

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY,

FEBRUARY 14, 2012

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MERIDITH MOLDENHAUER Chairperson
NICOLE SORG Vice Chairperson
LLOYD J. JORDAN Board Member
JEFFREY HINKLE Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL Commissioner, FAIA,
OAC

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY Secretary
JOHN NYARKU Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
STEVEN COCHRAN
MATT JESICK
ARTHUR JACKSON
PAUL GOLDSTEIN

This transcript constitutes the minutes from the Regular Public Hearing held on February 14, 2012.

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

2 9:37 a.m.

3 CHAIRPERSON MOLDENHAUER: Good
4 morning. This hearing will, please, come to
5 order.

6 We are located in the Jerrily R.
7 Kress Memorial Hearing Room located at 441 4th
8 Street, N.W. Today is February 14, 2012.
9 This is a Public Hearing of the Board of
10 Zoning Adjustment of District of Columbia.

11 My name is Meridith Moldenhauer,
12 Chairperson. Joining me today is Vice
13 Chairperson Nicole Sorg, Mayoral Appointee.
14 To my right is Lloyd Jordan, Mayoral
15 Appointee, and to my far right is Jeffrey
16 Hinkle, a representative of the National
17 Capital planing Commission, to my far left is
18 a representative of the Zoning Commission,
19 Michael Turnbull.

20 Copies of today's agenda are
21 located to my left in the wall bin near the
22 door. Please be advised this proceeding is

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1 being recorded by a court reporter and is also
2 being webcast live.

3 Accordingly, we must you to
4 refrain from any disturbing noise or actions
5 in the hearing room.

6 When presenting information to the
7 Board, please, turn on your microphone first
8 stating your name and home address. When you
9 are finished presenting information, please,
10 turn off your microphone, so that your
11 microphone is no longer picking up and noise
12 or background sounds.

13 All persons planning to testify
14 either in favor or in opposition are to fill
15 out two witness cards. These witness cards
16 are located to my left on the table near the
17 door and on the witness tables in front of
18 you.

19 Upon coming forward to speak to
20 the Board, please, give both witness cards to
21 the court reporter sitting to my right.

22 Also, if you wish to file any

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1 written testimony or any additional supporting
2 documentation today, please, submit an
3 original along with 12 copies to the Secretary
4 for distribution. If you do not have the
5 requisite number of copies with you at the
6 moment, you can go across the hall to the copy
7 machine in the Office of Zoning to make the
8 required copies.

9 The order of procedure for special
10 exceptions and variances are as follows: One,
11 statement of the applicant and applicant's
12 witnesses; two, parties and persons in
13 support; three, parties and persons in
14 opposition; four, reports of the ANC; five,
15 Government reports; six, rebuttal and closing
16 statement of the applicant.

17 Pursuant to ' 3117.4 and 3117.5,
18 the following time constraints will be
19 maintained: The applicant, appellant, persons
20 and parties, except the ANC, in support,
21 including its witnesses, will be given 60
22 minutes collectively.

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1 Appellees, persons and parties,
2 except an ANC, in opposition, including
3 witnesses, will be given 60 minutes
4 collectively.

5 Individuals will be given three
6 minutes and organizations will be given five
7 minutes. These time restrictions do not
8 include cross-examination or questions from
9 the Board.

10 Cross-examination of witnesses is
11 permitted by an applicant or a party. The ANC
12 within which the property is located is
13 automatically a party to a special exception
14 or variance case.

15 Nothing prohibits the Board from
16 placing reasonable restrictions on cross-
17 examination, including the limitation on scope
18 and limitations on time.

19 The record will be closed at the
20 conclusion of each case, except for any
21 material specifically requested by the Board.

22 The Board and the staff will specify at the

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1 end of each hearing exactly what is expected
2 and the date when the person must submit the
3 evidence to the Office of Zoning.

4 After the record is closed, no
5 other information will be accepted by the
6 Board.

7 The District of Columbia's
8 Administrative Procedures Act requires that a
9 public hearing on each case be held in the
10 open and before the public.

11 Pursuant to ' 405(b) and 406 of
12 the Act and consistent with the rules and
13 procedures in the Act, the Board may enter
14 into a closed meeting on a case for purposes
15 of seeking legal counsel on a case pursuant to
16 D.C. Code ' 2-575(b)(4) and/or deliberating on
17 a case pursuant to D.C. Code ' 2-575(b)(13),
18 but only after providing the requisite public
19 notice in a case for an emergency closed
20 meeting and after taking a roll call vote.

21 The decision of the Board in these
22 contested cases must be based exclusively on

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1 the record. To avoid any appearance of the
2 contrary, the Board requests that parties
3 present not engage Members of the Board in
4 conversation.

5 Please, turn off all cell phones
6 and beepers at this time, so as not to disturb
7 this proceeding.

8 The Board will now consider any
9 preliminary matters. Preliminary matters are
10 those which relate to whether a case will or
11 should be heard today, such as requests for
12 postponement, continuance or withdrawal or
13 whether proper and adequate notice of a
14 hearing has been given.

15 If you are not prepared to go
16 forward today or you believe the Board should
17 not proceed, now is the time to raise such a
18 matter.

19 Mr. Secretary, do we have any
20 preliminary matters?

21 MR. MOY: There are no major
22 preliminary matters for the cases in the

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1 morning session, Madam Chair.

2 CHAIRPERSON MOLDENHAUER: Okay.
3 Wonderful. Then we will proceed with the
4 agenda. But first, all individuals wishing to
5 testify today, if you can, please, stand and
6 the oath will be administered.

7 (Whereupon, witnesses were sworn.)

8 MR. MOY: Ladies and gentlemen,
9 you may consider yourself under oath.

10 CHAIRPERSON MOLDENHAUER: Thank
11 you, Mr. Moy. We can call the first case.

12 MR. MOY: Good morning, Madam
13 Chairperson, Members of the Board, and a very
14 happy Valentine's Day.

15 CHAIRPERSON MOLDENHAUER: To you
16 as well and everybody.

17 MR. MOY: Thank you. The first
18 application before the Board for a Public
19 Hearing is Application No. 18310. This is the
20 application of Richard Aboulafia, pursuant to
21 11 DCMR 3104.1, for a special exception to
22 allow a rear addition to an existing one-

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1 family detached dwelling under ' 223, not
2 meeting the side yard ' 405 requirements in
3 the R-1-B District at premises 3415 Lowell
4 Street, N.W. The property is located in
5 Square 2089, Lot 800.

6 CHAIRPERSON MOLDENHAUER: Thank
7 you very much. If the parties are present, if
8 they can, please, step forward? Good morning,
9 if you can turn on your microphone and
10 introduce yourselves, stating your name and
11 home address?

12 MR. VOGT: My name is David Vogt.
13 I live at 9507 Colesville Road, Silver
14 Spring, Maryland 20901.

15 CHAIRPERSON MOLDENHAUER: Okay.
16 Mr. Vogt, if you would like to -- we have a
17 pretty full case. If you would like to just
18 provide a brief summary and provide anything
19 that may not be in the record?

20 MR. VOGT: I'm basically here to
21 answer any questions the Board may have. I
22 think the record is pretty set. I mean, we're

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1 asking for a side yard setback special
2 exception.

3 CHAIRPERSON MOLDENHAUER: Okay.
4 Then at this point in time, I'll see if Board
5 Members have any questions of the applicant.

6 MS. GLAZER: Madam Chair, I'm not
7 sure if this is a preliminary matter for the
8 Board's review, but I believe that the
9 applicant amended the application, by let's
10 see Exhibit 26, and added relief under 223
11 under ' 401 and 2001.3 as well. I'm not
12 certain, but if that is his intention, the
13 Board would have to rule on that request.

14 MR. VOGT: I believe that's the
15 width of the lot.

16 CHAIRPERSON MOLDENHAUER: Yes,
17 it's the lot width requirement from 49.4 where
18 there is a 50 foot requirement.

19 MR. VOGT: Yes. I mean, the lot
20 has been in existence since I think the
21 property was built.

22 CHAIRPERSON MOLDENHAUER: Yes.

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1 But even if --

2 MR. VOGT: yes.

3 CHAIRPERSON MOLDENHAUER: -- there
4 is an existing nonconformity, you still have
5 to include that --

6 MR. VOGT: Yes.

7 CHAIRPERSON MOLDENHAUER: -- since
8 there is going to be an enlargement of the
9 nonconforming factor. And so that would also
10 be requested relief for 2001.3.

11 MR. VOGT: That's correct. And I
12 was -- that was brought to my attention by
13 Paul Goldstein and I filed the amendment the
14 next day.

15 CHAIRPERSON MOLDENHAUER: Okay.
16 So then we will recognize your submission on
17 the 26th as a request to amend the application
18 seeking the additional relief under 2001.3 and
19 401 and we will accept that amendment, at this
20 time.

21 MR. VOGT: Thank you.

22 CHAIRPERSON MOLDENHAUER: Thank

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1 you very much, Ms. Glazer, for identifying
2 that.

3 Then, at this point, I'll just go
4 back to see if there is any final questions
5 from Board Members. Are there any additional
6 questions from Board Members?

7 Seeing none, then I'll see if
8 there is any individuals in the audience in
9 support or in opposition of this case?

10 Seeing none, then I'll turn to the
11 Office of Planning for their report.

12 MR. GOLDSTEIN: Good morning,
13 Madam Chair, Members of the Board. For the
14 record, my name is Paul Goldstein with the
15 Office of Planning.

16 OP recommends approval under
17 special exception relief ' 223 to permit a
18 two-story rear addition to an existing three-
19 story detached dwelling and also private one-
20 story detached garage at 3415 Lowell Street,
21 N.W., that does not comply with 405, which is
22 minimum side yard ' 2001.3, enlargement to a

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1 nonconforming structure and 401, which is
2 minimum lot width.

3 With that, I'm happy to take any
4 additional questions you may have. And thank
5 you very much.

6 CHAIRPERSON MOLDENHAUER: Thank
7 you very much. Does the applicant have any
8 questions of the Office of Planning?

9 MR. VOGT: No.

10 CHAIRPERSON MOLDENHAUER: No. Can
11 you just make sure that's audible on the
12 record? Thank you.

13 MR. VOGT: No.

14 CHAIRPERSON MOLDENHAUER: Thank
15 you. Do any Board Members have any questions
16 for the Office of Planning?

17 Seeing none, then thank you.
18 Then, at this point in time, I'll see if there
19 is anybody present from ANC-3C? And I'll just
20 indicate that we have, in our record, a letter
21 which is Exhibit 24 and it indicates that this
22 application was not included unfortunately on

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1 the January public meeting and that they, it
2 was an oversight, were hopefully going to be
3 able to discuss this case, but that now the
4 next February meeting is not scheduled until
5 after this hearing.

6 The individual commissioner,
7 actually Anne-Marie Barstow, the Chair, did
8 submit though a recommendation, you know, that
9 she felt as though this application would be
10 strongly supported and that there was a
11 unanimous support from the ANC.

12 There is also -- they included a
13 letter in the resolution that we have in our
14 record of the support or the no opposition to
15 the HPRB application showing that, you know,
16 this is a similar thing and that they would
17 hope that we would, you know, be able to
18 receive great weight.

19 Obviously, we can't provide this
20 great weight, but we will take this into
21 consideration to show that the ANC had no
22 objection and was generally in support of the

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1 application to HPRB.

2 So that being said, we will take
3 that under advisement, but it will not receive
4 great weight.

5 That being said, at this point in
6 time, we will turn back to the applicant for
7 any closing remarks.

8 MR. VOGT: Yes, we will -- just a
9 brief back story. We went through Historic
10 Preservation Review prior to this and both the
11 ANC and the Historic Preservation, and this is
12 going without the special exception, moving
13 the addition 8 foot off to the side, and they
14 both strongly recommended that we come back to
15 the Board and ask for the special exception in
16 terms of they would prefer to see this type of
17 addition over the time of the addition that we
18 had designed before.

19 CHAIRPERSON MOLDENHAUER: Okay.
20 And I know that you have letters in our record
21 from some of your neighbors, including Walker
22 and Gardner and Cooper. Can you just talk to

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1 the Board and tell the Board a little more
2 about the conversation that the applicant has
3 had in regards to neighbors and their support?

4 MR. VOGT: I am acting as the
5 agent for the two owners. One is traveling
6 now and one is actually at the doctor's this
7 morning. I have prepared a set of drawings
8 very similar, actually the same set of
9 drawings the Board got, and a letter kind of
10 describing what the scope of work was and what
11 relief we were looking for.

12 I guess the only thing I did not
13 address with them was that the lot was, you
14 know, .3 feet under the required lot size.
15 But I addressed that the side yard was what we
16 were looking for. And then the homeowner
17 addressed it to her neighbors.

18 CHAIRPERSON MOLDENHAUER: Okay.
19 But the drawings did show the side yard as it
20 existed?

21 MR. VOGT: Yes.

22 CHAIRPERSON MOLDENHAUER: Okay.

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1 MR. VOGT: And it was specifically
2 drawn to their attention in the letter that we
3 needed a side yard exception to allow us to
4 build out that 3.5 feet distance from the side
5 yard.

6 CHAIRPERSON MOLDENHAUER: Okay.
7 Thank you. Are there any final questions from
8 Board Members?

9 Seeing none, then at this point in
10 time, we will conclude the hearing and we will
11 go directly into deliberation.

12 This is a fairly straightforward
13 223 for side yard relief in addition to the
14 additional relief that we discussed which is
15 the minimum width requirement, lot width
16 requirement, which is an existing condition,
17 and the enlargement of a nonconforming
18 structure under 2001.3.

19 We have OP support and recommended
20 approval in Exhibit 27. We have, you know,
21 documentation that HPRB recommended approval
22 of this application, since it is in the

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1 Cleveland Park Historic District, and that
2 actually is indicated in the record and
3 recommended some of these changes that create
4 the relief that is being needed.

5 We don't have a letter of great
6 weight that we received from the ANC, but we
7 do have indications that there has been no
8 major concern from local neighbors in regards
9 to they have no objection when this was
10 submitted to HPRB.

11 We have letters in Exhibit 26,
12 including, I think, about five letters from
13 neighboring property owners and adjacent
14 property owners all recommending support of
15 the application. And as indicated, they have
16 received copies of plans.

17 I see no problem in regards to
18 this applicant satisfying the standards for
19 223 and for this relief. I'll see if there is
20 any additional deliberation from Board
21 Members.

22 Seeing none, then I'll submit a

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1 motion, a motion to approve Application 18310,
2 pursuant to 11 DCMR 3104.1, for a special
3 exception to allow a rear addition to an
4 existing one-family detached dwelling under '
5 223, not meeting the side yard requirements
6 under ' 405, not meeting the minimum lot width
7 requirements under ' 401, and an expansion of
8 a nonconforming structure under 2001.3 in the
9 R-1-B District at premises 3415 Lowell Street,
10 N.W.

11 A motion has been made. Is there
12 a second?

13 VICE CHAIR SORG: Second.

14 CHAIRPERSON MOLDENHAUER: A motion
15 has been made and seconded.

16 All those in favor say aye.

17 ALL: Aye.

18 MR. MOY: Staff would record the
19 vote as 5-0-0. This is on the motion of
20 Chairperson Moldenhauer to approve the
21 application for a special exception relief
22 under ' 223, not meeting ' 405, 401 and

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1 2001.3. Seconding the motion Ms. Sorg. Also
2 in support of the motion Mr. Turnbull, Mr.
3 Jordan and Mr. Hinkle.

4 Again, the final vote is 5-0-0.
5 The motion carries.

6 CHAIRPERSON MOLDENHAUER: Thank
7 you very much, Mr. Moy. Seeing as there is no
8 opposition in this case, the Board would like
9 to waive their requirements and ask that a
10 summary order be issued.

11 MR. MOY: Yes, thank you, Madam
12 Chair.

13 CHAIRPERSON MOLDENHAUER: Thank
14 you. Thank you very much.

15 MR. VOGT: Thank you.

16 MR. MOY: The next application
17 before the Board for a hearing is Application
18 No. 18316. This is the application of Mary
19 Schoelen and Brad Smith, pursuant to 11 DCMR
20 3104.1, for a special exception to build a
21 one-story porch addition on the rear of an
22 existing one-family row dwelling under ' 223,

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1 not meeting the lot occupancy ' 403, the court
2 ' 406, and nonconforming structure provisions
3 under subsection 2001.3, in the R-4 District
4 at premises 658 E Street, N.E. The property
5 is located in Square 861, Lot 801.

6 The Board, I believe, Madam Chair,
7 should also clarify the relief being requested
8 as with the first application. Thank you.

9 CHAIRPERSON MOLDENHAUER: Thank
10 you very much, Mr. Moy. Good morning. If the
11 parties would, please, introduce themselves?

12 MS. FOWLER: Good morning, I'm
13 Jennifer Fowler at 1819 D Street, S.E.

14 MS. SCHOELEN: I'm Mary Schoelen
15 of 658 E Street, N.E.

16 MR. SMITH: And I'm Brad Smith of
17 658 E Street, N.E.

18 CHAIRPERSON MOLDENHAUER: Good
19 morning. If we can start off, as indicated,
20 by first clarifying the relief that is being
21 sought?

22 MS. FOWLER: All right. So we are

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1 asking relief for a special exception lot
2 coverage, nonconforming structure, open court
3 requirement. And based on the previous
4 hearing, I believe we need to add the
5 nonconforming lot size and lot width, because
6 both of those aspects of the property are
7 below the requirements.

8 CHAIRPERSON MOLDENHAUER: Okay.
9 And so an oral amendment to the application
10 has been made and we will accept that, at this
11 time.

12 MS. FOWLER: Thank you.

13 CHAIRPERSON MOLDENHAUER: If you
14 can just maybe take two seconds and just walk
15 through? The lot size and the lot width are
16 also existing conditions, correct?

17 MS. FOWLER: Correct. Those are
18 existing conditions. The lot width is 15.83
19 feet, which is less than the 18 foot
20 requirement. And the lot area existing
21 condition is 1,211 square feet, which is below
22 the 1,800 square foot minimum requirement.

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1 CHAIRPERSON MOLDENHAUER: Can you
2 also maybe provide a little bit of background
3 on you've got letters of support from just two
4 neighbors. Can you talk a little bit about
5 the dialogue and the conversation there?

6 MR. SMITH: Yes. So we have been
7 talking to both adjoining neighbors, that's
8 656 E, N.E., and 660 E, N.E. The neighbor at
9 656 E, N.E., Mr. Poirot, is the owner/occupant
10 of that building. We have had a number of
11 conversations with him over the last, well,
12 many years actually, but certainly as we are
13 sort of planning this project, and he is very
14 supportive.

15 The owner, Mr. Simmermacher of 660
16 E., N.E., is the landlord for that building.
17 It is a rental. We did exchange letters with
18 him showing the plans and our proposed letter
19 of support, which he signed. He actually also
20 sent a nice note back saying he thought it was
21 a very nice project for us to do to improve
22 the back of our house. So we have had very

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1 positive interaction with both neighbors.

2 MS. SCHOELEN: We have also have a
3 conversation with -- we attempted to contact
4 several of the neighbors at the property on
5 Acker Street that are behind our lot and we
6 were able to contact and discuss the plans and
7 show the plans with one of the neighbors at,
8 I'm sorry, I don't remember the exact -- it's
9 Lot No. -- oh, I'm sorry. On Acker Street
10 that abutted the alley.

11 The other -- 653 Acker Street and
12 she was very supportive of the project, but we
13 have not been able to reach other Acker
14 residents.

15 CHAIRPERSON MOLDENHAUER: Okay.
16 I'm just going to open up the floor to see if
17 any Board Members have any other questions for
18 the applicant.

19 VICE CHAIR SORG: One question,
20 Madam Chair. I'm just looking at the block
21 site plan that was provided.

22 It looks like there is a garage

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1 just behind the property that, from my
2 reading, maybe belongs to this 500 7th Street.

3 Can you describe who that belongs to and what
4 it is? It's quite large looking.

5 MR. SMITH: Sorry, yes. That is a
6 garage. It is owned by 500 7th Street. It's
7 a one-story garage that opens straight out
8 into the alley and our property backs right up
9 to it. We have a 3 foot right-of-way for the
10 other neighbors to walk past, so our fence
11 doesn't go all the way up to the back line.

12 VICE CHAIR SORG: And it's used
13 for parking?

14 MR. SMITH: Yes. I believe he
15 parks his truck there and also he is a
16 contractor. I believe he also stores
17 materials there as well. He has actually been
18 renovating his own house.

19 VICE CHAIR SORG: Got it. Thanks.

20 MEMBER TURNBULL: So you don't
21 have access to the alley per se?

22 MR. SMITH: We have a 3 foot

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1 right-of-way, so we can kind of --

2 MEMBER TURNBULL: Oh.

3 MR. SMITH: -- walk and just get
4 around the corner in the alley.

5 MEMBER TURNBULL: Oh, I see.

6 MR. SMITH: So, yes, there is a --
7 for the other neighbors on 7th -- I'm sorry,
8 on E closer to 7th, there is a little walkway
9 that runs around and we can -- because of that
10 setback, we can just get around the corner out
11 into the alley by walking.

12 MS. SCHOELEN: We have no vehicle
13 access to the alley.

14 MEMBER TURNBULL: Okay. You are
15 only putting on a screened porch?

16 MS. SCHOELEN: That's correct,
17 sir.

18 MEMBER TURNBULL: I was wondering
19 why you didn't go for an all weather, all year
20 around structure? I mean, it's your choice.
21 I'm just curious here.

22 MS. SCHOELEN: We really want to

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1 be outside and to be honest, the mosquito
2 problem has been very bad in the last few
3 years and so we haven't been able to enjoy the
4 outside space that we do have, which was very
5 important to us in buying our lot, our home.

6 And so this is a way for us to be
7 outside and get to enjoy being outside and we
8 actually want to make it as airy and screeney
9 as possible and not be a closed in structure.

10 MEMBER TURNBULL: Okay.

11 MS. FOWLER: There's also a very
12 nice tree in the backyard. A very large tree.

13 MEMBER TURNBULL: Yes.

14 MS. FOWLER: And they have been
15 working with an arborist for years trying to
16 make sure that the tree stays healthy and
17 that's going to be something we are going to
18 make sure continues with construction.

19 MEMBER TURNBULL: Yes, okay.
20 Thank you.

21 MEMBER JORDAN: Is it going to
22 kind of look like your neighbors on the other

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1 side? They have a screened in porch, don't
2 they?

3 MR. SMITH: Yes. I mean, it will
4 be roughly the same size, maybe a little bit
5 deeper, but not as wide.

6 MS. SCHOELEN: Also, it will be
7 more open. He has sort of wall up halfway and
8 I think ours will be as much screen as
9 possible.

10 MS. FOWLER: And we also have a
11 roof. There is a deck above this screened
12 porch that we are proposing. The neighbors
13 does not have a deck on the top.

14 CHAIRPERSON MOLDENHAUER: Any
15 existing Board questions?

16 Then, at this point in time, I'll
17 conclude, unless there is any additional
18 comments from the applicant?

19 MS. FOWLER: I don't think we have
20 anything additional. Thank you so much for
21 your time.

22 CHAIRPERSON MOLDENHAUER: Then

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1 I'll look into the audience to see if there is
2 any individuals in support or in opposition to
3 this case?

4 Seeing none, then I'll turn to the
5 Office of Planning for their report.

6 MR. JACKSON: Good morning, Madam
7 Chair and Members of the Board. My name is
8 Arthur Jackson with the D.C. Office of
9 Planning. You have our report before you and
10 I will stand on the record and, essentially,
11 go through and just state that we recommend
12 approval of the proposal as presented.

13 And for 223 relief from ' 401 for
14 the lot width and area, ' 406 from the minimum
15 court area, which would be too small, too
16 narrow, from ' 403 for the lot occupancy to
17 allow a 70 percent lot occupancy in this case
18 and from 201.3 because the proposal would
19 extend an existing lot conformity.

20 Thank you. That concludes a brief
21 summary of the Office of Planning's report.

22 CHAIRPERSON MOLDENHAUER: Thank

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1 you very much, Mr. Jackson. And is there any
2 questions from the applicant of Office of
3 Planning?

4 MS. FOWLER: No, thank you.

5 CHAIRPERSON MOLDENHAUER: Do any
6 Board Members have any questions for the
7 Office of Planning? Seeing none, than you
8 very much.

9 Then, at this point in time, we
10 will turn to see if there is anybody in the
11 audience from ANC-6C? Seeing no one, I'll
12 just indicate that we have a letter in our
13 record, which is our Exhibit 22, which
14 indicates that at a duly noticed and regularly
15 scheduled meeting, ANC-6C voted with a quorum
16 present 8-0 to support the application. And
17 they indicated also that they had the letters
18 of support from the adjoining property owners.

19 I'll also just indicate for the
20 record that we have a letter from the Capitol
21 Hill Restoration Society, Exhibit 24,
22 recommending approval. And we also have a

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1 letter of no objection from the Department of
2 Transportation, Exhibit 25.

3 That being said, I'll turn back to
4 the applicant to see if there is any closing
5 remarks.

6 MS. FOWLER: I don't think so.
7 Thank you so much.

8 CHAIRPERSON MOLDENHAUER: All
9 right.

10 MS. FOWLER: Thank you for your
11 time.

12 CHAIRPERSON MOLDENHAUER: Thank
13 you. Now, at this point in time, we will
14 conclude the hearing and we will enter into
15 deliberation.

16 That being said, I think we have a
17 very straightforward case. As Commissioner
18 Turnbull indicated, this is just a porch.
19 It's nothing larger than that. I think this
20 is a very simple case before us for 223
21 relief.

22 We have letters of support from

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1 neighboring property owners. We have a letter
2 of support from Office of Planning, from the
3 ANC and from DDOT and from the Capitol Hill
4 Historic Society.

5 That being said, I would be in
6 support of this application as well. I think
7 that the applicant has satisfied all the
8 standards for 223. I'll open up the floor for
9 any addition deliberation.

10 VICE CHAIR SORG: I don't have
11 anything to add, Madam Chair. I agree with
12 you and I also would applaud the applicant for
13 preserving this very nice tree in their
14 backyard.

15 CHAIRPERSON MOLDENHAUER: Yes.

16 VICE CHAIR SORG: And I would
17 support a motion for approval.

18 CHAIRPERSON MOLDENHAUER:
19 Wonderful then. I'll submit a motion, a
20 motion to approve Application 18316, pursuant
21 to 11 DCMR 3104.1, for a special exception to
22 build a one-story porch addition on the rear

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1 of an existing one-family dwelling under '
2 223, not meeting the lot occupancy under '
3 403, the court requirements under ' 406, the
4 minimum lot width and lot size under 401 and
5 the nonconforming structure under 2001.3
6 requirements in the R-4 District at premises
7 658 E Street, N.E.

8 A motion has been made. Is there
9 a second?

10 VICE CHAIR SORG: Second.

11 CHAIRPERSON MOLDENHAUER: A motion
12 has been made and seconded.

13 All those in favor say aye.

14 ALL: Aye.

15 MR. MOY: Staff would record the
16 vote as 5-0-0. This is on the motion of
17 Chairperson Moldenhauer to approve the
18 application for special exception relief under
19 ' 223, also not meeting ' 403, 406, 401 and '
20 2001.3. Seconding the motion Ms. Sorg. Also
21 in support of the motion are Mr. Turnbull, Mr.
22 Jordan and Mr. Hinkle.

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1 Again, the final vote is 5-0-0.
2 The motion carries.

3 CHAIRPERSON MOLDENHAUER: Thank
4 you very much, Mr. Moy. Seeing that there is
5 no opposition in this case, we would like to
6 waive our requirements and ask that a summary
7 order be issued.

8 MR. MOY: Yes, thank you.

9 CHAIRPERSON MOLDENHAUER: Thank
10 you.

11 MS. FOWLER: Thank you.

12 CHAIRPERSON MOLDENHAUER: Before
13 we call the next case, I think there is a
14 whole bunch of people that weren't here at
15 9:30 when we initially had the oath
16 administered. So why don't I ask everybody
17 who has not already had the oath administered
18 to, please, stand if you plan to testify
19 today, and so Mr. Moy will administer the
20 oath.

21 (Whereupon, witnesses were sworn.)

22 MR. MOY: You may consider

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1 yourself under oath.

2 CHAIRPERSON MOLDENHAUER: Thank
3 you very much, Mr. Moy. And I guess we can
4 call the last case for this morning.

5 MR. MOY: Yes, indeed. Thank you.

6 That would be Application No. 18309. This is
7 the application of Jubilee Housing, Inc.,
8 pursuant to 11 DCMR 3104.1, for a special
9 exception to allow a child development center.

10 This is for 80 infants and children and 15
11 staff persons under ' 205, and a special
12 exception to allow a community center, rather
13 a community service center serving 35 high
14 school-aged children under ' 209, in the D/R-
15 5-B District on the ground floor of premises
16 1474 Columbia Road, N.W. The property is
17 located in Square 2669, Lot 825.

18 CHAIRPERSON MOLDENHAUER: Good
19 morning. If the applicant and witnesses can
20 introduce themselves for the record?

21 MR. UTZ: Sure. I'm Jeff Utz of
22 Goulston & Storrs, counsel for Jubilee

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1 Housing.

2 MR. KNIGHT: My name is Jim
3 Knight. I'm the Executive Director at Jubilee
4 Housing.

5 MS. MILANOVICH: I'm Jami
6 Milanovich with Wells & Associates, the
7 transportation consultant for the project.

8 MS. MARCA: Jennifer Marca with
9 Bonstra Haresign Architects.

10 MR. BONSTRA: Bill Bonstra,
11 Bonstra Haresign Architects.

12 CHAIRPERSON MOLDENHAUER: Good
13 morning. I've got a whole bunch of different
14 questions for this application, but I think
15 what we can do is if you can maybe just start
16 off by presenting a summary of the case and
17 then maybe providing us a little bit of
18 history. I think it was not specifically
19 clear in the record as to whether or not your
20 existing facilities are going to remain or if
21 this is going to replace all the existing
22 facilities.

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1 And then I have some questions
2 specifically about parking and transportation.

3 So I know we will get to that during that,
4 you know, course of the program.

5 MR. UTZ: Okay.

6 CHAIRPERSON MOLDENHAUER: So that
7 being said, I'll turn it back to you, Mr. Utz,
8 to present.

9 MR. UTZ: Great. Thanks.

10 MS. GLAZER: Madam Chair?

11 MR. UTZ: Again --

12 CHAIRPERSON MOLDENHAUER: Yes?

13 MS. GLAZER: Sorry to interrupt,
14 but I believe there is a preliminary issue in
15 this application --

16 CHAIRPERSON MOLDENHAUER: Yes.

17 MS. GLAZER: -- as to relief. The
18 section that was cited in the caption and read
19 by Mr. Moy was ' 209, I believe. 209, and the
20 application appears to have been amended by
21 the applicant. Maybe the applicant can
22 address that.

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1 MR. BONSTRA: Yes.

2 CHAIRPERSON MOLDENHAUER: Yes, I
3 appreciate that. Thank you so much for
4 catching that. So if we can first address
5 that?

6 MR. UTZ: Sure. Thank you.
7 That's correct. This application requests two
8 different areas of relief, both special
9 exceptions. ' 205 is for the child
10 development center, that didn't change.

11 But the application was initially
12 filed to request relief from ' 209, which is
13 the community center, and we amended that
14 subsequently to be relief from ' 334.1 for the
15 community service center, since the Teen
16 Renaissance Center and the Family Resource
17 Center fall closer to within -- well, within
18 the definition of community service center.

19 So the relief here would stem from
20 ' 334.1.

21 CHAIRPERSON MOLDENHAUER: And now,
22 can you just address the fact as to why you

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1 don't think that there would be initial notice
2 requirements required in that?

3 MR. UTZ: Well, we, basically,
4 notified the community with a quite a bit of
5 time in December of last year and all the
6 postings on the property were always for what
7 we are requesting now, ' 205 and ' 334 relief.

8 And we provided copies of the
9 amendments to the relief to the ANC as well.

10 CHAIRPERSON MOLDENHAUER: Ms. Sorg
11 was just identifying that the ANC had
12 indicated the proper relief that was being
13 sought.

14 I have no issue with the amendment
15 and so we will accept the amended relief and
16 we can then move forward in this case.

17 That being said, if you can
18 continue at this point? Thank you.

19 MR. UTZ: Sure. Okay. Thank you.

20 Good morning. Again, I'm Jeff Utz with
21 Goulston & Storrs. I'm here on behalf of
22 Jubilee Housing. Thank you very much for

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1 letting us come before you this morning.

2 Let's see, let me just go directly
3 into some of the specifics about what we are
4 requesting.

5 As I just mentioned, this is a
6 request for two special exception approvals.
7 There are three community serving uses,
8 essentially, within those two requests.

9 The first would be Jubilee
10 Jumpstart, which is a child development
11 center. It would be, approximately, 6,900
12 square feet, serve a maximum of 70 children at
13 any one time and have, approximately, 25
14 employees to care for that number of children.

15 In addition -- and that would be
16 the child development center special exception
17 under ' 205.

18 In addition, the two uses that
19 would be hopefully approved under the ' 335 or
20 I'm sorry, ' 334 relief as community service
21 centers would be the Teen Renaissance Center
22 and the Family Resource Center.

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1 The Teen Renaissance Center is an,
2 approximately, 3,500 square foot space for
3 about -- well, a maximum of 30 students and
4 four staff to look after those students. And
5 then the remaining special exception is the
6 730 square foot Family Resource Center, which
7 would have a maximum of two employees at any
8 one time, although they are not full-time
9 employees. In this space, they actually come
10 from Jubilee's office down the road and would
11 come to the space when appointments require.

12 Over the -- this would all take
13 place on the terrace level, the ground floor
14 of this building. Over this space, there are
15 four levels of housing. What currently exists
16 is 66 residential units and those would be
17 renovated into 64 residential units and
18 maintained.

19 There is no expansion to this
20 building contemplated by this application. It
21 would all take place within the footprint and
22 envelope of the existing building. I should

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1 also mention that this building was recently
2 approved or designated as an historic landmark
3 by the Historic Preservation Review Board. It
4 was built in 1923 and the name of it is
5 actually The Maycroft. And that just recently
6 occurred.

7 So this is always going to be
8 under the purview of the Historic Preservation
9 Office and, actually, the National Park
10 Service as well due to some tax credit issues.

11 I think you asked specifically
12 about kind of what happens to the existing
13 Jubilee programs. So I would like to turn it
14 over to Jim Knight, the Executive Director for
15 Jubilee Housing, to give an overview of what
16 the programs are and maybe even a little more
17 detail than I gave about what the three uses
18 are that I just enumerated.

19 MR. KNIGHT: Thank you, Jeff. And
20 good morning. I thank you all for the
21 opportunity to be before you.

22 A little bit of Jubilee Housing

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1 history and then the specific questions you
2 asked. You know, we can talk forever about
3 our programs. I'll try to be really short and
4 let you ask your questions as you want to know
5 more.

6 Jubilee Housing has been around
7 almost 40 years. Our principal mission is to
8 provide affordable rental housing and then a
9 host of support services that assist families
10 who are part of the housing. We have
11 currently 10 properties primarily in the Adams
12 Morgan neighborhood. This is our first
13 property on the other side of 16th Street
14 totalling 290 units, over 700 people.

15 One of the hallmarks of our
16 mission is that the housing is the beginning
17 point. And that people who are overcoming low
18 income and other challenges often, like any
19 other people, need additional opportunities to
20 thrive. And so we have co-located services
21 within the properties, within the neighborhood
22 at-large. And, you know, for three decades,

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1 residents have had access to certain kinds of
2 services that are provided within Jubilee
3 properties and others that are part of a
4 sister group of nonprofits in the
5 neighborhood.

6 This current project: In addition
7 to expanding and adding 66 units to our
8 affordable portfolio, retaining them as
9 affordable in Columbia Heights where there is
10 almost nothing left that fits that
11 description.

12 The other attractive part of this
13 property was the large amount of terrace space
14 and the opportunity for us to put additional
15 supports and services on that level.

16 You asked sort of the prior
17 programs and I'll try to describe how that has
18 all worked. The Board approved, a few years
19 ago, a similar use exception for Jumpstart's
20 first center that is at 2525 Ontario Road.
21 That's a good bit more than 1,000 feet away
22 from The Maycroft.

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1 That program has been thriving now
2 for nearly three years. The wait list is
3 extensive. There is demand for more
4 opportunity. So with them, that's a separate
5 nonprofit Jubilee Jumpstart, but together we
6 have been looking for an opportunity to expand
7 that program. And if you grant that -- this
8 request, there will be the opportunity for
9 more families to receive that service.

10 The teen center a little more
11 complicated. Even a few years further back,
12 the Board approved some use exceptions in some
13 of our other multi-family buildings that
14 allowed us to create an after school/out-of-
15 school program presence in our properties. So
16 we have K through 12 in three different
17 centers. And the teen center currently sits
18 in 1631 Euclid Street.

19 A smaller space that is over-
20 subscribed where the wait list is perpetual, a
21 desire to expand and meet more of the need for
22 teens. So we have the K through 3, the 4

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1 through 6 and the 7 through 12 in three
2 different properties.

3 And right now, there is an
4 unevenness in the ability to serve people that
5 we can take more students in the 4 through 6
6 program than we can on either of the ends.
7 And that makes it hard for a family to start
8 and stay in the process until they finish.

9 So this reconfiguration would
10 allow us to increase the number of teens that
11 we can serve and would let us reallocate some
12 of the space, existing space, to better meet a
13 continuum so families can move through the
14 process as they age. So that's sort of the
15 rationale for why an expansion, why in The
16 Maycroft and how it relates to our other
17 services.

18 Do you want to ask further
19 questions about that or do you want me to go
20 on with some of the other presentation?

21 CHAIRPERSON MOLDENHAUER: No, I
22 think that that is clarified in regards to --

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1 let me just ask one question to make sure I
2 understand this.

3 For the Jubilee Jumpstart, you are
4 actually going to keep your existing location.

5 This is going to be an additional option.
6 And then for the 7 through 12, in regards to
7 the Teen Renaissance Center, this is going to
8 be a replacement of your current smaller
9 location?

10 MR. KNIGHT: Yes. It will move
11 one to the other.

12 CHAIRPERSON MOLDENHAUER: One to
13 the other. Okay.

14 MR. KNIGHT: So one remains, the
15 other moves.

16 CHAIRPERSON MOLDENHAUER: Okay.
17 Have you had any potential concerns or issues
18 with the Teen Renaissance Center at your
19 current location with neighbors or anything to
20 that effect?

21 MR. KNIGHT: No.

22 CHAIRPERSON MOLDENHAUER: No.

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1 MR. KNIGHT: It's an indoor
2 program. It takes place, basically, the same
3 way we have described it in this application.
4 Primary hours, 3:00 to 6:00 p.m.,
5 occasionally later as there might be special
6 events. Occasionally, weekend activity, but
7 mostly it is out of school time service.

8 And it's well-received by the
9 community, well-wanted and needed, so we
10 really have not faced any opposition around
11 that program at all.

12 CHAIRPERSON MOLDENHAUER: Okay. I
13 have no other questions for Mr. Knight. Do
14 any Board Members have any questions?

15 VICE CHAIR SORG: All right.
16 Thank you, Madam Chair. I'll just ask one
17 follow-up question, if I can, regarding the
18 operations of the current or original CDC, you
19 know, whether or not there have -- how that
20 operation has been going. The community has
21 been supportive. Whether or not there has
22 been any, you know, issues or adverse

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1 conditions related to that?

2 MR. KNIGHT: Yes. I'm not aware
3 of any adverse impact. There is no one here
4 in opposition. We have a family here who is
5 ready to talk about the need and the
6 importance of the Teen Renaissance Center.

7 The K through 12 continuum is
8 highly valued by residents. We serve
9 primarily Jubilee residents, but also open
10 enrollment for the larger community, so there
11 are all ages who are outside of our properties
12 and that has not seemed to be anything but
13 appreciated.

14 VICE CHAIR SORG: Thank you. And
15 one other question. Are there other community
16 services or amenities that are being provided
17 in this project in The Maycroft building?

18 MR. KNIGHT: The one other that I
19 didn't speak directly to is sort of the second
20 use, the community services space would have
21 two uses. The teen center and then the Family
22 Resource Center. That is a program that has

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1 been underway for about two years now. The
2 staff who are responsible for supporting
3 families are sort of doing it ad hoc in other
4 spaces.

5 And this -- approval of this
6 request would allow us to sort of concentrate
7 that activity and let it have a home base,
8 which would make it easier for residents and
9 families to take advantage of.

10 That service has a pretty far-
11 reaching sort of set of goals. It helps the
12 older kids with college preparation. We are
13 also joined by the coordinator of the teen
14 center and the back and we are proud that in
15 our three years of existence, three or four
16 years of existence, 100 percent of our teens
17 have graduated high school, have moved on to
18 college and are all still in college.

19 So it is a really powerful
20 foundation that is letting people move on and
21 pursue their life goals.

22 The resource center would, for

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1 instance, help people with getting familiar
2 with the application process to college, with
3 financial aid, navigating all of those
4 systems. It also has a specialty in helping
5 families adopt the right school for kids, in-
6 boundary schools are sometimes the best
7 option, but not always, and so we have staff
8 who are able to help families understand their
9 options and sift through that as well.

10 So that is a -- it's not a new
11 program, but it is formalizing some existing
12 work and giving it a home base.

13 VICE CHAIR SORG: Thank you. I
14 don't have any other questions.

15 MEMBER TURNBULL: Yes, thank you,
16 Madam Chair. Just so that I understand how
17 the building works, the day care has its own
18 entrance on Columbia Road up on the east wing?

19 MR. KNIGHT: Let me let you take
20 that, Bill.

21 MR. BONSTRA: This is the --

22 CHAIRPERSON MOLDENHAUER: I don't

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1 know if your microphone is on. Okay.

