

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 16, 2025

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK D. HILL, Chairperson
CARL H. BLAKE, Vice Chairperson
CHRISHAUN SMITH, Commissioner

ZONING COMMISSION MEMBERS PRESENT:

GWEN WRIGHT, Commissioner

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary
MIKE SAKINEJAD, A/V Operations

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OFFICE OF PLANNING STAFF PRESENT:

SHEPARD BEAMON
MICHAEL JURGOVIC
CRYSTAL MYERS
JOSHUA MITCHUM

The transcript constitutes the minutes from the
Regular Public Hearing held on July 16, 2025.

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning ladies and gentlemen. Today's Board of Zoning Adjustment meeting, this is 7/16/2025, will please come to order. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Chrishaun Smith, Carl Blake and Commissioner Gwen Wright.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also please be advised that we do not take any public testimony at our decision meeting sessions. If you're having difficulty getting online, please call our OZ hotline number at 202-727-5471. It's also listed on your screen.

At the conclusion of a decision meeting session I shall, in consultation with the Office of Zoning determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party including an affected ANC. A full order may also be needed if the Board's decision differs from the Office of Planning's

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1 recommendation. Although the Board favors the use of summary
2 orders whenever possible, an applicant may not request the Board
3 to issue such an order.

4 In today's hearing session, everyone who is listening
5 on Webex or by telephone will be muted during the hearing and
6 only persons who have signed up to participate or testify will
7 be unmuted at the appropriate time. Please state your name and
8 home address before providing oral testimony or your
9 presentation. Oral presentations should be limited to a summary
10 of your most important points. When you're finished speaking
11 please mute your audio so that your microphone is no longer
12 picking up sound or background noise.

13 All persons planning to testify either in favor or in
14 opposition should have signed up in advance. They'll be called
15 by name to testify. If this is an appeal only parties are allowed
16 to testify. By signing up to testify all participants completed
17 the oath or affirmation as required by Subtitle Y, 408.7.
18 Requests to enter evidence at the time of an online virtual
19 hearing such as written testimony or additional supporting
20 documents other than live video, which may not be presented as
21 part of the testimony, may be allowed pursuant to Subtitle Y,
22 103.13 provided that the person making the request to enter an
23 exhibit explain, a) how the proposed exhibit is relevant, b) the
24 good cause that justifies allowing the exhibit into the record
25 including an explanation of why the requester did not file the

1 exhibit prior to the hearing pursuant to Y-206 and see how the
2 proposed exhibit would not unreasonably prejudice any parties.
3 The order of procedures for special exceptions and variances are
4 pursuant to Y-409.

5 At the conclusion of each case an individual who is
6 unable to testify because of technical issues may file a request
7 for leave to file a written version of the planned testimony to
8 the record within 24 hours following the conclusion of public
9 testimony in the hearing. If additional written testimony is
10 accepted, then parties will be allowed a reasonable time to
11 respond as determined by the Board. The Board will then make
12 its decision at its next meeting session but no earlier than 48
13 hours after the hearing. Moreover, the Board may request
14 additional specific information to complete the record. The
15 Board and the staff will specify at the end of the hearing exactly
16 what is expected and the date when persons must submit the
17 evidence to the Office of Zoning. No other information shall be
18 accepted by the Board.

19 Finally, the District of Columbia Administrative
20 Procedures Act requires that a public hearing on each be held in
21 the open before the public. However, pursuant to 405(b) and 406
22 of the Act the Board may, consistent with its rules and procedures
23 and the Act, enter into a closed meeting on a case for purposes
24 of seeking legal counsel on a case pursuant to D.C. Official Code
25 Section 2-575(b)(4) and/or deliberate on a case pursuant to D.C.

1 Official Code Section 2-575(b)(13) but only after providing the
2 necessary public notice in the case of an emergency closed meeting
3 after taking a roll call vote.

4 Madam Secretary, do we have any preliminary matters
5 today?

6 MS. MEHLERT: Good morning, Mr. Chairman and members
7 of the Board.

8 Regarding today's schedule, Application No. 21303 of
9 Jamal Ahmed has been postponed to September 24th, 2025.
10 Application No. 21264 of SIM Development LLC has been withdrawn
11 and Application No. 21265 of Sennai Ghezze has been withdrawn as
12 well, and any preliminary matters will be noted when the
13 individual case is called.

