest here could  
8 not come back today.

9           CHAIRPERSON MOLDENHAUER: I understand,  
10 before we go to the Office of Planning what we're  
11 going to do is go to all three minute witnesses  
12 just in case some of those individuals want to  
13 leave prior to the ending of the hearing. So if  
14 there's any other individuals in the audience  
15 that have been sworn in and would like to be 3  
16 minute witnesses you can now come forward and  
17 wait for a seat available but we'll turn all the  
18 way to my right and if you can introduce yourself  
19 and provide your name and home address at the  
20 beginning then you'll be allowed 3 minutes to  
21 testify.

22           MR. HAGUE: I'm Richard Hague I live at

1 1332 Holly Street, NW, which is about 6 blocks  
2 due south of the subject property. I've lived  
3 there for 36 years and have raised a family all  
4 of them are gone now and I am concerned about the  
5 value of our properties because I don't have a  
6 lot of saving and my house is really my saving  
7 account. My personal story across the street  
8 near 14<sup>th</sup> and Holly a few years ago someone built  
9 what they called an artist studio at the rear of  
10 their property, during an open house I had an  
11 occasion to visit that property and it really is  
12 just a house, so I've watched it very carefully  
13 to see that nobody would move in, on the first of  
14 July a family did move into that property and I  
15 mention this because the house in front of course  
16 was occupied so we had two families living at one  
17 address, the second family living in what the  
18 building permit at the time called an artist  
19 studio, I called the office of the Zoning  
20 Administrator and complained about that and I  
21 kept having conversations with that man for quite  
22 a while and nothing happened so I made another

1 call to another person and I congratulate the  
2 Office of the Zoning Administrator they did send  
3 somebody out and I've been told they've issued a  
4 notice of violation. I will have to watch it  
5 very carefully of course but I mention that story  
6 because this is the kind of thing that can happen  
7 throughout the neighborhood in my opinion so I'm  
8 very concerned about that. The citation of our  
9 neighborhood lists which I am an active  
10 participant, I would say that there's a lot of  
11 sentiment against approving this and it's very  
12 well thought out, all of you are involved with  
13 zoning to hear how sophisticated our neighbors  
14 are in discussing this issue, with that that's  
15 the end of my testimony.

16 CHAIRPERSON MOLDENHAUER: Thank you very  
17 much, Mr. Hague. The next witness.

18 MS. HARVEY: Hi my name is Bernadette  
19 Harvey and I live at 1432 Leegate Road, NW, and  
20 first and foremost I guess I want to talk about  
21 the inadequacy of the actions that the ANC has  
22 taken to inform the neighborhood about this

1 application that's being considered today. It's  
2 suppose to follow procedures where there are two  
3 forms of notification and the only reason that I  
4 was made aware of the application was the  
5 neighbors indicated to me that whether or not I  
6 knew about the applications pending. Secondly,  
7 so there was only one form of notification to the  
8 neighborhood and I reiterate what Mrs. Brown has  
9 already said that the address is 1400 something,  
10 or 1300 something Leegate Road and the sign is  
11 posted on 14<sup>th</sup> Street which is not the front of  
12 the property. We have experienced in this  
13 neighborhood I've probably been there 20 years  
14 and the last 10 years and increasing amount of  
15 density which with respect to this Board was not  
16 something that we could control immediately or  
17 directly because it's in Maryland so we have  
18 probably four or five condos that have increased  
19 the traffic, increased the noise, increased the  
20 trash that we are experiencing and not to mention  
21 the speeding cars that come from the top of the  
22 hill to the bottom, and there is currently a new

1 condo about to go up In reviewing the file it  
2 appears as well that we did not get 7 days  
3 advanced notice about the hearing from the ANC.  
4 Your records indicate that it was filed on 10/16  
5 I've never received a notice. Also I question  
6 whether or not the 200 feet requirement for the  
7 surrounding properties per the application is  
8 something that is the official record from the  
9 Office of Tax and Revenue. Because the "Exhibit  
10 20" does not indicate how that list was derived.

11 So we'd like to know whether or not that in fact  
12 is official and in fact meets the requirements.

13 I want to give specific sites for the ANC  
14 violation with respect to the notification.

15 According to "Exhibit 23" in your file 3115.1C  
16 and 3115.1E were not adhered to and additionally  
17 with respect to the ANC who the applicants  
18 indicate have given tremendous support according  
19 to your regulations the ANC is supposed to be  
20 given great weight but it does not supersede the  
21 communities wishes and has we've said we had  
22 neighbors within the 200 feet and outside of the

1 200 feet that really have a problem with respect  
2 to the safety and the density of the neighborhood  
3 that this apartment will create.

4 CHAIRPERSON MOLDENHAUER: Ms. Harvey you  
5 are over on your 3 minute time so if you don't  
6 have anything else I'll ask that you conclude  
7 your comments, thank you very much. You brought  
8 up an issue and I'll just address it now on the  
9 record about the 200 foot notice, that's prepared  
10 by our Office of Zoning and that is done to a  
11 specific procedure and they sent out and so that  
12 is done properly and through the protocol that  
13 are office requires.

14 MS. HARVEY: Maybe a clarification, what  
15 I'm questioning is whether or not the list that  
16 you had been provided has been verified with the  
17 Tax and Revenue records to confirm that the 200  
18 foot requirement was adhered to.

19 MR. MOY: Our procedures where the  
20 applicants required to submit the list of  
21 addresses within 200 feet radius and they  
22 typically go obtain that listing from the Office

1 of Tax and Revenue what OZ office does is we mail  
2 the notices out.

