

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 24, 2024

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. HILL, Chairperson
- LORNA L. JOHN, Vice-Chairperson
- CARL BLAKE, Member
- CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice-Chairperson
- JOSEPH S. IMAMURA, PhD, AOC Designee
- TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

- KEARA MEHLERT, Secretary
- BEVERLEY BAILEY, Sr. Zoning Specialist
- TRACEY W. ROSE, Sr. Zoning Specialist
- ESTHER BUSHMAN, General Counsel
- ELLA ACKERMAN, Zoning Specialist
- MARK HAMALA, Zoning Specialist

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ROBERT REID, Zoning Specialist  
MICHAEL SAKINEJAD, Zoning Data Coordinator  
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

JOEL LAWSON, Associate Director  
RON BARRON  
SHEPARD BEAMON  
MAXINE BROWN-ROBERTS  
MATTHEW JESICK  
MICHAEL JURKOVIC  
JONATHAN KIRSCHENBAUM  
CRYSTAL MYERS  
KAREN THOMAS

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.  
COMETRIA COOPER, ESQ.  
CARISSA DEMARE, ESQ.  
DENNIS LIU, ESQ.  
HILLARY LOVICK, ESQ.  
MARY NAGELHOUT, ESQ.  
RYAN NICHOLAS, ESQ.  
JACOB RITTING, ESQ.  
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from  
the Regular Public Hearing held on July 24, 2024.

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

2 (9:30 a.m.)

3 BZA CHAIR HILL: Good morning, ladies and  
4 gentlemen. Will the Board of Zoning Adjustment's July 24th  
5 public hearing please come to order. My name is Fred Hill,  
6 Chairman of the District of Columbia Board of Zoning  
7 Adjustment. Joining me today are Board members Vice Chair  
8 Lorna John, Carl Blake, Chrishaun Smith, and Zoning  
9 Commissioners Rob Miller, Joe Imamura, and Anthony Hood.

10 Today's meeting and hearing agendas are available  
11 on the Office of Zoning's website. Please be advised that  
12 this proceeding is being recorded by a court reporter and is  
13 also webcast live via Webex and YouTube Live. The video of  
14 the webcast will be available on the Office of Zoning's  
15 website after today's hearing.

16 Accordingly, everyone who is listening on Webex  
17 or by phone call will be muted during the hearing. Also  
18 please be advised that we do not take any public testimony  
19 at our decision meeting session. If you're experiencing  
20 difficulty accessing Webex or with your telephone call-in,  
21 please call our OZ Hotline number at 202-727-5471 to receive  
22 Webex log-in or call-in instructions.

23 At the conclusion of the decision meeting session,  
24 I shall, in consultation with the Office of Zoning, determine  
25 whether a full or summary order may be issued. A full order

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1 is required when the decision it contains is adverse to a  
2 party, including an affected ANC. A full order may also be  
3 needed if the Board's decision differs from the Office of  
4 Planning's recommendation. Although the Board favors use of  
5 summary orders whenever possible, an applicant may not  
6 request the Board to issue such an order.

7           In today's hearing session, everyone who is  
8 listening on Webex or by telephone will be muted during the  
9 hearing, and only persons who signed up to participate and  
10 testify will be unmuted at the appropriate time. Please  
11 state your name and home address before providing oral  
12 testimony or your oral presentation.

13           Oral presentations should be limited to a summary  
14 of your most important points. When you're finished  
15 speaking, please mute your audio so that your microphone is  
16 no longer picking up sound and background noise.

17           All parties planning to testify either in favor  
18 or in opposition should have signed up in advance. They'll  
19 be called by name to testify. If this is an appeal, only  
20 parties are allowed to testify. By signing up to testify,  
21 all participants completed the oath or affirmation as  
22 required by Subtitle Y 408.7.

23           Requests to enter evidence at the time of an  
24 online virtual hearing, such as written testimony or  
25 additional supporting documents other than live video, which

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1 may not be presented as part of the testimony, may be allowed  
2 pursuant to Y 103.13, provided that the person who's made the  
3 request to enter an exhibit explain, A, how the proposed  
4 exhibit is relevant, B, the good cause that justifies  
5 allowing the exhibit into the record, including an  
6 explanation of why the requester did not file the exhibit  
7 prior to the hearing pursuant to Y 206, and how the presented  
8 exhibit would not unreasonably prejudice any parties. Normal  
9 procedures for special exceptions and variances are pursuant  
10 to Y 409.

11           At the conclusion of each case, an individual who  
12 is unable to testify because of technical issues may file a  
13 request for leave to file a written version of the planned  
14 testimony to the record within 24 hours following the  
15 conclusion of public testimony in the hearing. If additional  
16 written testimony is accepted, then parties will be allowed  
17 a reasonable time to respond as determined by the Board.

18           The Board will then make its decision at its next  
19 meeting session, but no earlier than 48 hours after the  
20 hearing. Moreover, the Board may request additional specific  
21 information to complete the record. The Board and the staff  
22 will specify at the end of the hearing exactly what's  
23 expected and the dates when the persons must submit the  
24 evidence to the Office of Zoning. No other information shall  
25 be accepted by the Board.

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1           Finally the District of Columbia Administrative  
2 Procedures Act requires that the public hearing in each case  
3 be held in the open before the public. However, pursuant to  
4 Section 405(b) and 406 of that Act, the Board may, consistent  
5 with its rules and procedures and the Act, enter into a  
6 closed meeting on a case for purposes of seeking legal  
7 counsel on a case, pursuant to D.C. Official Code Section 2-  
8 575(b)(4), and/or deliberate on a case, pursuant to D.C.  
9 Official Code Section 2-575(b)(13), but only after providing  
10 necessary public notice and, in the case of emergency closed  
11 meeting, after taking roll call vote.

12           Madam Secretary, do we have any preliminary  
13 matters?

14           MS. MEHLERT: Good morning, Mr. Chairman and  
15 members of the Board. First, just an announcement about a  
16 case heard last week on July 17th, Application Number 21152,  
17 Baldwin House Cooperative Association. This was scheduled  
18 for decision at the September 18th, 2024, public meeting --  
19 how it's -- that administrative leave is scheduled for the  
20 hearing on the same day, September 18th.

21           Regarding cases originally scheduled for today,  
22 Application Number 21166 of Alisa Newman Hood and Ludovic  
23 Hood has been withdrawn. Application Number 21173 of Kara  
24 Naseef was removed from the expedited review calendar and  
25 set for a hearing on October 2nd.