14 CHAIRPERSON HILL: Great. Thank you.

15 Do you want to call our first order of business today?

16 MS. MEHLERT: First is an advanced party status request
17 in Application No. 21325 of CJB Investments, LLC.. As amended,
18 this is a self-certified application pursuant to Subtitle X,
19 Section 901.2 for special exceptions under Subtitle U, Section
20 253.4 to allow an accessory apartment in an accessory structure
21 and under Subtitle D, Section 5201 from the building area of
22 requirements for an accessory building from Subtitle D, Section
23 1105.4. This is for a second-story addition to an existing one-
24 story accessory structure in the rear yard of an existing two-
25 story row building for use as an accessory apartment. It's

1 located in the R-3/GT zone at 3253 P Street, Northwest, Square
2 1255, Lot 206.

3 This hearing is scheduled for next week July 23rd, 2025
4 and then before the Board today are advanced requests for party
5 status in opposition filed on behalf of a group of residents
6 within 200 feet. This includes Rolf, Pat and Caroline Sartorius,
7 Monica Bauer, Arno Liuksila, Chester Crocker and Pamela Aall,
8 Linda Pfeifle and Albert Amori, and Kevin Barnes, and all have
9 authorized Andrea Ferster to represent them.

10 CHAIRPERSON HILL: Great. Thank you. Thanks, Ms.
11 Mehlert. Is the attorney for the Applicant here or you don't
12 know?

13 MS. MEHLERT: I don't believe they are attending for
14 the purposes (indiscernible).

15 CHAIRPERSON HILL: Okay. Thanks, Ms. Mehlert.

16 Ms. Ferster, can you hear me and if so, could you
17 introduce yourself for the record?

18 MS. FERSTER: Good morning. This is Andrea Ferster.
19 I represent the ten individuals, property owners who live within
20 200 feet of the property that's the subject of the application.

21 CHAIRPERSON HILL: Great. Thanks, Ms. Ferster.
22 Welcome back.

23 Let's see. So I guess, Ms. Ferster, if you could -- I
24 see all the people that you are representing and it is more
25 helpful for the Board obviously if it is kind of, you know.

1 Represented by one person which you are more than capable of
2 doing and so I just wanted to point out to if you could, since
3 it's kind of a group of people the person who is, I think it's
4 Pat and Rolf Sartorius, since they're like the adjacent
5 neighbors, if they could also kind of be a point person for your
6 group just, you know, I think, you know, they're the ones who
7 are the most kind of affected people there, in my opinion, and I
8 think there could even an argument made for the person, Mr.
9 Crocker I guess, who's back in the alley.

10 Since it's a group of people, you know, how this all
11 goes down you are going to be the person who's going to represent
12 them and I think we'll grant, as a group, probably party status.
13 But if kind of moving forward if it all kind of gets disjointed,
14 if you could just kind of let the adjacent party owners know that
15 they can also act as a point for the group. Okay?

16 MS. FERSTER: Absolutely.

17 CHAIRPERSON HILL: Okay. Great. Thank you. All right.

18 Does anyone from the Board have any questions on
19 anything? Go ahead, Mr. Blake.

20 VICE CHAIRPERSON BLAKE: Ms. Ferster, you said ten
21 people. I saw nine. Is there another that I may have missed?

22 MS. FERSTER: I count ten clients. Did you see only
23 nine on the screen? There could be one person who was unable to
24 attend today.

25 VICE CHAIRPERSON BLAKE: Okay. So as long as we have

1 clarity on what the ten are so that there's not an additional
2 person that comes later.

3 CHAIRPERSON HILL: Okay. Great. All right, thank you.

4 Ms. Ferster, thank you so much for being with us today
5 and we'll see you next week.

6 MS. FERSTER: Thank you.

7 CHAIRPERSON HILL: Bye bye. All right. So I don't
8 remember, I don't have to make a motion so we're going to go
9 ahead and give party status to this group of individuals. As I
10 mentioned it's going to be represented by Ms. Ferster.