3 CHAIRPERSON MOLDENHAUER: So that is  
4 obtained through the Office of Tax and Revenue,  
5 so thank you. I'm going to turn now to my left I  
6 believe that you were also a 3 minute witness is  
7 that correct. If you could turn on your  
8 microphone and introduce yourself on stating your  
9 name and home address. While your doing that I'm  
10 going to ask that these two spaces become  
11 available and that other individuals that wish to  
12 testify can come down and take a seat and then  
13 they can be prepared. Okay we'll turn to this  
14 gentleman to my left.

15 MR. SCOTT: Thank you very much, my name  
16 is Ralph Scott my address is 1459 Roxanna Road  
17 and I came down today to support John and  
18 Sandhya's application. My wife and I moved into  
19 our home around the corner from the applicants in  
20 August 2009, so I'm a fairly new resident of the  
21 neighborhood, we really think it's a lovely  
22 neighborhood and the very best thing about it to

1 us is the hospitality and the welcome that we  
2 felt from my neighbors when we moved in. I met  
3 the applicants for the first time about two weeks  
4 ago at a gathering that was held by a neighbor to  
5 allow them to talk about their proposal it was  
6 attended mostly by very long term residents of  
7 our block, something like 10 or 12 people and all  
8 of them ended the evening by signing the petition  
9 in support of their application. It was a very  
10 different kind of meeting than the one that the  
11 earlier witness described at her home where  
12 everyone unanimously decided to oppose it and I  
13 just wondered how this could be such different  
14 meetings and I think I kind of understand it,  
15 when the people who are doing it aren't present  
16 to be met and for you to see what kind of people  
17 they are to explain their side of the story and  
18 all you hear are words like imposing and  
19 encroaching and changing the character of the  
20 neighborhood, damaging our property values,  
21 accusing the applicants of sneaking around and  
22 disobeying the rules you might decide to oppose

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1 it, but we were very impressed meeting them and  
2 how responsible they are. How they've followed  
3 the law and the proper process and they've gone  
4 beyond that by meeting with the neighbors and  
5 talking to them and making them aware of their  
6 plans. I feel very confident that they'll be  
7 responsible neighbors and responsible landlords.

8 I think if their applications is approved it  
9 will be a win, win, win, it will provide good  
10 housing for an individual or family who would  
11 rent their apartment, it would provide needed  
12 income for the applicant family and it would  
13 provide for the neighbors the likelihood of  
14 keeping John and Sandhya as good neighbors and  
15 probably help them gain another nice family in  
16 the neighborhood, thank you.

17 CHAIRPERSON MOLDENHAUER: Thank you very  
18 much Mr. Scott any individuals in the audience  
19 wishing to testify in favor or in opposition  
20 please come down and take a seat. You need to  
21 speak into the microphone.

22 MS. BONIPART: My name is Delores

1 Bonaparte. I live in the 7900 block of 14<sup>th</sup>  
2 street which is one block above the applicant's  
3 home. I have lived there with my family for 44  
4 years it's as everyone has testified it's a great  
5 community. What we are experiencing right now  
6 it's difficult to describe because our  
7 neighborhood in that particular area those two  
8 blocks closest to Montgomery County they are  
9 drastically changing our lifestyle, I won' spend  
10 too much time on that because that's not what  
11 your concerned about but the neighborhood is  
12 rapid changing and we feel that our property  
13 value certainly will go down because of what is  
14 happening to us. We have more traffic we have  
15 more pollution and it's very unpleasant so when  
16 we heard about the applicants and their petition  
17 we immediately said we don't want anymore  
18 changes, what's going to happen to the area now,  
19 it's bad enough as it is, we don't need anymore  
20 people, we don't need anymore cars, the traffic  
21 is horrendous, we are living in pollution we have  
22 rush hour traffic going up and down our street

1 twice a day, we have approximately 15 units of  
2 people in Montgomery County two blocks away from  
3 our homes where the young people walk their dogs  
4 and urinate on our grass constantly again I call  
5 that pollution, so we're suffering a lot. I  
6 immediately said no I want no more changes that's  
7 what my opposition is, I was at the ANC meeting  
8 when they approved, I guess that's the word when  
9 they approve the applicants petition, it was done  
10 so haphazardly that I did not know it had been  
11 approved and I think Mrs. Brown can testify to  
12 that, it happened so fast, I didn't know what had  
13 happened. So that's about all I can say is that  
14 there are changes going on, this will be another  
15 change and I didn't know that the Zoning Board  
16 would be concerned with emotional pleas, I didn't  
17 think that was the job, aren't you concerned  
18 with the rules and regulations that's what I  
19 think the people in Maryland should do, have some  
20 respect for District Residents obey our rules and  
21 regulations, they don't they thumb their noses up  
22 at us as though our community doesn't count that

1 those two little blocks including the block where  
2 the applicants live don't matter, so here we have  
3 a resident who lives with us in our community  
4 who wants to change again and say we don't care  
5 about your rules and your regulations, I need to  
6 do that, I need to do this, is that what your all  
7 about if so I did not know that, I thought zoning  
8 was about rulings and regulations and not  
9 emotional or financial or character references.

10 CHAIRPERSON MOLDENHAUER: Alright your  
11 time is up, thank you I appreciate you coming  
12 down, I appreciate everyone coming down at this  
13 point in time we'll turn to the Office of  
14 Planning for their report. Ms. Brown I believe  
15 that you've already concluded, we'll turn to  
16 Office of Planning at this point in time if you  
17 have any questions after the Office of Planning  
18 time will be provided time at that point.

