

October 3, 2018

To: Mr. Clifford Moy

Office of Zoning - BZA

441 4th Street, NW, Suite 200S
Washington, DC 20001

Response to Letter of Opposition from Ms. Melanie Pirchner:

I respectfully provide the following clarifications in response to Ms. Pirchner's Letter of Opposition to our BZA Case, 19796, 3324 Sherman Ave NW.

Firstly, I will state that we tried to reach Ms. Pirchner along with additional property owner Natalie Politis several times, but never received a response. I have attached a timeline listing some of the various formal and informal ways that both Ms. Pirchner and Ms. Politis were notified of the upcoming project. Included in that timeline, and submitted to the record, are certified mail receipt sent through DCRA's Neighbor Notification Program on August 15, with instructions for accessing the complete set of permit documents online.

I was informed by Ms. Pirchner during our meeting on September 25th that she spent the summer in India, and in addition is often at her boyfriend's property in Maryland, and never received the formal notifications. She also informed me and that two additional persons reside at her property. In addition, Ms. Pirchner that Ms. Politis currently resides in Boston and recently gave birth to twins, hence her absence and inability to comment. Ms. Pirchner also stated that Ms. Politis had given her permission to speak on her behalf. Ms. Politis' property is currently occupied by renters, per Ms. Pirchner.

Ms. Pirchner states in her letter that my client and I have been deceptive by submitting a false letter of support. That allegation is defamatory and not provable. My clients' brother stated that he obtained a signature from someone at the property. That is the information I have. While it may difficult to prove that the letter is authentic, the opposite is also true. Ms. Pirchner's statement implies that we are guilty as a default, and I believe it is simply an expression of her displeasure with having construction occur next door. I can state with full confidence that to my knowledge the letter is authentic. I have personally been involved in many BZA cases over the years, and have never, and will never ask a client to provide a false letter of support. It is common practice for architects and attorneys to mail pre-written letters to owners of nearby properties asking for their support of the project.

While letters of support can be helpful, having made several failed attempts to contact the owners of the adjacent property over several months, they were not a crucial necessity. It is not unusual for property owners to be absent, as has proven to be the case here. Given the notification requirements for BZA Public Hearing, property owners within 200 ft are notified via mail of the upcoming hearing and it is often at that time that they make their presence known, usually by attending the ANC hearing. Those notifications were sent on July 10, 2018, as evidenced in Exhibit 27.

There is no possible benefit to be obtained from providing a falsified document, and no reason for doing so. If that were our strategy, it would have been much more advantageous to do so much earlier in this process. It is a childish, unethical and unprofessional strategy that we simply did not employ.

We were successful in obtaining a letter of support from the neighbor to the South, Mr. Keith Carr, Exhibit 54, along with correspondence between my client and Mr. Carr, Exhibit 59, with which the letter was sent as an attachment.

Ms Pirchner's letter contains several statements regarding her interactions both with my client and myself that do not reflect mine or my client's recollection. For example, after I obtained Ms. Pirchner's contact information from online, my client tried to contact her several times. I emailed both Ms Pirchner and Ms. Politis, but the email messages sent to Ms. Pirchner were returned with a delivery failure notification, as the email address we obtained online was no longer in use (Exhibits 56, 57). After several attempts, my client eventually received a call back from Ms. Pirchner, who, I was informed, stated that she had not decided whether to support or oppose the project and might be able to support it, but needed to discuss it with her boyfriend before making a final determination. In her letter Ms. Pirchner states that she was in opposition to the project from the beginning.

When we met face to face on September 25, I spent slightly over an hour with both Ms. Pirchner and her boyfriend, for no other purpose than to hear their concerns and provide as many answers as I could without advanced preparation. Ms. Pirchner was receptive and appeared to be genuinely interested in hearing from us, in contrast to her boyfriend, who approached us with a confrontational and accusatory tone.

Ms. Pirchner's statement that I dismissed their concerns is inaccurate in my view. I simply stated that they were construction related concerns, which occur on every project involving neighbors in close proximity, and that they were not concerns regarding the zoning relief being sought by my client. Their concerns were not dismissed, as Ms. Pirchner's letter states, and my client offered to enter into a pre-construction agreement with her as a show of good faith, and stated he would do whatever is necessary to address their needs.

We also discussed most of the concerns listed on Ms. Pirchner's letter, but Ms Pirchner has since added at least one item that she previously stated were not a concern at all.

1. Crawlspace ventilation, which we proposed to relocate to the rear wall of her property at my clients' expense.
2. Roof flashing: this is a common construction issue when abutting properties have different heights, and I assured Ms. Pirchner that it would be adequately detailed and handled.
3. Gap between vinyl siding clad rear addition and property line can easily be capped, and I stated that when we met.
4. Maintenance of brick wall: protecting a brick wall by having another structure abutting it, largely eliminates the need to seal or maintain that brick surface, as it will become an interior, protected condition.
5. 18 ft addition: Ms. Pirchner stated quite clearly when we met that the length of the rear addition was not a concern. A tall fence currently exists along her southern property line, limiting the impact of the additional eight feet requested. Also note that no windows are planned for the rear addition at 3244 Sherman Ave.
6. Privacy: visibility of skylight from roof deck is a concern, and we did discuss it when we met, at which time I mentioned that we would work with her to find a solution such as screening.
7. Long construction noise: this is a reality of construction, and to be expected. However, my client has extensive experience in property development and is accustomed to ensuring that

neighbors are disturbed the least possible.