11 Madam Secretary, do you need anything else from me on
12 that matter?

13 MS. MEHLERT: Typically the Board does take a vote on
14 party status --

15 CHAIRPERSON HILL: Okay.

16 MS. MEHLERT: -- requests, so.

17 CHAIRPERSON HILL: Okay. I had a week off, okay, so,
18 like, you know.

19 So I'm going to go ahead and make a motion to allow the
20 group party status who is being represented by Ms. Ferster and
21 also, as I made a note, that if this all kind of gets more
22 disjointed that Pat and Rolf Sartorius can be the point person
23 for the group, and ask for a second. Mr. Blake?

24 VICE CHAIRPERSON BLAKE: Second.

25 CHAIRPERSON HILL: Motion made and seconded. Madam

1 Secretary?

2 MS. MEHLERT: Please respond to the Chair's motion to
3 grant party status in opposition to the group of neighbors.

4 Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MS. MEHLERT: Vice Chair Blake?

7 VICE CHAIRPERSON BLAKE: Yes.

8 MS. MEHLERT: Board member Smith?

9 COMMISSIONER SMITH: Yes.

10 MS. MEHLERT: And Commissioner Wright?

11 ZC COMMISSIONER WRIGHT: Yes.

12 MS. MEHLERT: Staff would record the vote as four to
13 zero to one to grant party status in opposition in Application
14 No. 21325 on the motion made by Chairman Hill and seconded by
15 Vice Chair Blake.

16 ZC COMMISSIONER WRIGHT: And may I ask a question?

17 CHAIRPERSON HILL: Sure.

18 ZC COMMISSIONER WRIGHT: I am assuming that the vote
19 that I just took was simply about party status and does not mean
20 that I also must be the Zoning Commission person coming next week
21 to attend the hearing; is that correct?

22 CHAIRPERSON HILL: You're correct, Commissioner Wright.

23 ZC COMMISSIONER WRIGHT: Okay. Just wanted to make
24 sure.

25 CHAIRPERSON HILL: You're off the hook on that one.

1 ZC COMMISSIONER WRIGHT: I wanted to change my calendar
2 if I needed to.

3 CHAIRPERSON HILL: Go ahead, Mr. Blake.

4 VICE CHAIRPERSON BLAKE: Mr. Chair, I think there was
5 an issue about the relief requested that we wanted to address.

6 CHAIRPERSON HILL: Oh, yeah. Thanks. So I guess I'll
7 probably ask the Secretary to reach out to the Applicant, Madam
8 Secretary. But just for the record I guess there was some
9 discussion that under U-253 they need a waiver from Provision .9
10 that they can request through .10 but they have to request the
11 waiver under .10 and that's what I understand to be the case and
12 so now we're kind of sharing that with the Applicant and so if
13 the Applicant has any questions on that they should try to address
14 this before the hearing next week. So if you could do that,
15 Madam Secretary, that would be great and thank you, Mr. Blake.

16 MS. MEHLERT: Right. I believe it needed to be
17 addressed in the self-certification form; is that correct?

18 CHAIRPERSON HILL: Yes.

19 MS. MEHLERT: Okay.

20 CHAIRPERSON HILL: Okay. Thank you. All right.

21 We can go to our next one whenever you get a chance.

22 MS. MEHLERT: Next, this is in the Board's hearing
23 session, is Application No. 21308 of 2622 41st Group, LLC. This
24 is a self-certified application pursuant to Subtitle X, Section
25 901.2 for a special exception under Subtitle U, Section 421 to

1 allow a new residential development. This is for the creation
2 of three additional dwelling units in an existing four unit
3 apartment house in a semi-detached building. It's located in the
4 RA-1 zone at 2622 41st Street, Northwest, Square 1708, Lot 13,
5 and I'll just note that ANC 3B submitted their support for the
6 project in the record at Exhibit 30.

7 CHAIRPERSON HILL: Great. Thank you.

8 If the Applicant can hear me, if they could please
9 introduce themselves for the record.

10 MR. WILLIAMS: Good morning, Chairman Hill and members
11 of the Board. My name is Zach Williams. I'm a land use attorney
12 with Venable representing the Applicant. The Applicant is
13 represented as well in this case by Matt Medvene and our
14 architect, Ryan Petyak, is also on the line.