19 MS. BROWN-ROBERTS: Good afternoon Madam  
20 Chair, and Members of the Board I'm Maxine Brown-  
21 Roberts representing the office of Planning. The  
22 request for the accessory apartment in a single

1 family home is outlined in Section 202.10; the  
2 property is in the R-1-B District which is  
3 consistent with the master plan. The Zoning  
4 Regulations permits accessory dwellings in single  
5 family houses provided that the regulations or  
6 the conditions outlined in Section 202.10 are  
7 met. I just spent some time going through each  
8 one of those. The first one talk about the  
9 minimum lot area of the property and the  
10 applications meets these criteria as the minimum  
11 lot area is 5,000 square feet and the applicant  
12 has a lot area in excess of 6,000 square feet.  
13 Regarding the gross floor area of the existing  
14 house it is over 2,800 which are again above the  
15 2,000 square feet that is provided for in  
16 regulations. The proposed accessory unit will  
17 occupy less than 25% of the gross floor area; the  
18 proposal is coming it at 18.84% of the gross  
19 floor area. There will be, all the conversions  
20 will be internal to the existing house and will  
21 not have any addition to the external portion of  
22 the house. There are no new entrances that are

1 proposed that will go along with the apartment.  
2 The principle dwelling will be occupied by the  
3 applicant, the applicant states that their family  
4 consists of four persons and that the apartment  
5 can accommodate an additional two persons and so  
6 they do comply with the maximum of six persons in  
7 the house. The occupant also states that there  
8 are no existing home occupations on the property.  
9 The applicant also did not ask for any waiver to  
10 any of the requirements, in addition to the  
11 requirements of 2210, there's also the  
12 requirement of Section 3104.1 that the request  
13 needs to be in harmony with the general purpose  
14 and intent of the zoning regulations on the  
15 zoning map. We conclude that it meets the  
16 general purpose and intent of the zoning  
17 regulations because they are in the R-1-B zone  
18 which permits accessory apartments provided that  
19 they meet the requirements of 202.10 as outlined  
20 before they have met all of those. We also do  
21 not think that the accessory apartment will  
22 adversely effect the neighborhood as it does not

1 entail and enlargement of the house, the number  
2 of persons in the house will be limited to six  
3 and we do not believe that this additional two  
4 persons will generate any excessive noise on the  
5 property, although the property currently does  
6 not have any parking on site and use on street  
7 parking we believe that with the addition of two  
8 persons that the parking within the neighborhood  
9 will not be adversely effected or impacted and  
10 that their any additional cars will not effect  
11 traffic movement again adversely in the area.  
12 The Office of Planning therefore recommends that  
13 the special exception be approved, thank you  
14 Madam Chair.

15 CHAIRPERSON MOLDENHAUER: Thank you very  
16 much Ms. Brown-Roberts, do any Board Members have  
17 any questions for the Office of Planning? Seeing  
18 none does the applicant have any questions for  
19 the Office of Planning?

20 MR. HARWITZ: One question which is does  
21 the statue of regulatory framework explicitly  
22 provide for consideration of neighbors subjective

1 consideration of their property values being a  
2 criterion to be considered under the application  
3 for the special exception?

4 MS. BROWN-ROBERTS: No where in the  
5 regulation in both 202.10, or in 3104 does it  
6 call out an assessment for property values.

7 CHAIRPERSON MOLDENHAUER: Thank you any  
8 further questions from the applicant, seeing  
9 none, Ms. Brown do you have any questions for the  
10 Office of Planning?

11 MS. BROWN: Not any questions but I would  
12 like to make a comment.

13 CHAIRPERSON MOLDENHAUER: At this point in  
14 time it specifically questions for the Office of  
15 Planning if you don't have any questions then  
16 we'll move forward, seeing no actual questions  
17 then now we'll move forward to the ANC, is  
18 anybody present from ANC 4A in the audience,  
19 seeing no one from 4A all reference we have our  
20 "Exhibit No. 32" this exhibit illustrates and  
21 states that on September 7, 2010, an open and  
22 duly noted ANC meeting, the ANC voted to

1 recommend approval for application 18113 and that  
2 it had the following requirements. 1. That no  
3 exterior changes be made to the premises. 2.  
4 The maximum permitted time for the rental  
5 apartment is two years from the date of approval  
6 of the BZ application. 3. That the applicant  
7 will adhere to all applicable rules and  
8 regulations. A corum was present and the vote  
9 was unanimous. This satisfies our requirements  
10 and would be given great weight. With that being  
11 said at this point in time we will turn back to  
12 the applicant and to Ms. Brown the opposing party  
13 and I will give you both I think 5 minutes to  
14 have any closing comments, I think that would be  
15 sufficient, so if we could have five minutes on  
16 the clock we will then provide the applicant to  
17 provide closing remarks and Ms. Brown 5 minutes.

18

19 MR. HARWITZ: Thank you, just briefly I  
20 think it's clear that there are some strong  
21 feelings around this application I just want to  
22 address a few points that were raised by the

1 party in opposition. I think that the law and  
2 regulatory framework is clear that nobody in the  
3 neighborhood could have an expectation that there  
4 would never be an exception granted to the single  
5 family ownership nature of the nature that was  
6 expressly provided for in the legal and  
7 regulatory framework and I think that we're  
8 simply making an application as contemplated. I  
9 think that in addition the position that any  
10 exception granted will essentially swallow the  
11 rule and change the character of the neighborhood  
12 is not warranted in essence I would say if that  
13 were the case there really wouldn't be a need for  
14 a zoning board or a planning commission because  
15 we could just keep everything exactly the same it  
16 was frozen in aspic. Just to briefly address a  
17 couple of the concerns that were raised, one with  
18 respect to safety, we are certainly concerned  
19 about the safety of the neighborhood given that  
20 we have 6 year old twins and would carefully  
21 screen any tenants. Secondly I think it's clear  
22 and it's clear also from the exchanges on the