2 MR. BONSTRA: This is the terrace
3 level plan, the lower level plan. Currently,
4 under-improved. This is Columbia Road. This
5 is 15th Street. North is to the right. On
6 this drawing, north is up.

7 There is an entry here.

8 MEMBER TURNBULL: That's for the
9 renaissance center?

10 MR. BONSTRA: The teen center.

11 MEMBER TURNBULL: The teen center.

12 MR. BONSTRA: They can certainly
13 come in here and here and then there is a door
14 here for teen center.

15 MEMBER TURNBULL: Okay.

16 MR. BONSTRA: This is the teen
17 center here in yellow.

18 MEMBER TURNBULL: So --

19 MR. BONSTRA: There are two
20 existing doors --

21 MEMBER TURNBULL: Right.

22 MR. BONSTRA: -- along 15th Street.

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1 MEMBER TURNBULL: Yes. So the
2 teens are entering on 15th Street, no matter
3 what, for the most part?

4 MR. KNIGHT: Principally. I mean,
5 you know, some teens will live in the
6 building.

7 MEMBER TURNBULL: Okay.

8 MR. KNIGHT: They would most like
9 be coming down the elevator and come from the
10 internal part of the core.

11 MEMBER TURNBULL: Okay.

12 MR. KNIGHT: But multiple options.
13 Some would also still come to the front door.

14 MEMBER TURNBULL: Yes, okay. I
15 was just concerned. I mean, the day care
16 center is going to service primarily the
17 residents in the building?

18 MR. KNIGHT: Probably a little bit
19 of an overstatement. We will certainly have a
20 preference for --

21 MEMBER TURNBULL: Okay.

22 MR. KNIGHT: -- residents in the

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1 building. We have the other seven apartment
2 buildings in walking distance and so a number
3 of the households will come from other Jubilee
4 properties and then a number will be from the
5 surrounding neighborhood.

6 MEMBER TURNBULL: Where would be
7 the drop-off point? I mean, are children
8 going to be walked to school? Will they be in
9 cars or parents --

10 MR. KNIGHT: Well, we are prepared
11 to describe that in detail, if this is the
12 time?

13 MR. UTZ: Sure.

14 MEMBER TURNBULL: Oh, as we go on?

15 MR. KNIGHT: Sure. We can turn it
16 over to our traffic expert.

17 MEMBER TURNBULL: Oh, okay. Well,
18 no. Let me -- the bike storage. I see a bike
19 storage area for about -- it looks like there
20 is five or seven bikes. I'm not sure.

21 MR. KNIGHT: Yeah, and I was
22 trying to direct my comments to --

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1 MEMBER TURNBULL: Okay.

2 MR. KNIGHT: -- your earlier --

3 MEMBER TURNBULL: Let's go on then
4 with your further discussion.

5 CHAIRPERSON MOLDENHAUER: And,
6 obviously, you know, Mr. Turnbull, if you
7 would like to ask any questions, I mean,
8 that's fine. You know, just jump in.

9 MEMBER TURNBULL: Yes.

10 MR. KNIGHT: Yes, but I just don't
11 feel like I have done much of a good job of
12 the general description of how or where his
13 questions are going. We can just go question-
14 by-question --

15 MEMBER TURNBULL: Well, let's go
16 on.

17 MR. KNIGHT: -- if that's the
18 preference.

19 CHAIRPERSON MOLDENHAUER: What we
20 can do, are you going to talk about --

21 MEMBER TURNBULL: I thought we
22 were having an abbreviated presentation or

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1 what?

2 CHAIRPERSON MOLDENHAUER: I
3 thought probably it would be best an
4 abbreviated presentation.

5 MEMBER TURNBULL: Okay. Okay.

6 MR. KNIGHT: Okay. Sure. Then
7 let's just stay with the question then.

8 CHAIRPERSON MOLDENHAUER: Yes.

9 MEMBER JORDAN: Well, before we go
10 on, you said there are seven Jubilee
11 properties in the area. Are those Jubilee-
12 owned properties or Jubilee-managed
13 properties?

14 MR. KNIGHT: A complicated
15 question. We use tax credit financing in most
16 of our projects, so there are limited
17 partnerships that own the properties.

18 MEMBER JORDAN: Okay. Understand.

19 MR. KNIGHT: We are the general
20 partner and we manage them.

21 MEMBER JORDAN: All right. Those
22 that are not part of a Jubilee limited

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1 partnership, those that you contracted with
2 third-parties to manage the facilities, are
3 they -- is that included in the seven?

4 MR. KNIGHT: Jubilee is either the
5 general partner or the outright owner of the
6 properties that we manage.

7 MEMBER JORDAN: So you are no
8 longer managing third-party properties?

9 MR. KNIGHT: We are a part of the
10 other party.

11 MEMBER JORDAN: Okay.

12 MR. KNIGHT: So technically, no.

13 CHAIRPERSON MOLDENHAUER: Mike,
14 are a lot of your questions going to be
15 focused on traffic and design?

16 MEMBER TURNBULL: No. I guess I
17 just wanted -- I know you are looking for --
18 on the day care it's 70, it's designed for 70
19 children and you have a staff of 25. Is that
20 a normal ratio, that staffing?

21 MR. KNIGHT: That ratio is a
22 little bit staff intensive. Our model exceeds

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1 the minimum requirements for student to staff
2 ratio, but it is based largely on the
3 requirements that OSSE articulates in its
4 code. So that ratio is maybe three or four
5 teachers heavier than might be the minimum
6 requirement.

7 But one comment in general as we
8 move into the specifics to your question, it
9 is a neighborhood-based facility.

10 MEMBER TURNBULL: Okay.

11 MR. KNIGHT: The existing
12 Jumpstart facility serves virtually all
13 families in a very near vicinity, so there is
14 -- our experience has been very little auto
15 traffic to the existing facility. Most people
16 are pushing strollers, are carrying children
17 and dropping them off.

18 Obviously, Jami's study goes into
19 the detail of that a little bit further.

20 MEMBER TURNBULL: Yes.

21 MR. KNIGHT: So in terms of, you
22 know, the difference between the spirit and

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1 the technical, she will respond to the
2 technical. In the spirit, these are people
3 who live in the vicinity, not to say they
4 never drop-off with a car.

5 MEMBER TURNBULL: Yes.

6 MR. KNIGHT: But most people are
7 bringing children. Staff is much the same
8 way. There lives nearby a number of staff
9 members live in Jubilee properties. Many or
10 most use public transportation. So there is a
11 very light vehicle load, from our perspective,
12 to these uses and she can spell it out in
13 greater detail. Would you like that now?

14 CHAIRPERSON MOLDENHAUER: Let me
15 just see if there is any other questions.

16 MEMBER TURNBULL: Well, no. I
17 guess getting -- I mean, my one question on
18 the entrances to the different parts of the
19 facility is that you really don't have a
20 concern then about -- I mean, I was talking
21 with the separation of the day care, the teen
22 center, you know, and then the residents.

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1 And the flow of people, I mean. I
2 mean, obviously, you have got residents who
3 have kids, there are teens, there is day care.

4 So you are going to have a cross-mix of
5 people coming in and out. So I was just
6 wondering how you --

7 MR. KNIGHT: I understand it a
8 little better. Let me take another shot at
9 it. Most of the traffic will come into the
10 courtyard into the front of the building.

11 MEMBER TURNBULL: Okay.

12 MR. KNIGHT: That would be the
13 residents primary access to the building.

14 MEMBER TURNBULL: Yes.

15 MR. KNIGHT: They could use their
16 key fob and come in on the 15th Street
17 entrance that Bill was showing a moment ago.

18 MEMBER TURNBULL: Right.

19 MR. KNIGHT: But most general
20 resident flow will be through the courtyard
21 entrance.

22 MEMBER TURNBULL: The front door.

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1 MR. KNIGHT: The Jumpstart flow
2 will -- foot traffic and foot drop-off will
3 occur on the Columbia Road entrance. We have
4 worked with DDOT considerably and OP to talk
5 about a drop-off location, vehicular drop-off.

6 MEMBER TURNBULL: Right.

7 MR. KNIGHT: And because of the
8 pressures on Columbia Road, that has been
9 setup to occur on 15th Street. So you will
10 note in the application, DDOT is supporting
11 two 15 minute parking spots that are available
12 during the peak hours where vehicular traffic
13 can pull into that spot, let children out the
14 door on 15th Street.

15 MEMBER TURNBULL: Okay.

16 MR. KNIGHT: They could either
17 walk around to the Jumpstart entrance or they
18 could go inside through the 15th Street
19 entrance. I think we will work on that
20 programmatically and see which ends up to be
21 the better option. But the vehicular drop-off
22 is on the 15th Street corner where there is

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1 less pressure, vehicular pressure.

2 But Jami is, obviously, the one
3 who can speak better to that.

4 MEMBER TURNBULL: Okay. Madam
5 Chair, I'm willing to relinquish my time for a
6 while.

7 CHAIRPERSON MOLDENHAUER: I was
8 just going to see if there is any other
9 questions for Mr. Knight before we move on to
10 an explanation of the traffic patterns and
11 things to that effect.

12 MEMBER TURNBULL: I guess the only
13 other question I had, and I was looking at the
14 bike -- for the teens, how many -- I mean, do
15 you expect teens riding bikes to the center?
16 I mean, do teens still do that? I guess we
17 are getting back into more of a bike mode.
18 And I'm wondering how many more -- is there
19 enough bike space there for --

20 MR. KNIGHT: I think that's a good
21 question. In addition to the spots set up in
22 the property, in the garage, DDOT has asked

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1 that we put a visitor stand on 15th Street as
2 well.

3 MEMBER TURNBULL: Okay.

4 MR. KNIGHT: And if that passes
5 everybody else's approval, we will do that.
6 So there will be extra bike drop spots. But
7 historically, we have not had much bike usage
8 from our teen center or any age group --

9 MEMBER TURNBULL: Yes.

10 MR. KNIGHT: -- to date. That may
11 change over time, but it hasn't been a highly
12 chosen mode of transportation.

13 MEMBER TURNBULL: Well, one of my
14 colleagues on the Zoning Commission bikes
15 everywhere. He bikes to the Zoning Commission
16 hearings. So I mean, it's getting to be more
17 prevalent. I mean, people are doing it. So,
18 I mean, one of the big concerns is providing
19 enough bike space for everybody.

20 MR. KNIGHT: Yes.

21 MEMBER TURNBULL: Yes. Thank you.

22 CHAIRPERSON MOLDENHAUER: Well, I

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1 think you said not a lot of the teens
2 currently bike. How do most teens get to the
3 center?

4 MR. KNIGHT: Most walk. Most walk
5 either from their residence, which is very
6 close or they are coming from school, so it's
7 off and on the bus or via Metro.

8 CHAIRPERSON MOLDENHAUER: All
9 right.

10 MR. UTZ: And I think the relevant
11 school is a block north from this site. Isn't
12 that the kind of main source of students going
13 to be -- I think it's a block and a half
14 north.

15 CHAIRPERSON MOLDENHAUER: What's
16 the public school that is in the vicinity?

17 MR. KNIGHT: Bell.

18 CHAIRPERSON MOLDENHAUER: Bell?

19 MR. KNIGHT: Bell Multi-Cultural.

20 CHAIRPERSON MOLDENHAUER: Bell,
21 okay. And this that going to be a closer
22 location? This would be closer then --

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1 MR. KNIGHT: That would be closer
2 to The Maycroft --

3 CHAIRPERSON MOLDENHAUER: -- the
4 current existing location.

5 MR. KNIGHT: -- existing.
6 Correct.

7 CHAIRPERSON MOLDENHAUER: Okay.

8 MEMBER TURNBULL: You know, I
9 guess, I was just curious. Up to the age of
10 12 it's the thing to do. But then from like
11 13 to 18, it's like it might not be that cool
12 to ride your bike.

13 CHAIRPERSON MOLDENHAUER: A little
14 more skateboarding.

15 MEMBER TURNBULL: After you get --

16 CHAIRPERSON MOLDENHAUER: Or other
17 kinds of --

18 MEMBER TURNBULL: Once you go to
19 college and you are 19 and above, it's like
20 well, yeah, you've really got to do this. So,
21 I mean, I was just curious on how much. I
22 mean, I can remember when I was in high

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1 school, it was like you don't want to ride
2 your bike any more, you know. It was like --
3 so I don't know if that's still prevalent or
4 how you allow or how you consider that.

5 MR. KNIGHT: If you don't mind me
6 cheating, I'm going to look back at Anton and
7 see if I'm accurate so far. Not much usage.

8 CHAIRPERSON MOLDENHAUER: Okay.
9 Well, I appreciate that and I think we want to
10 make sure that, obviously, we understand the
11 needs of the individuals and the students that
12 are going to be using the facilities and how
13 that then relates to the community.

14 Well, then, at this point in time,
15 I think why don't we -- there may be one more
16 question.

17 VICE CHAIR SORG: Madam Chair, I'm
18 not sure if it's better to hold this question
19 until later or not, I think we are going to
20 start getting into the traffic impacts, but
21 regarding the drop-off area, the proposed
22 drop-off area on 15th Street, I just wanted to

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1 clarify a little bit.

2 There you would be depending on
3 the parents. There would be two spots, 15
4 minute spots, I think, based on the
5 conversations that we see in our record,
6 between you and DDOT. The parents would park
7 in those spots and walk around to the day care
8 entry on Columbia Road. Is that the
9 intention?

10 MR. KNIGHT: Yes.

11 VICE CHAIR SORG: Okay. Sometimes
12 in child development center cases that we see,
13 the centers post staff when the parking and
14 drop-off area is not clearly adjacent to the
15 entrance. Sometimes these CDCs, especially
16 when they are starting up in a new area, will
17 post staff at the parking areas, so that the
18 children can be walked around.

19 And I think, in my mind, you know,
20 that's pretty much to get around any possible
21 sort of adverse impact that would be -- come
22 from, you know, the inability to control, you

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1 know, parking on Columbia Road.

2 For example, which in rush hour
3 is, you know, a nightmare. Is that something
4 that is under consideration?

5 MR. KNIGHT: Yes. It was both
6 recommended by DDOT and accepted readily by
7 us. I'm going to let Jami talk to the merits
8 of it.

9 VICE CHAIR SORG: All right.
10 Thank you.

11 CHAIRPERSON MOLDENHAUER: I think
12 just before Jami does get into that, I think,
13 to me, that's something that we will ask you,
14 Mr. Knight, about in regards to conditions and
15 make sure once we hear more from Jami and we
16 kind of get into that dialogue, I think that
17 we will go back to you. Just so you know,
18 you're not off the hot seat yet.

19 But we will go back and we will
20 talk a little bit about what conditions, you
21 know, you would be willing to accept in that
22 regard. Because I did see it in the DDOT

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1 report in that regard. They say that it's
2 very important. I think that we will talk a
3 little bit more about that, but we will now go
4 to Wells & Associates and hear their analysis
5 of the traffic impact.

6 MS. MILANOVICH: Yes. And as I
7 was sitting here listening to some of the
8 questions, I was going to attempt to start to
9 just try to address the questions, but I think
10 if it's okay with you, I'll go ahead with the
11 testimony I have prepared and I think that
12 will answer a lot of your questions, if not
13 all of them.

14 CHAIRPERSON MOLDENHAUER: I think
15 that that would be helpful.

16 MS. MILANOVICH: Okay.

17 CHAIRPERSON MOLDENHAUER: Because
18 I think a lot of our issues are about traffic
19 and I think that that would be helpful with a
20 broader presentation.

21 MS. MILANOVICH: Okay. Good.

22 CHAIRPERSON MOLDENHAUER: Thank

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1 you.

2 MS. MILANOVICH: My testimony will
3 focus on the traffic and parking impacts
4 associated with the three proposed community
5 uses, specifically the Jumpstart Early
6 Childhood Development Center, the Teen
7 Renaissance Center and the Family Resource
8 Center.

9 In order to accommodate parents
10 that are dropping off or picking up children
11 at the proposed Jumpstart center, the parking
12 lane on 15th Street adjacent to The Maycroft
13 building would be restriped to provide four
14 parking spaces. And I'm not -- would you mind
15 pointing out the -- my pointer is not working
16 from here.

17 So that area shows the four
18 parking spaces. Currently, there are three
19 spaces there. We have worked with DDOT to
20 restripe those to be four spaces. Two of
21 those four spaces would be signed from 7:00
22 a.m. to 9:30 a.m. and from 3:30 to 6:30 p.m.

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1 to be 15 minute parking for the Jumpstart
2 pick-up/drop-off operation.

3 The other two spaces would be
4 parking 24 hours a day, seven days a week.

5 Jumpstart itself, as Jim has
6 indicated, is a community-based facility. As
7 such, it will largely serve the residents of
8 The Maycroft building and the immediate
9 surrounding area.

10 By virtue of the building being
11 community-based, it will generate very few
12 vehicle trips. Many of the students will be
13 walked to the center, some will utilize public
14 transportation.

15 To determine the number of vehicle
16 trips that would be generated by the
17 Jumpstart, we actually evaluated the existing
18 Jumpstart that is located at 2525 Ontario Road
19 to determine the number of vehicles that it
20 generates and then we increased that trip
21 generation proportionally to account for the
22 fact that The Maycroft facility would have 20

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1 additional children beyond what is at the
2 Ontario Road facility.

3 So based on this analysis, what we
4 determined was that 11 vehicles would use the
5 proposed pick-up/drop-off area on 15th Street
6 during the a.m. peak hour between 8:00 a.m.
7 and 9:00 a.m., eight vehicles would use the
8 pick-up/drop-off zone during the afternoon
9 peak hour of the center between 3:00 p.m. and
10 4:00 p.m. and just three vehicles would use
11 the pick-up/drop-off zone during the evening
12 commuter peak hour between 6:00 and 7:00.

13 Taking into account the trips
14 generated by the drop-off/pick-up operation
15 and the trips generated by faculty and staff,
16 the proposed Jumpstart center would generate
17 just 28 trips during the a.m. peak hour, 15
18 trips during the peak hour of the center and 9
19 trips during the commuter peak hour.

20 Those trips that occur at the
21 pick-up/drop-off area would be extended over a
22 period of time, so it is anticipated that the

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1 maximum queue would never be more than three
2 to four vehicles.

3 Similar to the existing Ontario
4 Road facility, these maximum queues would
5 occur only for very short periods of time. In
6 fact, during the a.m. peak hour for less than
7 20 minutes, the queue would exceed two
8 vehicles and during the p.m. peak hour, the
9 queue would only exceed two vehicles for about
10 30 minutes.

11 Since there are two spaces
12 designated for the pick-up/drop-off operation
13 and really the way that came about, we wanted
14 to preserve as much parking as possible and
15 that's why the two -- only the two spaces are
16 being designated.

17 So if there are times when those
18 two spaces are occupied, parents would be
19 required to find an on-street parking space to
20 utilize when they do the drop-off/pick-up.

21 And part of the management of that
22 drop-off/pick-up zone will be the

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1 Transportation Management Plan that Jubilee
2 has agreed to commit to. And as you have
3 indicated, one of DDOT's requests was for a
4 staff person to monitor that drop-off/pick-up
5 area, which they have agreed to do during the
6 peak hours.

7 And that person will be
8 responsible for ensuring that parents don't
9 double park on the street and that they are
10 efficiently using the drop-off/pick-up zone,
11 they are continuing on once they are done
12 dropping off or picking up their child.

13 Some of the other elements of the
14 Transportation Management Plan that are being
15 put in place to mitigate the impact of the
16 proposed facility, employees of the Jumpstart
17 will be offered a \$25 SmarTrip card at the
18 time of hire. And based on a request from
19 DDOT, employees may choose a complimentary one
20 year Capital Bikeshare membership in lieu of
21 that SmarTrip card, if they choose.

22 There are shower and changing --

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1 CHAIRPERSON MOLDENHAUER: Can I
2 just jump in to make sure I understood what
3 you --

4 MS. MILANOVICH: Sure.

5 CHAIRPERSON MOLDENHAUER: -- I
6 heard you say? DDOT recommended a \$50
7 SmarTrip card, but you are saying \$25?

8 MS. MILANOVICH: Right.

9 CHAIRPERSON MOLDENHAUER: I just
10 wanted to make sure that I -- I mean, I'm
11 looking at my notes and I'm looking at the
12 DDOT report.

13 MR. KNIGHT: Yes, I mean, it is
14 both Jubilee's intent to comply with the
15 request. We do have limited resources. We
16 raise these dollars carefully and so we have
17 tried to measure the response by our capacity
18 to commit and deliver.

19 MEMBER JORDAN: And that was one
20 \$25 card? Not every month, just one \$25 card.

21 MS. MILANOVICH: At hire.

22 MEMBER JORDAN: At hire.

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1 MS. MILANOVICH: That's correct.
2 At hire.

3 MEMBER JORDAN: Yes.

4 MS. MILANOVICH: And the idea is
5 that once they are hired, they would have the
6 option of trying transit. The theory is if
7 they try it, they like it, they see how
8 convenient it is and then they would continue
9 that practice.

10 CHAIRPERSON MOLDENHAUER: Okay.

11 MS. MILANOVICH: There are shower
12 and changing facilities at the existing
13 headquarters that's just two blocks away and
14 those shower and changing facilities would be
15 open for Jumpstart employees to use, should
16 they choose to walk or bike to work.

17 In terms of notifying parents,
18 they will be notified through their Parents'
19 Handbook of the transportation procedures,
20 which include children may be dropped off and
21 picked up only during the designated times.
22 If unoccupied, the designated zone on 15th

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1 Street must be used.

2 When parking for more than 15
3 minutes if a parent has to run in and speak
4 with a teacher and they anticipate being there
5 more than 15 minutes, they are required to use
6 a parking space, rather than the drop-off/
7 pick-up zone. And parents will not be
8 permitted to double park on 15th Street or
9 Columbia Road. And again, the staff person
10 and/or volunteers would be present to make
11 sure that that doesn't happen.

12 As I said, these transportation
13 policies would be included in the Parents'
14 Handbook. Additionally, they will be
15 reinforced through a quarterly letter or a
16 flyer that will be sent to all staff and all
17 parents reminding them of the transportation
18 policies.

19 Also, Jumpstart will provide a map
20 to parents showing the on-street parking
21 restrictions in the vicinity, as well as
22 locations of off-site public parking areas.

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1 MEMBER TURNBULL: Is the parking
2 in the RPP?

3 MS. MILANOVICH: For the most
4 part, yes, it's RPP.

5 MEMBER TURNBULL: For the most
6 part.

7 MS. MILANOVICH: Yes.

8 MEMBER TURNBULL: Okay.

9 MS. MILANOVICH: In terms of the
10 Teen Renaissance Center, like the Jumpstart
11 center, the Teen Renaissance Center will serve
12 the immediate community, thereby limiting the
13 number of vehicles to and from the site. The
14 teens that are served by this center generally
15 live nearby or in the building and use non-
16 auto modes of transportation.

17 The teens by and large are not
18 driving-age, so they don't -- won't be driving
19 their own vehicles to the site. And so,
20 therefore, the teens themselves are not
21 anticipated to generate any vehicle trips to
22 the site.

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1 There will be some staff for the
2 teen center. Like the Jumpstart center, many
3 of them will utilize public transportation. A
4 couple of them currently drive and park at
5 Jubilee Housing Headquarters. They will
6 continue to do so. So based on our analysis
7 of the projected number of staff and what the
8 current staff does at the existing teen
9 center, the teen center would generate just
10 three trips during the evening commuter peak
11 hour. And so it would really have negligible
12 impact on the traffic operations.

13 Jubilee Housing, like Jumpstart,
14 has agreed to a Transportation Management Plan
15 for the teen center component. Jubilee
16 Housing currently has a culture that
17 encourages employees to use alternative modes
18 of transportation.

19 Specifically, they offer up to
20 \$100 per month in SmarTrip benefits for each
21 employee. I mentioned the shower and changing
22 facilities that are available at their

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1 headquarters, those will be available to
2 employees of the teen center as well.

3 In order to further encourage
4 alternative modes of transportation for
5 employees and to minimize the impact of
6 traffic and parking on the surrounding area,
7 Jubilee has developed a formal Transportation
8 Management Plan that extends what they
9 currently do, so they will continue to offer
10 the SmarTrip benefits.

11 Again, at the request of DDOT, if
12 an employee chooses, they can elect to receive
13 a one year Capital Bikeshare membership in
14 lieu of those SmarTrip benefits.

15 There will be a secure bicycle
16 room that provides, approximately, 10 bicycle
17 parking spaces that can be used by employees.

18 And as we mentioned, at the request of DDOT,
19 we will also be providing bike parking either
20 along 15th Street or along Columbia Road to
21 provide some additional bike parking for
22 visitors and guests of the site. And, of

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1 course, that is subject to approval by the
2 Public Space Committee as well as the Historic
3 Preservation Office and the National Park
4 Service.

5 Jubilee Housing, like Jumpstart,
6 will issue a quarterly newsletter and flyer to
7 reinforce the transportation policies. And
8 DDOT did request that we provide an electronic
9 display board in the lobby of the building.
10 However, that is a little bit difficult given
11 the historic landmark status of the building.

12 And so what we have agreed to do
13 instead is to provide sort of an old-fashioned
14 bulletin board, if you will, that has
15 information regarding bus routes, schedules,
16 the nearest Metro Station, those -- that type
17 of information.

18 In terms of the Family Resource
19 Center, it is really not anticipated to
20 generate any traffic. As Jeff mentioned
21 earlier, the staff is existing staff that
22 currently works at the headquarters. They

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1 will walk the couple of blocks to The Maycroft
2 building when appointments require them to be
3 there.

4 In terms of parking for the
5 overall site, there are five parking spaces
6 proposed on-site. Let me see if I can get my
7 pointer to work and I'll point those out.
8 They are proposed along the alley. They are
9 on private space, but they are essentially
10 parallel parking spaces along the alley.

11 There are, I believe, three or
12 four parking spaces there currently that will
13 be restripped to provide a couple of compact
14 spaces, so that we can achieve five parking
15 spaces.

16 Two of those spaces will be
17 designated for use by the Jubilee work truck
18 and the Jubilee van. The remaining three
19 spaces will be designated for use by staff,
20 either Jumpstart or Jubilee Housing staff.

21 Based on information that we have
22 received from Jumpstart and from Jubilee

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1 Housing, based on their current employees, we
2 have estimated that just 12 employees will
3 actually drive to the site, the rest will
4 walk, will take public transportation, that
5 type of thing.

6 Two of the employees will actually
7 be relocating to the new facility. They
8 currently park at the housing headquarters and
9 so they will continue to park there and walk
10 the two blocks to the new facility.

11 Three of the employees will
12 utilize the three -- three of the spaces on-
13 site. The remaining seven employees who drive
14 to and from work will park either in the
15 parking lot on the northeast corner of the
16 Columbia Road/15th Street intersection, that
17 would be pending an agreement with the
18 National Baptist Memorial Church, who owns and
19 operates that parking lot or they would park
20 at a public parking lot, such as the parking
21 at DCUSA, which is located at Irving and 14th
22 Street.

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1 DDOT also requested that we
2 provide a Loading Management Plan, which the
3 applicant has agreed to do. It should be
4 noted that only one daily delivery is
5 anticipated for the site, that would be a
6 catering van for the Jumpstart. It would
7 arrive at, approximately, 10:30 a.m. The van
8 will use the alley. It will use the two
9 spaces that would then be vacated by the
10 Jubilee work truck and the van.

11 So the catering van would arrive
12 at 10:30 for its daily delivery, utilize those
13 two spaces in the alley, make its delivery and
14 be on its way.

15 In terms of the residential move-
16 in/move-out procedure, all residents
17 participate in an orientation process. As
18 part of that orientation process, staff will
19 inform tenants of the guidelines and
20 procedures for loading and delivery
21 operations, including the establishment of a
22 no parking zone, if required.

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1 The loading coordinator will
2 inform tenants of DDOT's Regulations regarding
3 moving trucks and will work with tenants when
4 they need to apply for DDOT permits for moving
5 trucks.

6 To the extent possible, residents
7 will be encouraged to move-in and move-out
8 during weekdays, weekday evenings and/or on
9 weekends. When a resident must move-in or out
10 during the weekday, one or more of the alley
11 spaces identified, I previously identified,
12 will be used.

13 Residents will be informed that
14 move-in/move-out activities will be allowed --
15 will not be allowed during the peak hours,
16 that is from 7:00 to 9:00 in the morning and
17 from 3:00 to 6:00 in the afternoon, again, to
18 minimize the impact to the adjacent streets.

19 In the rare event that a truck
20 longer than 25 feet is required for move-in or
21 move-out, in accordance with DDOT policies, a
22 temporary no parking zone would be established

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1 on an adjacent street to allow for curbside
2 loading and unloading of that moving truck.

3 In conclusion, Jubilee Jumpstart,
4 the Teen Renaissance Center and the Family
5 Resource Center will largely serve The
6 Maycroft residences and the immediate
7 surrounding community. As such, the number of
8 vehicles generated by these uses will be
9 minimal.

10 The applicant has responded
11 affirmatively to the majority of DDOT's
12 requests, including incorporating additional
13 elements into the Transportation Demand
14 Management Plan, agreeing to have staff
15 persons available to monitor the pick-up/
16 drop-off operation during peak hours and
17 incorporating a Loading Management Plan.

18 Based on all of these factors and
19 our analyses of the traffic operations of the
20 surrounding area, the proposed redevelopment
21 would not have a substantial impact on traffic
22 operations in the area.

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1 CHAIRPERSON MOLDENHAUER: Thank
2 you very much. I'll open it up for Board
3 questions.

4 MEMBER JORDAN: If I could, you
5 mentioned that the pick-up/drop-off area is
6 going to be monitored by who again?

7 MS. MILANOVICH: It would either
8 be monitored by a staff person or potentially
9 volunteers.

10 MEMBER JORDAN: Okay. Is that on
11 an ongoing basis or is it --

12 MS. MILANOVICH: Yes. It would
13 occur on a daily basis during just the peak
14 hours when the bulk of the traffic would be
15 dropping off or picking up the children. And
16 their intent would be to make sure no one is
17 double parking, make sure people, you know,
18 are strictly using that space to drop-off or
19 pick-up their child and they keep moving along
20 once that activity has taken place.

21 MEMBER JORDAN: Now, have you
22 taken into consideration that the residents

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1 might use the spot for short-term use, running
2 in and dropping off groceries or furniture or
3 whatever the heck it might be?

4 MS. MILANOVICH: And again, I
5 think that's where that staff person or
6 volunteer is important to make sure that those
7 residents aren't using it for that particular
8 purpose. So, you know, if they see somebody
9 park and get out and they don't have a child
10 with them in the morning, for example, that's
11 a red flag for them to stop that person and
12 tell them to move on.

13 MEMBER JORDAN: Okay. But it
14 sounds like this is not going to be a
15 consistent monitoring of this area.

16 MR. KNIGHT: If I may, the typical
17 Jubilee resident rate of ownership of vehicles
18 is very low. There aren't a lot of -- there
19 isn't a lot of vehicular traffic to our
20 properties typically from residents.

21 I think this is a question that at
22 least I hadn't contemplated this and I'm

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1 wondering if I could speak out loud to it at
2 the moment and ask for my helpers here.

3 You know, it wouldn't happen very
4 often that a resident would be driving. In
5 the event that it did happen, I mean, the way
6 that I have understood this relief that DDOT
7 is supporting is that these two spots would
8 really be for Jumpstart only, not for general
9 resident use. So we would need to dissuade
10 them from using those spots, as I understand
11 it.

12 Do I have that right?

13 MS. MILANOVICH: Right.

14 MEMBER JORDAN: Yes, I understand.

15 I'm just being more practical in regards to
16 that and what people generally would do. And
17 even that -- not only those people, but folks
18 who are going to be living in the area,
19 because it's in a busy area.

20 Did we talk to anything about the
21 Loading Management Plan? I don't know if I
22 heard anything.

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1 MS. MILANOVICH: Yes.

2 MEMBER JORDAN: Any detail?

3 MS. MILANOVICH: I gave just a
4 brief overview.

5 MEMBER JORDAN: I --

6 MS. MILANOVICH: Did you have a
7 specific question?

8 MEMBER JORDAN: No, that's okay.

9 MS. MILANOVICH: Okay.

10 MEMBER JORDAN: I thought that's
11 what they said, just one drop-off place, but,
12 okay.

13 CHAIRPERSON MOLDENHAUER: Any
14 other Board questions?

15 MEMBER TURNBULL: Well, I don't
16 have any questions for Ms. Milanovich, but I
17 do have a question for Mr. Bonstra.

18 CHAIRPERSON MOLDENHAUER: Well, I
19 have a couple of questions on parking. Is it
20 on a parking issue?

21 MEMBER TURNBULL: No, no.

22 CHAIRPERSON MOLDENHAUER: Then let

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1 me. Can I jump in and ask first?

2 MEMBER TURNBULL: Absolutely.

3 CHAIRPERSON MOLDENHAUER: And then
4 we will go next to Mr. Bonstra.

5 MEMBER TURNBULL: Okay.

6 CHAIRPERSON MOLDENHAUER: Okay.

7 Let's see here. You had indicated peak hours
8 and I can pull up my sheet and see what peak
9 hours are, but can you just indicate that for
10 me?

11 MS. MILANOVICH: Sure. So in the
12 morning, the peak time for the facility
13 generally coincides with the peak hour of 15th
14 Street and Columbia Road. So there is really
15 only one morning peak hour, which occurs from
16 8:00 a.m. to 9:00 a.m.

17 In the afternoon, the peak hour of
18 the facility when the majority of the trips
19 are coming to and from the facility occurs
20 earlier than what we call the commuter peak,
21 the peak hours of the 15th Street and Columbia
22 Road. So the peak hour of the facility is

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1 that 3:00 to 4:00 hour.

2 And then the commuter peak, the
3 peak hour of 15th Street and Columbia Road, is
4 from 6:00 p.m. to 7:00 p.m.

5 CHAIRPERSON MOLDENHAUER: Okay.
6 So I'll jump back over to Mr. Knight. So at
7 the current Jubilee facility, you don't see as
8 many people picking up their children at 6:00?
9 You see more pick-ups around 3:00 to 4:00?

10 MR. KNIGHT: I think the majority
11 of the pick-ups are in the earlier hour. I
12 mean, Wells & Associates stood and counted.
13 My sort of anecdotal experience is sure there
14 are some pick-ups at the 6:00 hour.
15 Typically, there are available street spots
16 for those.

17 CHAIRPERSON MOLDENHAUER: At 6:00?

18 MR. KNIGHT: Yes.

19 CHAIRPERSON MOLDENHAUER: My.

20 MR. KNIGHT: We have -- there is a
21 curb cut right at the entrance and so there
22 are times when cars are in the curb cut with

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1 flashers on.

2 CHAIRPERSON MOLDENHAUER: Okay.

3 MR. KNIGHT: But it is a one-way
4 street. It just doesn't bottleneck anything.

5 CHAIRPERSON MOLDENHAUER: All
6 right.

7 MR. KNIGHT: So I -- make sure I'm
8 answering the question.

9 CHAIRPERSON MOLDENHAUER: Oh, no,
10 you are. I'm just trying to understand. So I
11 guess one of the other issues that we talked
12 about was we talked about having a volunteer
13 or somebody. I think I would like to solidify
14 that a little more confirming that there would
15 be somebody that would be designated during
16 that period of time to monitor and maybe even
17 more than one person, because, you know, if
18 you are -- I mean, have you thought about how
19 many people you would have monitoring the
20 drop-off and pick-up?

21 Because I'm just concerned that if
22 you do end up having a backlog or a queuing

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1 effect, you may need somebody, you know, to
2 coordinate back and forth, because you are
3 talking about parking on 15th Street, but the
4 majority of your center is near Columbia Road.

5 So there is a distance there. If
6 you do end up having a queuing problem or an
7 issue with maybe a traffic issue or things to
8 that effect, you know, I think that there
9 might be a need for more than one person.

10 Is that something that -- I mean,
11 you said that you have 20 staff members, which
12 was over the requirement for OSSE. Do you
13 have the flexibility to have more than one
14 monitor during those peak hours?

15 MR. KNIGHT: I think we are
16 motivated to do whatever is needed to make
17 this center operate effectively. So if the
18 study proves to underestimate reality,
19 something changes, we are going to do what it
20 takes to operate successfully.

21 CHAIRPERSON MOLDENHAUER: Okay.

22 MR. KNIGHT: I think in our

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1 planning and in our best, you know, sort of
2 blue sky thinking, the queuing effect is
3 minimal and in a very targeted period of time.

4 And so we are prepared to commit to have a
5 presence there.

6 We had understood that one person
7 would probably be enough of a presence. So
8 there are a couple of other things going for
9 the site that -- just to make sure you are
10 aware of, Bill, can you point to the security
11 spot?

12 That is right on the block,
13 obviously. That is a Jubilee Housing
14 employee. That security spot is not manned
15 24/7 per se, but there is an extra sort of
16 housing staff capacity. If we needed to beef
17 that up, we would work with our partner,
18 Jumpstart, to figure out the best way to do
19 that, I mean.

20 CHAIRPERSON MOLDENHAUER: Well,
21 what are the typical hours then for the
22 security individual that would be located

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1 there?

2 MR. KNIGHT: They -- currently,
3 very considerably, based on other duties and
4 responsibilities. What I'm pointing to is the
5 potential to accommodate something that is --
6 exceeds what the current count is an the
7 current expectation is.

8 We have been, I guess, conditioned
9 to believe that the response in the Traffic
10 Management Plan is adequate, given the
11 predictable impact. And so what I was trying
12 to speak to is if it turns out to be a greater
13 impact than is anticipated, we would mobilize
14 other resources and make sure that we have a
15 safe operation, because safety is number one
16 to the kids and the families.

17 CHAIRPERSON MOLDENHAUER: Yes.

18 MR. KNIGHT: As we have
19 brainstormed all these permutations prior to
20 today, we feel like there are a number of
21 mitigating things that will help us support
22 families. The security spot is one. The

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1 ability for kids to be dropped in that hallway
2 on 15th Street, while that is not the
3 principal entrance, the principal entrance is
4 the walk-around, if necessary, we could have
5 someone in that hallway.

6 The family could drop the child
7 right there and the stay in the spot could be
8 30 seconds or less.

9 CHAIRPERSON MOLDENHAUER: Yes.

10 MR. KNIGHT: So we feel like there
11 are a number of ways beyond having one person
12 committed to be there in the peak hours that
13 we can support that challenge if it arises.

14 What we are trying also to do is
15 to work with constrained resources and to
16 staff that with multiple people is going to be
17 a difficulty on the bottom line of the
18 operation.

19 CHAIRPERSON MOLDENHAUER: Okay.

20 MR. KNIGHT: It's one of the
21 reasons why we proposed volunteers. And
22 parents, this is a good task for a PTA for a

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1 parent group to take on as a commitment,
2 that's something we have begun to explore. We
3 haven't needed it at the existing site, so it
4 would be something new.

5 CHAIRPERSON MOLDENHAUER: Okay.

6 MR. KNIGHT: But those are ways we
7 are willing and want to respond to make sure
8 that it operates effectively.

9 CHAIRPERSON MOLDENHAUER: Okay.
10 And just trying to understand as a new parent,
11 I kind of understand that the child
12 development center is a lot better than I
13 probably am ever used to.

14 But do you have a program where
15 you penalize people if they arrive late? Is
16 there certain hours? So I'm just trying to
17 understand maybe the motivation for a parent
18 to illegally park and run in and grab their
19 kid before they have to pay that, especially
20 for affordable housing programs.

21 I mean, even for anybody, that
22 penalty hurts. And, obviously, it's always

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1 hard for working parents as is the need for
2 CDCs and the great need for them in the
3 community. So is that -- there is a large
4 penalty if you are late to pick up your child
5 in this program.

6 VICE CHAIR SORG: To day care?

7 CHAIRPERSON MOLDENHAUER: To day
8 care?

9 MR. KNIGHT: Well, ours is --

10 CHAIRPERSON MOLDENHAUER: Minute
11 penalties.

12 MR. KNIGHT: Ours is a dollar a
13 minute.

14 CHAIRPERSON MOLDENHAUER: Yes, a
15 dollar a minute.

16 VICE CHAIR SORG: Wow.

17 CHAIRPERSON MOLDENHAUER: So there
18 is a motivation, unfortunately --

19 VICE CHAIR SORG: Times are
20 changing.

21 CHAIRPERSON MOLDENHAUER: -- to
22 illegally park and to run in and grab their

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1 child. So as I said, knowing this insightful
2 information creates, you know, more questions
3 in regards to, you know, making sure that
4 there is the monitoring.

5 MR. KNIGHT: I appreciate the
6 question. And I'm also a parent and I should
7 probably disclose that my children usually
8 exist in Jumpstart facilities, so I probably
9 know it more than the average nonprofit
10 director.

11 I just want to make sure that the
12 Board remembers that this is a community-based
13 facility where the majority of users are
14 pushing strollers, carrying their children,
15 holding hands down the street. There are cars
16 and so we are trying to plan for that, but it
17 is not the majority of users by any stretch.
18 It's quite the opposite. I think Jami wanted
19 to get a word in on that.

20 MS. MILANOVICH: Well, I just
21 wanted to respond to your specific point about
22 those last minute pick-ups and, you know, the

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1 chance that somebody would double park. I
2 mean, we did do counts of the existing
3 facility at Ontario Road. And what we found
4 is that the number of pick-ups significantly
5 drops off between 6:00 and 7:00, for example.

6 So they are allowed to pick up
7 until 6:30, so the fee for being late wouldn't
8 kick in until 6:30. And what we are actually
9 -- based on those counts that we did at
10 Ontario Road and then sort of projecting them
11 to account for the increase in children at
12 this facility, we are really only showing, I
13 think it is, three pick-ups during that 6:00
14 to 6:30 half hour.