15 CHAIRPERSON HILL: Okay. Great.

16 Well, Mr. Williams, welcome back as well. If you want
17 to go ahead and walk us through your client's application and why
18 you believe they're meeting the criteria for us to grant the
19 relief requested. I'm going to put 15 minutes on the clock so I
20 know where we are and there's no clock, that's okay. I can go
21 ahead and do it myself, and I'll let you know where we are if
22 you get really over line, Mr. Williams, but go ahead and begin
23 whenever you like.

24 MR. WILLIAMS: No, I think we'll be much quicker than
25 15 minutes. Mr. Young, could we pull up the presentation, please.

1 CHAIRPERSON HILL: Yeah. It's not Mr. Young today.
2 It's Mr. --
3 MR. WILLIAMS: Oh no?
4 CHAIRPERSON HILL: Yeah. But anyway, the presentation,
5 and sir, I can't pronounce your name. I know that the Secretary
6 pronounced it much better and the Commissioner took a good crack
7 at it I think, but for now we're just going to go with Mr. Mike.
8 So go ahead, Mr. Williams. You can begin.
9 MR. WILLIAMS: Great. Thank you.
10 This case is located at 2622 41st Street, Northwest in
11 D.C., and as mentioned the Applicant, District Line Development,
12 is represented here as well today by Matt Medvene. Next slide,
13 please.
14 MR. WILLIAMS: I'm not --
15 CHAIRPERSON HILL: Yeah, that's it.
16 MR. WILLIAMS: Oh, there it is. Okay. Thank you.
17 All right. So here's the zoning map and an aerial view
18 of the existing property. It's zoned for the RA-1 zone. It's a
19 semi-detached apartment house with four units. The Applicant
20 also owns the property, the attached property directly to the
21 north that you can see depicted here at the corner of Edmunds
22 Street and 41st Street, Northwest. Next slide, please.
23 (Pause.)
24 CHAIRPERSON HILL: Mr., and now I'm going to get your
25 name --

1 MR. WILLIAMS: There we go.

2 CHAIRPERSON HILL: Can you hear me, Mike?

3 MR. SAKINEJAD: Hi.

4 CHAIRPERSON HILL: Hi.

5 MR. SAKINEJAD: Yes, yes. Sorry. It's slow internet
6 apparently today.

7 CHAIRPERSON HILL: It's all good. How do you pronounce
8 your last name?

9 MR. SAKINEJAD: It is [Sak-een-a-jad].

10 CHAIRPERSON HILL: Sakinejad. Okay, Mr. Sakinejad.

11 MR. SAKINEJAD: That's all right.

12 CHAIRPERSON HILL: That's all right. I just wanted to
13 know. All right, Mr. Sakinejad. So just wanted to make sure
14 we're all together. Go ahead, Mr. Williams.

15 MR. WILLIAMS: Sure. So this is a single lot. It's
16 got 4,671 square feet of land area. As I mentioned it's zoned
17 RA-1. The current apartment house is four units. There is alley
18 access in the rear with a parking spot which we will be keeping
19 for this project. Technically there are no parking requirements
20 for this project but we will be maintaining that spot that's
21 already there. Next slide, please.

22 There we go. Here's some photographs of the current
23 conditions of the house, the property at 2622. As I mentioned,
24 this is an existing apartment house and you can see that there
25 are multiple, there's four units in there right now. It is an

1 attached apartment house, as I mentioned. Next slide, please.

2 CHAIRPERSON HILL: It's okay, Mr. Williams. It's
3 (indiscernible).

4 MR. WILLIAMS: It's okay. It's all right.

5 CHAIRPERSON HILL: The internet's taking a minute,
6 yeah.

7 MR. WILLIAMS: So the proposed project is depicted
8 here, the site plan for the project is depicted here. We will
9 not be changing the footprint. We will be adding three additional
10 units. There will be a partial third story added as well and
11 the next slide we'll go to will show the elevation. I already
12 mentioned one parking spot will remain off the alley. Everything
13 else about the existing building will be staying the same from
14 the exterior. Obviously the interior will be renovated with new
15 units. So there'll be a total of seven units with this project.
16 Next slide, please.