The day following our face to face meeting with Ms. Pirchner, I followed up with an email message listing my understanding of her concerns and giving her the opportunity to expand upon them. I received no response. That email message is Exhibit 60.

In sum, despite numerous forms of notification, both formal and informal, in person, and through the use of technology, despite attending two public ANC hearings, which have published agendas, despite a large sign being posted on the front door of 3244 Sherman Ave NW for well over a month, and despite the case having been discussed at both the September 12 BZA Public Hearing and the September 19 Public Meeting, and again at today's hearing, it has taken Ms. Pirchner several months to express her concerns about the project. An enormous amount of effort has gone into the design and planning of the project, which is already undergoing permit reviews at DCRA. Had we been able to make contact with Ms. Pirchner and Ms. Politis earlier in this process, we would have gladly presented the project to them for their feedback, which could have been easily incorporated.

I personally have many years of experience in coordinating with interested parties and entities, such as HOA's, ANC's, HP, DDOT, NCPC, CFA, OP, BZA, etc throughout the last 15 years of my career practicing architecture in Washington DC specifically, and similar prior experience while practicing in NY. I have never had the need to resort to unethical practices in order to obtain consensus or support from various entities, and have successfully been able to obtain support for much larger undertakings, such as the multi-phase Department of Commerce Renovation, which I was one of the lead architects and Project Manager of. I obtained support through careful prioritizing and compromising when needed, as my client and I were prepared to do on this project, and openly stated as much at the Public Hearing of September 12. We have not been asked to make any compromises to date.

I respectfully request the Board evaluate Ms. Pirchner's claims from a well-informed position. The zoning criteria for determining whether an intervention is detrimental to an adjoining property are clear in U §§ 320.2, and we believe that based on the criteria outlined our proposed intervention will not have a detrimental impact on adjoining properties. We have worked hard to obtain the support of the Office of Planning, the ANC, DDOT, and the owner of 3322 Sherman Ave NW. We look forward to obtaining support and approval from the Board of Zoning Adjustments as well.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



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3324 Sherman Ave NW Project Timeline

- 05/09/18** – Application for Special Exception was submitted to the Office of Zoning.
- 05/09/18** – 1st Presentation at ANC 1A Public Hearing; vote postponed.
- 06/13/18** – 2nd Presentation at ANC 1A Public Hearing; obtained ANC support.
- 07/10/18** – Notice to Property Owners within 200 feet sent by the Office of Zoning – E.27.
- 07/24/18** – Building Permit Application submitted to DCRA (B1810942).
- 08/15/18** – DCRA Notifications to Adjoining property owners sent via Certified Mail informing them of upcoming project.
- 08/21/18** – Revised Architectural Drawings showing larger rear addition were uploaded onto IZIS – E.32.
- 08/28/18** – Large sign was posted on the front door at 3244 Sherman Ave NW informing public at large of upcoming public hearing. E.41.
- 08/31/18** – 1st OP Report posted onto IZIS – E.37.
- 09/10/18** – Solar Study uploaded onto IZIS in response to OP Report – E. 39.
- 09/10/18** – Revised Architectural Plans & Elevations uploaded onto IZIS – E. 40.
- 09/12/18** – Signed Letter of Support obtained by Mr. Yared’s brother from someone who claimed to be a property owner at 3328 Sherman Ave NW and hand delivered for inclusion in case record. Signature on letter is difficult to read, but appears to be “Polat...” E – 47.
- 09/12/18** – 1st BZA Hearing; decision postponed.
- 09/14/18-09/18/18** – Various attempts were made by Mr. Tesfaye to contact adjoining owners, in person. After various failed attempts, I obtained the neighbors contact information from online search engines and Mr. Tesfaye attempted to contact them via phone/email. Messages were left on voicemail.
- 09/18/18** – I emailed both Ms. Pirchner and Ms. Politis, owners of 3328 Sherman Ave NW Units 1 and 2, received no response. E- 56, 57. Mr. Tesfaye spoke with Ms. Pirchner on the phone, who indicated she needed to discuss the project with her boyfriend before offering support. She also mentioned that she had recently returned from India, which explains why we were not able to make contact with her previously.
- 09/19/18** – Signed letter of support obtained from Keith Cain, who recently purchased 3222 Sherman Ave NW. – E.54. Additional correspondence w/ Mr. Cain has been uploaded onto case record.
- 09/19/18** – 2nd BZA Hearing; decision postponed.
- 09/20/18** – After hearing of Ms. Pirchner’s apparent concerns regarding the project at the BZA Public Meeting on 09/19/18. Previous emails sent to Ms. Pirchner were returned (see record correspondence

attached). I emailed Ms. Politis again offering to discuss the project with her.

09/24/18 – Mr. Tesfaye contacted Ms. Pirchner via phone at my request, offering again to meet to discuss the project, and was informed that Ms. Politis is currently in Boston, recently gave birth to twins, and should not be bothered.

09/25/18 – Mr. Tesfaye and I met with Ms. Pirchner and her boyfriend for slightly over 1 hour to discuss their concerns.

09/26/18 - I emailed Ms. Pirchner to confirm her concerns and gave her the opportunity to engage in dialogue about any additional concerns she might have. I received no response. E. 60.

10/02/18 – Ms. Pirchner submitted a Letter of Opposition into the Case Record.