15 So the two spaces, when those are
16 going to be full, it's going to occur much
17 earlier. They are not going to be used that
18 much as you get towards the end of that
19 window.

20 CHAIRPERSON MOLDENHAUER: That's
21 helpful. Thank you. I mean, one of my other
22 concerns though, as I think Mr. Jordan

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1 indicated, is, you know, the challenge to stop
2 anybody. I mean, we can't stop the public
3 from potentially illegally using a space or,
4 you know, using a space and throwing their
5 hazards on.

6 So that may be the later point in
7 the day and maybe more frequently you may see
8 somebody using that space inappropriately and
9 that may be where Mr. Knight's reference to
10 the security gentleman or volunteers or PTA
11 may come in effect as well.

12 Thank you. I don't think I have
13 any other questions. Let me just go through
14 my notes. Let me see. And you were going to
15 hand out the quarterly letter to the parents.

16 Is that correct?

17 MR. KNIGHT: Yes.

18 CHAIRPERSON MOLDENHAUER: And
19 would that also go to -- I guess, the Parents'
20 Handbook would go to all new parents as well?

21 MR. KNIGHT: That's correct.

22 CHAIRPERSON MOLDENHAUER: And now,

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1 are you going to recommend people to use the
2 15th Street entrance and go through the
3 hallway in your handbook or are you going to
4 recommend them using the main entrance on
5 Columbia Road and walk around?

6 MR. KNIGHT: I'm going to peak at
7 the ED who is here with Jumpstart and make
8 sure I get this right. I think we anticipate
9 that the majority of traffic would go to the
10 Columbia Road entrance, that's the way the
11 program is set up. The 15th Street entrance
12 is an option that's available and we see it as
13 a pressure release valve if the queuing is
14 worse than is expected.

15 CHAIRPERSON MOLDENHAUER: Okay.
16 Thank you.

17 MR. KNIGHT: Okay.

18 CHAIRPERSON MOLDENHAUER: I have
19 no other questions. So, Mr. Turnbull, if you
20 want to turn to any additional questions, you
21 can jump in.

22 MEMBER TURNBULL: I just wanted to

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1 ask Mr. Bonstra if he could talk a little bit
2 about the sound attenuation wall on the
3 eastern side of the property and discuss what
4 kind of impacts you might be looking at?

5 MR. BONSTRA: Certainly. The wall
6 that you are referring to is here between the
7 modest outdoor play area off the Jumpstart
8 space and the adjoining neighbor. We propose
9 to use a masonry wall to the maximum height
10 allowable by code, which I believe is 7 feet.

11 And we are on that wall putting off sound
12 deadening material.

13 And also, we have a detail, the 1-
14 A-17 in the packet that shows a trellis piece
15 at the top also, which will help to really
16 contain any sound that may come from the play
17 area. So this is a substantial wall. It's
18 not a fence. We have done a lot of research
19 into different approaches and we believe this
20 will be a very successful way to contain any,
21 you know, noise from the children.

22 MEMBER TURNBULL: How wide is the

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1 play area there?

2 MR. BONSTRA: I'm sorry?

3 MEMBER TURNBULL: How wide is the
4 play area?

5 MR. BONSTRA: About 13.5 feet.

6 MEMBER TURNBULL: 13.5 feet. Now,
7 I mean, this is primarily a very structured
8 play area or are the kids just kind of allowed
9 to go out in small groups or how does that
10 work?

11 MR. BONSTRA: They go out in their
12 age group cohorts with their teachers.

13 MEMBER TURNBULL: 20 minutes?

14 MR. BONSTRA: I would probably
15 need to peak over my shoulder, my parent hat
16 doesn't remember. I think in 20 and 30 minute
17 segments and they rotate --

18 MEMBER TURNBULL: Okay.

19 MR. BONSTRA: -- so that each age
20 group has an opportunity to have some outside
21 space. We also make use of the public
22 playgrounds that are in the neighborhood and

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1 just as often walk to a larger --

2 MEMBER TURNBULL: Okay.

3 MR. BONSTRA: -- playground area.

4 MEMBER TURNBULL: I was just
5 curious how much use, how much intensity. I
6 mean, there is one building, I think, there is
7 an apartment building and there is a house or
8 I'm not sure.

9 MR. BONSTRA: Another apartment
10 building.

11 MEMBER TURNBULL: Another
12 apartment building. But there is a big open
13 space in between, isn't there, by the property
14 or is that --

15 MR. UTZ: Yes, the neighbor has a
16 side yard as well.

17 MEMBER TURNBULL: There is another
18 side yard. Yes, okay.

19 MR. UTZ: Exactly.

20 MR. BONSTRA: To answer your
21 question about the adjacent properties, the
22 row to the east --

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1 MEMBER TURNBULL: Yes.

2 MR. BONSTRA: -- are all multi-
3 unit buildings.

4 MEMBER TURNBULL: Okay. You know,
5 I mean, I guess I'm just -- obviously, you are
6 -- obviously, you have done this because you
7 are worried about some noise impact there. Do
8 you see that as being an issue? I mean, you
9 have, obviously, operated these before and you
10 have been close to other buildings.

11 MR. KNIGHT: Yes, I mean, our
12 experience has shown that, in our other
13 facility, noise is something that we want to
14 manage as well as we possibly can. And so in
15 the other facility, there is a fence and a
16 trellis that has been working well. This more
17 solid masonry petition offers the maximum --

18 MEMBER TURNBULL: Right.

19 MR. KNIGHT: -- sound blockage and
20 so we stepped that up one notch based on our
21 prior learning.

22 MEMBER TURNBULL: Okay.

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1 MR. KNIGHT: Worried is a little
2 strong. We were conscientious. We want to
3 make sure that --

4 MEMBER TURNBULL: Yes. Okay.
5 Thank you.

6 CHAIRPERSON MOLDENHAUER: Maybe,
7 Mr. Knight, can you expound upon OP's
8 reference and the reference in the application
9 that, I guess, this facility -- and they say
10 this facility, maybe this is a question for OP
11 later, was previously used for a child
12 development center, so was that outdoor area
13 previously used for a child development
14 center?

15 MR. KNIGHT: The outdoor area, no.
16 We are adapting the outdoor area for the
17 first time.

18 CHAIRPERSON MOLDENHAUER: Okay.

19 MR. KNIGHT: The ground level
20 space, the very same wing that Jumpstart would
21 occupy was the home for the Latin American
22 Youth Center for 10 plus years.

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1 CHAIRPERSON MOLDENHAUER: Okay.

2 MR. KNIGHT: And we were aware of
3 no issues that that created.

4 CHAIRPERSON MOLDENHAUER: They
5 didn't use outdoor play?

6 MR. KNIGHT: No.

7 CHAIRPERSON MOLDENHAUER: No,
8 okay.

9 MR. KNIGHT: Certainly not in that
10 space. I think they used neighborhood
11 facilities.

12 CHAIRPERSON MOLDENHAUER: Okay.
13 And I understand you are not going to be using
14 any neighborhood facilities. You are just
15 only going to be using this outdoor area?

16 MR. KNIGHT: Actually, that's not
17 correct. We would anticipate using
18 neighborhood facilities. We do in the other
19 projects. It's one of the highlights, the
20 group walks to the other playgrounds and they
21 rotate playgrounds throughout the
22 neighborhood --

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1 CHAIRPERSON MOLDENHAUER: Okay.

2 MR. KNIGHT: -- at the other
3 facility.

4 CHAIRPERSON MOLDENHAUER: Okay.
5 We just have it was not clear, I think, from
6 OP and things like that, but we will address
7 that, at that point.

8 MR. KNIGHT: Okay.

9 CHAIRPERSON MOLDENHAUER: Any
10 other questions for any of the applicant or
11 their witnesses?

12 VICE CHAIR SORG: Madam Chair, I
13 am wondering, perhaps you have a different
14 idea of how the proceeding should go, but I
15 think the reason that OP doesn't mention the
16 requirement under 205.7 is because the
17 applicant doesn't mention it in their
18 application.

19 So perhaps getting some testimony
20 and description now regarding, you know, where
21 the off-site play facilities would be, when
22 the children would go, how they are going

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1 there, who is holding their hand and so forth,
2 before we hear from OP, so that they might be
3 able to opine on it, could be a good idea.

4 CHAIRPERSON MOLDENHAUER: To
5 confirm that there is no neighborhood negative
6 impacts in that regard.

7 MR. UTZ: Sure.

8 CHAIRPERSON MOLDENHAUER: Okay.

9 MR. UTZ: We did mention it,
10 although didn't spend as much time doing it as
11 we did on some of the other areas. On page 10
12 and 11 of the prehearing statement, Jim can
13 probably speak to it better than I can, but
14 the specific playgrounds that are considered
15 to be used: Fuller Street Playground; the
16 Kalorama Park; Walter Pierce Park; and the
17 H.D. Cooke Elementary School playground and
18 then even some "field trips" around the area
19 to things like grocery stores and other
20 educational opportunities for children.

21 MR. KNIGHT: So those are the
22 principal other playgrounds that the existing

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1 facility uses. Not to say that being a little
2 further east there may not -- there may be a
3 few other options we haven't explored, but it
4 is sort of in the field trip mode and getting
5 out and about.

6 And so what else would you like to
7 know about the plan?

8 CHAIRPERSON MOLDENHAUER: Just
9 based on our requirement under 205.7, can you
10 describe a little bit about how you would --
11 how they staff -- you say that they will be
12 well-supervised, but provide a little more
13 information in regards to how the staff would
14 travel or transport the students potentially
15 to these locations to ensure that they
16 wouldn't be endangering any individuals or any
17 of the children.

18 MR. KNIGHT: Sure. And again,
19 I'll look over my shoulder if the ED needs to
20 correct any of this. Age cohorts again are
21 taking the trip together. So if it's infants,
22 it's often in a large group stroller and the

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1 teachers are pushing in and around the site.

2 Each age group has at least two
3 teachers and most have three teachers. So if
4 it's a walk for the toddlers or for the pre-K,
5 the entire teaching contingent is with the
6 group. You know, they use variations of the
7 ropes that have handles and everybody holds on
8 to the rope. This is a very common practice
9 in Adams Morgan that is the way that many
10 centers do play beyond just our Jumpstart
11 center. It's a common practice.

12 So as I understand it, it is quite
13 safe and quite well-managed. I don't know --
14 so the teacher to student ratio, I again may
15 need to look over my shoulder for the
16 specifics, but in the youngest age group, it
17 would be a maximum of three children or eight
18 children and three teachers.

19 In the oldest age group, a maximum
20 of 12 -- 16. With how many teachers? 16 pre-
21 Ks with three teachers would be the maximum.

22 CHAIRPERSON MOLDENHAUER: Thank

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1 you. I think that provides the additional
2 testimony that we need on that issue.

3 MR. KNIGHT: Okay.

4 CHAIRPERSON MOLDENHAUER: Are
5 there any other questions from Board Members?

6 MEMBER JORDAN: Yes, I may have
7 overlooked it, but the neighbors to the other
8 side of the alley, do we have letters of
9 support of those folks or anything?

10 MR. KNIGHT: We have not really
11 been able to get to know the neighbors on the
12 other side of the alley. Those don't seem to
13 be functioning garages. There aren't cars
14 coming in and out of them. We have owned the
15 property since January of '11 and have had no
16 meaningful contact with them. We have reached
17 out in every direction.

18 A staff member in the back has
19 done the door knocking campaign and so I don't
20 have a lot to report in terms of interaction
21 with the garage neighbors.

22 CHAIRPERSON MOLDENHAUER: Just to

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1 piggyback that, do you know if any of those
2 individuals attended any of the ANC meetings
3 or no?

4 MR. KNIGHT: I don't know
5 specifically. I know that we started the
6 process with the ANC in advance of this
7 application. We did our initial introductory,
8 we own the property, this is what we hope to
9 do, that was in the fall of 2011, as this
10 application was put together.

11 We went before the ANC board
12 ultimately three times, so once for the formal
13 vote when we had quoted the numbers of
14 teachers and students incorrectly. We went
15 back and said this was an oversight. This is
16 the number that we meant it to be and that was
17 also voted in full support by them.

18 So the unanimous votes twice, a
19 good meet and greet the time before that. We
20 have not had a single word of opposition
21 manifest in any meaningful way despite our
22 effort to reach out to everyone.

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1 We have got -- I mean, I think you
2 have letters of support from a number of
3 institutional neighbors, a couple of the
4 churches, the LAYC Program, so we tried to
5 touch all those bases and have really had not
6 even a peep of opposition along the way.

7 CHAIRPERSON MOLDENHAUER: Okay.
8 Thank you. At this point in time, I think if
9 there is no other comments from the applicant,
10 then we will turn to see if there are any
11 individuals in support or in opposition of
12 this case.

13 MR. KNIGHT: So we have --

14 CHAIRPERSON MOLDENHAUER: If you
15 have some, then you can come on down. There
16 is two seats right here. We can fill those
17 two chairs and then anybody else we can create
18 a queue, I mean.

19 MR. KNIGHT: We have the right
20 person to manage it.

21 CHAIRPERSON MOLDENHAUER: Okay.
22 We will start off on my far right with the

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1 gentleman. If you can turn on your
2 microphone, you will be, if you are speaking
3 on your own behalf, given three minutes and
4 you can just start by introducing yourself by
5 your name and home address and then indicate
6 whether you are in support or in opposition
7 and then provide any other comments.

8 MR. GIBSON: Okay. Thank you very
9 much. My name is Josh Gibson. I'm 1791
10 Lanier Place, N.W., in Adams Morgan. I'm here
11 in support of the project.

12 I am a former five year ANC
13 Commissioner, ANC-1C07, and a parent of a
14 student at the current Jubilee Jumpstart
15 facility. And in my capacity as an ANC
16 Commissioner for the five years I served and
17 knowing what has happened in the neighborhood
18 prior to that and since, Jubilee has always
19 been a good neighbor, is an extraordinary
20 unique resource, unique in the whole District
21 of Columbia in terms of the wrap-around
22 services that it provides.

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1 And I was grateful to finally be
2 able to take advantage of one of those
3 services at Jubilee Jumpstart Daycare. We
4 have a daughter who is 2 years and 3 months
5 and she has been there as long as she has been
6 in daycare. And we shopped daycares all
7 around the city and we're grateful to be at,
8 we think, one of the best in the city and one
9 that is just a couple of blocks from our home.

10 So just to reinforce all the
11 transportation points that were made, those
12 all are accurate to my perception in terms of
13 the number of students that come carried, in
14 strollers, etcetera.

15 And also in terms of the hours,
16 what you were told seems to track with my
17 perception. So I don't see any reason why
18 that would be any different at the new
19 facility.

20 CHAIRPERSON MOLDENHAUER: Thank
21 you very much, Mr. Gibson. Are there any
22 questions from Board Members of Mr. Gibson?

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1 MEMBER JORDAN: Again, what was
2 your address, Mr. Gibson?

3 MR. GIBSON: 1791 Lanier Place.

4 MEMBER JORDAN: Thank you.

5 CHAIRPERSON MOLDENHAUER: Thank
6 you very much for coming down today.

7 MR. GIBSON: Thank you.

8 MS. COOPER: Good morning. My
9 name is Andrea Cooper. I live 2424 17th
10 Street, N.W. My son is a 13 year-old at the
11 Teen Renaissance.

12 CHAIRPERSON MOLDENHAUER: I don't
13 know if your microphone is on. You might have
14 been picking it up from somebody else. Okay.

15 MS. COOPER: Good morning. My
16 name is Andrea Cooper and my address is 2424
17 17th Street, N.W. My son is a 13 year-old at
18 the Teen Renaissance. Can I just jot --
19 because I wrote some things down.

20 CHAIRPERSON MOLDENHAUER: You can
21 read whatever you would like.

22 MS. COOPER: Okay.

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1 CHAIRPERSON MOLDENHAUER: You
2 don't have to read from that.

3 MS. COOPER: All righty. I think
4 the Teen Renaissance Program is very important
5 to my child and other children. It provides
6 them with a safe and supportive academic
7 involvement in and out of school time that
8 would otherwise be unavailable.

9 It allows them to reach their
10 goals, keep them out of trouble. Children are
11 likely to experience trouble between those
12 hours. Speaking on my behalf, the Teen
13 Renaissance Program is important for parents.

14 Parents can work late and not have to be
15 worried between those hours.

16 The Teen Renaissance provides
17 academic support for free and it's a pleasure
18 to have that service on-site. The site are
19 close to where we live. It is easy access,
20 easy to keep an eye out for the children and
21 make sure that they are safe and supported. I
22 love Jubilee. I really do.

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1 They help you in any kind of way.
2 Thanksgiving baskets, Christmas, I mean, it's
3 wonderful. And I would love to see it there
4 to continue on being there. I mean, I really
5 love it.

6 CHAIRPERSON MOLDENHAUER: Thank
7 you very much, Ms. Cooper. So how does your
8 son get to the current facility?

9 MS. COOPER: He walks.

10 CHAIRPERSON MOLDENHAUER: He
11 walks, okay.

12 MS. COOPER: Yes.

13 CHAIRPERSON MOLDENHAUER: And that
14 would be the plan he would --

15 MS. COOPER: Yes.

16 CHAIRPERSON MOLDENHAUER: -- walk
17 to this current location?

18 MS. COOPER: Yes.

19 CHAIRPERSON MOLDENHAUER: Okay.
20 All right. And do most of his friends do the
21 same?

22 MS. COOPER: Yes.

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1 CHAIRPERSON MOLDENHAUER: Okay.

2 MS. COOPER: And I also sometimes
3 help out, too.

4 CHAIRPERSON MOLDENHAUER: Okay.
5 Thank you.

6 MS. COOPER: Sure.

7 CHAIRPERSON MOLDENHAUER: And I
8 don't have any other questions for Ms. Cooper.
9 Thank you for coming down.

10 Do any Board Members?

11 MS. COOPER: You're welcome.

12 VICE CHAIR SORG: No.

13 CHAIRPERSON MOLDENHAUER: Thank
14 you very much.

15 MS. COOPER: You're welcome.

16 MS. NUNEZ: Hi, my name is Ingrid
17 Nunez. I live at 2233 18th Street in Adams
18 Morgan. And my -- I'm a parent of Jubilee
19 Jumpstart as well as a staff member and a
20 resident of Jubilee Housing.

21 And I really love -- like I love
22 this program. It has been amazing what

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1 Jubilee has done for me and for my family in
2 the three years that I have been with them. I
3 have seen my daughter grow. I have seen
4 myself grow as a staff member and as a parent
5 with the support of Jubilee.

6 I think adding another daycare
7 would be great for the community. And I think
8 that's all.

9 CHAIRPERSON MOLDENHAUER: Thank
10 you so much for your testimony. Do any Board
11 Members have any questions? No. Thank you
12 all for coming down and providing the
13 additional testimony. It's very helpful.
14 Thank you.

15 Then, at this point in time, if
16 there is no other individuals in support or in
17 opposition, seeing none, then we will turn to
18 the Office of Planning for their report.

19 MS. THOMAS: Good morning, Madam
20 Chair, Members of the Board. Karen Thomas
21 with the Office of Planning.

22 The Office of Planning is

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1 recommending approval of Jubilee Housing's
2 request for special exception approval of a
3 child development center and community service
4 center use on the ground floor of the landmark
5 structure at 1474 Columbia Road.

6 We have -- the applicant has
7 provided additional information this morning
8 that we did not have concerning the operation
9 of both the child development center and the
10 community service center uses. And we
11 continue to support and recommend approval.

12 We do not believe that any of the
13 uses would generate the type of vehicular
14 traffic or significant vehicular traffic to
15 the site. And we support their TDM measures.

16 Therefore, we believe in summary that the
17 applicant -- application satisfies the
18 criteria of ' 205 and ' 334 and it is in
19 harmony with the intent of the Zoning
20 Regulations. Thank you.

21 CHAIRPERSON MOLDENHAUER: Thank
22 you. Do Board Members or I'll start with the

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1 applicant actually. Does the applicant have
2 any questions of the Office of Planning?

3 MR. UTZ: No, we don't. Thank
4 you.

5 CHAIRPERSON MOLDENHAUER: Okay.
6 Then do Board Members have any questions of
7 the Office of Planning?

8 MS. THOMAS: One thing I would
9 like to just clarify or adjust or amend in our
10 recommendation would be to just remove the
11 hours of operation that I had included as a
12 condition to give the applicant more
13 flexibility.

14 CHAIRPERSON MOLDENHAUER: For the
15 Teen Renaissance Center?

16 MS. THOMAS: Both the Teen
17 Renaissance and the child development center.

18 CHAIRPERSON MOLDENHAUER: Okay.
19 That was something I was going to go back and
20 talk to the applicant about, because I have
21 heard testimony that seems and there are
22 submissions in the record about maybe doing

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1 leader programs for overnight stays.

2 MS. THOMAS: Yes.

3 CHAIRPERSON MOLDENHAUER: So we
4 were going to get to that when we catch all
5 the conditions and things to that effect.

6 MS. THOMAS: Right.

7 CHAIRPERSON MOLDENHAUER: But I
8 appreciate that modification from OP as well.

9 MS. THOMAS: All right. Thank
10 you.

11 CHAIRPERSON MOLDENHAUER: Are
12 there any other questions from Board Members
13 for the Office of Planning?

14 MEMBER JORDAN: I guess, yes. I
15 was concerned when I was reading the OP report
16 and compared it to the transportation report.

17 There was some things I saw in here that kind
18 of indicated that there was no concerns or
19 that transportation had with the drop-off/
20 pick-up area and I did see concerns by
21 transportation in that regard.

22 MS. THOMAS: Well, at the time,

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1 our initial conversations with DDOT at our
2 meeting, our staff meeting, indicate that they
3 had no concerns with it until we received
4 DDOT's recommendation much later after we
5 filed our report that it did indicate some
6 concerns.

7 MEMBER JORDAN: So in light of
8 DDOT's report, how, if any way, would you
9 change anything in your report?

10 MS. THOMAS: No, because I think
11 their main concern was the drop-off and pick-
12 up area. One thing I would also like to
13 clarify, I know you had questions amongst
14 yourselves about the parking and probably
15 people parking in those locations, in the two
16 spaces.

17 But DDOT indicated to us that the
18 signage would reflect that no parking would be
19 permitted during drop-off and pick-up times by
20 the public. The signage would reflect. I
21 don't know if you could see it at the back of
22 our report. I know it's not clear with the

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1 signs, but --

2 MEMBER JORDAN: And in your
3 examination, did you see any concern about
4 this property being kind of situated between
5 two large churches and the very dense area and
6 the parking that is there?

7 MS. THOMAS: DDOT didn't express
8 any concern regarding that. The times the
9 churches would operate would be different from
10 when these programs would have its peak hours.

11 CHAIRPERSON MOLDENHAUER: I think
12 that concludes our questions for Office of
13 Planning. Thank you very much for your report
14 and for your testimony.

15 At this point in time, we will
16 turn to additional Government reports, which
17 includes the ANC. Is anybody present from
18 ANC-1A?

19 Seeing no one, I'll just indicate
20 that we have a letter from them, which is
21 dated January 11th, it's our Exhibit 30, which
22 indicates that at a properly noticed meeting

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1 with a quorum present on January 11th they
2 voted 10-0-0 to support the application.

3 They said that they didn't believe
4 the project created any objectionable traffic
5 conditions or any unsafe conditions. And that
6 they wished to support the flexibility of
7 Jubilee on the third floor in regards to the
8 community development center and that they
9 support the application in general.

10 So that being said, this letter
11 would receive great weight. And we will
12 provide that letter great weight.

13 We have already been referencing
14 it, but just at this point in time for
15 Government reports, I'll indicate we have a
16 DDOT report, which is Exhibit 32, in which
17 DDOT has provided some very specific
18 recommendations in regards to traffic safety,
19 but overall they did recommend approval and I
20 think we have talked about that at great
21 length. So I'm not going to go into more
22 detail about that, at this point in time.

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1 That being said, at this point,
2 I'll turn back to the applicant. And my main
3 question, I don't know if there is any
4 additional issues that we need to discuss,
5 since there was nobody in opposition and
6 things like that, and OP is in support, would
7 be maybe for the applicant to outline those
8 conditions that they would be willing to
9 accept.

10 I know that we have in the Wells'
11 report the conditions that they have outlined
12 about traffic and those things. And maybe
13 just kind of pull that together, so that there
14 is a clear understanding. OP, obviously, just
15 indicated that they are willing to be flexible
16 about hours.

17 I did hear or see, and maybe I'm
18 confusing what I heard and what I have read,
19 but I don't believe actually there has been
20 any testimony about this today, but there was
21 in the report an indication that Jubilee would
22 be interested in keeping the facility for the

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1 CDC open for individuals that work
2 nightshifts.

3 And so that, obviously, is
4 something that we haven't heard any testimony
5 about, but would, obviously, be counter to the
6 initial time limitations that we had in the OP
7 report. And so I wish maybe you can provide
8 what hours of operation you would be
9 interested in to that affect.

10 And I did hear testimony about the
11 Teen Renaissance Center while there was
12 specific hours that were again provided by OP,
13 but now they have indicated flexibility, I did
14 hear testimony about occasional weekend
15 programs or maybe evening programs from time
16 to time.

17 And I think while we are
18 interested in providing flexibility, I
19 personally would like to see maybe more of a
20 solidity in regards to timing and what
21 information or what flexibility is being
22 requested for.

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1 So I'll turn it back over to the
2 applicant or to Mr. Knight.

3 MR. KNIGHT: So can I ask my
4 colleagues to help make sure we get this
5 organized the way you want it?

6 Just apparently we did have a
7 little bit of miscommunication with OP in the
8 earliest rendition of communication. And we
9 had cited what the normal hours were. And I
10 think those got picked up as the -- only
11 hours. And so maybe we weren't clear enough
12 with what some of the beyond core hours
13 activities would be.

14 So starting, I'll work my way
15 through the three uses. Jumpstart has had at
16 least anecdotal evidence that some families
17 would like to have evening hour support.

18 To date, in the existing facility,
19 that has not hit a critical mass where that
20 service is now offered. But we expect, like
21 we did then, with families that are often
22 working second shift and third shift and

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1 multiple jobs, that there may be some demand
2 and would like to have the capacity to go late
3 hours and virtually around the clock, if that
4 demand materializes in time.

5 So that is an additional request
6 for the flexibility to be able to do that on
7 the Jumpstart side.

8 Is that a clear enough statement
9 or do we need to be more specific? I can go
10 to each of the next two.

11 CHAIRPERSON MOLDENHAUER: I think
12 I'm trying to remember when last we had a CDC.
13 We had actually another CDC a while back that
14 was in, I think it was, Anacostia and they had
15 evening hours. It was within a housing
16 accommodation as well.

17 And they provided us with, I
18 think, their evening shift hours. Since you
19 don't yet have a program, would you not know
20 what those would be? I mean, would those
21 potentially be from 6:30 to 6:00 a.m.? Would
22 there be a gap in time between staff? And

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1 again, maybe you don't know the answer to
2 this, but I'm throwing it out there to see if
3 you do.

4 MR. KNIGHT: We certainly have
5 discussed this and I beg your pardon for not
6 retaining it in absolute details, so if we
7 huddled up, I think we could put on the record
8 what we would be most glad to live with. I
9 think you have named most of it though.

10 It is, you know, when the daytime
11 program ends at 6:00, there would be a
12 changing of guards and then say 6:30 to 11:30
13 or midnight would probably be the first option
14 that we would grow to, if permitted.

15 CHAIRPERSON MOLDENHAUER: Okay.

16 MR. KNIGHT: And then if demand
17 really did assert itself, the ability to go
18 overnight, that has not happened yet in the
19 other facility. So I think the most likely
20 thing is that sort of 6:30 to 11:30. Am I
21 getting that right?

22 So it is possible that the daytime

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1 users might stay into extended hours for a
2 little bit of that period. The regulatory
3 environment is very specific about how long
4 someone can be in care and so it would stay
5 within all those requirements.

6 So maybe just amend what I said to
7 say 7:00 a.m. to 11:00 p.m. where the 6:00 to
8 11:00 would be the add on to the core hours.

9 CHAIRPERSON MOLDENHAUER: Okay.

10 MR. KNIGHT: And then if demand
11 were sufficient to go overnight, we would like
12 to have that opportunity.

13 CHAIRPERSON MOLDENHAUER: And now,
14 can you address the Teen Renaissance Center?

15 MR. KNIGHT: Sure.

16 CHAIRPERSON MOLDENHAUER: And I
17 guess those hours and the potential
18 occasionally?

19 MR. KNIGHT: The core hours are
20 clearly the 3:00 to 6:00 time slot. Folks are
21 getting out of school. They are making their
22 way to the center. The primary structured

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1 program is in that time period. The tutoring
2 and the mentoring and the homework help and
3 the group activities.

4 From time-to-time, we like to have
5 the capacity to have a social gathering. We
6 might watch a movie as a group. We might have
7 a speaker come in that doesn't start until
8 6:00 and would go longer. So we had -- in our
9 thinking, we would like to have the capacity
10 to go to 8:00, you know, without any question.

11 And then the odd weekend
12 gathering, Super Bowl party or something like
13 that, we don't want to be prohibited from
14 using the space outside those core hours. We
15 are not expecting it to be -- whereas in the
16 Jumpstart use, we would fully contemplate that
17 use. And the teen center use, we just would
18 like to have the flexibility to have things
19 evolve beyond what we currently do.

20 CHAIRPERSON MOLDENHAUER: Okay.

21 MR. KNIGHT: So 3:00 to 8:00 with
22 occasional -- I mean, we would be willing to

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1 limit it to a couple a nights a week, if the
2 nights could rotate, something along those
3 lines.

4 CHAIRPERSON MOLDENHAUER: Okay. I
5 think that has kind of answered my question.
6 I'll see if any Board Members have any
7 additional kind of poignant issues that they
8 would like to bring up.

9 MR. KNIGHT: And counsel is
10 reminding me that occasionally we have people
11 who need support before 3:00. That tends to
12 be more one-on-one, not the group activity,
13 but someone is not in school that day and they
14 need help getting to an appointment or
15 something like that, there might be some
16 counseling taking place, but that is very low
17 traffic, not very often, much more the
18 exception than the rule.

19 VICE CHAIR SORG: Well, Madam
20 Chair, I don't know if you are wanting to get
21 into a sort of discussion while we are still
22 in the hearing and the applicant can respond

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1 regarding potential conditions, but if that's
2 the intention, I would make a couple of
3 comments about my thoughts on the hours of
4 operation.

5 I actually think -- and this is
6 dependent on, I think, whether or not we would
7 be considering a time limitation on the
8 approval itself, so that's, I think, something
9 that we can think about when we are thinking
10 about possible conditions regarding hours of
11 operations and capacity and so forth.

12 I mean, certainly this is an
13 organization who has, from all reports,
14 successfully for a number of years, I can't
15 remember exactly how many, you know, operated
16 another fairly large scale CDC in the same
17 neighborhood at a nearby location, who is
18 looking to expand both their capacity as well
19 as their services.

20 So, for example, I think that a
21 possible route to potential conditions that I
22 think, based on the testimony that we have

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1 heard, the knowledge of the neighborhood and
2 changing demographics and so forth that may be
3 useful to think about is to have a time
4 horizon, include a time horizon, based on, you
5 know, the applicant can testify as to their
6 thoughts on this, to the approval.

7 But, for example, you know, in
8 this, you know, economic time, I think, you
9 know, one thing that Mr. Knight does mention,
10 which I think is important, are families that
11 are working, you know, two jobs or two shifts.

12 And so I would actually be in favor of not
13 conditioning the hours for the CDC itself and
14 allowing the applicant -- where we are really,
15 I think, not seeing based on the level of
16 support here, we are not seeing the potential
17 adverse impacts of additional hours, that
18 would be demonstrated by things like, you
19 know, previous issues at the existing
20 location, you know, neighbors coming in and
21 talking about, you know, potential of noise
22 and so forth.

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1 Perhaps looking at the -- or
2 asking the applicant to look at a potential
3 program that might include overnight use of
4 the CDC portion. I'm speaking about, at this
5 point, you know, whether a capacity maximum
6 that might be stepped down for that as they
7 might develop a potential program, could be a
8 way to manage any unforeseeable possible, you
9 know, impacts.

10 And so those are my sort of
11 thoughts on that for discussion. And then
12 with regard to conditions having to do with
13 hours of operations for the teen center and
14 the Family Resource Center, I do think that
15 that is something that we may want to
16 solidify.

17 And so if the applicant is asking
18 for, for example, the teen center between 3:00
19 and 10:00 p.m., I think that that seems
20 reasonable. I remember when I was a kid doing
21 homework until after 10:00 p.m. and if that's
22 what they are doing there, then it's probably

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1 a good thing.

2 So that's some examples of
3 thoughts that I had regarding ways that we
4 might be able to manage what is a successful
5 program trying to, you know, expand and their
6 offerings and their capacity. Thank you.

7 CHAIRPERSON MOLDENHAUER: Does the
8 applicant or do Board Members have any other
9 comments? Let's do that. Okay.

10 MEMBER TURNBULL: I would just
11 like to clarify the overnight use. I think
12 the adjacent neighbors might be a little bit
13 concerned. I just want to limit overnight
14 use, I'm assuming.

15 CHAIRPERSON MOLDENHAUER: No
16 outdoor play overnight.

17 MEMBER TURNBULL: Yes, no outdoor
18 play, yes. I mean, I don't know would there
19 be a certain number of students staying
20 overnight or I mean, I guess, I'm just trying
21 to get an idea of questions that the neighbors
22 might bring back as to --

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1 CHAIRPERSON MOLDENHAUER: Yes.

2 MEMBER TURNBULL: -- what
3 overnight use might entail.

4 MR. KNIGHT: Can I speak to
5 overnight for a second?

6 MEMBER TURNBULL: Yes.

7 MR. KNIGHT: We have -- we don't
8 expect that under any circumstances we would
9 want the same occupancy load overnight that we
10 are requesting in the base -- in the core
11 hours. I think in our discussions with
12 Jumpstart, we felt like the overnight program
13 might -- we might want to self-limit that to
14 30 students and that would require 10
15 teachers. Is that right?

16 So a maximum of 30 and 10 for the
17 overnight hours would be all that we would
18 ever want. So if that helps to sort of --

19 MEMBER TURNBULL: Okay.

20 MR. KNIGHT: -- relay what the
21 neighbor concerns might be.

22 MEMBER TURNBULL: Yes.

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1 MR. KNIGHT: And I think we would
2 be glad to stipulate that there wouldn't be
3 any use of the playground after dark.

4 MEMBER TURNBULL: Okay. Yes. I
5 think that might just reassure. I mean, it
6 might be something that -- I mean, no one has
7 -- obviously, you know, we have had no one in
8 opposition, but I just wanted to go on the
9 record and just clarify what your intent was.

10 MR. KNIGHT: And we haven't gotten
11 to the Family Resource hours, so if you want
12 me to speak to those, I will, but I will
13 follow your questions, your lead.

14 CHAIRPERSON MOLDENHAUER: No. I
15 think if you can speak to those, that would be
16 great.

17 MR. KNIGHT: So that is a primary
18 -- there are sort of two ways that center
19 functions. Appointment only one-on-one staff
20 and family, parent/teacher conference prep,
21 going over report cards, looking at school
22 alternatives, talking about public benefits,

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1 talking about the college process, so that's
2 kind of one-on-one by appointment.

3 And we have estimated in the
4 application that that would be sort of 5:00 to
5 8:00 during the 9:00 to 6:00 time frame. So
6 that -- if you could think of that as one base
7 way the service would function.

8 The other is group educational
9 activities and the application talks about our
10 use of a parenting curriculum that has
11 national acclaim that our parents are loving.

12 And so the ability to offer that in the
13 evening hours, 6:00 to 8:00, 6:30 to 8:30,
14 maybe 6:00 to 9:00 max a couple times a week
15 would be the sort of other anticipated use.

16 And that would never operate -- we
17 would never do that every night of the week,
18 but we would need the flexibility to have a
19 couple evenings that would allow scheduling to
20 work out with families.

21 CHAIRPERSON MOLDENHAUER: Okay.

22 Thank you. I think that does answer the

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1 question. Let me get back to the point that
2 Ms. Sorg brought up.

3 MR. KNIGHT: Okay.

4 CHAIRPERSON MOLDENHAUER: And just
5 be clear, we do, especially for new facilities
6 and I know that this is a preexisting facility
7 or a preexisting company that is going to be
8 opening a new facility, but for new facilities
9 where we don't yet have some of the background
10 in regards to potential concerns of neighbors
11 to that effect, you know, we do see that,
12 obviously, you are putting up this masonry
13 wall to potentially reduce any concerns of
14 neighboring property owners.

15 But we typically would for a new
16 facility provide some sort of, as Ms. Sorg
17 indicated, time frame, limitation on the
18 approval. So either a three year or a five
19 year limitation that way to provide an
20 opportunity for the neighborhood and the CDC
21 to grow and to confirm that there would be no
22 potential problems.

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1 Then sometimes after that, if
2 there are problems, you can then maybe do
3 another limited condition or if there is no
4 problems, then, sometimes I know in the last
5 couple of years, we just approved it, you
6 know, outright with no further time
7 limitations.

8 That being said, I think that
9 there is some give and I would like to open
10 this up to the applicant's insight in regards
11 to the flexibility of hours and maybe the
12 limitations on certain things and maybe the
13 opportunity to provide a longer initial term
14 or the opportunity maybe to provide more
15 flexibility early on and a shorter initial
16 term.

17 And so I'll turn to the applicant
18 and you can speak to that condition and either
19 maybe provide us with what you would be
20 willing to accept or things to that effect, so
21 that we don't have to --

22 MR. KNIGHT: Okay.

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1 CHAIRPERSON MOLDENHAUER: --
2 inflict a condition and you can maybe indicate
3 what you would be willing to work with.

4 MR. KNIGHT: We really appreciate
5 that point and the balance between term and
6 flexibility up front.

7 We have a very real need to have
8 an initial term that is tied to the financing.

9 This project will use Low Income Housing Tax
10 Credits, Historic Tax Credits and a program
11 called New Market Tax Credits.

12 The New Market Tax Credit is a
13 seven year vehicle. And investors buy credits
14 to help support the real cost of the property.

15 The credits are conditioned upon these uses.

16 So if there were a real practical possibility
17 that this use could be discontinued within the
18 seven year horizon, it would make it very
19 difficult to attract those investors and have
20 a project.

21 So the -- we would like to have a
22 minimum seven year term. And would trade some

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1 of the up front flexibility to -- if that
2 helps you be satisfied with that term, because
3 that is a -- it's noteworthy that in our
4 discussions with OP, it really didn't come up
5 and so we didn't articulate it in the
6 application.

7 It seemed like there might be some
8 possibility of no term length, so, frankly, we
9 just sort of left that there.

10 MR. UTZ: Yes. And I think part
11 of that was due to using the other facility as
12 kind of the trial run, since it is -- it's
13 close. It's not within the 1,000 feet, but it
14 is close and there haven't been adverse
15 impacts on the neighborhood and traffic and
16 things like this.

17 CHAIRPERSON MOLDENHAUER: I do
18 hear that. And I definitely think that that
19 provides some flexibility here, but, I mean,
20 obviously, we are not in the deliberation yet,
21 but just speaking to the applicant, I do think
22 though that there are new factors here in

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1 regards to the neighboring property owners,
2 outdoor play facility, which is larger than
3 what was previously used at this location and
4 from what you had.

5 You know, so I think that there
6 are factors that we would like to provide.
7 You know, I would be in support of a term.
8 The question is just what term and I think
9 some Board Members, Mr. Lloyd, Mr. Jordan, may
10 have some questions about the comments you
11 just said about financing.

12 MEMBER JORDAN: Yes. I was
13 concerned. You said you were going to use New
14 Market Tax Credits for this? How does it
15 qualify? How do you use the New Market Tax
16 Credits for this?

17 MR. KNIGHT: It's in a qualified
18 census tract. The services that we have just
19 described are subject to the special use
20 exception and represent the -- what the
21 investment would be for. It distinguishes it
22 from housing only.

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1 MEMBER JORDAN: So are you
2 charging for the use of the development center
3 and the teen center, those things?

4 MR. KNIGHT: No, no.

5 MEMBER JORDAN: I don't see how
6 you -- all right. You have been told that it
7 qualifies as a New Market Tax Credit, this
8 facility?

9 MR. KNIGHT: This combined use.

10 MEMBER JORDAN: What area is
11 designated for the New Market Tax Credit?

12 MR. KNIGHT: Typically in distress
13 census tracts and the census tract is one. In
14 order to provide affordable housing in high
15 cost areas, affordable housing developers are
16 getting increasingly sophisticated in using
17 all the credit tools that are available.

18 There are a handful of projects
19 that we know about nationwide that use all
20 three credits. This would be one of, you
21 know, the early wave of affordable
22 transactions that does, but we have done the

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1 due diligence to ensure that it fits and
2 works.

3 CHAIRPERSON MOLDENHAUER: Thank
4 you. I think that, at this point in time, if
5 there are no other questions from Board
6 Members, I don't see any other questions, are
7 there any closing comments from the applicant?
8 No?

9 MR. UTZ: I don't think so.

10 CHAIRPERSON MOLDENHAUER: Then, at
11 this point in time, I know that we have got a
12 lot of conditions that are challenging, but I
13 think I would be willing to jump in and, you
14 know, start the deliberation and deliver it on
15 this case today, unless any Board Members feel
16 that they need time to mull over the
17 conditions longer?

18 VICE CHAIR SORG: Madam Chair, I
19 don't feel like -- I agree. I feel we can go
20 through it and do deliberations today. But
21 perhaps we might -- some of the conditions and
22 comments seemed -- from the applicant

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1 regarding some of our discussions on the
2 conditions seem perhaps newer thoughts.