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1           Application Number 21101 of Mendomas, LLC, has  
2 been postponed to October 2nd. Application Number 21151 of  
3 Dinesh Tandon and Nidhi Tandon has been postponed to October  
4 9th. Application Number 21143 of Trustees for Harvard  
5 University has been postponed to October 23rd. And  
6 Application Number 21149 of James B. Briley Sr., Trustee, and  
7 Dila Construction, LLC, has been postponed to October 30th.

8           Any other preliminary matters will be noted when  
9 the case is called.

10           BZA CHAIR HILL: Okay. Thank you.

11           Good morning, everybody. Nice to see everyone  
12 this morning. Let's see. I am not on the first two cases,  
13 and I believe there actually are some preliminary matters  
14 even on those cases. So I'm going to turn those over to Vice  
15 Chair John. I think there's some postponement issues. And  
16 I will click off and let the Vice Chair take over for the  
17 next two cases. Thank you.

18           VICE CHAIRPERSON JOHN: Thank you, Mr. Chairman.

19           Ms. Mehlert, please call those two cases when  
20 you're ready.

21           MS. MEHLERT: Sure. This is in the Board's  
22 hearing session. The first is Application Number 20768 of  
23 District Properties.com, Inc., as amended. This is a self-  
24 certified application pursuant to Subtitle X, Section 901.2,  
25 for special exceptions under Subtitle D, Section 5201 for the

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1 side yard requirements, Subtitle D, Section 208.2, and under  
2 Subtitle C, Section 1102.4, to allow the extension of use in  
3 a 100-year floodplain. This is for a new two-story detached  
4 principal dwelling on an unimproved substandard lot that's  
5 located in the R-1B zone at 1337 Douglas Street, Northeast,  
6 Square 115 at Lot 59.

7           The hearing was originally scheduled for July  
8 20th, 2022, but postponed several times at the Applicant's  
9 request. At the June 5th, 2024, hearing, the Board heard  
10 merits to continue the hearing to allow additional submission  
11 to the ANC and other D.C. agencies participating or Vice  
12 Chair John, Mr. Blake, Mr. Smith, and Commissioner Miller.  
13 And on Monday, ANC 7D submitted a request to postpone the  
14 hearing.

15           VICE CHAIRPERSON JOHN: Thank you. Is the ANC  
16 here? Yes.

17           Mr. Alcorn?

18           MR. ALCORN: Yes, Madam Vice Chair, I'm here.

19           VICE CHAIRPERSON JOHN: Good morning.

20           Mr. Seck?

21           MR. SECK: Good morning, Vice Chair John.

22           VICE CHAIRPERSON JOHN: Okay. Thank you. Mr.  
23 Seck, would you introduce yourself for the record, please,  
24 and tell us why -- oh, I'm sorry. That should be the ANC.

25           Mr. Alcorn, you're requesting the postponement,

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1 right?

2 MR. ALCORN: That is correct.

3 VICE CHAIRPERSON JOHN: Okay. Are you choosing  
4 not to use your video?

5 MR. ALCORN: I'm turning on video now.

6 VICE CHAIRPERSON JOHN: Okay. Thank you. There  
7 you are. Please introduce yourself.

8 And after that, Mr. Seck, would you also introduce  
9 yourself?

10 MR. ALCORN: Sure. Thank you, Madam Vice Chair.  
11 My name is Brian Alcorn. I am the Vice Chair for ANC 7D, and  
12 I'm also a Commissioner for ANC C7 D08. Thanks for having me  
13 this morning.

14 VICE CHAIRPERSON JOHN: Okay. Thank you.

15 Mr. Seck?

16 MR. SECK: Yes. Good morning, Vice Chair John.  
17 Good morning, Board members. My name is Omar Seck  
18 representing LNDC for this case on Douglas Street. Thank  
19 you.

20 VICE CHAIRPERSON JOHN: Thank you.

21 So, Mr. Alcorn, can you tell us why you're  
22 requesting this postponement?

23 MR. ALCORN: Sure. Thank you, Madam Vice Chair.  
24 Our Commission most recently met on July 9th. Mr. Seck, as  
25 a representative of the Applicant and the property owner,

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1 appeared. The Commission discussed matters related to  
2 ongoing dialogue with Mr. Seck and on behalf of the  
3 Applicant. And as a result of those conversations, the term  
4 and the postponement for additional engagement with the  
5 community would likely be in the best interest of this case.

6 I can go into additional detail, but those are the  
7 (inaudible.)

8 VICE CHAIRPERSON JOHN: Thank you. And I take it  
9 these are zoning issues that are still not clear to the  
10 Commission because I'm reading the letter that was submitted,  
11 and some of the points that were discussed don't appear to  
12 relate to zoning. So I would just note that the Board would  
13 only look at the zoning issues.

14 So, Mr. Seck, you are in agreement with this  
15 request for postponement?

16 MR. SECK: Thank you, Vice Chair John. Initially,  
17 I was not, because I was brought in before the Commission  
18 three times, on May 14th, June 17th, and July 9th, during  
19 which I did the presentation, reached out to the SMD  
20 Commissioner, Sirraaj Hasan, a few times. But he, I believe,  
21 was not present on any of the public hearing or even the  
22 zoning hearing with ANC due to traveling.

23 But I did talk to him this week, as he is believed  
24 to be back, and gave him explanation of what has happened.  
25 The Commission at the time, on July 9th, was going to move

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1 forward to vote against it as Mister Vice Chair Alcorn called  
2 for that vote and realized that the SMD himself was not  
3 present, and it would not be correct to do that.

4           So I did at that time say yes, if it is going to  
5 go that direction -- to not get a support -- I'd rather SMD  
6 be here. And that is being supported by the full meeting I  
7 had with Mr. Commissioner Sirraaj Hasan on the phone. He sees  
8 no objections to the issue and did tell me that he has  
9 received the letter that you were reading from the Commission  
10 and that he will reach out and talk to them and see how we  
11 can support this. That's --

12           (Simultaneous speaking.)

13           VICE CHAIRPERSON JOHN: Okay.

14           MR. SECK: Thank you.

15           VICE CHAIRPERSON JOHN: Thank you because I  
16 believe there's a letter in the file from DOEE that describes  
17 what needs to happen to build in a 100-year flood zone, which  
18 is one of the questions, and the Board, this Board, will not  
19 enforce that requirement, as well as the discussion about  
20 whether the development would comply with historical  
21 developments and land use in that area. What else? And  
22 whether the professional and collaborative team's design  
23 qualifications are aligned with the scope and technical  
24 requirements of the proposed dwellings and land engineering  
25 needed.