17 Here are the proposed elevations. As I mentioned,
18 there will be a partial third story that will be added at the
19 rear of the, or the back half if you will of the existing
20 apartment house which will provide the additional space to have
21 the three units. We'll also have units in the cellar. So you
22 can see the elevations here from the front. Obviously from 41st
23 Street as well as from the side, this is a semi-detached house
24 so that side view to the south will be visible as well. Next
25 slide, please.

1 We don't anticipate issues with the shadows that are
2 created by the new third story addition. As you can see here
3 there's very limited change in what's happening with the shadow
4 studies. I'll also note, and I noted this already, is that the
5 adjacent home, attached home, is also owned by the Applicant. So
6 we don't anticipate any further impacts beyond that. Next slide,
7 please.

8 So the relief that we're requesting here is to add
9 three additional units to an existing four unit apartment house
10 pursuant to Subtitle U, Section 421 in the RA-1 zone. Whenever
11 we add units in an existing apartment house, a special exception
12 is required. All of the work will be by-right and is permitted
13 in the RA-1 zone without further zoning relief. Next slide.

14 The special exception standards that we're all familiar
15 with. There are no special standards here but the general
16 standards do apply and the first being that the proposed relief
17 must be in harmony with the general purpose and intent of the
18 zoning regulations. The RA-1 zone, as we know, allows for low
19 to moderate density development including detached dwellings,
20 rowhouses, low rise apartments such as this. I already mentioned
21 the project will meet all the development standards in the RA-1
22 zone.

23 The only thing I would mention is that on, in this area
24 of Glover Park almost all of the houses on this block and the
25 surrounding blocks are also apartment houses. So this is very

1 much in line, not only with the zoning but with the surrounding
2 properties. Next slide, please.

3 The next general standard for special exception is that
4 the relief should not adversely affect neighboring property. We
5 typically think of with projects like this with light, air and
6 privacy. We already saw the shadow studies. We don't expect
7 any impacts beyond the adjacent property which is also owned by
8 the Applicant. The footprint remains the same, as I mentioned.
9 There will be a third story but only a partial third story and
10 as I also mentioned, apartment houses like this, all of the houses
11 actually on this block are apartment houses. Next slide, please.

12 We did meet with the ANC. We met with the ANC twice.
13 We presented and then went back for a vote. ANC 3B voted
14 unanimously to support the project. We have not heard any
15 opposition in our own private outreach nor are we aware of any
16 otherwise. Office of Planning is in support of the project and
17 that I believe concludes my presentation.

18 Thank you.

19 CHAIRPERSON HILL: Okay. Great. Thank you, Mr.
20 Williams.

21 Before I turn to my Board, can I hear from the Office
22 of Planning.

23 MR. BEAMON: Good morning Board members. For the
24 record, Shepard Beamon with the Office of Planning.

25 OP has reviewed the application for the requested

1 special exception relief for three new units in the RA-1 zone and
2 finds the request meets the criteria for Subtitles U and X.
3 Therefore, OP recommends approval and I'll take any questions.

4 CHAIRPERSON HILL: Okay. Great.

5 Mr. Sakinejad, is there anyone here wishing to speak?

6 MR. SAKINEJAD: I do not think so.

7 CHAIRPERSON HILL: Okay.

8 MR. SAKINEJAD: It doesn't look like it.

9 CHAIRPERSON HILL: Let me look here. Yeah, one second.

10 Who just said that? Was it Mr. Smith? Go ahead, Mr. Smith.

11 COMMISSIONER SMITH: And my question was to Mr. Beamon
12 just real quick. The parking requirement. There's one space per
13 three units greater than four, how does that parking standard
14 work? Is it based on the number of units above four or is it
15 just that a parking standard kicks in when there is more than
16 four units, if that makes sense? So are we counting from the
17 difference in the number of units above four?

18 MR. BEAMON: Right.

19 COMMISSIONER SMITH: Okay.

20 MR. BEAMON: Yes.

21 COMMISSIONER SMITH: Okay. That's what I needed to
22 know. Because if not then they need two parking spaces. I just
23 wanted clarification.