3 And so if the applicant might take
4 -- I think it might help our deliberations if
5 maybe we gave the applicant like a five minute
6 break to maybe make some suggestions to us
7 before we go through and say okay, you know, X
8 term limit, X number of hours when I feel
9 like, you know, the applicant has testified,
10 Mr, Knight has testified well, maybe 8:00, you
11 know, but actually maybe 9:00 with a few days.

12 And so I think for us to serve our
13 conditions better, it might be worthwhile to
14 give it five minutes.

15 CHAIRPERSON MOLDENHAUER: Well,
16 why don't we do this.

17 VICE CHAIR SORG: Or 10.

18 CHAIRPERSON MOLDENHAUER: And this
19 is kind of --

20 VICE CHAIR SORG: Do it today, I
21 agree.

22 CHAIRPERSON MOLDENHAUER: But I

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1 mean, in that regard, I actually think maybe
2 it would be better if we don't deliberate
3 today. We provide the applicant an
4 opportunity to supplement the record with a
5 very simple submission on what conditions the
6 applicant would be willing to accept,
7 incorporating page 14 of 17 from the Wells'
8 report or whatever, other conditions.

9 I know that that page -- I was
10 kind of -- in regards to your Transportation
11 Management Plan, specifically identifying
12 those programs, the volunteers, the staff
13 members that you are going to be providing.
14 And I do think that some of these things are
15 very important, especially considering DDOT's
16 statement.

17 And any additional conditions in
18 that regard, then, obviously, identifying
19 maybe the term limit along with the hours and
20 then submit that to us in writing prior to the
21 next decision deliberation date.

22 And I think that that would allow

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1 the applicant time to analyze that and maybe
2 even provide, you know, alternative options
3 where it might be a term versus, you know,
4 flexibility and things of that effect.

5 MR. KNIGHT: May I make another
6 comment? We, obviously, want to meet every
7 concern that has been named and want to do it
8 in an organized way. As we try to advance the
9 project with some of the other time lines that
10 we are working with, can I name one more and
11 just see if that has any impact on what --
12 when this subsequent submittal might be made?

13 We are preparing an application to
14 the D.C. Housing Finance Agency for the bonds
15 and tax credits that allow the project to
16 work. It had been our great hope to be able
17 to indicate that these use exceptions had been
18 approved as they ultimately relate to the
19 whole package.

20 CHAIRPERSON MOLDENHAUER: Okay.

21 MR. KNIGHT: So we would want to
22 wait until -- we wouldn't want to submit our

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1 application until we had a determination. So
2 if this --

3 CHAIRPERSON MOLDENHAUER: If we
4 were to put this on the calendar, we would put
5 it on the calendar for decision on March 13th.

6 Just so you know that would be the date that
7 you would come back and we would deliberate on
8 this and provide an oral vote and
9 deliberation. And then seeing the way this
10 case is going, you probably would get a
11 decision shortly after that.

12 MR. KNIGHT: Obviously, if that's
13 the best thing to do, we will conform to it.
14 If you are willing to give us the five minutes
15 and see if --

16 CHAIRPERSON MOLDENHAUER: Or if --

17 MR. KNIGHT: -- we could
18 articulate something that would be
19 satisfactory?

20 CHAIRPERSON MOLDENHAUER: No,
21 that's fine.

22 MR. KNIGHT: We would like to do

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1 that.

2 CHAIRPERSON MOLDENHAUER: So why
3 don't we -- if you want to do the five
4 minutes, we'll do five minutes.

5 MR. KNIGHT: Okay.

6 CHAIRPERSON MOLDENHAUER: We will
7 come back. We will hear from Mr. Utz and we
8 will take notes and then we will see if we
9 then can't go into deliberation today.

10 MR. KNIGHT: Okay. Thank you.

11 CHAIRPERSON MOLDENHAUER: Okay.

12 MR. UTZ: That would be great.

13 CHAIRPERSON MOLDENHAUER: Okay.

14 Thank you.

15 MR. UTZ: Okay. Thank you.

16 CHAIRPERSON MOLDENHAUER: Five
17 minutes and we'll see you back in a few
18 minutes.

19 MR. UTZ: Okay. Thank you.

20 MEMBER TURNBULL: And --

21 CHAIRPERSON MOLDENHAUER: Or 10,
22 if necessary. I would rather have you have it

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1 together and organized.

2 MR. UTZ: Right.

3 CHAIRPERSON MOLDENHAUER: So --

4 MR. UTZ: Okay.

5 MEMBER TURNBULL: And I would just
6 say, you know, think about the evening. You
7 had mentioned 30 and 10. If that's a hard and
8 fast thing you want to settle on.

9 MR. UTZ: Yes, absolutely.

10 MEMBER TURNBULL: Okay.

11 MR. UTZ: Absolutely.

12 CHAIRPERSON MOLDENHAUER: Yes.

13 MR. UTZ: Okay.

14 (Whereupon, at 11:50 a.m. a recess
15 until 12:02 p.m.)

16 CHAIRPERSON MOLDENHAUER: Okay.

17 We are all back and we are back on the record.

18 And I'll turn back to the applicant and allow
19 you to slowly, since I'll be writing this out,
20 go through --

21 MR. UTZ: Sure.

22 CHAIRPERSON MOLDENHAUER: -- the

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1 terms that the applicant is agreeable to and
2 we can kind of maybe enter into deliberations.

3 MR. UTZ: Great. Thank you very
4 much. And again, we really appreciate the
5 flexibility for allowing us to even do this.
6 I know it's a little bit unusual and we
7 really, really appreciate that.

8 What we just discussed is
9 basically a summary of a lot of what we
10 discussed during the presentation and then Q&A
11 and such during the hearing just now.

12 The first condition that we would
13 propose is a term of seven years to match the
14 financing need for Jubilee commencing at the
15 issuance of the Certificate of Occupancy,
16 since that sometimes is left unclear in a bit
17 of a gray area. I believe that would match
18 what the need would be for the term for the
19 tax credits.

20 Secondly, getting into the hours
21 and caps on students and employees, giving it
22 a little bit of firmness, rather than kind of

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1 the flexible hours that we were describing
2 over the course of our description of the
3 uses. For Jubilee -- for Jumpstart, the child
4 development center, the core hours would be
5 7:00 a.m. to 6:00 p.m., which matches the --
6 what was in the materials.

7 And that would be for the maximum
8 number of children of 70 and a maximum number
9 of staff of 25, which that also matches what
10 has been submitted.

11 For the hours of -- well, let me
12 move -- let me get to the traffic stuff kind
13 of later. I'll just do hours and numbers
14 right now.

15 For the overnight shift, which we
16 would define as any time between 6:00 p.m. and
17 7:00 a.m., no more than 30 children and 10
18 staff during that time. And no use of the
19 outdoor play area after dark.

20 For the Teen Renaissance Center,
21 that was the 3:00 p.m. to 6:00 p.m. core hour
22 set for 30 students and for staff. But we

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1 would also like to be able to have kind of
2 other things occur in there until 10:00 p.m.
3 and nothing would occur before 3:00 p.m.

4 So that kind of shortens the
5 window that we were talking about there.

6 For the Family Resource Center,
7 the core hours that we were discussing before
8 were 9:00 a.m. to 6:00 p.m. We would like to
9 go with those and also have the capability of
10 having three evenings a week of these kind of
11 other programs, whether they are classes or
12 just meeting with the individuals that would
13 come in on a normal basis until -- from 6:00
14 to 9:00 p.m.

15 And again, that would be for
16 somewhere between -- the typical use would be
17 somewhere between five and eight users during
18 that 9:00 to 6:00 span and there would be two
19 employees, although they would actually be
20 headquartered at the 1640 Columbia Road site
21 where Jubilee has its main offices.

22 Moving on to kind of a third

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1 overarching condition would be the Traffic
2 Management Plan, which we would like to
3 largely base on the submission that we just
4 submitted towards the beginning of the
5 hearing, but it sounded like maybe Jeff
6 Jennings already passed it through.

7 It is dated February 10, 2012. It
8 is our response to DDOT's report, essentially,
9 and it basically is what Jami talked about
10 pretty extensively. Basically, accepts the
11 vast majority of what DDOT requested and then
12 based on what we discussed here today, we
13 would like to kind of beef it up a little bit
14 with agreeing to have two people there during
15 those peak hours, which, you know, that's from
16 8:00 a.m. until 9:00 a.m. in the morning and
17 then from 3:00 p.m. to 4:00 p.m. in the -- for
18 the evening peak hour for the Jubilee
19 facility.

20 And that would be either Jubilee
21 staff or Jubilee volunteers. They will be
22 used interchangeably.

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1 And then also, we would like to
2 add to that adding the -- this kind of
3 patrolling concept to the security guard or
4 the staffer who will use that security office,
5 which is immediately adjacent to the two
6 designated parking spaces. We would like to
7 add that they will specifically police those
8 for use only by the drop-off/pick-up folks
9 during the peak hours for the Jubilee
10 facility.

11 MR. KNIGHT: We think that
12 responded to all the points that were raised
13 during the discussion.

14 CHAIRPERSON MOLDENHAUER: Thank
15 you. Based on those statements, do Board
16 Members have any final questions for the
17 applicant?

18 VICE CHAIR SORG: One point of
19 clarification for the teen/resource center,
20 what it sounds like you are proposing is
21 really a request for hours from 3:00 p.m. to
22 10:00 p.m.?

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1 MR. KNIGHT: Yes.

2 VICE CHAIR SORG: Okay.

3 MR. KNIGHT: Um-hum.

4 CHAIRPERSON MOLDENHAUER: If there
5 is no other questions, then I thank the
6 applicant for taking additional time and for
7 presenting a very full presentation today.

8 At this point in time, then we
9 will enter into deliberation. That being
10 said, I think we have before us a request for
11 approval for two separate types of special
12 exception relief. One for a CDC under 205 and
13 one for a center under 334, I believe it is.
14 334, yes, 334.

15 We have support of Office of
16 Planning. We have no objection from DDOT
17 pursuant to certain conditions and
18 recommendations in the record. We have
19 support from the ANC, which will receive great
20 weight.

21 We heard testimony from three
22 individuals today who are all community

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1 neighbors, users of the Jubilee facilities and
2 also staff members, all providing a high level
3 of support, recommendations and, you know,
4 encouragement that this program is not just a
5 fabulous program, but also a very well-needed
6 program in the community.

7 I think that the applicant is, you
8 know, providing an exceptional program for the
9 neighborhood and for the community and for the
10 city. And, you know, I definitely support the
11 application. I think that they satisfied the
12 terms.

13 I think that there is just, you
14 know, small areas that are of concern in
15 regards to satisfying the standard and that I
16 find, you know, concerning.

17 And I think that based on some of
18 the conditions we have discussed with the
19 applicant, we are able to mitigate those
20 areas, which include the traffic and safety
21 for drop-off and pick-up and things of that
22 effect with the neighborhood and on the

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1 streets and for the children and the users of
2 the facility, as well as the concern about
3 noise and potential objectionable impacts of
4 neighboring properties.

5 I think that the applicant has
6 presented potential mitigating standards in
7 regards to providing a masonry wall to the
8 east of the property for those neighbors. And
9 I think that some of the additional elements
10 in regard to the Traffic Management Plan would
11 address any of the other concerns with regard
12 to traffic aspects.

13 But I'll open up the floor to
14 additional comments or deliberations on this
15 case. And then if we move forward in a
16 positive light, we will get into the
17 conditions.

18 VICE CHAIR SORG: Madam Chair, I
19 agree with your analysis. I think we can see
20 that this organization is providing the
21 service already successfully, you know, in
22 their nearby facility of the same sort of

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1 magnitude. And it seems clear that it would
2 be good for the community to expand this.

3 Just to piggyback on some of the
4 recommendations that you mentioned just for
5 the record, we had also, in our Exhibit 37, a
6 letter of support from the Single Member
7 District ANC, as well as from Jim Graham, Ward
8 1 Councilmember in support, as well as from
9 the Latin American Youth Center, who was the
10 previous user and a similar community
11 organization operating, as well as a letter
12 from Office of the State Superintendent of
13 Education in our Exhibit 21. I'm just adding
14 those to the record.

15 But I agree with your analysis and
16 I also would be supportive of the application
17 with the conditions that were hammered out
18 just recently. Thank you.

19 MEMBER JORDAN: I'm kind of torn
20 on this and the fact that I believe it has
21 some challenges toward 205.3, .4 and .5 in
22 regards to traffic and the density of the

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1 area, the narrowness of the alley.

2 The monitoring plan I still think
3 is kind of fluent in regards to those
4 particular drop-off spots. And I'm concerned
5 that the impact on those neighbors and the use
6 of those parking facilities in that alley, but
7 and I understand the applicant has done a lot
8 in trying to get them to participate and you
9 can't force them to do that and I just hope
10 that that doesn't surface up to cause any
11 particular problems with that.

12 But I do believe that the need for
13 this facility greatly outweighs those other
14 little risks I just mentioned and that, for
15 me, would overcome the other -- those
16 situations regarding the traffic and what I
17 think are the impact. And hopefully it
18 doesn't come out to any bigger problem.

19 But I do believe that the need for
20 these type of services are definitely
21 necessary and I can support it.

22 MEMBER HINKLE: Yes, Madam Chair,

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1 just real quick. I have concerns about the
2 seven year time frame. I think it is, you
3 know, an extraordinary amount of time for
4 really some significant uses in the structure.

5 And also some concerns about not hearing from
6 those neighbors behind the street.

7 But with that said, I also
8 understand that the applicant has made an
9 effort to reach out to them and as Mr. Jordan
10 said, you can't force people to participate in
11 any sort of public forum.

12 So having said that, I agree with
13 some of the other statements in terms of this
14 being a good project and really having some
15 uses that enhance the neighborhood certainly.

16 So I could be in support with the
17 conditions as they were outlined by the
18 applicant.

19 CHAIRPERSON MOLDENHAUER: Any
20 other comments from Board Members?

21 MEMBER TURNBULL: Madam Chair, I
22 would just say that I can appreciate Mr.

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1 Hinkle's concern and Mr. Jordan's concern, but
2 I think you've got an applicant here who has
3 been doing this now for a number of years and
4 they have shown that they can do it. They
5 have been successful.

6 And I think Mr. Knight's one
7 comment that, you know, once they are up and
8 operational, they are willing to do whatever
9 is necessary to make the traffic, the problems
10 that come up, they are ready to resolve them.

11 And I think, as I said, they do
12 have a track record of being and doing similar
13 situations like this. So I'm -- although I do
14 see it's a very high traffic area and there
15 are some concerns, but I think after hearing
16 the testimony that most of the residents and
17 most of the users are nearby, that the
18 incident that the number of cars and drop-offs
19 would appear, at first glance right now, to be
20 incidental, that it's not going to be a major
21 impact.

22 But I think I would trust the

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1 applicant to do what they have said they are
2 going to do, that they will do whatever is
3 necessary to make things work out. I don't
4 know how you put that in the order, but I
5 think that they -- I would be willing to
6 approve the application.

7 CHAIRPERSON MOLDENHAUER: I think
8 that you all bring up really good points. And
9 I'm just trying to think about there may be a
10 way, as Mr. Turnbull indicated, of putting it
11 maybe in the order to address Mr. Hinkle's
12 point.

13 Because as I indicated to the
14 applicant initially, when we do terms, I think
15 typically for new CDCs, they are usually three
16 or five years. And, you know, this is seven
17 years, which I think as, you know, Mr. Hinkle
18 indicated -- I'm sorry, Mr. Turnbull
19 indicated, there is a lot of really positive
20 reasons why the Board would maybe be willing
21 to accept that in this condition, considering
22 the applicant's past history and their, you

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1 know, verbal statements multiple times during
2 the hearing that they would be willing to do
3 anything that it would take to kind of make
4 sure that things worked out.

5 But maybe we would be willing to
6 talk about a seven year term with a three year
7 middle term required meeting with the ANC to
8 discuss any issues that have arose or concerns
9 that have arose at that point.

10 I know OAG is shaking their head.
11 They always hate it when I throw out these
12 things, but I have to throw it out, and, you
13 know, indicate that they would try to mutually
14 identify remedial measures for any issues that
15 are addressed.

16 Now, I know, obviously, it is a
17 challenge in regards to enforcement and things
18 to that effect, but I think that it might be
19 something that the Board may want to consider
20 putting in this time considering the long
21 length of this term in comparison to other
22 applications that we typically -- that are

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1 similar to this.

2 So I'll open it up to Board
3 discussion and, obviously, indicating that I
4 know OAG typically encourages us not to do
5 things to this effect.

6 VICE CHAIR SORG: Madam Chair,
7 here is just to share my sort of thoughts on
8 this term. With new CDCs, you know -- oh,
9 Lord.

10 MR. KNIGHT: We lost an attorney.

11 (Whereupon, at 12:17 p.m. a recess
12 until 12:18 p.m.)

13 VICE CHAIR SORG: So sorry. With
14 new CDCs, you know, our practice has been the,
15 you know, three or five year term based on,
16 you know, several various factors from the
17 record.

18 I think here, actually I think,
19 the seven year term makes sense, in the sense
20 that, obviously, two special exceptions to our
21 existing programs that are being relocated
22 from an existing facility and not, you know,

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1 enlarged really from their existing
2 operations.

3 So I kind of see -- I have two
4 thoughts on this. I see a seven year term as,
5 in itself, a middle ground, you know, for an
6 operation that is in part -- sort of partner
7 operation, including, you know, some of the
8 staff that they are proposing is housed at
9 their, you know, other location and so forth.

10 So I feel comfortable in that
11 sense with a seven year term. And the other
12 reason that I feel comfortable is I think we
13 have a lot of really specific conditions in
14 terms of hours and capacity and traffic and
15 all the other concerns, like, for example, Mr.
16 Jordan, you know, shared with regard to, you
17 know, some of the points of 205.

18 And that's where the point -- and
19 to me, that's where the point of conditions
20 are. I mean, if someone in the community or
21 some interested party or stakeholder finds
22 that the applicant is not living up to the

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1 terms that are -- to which an approval was
2 conditioned, then that would be reason to
3 bring those things up.

4 And that's the vehicle there, I
5 think, for me. So while I wouldn't be opposed
6 to something like what you are suggesting, and
7 I doubt that the applicant would be, and it
8 runs afoul of OAG, I'm not sure that I think
9 it is really extraordinarily necessary. Thank
10 you.

11 CHAIRPERSON MOLDENHAUER: I'll
12 throw out opportunity for any other comments.

13 I mean, I'm not wedded to that condition. I
14 was just trying to throw out maybe an
15 opportunity.

16 MEMBER TURNBULL: Yes, no. And I
17 know we are struggling with the seven year
18 term. It is longer than we -- you know, five
19 years mainly. I don't know.

20 I have a, from the testimony that
21 I have heard, strong sense of the applicant
22 really wants to make this work, so I have a

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1 feeling of confidence with this, but a feeling
2 of confidence is not always -- that and a
3 \$1.50 might get you on Metro or something.

4 But, yes, I don't know. I don't
5 know what else we could do in the order, other
6 than, you know, like every two years they have
7 to meet with the ANC, but I don't know what
8 that really would do for us.

9 And I don't want to hamper. I
10 know there is the financial concern, too, to
11 get this thing off and running, because there
12 is three different bonds, I believe, that they
13 are working towards. So it's tough.

14 I mean, you have something that's
15 really in the public interest that is really
16 going to serve the community and you want to
17 see it go ahead. And they have been
18 successful in the past, so I'm not sure.

19 I know we have concerns, because
20 we have seen things in the past that we -- and
21 you want to strengthen as much as -- but I
22 also don't want to limit it. I mean, it's --

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1 a seven year term is maybe not that out of the
2 ordinary.

3 MEMBER HINKLE: Yes, Madam Chair,
4 just another thought. I know we are talking
5 about the uses on the terrace level of this
6 building, but there is also another 64, I
7 think, units here. And so, you know, there is
8 continual activity in this building, if you
9 will, 24 hours a day.

10 So you know, in light of that,
11 perhaps the uses in the ground floor or the
12 terrace level may not be as impactful as if
13 this were a structure that was just being used
14 for these, you know, public purposes on the
15 ground floor.

16 So in thinking about it, you know,
17 I could be comfortable with the seven years
18 without a requirement for them to go back to
19 the ANC, simply because this building will be
20 used 24 hours a day.

21 CHAIRPERSON MOLDENHAUER: I think
22 that's a really great point, Mr. Hinkle. And

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1 I think that that's, you know, a lot of
2 planning, you know, and design and
3 development, you know, and frontier -- a new
4 frontier in regards to mixed uses and to
5 provide a constant activity in the city and I
6 think that's, you know, what this potentially
7 would be providing as well.

8 So I mean, I think that being
9 said, one other point of discussion would be
10 the request for the term to commence at the
11 beginning of the Certificate of Occupancy,
12 rather than commencing at the effective date
13 of the actual BZA Order.

14 And I would be fine with that. I
15 would just want to make sure that we were very
16 clear and I'll identify this, but I want to
17 make sure we discuss this, because there would
18 be potentially three separate C of Os.

19 There would be a C of O for the
20 CDC, a C of O for the Teen Renaissance Center,
21 and then a C of O for the Family Resource
22 Center.

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1 So from my understanding, and I
2 just want to make sure the Board is all in
3 agreement on this, are we conditioning all
4 three uses for seven years? And so it would
5 be three separate terms, obviously, starting
6 the CDC make it a C of O before or after, you
7 know, one of the other uses.

8 I would be fine with just
9 indicating that it would be a term for each
10 use -- applicable to each use, even though we
11 are talking mostly about the CDC, do we not --
12 do we want to just say the CDC? Let's make
13 sure we're clear.

14 MEMBER JORDAN: I would think --

15 CHAIRPERSON MOLDENHAUER: I want
16 to make sure that the order is clear and the
17 conditions are clear.

18 MEMBER JORDAN: I would think that
19 it gets to the hot spots. Maybe it should be
20 from the issuance of the first C of O.

21 CHAIRPERSON MOLDENHAUER: The
22 first C of O and then not all three C of Os.

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1 Okay. So I just want to make sure that that's
2 how everyone feels? Okay. So does OAG have a
3 question then?

4 MS. GLAZER: Madam Chair, maybe I
5 missed something. I don't understand the
6 purpose of having the time run from the C of
7 O.

8 CHAIRPERSON MOLDENHAUER: It has
9 to do with their financing. And their --

10 MS. GLAZER: To give them
11 additional time --

12 CHAIRPERSON MOLDENHAUER: To give
13 them additional time, so instead of having the
14 term conditioned for the term period running
15 from the effective date --

16 MS. GLAZER: -- on the order?

17 CHAIRPERSON MOLDENHAUER: -- of
18 the order, it would run from the effective
19 date of the C of O when the institution could
20 start, based on the tax credits and the
21 financing.

22 MS. GLAZER: Okay. I didn't

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1 realize that was requested.

2 CHAIRPERSON MOLDENHAUER: It was
3 requested.

4 MS. GLAZER: Okay.

5 CHAIRPERSON MOLDENHAUER: So we
6 are just trying to clarify that, so there is
7 no --

8 MS. GLAZER: Okay. And by the
9 way, I don't have a strong objection to the
10 other condition, but you know OAG has advised
11 to stay away from conditions that require
12 meetings with third-parties.

13 CHAIRPERSON MOLDENHAUER: Yes.

14 MS. GLAZER: For a couple of
15 different reasons.

16 CHAIRPERSON MOLDENHAUER: And I
17 understand those rationales and I do and I
18 just sometimes -- though when you are trying
19 to come to a mutual agreement, trying to
20 mitigate different factors, sometimes I always
21 feel that it's important to at least throw it
22 out and consider it.

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1 But I think that being said, I
2 think we are all maybe on the same page now.
3 And if we have no additional comments, I'll
4 submit a motion.

5 I'll just get my notes together.
6 A motion to approve Application 18309 for
7 Jubilee Housing, Inc., pursuant to 11 DCMR
8 3104.1, for a special exception to allow a CDC
9 under ' 205, and a special exception to allow
10 the Teen Renaissance Program under ' 334 at
11 premises 1474 Columbia Road with the following
12 conditions:

13 The condition that the three
14 facilities, the CDC, the Teen Renaissance
15 facility and the Family Services facility
16 would all have a seven year term commencing
17 upon the first C of O issued for any one of
18 those three programs.

19 The CDC would have a limitation
20 for core hours of 7:00 a.m. to 6:00 p.m. with
21 a limitation during that time of 70 children
22 and 25 staff for additional hours, evening

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1 hours permitted from 6:00 p.m. to 7:00 a.m.
2 with 30 children and 10 staff during which no
3 outdoor play would be permitted after dark.

4 The Teen Renaissance Center would
5 be conditioned on having core hours from 3:00
6 p.m. to 6:00 p.m. with flexibility from time-
7 to-time to go until 10:00 p.m. for 30 students
8 and four staff.

9 The Family Resource Center would
10 have hours from 9:00 a.m. to 6:00 p.m. with
11 three evenings a week for programs until 9:00
12 p.m.

13 The applicant would institute a
14 Traffic Management Plan, which we will
15 incorporate by reference, which is Exhibit 34.

16 And will reference page -- and the summary
17 order should reference all the terms on the
18 second and third page in regards to providing
19 employees with a \$25 SmarTrip card, the
20 membership to the Capital Bikeshare, showering
21 facilities at the Jubilee main office, parent
22 drop-off requirements.

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1 We will add to this section the
2 requirement that they will have two staff or
3 volunteers during, and we will identify, peak
4 hours as being 8:00 a.m. to 9:00 a.m. and 3:00
5 p.m. to 4:00 p.m.

6 In addition to that, they will add
7 to this section for pick-up and drop-off that
8 the staff security officer located on 15th
9 Street will have the specific purpose and be
10 responsible for enforcing and ensuring that
11 those spaces are used only for purposes of the
12 CDC during those peak hours, again as I just
13 indicated.

14 It will also provide for the
15 transportation policy in the Parents' Handbook
16 the map for the students to show the on-street
17 parking options and the bicycle room along
18 with the Transportation Management Plan for
19 the Jubilee Housing Program as well.

20 That being said, I think those are
21 all of the conditions.

22 VICE CHAIR SORG: Madam Chair?

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1 CHAIRPERSON MOLDENHAUER: Yes?

2 VICE CHAIR SORG: I'm sorry to --
3 just one point of clarification.

4 With regard to the capacities,
5 there was some discussion if it was 70
6 children at one time or 70 cap and enrollment,
7 30 children at one time or 30 children cap and
8 enrollment. The same I think would be for
9 teen facility, but not for the family
10 facility.

11 So I'm wondering what your
12 intention would be there. I believe the
13 applicant had requested at one time as opposed
14 to as an enrollment cap. I don't have an
15 opinion. And I believe that was the request
16 of the applicant and I believe that OP --

17 CHAIRPERSON MOLDENHAUER: OP just
18 indicates 70 children.

19 VICE CHAIR SORG: -- was in
20 agreement with that.

21 CHAIRPERSON MOLDENHAUER: So why
22 don't we just say 70 children at one time at

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1 the facility and 30 children at one time at
2 the facility in evening hours and as well with
3 the --

4 VICE CHAIR SORG: 30 students?

5 CHAIRPERSON MOLDENHAUER: 30
6 children. Well, that's for the CDC for
7 evening hours.

8 VICE CHAIR SORG: Right. That's
9 okay.

10 CHAIRPERSON MOLDENHAUER: And then
11 for the Teen Renaissance Center 30 students at
12 one time as well. So that won't be enrollment
13 cap. That will be an at the facility at one
14 occupancy cap.

15 That being said, I believe those
16 are all the conditions. If there is any
17 additional comments on the conditions or if
18 there is a motion to second?

19 MEMBER TURNBULL: Second.

20 CHAIRPERSON MOLDENHAUER: The
21 motion has been made and seconded.

22 All those in favor say aye.

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1 ALL: Aye.

2 CHAIRPERSON MOLDENHAUER: Mr. Moy,
3 if you could read back the vote?

4 MR. MOY: Yes, the --

5 CHAIRPERSON MOLDENHAUER: And all
6 the conditions. I'm kidding.

7 MR. MOY: Thank you. The vote
8 will be 5-0-0. A motion of Chairperson
9 Moldenhauer, seconding the motion Mr.
10 Turnbull. In support of the motion to approve
11 special exception relief under ' 205 and 334,
12 again, a motion by Moldenhauer, seconded by
13 Mr. Turnbull, also in support of the motion
14 Ms. Sorg, Mr. Jordan and Mr. Hinkle.

15 And at this point, I'm just going
16 to have to say that all the conditions are as
17 cited by the Chair, Vice Chair and the rest of
18 the Board.

19 Again, the vote is 5-0-0.

20 CHAIRPERSON MOLDENHAUER: Just a
21 point of clarification. I think we want to
22 just also add that the applicant will take its

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1 best efforts to work with public
2 transportation to provide the bike location on
3 15th Street as well as a condition, as
4 proffered by the applicant.

5 Then based on that, a motion has
6 been made and seconded and approved and we
7 have no opposition in this case, so the Board
8 would like to waive its requirement and ask
9 that a summary order be issued.

10 MR. MOY: Thank you, Madam Chair.

11 CHAIRPERSON MOLDENHAUER: And then
12 that concludes this hearing. Thank you so
13 much.

14 MR. UTZ: Thank you very much.

15 CHAIRPERSON MOLDENHAUER: Have a
16 good day. And that concludes our morning and
17 we will reconvene, why don't we say we will
18 reconvene for those who will be in the
19 audience, at 1:30.

20 MR. UTZ: Great. Thank you very
21 much.

22 MR. KNIGHT: Thank you very much.

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1 (Whereupon, the Public Hearing was
2 recessed at 12:32 p.m. to reconvene at 1:45
3 p.m. this same day.)
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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 1:45 p.m.

3 CHAIRPERSON MOLDENHAUER: This
4 hearing will, please, come to order. Good
5 afternoon, ladies and gentlemen.

6 We are located in the Jerrily R.
7 Kress Memorial Hearing Room located at 441 4th
8 Street. Today is February 14, 2012. This is
9 a Public Hearing of the Board of Zoning
10 Adjustment for the District of Columbia.

11 My name is Meridith Moldenhauer,
12 Chairperson. Joining me today is Vice
13 Chairperson Nicole Sorg, to my right is Lloyd
14 Jordan, Mayoral Appointee, to my far right is
15 Jeffrey Hinkle, a representative of the
16 National Capital Planning Commission, and to
17 my far left is Michael Turnbull, a
18 representative of the Zoning Commission.

19 Copies of today's agenda are
20 available to you and are located to my left in
21 the wall bin near the door.

22 Please, be advised this proceeding

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1 is being recorded by a court reporter and is
2 also being webcast live. Accordingly, we must
3 ask you to refrain from any disturbing noise
4 or actions in the hearing room.

5 When presenting information,
6 please, turn on your microphone, first,
7 stating your name and home address. When you
8 are finished speaking, please, turn off your
9 microphone, so your microphone is no longer
10 picking up any sound or background noise.

11 All persons planning to testify
12 either in favor or in opposition are to fill
13 out two witness cards. These witness cards
14 are located to my left on the table near the
15 door and on the wall bin.

16 Upon coming forward to speak to
17 the Board, please, give both cards to the
18 court reporter sitting to my right.

19 Also, if you plan to file any
20 additional written testimony or additional
21 supporting documentation today, please, submit
22 an original along with 12 copies to the

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1 secretary for distribution.

2 If you do not have the requisite
3 number of copies with you at the moment, you
4 can reproduce the copies in the machine at the
5 Office of Zoning across the hall.

6 The order of procedure for special
7 exceptions and variances are as follows: One,
8 statement of the applicant and applicant's
9 witnesses; two, parties and persons in
10 support; three, parties and persons in
11 opposition; four, reports of the ANC; five,
12 Government reports; and then six, rebuttal and
13 closing statements of the applicant.

14 Pursuant to ' 3117.4 and 3117.5,
15 the following time constraints will be
16 maintained: The applicant, appellant, persons
17 and parties, except the ANC, in support,
18 including their witnesses, will be given 60
19 minutes collectively.

20 The appellee, persons and parties,
21 except an ANC, in opposition, will be given 60
22 minutes collectively.

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1 Individuals will be given three
2 minutes and organizations will be given five
3 minutes.

4 The time restrictions do not
5 include cross-examination or questions from
6 the Board.

7 Cross-examination of witnesses is
8 permitted by an applicant or a party. The ANC
9 within which the property is located is
10 automatically a party to a special exception
11 or variance case.

12 Nothing prohibits the Board from
13 placing reasonable restrictions on cross-
14 examination, including the limitation on time
15 and the scope of cross-examination.

16 The record will be closed at the
17 conclusion of each case, except for any
18 material specifically requested by the Board.

19 The Board and the staff will
20 specify at the end of each hearing exactly
21 what is expected and the date when that
22 information must be submitted to the Board.

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1 After the record is closed, no
2 other information will be accepted by the
3 Board.

4 The District of Columbia's
5 Administrative Procedure's Act requires that a
6 public hearing be held on each case in the
7 open and before the public.

8 Pursuant to ' 405(b) and 406 of
9 the Act, the Board may, consistent with the
10 rules and procedures in the Act, enter into a
11 closed meeting on a case for purposes of
12 seeking legal counsel on a case pursuant to
13 D.C. Code ' 2-575(b)(4) and/or deliberating on
14 a case pursuant to D.C. Code ' 2-575(b)(13),
15 but only after providing the requisite public
16 notice.

17 And in the case of an emergency
18 closed meeting, taking a roll call vote.

19 The decision of the Board in these
20 contested cases must be based exclusively on
21 the public record. To avoid any appearance to
22 the contrary, the Board requests that all

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1 parties present not engage Members of the
2 Board in conversation.

3 Please, turn off all cell phones
4 and beepers at this time, so as not to disturb
5 these proceedings.

6 The Board will now consider any
7 preliminary matters. Preliminary matters are
8 whether a case will or should be heard today,
9 such as requests for postponement, continuance
10 or withdrawal or whether proper and adequate
11 notice of a hearing has been given.

12 If you are not prepared to go
13 forward today or if you believe the Board
14 should not proceed, now is the time to raise
15 such a matter.

16 Mr. Secretary, do we have any
17 preliminary matters?

18 MR. MOY: Madam Chair, I have --
19 the staff has two preliminary matters for the
20 Board.

21 The first, for the record, is that
22 the Application No. 18248 of Abdo has been

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1 withdrawn by the applicant.

2 The second matter concerns
3 Application No. 18275 of Potomac Avenue. And
4 in your case folders, under Exhibit 32, there
5 is a request by the -- from the applicant to
6 postpone this application.

7 CHAIRPERSON MOLDENHAUER: Yes.
8 And we have reviewed that request and we will
9 grant postponement.

10 I believe he didn't ask for a
11 specific time frame.

12 MR. MOY: That's correct. So this
13 is at the pleasure of the Board.

14 CHAIRPERSON MOLDENHAUER: So, Mr.
15 Secretary, what looks good then maybe in March
16 or April?

17 MR. MOY: Let's see, March 13,
18 March 21. I think the first opportunity,
19 Madam Chair, where there is -- that is
20 convenient for the Board would be the
21 afternoon of March 20th.

22 CHAIRPERSON MOLDENHAUER: Okay.

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1 MR. MOY: There is presently only
2 two cases in the afternoon.

3 CHAIRPERSON MOLDENHAUER: Yes,
4 that looks good. So we will reschedule this
5 case then for the afternoon of March 20th.

6 MR. MOY: Very good. Thank you.

7 CHAIRPERSON MOLDENHAUER: Okay.
8 Then we will call the first case for the
9 afternoon schedule.

10 MR. MOY: Would you like to take--

11 CHAIRPERSON MOLDENHAUER: Oh, the
12 oath, yes. All individuals wishing to testify
13 this afternoon, if you can, please, stand and
14 the oath will be administered.

15 (Whereupon, witnesses were sworn.)

16 MR. MOY: Ladies and gentlemen,
17 you may consider yourself under oath.

18 So with that, the first
19 application before the Board for a hearing is
20 Application No. 18308. This is the
21 application of Bozzuto Development Group,
22 pursuant to -- and this is the original

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1 application with the original caption.

2 Pursuant to 11 DCMR 3104.1 and
3 3103.2, for a special exception from the roof
4 structure setback requirements under
5 subsection 411.11, and variance relief from
6 the parking requirements under subsections
7 2101.1 and 2108.2, a variance from the loading
8 requirements under subsection 2201.3, and a
9 variance from the lot occupancy requirements
10 under subsection 772.1.

11 This is to renovate, convert and
12 expand an existing warehouse building for
13 residential, 63 unit apartment house use, in
14 the DD/C-2-C District at premises 460 New York
15 Avenue, N.W., property located in Square 515N,
16 Lot 828.

17 The Board may wish to clarify the
18 relief that is being sought by the applicant,
19 Madam Chair.

20 CHAIRPERSON MOLDENHAUER: Good
21 afternoon. If all the parties can introduce
22 themselves for the record?

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1 MR. UTZ: Sure. I'm Jeff Utz with
2 Goulston & Storrs, counsel for the applicant.

3 MR. SLIDELL: I'm Duncan Slidell
4 with the Bozzuto Group, the developer.

5 MR. STADLER: And I'm Sean Stadler
6 with WDG Architecture and I'm the principal
7 designer in architecture for the project.

8 CHAIRPERSON MOLDENHAUER: Good
9 afternoon. Mr. Utz, before we get started, I
10 just want to point out some questions that
11 kind of are arising, based on reviewing the
12 record, reviewing OP's report and maybe you
13 can touch on these during your presentation.

14 The question is whether or not the
15 new variance relief under 2016.12, the setback
16 for parking, would actually be considered a
17 minor modification or rather a need for new
18 relief, since it is relief that, obviously,
19 wasn't in existence in the new order and is
20 new relief not a modification or a change in
21 relief that had previously been presented or
22 articulated in the prior case.

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1 MR. UTZ: Sure.

2 CHAIRPERSON MOLDENHAUER: That
3 being said, I'll turn it over to you and let
4 you present your whole case.

5 MR. UTZ: Okay. Great. Thank
6 you. I believe I will touch on that in my
7 introduction and I'll call out when I spend a
8 little time talking about that, but, yes,
9 there is a bit of procedural history here that
10 is definitely a bit confusing, so I'll try to
11 shed some light on that.

12 Again, thank you very much for
13 letting me come before you again. My name is
14 Jeff Utz and I'm here with Duncan Slidell and
15 Sean Stadler. We really appreciate the
16 opportunity to come before you.

17 This is an application for
18 modification to a prior approved project, but
19 also has an element of new relief associated
20 with the request.

21 The entirety of this modification
22 results from a reduction in the size of the

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1 project in, basically, further studies that
2 were performed as the construction drawings
3 and the realities of kind of implementing this
4 approval came to light.

5 Specifically, this application
6 requests modification to really two areas that
7 were approved under BZA Order 17723, which was
8 extended by BZA Order 17723A. That would
9 actually expire on March 28th of this year and
10 we can kind of touch on the timing a little
11 bit later, if you want to talk a bit about
12 that.

13 That order granted loading relief.
14 It was a complete loading waiver from any
15 loading facilities here. Parking relief for--
16 basically, to allow for parking in the vault
17 spaces, since those are not technically legal
18 for the Zoning Regulations compliance
19 purposes. And lot occupancy.

20 This is DD/C-2-C. And for a
21 commercial, it would be allowed 100 percent
22 lot occupancy, but for residential, 80 percent

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1 lot occupancy is required, as I'll talk about
2 a little bit.

3 There is already a building there.

4 It's three stories and it is 100 percent lot
5 occupancy. So the intent was previously and
6 is still now to just continue the building all
7 the way up.

8 Those areas of relief would be
9 modified a bit by this new design.
10 Essentially, we wanted to revisit the parking.

11 We are still over-parking the site. 63 units
12 are proposed, 36 spaces are now proposed, so
13 typically it's one space for every four units,
14 but we feel the market kind of demands a
15 little bit more parking than that, but because
16 it doesn't -- those spaces don't meet the
17 technical requirements of the Parking
18 Regulations, we are asking for a waiver from--
19 essentially, for the parking, which would
20 modify the previous approval.

21 Similarly, we just wanted to
22 revisit the areas of approval that were

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1 previously granted. The lot occupancy,
2 obviously. Basically, the plan will change a
3 little bit. So the lot occupancy changes a
4 little bit. It actually gets a little bit
5 better, since the building shortens a bit. We
6 are asking for less of an extent of lot
7 occupancy relief.

8 And similarly for loading, we are
9 dropping from 84 to 63 units, so kind of the
10 ask there is a little bit different, but we
11 would still need approval of the plan from you
12 all, since it is a modification.

13 Getting to the new area of relief,
14 that is -- that relates to the -- it's '
15 2116.12 that was recently put forth by the
16 Zoning Commission. It actually became
17 effective on September 30th of last year,
18 which that was four days after we submitted
19 our application, this application on September
20 26th of last year.

21 And that relief specifically
22 relates to having parking in -- within the 20

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1 foot setback area on street facing lot lines.

2 So that is the new area of relief and we will
3 be detailing that in this presentation first
4 and foremost.

5 A little bit more information
6 about the property. As I mentioned it's DD/C-
7 2-C. It is also located in the Mt. Vernon
8 Triangle Overlay. It would be allowed to go
9 to 130 feet. It could go to an unlimited FAR
10 through TDRs and CLDs, if residential uses are
11 involved, and 80 percent lot occupancy for
12 residential uses, that's also a requirement.

13 The lot itself is pretty tiny, as
14 lots in that area of the city go. It's 6,451
15 square feet. It is improved with a three
16 story warehouse structure. And as you all
17 might recall from reading the order of the
18 previous transcript, there is interest in the
19 preservation community in preserving that
20 building.