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1 I think that's something to be discussed in  
2 permitting, and the Applicant has the responsibility to have  
3 qualified contractors or lose his investment. So I would  
4 just note that -- or urge the ANC to look at the zoning  
5 issues. And so I'll go ahead and grant the continuance if  
6 nobody on the Board objects.

7 Mr. Smith?

8 MEMBER SMITH: I don't necessarily object. I just  
9 want some clarification because this has been continued five  
10 times.

11 So, in your letter, Mr. -- well, signed by Mr.  
12 Felder (phonetic), but Mr. Alcorn, are you -- and the Chair  
13 has alluded to this. Has there been any discussion about the  
14 design? Because, of the points that you raised, those are  
15 the only ones that I think -- that's the only one that really  
16 touches on zoning, as Mr. John elaborated.

17 So, was this presented to the ANC of this property  
18 and I'm assuming the other one that we will have dialogue  
19 about as well?

20 MR. ALCORN: Sure. So, Commissioner Smith, we did  
21 have some design discussions in the scope of the presentation  
22 made by Mr. Seck. I do recognize that the Board has spent  
23 a number of hearings on this and the other related matter.  
24 I did prepare a statement that I would be happy to read to  
25 give some additional insight into the Commission's views and

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1 some of the matters at stake. And you can certainly correct  
2 us at that time if we are miscalibrating certain zoning  
3 considerations. I would be happy to do that if the members  
4 would agree to that.

5 VICE CHAIRPERSON JOHN: Do you have an additional  
6 comment, Mr. Smith?

7 MEMBER SMITH: No. That's the only comment that  
8 I have. If we want to continue this -- is that statement,  
9 Mr. Alcorn, within the record?

10 MR. ALCORN: No, it is not. It was what I was  
11 prepared to deliver today if there was going to be debate on  
12 the matter.

13 MEMBER SMITH: Okay. I think we would be inclined  
14 to grant the continuance. So, if you wanted to add that into  
15 the record and we can look at that as part of our  
16 deliberation when this comes back.

17 Thank you, Ms. John.

18 VICE CHAIRPERSON JOHN: Thank you.

19 So, Mr. Seck, you are not opposed to the  
20 continuance, right?

21 MR. SECK: I would honestly -- I would reach all  
22 across the board. But I think we've done what we should do  
23 to present, to reach out, and did everything we could. I've  
24 answered questions. But I do believe and I will say  
25 sincerely that Mr. Alcorn is opposed to the project, and the

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1 continuance would probably be the same.

2           But the SMD Commissioner, who I've spoke to, will  
3 -- I was expecting, actually, him to weigh in by today. But  
4 since he was out of town, I don't know if he isn't actually  
5 here to join or not or Mr. Alcorn representing him. But if  
6 that will make a peaceful transition, I will go forward,  
7 toward the support.

8           But having analyzed all of these and hearing  
9 everything, whatever the request from ANC is, it's not  
10 related to, really, the BZA, as you mentioned. And I will  
11 leave it at that.

12           VICE CHAIRPERSON JOHN: Okay. So, Mr. Alcorn, are  
13 you -- please go ahead and tell us what the zoning issues are  
14 that need to be resolved further.

15           MR. ALCORN: Sure. I think reading the statement  
16 would be helpful to clarify this, and perhaps we can reach  
17 a resolution within the scope of the meeting.

18           VICE CHAIRPERSON JOHN: Okay.

19           MR. ALCORN: So, with the Vice Chair's agreement,  
20 I'd be happy to read the statement.

21           VICE CHAIRPERSON JOHN: Please go ahead.

22           MR. ALCORN: All right. Thank you.

23           Good morning, everybody, Vice Chair. Brian Alcorn  
24 of ANC 7D. Our Commission area, which was redrawn and became  
25 effective in the census redistricting for January 2023,

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1 includes part of Capitol Hill, Kingman Park, the entire RFK  
2 Stadium complex, Kingman and Heritage Islands, and then jumps  
3 the Anacostia River and also includes River Terrace,  
4 Parkside-Mayfair, Eastland Gardens, and Kenilworth, stopping  
5 at the Northeast border with Maryland to be Commission area,  
6 incorporating a variety of housing types, a few industrial  
7 areas, lots of parkland, and redeveloping areas. It also  
8 shows our Commission area incorporates a wide range of family  
9 incomes among our residents.

10 I'm here because representatives of the owner and  
11 Applicant approached our Commission in April 2024 seeking  
12 support for their proposed projects being heard by the Board  
13 today, both on Douglas Street. So it's important to  
14 reiterate that they asked us to become involved and  
15 scrutinize what was being proposed.

16 I was unfamiliar with these cases, and after some  
17 research, I learned that they had been initiated two years  
18 prior in February 2022 with its first BZA hearing in July  
19 2022. And these cases have had a total of six hearing dates  
20 so far, with today's being the seventh. I jumped in because  
21 I take providing Commission feedback on zoning cases  
22 seriously, particularly when an applicant is seeking support,  
23 since recommendations of ANC commissions wield great weight.

24 I visited the neighborhood. I talked to some  
25 neighbors and made them aware about the BZA cases. I looked

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1 at the land records. I looked closely at the paperwork filed  
2 with the BZA. I watched some hearings, and I learned a few  
3 things that were discussed with the Applicant's  
4 representatives, the Commission, and our community. I also  
5 learned that the Applicant had had a 2008 case, BZA Number  
6 17737, and two more recent cases, BZA Number 20770 and 20771,  
7 all on Douglas Street, that either contemplated or the  
8 construction permitting process of similar processes.

9           But in these instant matters for today's cases,  
10 I learned that the community was completely unaware of the  
11 projects. We learned that the proposed building would happen  
12 in the special flood hazard area, which is uniquely mapped  
13 to the south side of Douglas Street. We learned that past  
14 zoning applied to this neighborhood appears to have guided  
15 away from this particular land use sought in these cases.

16           We indicated you had questions about the building  
17 and engineering plans presented by the Applicant. And I  
18 learned from a neighbor that they were dissatisfied with the  
19 near identical project executed by the Applicant at 4527  
20 Douglas Street, Northeast. That was BZA Case 17737, heard  
21 by the Board on May 2008.