1 list serve that we are, this application for an  
2 exception is being tarred with a brush of two  
3 things that is has nothing to do with. First of  
4 which is actions in Montgomery County I wouldn't  
5 disagree that there has been changes wrought by  
6 the fact that there are large apartment buildings  
7 going up nearby but they are not in the District  
8 and the District regulatory framework has not  
9 been changed in anyway we're simply applying as  
10 we are allowed to similarly the location of group  
11 homes within the neighborhood is I'm certain  
12 subject of another provisions in the code and any  
13 concerns that people may have with the presence  
14 of group homes is really not relevant to this  
15 application and I would asked that it would be  
16 disregarded by the Board of Zoning. I would add  
17 before having my wife Sandhya Mehta comment that  
18 I think with respect to the ANC and to the BZA as  
19 well that the opponents confuse soliciting input  
20 with sharing authority. The Board of Zoning has  
21 the authority to make these decisions, the ANC  
22 has the authority to make recommendations to this

1 Board, I think that having been there and  
2 certainly if the ANC members are consulted that  
3 the input of concerned neighbors was certainly  
4 considered, they're simply unhappy that authority  
5 was exercised in the way that they didn't  
6 appreciate. Unfortunately I would also say that  
7 because these Zoning decisions are very difficult  
8 there's a reason why they're not decided by  
9 referendum among neighbors within 200, 400 or 500  
10 feet, these difficult decisions are vested with  
11 you all with the expert help of the Planning  
12 Commission and the help of the ANC which carries  
13 weight but is not dispositive. I'm going to  
14 conclude and have my wife Sandhya Mehta briefly  
15 speak.

16 MS. MEHTA: I just wanted to add that  
17 just talking about the immediate neighborhood I  
18 just wanted to make a very small point that a few  
19 individuals who had signed the petition of our  
20 opponents after they spoke with us they actually  
21 decided to redact that and they actually signed  
22 our petition just for what it's worth there's a

1 significant number of people who signed anyway  
2 and I'm sure you don't want to go into you know  
3 whose on where but unfortunately misleading  
4 statements have been made and so on and once  
5 people spoke with us they actually changed their  
6 mind based on what they heard.

7 MR. HARWITZ: And I would just conclude in  
8 the last 30 seconds by sort of harking back to  
9 what Mr. Esocoff said in the earlier hearing  
10 talking about the Chinese Embassy and the  
11 Washington D.C. Community, that one can maintain  
12 a coherent hole from a diversity and the fact  
13 that not every single resident of our  
14 neighborhood is a home owner living in the house  
15 that they own gives us strength for the  
16 neighborhood not a drawback.

17 CHAIRPERSON MOLDENHAUER: Thank you very  
18 much, and we'll now turn to Ms. Brown you'll have  
19 5 minutes to provide any closing remarks as well.

20 MS. BROWN: Our greatest concern was that  
21 1. That the applicants and I know them, well they  
22 have been to my home and I have been to their

1 home, I have nothing against them as a family  
2 they have two lovely children who I really adore  
3 but we as opponents were against introducing  
4 apartments in a single family residential area  
5 where we have had many concerns about crime,  
6 traffic, accidents and so forth in the area, we  
7 were not against them as an applicant but against  
8 what they were doing. Secondly we were very  
9 concerned about the ANC, the action that they  
10 took that was not we feel objective and  
11 transparent, some of the people that were there  
12 didn't even know that they had ruled against the  
13 community, they did not consider the over 40  
14 signatures from the residents who live in the  
15 surrounding blocks. The petition was given to  
16 them; they put it on the table then returned it  
17 to the representative of the opponents who had  
18 given it to them. Secondly not knowing the basis  
19 of their rationale we inquired on what basis did  
20 you make your decision, not only one time but  
21 many times, they still have not replied and I  
22 asked them to please reply so that the

1 neighborhood would know and be clear about the  
2 basis on which they made their decision, they did  
3 not return the response and have not as of today.

4 When I talked with the director of the ANC's he  
5 said that they do have a statutory responsibility  
6 to listen to the voices of the community and  
7 weigh the community voices against those any  
8 other opposition group that I feel was not done.

9 It leaves us with a sense that an arbitrary  
10 decision was made and it does not make for good  
11 relations. As my husband told Mr. Harwitz, when  
12 we found out about the application he said oh I  
13 wish you had come to the community and talked  
14 with the residents before you made the decision  
15 to apply because I think it would have been,  
16 maybe a different outcome, I chose to limit our  
17 remarks to people who live right around there, I  
18 didn't bring in people from other blocks like  
19 Roxanne, I didn't even know Mr. Hague was coming  
20 today. Some of the residents wanted to carry the  
21 petitions into either parts of the neighborhood,  
22 I say no the letter from BZA was sent to us so

1 let's limit it to just this area and that was  
2 done. You know we have strong feelings about  
3 what is happening because people are not  
4 following rules and regulations and that's all I  
5 have to say and I have no strong feelings or  
6 anything feels of discontent for you an your wife  
7 I would still consider you good neighbors I have  
8 no hostility against you, nor your children  
9 because I love them.

10 CHAIRPERSON MOLDENHAUER: Thank you Ms.  
11 Brown, thank you Mr. Harwitz, and Ms. Mehta.  
12 That concludes this hearing what we're going to  
13 do is we're going to now at the conclusion of  
14 this hearing enter directly into deliberation and  
15 deliberate on this case. I will start us off.  
16 The case before us is a special exception  
17 application, special exceptions are specifically  
18 provided by the regulations and indicate that  
19 while it is an exception to the general  
20 requirements of a specific zone that it is  
21 permitted and is in harmony with that zone so  
22 long as you satisfy specific requirements, as in