21 In 2008, our team met with the
22 Historic Preservation Office and D.C.

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1 Preservation League and there was interest
2 expressed in maintaining this building. So it
3 will act as the base for the addition, which
4 Sean will kind of detail a bit more.

5 Regarding the modification itself,
6 the standards are really pretty simple under '
7 3129. Essentially, if the facts upon which
8 the Board based their prior decision have not
9 changed, then a modification can be granted.
10 As we will detail, it's much the same. The
11 practical difficulty results from the existing
12 building combined with the small lot, combined
13 with the odd-shape, combined with the pretty
14 extensive street frontage that we have.

15 All these things contribute to the
16 practical difficulties associated with strict
17 compliance and there is no harm to the Zone
18 Plan. And as I mentioned before, the extent
19 of those requests are actually smaller than
20 they were previously.

21 With that, I would like to go
22 ahead and turn it over to Duncan Slidell to

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1 give a little information about the applicant,
2 the project and community involvement and
3 things like this.

4 MR. SLIDELL: Thank you, Jeff.
5 I'm Duncan Slidell, Vice President of Bozzuto
6 Homes. We are the contract purchaser for 460
7 New York Avenue.

8 A little background on Bozzuto, if
9 you are not familiar with our company. The
10 Bozzuto Group is our parent company. We are
11 primarily a residential development company
12 that builds apartments, condominiums,
13 townhomes, mixed-use projects. We also are a
14 provider of services as well, so we have a
15 property management division, a general
16 contracting business and we do a lot of work
17 in the District.

18 Just to give you an idea of scale,
19 we manage right now about 30,000 apartments up
20 and down the northeast. We manage,
21 approximately, 20 projects in the District,
22 including the Newseum Residences, Residences

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1 on the Avenue, Senate Square, The Loree Grand
2 and Yale West to name a few.

3 In terms of our contracting
4 business, right now we are actively involved
5 in Rhode Island Avenue Metro, Catholic
6 University, in a joint venture with Jim Abdo,
7 Cathedral Commons on Wisconsin Avenue and a
8 few other projects as well.

9 I say this to give you a little
10 bit of context in terms of our background as
11 it relates to this project. And we have had
12 it under contract for six years. We have
13 looked at it many different ways, as you might
14 imagine, both as an apartment, as a
15 condominium and as a mixed-use site.

16 To give you a little site context
17 here, it is located in Mt. Vernon Triangle
18 area on the south side of New York Avenue
19 between 4th and 5th Street, bordered by L
20 Street and New York Avenue.

21 To the east of the project is
22 Paradigm. They are actively under

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1 construction now. Jimmy Dodson from Paradigm
2 is with us today. And we have had many
3 conversations with Paradigm about what we are
4 doing and trying to understand what they are
5 doing and how we impact each other's sites.

6 City Vista is to the south of our
7 project where the Safeway is and to the west
8 is a park. And like I mentioned, Yale West
9 and Yale Laundry up to the north.

10 Just a quick overview of the
11 project. Again, it has been about six years
12 we have looked at it a lot of different ways.

13 84 units were the previously approved project
14 with 72 parking spaces. It was originally
15 contemplated that we would do underground
16 parking, some of which would be in the vault,
17 as Jeff just described. We have some relief
18 in the vault to do that.

19 One thing I would like to point
20 out that DDOT today is obviously not really
21 excited about anybody doing any work in the
22 vault space, so there is no guarantee if we

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1 did build anything inside of the vault that
2 DDOT would actually approve it when we got to
3 the public space permit stage. So that's a
4 potential risk for us.

5 The previous project when we
6 looked at it, it didn't work. The market
7 changed, a lot of things changed. We have
8 looked at various levels of unit counts. 42
9 units, 56, 63, levels of seven, if you follow
10 football all the way up, nine stories, seven
11 units per floor, 63 units is what we settled
12 on.

13 Each of those different analyses
14 involved looking at wood frame construction,
15 infinity systems, post extension concrete and
16 trying to figure out how we would park each of
17 these different projects to make it work.

18 What we settled on here was that
19 we determined that even with our previous, you
20 know, approvals, we could not get 72 spaces
21 underground with the current format on 6,400
22 square feet.

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1 Sean is going to go into a little
2 more detail on the drive aisles and talk a
3 little bit about how it's not possible, but,
4 essentially, today with the new requirements
5 for the 20 foot setback, it leaves you with
6 about two to three spaces, we think per floor.

7 So if you think about it, if you
8 are going to go underground without doing this
9 mechanical system and you can get two to three
10 spaces, Sean will verify that if that's true,
11 then you have to go down about 12 floors to
12 get 36 spots. So it's a huge cost impact on
13 the project, something that we can't bear on a
14 project of this size.

15 The mechanical parking system,
16 which Sean will go through, is a 36 unit
17 parking space system that has an elevator
18 shaft. It is somewhat similar to the one at
19 Summit Grand Park on 15th Street, if you have
20 ever seen that, but it is a little bit more
21 simplistic.

22 We have ground level parking 12

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1 spots and then an elevator that takes you up
2 and down three floors for each parking spot.
3 And we will get a little more detail with
4 that, but we think it's the most cost-
5 effective, the most efficient way to get the
6 maximum number of parking spaces within this
7 current building's footprint.

8 So again, we looked at all sorts
9 of parking solutions. We looked at no
10 parking. Determined that no parking while we
11 think we could get approval possibly to do no
12 parking, the current approval is .25 here
13 parking ratio, the market impact of having no
14 parking in your building, we think would be a
15 huge negative for this project.

16 So we have settled on 36 units.
17 The water system, the mechanical system that
18 we have, we have looked at various types of
19 that. You know, you could get 29 parking
20 spaces, 36 and 36 was really the optimal
21 amount.

22 As I mentioned before, even if we

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1 could park within the vaulted systems, DDOT
2 would not necessarily approve this. This is
3 one of those direct impacts that is something
4 that is worth noting here.

5 Another thing is because of the
6 historic significance of this building and the
7 facade that we have to keep in place,
8 actually, building into the vault space is not
9 feasible, because you would be undercutting
10 the facade, so you wouldn't be able to
11 structurally support the facade as you built
12 down. So I think that's an important point to
13 note here.

14 In terms of constructability, you
15 know, we have looked at this project. We
16 finally have a permanent set of drawings that
17 are going to be ready to go here by the
18 middle of March. We are ready to apply for a
19 building permit to move forward with this
20 project and start construction in the fall of
21 this year, so we are very excited about that.

22 I think, as Jeff mentioned, we

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1 reached out to the community. We met with the
2 ANC-6. We have got support letters from ANC.

3 And we have support letters from the Mt.
4 Vernon Square Neighborhood Association as
5 well.

6 And as I mentioned, we have had a
7 lot of communication with Paradigm to our
8 east.

9 So with that, I'll just finish up
10 and turn it over to Sean Stadler, our
11 architect. If you are ready, Sean?

12 MR. STADLER: I'm ready.
13 Unfortunately, I think that --

14 CHAIRPERSON MOLDENHAUER: I think
15 your actually, first, need to turn on your
16 microphone.

17 MR. STADLER: Sorry.

18 CHAIRPERSON MOLDENHAUER: That's
19 okay. We just have to have it on the record.
20 Thank you.

21 MR. STADLER: Apparently, they are
22 having a little issue getting our drawings up

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1 on the screen. So I hope that you can follow
2 along with our package, because it goes along
3 with it.

4 We have some additional drawings
5 here that will speak about the design options
6 that we looked at for the garage that will
7 accompany this presentation that wasn't
8 submitted with the BZA.

9 So as Duncan had stated on Sheet
10 A-1.0 in the packet, you see a site plan, the
11 red building on your plan shows our --

12 CHAIRPERSON MOLDENHAUER: Can I
13 just ask a point of clarification? Are we
14 going by the new document you just sent us or
15 the submission that was part of the prehearing
16 statement?

17 MR. STADLER: The new document is
18 just a design study for parking options. So
19 I'm going to -- I'll touch on that second
20 after going through the original kind of BZA
21 submission.

22 CHAIRPERSON MOLDENHAUER: Okay.

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1 And since we don't have a diagram, if you can
2 just identify them as an A-1, A-1, just so we
3 kind of can follow along.

4 MR. STADLER: Okay. Sure.

5 CHAIRPERSON MOLDENHAUER: I
6 appreciate that. Thank you.

7 MR. STADLER: So I believe the
8 sheet you should have is A-1.0. And it would
9 be called Site Location.

10 CHAIRPERSON MOLDENHAUER: Yes.

11 MR. STADLER: On that sheet, you
12 will see that the building is highlighted in
13 red, that is our project. To the south is the
14 City Vista Project. To the east what that
15 aerial shows is what was there prior to the
16 Paradigm construction. To the north is both
17 components of the Yale Laundry Project, which,
18 at the time we originally designed this, both
19 City Vista and Yale were in construction, so
20 they are now there. And then we have 5th
21 Street to the west.

22 Brian, do they have the old --

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1 BRIAN: They have the old context.

2 MR. STADLER: Yes. The context
3 photos that you have are actually outdated, at
4 this point, since there is now a significant
5 change with the Paradigm building. Brian is
6 going to hand you a sheet of more recent
7 photographs.

8 But what you will see behind our
9 building is rising 120 feet a new structure
10 and our building, actually when it is finished
11 construction and we have some illustration of
12 this, will cover that kind of blank facade
13 that is there. So we think that this building
14 actually contributes to its urban environment
15 and actually starts to create a -- there we
16 go. Perfect.

17 So you can see this is looking up
18 New York Avenue. That's our existing
19 building. This is the new Paradigm building
20 here. This is on L Street with our building
21 and, again, our building will come up and
22 cover this facade as we kind of move forward.

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1 So this is our site plan. It is a
2 little bit different than what we originally
3 had showed you in the previous approval. We
4 are currently at 129 feet 2 inches to our
5 roof. I think our previous approval was for
6 130 feet.

7 The September 26th filing indicated
8 108 feet 10 inches. At that time, we were
9 asking for a roof structure relief and we went
10 back and redesigned the project, so that we
11 actually made it a floor rather than a roof
12 structure. So we have an amenity space up
13 here that I'll show you.

14 And our penthouse is actually
15 within this floor, so we are now in compliance
16 because we don't have a roof structure. We
17 have a floor.

18 Our current FAR is 10.3. The
19 original FAR was 13.0. And we now have 63
20 units rather than 84 units, as Jeff had
21 indicated earlier. We are, approximately,
22 66,537 square foot consisting of the existing

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1 and, I think actually, the existing is 19,358
2 square foot and then 47,000 is created in
3 eight additional floors.

4 Parking. We now have 36 parking
5 spaces that are being provided in an automated
6 parking structure. And I'm going to walk you
7 through this parking structure and how it
8 works and a little bit of the differences of
9 some of the things that we can do.

10 But this particular parking
11 structure is actually a very basic system. So
12 we will walk through that going forward here.

13 VICE CHAIR SORG: Is it 36 or 34
14 parking spaces?

15 MR. STADLER: Actually, it is --
16 it's -- we have 36 spaces, but because of
17 handicap spaces, two of those spaces will be
18 one space for handicap. So we have 34, two of
19 those spaces will be handicap. If no handicap
20 residents are in the building, we will be able
21 to provide 36 spaces.

22 VICE CHAIR SORG: Thanks. I just

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1 wanted that clarification.

2 MR. STADLER: Sure. So the image
3 that we have up on the screen right now is of
4 our basement level. I'm going to skip to the
5 ground level and then go back to that basement
6 level just so that you can kind of follow how
7 the garage works.

8 So this, at the bottom of the
9 screen, is L Street. At the top of the screen
10 is New York Avenue. And over here is Ragelo
11 Park. We are still accessing the site from L
12 Street. DDOT does not want us to access our
13 site from New York Avenue due to its
14 congestion.

15 So that took away a slew of
16 options that we had, but so we are -- our
17 original design kind of came in at this side
18 of the site. We are now coming in at this
19 side. And actually, the streetscape was
20 reconfigured from our original proposal, so we
21 have had some work with DDOT.

22 You are going to see some parking

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1 or some vaults here in public space. We are
2 working with DDOT on that. We actually hope
3 that we won't need to use those vaults and we
4 can tie into the existing network that is on
5 New York Avenue.

6 So when you drive in, you are
7 actually ramping down a bit and then what we
8 have is there is one space here, three, three,
9 three, and two. And this structure --
10 actually, the way this thing works is that one
11 car comes in and you go up or down.

12 Now, I'll show you that in
13 section, but it's a pretty basic system. So
14 what we need to do is provide a drive aisle
15 for this to happen and the car will park in
16 here and then this single unit will move up
17 and down.

18 We have a very small footprint
19 left for our lobby. We have a jump elevator
20 that goes up to bring you above this parking
21 structure to where you will transfer over to
22 an elevator that is right in our drive aisle

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1 here. And so we couldn't bring out actual
2 elevator for the tower here, so we actually
3 need to kind of have a transfer.

4 I'll show you on some of the other
5 floors here. And then we have a triangular
6 space back here that will be for some storage.

7 This diagram here that you see,
8 the hatched area represents the 20 foot
9 setback that we could park in and, you know,
10 at the end of the day, this is the area that
11 we would be able to park in and we believe
12 that there is about three or four spaces that
13 we could physically fit compliable parking
14 spaces in there.

15 This is just a typical floor and
16 what we would like to -- the reason we have
17 this in here is that, obviously, this site is
18 a very constrained site. It is oddly
19 configured, very inefficient and been a
20 challenge.

21 So the size and the number of the
22 units that we have here are seven per floor,

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1 anywhere from about 700 square feet and
2 actually like 594, I think, is the smallest.
3 The largest unit we have is 596, which is over
4 on the deepest part of the site.

5 The elevator core is most
6 appropriately located in the deepest part of
7 the site, so that we can utilize those for
8 residential units, but that does impose some
9 difficulties that we need to transfer over to
10 a jump elevator that is over in this location.

11 And then we have our 11th floor
12 which is our amenities space that we can come
13 up and, obviously, since we are at the front
14 of New York Avenue here at the tip at 5th
15 Street, the views that are here are the best
16 thing that we have in the project.

17 The buildings on the south of us
18 are taller and the buildings along New York
19 Avenue to the north are taller. So really the
20 only view corridor we have is up and down New
21 York Avenue. So this roof structure is really
22 important for residents that have small units

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1 that don't really have a whole lot of place to
2 entertain. And when you are trying to sell
3 condo units, we really kind of need something
4 to entice them.

5 So this is the section, what you
6 can see here is the existing building is this
7 area. So we have two floors of residential
8 units we will be building into the existing
9 structure. And then at the first ground
10 floor, we actually can stack three levels of
11 parking in that one level.

12 MEMBER JORDAN: Excuse me, if I
13 can, Madam Chair. Can you tell us which
14 particular diagram it is in the book, so we
15 can also follow it?

16 MR. STADLER: I think that is --

17 MEMBER JORDAN: Oh, 3.

18 MR. STADLER: 3.3.

19 MR. UTZ: Right, 3.3.

20 MR. STADLER: And so how this
21 parking structure works is that the car drives
22 in into that center aisle and physically loads

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1 onto the platform from that level. If I was
2 to park -- if this was full, this platform
3 would then drop down into this pit and I would
4 drive into the second slot. If I needed to
5 get to the third, then this lowers all the way
6 down to the bottom of the pit and I park onto
7 the third space.

8 So I hope that is kind of clear,
9 but I think I actually have an image of that
10 here that you can see how that kind of works.

11 So the car pulls in and then it lowers and
12 raises. So each car has to access each
13 individual kind of stack straight on.

14 MEMBER TURNBULL: Is this self-
15 service or vendor-operated?

16 MR. STADLER: This is self-
17 service.

18 MEMBER TURNBULL: Okay.

19 MR. STADLER: So it's really the
20 most basic parking, automated parking
21 structure there is. And again, I think as I
22 show you some of these studies, we will go

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1 through some of the issues.

2 But the site is really constrained
3 by a number of issues that really question the
4 feasibility of the project to go forward in
5 general. What we have done here is to do
6 everything we can to make this project the
7 most efficient project we can using the
8 existing building kind of imposes an initial
9 cost to us and then trying to support those
10 facades while digging down into the basement
11 for the pit is, obviously, a little concern as
12 we go forward.

13 CHAIRPERSON MOLDENHAUER: I just
14 want to jump in. I'm going to ask kind of a
15 question I typically would never ask, but in
16 this situation it seems more appropriate. We
17 have seen a lot of applications seeking relief
18 from all parking requirements.

19 MR. STADLER: Yes.

20 CHAIRPERSON MOLDENHAUER: Is that
21 not something that this application has looked
22 at doing, instead of seeking --

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1 MR. STADLER: Right.

2 CHAIRPERSON MOLDENHAUER: -- this
3 additional type of relief? Just asking for --
4 I mean, especially for units, I mean, you are
5 telling me the unit makeup and the size.

6 MR. STADLER: Yes.

7 CHAIRPERSON MOLDENHAUER: They are
8 really small units. Is that not something
9 that the applicant thought of about pursuing?

10 MR. STADLER: I think Duncan can
11 probably speak more specifically to this, but
12 at one point --

13 CHAIRPERSON MOLDENHAUER: DDOT has
14 been recommending it a lot recent.

15 MR. STADLER: Yes. At one point
16 in time, I think, our client did look at
17 alternate ways to park. And in this
18 environment, there is -- the feasibility of
19 providing residential units without providing
20 any parking is just not feasible.

21 While we can get away with it, I
22 think, from a zoning standpoint, selling units

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1 without providing parking just -- we are just
2 not there. So the client did and I'll let
3 Duncan speak a little bit more to that.

4 MR. SLIDELL: Yes. Just to
5 piggyback on that comment, Sean. I mean, we
6 have looked at it. We have looked at the
7 impact of having no parking on a building in
8 terms of the revenue for each unit, you know,
9 the price impact, the economic impact. And we
10 determined that we needed to provide some
11 parking, some level of parking to make this
12 marketable to our customers and we are
13 comfortable with, you know, 36 for 63.

14 There has been a lot of discussion
15 internally about trying to get more. We have
16 tried every way we could to get more parking.

17 So the answer is we looked at it. We
18 determined it's not feasible with no parking
19 and that's where we settled in at 36 parking
20 spaces.

21 MR. STADLER: And I think at the
22 time, when we were developing the project to

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1 prepare for BZA, the issue of the 20 foot
2 setback from the property line really hadn't
3 arisen and it was actually after, I think, we
4 filed our drawings that, you know, we were
5 informed that there was now a new standard of
6 20 foot setback.

7 So I just want to walk you through
8 the kind of architectural image of the
9 project. Again, this is looking up New York
10 Avenue. The Paradigm building is here behind.

11 Our existing building is here. That will be
12 what is now bricked up. It will now be
13 thoughtfully kind of redesigned to incorporate
14 a more kind of typical warehouse window that
15 would have been seen here.

16 And then the tower above we have
17 separated that from the existing building. We
18 didn't want to match the brick there. We
19 wanted the existing building really to be
20 known and seen as it was. And so the addition
21 on top of it looks to be thoughtfully put on
22 top and in a little bit more contemporary

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1 fashion.

2 So I think that we kind of leave
3 the historic piece in tact as it should be
4 seen. So you can see that we have got one
5 floor that has a little bit of a visual
6 setback, so that the tower can stand off from
7 the existing building. And then the
8 residential stories and our last floor with
9 the amenity space.

10 This is looking at it straight
11 across from New York Avenue. And so what you
12 see here is this area of New York Avenue is
13 actually these two bays are where the parking
14 happens behind the glass. These bays are the
15 lobby and a stair that comes down.

16 So on New York Avenue, this is
17 where we would actually have the parking
18 behind the glass. The idea that we have had
19 was that we would screen this glass, so that
20 it would look just like everything else on the
21 project. And I have some images in further
22 slides that will kind of show you a project

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1 that we did in Baltimore in a similar fashion
2 that has a garage that we think was fairly
3 successful and was well-received by the
4 community.

5 This is the New York Avenue or the
6 L Street side. And so the parking garage
7 again is over in these two bays. The entrance
8 into our garage is here. And this again is
9 our residential lobby. The floors above again
10 are new residential floors in the existing
11 building. And then the new tower of units on
12 top.

13 So this is a little bit more blow-
14 up of the base of the building. Again,
15 looking specifically at this area, this is --
16 it's 701 South Eaton Street. We developed
17 this back in, I think, 2005 for Elm Street and
18 on this particular project, the top -- these
19 three floors here is actually a full-out
20 garage that parks against the glass here.

21 The glass had -- it's an insulated
22 glass that has the third face of it with an

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1 obscured kind of pattern on it. So when you
2 are up close, you just can't see through it.
3 You can see it and it looks just like every
4 other piece of glass in the building actually.

5 So we think it is fairly
6 successful and Baltimore, the city of
7 Baltimore has been very happy with the
8 execution of what that was and has no concern
9 that that's a garage.

10 And then this here is not in your
11 package. We had produced this with some
12 concern that what would this look like at
13 night? And so I think that you can see here
14 again the intent is that this really kind of
15 looks like any other piece of the project.

16 So there is translucent glass
17 here, so we didn't want to make this 100
18 percent opaque, so it will be a big black
19 hole. We wanted to let light filter in. So
20 what you will see really here is shadows of
21 things behind it, but really an obscure view
22 of what the parking would be.

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1 We think that it will animate the
2 street and it will be pretty in keeping with
3 the rest of the building.

4 So with that, what I would like to
5 do is to go through another quick iteration of
6 what we looked at prior to arriving at this
7 solution.

8 And so this here is the original
9 BZA that was approved with a ramp going down
10 and then underground parking. And you can see
11 at this point, we, obviously, understood the
12 site that the majority of our footprint would
13 be a parking ramp. And any parking that we
14 could achieve would be under vault.

15 And since this particular time,
16 the economics have significantly changed. And
17 so I think in the hay-day of the condo craze,
18 you know, I think there was some idea that we
19 could bare a little bit more cost. Now, the
20 market is very questionable. I think we are
21 one of the few condo projects going out, that
22 there is a lot of rental projects moving

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1 forward, but very few condo projects.

2 And to be able to dig down, it
3 begins to question the feasibility of it and
4 the vault parking at this point, DDOT has
5 informed us that they are really not
6 encouraging anyone to use vault space for
7 parking.

8 So we looked at this and in most
9 cases we looked at this as above-grade, but it
10 can be copied down below-grade, since the
11 footprint is exactly the same. And we ruled
12 most of these options out due to cost above-
13 grade. So if you can't afford it above-grade,
14 we really can't afford it below-grade.

15 But what you can see is trying to
16 come in on a ramp system and getting up. This
17 is ramping above the first floor here, so, at
18 that point, we had a lobby on the first floor.

19 Getting to a second floor and when we get to
20 the second floor, we need a stair for egress.

21 We need a core for the tower and another
22 stair. And so what we actually end up with is

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1 three spaces here.

2 The rest of the footprint of the
3 building is encompassed by the ramp structure
4 itself, that would be the same again as we
5 would go underground.

6 And on this scheme, when we got to
7 the top floor, we used some tandem spaces here
8 as best we could and so we get a total of 10
9 spaces within three floors of kind of the
10 existing building. So it just didn't seem to
11 be feasible.

12 We looked at what would we do if
13 we valet parked it, so that we would park on
14 the ramp? Again, we came up with about 12
15 spaces and, quite frankly, the valet parking
16 for a small condo project like this, again, it
17 just -- the project couldn't bear having a
18 full-time employee to park the cars.

19 But this shows you several
20 different configurations of how we tried to,
21 you know, get as many parking spaces as we
22 possibly could to where we finally came up

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1 with well, what about automated parking
2 systems?

3 So we looked at a number of these.

4 And in this particular first instance, I
5 think this was, the idea was, we would use an
6 elevator. And then we still needed a drive
7 aisle to get to the spaces. There is concern
8 about kind of the turning radius, the actual
9 freight elevator and at the end of the day, we
10 still don't get a ton of spaces and we, at
11 this point, you know, weren't aware of a 20
12 foot setback. We wouldn't be within the 20
13 foot setback.

14 Again, we kind of looked at New
15 York Avenue. That quickly got thrown out
16 since we couldn't access it from New York
17 Avenue, but it actually didn't harvest any
18 more spaces than the previous scheme.

19 We looked at -- so then we started
20 looking at parking systems. This one is a
21 little bit more sophisticated. It would go up
22 within the tower all the way up the top and

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1 you would have two spaces on each level. And
2 at the end of the day, I think, we ended up
3 with a total of 36 spaces.

4 So the system while it physically
5 worked, it was a little difficult to justify
6 the cost of the actual equipment for the
7 system.

8 Again, this is another scheme that
9 we looked at, you know, with the lift in
10 another area. And so at the end of the day,
11 we really arrived at the solution that we have
12 today, which is a very simple parking
13 structure that physically moves up and down and
14 we're able to accommodate the 36 spaces, which
15 is about as good as we can do.

16 And with that, I'm going to turn
17 it over to Jeff.

18 MR. UTZ: All right. Thanks.
19 Sean, could you maybe spend a minute or two
20 just talking about kind of addressing some of
21 the streetscape mitigation that has been done
22 at that area about, you know, the kind of

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1 sealing it off for exhaust and headlight
2 purposes and things like that?

3 MR. STADLER: Right. Actually,
4 the parking structure itself needs to be
5 enclosed, so that the equipment won't
6 deteriorate, so it needs to be enclosed. We
7 can't really use open ventilation at the
8 ground level. So that's one of the reasons
9 why we have gone with glass here, but I think,
10 again, at the ground level, the intent is that
11 the glass isn't 100 percent opaque, so that
12 there is some transparency to it.

13 We are not sure of -- well, I
14 would like to require everybody that use --
15 you know, drive a Porshe or a Ferrari and have
16 it cleaned and washed. The reality is we have
17 no idea what the people's cars are going to be
18 in this space.

19 So we have used opaque glass, so
20 that really nobody can tell what kind of car
21 is there. And so from a visual standpoint, we
22 don't think that it is going to hinder it. I

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1 think there is actually going to be a little
2 bit of excitement to see the shadows of things
3 moving up and down in this, because there is--
4 well, I think only one other instance of a
5 similar parking structure in the District and
6 that it is not visible at all.

7 So at one point, we actually had a
8 corridor going down towards jump elevator that
9 we were going to have in that corridor. You
10 were going to be able to see these cars, but
11 we are still going to screen them on the
12 corridor as well.

13 MR. UTZ: Thank you. That
14 concludes the overview of our relief.

15 CHAIRPERSON MOLDENHAUER: Could
16 you get the lights back? Thanks.

17 MR. UTZ: That concludes our
18 presentation. We are happy to answer any
19 questions or provide more details, if desired.

20 CHAIRPERSON MOLDENHAUER: Thank
21 you. I'll open up the floor to Board
22 questions.

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1 MEMBER TURNBULL: What's the main
2 ticket ability on a system like this?

3 MR. SLIDELL: Well --

4 MEMBER TURNBULL: I'm just
5 curious.

6 MR. SLIDELL: -- normally --

7 MEMBER TURNBULL: When I get my
8 car out --

9 MR. SLIDELL: The only one I can
10 speak to right now is actually our -- the
11 president of our company, Tom Baum, did the --
12 when he was with Summit Properties, he did
13 Grand Parc, Summit Grand Parc in 1999 and we
14 can tell everything is functioning very well.

15 It's the same company, WWOHR War Systems.

16 And from everything we have seen
17 in New York, London, all these places, there
18 is a good long term maintenance of these
19 systems.

20 MEMBER TURNBULL: Yes.

21 MR. STADLER: And I think again
22 that's one of the reasons why it needs to be

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1 completely enclosed. The other thing on that
2 and I think you kind of see some of the
3 concern we think about this, if something were
4 to happen, you know, what's our risk? How
5 many cars are trapped?

6 So in some of the actually more
7 sophisticated systems that are more expensive,
8 those have a whole moving system that work
9 with that. And actually if that breaks down,
10 all the cars are kind of stuck there.

11 With this particular system, you
12 know, the most cars that would be stuck at one
13 point in time would be three.

14 MEMBER TURNBULL: The one row.

15 MR. STADLER: Exactly.

16 MEMBER TURNBULL: Okay.

17 MR. STADLER: Yes, so, you know,
18 quite frankly, this system gives us a little
19 bit more comfort of if something were to
20 happen, you know, and you needed to maintain
21 it, only three cars are kind of at risk.

22 MEMBER TURNBULL: And, obviously,

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1 you have looked at three stacking as the most
2 you can get. I mean, what's -- looking at your
3 section, it looks like oh, well, when I read
4 the note it's only 1 foot 3 and I'm thinking
5 well, if you just look at ' 4, Option 7 that
6 the -- on this -- yes, it looks like you can
7 almost -- and I guess you can't lower the
8 drive aisle to get another row in there?

9 I mean, I was just thinking about,
10 you know, what you can do to manipulate it to
11 get another. I'm not trying to over-proxy
12 your site, I mean, obviously.

13 MR. STADLER: No. We could. The
14 systems have certain -- you can do two high,
15 three high with this particular system. The
16 challenge we have is the existing grade on the
17 outside.

18 MEMBER TURNBULL: Yes.

19 MR. STADLER: And so we are
20 actually ramping, you know, fairly
21 significantly, actually, to get under our
22 elevator pit in the tower. So we have very

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1 minimal clearance from the pit of the elevator
2 above to get our drive aisle underneath.

3 MEMBER TURNBULL: What's the water
4 like there? I mean, do you have any water
5 problems on the site? Do you think you --

6 MR. SLIDELL: Well, I mean, I
7 think from what we have seen from Paradigm's
8 experience, I think you hit ground water at
9 like 24 or 26 feet. 35.

10 MEMBER TURNBULL: Okay.

11 MR. SLIDELL: A little lower.

12 MEMBER TURNBULL: Okay.

13 MR. SLIDELL: Thank you.

14 MEMBER TURNBULL: Well, I mean,
15 it's a very pragmatic solution. I mean, I
16 think it is recognizing the limitations of
17 your site. I think it is a very pragmatic way
18 of trying to solve the solution.

19 I'm trying to think and look back
20 on my notes here. So when this thing
21 operates, the thing is coming down, you are
22 going to see three spaces are available, so

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1 you are going to pull in, move your car in,
2 get out and then the thing takes over? I
3 mean, you push a button?

4 There is, obviously, some fail-
5 safe features that I'm not in my car getting
6 out and someone wants to raise the elevator.
7 I mean, I'm sure it has all those fail-safe
8 features that recognize that, you know, I'm
9 not quite ready to move on yet.

10 MR. SLIDELL: Well, now, I mean, I
11 haven't seen this exact system work --

12 MEMBER TURNBULL: Yes.

13 MR. SLIDELL: -- personally.

14 MEMBER TURNBULL: Yes.

15 MR. SLIDELL: I have seen the one
16 at Summit Grand Parc. There are fail-safe,
17 you know, parts of the system, features of the
18 system and, obviously, they take that into
19 account. I don't know what your experience
20 is, Sean, with this particular system, but we
21 are very comfortable with it.

22 It's just, essentially, a very

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1 simplistic elevator system --

2 MEMBER TURNBULL: Yes.

3 MR. SLIDELL: -- that, you know,
4 would have a remote that would allow you to
5 call your car up and down.

6 MR. STADLER: Kind of like a key
7 fob. You know, you would swipe your fob.

8 MEMBER TURNBULL: Yes. Could you
9 -- what you really didn't talk about and I
10 know you are not requesting it now, but the
11 rooftop relief that you had and how you are --
12 I mean, if you could go back and maybe explain
13 that a little bit, why you are not requesting
14 it? And the combination of there is no real--
15 you are below the height limit.

16 I mean, Mr. Cochran, I'm sure will
17 go over that.

18 MR. STADLER: Right, yes. So
19 that's where we -- originally when this case
20 came through, we were building all the way up
21 to the height limit. And the roof structure
22 was a roof structure. And I think that the

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1 original design image for the building really
2 spoke about, you know, this is the gateway
3 looking up New York Avenue.

4 You know, it will always be seen,
5 we hope. So we really wanted to have an
6 expression that was identified her. And so
7 there was a vertical -- an idea of a vertical
8 element. And again, I think the higher we
9 could get that view, is really the best view,
10 you know, from the project that we could get.

11 Originally, you know, it was more
12 of a massing issue to kind of create some kind
13 of iconic image there. But as we worked
14 through the situation, we realized we were
15 within the height limit, so this didn't
16 necessarily need to be a penthouse structure.

17 We looked at -- and actually I
18 think originally we never even considered
19 amenity space for this project and so, Bozzuto
20 had asked us we would really like to have some
21 amenity space. We looked at that and so what
22 we came up with was, you know, actually a roof

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1 -- you know, a floor instead of a roof
2 structure.

3 It's an actual floor of the
4 building. So within the regulations, because
5 we are within the height limit, we are allowed
6 to be at this height and we don't need to have
7 a 1:1 setback. That only speaks to roof
8 structures.

9 MEMBER TURNBULL: Now, the
10 building to your east loses a few of its
11 recess balconies, but, of course, they knew
12 they were going to do that when they built it,
13 so --

14 MR. STADLER: Yes, and I think we,
15 you know, have hoped that our client has had
16 thorough discussions with Paradigm.

17 MR. SLIDELL: I have. We have.

18 MR. STADLER: Yes.

19 MR. SLIDELL: He's actually in the
20 back row right now and he is well-aware of the
21 fact that he is going to lose his balconies.

22 MEMBER TURNBULL: All right.

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1 Thank you.

2 CHAIRPERSON MOLDENHAUER: Any
3 other questions from Board Members?

4 VICE CHAIR SORG: Yes. I just
5 sort of had two comments and wanted to address
6 something that I kind of think I picked up in
7 the OP report. The first thing that I would
8 say is, number one, I think that --
9 personally, I think that this scale, the new
10 smaller scaled back design is, in my opinion,
11 improved. It fits nicely. I think more
12 nicely on the site and on the views from the
13 avenue, that's me.

14 I also will make the comment I
15 really like the glass on the ground floor. I
16 also haven't seen it done in Washington, but I
17 have seen it done a lot in Florida where they
18 -- it's tough to build underground garages.
19 It works really well and I think in ways that
20 I have seen it, it does a good job in sort of
21 activating the street without being ugly.

22 So I think one of the things that

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1 I just wanted to get some clarity on is you
2 guys have, from your original plan, to now
3 moved a whole bunch of sort of mechanical
4 systems and so forth from the roof down to,
5 you know, one level underground.

6 And so the question kind of
7 becomes well, all right, you are doing that,
8 but why can't you park it? And you explained
9 that somewhat with ramping and so forth, but I
10 think -- and don't get me wrong, I actually
11 agree with Mr. Turnbull that, you know, it
12 seems like a pragmatic solution in the system.

13 But I think it's important just to sort of
14 directly address that with regard to those
15 facilities that have moved from the roof into
16 the basement.

17 MR. STADLER: Yes, so I think that
18 when we looked at it, you know, if we were to
19 keep the roof items in the roof, which would
20 then be a roof structure, we would have to
21 adhere to the 1:1 setback. So that was one of
22 the reasons we looked at removing those from

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1 the roof and putting them in the basement.

2 The other is actually if you look
3 at this plan, we needed the pits for this, so
4 when we looked at, you know, what we were
5 going to need to do to sure up and retain the
6 existing structure and provide for the new
7 structure, we really needed to excavate that
8 first floor anyway.

9 So within that, we kind of had
10 this space that became an obvious reason to
11 put kind of the emergency generator room,
12 which doesn't really want to be on the roof.
13 It has got to have exhaust and it's got some
14 things that go on with that. And we needed
15 some storage.

16 And so it didn't make any sense to
17 put those types of things up in your most
18 valuable, you know, real estate. So I think
19 it was, you know, aside from just the cost of
20 trying to -- you know, it's not just going
21 down. But even if we used a parking structure
22 below-grade, it would need to be a different

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1 type of system, which would be a more
2 expensive system.

3 And then secondly, again, we would
4 have lost the greatest part of real estate up
5 on that top floor with ancillary uses.

6 CHAIRPERSON MOLDENHAUER: Ms.
7 Sorg, do you have any other questions?

8 VICE CHAIR SORG: No, thank you,
9 Madam Chair.

10 CHAIRPERSON MOLDENHAUER: I have
11 got a question. We were talking this morning
12 a lot about queuing and I think that that's
13 one of the issues that I see in this in
14 regards to relief for the setback. If you had
15 that 20 foot setback, it would allow for on-
16 site queuing or permitting, obviously, some
17 sort of drive aisle or an ability to allow
18 cars within the building to wait.

19 But now, without having that and
20 having the mechanical system, I guess, what do
21 you foresee in regards to potential queuing on
22 the street, on L Street? And in addition to

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1 that, when this initial project was submitted,
2 you didn't have City Vista.

3 And I was just flipping through
4 some of the diagrams, I can't find any of your
5 diagrams that actually show the relationship
6 between where this drive aisle is, even that
7 one doesn't show it, and the actual entrance
8 to the City Vista Safeway parking. And then
9 you have the public alley right next to the
10 City Vista and then you have, I believe there
11 is, another parking center for the L Street
12 Condos, which is the L Street portion of the
13 City Vista as well.

14 So there is three different -- I
15 lived around here for about six years. There
16 is three different areas where there is going
17 to be parking and you do have a lot of traffic
18 kind of coming off New York Avenue going down
19 that one-way. Oh, it's two-way actually.

20 MR. STADLER: Yes.

21 CHAIRPERSON MOLDENHAUER: The
22 street of L Street. And so not seeing a

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1 traffic study here and having a lot of these
2 new factors, I don't know where Paradigm
3 parking -- if there is going to be parking in
4 that building. So you can kind of address all
5 of those issues and maybe how you considered
6 that and how you feel that you best addressed
7 that.

8 MR. STADLER: Well, I think
9 primarily, you know, this is an urban project.

10 And so while we believe that people that are
11 going to want to buy condo units here are
12 going to want parking spaces, the reality is
13 is that they are not necessarily going to use
14 them during business hours. We would imagine
15 that these residents would commute by Metro or
16 bus or whatever.

17 So during the business rush when
18 everybody may or may not be coming at close
19 proximity in time, where we would have
20 backups, we don't think that that's really
21 going to be, you know, a time where people are
22 going to use their car. We think that on the

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1 weekends people are going to want to go
2 grocery shopping and the schedule will kind of
3 be fluctuating.

4 As well as because of the way the
5 system works, because you are not putting the
6 whole system down when you are parking, it's
7 you can drive into the garage, so I could --
8 and I'm a condo unit, so I'm going to have an
9 assigned parking space. I can drive into the
10 condo and park my car while somebody else
11 parks their car, while somebody else pulls
12 their car out.

13 So again, unless it is a unit here
14 that, you know, that person and the next
15 person is waiting for that, that's when there
16 is a potential for backup. And, obviously,
17 I'm not a traffic consultant, so I don't --
18 can't really speak to what those are. But I
19 think in general, I think ideally there would
20 be very limited times when we think that there
21 would be major backup.

22 CHAIRPERSON MOLDENHAUER: And is

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1 the intent that these are going to be assigned
2 LCE spaces for the units?

3 MR. STADLER: Yes, yes.

4 CHAIRPERSON MOLDENHAUER: Okay.
5 So it's not going to --

6 MR. SLIDELL: Well, they are going
7 to purchase the units separately, but then
8 they will be -- so they will be assigned to a
9 unit owner. There won't be communal parking
10 spaces, if you will.

11 CHAIRPERSON MOLDENHAUER: Okay.
12 Do any other Board Members have any questions
13 for the applicant or its witnesses?

14 Seeing none, is there any other
15 comments that the applicant would like to
16 present at this time.

17 MR. UTZ: No, thank you.

18 CHAIRPERSON MOLDENHAUER: No.
19 Then I'll look at this point in time to
20 anybody in the audience either in support or
21 in opposition of this case? If you can come
22 forward and take a seat? If you can turn on

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1 the microphone, first, stating your name and
2 home address and then whether you are in
3 support or in opposition and then you will be
4 provided three minutes to testify.

5 MR. RUSSO: Hi, Jon-Joseph Russo,
6 1101 5th Street, N.W., Washington, D.C. I
7 live across the street from the project and
8 originally I was just concerned about giving a
9 variance to reduce parking. But seeing that
10 the project is exceeding the existing code for
11 parking, I mean, I think that is commendable,
12 but I now see the problem is more with the
13 regulation on the books, that it is
14 inadequate.

15 I don't know how old it is, but --
16 and I was a little shocked to hear that the
17 Board was suggesting zero parking for a
18 neighborhood that is already inadequate
19 parking. I just don't think that is useful
20 for the neighborhood as a whole.

21 So I am actually in favor of
22 maximizing the parking on-site, which this

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1 newer system seems to be doing.

2 CHAIRPERSON MOLDENHAUER: Thank
3 you. Any other comments?

4 MR. RUSSO: Where would that be
5 addressed, the inadequacy of the parking
6 regulation of one space per four units? I
7 mean, how old is that regulation? And being
8 that the city has grown --

9 CHAIRPERSON MOLDENHAUER: In
10 regards to just kind of address that question,
11 that would be something the Zoning Commission,
12 which is another body, which Mr. Turnbull is
13 on, not to put you in the hot seat, but --

14 MEMBER TURNBULL: Actually, the
15 Office of Planning is taking the lead. We are
16 in the midst of a rewrite for all of the
17 Zoning Regulations.

18 MR. RUSSO: Yes.

19 MEMBER TURNBULL: So if you do
20 have comments, you could call the Office of
21 Planning and direct your comments there.

22 MR. RUSSO: Okay. Thank you.

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1 CHAIRPERSON MOLDENHAUER: Thank
2 you very much for coming down and providing a
3 perspective from the neighborhood. I think
4 that's important.