22           Point one, the lack of community awareness speaks  
23 to the Applicant's lack of recent outreach. This may be  
24 explained since the Applicant kicked off these cases in 2022.  
25 Point two, the community is generally not enthusiastic in

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1 developing homes in the 501-year floodplain. Predictable  
2 floods negatively impact families and their homes,  
3 communities, and public services. With affordable housing  
4 frequently appearing in flood areas due to these impairments,  
5 floods can financially be disastrous, and we should not put  
6 anybody in harm's way, particularly in communities that can  
7 least afford it.

8           Point three, the past development was a very  
9 interesting point. I reached out to the D.C. surveyor to  
10 understand how this segment of Douglas Street between  
11 Anacostia Avenue and Kenilworth Avenue historically came  
12 together. Joe Schneider (phonetic) said that the street was  
13 a very difficult one to research, but those two blocks had  
14 been laid out in late 1800's or early 1900's to the locking  
15 square methodology mandate by Congress and prior to any  
16 zoning.

17           At that time, the south side of Douglas was  
18 plotted with at least 47 record lots, all 25 feet wide of  
19 varying depths, backing up to what is now the floodplain.  
20 And in 1968, as the Board appreciates, when the zoning  
21 regulations were introduced, this was designated with R-1B  
22 zoning, which requires a 50-foot width and minimum 5,000-foot  
23 for ripe development since updated in the ZC16 updates.

24           An informal count of structures on this segment  
25 of Douglas shows about 20 structures, often on double lots,

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1 existing in this area originally plotted for 47 record lots.

2 So I would say the 70 years of zoning requiring 50-foot  
3 widths have made the prospects of narrow homes, such as  
4 proposed in these cases, inconsistent with the neighborhood.  
5 We have also heard how already-developed homes that make use  
6 of the 25-foot lots as bonus space even if they don't own it  
7 -- I'm almost done.

8 Point four, given the plans to build in a flood  
9 zone where special construction, design, and engineering are  
10 required, we want to have faith that the design professionals  
11 are up to delivering the task. We looked at the most recent  
12 architectural plans that were submitted to BZA for both  
13 cases, and they are sealed by Mohammad Sikder, professional  
14 engineer, in Number 901702.

15 Community members pointed out very public recent  
16 judicial action settlements, fines, and incarceration  
17 directly involving Mr. Sikder and construction-related  
18 activities and expressed concern about the potential  
19 integrity of such plans, particularly for the properties in  
20 flood zone.

21 At your last public hearing, you heard from an  
22 architect named Lina Maria Gomez Aristizabal on one or both  
23 of these properties. But we could find no record of this  
24 individual being a licensed professional in D.C., and she has  
25 not signed or sealed the plans at issue. A public search of

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1 LinkedIn also suggests that Mr. Sikder, the professional  
2 sealing these documents, was educated as an electrical  
3 engineer.

4           Anyway, we're raising this because should the  
5 project get approved, confidence and integrity in the  
6 professionals likely to execute the property are paramount.  
7 And then, last, I would also note that for the case involving  
8 4533 Douglas Street, DDOT has nearly completed a sizable,  
9 brand-new DDOT Douglas Street pedestrian bridge that racks  
10 up to the proposed home to the immediate east. The bridge  
11 is not shown on any of the Applicant's plans. Having a  
12 bridge structure abutting such a home would be abnormal in  
13 this community and one we've heard from community members  
14 would like to avoid.

15           Thank you for hearing these concerns. I would  
16 also like to correct the record for Mr. Seck that if the  
17 Commission did vote to request postponement in this case  
18 while the prospect of opposing the case was discussed among  
19 Commissioners in a properly noticed meeting where eight  
20 Commissioners were present, it is the formal recommendation  
21 of the Commission to postpone the case in furtherance of  
22 additional community engagement. Thank you for your  
23 indulgence.

24           VICE CHAIRPERSON JOHN: Thank you.

25           Does the Board have any questions for the ANC?

1           So does the Board object to the continuance?  
2 Anyone?

3           Okay. So I'm going to go ahead and grant the  
4 continuance. However, I just note that there is in the  
5 record a letter from DOEE describing the conditions under  
6 which -- I believe it's Exhibit 75. I don't know if you've  
7 had an opportunity to see it, Mr. Alcorn. But I would  
8 recommend that the ANC take a look at that exhibit, which  
9 describes how this project can be successfully built in the  
10 flood zone.

11           The other issue is that this Board would only look  
12 at the case in front of it, not the cases that have already  
13 been decided. The Court also does not manage construction,  
14 and DOB is the agency that's required to make sure that all  
15 the permits are properly issued and the construction takes  
16 place according to the construction code.

17           So, with that, I will go ahead and grant the  
18 continuance for this case and the next case. And let me go  
19 to Ms. -- Ms. Mehlert, do we need to call each case  
20 separately? Or because this is an identical request for  
21 continuance only, not a discussion of the record, we could  
22 just go ahead and continue both cases at the same time, which  
23 would be my preference.

24           MS. MEHLERT: Okay. Okay. We can do that. I was  
25 going to suggest October 30th as the rescheduled date as

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1 well.

2 VICE CHAIRPERSON JOHN: Okay. Thank you.

3 So, Mr. Seck, I believe now that the community has  
4 enough notice because you've been conducting outreach to the  
5 ANC. At the last hearing, the Board had heard the record  
6 completely and was prepared to vote but continued the case  
7 to allow this additional outreach. And I thank the ANC for  
8 being so involved in making sure that the project meets the  
9 zoning criteria. So I thank you for coming today.

10 If there's nothing further, then I'll excuse the  
11 parties. Did you have a question before we go, Mr. Alcorn?

12 MR. ALCORN: No, Madam Vice Chair. I just want  
13 to thank the Board for accommodating the ANC and that full  
14 discussion around continuance. I do certainly recognize that  
15 additional conversation was called on these projects for our  
16 community, and that is my primary reason for appearing today.

17 VICE CHAIRPERSON JOHN: Excellent. Thank you very  
18 much.

19 Thank you, Mr. Seck. Do you have any closing  
20 comments?

21 MR. SECK: Yes, Vice Chair. At the last meeting,  
22 the lady by the name of Janelle Jeffrey (phonetic) did voice  
23 about not -- for some members of the community not being  
24 aware of projects which we have presented a few times. I  
25 sent her all information based on her request and copied Mr.

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1 Alcorn. I have not heard back. And I offered to be  
2 available to meet in person or virtual since that meeting of  
3 July 9th, which I also forwarded to the SMD for him to be  
4 aware and hopefully help in this situation.