1 corpora ting, I would incorporate the Office of  
2 Planning's report they go through those  
3 requirements under 3104 and 2002.10 which are  
4 required thus the regulations that we are bound  
5 by state that if the applicant can show that they  
6 satisfy 2001.10 and 3104 that we actually are  
7 typically required to give relief. Actually  
8 there is a D.C. Court Appeals Case First Baptist  
9 Church versus the D.C. Board of Zoning which  
10 stated that applicants that meet all of the  
11 special exception criteria that the Board is  
12 ordinarily must grant the application, so there  
13 were comments by Ms. Doris Bonaparte and by Ms.  
14 Brown in opposition that I think you know pointed  
15 to our need as a Board to follow the regulations  
16 and the rules and that is what we do, we have to  
17 look specifically at what is required to be  
18 satisfied and not going through all of them OP  
19 already did that and it's part of the Office of  
20 Planning report, but if you go through 2002.10  
21 the applicant satisfied all of those criteria an  
22 as Office of Planning points out does not ask for

1 a waiver from any of those aspects. I'm going to  
2 point out a couple of different issues. 1. One  
3 of the criteria which the applicant must adhere  
4 to or the special exception potentially would be  
5 automatically violated and taken away is Section  
6 F which says that the applicant that either the  
7 principle dwelling or the accessory apartment  
8 must be owner occupied so I think that addresses  
9 some of the concerns both of the ANC and some of  
10 their comments and some of the other property  
11 owners comments or opponents comments in regards  
12 to maintaining some level of security, some level  
13 of interest in maintaining the property so long  
14 as the individual must reside on the premises  
15 either in the primary premises or in the  
16 accessory unit. That being said I'm not going  
17 to go through all the points but the applicant  
18 does satisfy all of those and I think that, I'm  
19 greatly disheartened by the ANCs lack of  
20 attending today and by some of the concerns that  
21 are being raised about the lack of transparency,  
22 while we do give their letter of support great

1 weight, we also give Ms. Browns testimony great  
2 weight and I think that while Ms. Brown and the  
3 other individuals, Mr. Hague and Ms. Harvey and  
4 Doris all testified, the points that they  
5 testified to I don't think go to the regulations  
6 that we have to apply. There was no testimony  
7 that I heard that the applicant failed to satisfy  
8 one of the requirements under 202 or that some of  
9 the comments were more a matter of security which  
10 I think were addressed by 202 in regards to  
11 maintaining a primary residence. I don think that  
12 an individual with a family is obviously going to  
13 ensure that the renter that they have has some  
14 level of security in the neighborhood to provide  
15 them security and also to provide the other  
16 residents and seniors in the community a level of  
17 safety. There were some concerns about parking  
18 and I'm going to rely on Office of Planning and  
19 their analysis that there would not be any  
20 adverse impact on that and based on the above  
21 that I've stated I would be in support of this  
22 application. I'm going to turn to any other

1 Board Members to see if they have any other  
2 comments.

3 MS. SORG: Thank you Madam Chair I agree  
4 with your analysis there and the statues which we  
5 are bound to, you know render our decision based  
6 upon, I would also say going to some of the  
7 concerns of the neighbors and community who spoke  
8 out today that it is the nature of this body that  
9 we do take each application on a case by case  
10 basis and so just as we will do in our  
11 deliberations and our decision today we will do  
12 in any other case that comes up that is of this  
13 nature or any other nature, thank you.

14 CHAIRPERSON MOLDENHAUER: Thank you, and  
15 I agree with them I think that one of the aspects  
16 of 3104 is no adverse impact and I think that's  
17 something we consider and it's something that you  
18 know especially in regards to some of the  
19 slippery slope argument I think that we consider  
20 that with the question do we see a significant  
21 adverse impact, I don't believe that I don in  
22 this case. If there's no further discussion I

1 thank all the individuals for coming down and I  
2 appreciate people being active in their community  
3 and really caring about seeing what happens.  
4 That being said I'm going to submit a motion, a  
5 motion under Application No. 18113 for request  
6 for special exception relief for Sections 3104  
7 and 2002.10 to permit an accessory apartment in a  
8 single family home a motion to approve that  
9 application, the motion has been made, is there a  
10 second?

11 MS. SORG: Second.

12 CHAIRPERSON MOLDENHAUER: The motion has  
13 been made and seconded all those in favor say  
14 aye.

15 CHORUS: Aye.

16 MR. MOY: Staff would record the vote as  
17 3 to 0 to 2 this is on the motion of the  
18 Chairperson Ms. Moldenhauer to approve the  
19 application for special exception relief,  
20 seconded by the Vice Chair Ms. Sorg also in  
21 support of the motion Mr. Hinkle, no other Board  
22 Members participating so again the final vote to

1 approve is 3 to 0 to 2.

2 CHAIRPERSON MOLDENHAUER: Thank you very  
3 much, thank you all for coming down, that  
4 concludes our morning hearing and we're going to  
5 go directly into the p.m. cases, this hearing  
6 will please come to order, good afternoon ladies  
7 and gentleman this is the November 9<sup>th</sup>, 2010,  
8 public hearing of the Board of Zoning Adjustments  
9 for the District of Columbia. My name is  
10 Meredith Moldenhauer, joining me today to my  
11 right is Jeffrey Hinkle Representative of the  
12 National Capital Planning Commission, to my left  
13 is Vice Chair Nicole Sorg, Mayoral Appointee.  
14 Copies of today's agenda are available to you and  
15 are located to my left in the wall bin near the  
16 door. Please be advised this proceeding is being  
17 recorded by a court reporter and is also being  
18 webcast live. Accordingly we must ask you to  
19 refrain from any disturbing noise or action in  
20 the hearing room when presenting information to  
21 the Board please turn on and speak into your  
22 microphone first stating your name and home