5 If there is no other individuals
6 in the audience in support or in opposition,
7 then, at this point in time, we will turn to
8 the Office of Planning for their presentation.

9 MR. COCHRAN: Thank you, Madam
10 Chair. Let me give you sort of a real quick
11 summary and then go into a little bit more
12 detail.

13 OP recommended approval
14 previously. OP would still like to be able to
15 recommend approval for everything here. We
16 can't yet. We feel that there are still
17 issues with the parking. We would like to see
18 more information from the applicant, more
19 exploration of alternatives. But, generally,
20 we continue to like the project.

21 Now, let me get a little bit more
22 specific than that.

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1 Starting with what hasn't changed.
2 772.1, lot occupancy, that has already been
3 approved. They are not asking for a change
4 from that. 2201.1, loading, hasn't changed.
5 They're not asking for a change in that. It
6 has already been approved.

7 Although, we note that this is
8 running out at the end of March, but it is
9 good until the end of March.

10 The roof structure, I think that
11 has already been adequately explained and we
12 agree that it is now an occupied floor, so it
13 doesn't need relief.

14 For the 2001.3, nonconformity,
15 it's basically exactly what you have already
16 approved. They just had to come in for
17 modification for the non -- for the expansion
18 of a nonconforming structure because there had
19 been some changes in the actual design, but
20 it's still an expansion and we still recommend
21 that you approve the modification.

22 But when it comes to the parking,

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1 we do have some issues. We recognize that the
2 last time, although the applicant hasn't
3 actually said this, that the applicant was
4 banking on the vault's parking when it was
5 asking for the relief. And the applicant
6 didn't actually make the case that were it not
7 for assuming that they would get the vault
8 parking, they wouldn't have asked for that
9 amount of relief the last time.

10 It still seems like it is fairly
11 obvious, but they just haven't gone through
12 and demonstrated why they need this much
13 parking, what the constraints are to
14 excavation. The building is not historic.
15 The building hasn't been declared eligible for
16 historic.

17 The building certainly -- the
18 proposal certainly looks better because they
19 are keeping the historic -- the older building
20 and it gives more texture to the neighborhood.

21 Even the very use that they are proposing on
22 the first floor is kind of consistent with the

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1 old auto row that was in Mt. Vernon.

2 But I'm having to jump to all that
3 and, honestly today, I'm kind of trying to
4 make their case for them, which I shouldn't be
5 doing and they need to do the work if they
6 want this kind of approval.

7 When it comes to the 2116.12 --
8 well, let me finish, I'm sorry, on the 2101.
9 I don't know why it is not possible to simply
10 take the proposed parking structure, use a
11 mechanical elevator down one level and then
12 replicate just what is being proposed one
13 level down and somehow fit in all of the
14 mechanical equipment that has been moved off
15 the roof.

16 It may well not be possible, but
17 OP has seen nothing that has indicated any
18 exploration of underground parking on this go-
19 around. Last night and this morning, they
20 submitted a number of demonstrations of past
21 studies, but they all start at ground level
22 and go up.

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1 Now, they have done a good job of
2 putting -- if you are going to put something
3 on the first floor, they have managed to fit a
4 lot of parking on the first floor. It's one
5 level, by the way. Sometimes they say it's
6 three levels. It's three levels within one
7 story.

8 And they have managed to depress
9 it enough that it doesn't go into the second
10 story. But again, OP can't say that they have
11 demonstrated a practical difficulty if they
12 haven't explored these other options.

13 And that leads to 2116.12. The
14 regulation that the Zoning Commission actually
15 passed last February, the order just happened
16 not to be written until September. We are
17 trying to avoid making for lifeless
18 environments on streets.

19 We want pedestrian activity. We
20 want something that is going to interest
21 pedestrians. Maybe someone will be interested
22 in coming by in the evening and watching the

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1 play of shadow and light on New York Avenue.
2 Honestly, it's quite possible.

3 But this is the first time that
4 somebody has asked for relief from this. So
5 if somebody is going to ask for relief, we
6 really would like to see a good demonstration
7 of why it is necessary and if it is justified
8 to not put the parking below-grade, what kind
9 of design alternatives have been studied for
10 making the pedestrian environment at the first
11 level more interesting?

12 We had suggested to the applicant
13 that they look at things like maybe painting
14 the system brighter colors, having clear glass
15 through there, making it into kind of a
16 kinetic art work. They said, you know,
17 because the cars are -- all the people might
18 not like to look at that.

19 We at OP would still like to see
20 what some of these options would be other than
21 the opaque glass. They brought up the example
22 of Baltimore. That opaque glass is on the

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1 second, third and fourth floors. It is not at
2 the street level.

3 If a developer wants to give up
4 their FAR by putting their parking above the
5 first level, so be it. It doesn't seem like a
6 great idea, but it's a developer's market
7 choice.

8 But at the first level, we have
9 got a public environment and we would really
10 like to try to make that public environment
11 even better in the triangle that it is now.
12 The triangle needs some reinforcement. It
13 needs more activity. So we would hope that
14 the BZA may ask the applicant to provide
15 additional information, additional studies
16 before it actually makes a recommendation on
17 this.

18 So, at this point, OP just cannot
19 recommend that you approve the requested
20 relief from 2101.1 and 2116.12. Thank you.

21 CHAIRPERSON MOLDENHAUER: Thank
22 you very much. That was a very helpful

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1 presentation and I'll turn to the applicant, I
2 think, to really address a lot of these
3 concerns that OP has brought up.

4 MR. UTZ: Okay. Thank you. Just
5 going through the variance test itself, we
6 actually think a good deal, if not all, of the
7 case has been made for this relief. We
8 appreciate OP's comments and have taken them
9 into consideration and have tried to deal with
10 some of them after we learned about them.

11 As a threshold matter, the
12 exceptional conditions of this property. The
13 same conditions that justified the relief
14 under Order 17723 and the extension exist
15 here. You know, this is still a small site.
16 It's strangely configured. It has a great
17 deal of street frontage, which actually that
18 was one of the elements of exceptional
19 conditions that was previously considered.
20 It's just now the importance of that strange
21 feature of the property has become even more
22 paramount due to this new relief area.

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1 And then what I view as most
2 important, there is an existing structure on
3 the property. Our team actually did meet
4 with, as I have mentioned in my opening
5 statement, Historic Preservation, the Historic
6 Preservation staff and D.C. Preservation
7 League.

8 While the property, I believe, the
9 term is it's not deemed eligible for
10 landmarking, it has also not been deemed
11 ineligible. It simply means that there has
12 been no action taken to determine whether it
13 is eligible or not.

14 But we certainly got feedback from
15 those folks that we met with that there was
16 enough interest to move forward with this sort
17 of self-preservation project that Bozzuto
18 adjusted to go down.

19 As far as that leading down the
20 path of practical difficulties, that is kind
21 of where the rubber hits the road on this
22 project. If, as we said during the testimony,

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1 there is excavation underneath these facades,
2 it gets very expensive. And it has actually
3 become apparent that it is even more expensive
4 than it was initially thought to be.

5 And I want to turn it over to
6 Duncan to kind of detail a little bit more
7 about that specifically and then make a few
8 other points.

9 MR. SLIDELL: Sure. I appreciate
10 it. Just to address some of the concerns that
11 Steve commented on, one of the biggest
12 impediments to this is going underground for
13 traditional underground parking system, given
14 the geometry of the site, given the ramping
15 analysis that we went through, I think, pretty
16 extensively or Sean did to show that, you
17 know, on the ground level we can only get
18 three to four parking spaces with this setback
19 requirement.

20 So if you just take that and you
21 assume that we are starting on a level below-
22 ground even, we can only get so many spaces as

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1 well. And so it is twice the cost to get
2 anywhere close to the amount of parking we
3 need. If you go down, if you assume we can
4 only get three spaces per floor, you would
5 have to go down 12 floors.

6 I know that's not necessarily the
7 case, because the setback is just on the main
8 level, but with the ramping, what did you
9 demonstrate, 10 spaces maybe, 10 to 12 spaces
10 in total? So 10 to 12 spaces, you would
11 assume you could go down three floors, but it
12 also assumes you could use the vault space, as
13 Sean demonstrated.

14 Most of the parking that we had
15 was within the vault space. So I think the
16 key impediments to that are, one, in order to
17 go into the vault space, we have to demolish
18 the building. And we have been asked, as Jeff
19 alluded to, to preserve the facade. It's
20 something that we want to do for the community
21 in order to be able to move forward with this.

22 And so you can't structurally

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1 support the facade coring the inside of the
2 apple, if you will, and then supporting it by
3 going into the vault space.

4 So I think that is a key component
5 to understand how we can't get parking in the
6 vault space.

7 The other part of that, of course,
8 is if we were able to do that, there is no
9 guarantee that in six months DDOT would allow
10 us to do that.

11 So I think the risk for us, we
12 have been here six years, is too great to just
13 move forward with the project thinking that we
14 can do something that we are not guaranteed
15 that we can do today. So we have, you know,
16 equity and debts to satisfy. We have, believe
17 it or not, I know people probably don't
18 believe it on this project or any project,
19 but, razor thin margins on this, as we speak,
20 and we are pushing the envelope on the revenue
21 side trying to make it work.

22 Our company has looked at it for

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1 six years. Mixed-use, the retail component.
2 We have brought in potential joint venture
3 partners to try and help us out on things that
4 we didn't have expertise with. We have an
5 internal construction company that has given
6 us all the numbers. We have done this
7 exercise for almost too long, to be honest
8 with you.

9 And quite honestly, this is the
10 only way it can work for us. The cost of the
11 mechanical parking system is about \$1.6
12 million, which is about \$45,000 per space,
13 which is more expensive than traditional
14 underground parking, but because we are
15 preserving the facade and going straight down,
16 it's something that we have to do. It's the
17 most efficient way to do it.

18 The revenue that we are expecting
19 to get from the parking itself is less than
20 \$45,000 per space. So we are losing money on
21 the parking, believe it or not, which would go
22 to your question about whether we should have

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1 parking at all.

2 And we have looked at that and
3 determined that, you know, the market will not
4 bear, you know, a project like this, it would
5 not be feasible to have no parking whatsoever.

6 MR. STADLER: And, Duncan, just to
7 clarify, that number is for the parking
8 structure as an above-grade parking structure.

9 If you added it as a below-grade structure,
10 there is additional costs.

11 MR. SLIDELL: That's right. So it
12 -- so, I mean, I think that we really -- I
13 don't know how else we could demonstrate all
14 the different studies that we have done to
15 determine whether this works or not, but,
16 essentially, it's not a feasible deal if we
17 can't use the mechanical parking system. And
18 we are losing money on the mechanical parking
19 system.

20 So that will tell you how
21 desperate we are to use it, if you will.

22 MR. UTZ: And a few other points

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1 in response to the OP report. Regarding the
2 effect on the streetscape, we think that this
3 is actually largely similar to what was
4 previously approved. Prior to this plan, it
5 was, essentially, amenity space down there, a
6 fitness room and meeting room and the lobby.

7 The actual areas that are being
8 changed, if you were to kind of lay one over
9 the other, it's not a great degree of it.
10 It's basically the main areas are about two-
11 thirds of that New York Avenue frontage and
12 then a point down on the L Street frontage as
13 well.

14 But our point in our materials
15 that we submitted today is that the difference
16 in the liveliness of the streetscape isn't
17 undermined in any way by having these. There
18 is not a great difference between walking by a
19 fitness room and walking by structured
20 parking.

21 And as we have been saying, if
22 anything, it is kind of this unique feature

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1 that people might actually stop and look at
2 and kind of realize this is different and
3 unique and something that they want to see
4 more of maybe.

5 MR. STADLER: And I would just
6 like to add, too, you know, the enlivenment of
7 the streetscape, I think that New York Avenue
8 itself and this particular site, you know, if
9 we were to not have parking at that level, you
10 know, the reality of having retail in that
11 small footprint on New York Avenue is probably
12 not, you know, a real leasable space on New
13 York Avenue, so that it would have to be
14 leased, you know, in front side of L Street,
15 which that -- in fact, New York Avenue would
16 be dead, because your back of the house retail
17 stuff would be along New York Avenue.

18 The second is if for some reason,
19 you know -- and, again, the studies that were
20 provided to you that all demonstrate above-
21 grade again work exactly the same as below-
22 grade. And we just never drew it as below-

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1 grade because we knew that that was a non-
2 starter from the beginning.

3 So, you know, I mean, I think we
4 could price it exactly as drawn, but say add
5 excavation to that. So it didn't work above-
6 grade. It would just be more expensive below-
7 grade. So there just wasn't -- I mean, my fee
8 is I'm doing this as charity for this project.

9 At any rate, the third point would
10 be is that if we were to go below-grade with
11 the parking, the probability of what would be
12 on the first floor would actually be this
13 remaining ancillary uses that we have put in
14 the basement right now.

15 So instead of getting a lively
16 facade on New York Avenue, you would have our
17 emergency generator at the first floor and
18 kind of the electrical room and other things.

19 And I don't think anybody wants to see that
20 either. And I'm not positive, but I think
21 that is permitted by code to be within 20 foot
22 of the property line.

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1 So it just -- maybe we hadn't
2 appeared to have an argument, but it just
3 seemed logical.

4 VICE CHAIR SORG: Madam Chair, are
5 we doing questions?

6 CHAIRPERSON MOLDENHAUER: Yes.

7 VICE CHAIR SORG: Okay. I'm not
8 sure that that's a really good tact to be
9 taking, to be frank. I just have a couple of
10 questions I have been, you know, like
11 scratching some math equations on my pad of
12 paper here and I just want to make sure I'm
13 understanding a couple of things correctly.

14 In the previous, it's a summary
15 order, so we could go back and look at the
16 deliberations, which we could do, relief that
17 was granted, the parking relief was for 16
18 spaces and the proposal was to excavate four
19 levels down and use the vault under the
20 street, right?

21 MR. SLIDELL: Yes.

22 VICE CHAIR SORG: Okay. Now, is

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1 your contention in terms of -- so there was no
2 exceptional, I'm guessing, condition that
3 precluded the applicant from excavation full
4 stop, correct?

5 MR. SLIDELL: Yes.

6 VICE CHAIR SORG: So is your
7 contention that the numbers have changed with
8 regard to your project and margins and the
9 percentage cost that would have to be for
10 excavation itself?

11 MR. SLIDELL: That's a good
12 question. I think that there is -- when you
13 are developing a project, you go for as much
14 relief in some cases as you think you need.
15 In some cases, you have all the answers ahead
16 of time, which is very debatable. I don't
17 think developers have many of the answers
18 until they actually go to construction start.

19 But what we are saying here is
20 that --

21 VICE CHAIR SORG: How about like
22 three years after you have --

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1 MR. SLIDELL: Three years
2 afterwards and you figure out where you are.
3 But in this case, we thought we could use the
4 vault space as relief. We thought we could
5 actually build below-grade. We thought there
6 was a chance that we could demolish the
7 building, which is what a lot of our studies
8 or feasibility studies were based on.

9 So if we actually were able to
10 demolish the building, at the time, and go
11 down and use the vault space, because now we
12 wouldn't have to support the facade and the
13 existing building, we thought there was a
14 chance we could get 72 parking spaces.

15 So when we started to do the
16 analysis and I don't know if Sean can speak
17 more to this, we realized we couldn't get that
18 many spaces. And some of that analysis is
19 what he just went through.

20 So I think there is a little bit
21 of a dream and a wish to get to a certain
22 place and then there is the reality. And I

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1 think one of the realities is if we actually
2 dig into the vault space, which we haven't
3 done, and we go down there, what are we going
4 to find?

5 You know, we have got a project up
6 in Baltimore, Maryland right now that the
7 civil engineer was telling us we wouldn't find
8 anything and we ran into all sorts of fiber
9 optic that ended up costing the developer
10 about \$800,000.

11 So there is no way of telling
12 definitively what is in the vault space. What
13 you can use, what you can't use. And so I
14 think to answer your question, we went in with
15 certain assumptions that we could do it a
16 certain way and as we dug deeper into the
17 project, we realized we had to keep the
18 facade. We had to build it a certain way. It
19 could only ramp a certain way. How many units
20 could we get?

21 And so the numbers haven't
22 changed, the analysis has changed about how

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1 many units we can get and what that unit --
2 what that mix will cost.

3 VICE CHAIR SORG: Okay. That's
4 fair. So you have mentioned things like
5 finding that there was electrical and a whole
6 bunch of utility stuff underground. And also,
7 you talked about, you know, endangering the
8 facade of the building.

9 What kind of investigations were
10 done to be able to find that out between the
11 prior relief and now?

12 MR. SLIDELL: We have not been
13 able to determine, is what I'm saying, about
14 the utilities in the vault. I think we will
15 only figure that out when we actually go into
16 the vault itself, if we did, to start
17 construction.

18 What we have done in between the
19 last period when we were here is we have --
20 the existing warehouse building doesn't have
21 any construction drawings whatsoever. It has
22 no structural drawings. We have no idea of

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1 understanding how it was actually supported.

2 So we had to get a geo-tech out to
3 the site to excavate the footings. We had to
4 get drive -- you know, to do a lot of drilling
5 around the site to figure out what kind of
6 soils were there, how it would impact the
7 structural support of the building.

8 In the meantime, we looked at, you
9 know, wood frame and building on top of the
10 building, coring the building and keeping the
11 facade, all sorts of different analyses. And
12 I think just recently, as of maybe December,
13 we determined that we could either use the --
14 have to use a matt foundation, geo-piers or
15 some other form of structural foundation.

16 We still don't know that 100
17 percent. So there is a lot of assumptions, a
18 lot of guessing here about what we have to do
19 to support this building.

20 MR. STADLER: But --

21 VICE CHAIR SORG: I think that
22 might be actually useful information for us to

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1 see. I mean, there would have been some, I
2 would imagine, you may not have to present
3 today, some deliverable that your geo-tech and
4 structural engineers gave you regarding the
5 integrity of the, you know, structural systems
6 in the building as well as what is going on in
7 the soil.

8 So then I would go towards a
9 different tact and asking a couple of
10 questions. So in your presentation, you sort
11 of demonstrated that if you were to adhere to
12 the 20 foot setbacks that are required in
13 2116, that you would get about three spaces as
14 you drove in on the ground floor. Is that
15 right?

16 MR. STADLER: That's correct.

17 VICE CHAIR SORG: Okay. So if you
18 get about three cars per story --

19 MR. STADLER: Well, that -- no,
20 no. That's three -- we wouldn't have room to
21 ramp either. So, you know, part of a garage
22 would be a ramp and that -- what we showed

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1 here is just a first floor scenario.

2 VICE CHAIR SORG: Yes.

3 MR. STADLER: This only provides
4 us an ability to get, physically get, a car in
5 and park it. You know, this -- the studies
6 that we showed you earlier would show you how
7 we would have to get it to go up. We would
8 have to use the entire footprint to get up and
9 that would all be part of the garage. That
10 would not be able to be -- I can't -- in this
11 20 feet, I can't get a ramp and park.

12 You know, I just -- there is no
13 physical way to do it.

14 VICE CHAIR SORG: I'm not sure you
15 are required to get the ramp in the 20 feet.

16 MR. STADLER: The ramp is part of
17 the garage.

18 VICE CHAIR SORG: Yes, let's ask
19 OP.

20 CHAIRPERSON MOLDENHAUER: OP is
21 shaking their head, yes.

22 MR. COCHRAN: The --

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1 CHAIRPERSON MOLDENHAUER: Part of
2 egress, you know what I mean?

3 MR. COCHRAN: The statute just
4 refers to the parking within 20 feet of the
5 property line. Not -- it doesn't say anything
6 about ramping.

7 MR. STADLER: So let me just bring
8 back one of these studies then to show you the
9 ramping situation. Because we have a tower
10 above, there is the core of the building and
11 to get the ramp, what you see here is the
12 ramp. So we can't park on this ramp.

13 So the only parking that we can
14 get is here. I don't know if that is clear or
15 not, but the drive aisle required for a ramp
16 is 22 feet. And within the irregular-shape of
17 the footprint, it is questionable if that
18 really -- the turning radius is at a required
19 here. It's going to be, you know, a
20 challenging garage to navigate and then to
21 get, you know, three spaces on a floor above.

22 You know, my core could not exist

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1 in the location that it needs to exist to get
2 the parking out of that 20 foot zone. So it's
3 just -- the site is just simply too small.

4 VICE CHAIR SORG: I don't disagree
5 that there is, you know, definitely
6 exceptional geography of this site and its
7 constraints. I don't think that is under
8 discussion, because that was what was found in
9 the previous relief.

10 What we are just trying to really
11 get to here, and in fact I also don't think,
12 at least from my perspective, and I think OP
13 has testified to the same thing, as well as
14 other Board Members, that there is a
15 particular problem with the mechanical system
16 itself, the mechanical parking system.

17 But it's just about, you know,
18 really going the distance to demonstrating,
19 you know, how those pieces of the site really
20 go towards, you know, this 2116.

21 CHAIRPERSON MOLDENHAUER: I guess,
22 I'm just going to jump in here. I think one

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1 thing OP was asking for, and I don't know if
2 OP has heard anything yet that has potentially
3 changed their mind. I do think they bring up a
4 good question.

5 And I think that's a question of,
6 you know, to what degree have you proven your
7 case in regards to the fact that there would
8 be no other opportunity or that you have
9 exhausted other opportunities to show a
10 practical difficulty here.

11 And I guess you have shown that
12 there is the ability to get some lower-grade
13 parking or to satisfy it. We have heard
14 testimony that the market would not provide
15 the return that you are looking for without
16 having parking sold with the units.

17 And maybe there is a way that you
18 can provide more than just that general
19 statement, but more data or more information
20 to support the fact that it is impractical or
21 that it is practically difficult based on the
22 factors that are related to this project to

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1 not have this many parked.

2 Because I think that you are
3 saying you could do some parking and satisfy
4 the conditions. The question is you don't
5 want to do a few. You want to have at least
6 36 or 35.

7 And I guess my question then to
8 you is, and I think this is what OP was
9 saying, tell us why that is practically
10 difficult to not do the three or the six or
11 the, you know, underground parking for one
12 level and why this --

13 MR. SLIDELL: Sure.

14 CHAIRPERSON MOLDENHAUER: --
15 relief is needed.

16 MR. SLIDELL: I can address that.

17 CHAIRPERSON MOLDENHAUER: And I
18 don't know if I'm exactly -- I mean, does OP
19 want to elaborate? If that question is, I
20 guess, asking exactly what you were looking
21 for and then also ask the applicant to answer
22 my question as well.

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1 MR. COCHRAN: Excuse me, Madam
2 Chair. We weren't exactly addressing the
3 number of parking spaces. The Vice Chair is
4 correct in they would have required 16 spaces
5 be -- they had 16 legal spaces before. What
6 they need now is 16 legal spaces without a
7 variance.

8 We didn't address whether they
9 were providing -- they would wind up providing
10 16 or 32. Our concern is much more with the
11 new Regulation 2116.2. We feel that it is
12 very important to have a good record that
13 demonstrates why the parking relief is needed,
14 first off, because it leads so directly into
15 the question of 2116.2 and why it has to be
16 located on the first floor.

17 When I was mentioning they hadn't
18 studied/located in the mechanical parking
19 below-grade, I did mean mechanical parking.
20 Why couldn't this structure or maybe one that
21 just accommodates 16 be located a floor below
22 with a different kind of access without ramps

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1 or whatever?

2 I don't know. Maybe it's not
3 possible. But because we have this new
4 regulation, we feel it is really important to
5 show why you can't meet it. Because if it is
6 -- if the record shows that variance is given
7 from that regulation, without an adequate
8 documentation of why that, in effect, variance
9 is given, there are certain implications for
10 the future.

11 MEMBER TURNBULL: Mr. Cochran, let
12 me follow-up on that. When we rewrote 2116,
13 it was to avoid, obviously, this situation.
14 Although, we didn't envision this kind of a
15 lot. But that is not only on the first floor,
16 it's any above-grade parking.

17 MR. COCHRAN: That's correct.

18 MEMBER TURNBULL: That's what I
19 thought. So just to restate, you want to see,
20 and I value your input on this, that -- what
21 it would take to -- instead of putting that
22 parking on the first floor, to go down

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1 underground and what kind of configuration you
2 need. You would like to see that. I think we
3 would like to see that.

4 What it would take to put that, a
5 mechanical parking system, down one level and
6 free-up that ground floor.

7 MR. COCHRAN: And to demonstrate
8 just why it wouldn't work if --

9 MEMBER TURNBULL: Right.

10 MR. COCHRAN: -- that's the case.

11 MEMBER TURNBULL: Or why it
12 wouldn't work.

13 MR. COCHRAN: And, therefore, why
14 it is necessary to get relief from 2116.2, if
15 it is necessary.

16 MEMBER TURNBULL: Right.

17 MR. COCHRAN: Or impractical to
18 construct the building without it.

19 MEMBER TURNBULL: Okay.

20 MR. COCHRAN: The relief.

21 CHAIRPERSON MOLDENHAUER: I'll
22 turn back to the applicant to try to address

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1 that.

2 MR. UTZ: Okay. A couple quick
3 points. I don't know if you all have some
4 other things you want on the record as well,
5 but the current configuration actually does
6 excavate a bit. These are, essentially, pits.

7 So they are excavated two cars down and then
8 they are structured two cars up with one car
9 on the ground floor.

10 So there is some level of
11 excavation already going on and, essentially,
12 the way I view this is that the basement
13 level, the B-1 Level, is an excavated level
14 already at a great deal of cost.

15 To go further than that is,
16 according to Duncan's testimony, just it
17 renders the whole project financially
18 infeasible. But I would like to bring kind of
19 everybody back.

20 It sounds like, basically, what we
21 are talking about revolves around the
22 practical difficulty test. And a lot of this

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1 discussion seems, to me, to be heading down
2 the impossibility path, but that's not what is
3 required to be proven by the test. It just
4 has to be burdensome under -- which is
5 certainly not an easy test to meet, but I
6 think that we have provided adequate
7 information to the record to get to that
8 burdensome level.

9 And, frankly, I am a little
10 worried that we are trying -- we are having to
11 kind of prove a negative that is going to be
12 difficult to substantiate through
13 documentation.

14 VICE CHAIR SORG: Can I make a
15 quick comment?

16 MEMBER JORDAN: If I could?

17 VICE CHAIR SORG: Oh.

18 MEMBER JORDAN: I don't think that
19 is what is being said. I think we're saying
20 you need to supplement the record, what you
21 have, some of the things that you have talked
22 about, we have seen no numbers.

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1 We haven't seen the geologist
2 report. We haven't seen any of those things.

3 And that is what is being asked for to
4 further supplement. It's not trying to prove
5 something that is impossible. It's proving
6 the burden that you have. And I think that is
7 saying for additional information. If I'm not
8 mistaken, I think that is what we are asking
9 for.

10 The things you are talking about,
11 we actually need to see it documented and show
12 the point that -- why it doesn't happen for
13 this body to render yes, this is a practical
14 difficulty.

15 MR. SLIDELL: We are happy to
16 provide the documentation. I brought the geo-
17 tech report with me. I can submit it, if you
18 like, I mean, either before or after. It
19 would help to know exactly what information we
20 could provide that would help.

21 So if we need to provide some sort
22 of analysis from our geo-tech, we could do

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1 that. To answer your question regarding the
2 market, we have done a market study with
3 Delta. We have one with McWilliams Ballard
4 and Mayhood and our own sales team to explore
5 the market to understand the impact of no
6 parking.

7 And by providing parking, you get
8 about \$25 per square foot more revenue per
9 unit, which is significant for a building of
10 this size. We can provide any of that
11 information, if it helps, for the analysis.
12 But the bottom line on this project for us,
13 just as a developer, and we can talk about the
14 legalities of it, is that, you know, 1 percent
15 return is about \$250,000 on this project.

16 So if you think about any impact
17 dollar-wise to this project, \$250,000 is a 1
18 percent return on cost impact to the project,
19 which would make it financially infeasible as
20 you keep adding, you know, \$200,000 here,
21 \$500,000 there.

22 So the impact of the parking

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1 system right now is about \$1.6 million. If
2 you go down and ramp down one level for an
3 elevator, you are adding significant cost,
4 which would put this definitely on the other
5 side of feasibility.

6 I can provide any information you
7 want on that, but it is difficult to, as Jeff
8 alluded to, prove a negative. And so it would
9 be helpful to understand exactly what would
10 help check the box of, you know, understanding
11 the amount of research that we have done over
12 the last six years to figure out if this
13 works.

14 MEMBER TURNBULL: Well, I think
15 just to reiterate what Mr. Jordan was talking
16 about, I don't think we are asking. I think
17 we simply need -- I mean, if you look at what
18 the base project was years ago when you were
19 demolishing the building, you were going into
20 the vault space, at a significant cost of
21 doing that. And now, you don't have to do
22 that, but you are digging down.

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1 And so the question is why
2 wouldn't digging down a little bit more -- I
3 mean, what's the tradeoff? I mean, you were
4 tearing down the whole building. You would
5 have to build a whole new facade, whole new
6 structure that would go down and I guess we
7 are trying to look at apples and oranges and
8 pears and try to figure out what makes sense
9 and why the relief is now so critical and
10 what's the tradeoff?

11 Why can't you go down a little bit
12 further? What makes this thing make or break
13 for the project? And I think that's all we
14 are looking for is some of the answer to
15 whether architecturally a diagram that shows
16 what would happen, some backup with cost or
17 structural data. And just to be able to make
18 us look at it and go, yes, okay, they have
19 made their case.

20 MR. UTZ: Okay.

21 MEMBER TURNBULL: I think we just
22 need that little extra info.

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1 MR. UTZ: Okay.

2 MEMBER TURNBULL: Okay.

3 CHAIRPERSON MOLDENHAUER: I mean,
4 I think from what it sounds like, it sounds
5 like you have done the due diligence. We just
6 don't have it.

7 MR. UTZ: Okay.

8 CHAIRPERSON MOLDENHAUER: And I
9 think that that's a matter of just putting it
10 in our hands and allowing us then to review
11 it. While, obviously, you know, we value your
12 testimony and that's, you know, very good, I
13 think though that there have been some points
14 raised by OP and in regards to a variance, you
15 know, we just have to see the information, you
16 know, in hard facts, you know, in hard
17 evidence as part of our record that we can
18 review.

19 And I think what we are talking
20 about, just to be clear and just to summarize
21 what everyone is saying, is, you know, some
22 sort of architectural diagram. As you have

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1 testified, it is a matter of maybe mirroring
2 what you have shown on upper floors on the
3 lower floors and then showing the costs
4 related to those and why it would be, you
5 know, practically difficult to not provide an
6 open first floor plan.

7 You know, as OP is indicating that
8 that first floor, you know, is really going to
9 kind of -- while, obviously, it does -- that
10 regulation does relate to other floors above,
11 it does try to -- the intent is to try to open
12 up that first floor for retail or for some
13 sort of, you know, visually aesthetic, you
14 know, aspect of the first floor.

15 So to talk about that. The reason
16 why I brought up the marketability of the
17 parking is because I think, from what I had
18 heard, to me it was a matter of saying that it
19 is either not being able to go down or maybe
20 not being able to provide as many parking.

21 So in my opinion, kind of diving
22 through that, it was a matter of well, why

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1 then do you need this many parking spaces?
2 Because that, I think, was kind of the main
3 factor as to why you were then creating this
4 aspect or why you needed this type of relief,
5 in my view of kind of understanding the
6 fashion of what I had heard.

7 I think that just to kind of move
8 this along, because I do think that we will
9 need some additional information, I don't
10 think that there is maybe any other questions
11 of OP.

12 At this point in time, I want to
13 see if there is anybody present from ANC-6C in
14 the audience? Seeing no one, I'll just
15 indicate that we have, in our record, Exhibit
16 21, which indicates that at a duly noticed and
17 properly held meeting on July 11 with a quorum
18 present, the ANC voted 8-0-0 to support the
19 application. And so that would receive great
20 weight.

21 In addition to that then, at this
22 point, I'll also indicate in regards to

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1 Government reports, we do have a submission
2 from DDOT, which is Exhibit 24, which does
3 also review the aspects and indicates that
4 there is no potential adverse impacts and that
5 they have no objection to this application.

6 At this point in time then, we can
7 turn back to the applicant for closing
8 remarks. I think that what would be best to
9 do is instead of providing oral closing
10 remarks, we will allow you to present some
11 additional information in writing to the Board
12 and provide any additional closing comments in
13 conjunction with the submissions that you
14 provide.

15 And then we can put this on the
16 schedule for decision.

17 Just a procedural question, I
18 mean, we are going to put this on the case for
19 decision the first week of March. This
20 application expires on March 28th.

21 MR. UTZ: Yes.

22 CHAIRPERSON MOLDENHAUER: This is

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1 not an application or a request for an
2 extension.

3 MR. UTZ: Right.

4 CHAIRPERSON MOLDENHAUER: And so
5 if you understand that, I just want to be
6 clear that, you know, that's -- obviously, if
7 we rule on this case, we would rule and the
8 date would still be expiring March 28, 2012,
9 even if we rule on this on March 12th.

10 MR. UTZ: Right.

11 CHAIRPERSON MOLDENHAUER: No, it's
12 not. It's never another two years. You have
13 to actually ask for that relief and this has
14 actually already received a two year relief,
15 so they would have to ask for relief from the
16 two years.

17 MR. STADLER: We are going to file
18 a permit on March 15th, you know.

19 CHAIRPERSON MOLDENHAUER: The day
20 after? Okay.

21 MR. STADLER: I mean, we are
22 significantly --

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1 CHAIRPERSON MOLDENHAUER: I just--

2 MR. STADLER: Well, I mean, this
3 is what we understand everything about the
4 project at this point. We have -- we are past
5 DD. We are into our CDs. We have got, you
6 know, less than a month, so --

7 CHAIRPERSON MOLDENHAUER: I just
8 want to identify the elephant that was maybe
9 in the room that wasn't being said and make
10 sure that we are all clear on that. Okay.

11 MR. SLIDELL: Our understanding
12 was that if we file the permits, we would be,
13 you know --

14 CHAIRPERSON MOLDENHAUER: Then,
15 yes, the order --

16 MR. SLIDELL: -- covered, vested.

17 CHAIRPERSON MOLDENHAUER:
18 Absolutely, yes.

19 MR. SLIDELL: If you will. So we
20 are prepared to do that.

21 CHAIRPERSON MOLDENHAUER: Okay. I
22 just wanted to just throw it out there on the

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1 record, since, obviously, we are getting
2 close.

3 MR. UTZ: Yes, I appreciate that.

4 CHAIRPERSON MOLDENHAUER: Okay.

5 MR. UTZ: And also, one of the
6 things that we are going to do is file for --
7 to toll the date for the second extension. We
8 have been planning on doing that pending the
9 outcome of this hearing.

10 CHAIRPERSON MOLDENHAUER: Okay.

11 MR. UTZ: So and then ideally
12 withdrawing that and quickly submitting the
13 building permit.

14 CHAIRPERSON MOLDENHAUER: Whatever
15 you do, obviously, I wanted to make sure. It
16 sounds like you guys understand the
17 ramifications of the date. I'm assuming that
18 you did. I just could not not say anything as
19 looking at that.

20 MR. UTZ: Thank you.

21 CHAIRPERSON MOLDENHAUER: I just
22 wanted it on the record, especially now that

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1 I'm going to say we are now going to continue
2 this case for decision for March, I think it
3 is, the 17th. The 15th?

4 MR. UTZ: 13th?

5 CHAIRPERSON MOLDENHAUER: What is
6 our decision day? Hold on.

7 MR. MOY: 13th.

8 CHAIRPERSON MOLDENHAUER: 13th.
9 Okay. So March 13th is our decision day,
10 which means then that we will ask you to
11 submit this information to our office by, I'm
12 not as good with this new phone now, close of
13 business on the 29th of February. Is that
14 right? No, sorry.

15 I told you I'm not as good with
16 this new phone at all. The 13th, so I'll ask
17 you to have it in our office by close of
18 business on March 8th.

19 MR. UTZ: Okay. Thanks.

20 CHAIRPERSON MOLDENHAUER:
21 Blackberry users moved to iPhones. Yes,
22 sorry.

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1 MR. COCHRAN: If you would like a
2 supplemental report?

3 CHAIRPERSON MOLDENHAUER: OP
4 supplemental report.

5 MR. COCHRAN: When would --

6 CHAIRPERSON MOLDENHAUER: Then we
7 need it earlier.

8 MR. COCHRAN: -- you like that by?

9 CHAIRPERSON MOLDENHAUER: I mean,
10 let's ask. I mean, obviously, you guys need--
11 you already have a lot of the material, I'm
12 understanding. Is there going to be need time
13 for you to pull together any extra
14 architectural drawings? Could I require an
15 earlier deadline for you, like the 1st? Would
16 that be --

17 MR. STADLER: I mean, the question
18 is, because I think the argument is, it's
19 really going to be a cost breakdown. I think
20 Bozzuto has enough information from what we
21 have drawn that they can estimate and put a
22 number on how expensive this is.

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1 I guess the question more is do
2 you need us to physically draw you a plan of,
3 you know, what that is as an underground, you
4 know, excavated parking?

5 CHAIRPERSON MOLDENHAUER: I mean,
6 I think that if you can even use some of the
7 plans you already have --

8 MR. STADLER: Yes.

9 CHAIRPERSON MOLDENHAUER: -- you
10 were saying that the plan is the same, but
11 just underground.

12 MR. STADLER: Yes.

13 CHAIRPERSON MOLDENHAUER: I mean,
14 if you can use those and just --

15 MR. STADLER: Yes.

16 CHAIRPERSON MOLDENHAUER: --
17 identify that they are the exact same plan
18 underground --

19 MR. STADLER: Yes.

20 CHAIRPERSON MOLDENHAUER: -- I
21 think that that would be sufficient for me, so
22 long as then there is supplemental explanation

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1 that goes along with it. Maybe
2 architecturally --

3 VICE CHAIR SORG: I don't think --

4 CHAIRPERSON MOLDENHAUER: -- is
5 another --

6 VICE CHAIR SORG: What you are
7 asking for, Madam Chair, I think is still
8 showing the, you know, parking places being on
9 the street facade. And I believe earlier in
10 your testimony you were saying that it was
11 your understanding that the ramp counts as
12 part of that 20 feet.

13 So if there is a different
14 interpretation that you have gotten of the
15 regulation that shows you that the ramp is not
16 part of the 20 foot setback, I think it would
17 be important actually to show that in addition
18 to, you know, whatever cost information that
19 you would show regarding, you know, additional
20 excavation for more lower pits.

21 MR. STADLER: We don't need to, I
22 mean, maintain the 20 foot setback if we are

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1 below-grade. And above-grade, you know, it's
2 not an option.

3 VICE CHAIR SORG: Right.

4 MR. STADLER: So I think we will
5 just draw some plans of the below-grade and
6 how many levels in a section and I think it
7 should be clear on at least understanding the
8 scenario.

9 VICE CHAIR SORG: Right. But --

10 MR. SLIDELL: We will just have to
11 price it, that's the --

12 VICE CHAIR SORG: I think but I
13 just wanted to make sure that it is understood
14 that, you know, I think, you -- the arguments
15 with regard to ramps and so forth going
16 further below-grade underneath the existing
17 building were dealt with, I think, in the
18 previous application. So that's not what --
19 not my understanding of what we would be
20 looking for.

21 MR. STADLER: I think --

22 VICE CHAIR SORG: We are not

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1 looking for --

2 MR. STADLER: -- we are going to
3 draw an elevator.

4 VICE CHAIR SORG: Okay. I'm just
5 making sure.

6 MR. STADLER: You know.

7 VICE CHAIR SORG: Okay.

8 MR. STADLER: Yes, and a different
9 parking structure system.

10 VICE CHAIR SORG: Okay.

11 MR. STADLER: And they will put a
12 price with that.

13 VICE CHAIR SORG: Good.

14 MR. STADLER: I think that's what
15 we will do.

16 CHAIRPERSON MOLDENHAUER: Okay.
17 So I think what everyone is saying is this, so
18 what we will do is we will have the applicant
19 submit their documentation by close of
20 business on March 2nd. And then that will --
21 then OP will have a week, and I want to give
22 OP enough time, until the 9th. If you can get

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1 it to us by Thursday, that would be better,
2 because then our packages get to us on
3 Thursday.

4 MR. COCHRAN: I would assume that
5 we will be working with the applicant all
6 along, so we can turn it around in three days.

7 CHAIRPERSON MOLDENHAUER: Okay.
8 Well, then if you can get to us, I mean,
9 obviously, it's always better --

10 MR. COCHRAN: Oh, I forgot review
11 by --

12 CHAIRPERSON MOLDENHAUER: By your
13 -- yes. So I mean, if you can get it to us
14 either by the 7th or the 8th, worst case
15 scenario by the 9th, because, I mean, we get
16 our packets. It's always better if it gets to
17 us in our packet versus getting it emailed to
18 us at a late date right before the hearing. I
19 never liked that.

20 So that would be, you know, latest
21 scenario the 9th. Preferably, if you can get
22 it to us by the 7th, that would be best.

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1 Okay. And then that way the applicant knows
2 the 2nd is their deadline and then we will put
3 this on the decision calendar for the 13th.

4 Okay. That concludes this
5 hearing. Thank you.

6 MR. UTZ: Thank you.

7 MR. STADLER: Thank you.

8 CHAIRPERSON MOLDENHAUER: Thank
9 you. And we will call the next case, Mr. Moy,
10 when you are ready.

11 MR. MOY: The next and final
12 application before the Board for hearing is
13 Application No. 18312. This is the
14 application of Rashid Salem, pursuant to 11
15 DCMR 3103.2, for a variance from the lot area
16 requirements under subsection 401.3, and a
17 variance from the lot occupancy requirements
18 under subsection 403.2, to renovate, construct
19 an addition and convert a flat, two unit
20 dwelling, to a four unit apartment house in
21 the R-4 District at premises 1341 Irving
22 Street, N.W. The property is located in

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1 Square 2848, Lot 815. Thank you.