5 So we're doing the outreach, and I also went door  
6 to door to a couple of neighbors and obtained a verbal  
7 approval, Mr. Williams and Mr. Lowe. And also, we did have  
8 a, I would say -- not a vote of support to the project, but  
9 because we're neighbor to Ms. Mohamed -- her name is Nada  
10 Mohamed next to 4337. We're sharing a tree. And we needed  
11 a permit, and she did send an approval to take away the tree.  
12 So I would say, if she was in opposition, she would not grant  
13 that.

14 We did reach out to her to get a letter in writing  
15 as one of the Commissioners asked if we can have in writing  
16 those support that I received verbally. Ms. Mohamed happened  
17 to be out of town, as we know. And yesterday, even -- I  
18 dropped off the letter's draft to these two neighbors at 4524  
19 and 4526 to see if they can sign it as a public expression  
20 to me.

21 So I'm doing the reach out beyond the presentation  
22 at the Commission. Thank you.

23 VICE CHAIRPERSON JOHN: Thank you very much, Mr.  
24 Seck.

25 So, Ms. Mehlert, what dates would we continue

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1 these cases to?

2 MS. MEHLERT: So we could continue them to October  
3 30th.

4 VICE CHAIRPERSON JOHN: Okay. Thank you.

5 So we'll see you all back here on October 30th,  
6 and hopefully that will be the last hearing date.

7 MR. SECK: Thank you very much.

8 VICE CHAIRPERSON JOHN: Thank you.

9 MS. MEHLERT: Just for the record, I wanted to  
10 reiterate the Board is granting ANC 7D's two requests for  
11 postponement in both case 20768 of District Properties.com  
12 and 20769 of District Properties.com, both to October 30th.

13 VICE CHAIRPERSON JOHN: Thank you for the  
14 clarification, Ms. Mehlert.

15 Thank you. Thanks, everyone.

16 Chairman Hill?

17 BZA CHAIR HILL: Okay. Thank you.

18 Okay. Let's see. Ms. Mehlert, would you like to  
19 call our next decision case?

20 (Whereupon, the above-entitled matter went off the  
21 record and resumed in meeting session.)

22 BZA CHAIR HILL: All right. You can call our next  
23 one, Ms. Mehlert.

24 MS. MEHLERT: Okay. The next case is on the  
25 Board's hearing session, Application Number 21153 of Jason

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1 Wedge. This is an application pursuant to Subtitle X,  
2 Section 901.2, for a special exception under Subtitle E,  
3 Section 5201, from the rear yard requirements of Subtitle E,  
4 Section 207.1.

5 This is for an external rear staircase from the  
6 second floor to grade of an existing two-story attached  
7 building used a four-unit apartment house. It is located in  
8 an RF-1 zone at 1608 E Street, Northeast, Square 4538,  
9 Lot 129.

10 BZA CHAIR HILL: Okay. If the applicant can hear  
11 me, if they could introduce themselves for the record. I  
12 cannot hear you. I'm sorry. You're on mute.

13 MR. WEDGE: Hi. Hello? Can you hear me?

14 BZA CHAIR HILL: Yes. Yes. Could you introduce  
15 yourself for the record, please?

16 MR. WEDGE: Perfect. Good afternoon, members of  
17 the Board. My name is Jason Wedge, and I am the property  
18 owner of the four-unit property located at 1608 E Street.

19 BZA CHAIR HILL: Okay. Great. Mr. Wedge, do you  
20 want to go ahead and walk us through your presentation and  
21 why you believe you are meeting the criteria for us to grant  
22 the relief requested? I'm going to put 15 minutes on the  
23 clock just so I know where we are. And you can begin  
24 whenever you'd like.

25 MR. WEDGE: Perfect. And am I able to screen

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1 share here?

2           BZA CHAIR HILL: No. But if you're trying to pull  
3 up your presentation, I know that it's in Exhibit 30. I'm  
4 sorry, 31. And I guess if you want to just ask Mr. Young to  
5 advance the slide whenever you're ready.

6           MR. WEDGE: Got it. Thank you, Mr. Young. If you  
7 could skip forward one more -- one more page. Perfect.

8           And, as I stated, my name is Jason Wedge. I'm the  
9 property owner of the four-unit property located at 1608 E  
10 Street in the Kingman Park Old City 1 neighborhood.

11           And you can skip one more -- one more page.  
12 Perfect.

13           So just to level set here on what the ask/proposal  
14 is, we're proposing to construct a two-story staircase in the  
15 rear of the property. So this would allow for access of the  
16 top two units to the bottom ground level, in particular the  
17 trash receptacles in the rear of the property.

18           We really see this as a matter of safety and  
19 efficiency. We've had tenants in the past comment on the  
20 existing stairs, which are located inside the property. So  
21 what we're really asking to do is pull those stairs from  
22 (audio interference) them a bit more wider, a bit more  
23 accessible, and making the actual stairs themselves a lot  
24 less steep.

25           We see this as a matter that will have no impact

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1 on the -- on the adjacent properties. We also see a lot of  
2 similar structures in the neighborhood, and I have some  
3 exhibits on that. But we -- we see this as a very  
4 commonplace structure for the neighborhood.

5 We brought this matter forward to the ANC, who  
6 approved it unanimously, so we -- we really look at this as  
7 a -- really, a commonplace ask here.

8 You can skip forward one more slide.

9 And so the ask -- we are specifically asking for  
10 a special exemption under Section E-207.1, which would --  
11 which states that there should be a minimum of 20 feet of  
12 rear yard space. The structure that we are contemplating now  
13 would result in four feet of rear yard space, so that is the  
14 exemption for what we are asking.

15 And then if we can skip forward a couple pages,  
16 or just one page.

17 And here, this is in the back of the subject  
18 property. We see that there are a number of properties of  
19 very similar structure that we are looking to propose, and  
20 so this is very -- just a commonplace structure. We don't  
21 think that this is anything groundbreaking for the  
22 neighborhood, and, therefore, we are asking for an exemption.  
23 And that's it for today.

24 BZA CHAIR HILL: Okay. Thanks, Mr. Wedge.

25 All right. Mr. Young, if you can drop that

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1 presentation.

2           Before I turn to my Board, can I hear from the  
3 Office of Planning?

4           MR. BEAMON: Good morning, Board members. Shepard  
5 Beamon with the Office of Planning. We have reviewed the  
6 special exemption -- sorry, special exception application,  
7 including the revised architectural plans for the requested  
8 rear yard relief. We recommend the Board approve the  
9 requested special exception as we find the request meets the  
10 criteria for Subtitles E and X. We stand on the record, and  
11 we are available for any questions.