1 address, when you are finished please turn off  
2 your microphone so your microphone is no longer  
3 picking up sound or back ground noise. All  
4 persons planning to testify either in favor or in  
5 opposition are to fill out two witness cards;  
6 these cards are located to my left on the table  
7 near the door and on the witness tables. Upon  
8 coming forward to speak to the Board please give  
9 both witness cards to the court reporter sitting  
10 to my right. The order of procedures for special  
11 exceptions and variances are as follows. 1.  
12 Statement of the Applicant and Applicants  
13 witnesses. 2. Parties and persons in support.  
14 3. Persons and parties in opposition. 4.  
15 Government reports including the Office of  
16 Planning. 5. Reports from the ANC and 6.  
17 Rebuttal and closing statements of the Applicant.  
18 Pursuant to Section 3117.4, 3117.5 the following  
19 time constraints will be maintained. The  
20 Applicant, Appellant, persons and parties except  
21 an ANC in support including witnesses will be  
22 given 60 minutes collectively. Apelles's persons

1 and parties except an ANC in opposition including  
2 witnesses will be given 60 minutes collectively.  
3 Individuals will be given three minutes and  
4 organizations will be given five. These time  
5 restrictions do not include cross examinations or  
6 questions from the Board. Cross examinations of  
7 witnesses is permitted by the applicant or  
8 parties and the ANC within which the property is  
9 located is automatically a party to a special  
10 exception or variance case. Nothing prohibits  
11 the Board from placing reasonable restrictions on  
12 cross examination including time limitations,  
13 limitations on the scope of cross examination.  
14 The record will be closed at the conclusion of  
15 each hearing except for any materials  
16 specifically requested by the Board. The Board  
17 and the staff will specify at the end of each  
18 hearing exactly what is expected and the date  
19 when persons must submit the evidence to the  
20 Office of Zoning. After the record is closed no  
21 other information will be accepted by the Board.  
22 The Sunshine Act requires that public hearings

1 on each case be held in the open before the  
2 public. The Board may consistent with the rules  
3 and procedures in the Sunshine Act enter into  
4 executive session during or after a public  
5 hearing for purposes of reviewing the record or  
6 deliberating on the case. The decision of the  
7 Board in these contested cases but be based  
8 exclusively on the record to avoid any appearance  
9 to the contrary the Board request that the  
10 persons present not engage the Members of the  
11 Board in conversation. Please turn off all cell  
12 phones and beepers at this time as to not disturb  
13 these proceedings. The Board will make every  
14 effort to conclude the public hearings as near as  
15 possible to 6 p.m. If he afternoon cases are not  
16 completed at 6 p.m. the Board will assess whether  
17 it can complete the pending case or cases  
18 remaining on the agenda. At this time the Board  
19 will now consider any preliminary matters.  
20 Preliminary matters are whether a case should or  
21 will be heard today such as a request for a  
22 postponement, continuance or withdrawal or

1 whether proper adequate notice of a hearing was  
2 given. If you are not prepared to go forward  
3 today or you believe that your case should not  
4 proceed now is the time to raise such a matter.  
5 Mr. Secretary do we have any preliminary matters?

6 MR. MOY: None at this moment Madam Chair.

7 CHAIRPERSON MOLDENHAUER: All individuals  
8 wishing to testify please stand and Ms. Bailey  
9 will administer the oath.

10 MS. BAILEY: Please raise your right  
11 hand, do you solemnly swear or affirm that the  
12 testimony that you'll be given today will be the  
13 truth, the whole truth, and nothing but the  
14 truth.

15 **CASE NO. 18130 ANC-3G**

16 CHAIRPERSON MOLDENHAUER: We can call our  
17 first case for the afternoon.

18 MS. BAILEY: Madam chair the first case  
19 of the afternoon is Application No. 18130, Roger  
20 and Lisa Kessler, pursuant to 11 DCMR Section  
21 3104.1 for a special exception to allow a rear  
22 addition to an existing one family detached

1 dwelling under Section 223 not meeting the rear  
2 yard inside yard requirements Section 404 and  
3 Section 405, the property is Zoned R-1-B it's  
4 located at 5801 Nebraska Avenue, N.W., Square  
5 2313, Lot 17.

6 CHAIRPERSON MOLDENHAUER: You have to  
7 fill out two witness cards please. Okay we can  
8 begin and just for the record we do have a  
9 translator in the audience providing sign  
10 language for the applicants. I'll turn to the  
11 applicant and they can introduce themselves for  
12 the record.

13 MR. SAUER: My name is Larry Sauer; I'm  
14 representing the applicants Mr. and Mrs. Kessler.

15 CHAIRPERSON MOLDENHAUER: Thank you very  
16 much Mr. Sauer and just for the record, Mr. and  
17 Mrs. Kessler are present in the audience. Please  
18 continue.

19 MR. SAUER: Yes the applicant the  
20 Kessler's are looking for a special exception  
21 relief for a rear yard and side yard for a very  
22 small addition of approximately 11 x 9 to the

1 back of their house, at present side setback is  
2 5' 10" and they don't plan to go any further than  
3 that, they want to extend straight back about 9'  
4 so they are looking for exception to 233 and  
5 404.1 and 405.9. They have in the ANC the ANC  
6 has supported this, the Office of Planning's  
7 report has supported this and the immediate  
8 neighbors have also supported this that's really  
9 all we need to say I think.

10 CHAIRPERSON MOLDENHAUER: Thank you yes I  
11 think that this case is very full, our record is  
12 full on this case and I appreciate your brevity  
13 and I'll turn to see if any Board Members have  
14 any questions for the applicant or their agent?  
15 Seeing none then at this point in time we would  
16 turn to any persons in the audience in support or  
17 in opposition to the case, seeing nobody in the  
18 audience then we'll turn to the Office of  
19 Planning and we don't have anyone present from  
20 the Office of Planning but what I'll do is I'll  
21 reference that we have "Exhibit No. 27".