2 CHAIRPERSON MOLDENHAUER: Good
3 afternoon. If the parties can, please,
4 introduce themselves for the record?

5 MR. SULLIVAN: Thank you. My name
6 is Martin Sullivan, attorney for the
7 applicant.

8 MR. SALEM: My name is Rashid
9 Salem. I'm the owner of 1341 Irving Street,
10 N.W., and developer.

11 CHAIRPERSON MOLDENHAUER: I'm
12 sorry, your microphone was not on. Hit the
13 green button until it gets nice and bright.

14 MS. BLOOMBERG: Oh, Janet
15 Bloomberg with Kube Architecture.

16 CHAIRPERSON MOLDENHAUER: Okay.
17 Mr. Sullivan, if you would like to get started
18 and present your case for a variance?

19 MR. SULLIVAN: Thank you. Good
20 afternoon, Madam Chair and Members of the
21 Board. My name is Martin Sullivan with the
22 Law Firm of Sullivan and Barros.

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1 I'm here today on behalf of
2 applicant, Rashid Salem, owner of the subject
3 property at 1341 Irving Street, N.W., in
4 Columbia Heights.

5 Mr. Salem is requesting relief
6 from ' 401.3 regarding minimum lot dimensions.

7 The property has a lot area of 2,472 square
8 feet and, therefore, a conversion to an
9 apartment house would only result in two units
10 as a matter-of-right.

11 We are, therefore, asking for
12 relief sufficient to provide a unit on each
13 level of the existing building or four units
14 and the project also involves a complete
15 restoration of what was, essentially, a
16 failing structure. And it includes a matter-
17 of-right addition.

18 We have several witnesses with us
19 here today, including the applicant, Mr.
20 Salem, his contractor, Tim Chamberlain, his
21 market consultant, Mr. Barrett Evans, who is a
22 real estate agent and developer and a Columbia

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1 Heights resident, and his architect, Janet
2 Bloomberg of Kube Architects.

3 As you can tell from the materials
4 we have submitted to date, we think the case
5 is rather uncomplicated and straightforward.
6 Our unique condition is the physical condition
7 of the building. Our practical difficulty is
8 the economic feasibility of reconstructing
9 such a severely deficient structure, while
10 providing only two or even three units.

11 And restoring this long-troubled
12 property will be a benefit to the neighborhood
13 and having multiple units is not necessarily
14 out of character in this location, so close to
15 the Metro and so close to the center of the
16 Commercial District in Columbia Heights.

17 Regarding the integrity of the
18 Zoning Regs, I believe that the unique
19 condition is so severe and so unique compared
20 to the surrounding neighborhood, that the
21 integrity of the Zoning Regulations is quite
22 safe.

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1 If I could just take a stab at
2 characterizing the tenor of the tone of the
3 Board's past decisions on 401.3 relief, I
4 think the Board has acknowledged, and usually
5 over OP's objection, that variance relief from
6 401.3 is available to applicants, just like
7 any other section of the regs, provided the
8 applicant makes the case for variance relief.

9 We think this application makes
10 that case with the information before you and
11 with the information that you will hear today.

12 And with that, if there are no
13 questions now, I would like to introduce the
14 owner of the property, Mr. Rashid Salem.
15 Thank you.

16 MR. SALEM: Thank you, Marty.
17 Good afternoon, Madam Chair and Members of the
18 Board. Thank you very much for considering my
19 application today.

20 My name is Rashid Salem. I live
21 at 550 14th Road South in Arlington, Virginia.

22 I'm the owner of the subject property and

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1 improvements at 1341 Irving Street, N.W., and
2 I'm here today to ask for relief from ' 401.3
3 regarding minimum lot size, so that I may
4 restore the existing structure on the property
5 and provide four two-bedroom, two-bath
6 condominiums.

7 The property has an interesting
8 history. It has been in foreclosure multiple
9 times over the last 12 to 13 years. It has
10 also been vacant, from what I'm told from
11 other neighbors, for four to five years.

12 The property was being held by
13 Deutsche Bank when I first engaged with a real
14 estate agent back in May of 2011, when I
15 originally engaged in purchasing. It was
16 listed for \$390,000, which, at the time, I
17 thought was grossly underpriced for like
18 properties in the neighborhood that were in
19 need of repair.

20 I bid on the property along with
21 14 other people. After three waves of
22 bidding, highest and best, highest and best,

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1 highest and best, I was the lucky winner.

2 As is typical with foreclosures in
3 this condition, I was not permitted to
4 investigate the structure because of liability
5 concerns from the bank. The property was
6 thought to be potentially unsafe.

7 I was allowed to walk through the
8 main level prior to the day prior to closing
9 after signing a Waiver of Liability from the
10 bank. Once I was able to get a closer look at
11 some of the supporting structure, I realized
12 that the condition of the property was worse
13 than expected.

14 I immediately after closing
15 reached out to a structural engineer to
16 investigate further and I discovered that the
17 back two story addition of the structure had
18 to be completely removed and that the whole
19 back wall from the party wall on back was
20 compromised and also needed to be removed.

21 So, in essence, I had a front, two
22 party walls and that was about it. The front

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1 wall was -- the facade was in good shape.

2 To make matters worse, the
3 majority of the interior of the structure had
4 been gutted prior to my purchase. And what
5 was left and existing was so damaged that I
6 also had to remove that as well along with the
7 floor joists, because they were rotted and so
8 on and so forth.

9 So what I was starting with was
10 actually less than a shell of a building,
11 because I had to remove portions of that shell
12 before I could start rebuilding it.

13 I don't know for sure why or how
14 the condition of the building had gotten so
15 bad, but the building had been vacant for some
16 time and I guess the multiple foreclosures, if
17 I had known the full history at the time,
18 would have been a red flag that something made
19 this property unsustainable really at any
20 purchase price.

21 After closing and after
22 discovering the major structural issues, I was

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1 forced to investigate potential scenarios for
2 possibly recouping extraordinary expense
3 needed to rebuild.

4 What I came up with, based on
5 budgets provided by my contractor, Tim, and a
6 market analysis based on similar properties
7 sold in 2011 in the neighborhood, was that I
8 had to do four units to have any hope of
9 recovering my cost in making this property
10 safe from another foreclosure.

11 What I found in my market analysis
12 was that the average price per square foot for
13 units over 2,000 square feet was markedly
14 lower than the price for units under 2,000
15 square feet. Approximately, give or take \$90
16 a square foot.

17 What I also found is that there is
18 very little demand for two level 2,000 plus
19 square foot condos. In fact, there wasn't one
20 in --

21 VICE CHAIR SORG: Say that again?

22 Sorry, I missed what you said.

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1 MR. SALEM: Oh, no problem. I
2 also found --

3 VICE CHAIR SORG: Now, what for
4 2,000 square feet --

5 MR. SALEM: There was --

6 VICE CHAIR SORG: -- was lower
7 than --

8 MR. SALEM: -- very little demand
9 in terms of the -- how far back to you want me
10 to go? There --

11 VICE CHAIR SORG: One sentence,
12 please.

13 MR. SALEM: Sure. No problem.
14 The difference between 2,000 plus square foot
15 condos and under 2,000 square feet, price per
16 square foot is, approximately, \$90 per square
17 foot. The larger units sold for less in terms
18 of price per square foot than the smaller
19 units, is what I'm saying.

20 In all of 2011, there wasn't a
21 condo sold for over -- that was over 2,000
22 square feet in Columbia Heights. So there

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1 really isn't much of a market precedent, is
2 what I'm saying, for large condos.

3 Really what it comes down to is
4 the inescapable conclusion was that four units
5 works financially and provides a reasonable
6 profit. And three units simply doesn't work
7 in this case.

8 And in conclusion, I pass that
9 back to Marty. Thank you.

10 MR. SULLIVAN: We would like to
11 call the contractor, Tim Chamberlain, as a
12 witness.

13 MR. CHAMBERLAIN: Good afternoon.
14 I want to kind of say a good bit of what they
15 pretty much said, so it's going to be a little
16 redundant.

17 My name is Tim Chamberlain. I
18 live in Fort Washington, Maryland. I own and
19 operate Kealee Construction. We do difficult
20 renovations and new construction all over the
21 D.C. area. I have been doing it for about 14
22 years. I have done many projects in the

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1 District, as well as Maryland and Virginia.

2 And I am the contractor for the
3 reconstruction project at 1341 Irving Street.

4 I have prepared the budget a few months back
5 that you have with the prehearing statement.

6 Basically, these budgets reflect
7 what I would call extraordinary reconstruction
8 costs. The extraordinary cost has several
9 causes: First, after we and the structural
10 engineer investigated the building, we found
11 that the rear addition and the entire rear
12 wall of the original structure needed to be
13 demolished. This is as -- what we expected to
14 be a major increase over the cost over what we
15 had originally hoped for.

16 In addition to those two major
17 items, there are and were serious issues with
18 the condition of this property throughout.
19 Much of the interior, as stated before, had
20 been gutted. Most of the floor joists were
21 missing and what remained was compromised and
22 unsafe and we had to remove much of what

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1 remained before we could get -- even get
2 started.

3 Pretty much every other
4 significant aspect of this structure needed
5 addressed, plumbing, HVAC, electrical,
6 windows, floor joists, roof. This is an
7 extremely difficult reconstruction for all of
8 these reasons and has resulted in the
9 extraordinary renovation budget I prepared for
10 Mr. Salem.

11 I'm happy to answer any questions.

12 VICE CHAIR SORG: Madam Chair, I
13 have one question. It doesn't look like your
14 construction budget is broken out from the
15 overall budget recap that is in here. Can you
16 give those numbers just for the construction
17 costs that you gave? I mean, I could add, but
18 if you have it, it would be nice.

19 MR. CHAMBERLAIN: Can you repeat
20 that? I didn't really understand what you
21 wanted.

22 VICE CHAIR SORG: The budget that

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1 we are seeing in our prehearing statement is a
2 budget recap.

3 MR. CHAMBERLAIN: Yes.

4 VICE CHAIR SORG: It shows
5 attorney fees, design fees, engineering,
6 survey, PM, blah, blah, blah. So what was
7 your bid for construction?

8 MR. CHAMBERLAIN: Well, I
9 originally gave him this -- the budget. It
10 was probably about \$780, a few months back. I
11 can't remember. I do so many of these, but I
12 think it was around \$780 to \$790, the original
13 one. And so now this one here, this is what
14 we came up with.

15 VICE CHAIR SORG: For
16 construction?

17 MR. CHAMBERLAIN: Let's see, yes.
18 The original one is the \$767.

19 MR. SALEM: Originally, prior to
20 the structural engineer's report, when Tim and
21 I engaged in the property back in June of --
22 after I closed on the property on the 20th of

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1 June --

2 VICE CHAIR SORG: Yes.

3 MR. SALEM: -- I met with Tim
4 right around the time of closing. We put a
5 budget together. The budget, depending on
6 what we were going to do was anywhere from --
7 in terms of what we -- we weren't really sure
8 what we were going to be allowed to do with
9 zoning.

10 Janet and I, at that point, went
11 down to zoning prior to putting plans
12 together, so on and so forth and figured out
13 what conformed with doing an addition, not
14 doing the addition, so on and so forth.

15 The further along we got into the
16 process with the structural engineer, we
17 realized, before I met my friend now, Marty,
18 which was in October, we spent about two and a
19 half months of due diligence trying to really
20 figure out what to do.

21 At that point, after going to
22 zoning with Janet several times, we kind of

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1 figured out that our only real solution to
2 this was to come see you guys today.

3 MR. CHAMBERLAIN: So the first
4 budget is pretty much based on a two unit.
5 And then the second one is sort of in between.

6 It's pretty much at a four unit budget. And
7 so that's kind of -- what Rashid is saying is
8 we pretty much needed that four unit. And so
9 I gave him a budget on that. And so that's
10 where we are here.

11 VICE CHAIR SORG: Where are you in
12 terms of dollars per square foot about?

13 MR. CHAMBERLAIN: I don't know if
14 I even looked at it. I think it is probably
15 about \$160 or so, somewhere around there,
16 \$170.

17 VICE CHAIR SORG: I know you know.

18 MR. SALEM: That's right.

19 VICE CHAIR SORG: Okay.

20 MR. SALEM: And just for the
21 record, when I did -- I did bid it out and it
22 really ranged anywhere from \$150 to \$200 per

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1 square foot, depending on how green and LEED-
2 certified and so on and so forth we were going
3 to go. But I think to blend with Tim was also
4 there was quality, but he was also
5 economically feasible for me. So that being
6 said --

7 VICE CHAIR SORG: Okay. Thank
8 you. My other question is what's the floor
9 plate square feet? Like 11, is it like --

10 MR. SALEM: 13 and some change.

11 MS. BLOOMBERG: 1,300 S.

12 VICE CHAIR SORG: Okay.

13 MR. SALEM: It depends on the
14 stair configuration, but the basement shows
15 the entire footprint of about 1,330 square
16 feet.

17 VICE CHAIR SORG: Okay. Thank
18 you.

19 CHAIRPERSON MOLDENHAUER: Are
20 there any other Board questions? Oh, I just
21 have some. What is your intention? Is your
22 intention to sell this off as four condos?

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1 MR. SALEM: Yes, that's right.

2 CHAIRPERSON MOLDENHAUER: Okay.
3 And there is going to be only one parking
4 space?

5 MR. SALEM: Technically, that's
6 correct. We --

7 CHAIRPERSON MOLDENHAUER:
8 Technically?

9 MR. SALEM: Yes. You are 100
10 percent correct. My -- like my neighbors
11 don't necessarily have two legal spots per se,
12 but the lot is wide enough to accommodate two
13 spots side by side. But in terms of DCRA
14 being legal and so on and so forth, I will
15 only have one spot. That is correct.

16 CHAIRPERSON MOLDENHAUER: Okay.
17 So you are going to -- your plans are, which I
18 don't believe are shown, to have one legal
19 spot and then another spot that would provide
20 parking for maybe a compact or smaller car
21 that could be sold as like an LCE or
22 something?

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1 MR. SALEM: Absolutely. We -- and
2 the plans that we submitted, we included a
3 bike rack, just because we are so close to --

4 CHAIRPERSON MOLDENHAUER: That's
5 what I saw, I was going to say.

6 MR. SALEM: Yes.

7 CHAIRPERSON MOLDENHAUER: I saw a
8 bike rack.

9 MR. SALEM: We are so close to the
10 Metro, we are not really sure in terms of if
11 anyone that purchases the units would even
12 have a car, because we are about, I mean, 120
13 yards from the Metro right there at 14th and
14 Irving. So but technically speaking, if we
15 didn't have the bike rack where it is, you
16 could fit two spots 100 percent.

17 CHAIRPERSON MOLDENHAUER: Okay.
18 And the reason why I asked, I know that we
19 have some letters and we may have some
20 individuals who express some opposition and
21 some of the concerns are about parking and the
22 impact there and that's, obviously, a factor

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1 when you are putting greater density in an
2 area where that's not typically what is zoned.

3 And I know, obviously, OP is
4 recommending against, you know, because it's
5 more dense than is typically permitted,
6 especially based on the square footage,
7 obviously, of the lot.

8 That being said, I don't -- I know
9 that we just recently did a case where they
10 ended up -- is there street parking permitted,
11 RPP street parking in this area?

12 MR. SALEM: Yes, there is.

13 CHAIRPERSON MOLDENHAUER: Okay.
14 We had a recent case where an applicant who
15 had attempted to address that issue indicated
16 that they would be willing to provide a
17 condition to indicate that no unit owner or
18 potential tenant in the future could ever
19 obtain an RPP parking requirement for the
20 building. Is that something that if the Board
21 felt was something necessary to mitigate some
22 adverse impact, that you would be willing to

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1 accept?

2 MR. SALEM: Absolutely. I think
3 that where our location is, I don't think it
4 is going to have much bearing in terms of the
5 marketability and the price range of the
6 units, the demographic that we have seen come
7 into a two bed/two bath unit, I don't think
8 it's going to affect it very much. I would
9 certainly oblige to that.

10 CHAIRPERSON MOLDENHAUER: Okay. I
11 don't if it's going to be something that the
12 Board would want to do, but I just wanted to
13 make sure that --

14 MR. SALEM: Sure.

15 CHAIRPERSON MOLDENHAUER: -- we at
16 least have that dialogue and that has been on
17 the record. Okay. Are there any other Board
18 questions? Mr. Turnbull?

19 MEMBER TURNBULL: Yes. When you
20 bought the property, were you going to live in
21 it?

22 MR. SALEM: That was -- certainly,

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1 if I could convince my wife to do so, I was
2 going to. But the further we sort of got into
3 the construction, I'm not even ruling out the
4 potential. If I were to say get four units,
5 it's still a possibility that I would live in
6 the unit. For me, it's ideal being in
7 development in the city and so on and so forth.

8 I don't really leave the city. My
9 wife happens to, not that any of this matters,
10 but it's sort of, you know, trying to convince
11 her to do it.

12 MEMBER TURNBULL: But when you
13 bought the property, you knew at the time that
14 the most you could get would be a flat, two
15 flats out of this property?

16 MR. SALEM: I was prepared to
17 develop it as a two unit, but when we got to
18 the point to where we realized that the entire
19 back structure had to come down, Janet and I
20 went to the Office of Zoning or went to zoning
21 at DCRA. And the existing addition, the 1950s
22 addition, the crawlspace, if we removed it,

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1 which the structure engineer told us we had to
2 remove, we could not reconstruct it without --
3 by making it conforming without filling in the
4 lot line.

5 So at that point, we realized
6 okay, all this was going to have to come down.

7 We either have to take all of this off and
8 then we still would have to reconstruct the
9 entire back wall. So we would have to
10 excavate to the lot line, put our footers in,
11 so on and so forth at that point.

12 MEMBER TURNBULL: Okay. Thank
13 you.

14 CHAIRPERSON MOLDENHAUER: I
15 believe Mr. Jordan had questions.

16 MEMBER JORDAN: So prior to you
17 purchasing this property, you had not seen it?

18 MR. SALEM: No, I had seen the
19 property, but I was not -- for liability
20 concerns, when we were bidding, the agent did
21 not want any -- didn't want masses of people
22 going in and out of it. It said on the

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1 listing it was potentially unsafe.

2 MEMBER JORDAN: And you were aware
3 of the zoning requirement at that time?

4 MR. SALEM: Correct.

5 MEMBER JORDAN: Before you
6 purchased it?

7 MR. SALEM: Right. I was under
8 the -- when you go into a property like this,
9 you can say I don't care if a tree is growing
10 out of the middle of it, it's, in a sense,
11 where I'm going into it understanding I'm
12 going to have to reconstruct the interior.

13 Our problem was when we had to
14 take down the entire back wall and the
15 addition, and then comply with the -- with
16 zoning as well to go to the lot line, if we
17 were going to remain with the foot -- the
18 existing footprint, really is where a lot of
19 the extraordinary cost came in.

20 MEMBER JORDAN: So if there was no
21 structural problem and you weren't required to
22 do that, then you would have taken the unit as

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1 is and then two units?

2 MR. SALEM: Correct. I mean, I
3 clearly purchased it understanding that it
4 wasn't 2,700 square feet or 3,600 square feet.

5 The best I could do was two units and I was
6 prepared to do that.

7 MEMBER JORDAN: Even if the
8 numbers didn't work?

9 MR. SALEM: Well, the construction
10 of -- well, of course, the numbers would have
11 worked, at that point. Obviously, I did about
12 three weeks, four weeks of due diligence
13 before we even got to the point of the three
14 rounds of bidding.

15 So we were prepared to go into it.

16 My margins were very similar to what you see
17 with the four units if we could have left the
18 structure alone and just renovated the
19 interior, which, obviously, renovating the
20 interior and then building something -- having
21 to demo something and build new construction
22 and excavating and so on and so forth, is a

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1 little bit different in terms of price per
2 square foot.

3 MEMBER JORDAN: Okay. Can I ask
4 another? Have you had conversation with the
5 neighbors?

6 MR. SALEM: Yes, I have. I have
7 spoken to my next door neighbor, Mr.
8 Moldanado, pretty extensively. I have
9 befriended a handful of neighbors in the
10 immediate vicinity that share the back alley
11 with me.

12 Obviously, on the 16th of January
13 it came to our attention that there was some
14 opposition and I believe my neighbor four
15 doors to the east reached out to, I guess, Mr.
16 Nero over at the Office of Zoning. And I
17 subsequently reached out to him to sort of --
18 there were a lot of inaccuracies and
19 misconceptions kind of going around the
20 neighborhood as to what our intentions were.

21 And I reached out to him to sort
22 of, I guess, mediate that and he sort of said

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1 just I'll see you on the 14th.

2 MEMBER JORDAN: But did you meet
3 the neighbors as a group or individually?

4 MR. SALEM: Well, I mean --

5 MEMBER JORDAN: How many neighbors
6 did you contact and talk with?

7 MR. SALEM: Well, the one
8 neighbor, the one sort of six page document
9 that you do have, Mr. Montgomery had put
10 together and had subsequent neighbors sign it
11 to sort of say I validate this. I'm on board,
12 you know, whatever. I reached out to Mr.
13 Montgomery to sort of say, okay, you know, I
14 understand that you have concerns. You took
15 the time to type of, you know, a several page
16 document. I would like to, obviously, meet
17 with you and, of course, anyone else.

18 I mean, I'm, obviously, not in
19 this to make any enemies. But I also reached
20 out to my next door neighbor immediately
21 because he is frequently at his property. And
22 we spoke at length, but to no avail.

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1 MEMBER JORDAN: And are you a
2 developer of any other buildings in the
3 District?

4 MR. SALEM: No. No, nothing of
5 this stature of this significance. I have
6 worked with Tim and really that's what it
7 comes down to.

8 MEMBER JORDAN: Does that mean
9 none or that means nothing of this
10 significance in this statute?

11 MR. SALEM: Single-family only.

12 MEMBER JORDAN: You have done
13 single-family?

14 MR. SALEM: Correct.

15 MEMBER JORDAN: Okay.

16 CHAIRPERSON MOLDENHAUER: Mr.
17 Jordan, do you have any follow -- no. Okay.
18 Ms. Sorg?

19 VICE CHAIR SORG: I have one other
20 question. Thank you, Madam Chair. I'm just
21 looking for what is the square feet of each
22 unit in the four unit scheme?

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1 MS. BLOOMBERG: 13.

2 MR. SALEM: It's --

3 MR. SULLIVAN: We were going to
4 have, if you would like, the architect go
5 through the plans, if you want to do that now?

6 VICE CHAIR SORG: I will yield to
7 the Chair or Mr. Turnbull or somebody else who
8 may or may not think that is necessary. I
9 think the plans are pretty understandable. I
10 just couldn't get a calculation on how many
11 square feet each one is. Did you bring it or
12 I didn't -- the actual square footage for --
13 it's in the 1300 --

14 MR. SALEM: Each unit is 1,330 at
15 its largest to about 1,305 at the smallest.

16 VICE CHAIR SORG: Okay.

17 MR. SALEM: So they are all right
18 in there.

19 MS. BLOOMBERG: Just the only
20 statement I really want to make is that Rashid
21 is doing a very high quality project. We are
22 a firm -- we are just basically a design firm

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1 that focuses on a high end residential. We
2 are not a firm that does developer work often
3 at all.

4 And he came to us and it sort of
5 surprised me that he was coming to us because
6 we don't tend to do projects, you know, multi-
7 unit, but he is really trying to make this a
8 positive addition to the neighborhood. He is
9 trying to do very high quality work, unique
10 units that will attract people that, you know,
11 would want to live in this neighborhood and
12 respect the neighborhood.

13 And the front, for example, we're
14 renovating to keep the historic quality of the
15 building. I know that's not really the issue
16 at hand here. I just wanted to mention that
17 at least architecturally that he is very
18 concerned about making this a very high
19 quality project.

20 VICE CHAIR SORG: I think that's
21 not unimportant at all actually. And then I
22 just wanted to address one piece of

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1 information. So demolition has been done,
2 some demolition?

3 MR. SALEM: Correct. We have
4 actually -- we engaged DCRA while we waited
5 to, obviously, see you guys to start the
6 permit process of -- really, we wanted to make
7 sure that the integrity of the structure
8 didn't sit there as it was any longer than
9 need be.

10 So we tried to get out ahead of it
11 with starting the demolition of the back wall
12 and also framing up the addition to about 13
13 feet from where it is now. So within our 60
14 percent right. And that's where we are now.
15 We are framing. We are about three levels up
16 in the frame of the addition.

17 And framed how many floors of the
18 floor joists? I guess three stories up in the
19 floor joists.

20 MR. CHAMBERLAIN: Yes, about a
21 third level.

22 VICE CHAIR SORG: Okay. Thank

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1 you.

2 MEMBER TURNBULL: Well, are you
3 framing it as if you are building a four unit
4 building?

5 MR. SALEM: We haven't gotten that
6 far. We are just framing the actual structure
7 itself.

8 MEMBER TURNBULL: Okay.

9 MR. SALEM: To sort of --

10 MEMBER TURNBULL: And could you
11 repeat, I missed the actual square footage
12 range for the units?

13 MR. SALEM: 1,305 to 1,330, give
14 or take just how the stairs affect the units.
15 They are pretty much identical each unit.

16 MEMBER TURNBULL: Now, just
17 looking at the plans, a lot of the area
18 interior don't have any windows or light. You
19 have no code issues? I mean, that's a
20 building code issue. That's not for us, but--

21 MR. SALEM: We actually had --

22 MEMBER TURNBULL: --

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1 marketability? I mean --

2 MR. SALEM: -- some fun with
3 zoning at DCRA trying to figure out the best
4 way to do that. And because the actual size
5 of our lot, there would have had to have been
6 such a setback because we are demoing the sort
7 of dogleg addition that is there now or that
8 was there.

9 We could not build on to that to
10 extend it. We could not recreate it. If we
11 demoed it, we would -- technically what they
12 told us, we would have to go to the lot line,
13 which, at that point, if we put any windows on
14 the side, they would be at risk.

15 And the neighbors voiced some
16 concern because on one of our plans we had
17 already agreed that there would be no at-risk
18 windows, but it wasn't crossed off properly
19 and I know they have voiced some concern about
20 that.

21 But if my neighbor decided to do
22 the same thing that I am, clearly, there

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1 wouldn't be any windows done the side of the
2 building.

3 But we -- in terms of the plans, I
4 know Janet has come up with some pretty
5 creative ideas in terms of opening up the
6 light. You can see in some of the second
7 bedrooms there is a very large door that will
8 sort of slide open to allow light to fill in
9 from the back of the building.

10 MS. BLOOMBERG: It's the trick
11 that you always run into with rowhouses that
12 you have light in the front and back. And so
13 it's a question of how many bedrooms did he
14 want? And so we did add the back bedroom and
15 that does take up valuable light from the
16 living room, so at the top floor, we would do
17 skylights and on the lower levels, we would
18 just have the borrowed light from that
19 bedroom.

20 MR. SALEM: And there will be
21 quite a bit of LED lights and so and so forth.

22 MS. BLOOMBERG: Yes.

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1 MR. SALEM: Artificial lights to
2 sort of accommodate that.

3 CHAIRPERSON MOLDENHAUER: Any
4 other questions?

5 MEMBER TURNBULL: Well, I mean,
6 one, obviously, objection we will hear from
7 your neighbors is that you are going beyond
8 what the Zone Plan allows. You are adding
9 more neighbors to a neighborhood that is
10 designed for maybe two families at most.

11 So, I mean, that's -- and I'm not
12 really sure if you have got to prove that case
13 yet, that you are not really damaging the Zone
14 Plan. And we will hear from the Office of
15 Planning, but how do you feel you are not
16 impacting the Zone Plan in this neighborhood?

17 MR. SALEM: Well, I will say --
18 did you have something to say?

19 MR. SULLIVAN: No, go ahead.

20 MR. SALEM: I mean, I will say
21 that the building has been an issue for quite
22 some time. There -- we found mattresses and

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1 graffiti and so on and so forth on the inside
2 of the building. It's a fairly decent
3 neighborhood. It's a great block.

4 Obviously, a place that I have
5 interest in living. There are 91 row units on
6 the 1300 Block of Kenyon and Irving. And of
7 that over two-thirds are two units or more. A
8 third of those are three units or more.

9 My next door neighbor has four
10 units, the exact same lot size. So I share --
11 I technically share a party wall with someone
12 who has four units and uses it as a rental.
13 And I think that there will be significant
14 pride in ownership for this price point in
15 this location this close to the Metro that
16 will stabilize the community and stabilize the
17 block from -- I mean, the property has been in
18 and out of foreclosure eight times since, you
19 know, 1999. So it has clearly been an ongoing
20 issue.

21 MR. SULLIVAN: And I would add
22 just that that is the trick every time. How

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1 do you protect the integrity of the Zoning
2 Regs? In my mind, you protect it with
3 uniqueness and that's the reason for
4 uniqueness. If a property is unique, then you
5 don't have any fear of creating a de facto
6 rezoning of any kind.

7 And this is a case where far and
8 away, it's extremely unique. The
9 deterioration is extremely severe and I think
10 the Board has approved such cases in the past
11 where maybe it's not even as severe as this.
12 And I think this is a case where it is a very
13 concentrated uniqueness, as opposed to having
14 four or five things that you cobble together
15 and call the confluence.

16 You have got one and it is strong.

17 And the history, I would add the history to
18 that as well, the foreclosure history impacts
19 how you purchase a property. And in this
20 case, I think it also is a cause and probably
21 a symptom of the condition of the property.

22 And it also gives credence to our

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1 numbers in effect. The property has been
2 vacant and the property costs a lot to repair.

3 And it is not just us saying it, it's
4 obviously the market saying it, because
5 throughout the real estate boom of the last
6 decade, it sat and got worse.

7 MS. BLOOMBERG: Also, I have
8 looked periodically at projects like this. We
9 haven't done many of them, but often the
10 projects I looked at are still sitting empty
11 years later, because it wasn't possible for
12 any person to come in and develop a property
13 with any feasibility for them that was so
14 blighted.

15 And so they often will sit for
16 years. And I don't think that that benefits
17 the neighborhood at all. In fact, it really
18 hurts these neighborhoods, especially a really
19 good one like this one.

20 CHAIRPERSON MOLDENHAUER: Can I
21 just clarify. Do you mean people doing it as
22 a single-family home? Were you --

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1 MS. BLOOMBERG: No, no. We have
2 had developers like --

3 CHAIRPERSON MOLDENHAUER: Oh, I
4 see.

5 MS. BLOOMBERG: -- Rashid. Again,
6 it usually hasn't happened because, you know,
7 the quality is what we want to do and what
8 they want to do.

9 MEMBER TURNBULL: What is
10 happening up on the roof? It looks like you
11 are developing the roof.

12 MR. SALEM: Well, I know a concern
13 especially when we went to ANC was green
14 space. When we are not really eliminating any
15 green space, but because we are not adding any
16 deck space, there will be some deck space on
17 the roof and there will also be -- Tim has
18 built a green roof before and we plan on doing
19 the same here really to just sort of keep the
20 aspect of having some green space in the
21 community.

22 MEMBER TURNBULL: What's going to

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1 be the impact of that on your neighbors?

2 MR. SALEM: The --

3 MEMBER TURNBULL: Looking down
4 into their property, into their windows from
5 the roof.

6 MR. SALEM: Oh, I --

7 MEMBER TURNBULL: Have you thought
8 about that?

9 MR. SALEM: -- wish I could take a
10 picture of the block, but there is, I would
11 say -- not my direct next door neighbor, but
12 the one over next to him has a rooftop. There
13 is numerous, at least 20, on my block that
14 have rooftop decks.

15 MEMBER TURNBULL: Well, I'm asking
16 these questions because we don't know.

17 MR. SALEM: Sure.

18 MEMBER TURNBULL: You have to
19 prove to us --

20 MR. SALEM: Absolutely.

21 MEMBER TURNBULL: -- that what you
22 are doing is not going to impact the

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1 neighborhood, harm the Zoning Regs. And we
2 need to know this kind of information.

3 MR. SALEM: Absolutely.

4 MEMBER TURNBULL: I'm not trying
5 to be difficult.

6 MR. SALEM: Sure.

7 MEMBER TURNBULL: You have to
8 prove your case.

9 MR. SALEM: Well, my rebuttal to
10 that would be that regardless of --

11 MEMBER TURNBULL: Not -- there is
12 no --

13 MR. SALEM: -- if it was --

14 MEMBER TURNBULL: -- rebuttal.
15 I'm just asking questions.

16 MR. SALEM: Sure, sure. No, my
17 response --

18 MS. BLOOMBERG: Response.

19 MR. SALEM: -- would be to all
20 four units, the roof would look the same. So
21 it will look the same either way. There will
22 just be two less air conditioning units on

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1 there.

2 CHAIRPERSON MOLDENHAUER: I think
3 the question Mr. Turnbull is going to is the
4 use. I mean, if all of a sudden you have a
5 two unit flat, which would be permitted by
6 law, and correct me if I'm wrong here as to
7 what you were getting at, you would have a
8 certain density.

9 Now, all of a sudden you are going
10 to have a roof deck, which to me looks like it
11 may be accessed by all four unit owners.

12 MR. SALEM: Only the top unit
13 would have.

14 CHAIRPERSON MOLDENHAUER: Only the
15 top unit.

16 MR. SALEM: Correct.

17 CHAIRPERSON MOLDENHAUER: So that
18 then limits the potential use of that deck.

19 MR. SALEM: Absolutely.

20 CHAIRPERSON MOLDENHAUER: And I
21 think that that's maybe one of the questions,
22 I don't know, that Mr. Turnbull was getting

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1 at. But if you are having a common deck for
2 everybody and you are having -- you know,
3 because we see a lot of buildings where they
4 want to have that as an amenity and then
5 that's obviously high density use of a roof
6 deck, which would impact your neighboring
7 property owners. And that's I think one of
8 the questions that was being asked.

9 But so you think this would just
10 be used as a single deck for the top unit?

11 MR. SALEM: Yes. Quite frankly, I
12 don't honestly think, as a developer, it adds
13 much value to have everyone in the building
14 sort of be able to access it. So, yes, only
15 the top unit would have access to it.

16 CHAIRPERSON MOLDENHAUER: Okay.
17 And, Mr. Turnbull, did that answer your
18 question more directly?

19 MEMBER TURNBULL: Yes. I mean, I
20 think the elevation, the proposed elevation
21 shows that all -- that the circular stair goes
22 all the way up.

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1 MR. SALEM: Well, the circular
2 stair, we initially had plans for a balcony,
3 so that there would be some type of landing,
4 but to stay within our 60 percent, we just
5 wanted to make sure that whomever was lucky
6 enough to have the parking space or wanted to
7 get to the bike or didn't want to walk all the
8 way around the block to get to their trash,
9 everyone could access the back of the property
10 from their property without having to walk all
11 the way around.

12 So that's why the spiral stair
13 goes all the way up.

14 CHAIRPERSON MOLDENHAUER: Isn't it
15 also necessary for a second form of egress?

16 MR. SALEM: Well, yes, but we also
17 have sprinkler.

18 CHAIRPERSON MOLDENHAUER: Oh, so
19 you are just sprinkling the whole building, so
20 the distance isn't requiring --

21 MS. BLOOMBERG: It adds another
22 floor to the allowable height.

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1 CHAIRPERSON MOLDENHAUER: Okay.

2 MS. BLOOMBERG: From two to three.

3 CHAIRPERSON MOLDENHAUER: Circular
4 stairs wouldn't be covered actually by code
5 for fire egress. You're right.

6 MS. BLOOMBERG: No, it's not an
7 egress.

8 CHAIRPERSON MOLDENHAUER: So it
9 wouldn't be.

10 MR. SALEM: We just thought it
11 didn't make much sense to have to walk all the
12 way, a block and a half to take your trash
13 out.

14 CHAIRPERSON MOLDENHAUER: I think
15 Ms. Sorg has some questions and then if any
16 other Board Members do.

17 VICE CHAIR SORG: I just wanted to
18 address the ANC letter. You have seen it, I
19 assume.

20 MR. SALEM: Yes.

21 VICE CHAIR SORG: So they had an
22 interesting narrative there and it looks like

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1 they are supportive of three units, but not
2 four. Based on their recommendation, I know
3 that you have, obviously, shown us, you know,
4 budgets and so forth. Is that something that
5 you would, you know, reconsider or be more
6 amenable to?

7 MR. SALEM: Well, I will say at
8 ANC, our Single Member rep was very sort of
9 favorable to the development project. And he
10 took the time to come over and see the
11 property and kind of really get a chance to
12 understand it.

13 Not that I'm sure any of this
14 matters, but there was also a meeting prior to
15 our meeting to where four of the people who
16 actually voted for the project actually had a
17 chance to look at all the numbers. And
18 coincidentally, they actually voted for it.

19 So I'm not necessarily sure how it
20 ended the ANC got with it, but as you see from
21 my numbers, I would really have to beat market
22 expectations in order to sort of make a profit

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1 at three units or even just break even.

2 So I mean, frankly, do I have to
3 take the chance? Yes, I do. But it's sort of
4 black and white in terms of, you know, where
5 we stand today, where the market may or may
6 not be three or four months from now. And how
7 I would have to exceed, you know, market
8 expectations on a price per square foot basis.

9 CHAIRPERSON MOLDENHAUER: Ms.
10 Sorg, I don't know if that answered your
11 question, but I have a question. I'm looking
12 at these budgets and I understand what you are
13 saying about the financial need, but one of
14 the factors that you are identifying is this
15 unforeseen condition that the building was
16 structurally unstable and the need to replace
17 the wall.

18 Can you just -- and I can't find
19 it in the 84 itemized budget identification,
20 what's that additional cost above and beyond
21 your original expectation that that added to
22 the project?

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1 MR. SALEM: Well, it certainly
2 added in terms of my attorney fees. But on
3 top of --

4 CHAIRPERSON MOLDENHAUER: Not
5 attorneys' fees, just --

6 MR. SALEM: No, on top of --

7 CHAIRPERSON MOLDENHAUER: -- in
8 regards to the building.

9 MR. SALEM: Tim can answer. On
10 top of that, the excavation and the fact that
11 we had no choice once we actually demolished
12 that back porch and --

13 CHAIRPERSON MOLDENHAUER: Okay.
14 So Item 13, excavation and backfill, is solely
15 associated with the unforeseen information
16 about the physical condition of the building?

17 MR. CHAMBERLAIN: Well, this
18 second budget is based on a four unit. So
19 going from --

20 CHAIRPERSON MOLDENHAUER: But I
21 mean, I just want to jump in because I want to
22 make sure I understand this. No matter what,

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1 whether you did two units or four units --

2 MR. CHAMBERLAIN: Right.

3 CHAIRPERSON MOLDENHAUER: -- once
4 you bought the building and were able to
5 physically see it, you --

6 MR. CHAMBERLAIN: Yes.

7 CHAIRPERSON MOLDENHAUER: -- knew
8 that you had to do -- or that there were these
9 physical conditions that --

10 MR. CHAMBERLAIN: Yes.

11 CHAIRPERSON MOLDENHAUER: -- were
12 so drastic.

13 MR. CHAMBERLAIN: Yes.

14 CHAIRPERSON MOLDENHAUER: And I'm
15 trying to understand what those elements are
16 that would affect you on a two unit or would
17 affect you on a four unit.

18 MR. CHAMBERLAIN: Well --

19 CHAIRPERSON MOLDENHAUER: Would
20 affect anything that you did.

21 MR. CHAMBERLAIN: -- the two unit
22 budget is based on seeing the site as is. So

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1 I gave him a two unit budget and that's when
2 he came to the part where --

3 MR. SALEM: This -- just -- this
4 two unit budget was having to tear down the
5 back wall, having to tear down the back
6 addition and fill in to the lot line, to my
7 neighbor's lot line.

8 MR. CHAMBERLAIN: Yes, that's --

9 CHAIRPERSON MOLDENHAUER: Okay.

10 MR. SALEM: I can certainly
11 provide you with the original two unit budget,
12 so that you can see the difference from where
13 we are in this two unit budget and how it
14 would be substantially less, because we
15 wouldn't have to tear down the wall and then
16 recreate the wall.

17 CHAIRPERSON MOLDENHAUER: Just
18 tell me which line items make up those costs.

19 And then I don't need the prior --

20 MR. CHAMBERLAIN: Well --

21 CHAIRPERSON MOLDENHAUER: -- I can
22 subtract it myself, right?

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1 MR. CHAMBERLAIN: -- Line Item 30.

2 CHAIRPERSON MOLDENHAUER: 30,
3 okay. Let's see here, 30 which is the
4 framing, okay.

5 MR. CHAMBERLAIN: Yes, framing.
6 And Line Item, let's see here --

7 CHAIRPERSON MOLDENHAUER: We have
8 13 for excavation and backfill, I already got
9 that one.

10 MR. CHAMBERLAIN: 33, Line Item
11 33.

12 CHAIRPERSON MOLDENHAUER: 33,
13 okay.

14 MR. CHAMBERLAIN: That's pretty
15 much dealing with the framing. Your
16 foundation, Line Item 16.

17 CHAIRPERSON MOLDENHAUER: Line
18 Item 16, okay.

19 MR. CHAMBERLAIN: Make sure I
20 don't get these mixed up here. Let's see
21 here --

22 MR. SALEM: Are you saying just

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1 the extraordinary cost of having to take down
2 the back of the structure or do you mean just
3 the structure as a whole, because --

4 CHAIRPERSON MOLDENHAUER: When you
5 bought the -- my understanding is from your
6 testimony, when you bought the building, you
7 bought the building with certain assumptions.