12           BZA CHAIR HILL: Thank you. Does the Board have  
13 any questions of the Office of Planning or the applicant?

14           Mr. Young, is there anyone here wishing to speak?

15           MR. YOUNG: Yes. We have one witness signed up.

16           BZA CHAIR HILL: Okay. Would you bring that  
17 witness forward, please. And give me their name I guess.  
18 Is it Mr. Benjamin?

19           MR. BENJAMIN: Hello. Can you hear me?

20           BZA CHAIR HILL: Yes. Could you introduce  
21 yourself for the record, sir?

22           MR. BENJAMIN: My name is Will Benjamin. I'm a  
23 property owner on the E Street ward. So I'm exactly in the  
24 same -- adjacent to the property in question. I'm 1614, just  
25 FYI.

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1 My question is --

2 BZA CHAIR HILL: Okay. Mr. Benjamin, give me one  
3 second. So just so you know, as a member of the public,  
4 you'll have three minutes to give your testimony. And you  
5 can begin whenever you'd like.

6 MR. BENJAMIN: Sure. What I want to know is, does  
7 the property currently have parking back there? And, if it  
8 does, will adding the stairs take away the parking? Because  
9 parking has been very tight around the neighborhood.

10 BZA CHAIR HILL: Okay. I don't -- I guess I can  
11 let the applicant answer the question, because it -- I guess  
12 maybe you all should have talked to one another already.  
13 But, like, they're not here for parking relief.

14 But, Mr. Wedge, is there parking and will there  
15 be parking?

16 MR. WEDGE: No parking currently and has not been  
17 contemplated at the property.

18 BZA CHAIR HILL: Right. You don't have parking  
19 now.

20 MR. WEDGE: No.

21 BZA CHAIR HILL: All right. Mr. Benjamin, they  
22 don't have parking now, and they are not planning on having  
23 parking.

24 MR. BENJAMIN: Okay. Then I've got really no  
25 objection to it, then, because I just thought, like, they

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1 probably have parking, and by putting the stairs in they  
2 would -- they would take away the parking, which would create  
3 less parking space for us around the neighborhood.

4 But other than that, now that I see the  
5 presentation, I'm okay with it.

6 BZA CHAIR HILL: Okay. Great. All right. Thank  
7 you, Mr. Benjamin. Thank you for coming in and taking your  
8 time.

9 MR. BENJAMIN: Thank you.

10 BZA CHAIR HILL: Mr. Young, if you can excuse  
11 Mr. Benjamin.

12 Okay. Let's see. All right. Mr. Wedge, is there  
13 anything you'd like to add at the end?

14 MR. WEDGE: No. I think that's it for me.

15 BZA CHAIR HILL: Okay. Great. Thank you.

16 All right. I'm going to close the hearing on the  
17 record. I'm going to excuse Mr. Wedge, Mr. Young.

18 Okay. I didn't have any issues with the  
19 application. I thought it was relatively straightforward.  
20 I would agree with the analysis that the Office of Planning  
21 had provided, and also note that ANC 7D has provided their  
22 analysis in support. And I'm going to be in favor -- I'm  
23 going to be voting in favor of this application.

24 Mr. Smith, is there anything you'd like to add?

25 MEMBER SMITH: I have nothing to add. I agree

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1 with your assessment of this case and Office of Planning's  
2 assessment of this case and will vote in support as well.

3 BZA CHAIR HILL: Okay. Great.

4 Mr. Blake?

5 MEMBER BLAKE: I have nothing to add. I'm in  
6 support of the application.

7 BZA CHAIR HILL: Vice Chair John?

8 VICE CHAIRPERSON JOHN: I have nothing to add, and  
9 I'm in support of the application.

10 BZA CHAIR HILL: Thank you.

11 Chairman Hood?

12 ZC CHAIR HOOD: I will just say that I -- the only  
13 thing I would add is I appreciated the applicant's  
14 PowerPoint, which helped me realize everything else that was  
15 going on. So other than that, I agree with everything I had,  
16 and I will be voting in support of this application.

17 Thank you.

18 BZA CHAIR HILL: Thank you. Thank you, Chairman  
19 Hood.

20 All right. I'm going to make a motion to approve  
21 Application Number 21153 as captioned and read by the  
22 Secretary and ask for a second, Ms. John.

23 VICE CHAIRPERSON JOHN: Second.

24 BZA CHAIR HILL: Motion has been made and  
25 seconded. Ms. Mehlert, if you could take a roll call,

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1 please.

2 MS. MEHLERT: Please respond to the Chair's motion  
3 to approve the application.

4 Chairman Hill?

5 BZA CHAIR HILL: Yes.

6 MS. MEHLERT: Vice Chair John?

7 VICE CHAIRPERSON JOHN: Yes.

8 MS. MEHLERT: Mr. Smith?

9 MEMBER SMITH: Yes.

10 MS. MEHLERT: Mr. Blake?

11 MEMBER BLAKE: Yes.

12 MS. MEHLERT: Chairman Hood?

13 ZC CHAIR HOOD: Yes.

14 MS. MEHLERT: Staff would record the vote as five  
15 to zero to zero to approve Application 21153, on the motion  
16 made by Chairman Hill and seconded by Vice Chair John.

17 BZA CHAIR HILL: Okay. Great. What was I going  
18 to say?

19 Okay. I guess, Ms. Mehlert, you can call our last  
20 one.

21 MS. MEHLERT: All right. This is Application  
22 Number 18987-B of K Two, LLC. This is a request pursuant to  
23 Subtitle Y, Section 704, for a modification of significance  
24 of the order issued on June 23rd, 2015, in Application  
25 Number 18987, to include a habitable penthouse space and

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1 increase the number of dwelling units from 46 to 48.

2           This is for a five-story apartment house. It's  
3 located in the MU-4 zone at 1124 through 1126 Florida Avenue,  
4 Northeast, Square 4070, Lot 808.

5           BZA CHAIR HILL: Great. Thank you.

6           If the applicant can hear me, if they could  
7 introduce themselves for the record?

8           MR. DeBEAR: Good afternoon, Board members. My  
9 name is Eric DeBear from Cozen O'Connor on behalf of the  
10 applicant in this case.

11           BZA CHAIR HILL: Okay. And who is here with you,  
12 Mr. DeBear?

13           MR. DeBEAR: I have no one here with me. The ANC  
14 Commissioner is here, Commissioner Roblin.

15           BZA CHAIR HILL: Okay. Great.

16           Okay, Commissioner. Sorry, I recognize you,  
17 Commissioner. I couldn't remember -- couldn't remember from  
18 where. All right. Commissioner, if you could introduce  
19 yourself for the record, please.