22 MS. KAREN THOMAS: Madam Chair good

1 afternoon I have the second case of the  
2 afternoon, Matt is supposed to be on his way but  
3 I'll be happy to try, I don't have his material.

4 CHAIRPERSON MOLDEHAUER: I think we  
5 actually, what I'm going to do instead of making  
6 you sit in I'm just going to reference our  
7 "Exhibit No. 27" an include that and incorporate  
8 that for the record. So what I'm going to do is  
9 we have "Exhibit No. 27" which is an Office of  
10 Planning Report dated November 2, 2010, which  
11 recommends approval of this application pursuant  
12 to 223 and it outlines the standards for granting  
13 relief for an addition to a single family  
14 dwelling under 223 and then it also addresses the  
15 fact that the community, the ANC, they have  
16 received no comments from the ANC but we have an  
17 ANC letter so I'll reference that, at a future  
18 point. They fully go through the different  
19 requirements in regards to any light and air from  
20 neighboring properties and indicate that they  
21 don't believe that there's any negative undue  
22 effect on the property, privacy and use and

1 enjoyment of neighboring properties, they address  
2 the aspect that of the lot occupancy of all the  
3 new structure that the proposed addition is only  
4 going to be 30.7% and that they make no  
5 recommendations for any conditions or special  
6 treatments to the addition that would impact any,  
7 with regards to any design or screening to  
8 protect adjoining neighbors and property owners.

9 That being said I don't have any issues, I think  
10 the Office of Planning supports the application  
11 which we'll go forward then to the ANC and I'll  
12 ask if anybody from the ANC 3-4-G is present in  
13 the audience and seeing no one I'll reference our  
14 "Exhibit No. 23", the "Exhibit No. 23" indicates  
15 that at a regularly scheduled public meeting on  
16 September 13<sup>th</sup> that the Board voted 7 to 0 with a  
17 corum being 4 to support the application and so  
18 this letter would satisfy a requirements to  
19 receive great weight in support of this  
20 application. That being said I'll turn back to  
21 the applicant for any closing remarks.

22 MR. SAUER: Nothing thank you.

1           CHAIRPERSON MOLDENHAUER: Seeing none at  
2 this point in time we'll conclude the hearing and  
3 we'll actually enter into deliberation. This is  
4 a very straight forward case for a very minor in  
5 my view addition to a two story addition to a  
6 single family home located on Nebraska Avenue, I  
7 think this application is very full, this  
8 application we could potentially have received  
9 our expedited review process seeing that the  
10 applicant has letters from it's neighboring  
11 properties recommending approval our "Exhibit No.  
12 25 and 24", they also have ANC approval and the  
13 Office of Planning goes through all the  
14 requirements under 223 to address relief under  
15 404 and 405 and recommends approval as well.  
16 That being said I would be in favor of this  
17 application but I'll open up to the Board for any  
18 further deliberation on the case.

19           MS. SORG: Thank you Madam Chair I don't  
20 have anything further to add but I would be happy  
21 to submit a motion if you'd like.

22           CHAIRPERSON MOLDENHAUER: That would be

1 fabulous thank you.

2 MS. SORG: Okay so I'll submit a motion to  
3 approve Application No. 18130, for relief under  
4 223 to permit the construction of two story  
5 addition requiring relief from section 404 and  
6 405 at 5801 Nebraska Avenue.

7 CHAIRPERSON MOLDENHAUER: A motion has  
8 been made is there a second.

9 MR. HINKLE: Second.

10 CHAIRPERSON MOLDENHAUER: A motion has  
11 been made and seconded, all those in favor say  
12 aye.

13 CHORUS: Aye.

14 MR. MOY: Staff would record the vote as  
15 4 to 0 to 1, this on the motion of the Vice Chair  
16 Ms. Sorg, seconded by Mr. Hinkle, also support  
17 the motion Mr. Sulferidge and the Chairperson Ms.  
18 Moldenhauer, no other Board Members  
19 participating, so again the final vote is 4 to 0  
20 to 1 to approve per special exception 223 relief.

21

22 CHAIRPERSON MOLDENHAUER: Thank you very

1 much Mr. Moy and seeing that there's no  
2 opposition in the case we would like to waive our  
3 requirements and request a summary order.

4 MR. MOY: Very good thank you Madam  
5 Chair.

6 CHAIRPERSON MOLDENHAUER: Thank you very  
7 much, thank you very much and have a good  
8 afternoon. What we're going to do now since we  
9 have not had a lunch recess we are going to take  
10 a 35 minute lunch break and try to reconvene  
11 around 2:30 or 2:35 somewhere in that area. We  
12 may be a little late and I think that would be  
13 acceptable. So we'll continue the afternoon  
14 cases at that point in time. Thank you.

15 **CASE NO. 18129 ANC 2-E**

16 CHAIRPERSON MOLDENHAUER: Good afternoon  
17 we're now reconvening the afternoon hearing and  
18 we have the second case on the case calendar if  
19 you could read the case.

20 MS. BAILEY: Madam Chair, thank you, good  
21 afternoon. The last case of the day is  
22 Application 18129, Scott and Ellen Clair Dreyer

1 and its pursuant to 11 DCMR 3104.1 for special  
2 exception to allow an addition to an accessory  
3 garage serving an existing one family dwelling  
4 under section 223, not meeting the lot width that  
5 section 401 lot occupancy, section 403 inside  
6 yard, Section 405 requirements. The property is  
7 located at 1671 31<sup>st</sup> Street, N.W. Square 1282, Lot  
8 H-21.

9 CHAIRPERSON MOLDENHAUER: Thank you very  
10 much Ms. Bailey. Good afternoon if the parties  
11 could introduce themselves for the record please.

12 MR. HORSEY: Good afternoon Madam Chair  
13 I'm Otterbridge Horsey architect representing  
14 Ellen Clair and Scott Dreyer and to my right is  
15 Mrs. Dreyer.