8 MR. SALEM: Correct.

9 CHAIRPERSON MOLDENHAUER: That you
10 would be able to build and you said that you
11 understood the zoning and that it was your
12 intent to build a two unit flat.

13 MR. SALEM: Correct.

14 CHAIRPERSON MOLDENHAUER: That
15 would be as a matter-of-right. When you
16 physically got into the building --

17 MR. SALEM: Yes.

18 CHAIRPERSON MOLDENHAUER: -- there
19 were extraordinary conditions that physically
20 made it unfinancially feasible to do a two
21 unit because of those new financial
22 conditions. Such as the back wall being

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1 structurally unsound, the need to excavate
2 internally, take down the framing.

3 And I'm trying to understand how
4 much those were. I mean, what really
5 monetarily did that add up to --

6 MR. SALEM: Sure.

7 CHAIRPERSON MOLDENHAUER: -- so
8 that it created a situation in a pure factual
9 analysis, in my view, to see two units then
10 became unfeasible. Whereas, previously, you
11 said I bought it understanding I could do two
12 units. There was these new factual situations
13 which then made it unfeasible to do two units.

14 And I'm just trying to understand
15 what that is financially. So for I have got
16 85 plus 40, so that's --

17 MR. CHAMBERLAIN: So but he --

18 MR. SALEM: So do you have fees as
19 well?

20 MR. CHAMBERLAIN: -- you have the
21 original two unit budget, so this two unit
22 budget is based on --

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1 CHAIRPERSON MOLDENHAUER: Right.

2 MR. SALEM: She is trying to, Tim,
3 find the difference in terms of our
4 extraordinary costs.

5 MR. CHAMBERLAIN: I understand
6 that.

7 MR. SALEM: Right.

8 MR. CHAMBERLAIN: Yes, I
9 understand.

10 MR. SULLIVAN: Hold on. Let me
11 jump in a second. The entire structure and
12 the whole condition add everywhere, adds to
13 cost, so it's kind of difficult --

14 MR. CHAMBERLAIN: And just --

15 MR. SULLIVAN: -- to nail down.
16 What would the costs be if there were four
17 floors and walls and the building was in great
18 shape, but if somebody came in and bought a
19 property like this and needed to paint the
20 walls, maybe put a new roof on, maybe even add
21 windows, that's --

22 CHAIRPERSON MOLDENHAUER: But --

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1 MR. SULLIVAN: -- a cost.

2 CHAIRPERSON MOLDENHAUER: -- your
3 client didn't testify. Your client said he
4 knew that it was identified as structurally
5 unsafe and he knew that if he had to gut it,
6 that would still be okay.

7 MR. SULLIVAN: Right. But I don't
8 think that his knowledge actually is that key,
9 because the Board doesn't usually go into that
10 sort of investigation on these kind of cases.

11 It is the condition of the property.

12 And he bid -- he had a competing
13 bid, so if he wasn't here, the guy that was
14 bidding a dollar less than him would be here
15 for the same situation.

16 So it's not really a question of
17 whether he overpaid or whether made a mistake
18 in analyzing it, but, yes, I'm sure he knew
19 that this was not -- it wasn't totally ready
20 to be occupied.

21 MR. SALEM: I would say the extra
22 cost is in the neighborhood of -- I mean, the

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1 utility tap fee in terms of having to go out
2 to the -- to change all of that. I mean,
3 there is --

4 MR. CHAMBERLAIN: It's spread out.
5 I mean, you can go through almost every line
6 item going from --

7 CHAIRPERSON MOLDENHAUER: Okay.

8 MR. CHAMBERLAIN: -- of course,
9 you are going to have to do a gut job, even
10 before he knew it was in the shape it was in.

11 So you were still going to have to do a lot
12 of this work, but we -- now, we are going to
13 have to reframe all of the joists, everything.

14 So that -- I mean, you could go along every
15 line and it may affect it to some degree. Not
16 every line, but a good portion of them.

17 So when you have 85 line items,
18 they add up very quickly, very quickly. So--

19 MR. SALEM: And I will say that
20 when we -- when I purchased the property and
21 we went to office of -- when Janet and I went
22 to the Office of Zoning, we did not

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1 understand. Our intention was to leave the
2 crawlspace there, to leave the back wall
3 there.

4 But when we realized that that had
5 to go, we would either have had a property
6 that really stood out from the rest of the
7 neighborhood because I would have -- not have
8 the crawlspace addition that everyone else has
9 and, at that point, we realized we would have
10 to go to the lot line.

11 So the two unit budget that we
12 originally set isn't anywhere close to this,
13 because, one, coming into the realization that
14 there was a nonconforming dogleg that we would
15 have to take off. And if we did, this, this
16 and that would have to happen.

17 But in terms of raw costs, we are
18 talking in the neighborhood of I would say
19 about \$150,000. And again, if you like, we
20 could submit that budget.

21 CHAIRPERSON MOLDENHAUER: I
22 appreciate the walk-through and I think that

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1 at least this has helped me understand a
2 little more about kind of what is being
3 presented.

4 Do any Board Members have any
5 other questions, at this point? I think we
6 have exhausted the questions.

7 MEMBER JORDAN: I don't know if we
8 got the answer to the question you were asking
9 though.

10 CHAIRPERSON MOLDENHAUER: I don't
11 know if I -- well, the question is do I need
12 any more information? And I think I'll make
13 that call at the end of the hearing. And for
14 the question, you know, we'll see where we are
15 at that point.

16 That being said, at this point in
17 time, if there is no other submissions from
18 the applicant, obviously, I know you'll hold
19 for rebuttal at closing.

20 MR. SULLIVAN: Actually, I have
21 another witness, if you are interested.

22 CHAIRPERSON MOLDENHAUER: Oh, you

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1 do?

2 MR. SULLIVAN: The market
3 consultant who can talk about some of the CMA
4 information we submitted and very briefly. I
5 know this doesn't go to uniqueness, it goes to
6 practical difficulty. It's the reality of the
7 situation on the back-end.

8 MR. SALEM: He also lives a block
9 from the property.

10 CHAIRPERSON MOLDENHAUER: I think
11 we have seen a lot of the comps. I don't know
12 if there is an extensive necessity to kind of
13 walk-through from a testimony perspective.

14 MR. SULLIVAN: Perhaps --

15 CHAIRPERSON MOLDENHAUER: If you
16 want to give a brief summary?

17 MR. SULLIVAN: -- on rebuttal? We
18 will hold it until rebuttal.

19 CHAIRPERSON MOLDENHAUER: Okay.

20 MR. SULLIVAN: In case any issues
21 come up with that.

22 CHAIRPERSON MOLDENHAUER: And that

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1 would be fine. We will obviously provide him
2 time at rebuttal, if necessary.

3 MR. SULLIVAN: Thank you.

4 CHAIRPERSON MOLDENHAUER: Then at
5 this point in time, we will turn to the
6 audience to see if there is any individuals in
7 support or in opposition to this case. Okay.
8 We have two. Any others?

9 All right. Come on forward.
10 There are two seats right here. I'll turn to
11 the gentleman to my far right and you can turn
12 on the microphone, you can state your name and
13 your home address and then whether you are in
14 support or in opposition to the case and you
15 will then be given three minutes to testify.

16 MR. GREENWOOD: My name is --

17 CHAIRPERSON MOLDENHAUER: I don't
18 think --

19 MR. GREENWOOD: Bright light. Can
20 you hear that now?

21 CHAIRPERSON MOLDENHAUER: Okay.

22 MR. GREENWOOD: My name is Steven

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1 Greenwood. I'm at 1317 Irving Street, N.W.,
2 in Washington, D.C., and I'm in opposition.

3 And I want to clarify a few
4 points. One, this property has been sitting
5 in foreclosure for a lot of years. It is not
6 because developers have not been interested in
7 it as a single unit or two unit. It is
8 because the same woman that has owned it has
9 gone back and forth with the bank and it has
10 gone in and out of foreclosure with her all
11 eight times, but it is a hot commodity and
12 everyone assumed it was going to stay a single
13 or two unit.

14 Secondly, I and many others went
15 through the foreclosure process and the
16 bidding process. This house was completely
17 open, no internal walls down to the joists,
18 basement, nothing in it whatsoever. Anyone
19 with any kind of experience would tell exactly
20 what kind of, what's the word for it,
21 condition this property was in.

22 Lastly, well, thirdly, parking is

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1 a huge issue in Columbia Heights. We live on
2 the block. Everyone that lives there has, you
3 know, two to four parking spots. And if you
4 go -- I mean, most of you know real estate.
5 If you are trying to sell units at \$600,000 or
6 \$700,000 a piece, there are very few people
7 that don't have one to two cars.

8 If there is an access in the back,
9 then they are forced to park on the street and
10 it is already extremely crowded, as you can
11 imagine. I know that we are right on Metro
12 block, but it doesn't take away from the fact
13 I'm in real estate, you spend \$700,000, then
14 usually you have got two cars.

15 One car spot is not going to do
16 for this area.

17 Lastly, I'm in kind of a unique
18 position in that I happen to live on the same
19 street, maybe about six, seven, eight doors
20 down. And preexisting to my purchase, there
21 is someone that has a brick wall that is two
22 stories high that goes much further out than

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1 the other houses, because it was grandfathered
2 in way back.

3 And the effect for everyone that
4 is sitting in the alley and gets a great deal
5 of value identifying a large deck. We have
6 kind of the community gathers and sits on
7 their back porches all the time. Having a
8 structure up that high that comes out that
9 far, especially if someone were to do that on
10 the other side, would create a really -- it
11 hurts the communal spirit back there.

12 We probably spend six months of
13 the year sitting on our back deck with our
14 neighbors. It is a big effect to us to have
15 one brick wall coming up one side, but we knew
16 that when we bought it. And we kind of at
17 least have this look out this direction.

18 If the neighbor next to us who
19 happens to be, you know, not living there for
20 many years and says they are looking to sell,
21 because they haven't lived there for 10 years.

22 Since they got kids, they moved out of the

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1 District, so they could go to a better school
2 system.

3 And they said look, when the
4 market improves, they would like to sell. If
5 a precedent like this is established, the
6 neighbor next to me could go and say why don't
7 I build much farther out and three stories up
8 and then it greatly impacts our neighborhood.

9 Thank you very much.

10 CHAIRPERSON MOLDENHAUER: Thank
11 you very much, Mr. Greenwood. Just two
12 comments. One, the applicant isn't seeking
13 any relief for lot occupancy. So the issue of
14 how high they are going is really not a factor
15 for us right now. Just so that you know, just
16 so that you understand kind of the limitation
17 of our Board and kind of what we are looking
18 at today.

19 And then the second question, I
20 just wanted to clarify, you said that you
21 participated in the bid process to purchase
22 this property?

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1 MR. GREENWOOD: No. I did the
2 walk-through in the property. I actually had
3 spoken to the woman who used to own it and she
4 tried to sell it to me.

5 CHAIRPERSON MOLDENHAUER: Okay.
6 So you then walked through the property with
7 the woman who is foreclosed on, but not when
8 the bank owned it?

9 MR. GREENWOOD: And when the bank
10 owned it. I just never put a bid in.

11 CHAIRPERSON MOLDENHAUER: Okay.
12 So you did. You said you were able to walk
13 through the property when the bank owned it?

14 MR. GREENWOOD: And it is true
15 that the bank did tell people look, this --
16 and you could see from it -- as I told you,
17 the woman that owned it went in, you know,
18 partnership with a developer and that
19 developer, you know, so the story goes, he
20 took all of her money, knocked everything out
21 and left.

22 So when you walked in the

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1 property, it definitely had holes in the
2 floors, etcetera, but all the internal walls
3 had been completely knocked out. You could
4 see right down into the basement and walk
5 down. And what the bank told us is walk at
6 your own risk. We don't want to be liable.
7 You shouldn't really do it, but they let us.

8 I mean, I walked upstairs, took a
9 look around. There is no internal walls. You
10 could see everything you liked.

11 CHAIRPERSON MOLDENHAUER: Do any
12 other Board Member have any other questions
13 for Mr. Greenwood?

14 MEMBER TURNBULL: So they didn't
15 restrict you, is what you are saying?

16 MR. GREENWOOD: They did not
17 restrict me. They did tell me, however, you
18 know, they understood we were bidding a lot of
19 money on the property.

20 MEMBER TURNBULL: Right.

21 MR. GREENWOOD: So they said for
22 liability's sake, this is very unsafe. So we

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1 are just telling you we don't recommend, but
2 anyone who was bidding that kind of money did
3 the walk-through.

4 MEMBER TURNBULL: And do you know
5 if others walked through?

6 MR. GREENWOOD: I can't speak to
7 others walking through.

8 MEMBER TURNBULL: Okay.

9 MR. GREENWOOD: I could tell you
10 that if you looked through the floors, you
11 could see right out. There were major holes
12 in floors.

13 MEMBER TURNBULL: Yes.

14 MR. GREENWOOD: So you could get a
15 pretty good look at the property.

16 MEMBER TURNBULL: Okay. Thank
17 you.

18 MR. GREENWOOD: Sure.

19 CHAIRPERSON MOLDENHAUER: Thank
20 you. I'll now turn to the gentleman in the
21 red. And if you can, as I said, indicate your
22 name and home address and then you will be

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1 provided three minutes to present your
2 position.

3 MR. KRIEGER: Thank you. Before I
4 do, I passed some information to Mr. Moy and I
5 would appreciate it if you would give it to
6 everyone on the panel, so as I'm speaking you
7 could actually be looking at the same pages
8 and you could see some images of the property
9 in question as well as a letter of opposition
10 from residents on the block 2829.

11 CHAIRPERSON MOLDENHAUER: Okay.

12 MR. KRIEGER: 9 x 12 resolution,
13 if I'm not mistaken.

14 CHAIRPERSON MOLDENHAUER: Okay.
15 The letter that you provided us, we have in
16 our record. It's Exhibit 25 and so we have
17 already reviewed that. I just want to make
18 sure you are clear with that. The letter that
19 you provided is part of our record and I think
20 all the Board Members have already reviewed
21 that letter.

22 MR. KRIEGER: Great.

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1 CHAIRPERSON MOLDENHAUER: So just
2 so we are starting off -- so I will let you
3 continue and we will look at the pictures.

4 MR. SULLIVAN: Excuse me, can I
5 get a copy of whatever was --

6 MR. KRIEGER: Yes.

7 CHAIRPERSON MOLDENHAUER: I know
8 you have a copy of that.

9 MR. SULLIVAN: I have the letter.

10 CHAIRPERSON MOLDENHAUER: But then
11 there is pictures as well.

12 MR. SULLIVAN: Right. Okay.

13 CHAIRPERSON MOLDENHAUER: So do
14 you have an extra copy to provide to counsel?

15 MR. MOY: I have an extra copy.

16 CHAIRPERSON MOLDENHAUER: Mr. Moy
17 has a copy for counsel.

18 MR. MOY: Sir, could you turn your
19 microphone on? I don't believe you are on.
20 Is the green light on?

21 MR. KRIEGER: Is that better?

22 CHAIRPERSON MOLDENHAUER: Yes.

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1 MR. KRIEGER: Okay.

2 MR. MOY: Thank you, sir.

3 MR. KRIEGER: You're welcome.

4 CHAIRPERSON MOLDENHAUER: Okay.

5 MR. KRIEGER: My name is Andrew
6 Krieger. I live at 1309 Irving Street. I
7 have been a resident of Washington, D.C. for,
8 I think it is, 28 years. And I have lived in
9 Columbia Heights for about 25 years in the
10 same house on the -- at the address 1309.

11 When I moved to this neighborhood,
12 I moved to this neighborhood because of some
13 of the aesthetics we have been talking about,
14 light and space, the beautiful homes and their
15 structure. And I would like to welcome Mr.
16 Salem to the neighborhood.

17 The houses that we live in were
18 built in the late 1890s into the 1900s. Some
19 of them into the 1920s on standard-size lots.

20 Most of them 16 feet across, 18 feet across
21 and most of them 150 or 147 feet long.

22 The first picture that I have

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1 given you in the packet is a picture showing
2 the profile of the fronts of those houses.
3 And the profile of the fronts of those houses
4 are all consistent. They all pretty much come
5 out to the same property line. And that's the
6 same all the way down the block on both sides
7 of the 1300 Block of Irving Street.

8 That's not so much the same as we
9 turn the page to the second picture and see
10 what has happened in the back of the 1300
11 Block of Irving Street.

12 Some of the houses were built
13 originally on a 50 footprint, some of them
14 were extended and have extensions of 15 feet
15 on the back, some of those extensions came
16 into their original construction.

17 Throughout the history of these
18 houses up until about 1940, none of these
19 houses were extended until a house at the 1315
20 Irving Street was extended beyond the property
21 line of 65, I think it is, feet, 64 feet. And
22 that has been the longest house on the block

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1 as long as I have lived there.

2 I have superimposed on this
3 photograph in pink some of what I believe the
4 footprint of Mr. Salem's property would be if
5 it was extended and this is without the decks
6 and this is without the deck on top also and
7 the vista that it would take away.

8 Part of the idea in the
9 construction of these houses in Victorian
10 times was light and fresh air circulation.
11 Part of the dogleg that many of these houses
12 have in order to have windows on the side
13 provided those things.

14 Taking away that dogleg and taking
15 away those windows on the sides of these
16 properties takes away from any light coming
17 into the interior of the properties. And all
18 of the properties on the side of the street
19 besides 1315 still have that kind of dogleg
20 construction.

21 What Mr. Salem is proposing to is
22 to go the full width of the lot, the 18 feet.

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1 He is also proposing to extend out the back.
2 And, once again, make a property that is
3 going to be longer than any other property on
4 our block, at this point.

5 Where I'm citing the profiles of
6 these homes in the first photograph as being
7 all the same, the profile that you see in the
8 rear and the vista that everyone has is quite
9 different.

10 Where I live at 1309 and if I'm
11 looking out my back towards 1315, I'm looking
12 at a solid brick wall and it is not even three
13 stories high. This, I feel, is a hardship on
14 residents and that it is taking away their
15 vistas. It is also changing the historic
16 nature of the properties in the back. And I
17 think, in effect, it is going to affect
18 property values of long-term residents.

19 In turning to the third photo,
20 this is a photo of the opposite side of the
21 alley, a property on Kenyon Street that was
22 built, approximately, three years ago. The

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1 side you see shows no windows. The other
2 side, in fact, has seven windows.

3 This property was extended out to
4 the property line length of the lot. It kept
5 its dogleg. It did not go the full width of
6 the lot.

7 The fourth photograph that I
8 passed to you is the current state of Mr.
9 Salem's property as of yesterday at 4:00 p.m.

10 I don't know what the photo shows today, but
11 this is how far the property has progressed.

12 The last photo that I passed to
13 you was a profile of a model that I have done,
14 because I prefer to put my hands around the
15 buildings a little bit to be able to
16 understand them and see them from a different
17 perspective.

18 And as I'm looking at it, for 1341
19 to be renovated under its current plan, it
20 would be the longest property on the block and
21 it would be providing a hardship to residents
22 in the future in blocking their vistas. And I

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1 wonder if 1341 is granted and they are allowed
2 to -- Mr. Salem is actually allowed to build
3 this property of this size, if the rest of the
4 residents on the block would not be in
5 hardship, both financially and for other
6 aesthetic reasons.

7 And if this Board deems it right
8 to grant this kind of permission at this
9 point, I want to make sure that every resident
10 on that block in rowhouse construction, houses
11 that are coming right up next to one another
12 with party walls have that same right.

13 You know, you're talking about
14 some place where I live. I don't think Mr.
15 Salem is planning on living there. You're
16 talking about some place where other residents
17 in this room live. These are their homes.
18 This is not a historic neighborhood, but it
19 certainly is a neighborhood that welcomes
20 people to the city in great mass and in great
21 volume at this point.

22 I don't think I have anything else

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1 to add, at this point.

2 CHAIRPERSON MOLDENHAUER: Well,
3 thank you. I appreciate you coming down.
4 Obviously, as a resident myself, I live in the
5 city. I love the city. You know, having
6 grown up here and, you know, having my own
7 family here, I understand that implication.

8 But also, as indicated to Mr.
9 Greenwood, I have to make sure that you
10 understand the limitations that we have, as a
11 Board. We are here today only, unfortunately,
12 to talk not about how far back he is building,
13 the applicant is requesting, but to talk about
14 whether he is permitted to put two units in
15 the building or four units in the building.

16 The issue of the style in which he
17 is building, the size and lot occupancy is
18 currently all matter-of-right. And it is not
19 something that the Board is able to look at.

20 And as a matter-of-right, that
21 means that any, you know, other property owner
22 has the right to build, you know, the same

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1 matter-of-right density on their lot,
2 depending upon, obviously, you know, their lot
3 constraints and things of that effect.

4 But I just wanted to make sure
5 that it is clear to the individuals who have
6 taken their time to come down today from the
7 public that you understand, you know, what the
8 Board's limitations are in regards to review
9 for today's application, but also to the fact
10 that we do appreciate, you know, the
11 neighborhood opinions and the sentiment and
12 those things.

13 MR. KRIEGER: Well, as Mr. Salem
14 is claiming hardship in this case, I want to
15 make sure also that the Board realizes that
16 this could be putting other residents in
17 hardship also.

18 CHAIRPERSON MOLDENHAUER: I
19 appreciate that and I thank both of you for
20 coming down and providing your --

21 MR. KRIEGER: All right.

22 CHAIRPERSON MOLDENHAUER: --

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1 testimony.

2 MR. GREENWOOD: And I thank you.
3 We are not asking. We appreciate the
4 developer coming in and the house definitely
5 needs work. All we are saying is, please, for
6 exceptions for growth, for putting windows on
7 a side of the property that don't exist
8 looking on other property or sitting farther
9 out or less parking, we just ask to stay
10 within the law.

11 CHAIRPERSON MOLDENHAUER: Yes.

12 MR. GREENWOOD: And that's all
13 we're asking for.

14 CHAIRPERSON MOLDENHAUER: And
15 again, I appreciate both of you testifying.
16 But in regards to the ability to build all the
17 way out, it's nothing we can look at today.
18 The issue of parking, based on density, is
19 something that I think I have heard as a
20 concern that the Board and I think I have
21 definitely considered as part of potentially a
22 negative impact that may be affected here that

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1 I would like to hear more about.

2 And that I had already asked the
3 applicant a question about that issue.

4 So thank you both so much. I
5 think, at this point, we are going to turn to
6 the Office of Planning for their report.

7 MR. KRIEGER: Can I say one more
8 thing?

9 CHAIRPERSON MOLDENHAUER: One more
10 thing, because you have already gone over your
11 time and I'm trying to maintain some
12 constraints.

13 MR. KRIEGER: Appreciate it. We
14 haven't -- or I haven't been contacted by
15 anyone from the ANC ever regarding this
16 project or Mr. Salem.

17 CHAIRPERSON MOLDENHAUER: Okay. I
18 mean, obviously, the ANC had a meeting. I
19 don't -- they typically will post --

20 MR. KRIEGER: Yes.

21 CHAIRPERSON MOLDENHAUER: -- their
22 meeting agendas on a website, so they don't

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1 typically contact people individually. I
2 don't know if somebody is present here from
3 the ANC to address that, but that's typically
4 how ANCs work. I don't think they send out
5 notices.

6 MR. KRIEGER: Okay.

7 CHAIRPERSON MOLDENHAUER: Okay.
8 Thank you very much.

9 We will turn to the Office of
10 Planning for their report.

11 MR. JESICK: Thank you, Madam
12 Chair and Members of the Board. My name is
13 Matt Jesick.

14 This property is encumbered by an
15 exceptional condition, that is it's a very
16 advanced state of disrepair. So, therefore,
17 the application does meet the first prong of
18 the variance test.

19 However, we feel that that
20 exceptional condition does not lead to a
21 practical difficulty and, therefore, fails the
22 second part of the variance test.

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1 The applicant could, as a matter-
2 of-right, and as the Board has already
3 discussed, construct a single-family dwelling
4 or a flat.

5 Also, on the third prong of the
6 variance test, we feel that conversion to an
7 apartment house would diminish the
8 availability of family-sized units in the
9 area. Also, we feel relief would impair the
10 intent of the Zoning Regulations.

11 And I'll quote here from the R-4
12 Regulations. "The primary purpose of the R-4
13 Zone shall be the stabilization of remaining
14 one-family dwellings." And the Zoning
15 Regulations go on to say "The R-4 Zone shall
16 not be an Apartment House District as
17 contemplated under the R-5 Districts."

18 So we feel that this application
19 does not meet the variance test and we very
20 much appreciate Mr. Salem's investment in the
21 neighborhood. However, we, unfortunately,
22 cannot recommend approval of the application.

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1 And I would be happy to take any
2 questions.

3 CHAIRPERSON MOLDENHAUER: Thank
4 you very much. I'll see if the applicant has
5 any questions for the Office of Planning.

6 MR. SULLIVAN: No questions.
7 Thank you.

8 CHAIRPERSON MOLDENHAUER: Do Board
9 Members have any questions? Mr. Turnbull?

10 MEMBER TURNBULL: Yes. Mr.
11 Jesick, your original report that the units
12 were going to be allow -- were under the 900
13 limit. Now, they are over 1,300 at the --

14 VICE CHAIR SORG: No, it's 900
15 square feet.

16 MEMBER TURNBULL: Oh, that's
17 right. I'm sorry. Don't mind me. Ignore
18 that question.

19 Let's talk about the third prong.
20 The applicant did state that there are other
21 units in the area similar. In fact, the one
22 building next door, apparently, is similar to

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1 that.

2 What's your take on that remark or
3 his statement? He is simply duplicating what
4 is in the area or down the street.

5 MR. JESICK: Sure. And I can't
6 speak to those other units, whether they were
7 approved at some point in the past by the BZA
8 or whether they are there illegally. You
9 know, just going back to the purpose of the R-
10 4 Zone, it says "The primary purpose of the R-
11 4 Zone is the stabilization of remaining one-
12 family dwellings." So --

13 MEMBER TURNBULL: Okay. I would
14 agree, yes.

15 MR. JESICK: -- regardless of what
16 conversion has gone on around this structure,
17 that purpose still exists, you know, to
18 maintain this as more of a family-sized unit.

19 MEMBER TURNBULL: Family-sized
20 units, okay.

21 MR. JESICK: Correct.

22 MEMBER TURNBULL: I see your point

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1 on that and I think you made a good point on
2 that. Thank you.

3 VICE CHAIR SORG: Thank you, Madam
4 Chair. I just wanted to check to see in your
5 report as far as the first prong goes, it
6 didn't seem like you saw any exceptional
7 uniqueness to the property? But in your
8 testimony, it sounds like maybe you have
9 changed your mind?

10 MR. JESICK: I believe actually in
11 my written report I do say that the structure
12 on the property is in an exceptional state of
13 disrepair, as it is only a shell with walls
14 and a roof.

15 VICE CHAIR SORG: Okay. Then
16 maybe I'll rephrase. Do you think it meets
17 the first prong of the test?

18 MR. JESICK: Yes, I do.

19 VICE CHAIR SORG: Oh, okay. I
20 thought the other way from your report
21 actually.

22 MR. JESICK: Sorry for the

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1 confusion.

2 VICE CHAIR SORG: Got it. No
3 problem.

4 CHAIRPERSON MOLDENHAUER: If there
5 is no other questions for the Office of
6 Planning, thank you very much for your
7 presentation and your report.

8 At this point in time, we will
9 turn to the ANC to see if there is anybody
10 present from ANC-1A.

11 Seeing no one present from ANC-1A,
12 I'll just indicate that they submitted
13 documentation which is our Exhibit 30, which
14 says that on January 11, 2012 at a duly
15 noticed and regularly scheduled meeting with a
16 quorum of 10 Commissioners present, they met
17 and discussed this case.

18 They initially submitted a motion
19 to address and vote on whether or not this
20 application would be approved as a four unit
21 project. That vote was 4-5-1 to not support
22 the application.

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1 They then voted 8-1-1 to recommend
2 that the Board approve the application for a
3 three unit apartment project.

4 So that letter, it would receive
5 great weight, but I think one of the
6 challenges the Board has is that it is
7 recommending something that the applicant is
8 not presenting. So it's, to me, really
9 clearly opposing what the applicant is
10 seeking.

11 So if we were to give great weight
12 to this at all, it would be great weight in
13 opposition of what the applicant is seeking
14 and only support the application if the
15 applicant wished to revise its plan to submit
16 a three unit project.

17 I don't see the applicant doing
18 that, at this point, but if the applicant did
19 change his plan to provide a three unit
20 project, then I would view that as an ANC
21 letter in support of an amended request.

22 That being said, at this point in

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1 time, I will turn the floor back -- well,
2 before I turn the floor back to the applicant
3 to provide any closing remarks, I'll just see
4 if Board Members have any issues or final
5 questions or comments before the applicant
6 provides a final rebuttal?

7 MEMBER JORDAN: One quick question
8 and maybe I have missed it in just taking a
9 look at it. What were the costs associated to
10 develop this as a single-family dwelling and
11 the market study toward what you could sell it
12 for and all that stuff as a single-family?

13 MR. SULLIVAN: We have the market
14 consultant here. Do you want to come up and
15 answer that? Barrett Evans, he's a real
16 estate agent and developer and resident.

17 MR. EVANS: I mean, obviously, the
18 costs are going to be completely different
19 developing --

20 CHAIRPERSON MOLDENHAUER: Can you
21 first state your name and home address for the
22 record?

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1 MR. EVANS: Barrett Evans, 1120
2 Park Road, N.W.

3 Your costs are going to be
4 significantly different converting just back
5 to a single-family. You are not going to have
6 four kitchens, fixtures, baths, etcetera.

7 I think that, you know, it comes
8 down to an issue it's what is practical and
9 what is economically feasible. And I'm a
10 native Washingtonian. I grew up in these
11 great Victorian rowhouses. I would love to
12 see them all stay single-family.

13 Unfortunately, it's no longer
14 practical. The demand is for smaller high-end
15 units. And that's what developers are
16 providing.

17 In Columbia Heights, you are going
18 to have a single-family row, such as the
19 subject property maxed out at right around a
20 million dollars. And with the purchase price
21 that these shells are going for, there is no
22 money there to be made.

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1 Maybe from an owner/occupant you
2 could get in and make it work. I think,
3 unfortunately, what -- you know, you hear a
4 lot of neighbors complaints. You don't get to
5 choose what happens to a property on your
6 block and in your neighborhood.

7 Someone could just as easily turn
8 it into a rooming house and you could have who
9 know how many people living there. Who knows
10 how many more cars in the neighborhood. So I
11 think that the city has an interest in seeing
12 blighted properties redeveloped. They have
13 shown that through a variety of programs.

14 DCHD has the PAD Program. They
15 have been auctioning off blighted properties
16 for the last five years. It has worked very
17 well. And with a 1,300 square foot footprint,
18 a two level flat is just not economically
19 feasible. There is no market for 2,600 square
20 foot condos.

21 I have been in real estate for
22 more than 10 years. I have never seen one in

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1 Columbia Heights. It doesn't exist. So to
2 put a developer in a position where he has got
3 to create something that there is no market
4 for, doesn't make sense. 1,300 square foot
5 units that are two bedroom/two bath, very
6 marketable, will sell, will ultimately
7 increase the property values of surrounding
8 neighbors.

9 CHAIRPERSON MOLDENHAUER: Does
10 that answer your question, Mr. Jordan?

11 MEMBER JORDAN: Yes, thank you.

12 CHAIRPERSON MOLDENHAUER: Okay.
13 Okay. Then are there any other Board
14 questions?

15 Then I'll just turn back to the
16 applicant for any closing remarks.

17 MR. SULLIVAN: Thank you. I just
18 would like to make a few brief comments. In
19 response to OP, I think we can agree to
20 disagree with the Office of Planning. I think
21 the Board has disagreed with their position as
22 well in these cases, because the Office of

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1 Planning, I believe, takes a position that is
2 contrary to the law, as the Board and the
3 Court of Appeals has laid out.

4 The Office of Planning believes
5 that a 401.3 variance should be significantly
6 more difficult than any other area variance.
7 And the Office of Planning also mentioned that
8 -- the regulations.

9 The regulations also say that the
10 R-4 District is an area within which there
11 have been a substantial number of conversions
12 of the dwellings into dwellings for two or
13 more families. So it does recognize that, and
14 this goes to prong three, there are quite a
15 few converted apartment houses in the R-4,
16 otherwise, it would be R-3.

17 So the -- I think on prong two, I
18 think they have just ignored the evidence and
19 they haven't addressed it at all and I don't
20 think that's helpful, because they don't think
21 that it should be discussed. Obviously, it's
22 more difficult to redevelop this property.

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1 The question is how difficult and
2 does that meet the standard? But they won't
3 even enter into that discussion. So I don't
4 know how helpful their report is.

5 This Board knows that Office of
6 Planning has a pretty firm and consistent
7 position against 401.3s and this is no
8 different.

9 Regarding just a couple points.
10 One comment that Mr. Greenwood made that all
11 the foreclosures were one person, in Exhibit
12 D, we highlighted the foreclosures over the
13 last 12 years and I have at least three
14 different persons, three different owners
15 listed there.

16 I would like to talk briefly about
17 the issue of what Mr. Salem knew or how far --
18 how much he investigated the property, because
19 everybody, whatever that opportunity was, had
20 the same opportunity. And the price of the
21 property is what it is. It wasn't different
22 for him than it would have been for the next

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1 bidder who bid the same amount as him.

2 And the condition of the property
3 is what it is, regardless of how much you knew
4 going forward. And if the point of variance
5 relief in this case, which I think it is, is
6 to keep a property from remaining idle, then I
7 think that analysis doesn't really work to say
8 whether or not he knew or should have known.

9 The thing is it would remain idle
10 no matter who purchased it, because this was
11 the purchase price. This was the market
12 price.

13 And I also would point out, as the
14 Board recognized, almost all the passion from
15 our opponents comes from the addition itself,
16 which is matter-of-right. And the answer to
17 Mr. Krieger's questions can everybody else do
18 this? Yes, everybody else. He can do it.
19 Everybody can do it.

20 And this is what is required to
21 restore this property. If it was any less
22 square footage, that would only make the

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1 practical difficulty more difficult, in my
2 opinion.

3 Mr. Salem might want to add just a
4 little bit.

5 MR. SALEM: I certainly understand
6 the opposition and I certainly understand some
7 of the history of the property as we have kind
8 of gotten further along in this process. And
9 I also understand that it seems as though
10 everyone wants to see the property developed
11 and brought back to life and sustained and
12 really stabilized for the block itself,
13 because it's really almost a show piece block
14 in Columbia Heights.

15 Everyone that gets off the Metro
16 walks right down Irving Street for the most
17 part. So that being said, I mean, I
18 understand in this business that, you know,
19 there is some risk involved and I was willing
20 to step up to the plate and take the risk and,
21 unfortunately, it has led me to meet all of
22 you people, which is wonderful, and I

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1 certainly appreciate your time, that's for
2 sure.

3 I think that's it, Marty.

4 MR. SULLIVAN: I would just add to
5 that. I think his point is everybody wants to
6 see it redeveloped. Only one person is
7 willing to take that risk and that's the
8 practical difficulty.

9 On the question of three versus
10 four units, we would not say no to a three
11 unit approval, just because it makes -- you
12 know, maybe it gives us some possibility.
13 Obviously, two is catastrophic for Mr. Salem.

14 But I think the difference between three and
15 four is negligible as far as impact.

16 If you had a 2,600 square foot
17 condo that takes up two floors, and you heard
18 from Mr. Evans, it's not really conducive to
19 single-family living anyway. It is probably
20 more likely a group house. He might end up
21 with still having four cars coming out of that
22 one unit, the same amount of people and cars

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1 that you would have if it was two separate
2 units.

3 In the past when the Board has
4 approved 401.3s, they have looked in part to
5 the configuration of the building and the
6 number of levels. Recent approvals including
7 1211 10th Street, where you granted approval
8 for three units, because there were two
9 stories and a basement.

10 3609 13th Street, same thing, two
11 stories and a basement.

12 A couple years ago, there was a
13 property at 304 Q Street in Case 18055, it was
14 three levels and a basement and the Board
15 approved four levels in that case. And that
16 was only -- that was less than 1,000 square
17 feet of land actually.

18 So the analysis of three versus
19 four has gone as much to what the existing
20 building is already as it does to how much
21 more of a variance you are asking for.

22 So I think that the impact is

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1 going to be the same. The practical
2 difficulty is much higher if you have a two
3 story unit mixed with one story units.

4 That being said, we will
5 officially request a bifurcation in the event
6 that that's where the Board is going, because,
7 obviously, we don't want to end up back at
8 two. I don't have anything else. We want to
9 thank the Board for considering the
10 application.

11 I respectfully request that if the
12 Board is inclined to grant approval, that the
13 applicant receive a timely decision and a
14 summary order if at all possible. Timing is a
15 significant cost factor as well in this. And
16 if the Board grants approval, having a summary
17 order would be greatly appreciated.

18 Thank you very much.

19 CHAIRPERSON MOLDENHAUER: Thank
20 you very much. I think that the question is,
21 you know, do Board Members want some
22 additional submissions in regards to pricing

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1 and comparisons for the project?

2 So I think what I'm hearing, some
3 Board Members thinking, you know, that they
4 would like to see a breakdown of a single-
5 family pricing and maybe comparisons and
6 construction. I think that would be helpful.

7 And I think that, you know, if at
8 all possible, if it's not possible to separate
9 it out, I would like to see the conditions
10 that you are indicating are exceptional in
11 regards to the physical conditions of the
12 building, how that increased the construction
13 of the project and made a two unit versus a
14 three or four unit practically difficult.

15 MR. SALEM: So would you like to
16 see the single-family? You want to see the
17 single-family as well?

18 CHAIRPERSON MOLDENHAUER: Mr.
19 Jordan asked for a single-family mock-up.

20 MR. SALEM: Okay.

21 CHAIRPERSON MOLDENHAUER: So he
22 would like to see those numbers and the

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1 comparison in regards to, you know, why it is
2 practically difficult or financially
3 infeasible to do a single-family.

4 And separate and apart from that,
5 I would like to see the cost associated with
6 what you are calling the exceptional state of
7 disrepair and how that specifically created
8 and is then related to something that OP is
9 saying is that they don't see a correlation
10 between maybe an exceptional condition and the
11 practical difficulty.

12 So I would actually like to see
13 that broken down and to say this is the
14 aspects of the building that were in such
15 disrepair that created an additional cost
16 above and beyond what would have just been a
17 regular gut job.

18 I mean, we all understand
19 construction. We all understand this, you
20 know, from the Board and from our own
21 personal/professional lives. So the question
22 is what made this something that was

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1 exceptional above and beyond a basic rehab gut
2 job project that made it so that you had to do
3 four units, otherwise, it would be practically
4 difficult?

5 And right now, I don't
6 specifically see that in numbers. I only see
7 the totals. So I would like to see that.

8 VICE CHAIR SORG: Can I ask a --

9 CHAIRPERSON MOLDENHAUER: And Ms.
10 Sorg, I guess has a question or a comment or
11 something.

12 VICE CHAIR SORG: Sorry. Before
13 you respond to what she is asking for --

14 CHAIRPERSON MOLDENHAUER: It's
15 documentation. They are not going to respond
16 now.

17 VICE CHAIR SORG: Oh, well, I
18 think he had a question or clarification. I
19 don't know.

20 Anyway, I wanted to understand,
21 there is something that is still a little bit
22 unclear in my mind and maybe some further

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1 submissions could clarify that. And my
2 question is about whether the rear addition
3 that is being currently constructed is an
4 addition or a replacement of something, an
5 addition that was perhaps already existing?

6 And whether -- and I think you
7 might want to -- you could address this later
8 whether that has significance with regard to
9 the practical difficulty.

10 MR. SALEM: Well, I don't know how
11 clear the pictures are. I know they didn't
12 come out very well in the actual --

13 VICE CHAIR SORG: I'm not sure you
14 want to answer now.

15 MR. SALEM: Okay.

16 VICE CHAIR SORG: I'm not sure.

17 MR. SALEM: Sure.

18 CHAIRPERSON MOLDENHAUER: Okay.
19 Mr. Sullivan, do you have any questions about
20 the additional submissions that we are
21 requesting?

22 MR. SULLIVAN: I don't think so,

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1 as long as we have leeway to submit it -- as
2 much as we want. We will probably give you
3 more than -- just to be safe, because --

4 CHAIRPERSON MOLDENHAUER: For
5 clarity purposes, I want to make sure, I am
6 leaving the record completely open.

7 MR. SULLIVAN: Gotcha. Thank you.

8 CHAIRPERSON MOLDENHAUER: And that
9 also means, just so that you understand, any
10 other party to the case, if you are not a
11 party, that means that you can't submit any
12 additional submissions, but any other party
13 could submit additional submissions.

14 That being said, the record will
15 be left open to provide you time to submit
16 this by, let's say, March 6th. You have to
17 have it in our office by March 6th. And this
18 is going to be scheduled for decision on the
19 13th of March. Okay?

20 MR. SULLIVAN: Thank you.

21 CHAIRPERSON MOLDENHAUER: Thank
22 you very much.

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1 And just so that individuals in
2 the audience understand, this will be
3 scheduled for decision. We will not take any
4 additional testimony during our decision date.

5 If you would like, you can always log-on and
6 watch the hearing remotely and listen to the
7 decision and the deliberation.

8 We will, as a group, orally
9 discuss the case, the standards as to whether
10 or not they satisfy the elements and then
11 deliberate and make a decision on the 13th.

12 But as I said, we will not accept
13 any other testimony during that decision
14 making meeting.

15 Thank you very much and then that
16 concludes our business for today. It's before
17 5:00 on Valentine's Day. I hope everybody has
18 a good day. Bye.

19 (Whereupon, the Public Hearing was
20 concluded at 5:00 p.m.)

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