20           MS. ROBLIN: I'm Anna Roblin. I'm Commissioner  
21 for 5D-03.

22           BZA CHAIR HILL: Okay. Great. Thank you.

23           All right. Mr. DeBear, if you want to go ahead  
24 and walk us through your client's application and why you  
25 believe they are meeting the criteria for us to grant the

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1 relief requested. I'm going to put 15 minutes on the clock,  
2 so I know where we are, and you can begin whenever you'd  
3 like.

4 MR. DeBEAR: Great. Thank you. If Mr. Young  
5 could bring up the presentation filed in Exhibit 21 in the  
6 record, that would be great. Great.

7 Next slide.

8 To orient the Board, this is a property on Florida  
9 Ave, Northeast, in the MU-4 zone.

10 Next slide, please.

11 This is a modification of significance, which  
12 means we are modifying a prior approved case. The Board  
13 approved this project for a five-story 46-unit building.  
14 Relief was provided for floor area ratio and rear yard. The  
15 ANC 5D supported that case, and the project is currently  
16 under construction and above ground.

17 Next slide, please.

18 The modification that is before the Board today  
19 is to add a zoning-compliant habitable penthouse. Again,  
20 that penthouse is a permitted structure. It is under the  
21 12-foot maximum; also has the required one-to-one setbacks.  
22 The primary reason we are in need of a modification of  
23 significance, in addition to simply changing the plans that  
24 were approved, it's -- we are also adding two units in this  
25 new penthouse. There will also be two other units that are

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1 duplexes created through the new penthouse.

2           Next slide, please.

3           We had some substantial community outreach. We  
4 have met with the ANC 5D Zoning Committee. We have met with  
5 our Committee of the Whole. We have met with the full ANC.

6           I think I'm getting a little feedback from  
7 Commissioner Roblin. If you don't mind just muting her, that  
8 would be great.

9           We got a unanimous vote of support in the -- from  
10 ANC 5D. There is also an adjacent neighbor across the alley  
11 who has filed a letter of support, and OP is in support of  
12 this application as well.

13           Next slide.

14           Here is the approved -- sorry, the proposed  
15 penthouse plan. Again, it's a by-right penthouse with the  
16 required setbacks. You can see at the top there are two new  
17 units, and in the bottom are the second floor of the new  
18 duplex units from the fifth floor that was previously  
19 approved.

20           Next slide.

21           Just to provide the Board with comparisons, this  
22 was the Florida Ave southern elevation of what was approved.

23           Next slide, please.

24           And this is what would be provided with the  
25 approved modification, so you can just see the new penthouse

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1 level.

2 Next slide, please.

3 This is the rear alley elevation, what was  
4 approved.

5 Next slide.

6 And what is being proposed.

7 Next slide.

8 I'm going to just run through these standards, and  
9 the modification of significance standards are, again, fairly  
10 straightforward. We are seeking a modification of  
11 significance because this change would be adding two -- two  
12 new units to the building, and it exceeds the Zoning  
13 Administrator's authority to approve the change.

14 Next slide, please.

15 We have met all of the requirements in the record  
16 for what needs to be filed.

17 Next slide, please.

18 We have served all parties to the case. That was  
19 just the ANC and OP.

20 Next slide, please.

21 We have addressed the relevant evidentiary issues;  
22 again, namely the new penthouse structure.

23 Next slide, please.

24 And, again, just to remind the Board, although I  
25 don't foresee any opposition cropping up at this point, the

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1 scope of this hearing is just the new, again, zoning-  
2 compliant habitable penthouse. The ANC and OP are supportive  
3 of this request, but this is not an opportunity to revisit  
4 the initial approval.

5 Next slide, please. Next slide.

6 And that's the end of our presentation. I hope  
7 I kept that efficient. We are certainly happy to answer any  
8 questions that the Board might have, and we appreciate the  
9 ANC's participation in this matter.

10 BZA CHAIR HILL: Great. Thank you.

11 Commissioner Roblin, would you like to give us  
12 your testimony?

13 MS. ROBLIN: Sure. Yeah. The residents are very  
14 happy to see this being developed. It was a -- called "The  
15 Pit" for 10 years, about 10 years. It was a mess with rats,  
16 mosquitos, people going into it, going to the bathroom in  
17 other people's backyards because of proximity to it.

18 And the residents are very happy to see it, and  
19 the ANC is very happy to see it.

20 BZA CHAIR HILL: Okay, Commissioner. Thanks so  
21 much for taking the time to be here. Really appreciate it.  
22 Always helps for us.

23 Does anybody have any questions of the  
24 Commissioner or the applicant?

25 VICE CHAIRPERSON JOHN: Was there a zoning -- I'm

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1 sorry. Was there an IZ unit in this project? I can't  
2 remember.

3 MR. DeBEAR: We would comply with IZ, Board Member  
4 John, yes. I mean, there would have been IZ required for the  
5 five-story building that has already been approved, and then  
6 there will be a new IZ requirement associated with habitable  
7 -- new habitable penthouse space, but that will be met, I'm  
8 assuming, at the time that the permit is processed.

9 VICE CHAIRPERSON JOHN: Okay. Thank you.

10 MR. DeBEAR: Mm-hmm.

11 MEMBER BLAKE: Mr. DeBear, a question for you.  
12 Do you have an idea of how much that contribution would be?

13 MR. DeBEAR: I do not, and I don't know the -- my  
14 client is obligated for the building itself to set aside  
15 either 8 or 10 percent -- I don't know off the top of my head  
16 -- for the main building. For the penthouse, the regulations  
17 allow you to either set aside an additional percentage of the  
18 new penthouse space or contribute to the Housing Production  
19 Trust Fund. I don't know what exactly that contribution  
20 would be if that's the way he chooses to go.

21 MEMBER BLAKE: All right. Thank you.

22 BZA CHAIR HILL: Okay. If it's all right, I'll  
23 go ahead and hear from the Office of Planning.

24 MR. BRADFORD: Good afternoon, Chairman Hill,  
25 Commissioners. For the record, my name is Philip Bradford,

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1 Development Review Specialist for the Office of Planning.

2           The Office of Planning recommends approval of the  
3 requested modification of significance and finds that it  
4 meets the criteria in Subtitle Y, 704, and we stand on the  
5 record of the report in Exhibit 19.