16 CHAIRPERSON MOLDENHAUER: Good afternoon,  
17 we reviewed the record and we believe that for  
18 this 223 that the record is very full and we will  
19 see if you have any additional comments but if  
20 you'd like to rest on the record you can do so.

21 MR. HORSEY: Great the only thing I  
22 wanted to just be clear and we all understand

1 that the relief we're seeking is for the existing  
2 conditions and the addition itself is a  
3 conforming addition. I appreciate it if you  
4 could put the word conforming addition in  
5 whatever order that you issue.

6 CHAIRPERSON MOLDENHAUER: Well lets see  
7 here the addition is conforming but since this  
8 is, we'll turn to Office of Planning and have  
9 them address that issue but typically we'll  
10 address that as we go forward in deliberation but  
11 we'll note your comment for the record. That  
12 being said then we'll turn to any individuals in  
13 the audience either in support or in opposition  
14 of this case. Seeing none then we'll turn to the  
15 Office of Planning for their report.

16 MS. THOMAS: Good afternoon Madam Chair,  
17 Members of the Board Karen Thomas with the Office  
18 of Planning. We're recommending approval of this  
19 addition to a non-conforming principle structure  
20 which does not meet your requirements as you can  
21 see in our report and in that respect not meeting  
22 those requirements it becomes a non-conforming

1 structure an addition to a non-conforming  
2 structure albeit it's an accessory structure;  
3 it's considered a part of the main structure.

4 CHAIRPERSON MOLDENHAUER: So it's an  
5 addition or expansion of the non-conformity,  
6 prior non-conformity.

7 MS. THOMAS: Yes, so we're recommending  
8 approval we don't see any issues with respect to  
9 light and air, nor privacy, or use of enjoyment  
10 to neighboring properties, and I'll be happy to  
11 take any questions.

12 CHAIRPERSON MOLDENHAUER: Thank you very;  
13 any Board Members have any questions for the  
14 Office of Planning? Seeing none does the  
15 applicant have any questions for the Office of  
16 Planning?

17 MR. HORSEY: No Madam Chair, thank you.

18 CHAIRPERSON MOLDENHAUER: Thank you, next  
19 we'll turn to ANC 2-E seeing nobody in the  
20 audience I'll reference that we have "Exhibit No.  
21 26" in our record and this indicates that at a  
22 public meeting held on October 4<sup>th</sup> 2010, which was

1 duly noticed and that a corum was present the  
2 commission of six members issued a resolution  
3 that the ANC 2-E does not object to the special  
4 exception for the width and lot occupancy and  
5 requirements as requested because we do not  
6 believe that there is any adverse impact on the  
7 neighboring properties or communities. Based on  
8 that this letter satisfies our standards for  
9 great weight and we will give this letter of no  
10 objection great weight. That being said at this  
11 point in time we'll turn back to the applicant  
12 for any closing statements or comments.

13 MR. HORSEY: I don't have any other than  
14 what I mentioned at the beginning, thank you very  
15 much.

16 CHAIRPERSON MOLDENHAUER: Thank you; do  
17 any Board Members have any closing comments?  
18 Seeing none, then thank you very much and at this  
19 point in time we'll conclude the hearing and  
20 we'll actually enter into deliberations right  
21 away and for this I will turn to Ms. Sorg to  
22 start us off in deliberations.

1 MS. SORG: Thank you Madam Chair, like  
2 you said I agree that this is a pretty straight  
3 forward 223 case in which really what it boils  
4 down to is sort of giving the relief for what are  
5 existing non-conformities for expanding a non-  
6 conforming structure. So I would in my comments  
7 in corporate the Office of Planning's report  
8 recommending approval and our "Exhibit 29" as  
9 well as a letter from ANC 2E in which they held a  
10 meeting that was duly noticed and had a corum in  
11 adopting a resolution not to object in "Exhibit  
12 26" as well as a letter received from the  
13 Commission of Fine Arts indicating no objection  
14 in our "Exhibit No. 6" Yeah I would recommend  
15 approving the application without delay.

16 CHAIRPERSON MOLDENHAUER: Thank you I  
17 agree with your analysis I think the Office of  
18 Planning report is very straight forward and the  
19 applicant had submitted a very thorough statement  
20 to the Board, I have nothing further to add, do  
21 any other Board Members have any further comments  
22 for deliberation? Seeing none is there a motion?

1 MS. SORG: Yes I'd be happy to submit a  
2 motion in application No. 18129 for special  
3 exception to allow an addition to an accessory  
4 garage requiring relief under 401, 403, 404, and  
5 405 for existing non-conformities and Lot  
6 occupancy.

7 CHAIRPERSON MOLDENHAUER: Motion has been  
8 made is there a second.

9 MR. HINKLE: Second.

10 CHAIRPERSON MOLDENHAUER: Motion as been  
11 made and seconded, all those in favor say aye.

12 CHORUS: Aye.

13 MR. MOY: The staff would record the vote  
14 as 4 to 0 to 1, this is on the motion of the Vice  
15 Chair Ms. Sorg, seconded motion Mr. Hinkle, also  
16 in support of the motion Mr. Sulfridge, this is a  
17 motion to approve the special exception 223 not  
18 meeting 403, 401, and 405. Again the final vote  
19 is 4 to 0 to 1.

20 CHAIRPERSON MOLDENHAUER: Thank you very  
21 much Mr. Moy and with no opposition in this case  
22 and ANC approval we would like to waive our

1 requirements and ask for a summary of order.

2 MR. MOY: Very good thank you Madam Chair.

3 CHAIRPERSON MOLDENHAUER: Thank you and  
4 thank you very much to the applicant and that  
5 then concludes our hearings for today, thank you.

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