6           I'm available for any questions you have.

7           BZA CHAIR HILL: Thank you. Does anybody have any  
8 questions of the Office of Planning?

9           Mr. Young, is there anyone here who wishes to  
10 speak?

11           MR. YOUNG: We do not.

12           BZA CHAIR HILL: Okay. Mr. DeBear, do you have  
13 anything to add at the end?

14           MR. DeBEAR: I do not. Thank you for your time,  
15 Board members.

16           BZA CHAIR HILL: Thank you. And thank you,  
17 Commissioner, again for joining us.

18           All right. Mr. Young, we are going to close the  
19 hearing on the record. If you can please excuse everyone.

20           Okay. I, again, thought this one was pretty  
21 straightforward. I didn't have, really, any issues with it.  
22 I would agree with the analysis that the Office of Planning  
23 has put forward as well as that of the ANC and their support.  
24 I would agree with the applicant and how they are meeting the  
25 criteria for us to grant this relief, and I'll be voting in

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1 support.

2 Mr. Smith, do you have anything you would like to  
3 add?

4 MEMBER SMITH: I have nothing to add. I will be  
5 voting in support as well.

6 BZA CHAIR HILL: Thank you.

7 Mr. Blake?

8 MEMBER BLAKE: I will be voting in support as  
9 well.

10 BZA CHAIR HILL: Thank you.

11 Vice Chair John?

12 VICE CHAIRPERSON JOHN: I have no objections to  
13 the application, and I would vote in support.

14 BZA CHAIR HILL: Thank you.

15 Chairman Hood?

16 ZC CHAIR HOOD: I'm going to vote with everybody  
17 else in support. Thank You, Mr. Chair.

18 BZA CHAIR HILL: Thank you.

19 All right. I'm going to make a motion to approve  
20 Application Number 18987-B as captioned and read by the  
21 Secretary and ask for a second, Ms. John.

22 VICE CHAIRPERSON JOHN: Second.

23 BZA CHAIR HILL: The motion has been made and  
24 seconded. Ms. Mehlert, if you could take a roll call.

25 MS. MEHLERT: Please respond to the Chair's motion

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1 to approve the application.

2 Chairman Hill?

3 BZA CHAIR HILL: Yes.

4 MS. MEHLERT: Vice Chair John?

5 VICE CHAIRPERSON JOHN: Yes.

6 MS. MEHLERT: Mr. Smith?

7 MEMBER SMITH: Yes.

8 MS. MEHLERT: Mr. Blake?

9 MEMBER BLAKE: Yes.

10 MS. MEHLERT: And Chairman Hood?

11 ZC CHAIR HOOD: Yes.

12 MS. MEHLERT: Staff would record the vote as five  
13 to zero to zero to approve Application 18987-B on the motion  
14 made by Chairman Hill and seconded by Vice Chair John.

15 BZA CHAIR HILL: Great. Ms. Mehlert, we do have  
16 one more thing, right?

17 MS. MEHLERT: Yes.

18 BZA CHAIR HILL: I don't have the material.

19 MS. MEHLERT: I will resend it to you.

20 BZA CHAIR HILL: Okay. Thank you. We have to  
21 vote on potentially closing the Monday meetings if we do do  
22 them. We may do them. We may not. But we need to -- we  
23 need to vote.

24 I'm sorry. I thought -- you sent that to me. I  
25 thought that was the emergency closed meeting one. I didn't

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1 open it up. All right.

2           As Chairman of the Board of Zoning Adjustment for  
3 the District of Columbia, and in accordance with 405(c) of  
4 the Open Meetings Act, I move that the Board of Zoning  
5 Adjustment hold closed meetings by video conference at  
6 2:00 p.m. on the following days: Monday, September 9th at  
7 2:00 p.m., September 16th at 2:00 p.m., September 23rd at  
8 2:00 p.m., September 30th at 2:00 p.m., October 7th at  
9 2:00 p.m., October 21st at 2:00 p.m., October 28th at  
10 2:00 p.m., November 4th at 2:00 p.m., November 11th at  
11 2:00 p.m., November 18th at 2:00 p.m., December 2nd at  
12 2:00 p.m.; December 9th at 2:00 p.m., December 16th at  
13 2:00 p.m., January 6th at 2:00 p.m., January 13th at  
14 2:00 p.m., January 21st at 2:00 p.m., January 27th at  
15 2:00 p.m.

16           The purpose of the closed meetings will be to  
17 receive legal advice from the Board's counsel and to  
18 deliberate, but not vote, on the contested cases per  
19 405(b)(4) and (13) of the Act, D.C. Official Code  
20 Section 2-575(b)(4) and (13), scheduled for the Board's  
21 public meeting and/or a hearing the following Wednesday.

22           Per D.C. Official Code Section 1-207.42(a), no  
23 resolution, rule, act, or regulation, or other official  
24 action shall take place, except at an open public meeting.  
25 The closed meeting will be electronically recorded pursuant

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1 to D.C. Official Code 2-578(a).

2 Is there a second, Ms. John?

3 VICE CHAIRPERSON JOHN: Second.

4 BZA CHAIR HILL: The motion has been made and  
5 seconded. Madam Secretary, if you would take a roll call,  
6 please.

7 MS. MEHLERT: Please respond to the Chair's motion  
8 to hold closed meetings on the dates listed by the Chairman  
9 in September 2024 through January 2025.

10 Chairman Hill?

11 BZA CHAIR HILL: Yes.

12 MS. MEHLERT: Vice Chair John?

13 VICE CHAIRPERSON JOHN: Yes.

14 MS. MEHLERT: Mr. Smith?

15 MEMBER SMITH: Yes.

16 MS. MEHLERT: Mr. Blake?

17 MEMBER BLAKE: Yes.

18 MS. MEHLERT: And Chairman Hood?

19 ZC CHAIR HOOD: Yes.

20 MS. MEHLERT: The motion passes five to zero to  
21 zero.

22 BZA CHAIR HILL: Thank you. As it appears that  
23 the motion has passed, I request that the Office of Zoning  
24 provide notice of these closed meetings in accordance with  
25 the Act.

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1 All right. Madam Secretary, is there anything  
2 else before the Board today?

3 MS. MEHLERT: No, there is not.

4 BZA CHAIR HILL: Okay. I hope you guys have a  
5 nice afternoon. All right?

6 VICE CHAIRPERSON JOHN: Thank you. Bye.

7 BZA CHAIR HILL: Thank you. See you next time.

8 (Whereupon, the above-entitled matter went off the  
9 record.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Public Hearing

Before: DC BZA

Date: 07-24-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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Court Reporter

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