24 MR. BEAMON: Yeah. With the three units being added
25 they would need that one space. So, yeah, they're meeting the

1 requirement.

2 COMMISSIONER SMITH: Okay. All right. Thank you.

3 CHAIRPERSON HILL: Okay. Great. Anyone else from my
4 Board?

5 (No response.)

6 CHAIRPERSON HILL: All right. Mr. Williams, you are
7 going to be excused as is everyone else. I hope you have a nice
8 day.

9 (Pause.)

10 CHAIRPERSON HILL: Okay. It seems pretty
11 straightforward to me. I didn't have a whole lot of issues with
12 it. I appreciate Mr. Smith asking the question about the parking
13 space. They're not changing the envelope and as this is something
14 since they're adding new units it has to be before us, and I
15 think that they're meeting all the criteria in X-901.2. And I'm
16 happy that they have reached out to the ANC and have been able
17 to get their support as well as I appreciate the analysis that
18 the Office of Planning has provided, and I'll be voting in support
19 of this application.

20 Mr. Smith, do you have anything you'd like to add?

21 COMMISSIONER SMITH: Nothing to add.

22 CHAIRPERSON HILL: Okay. Great. Thank you.

23 Mr. Blake?

24 VICE CHAIRPERSON BLAKE: Thank you, Mr. Chair. I'm in
25 support of the application. I believe the burden of proof has

1 | been met and I agree with the analysis provided by the Office of
2 | Planning through their report. I also give great weight to the
3 | ANC, the report from the ANC which stated no issues or concerns
4 | and I will be voting in favor of the application as well.

5 | CHAIRPERSON HILL: Thank you.

6 | Commissioner Wright?

7 | ZC COMMISSIONER WRIGHT: I agree with everything my
8 | colleagues have just said. I support the application. I think
9 | it's a very clever way to add more housing which we need so much
10 | in the city, particularly I think in this neighborhood. So I'm
11 | excited that this project has been requested.

12 | CHAIRPERSON HILL: Okay. Great.

13 | I'm going to make a motion to approve Application No.
14 | 21308 as captioned and read by the secretary, and ask for a
15 | second.

16 | Mr. Blake?

17 | VICE CHAIRPERSON BLAKE: Second.

18 | CHAIRPERSON HILL: Motion made and seconded. Madam
19 | Secretary, take a roll call.

20 | MS. MEHLERT: Please respond to the Chair's motion to
21 | approve the application.

22 | Chairman Hill?

23 | CHAIRPERSON HILL: Yes.

24 | MS. MEHLERT: Vice Chair Blake?

25 | VICE CHAIRPERSON BLAKE: Yes.

1 MS. MEHLERT: Board member Smith?

2 COMMISSIONER SMITH: Yes.

3 MS. MEHLERT: And Commissioner Wright?

4 ZC COMMISSIONER WRIGHT: Yes.

5 MS. MEHLERT: Staff would record the vote as four to
6 zero to one to approve Application No. 21308 on the motion made
7 by Chairman Hill and seconded by Vice Chair Blake.

8 CHAIRPERSON HILL: Thank you. You guys, can you just
9 give me five minutes? I'll come back in five minutes. Okay?
10 Thank you.

11 (Whereupon, there was a brief recess.)

12 CHAIRPERSON HILL: When I was on mute I said Madam
13 Secretary, if you could please call us back in and then call our
14 next case. Thank you.

15 MS. MEHLERT: Yes. The Board is back from its quick
16 break and returning to it's hearing session.

17 The next case is Application No. 21312 of District Line
18 Development, LLC. This is a self-certified application pursuant
19 to Subtitle X, Section 901.2 for special exceptions under
20 Subtitle U, Section 421 to allow a new residential development,
21 and under Subtitle C, Section 703.2 from the minimum vehicle
22 parking requirements of Subtitle C, Section 705.1.

23 This project is a consolidation of four existing four
24 unit apartment houses with a third floor addition and creation
25 of 13 additional dwelling units for use as a 29 unit apartment

1 house in a three-story detached building. It's located in the
2 RA-1 zone at 2200 - 2212 40th Place, Northwest, Square 1317W,
3 Lots 7, 8, 9 and 10. As a preliminary matter the Applicant
4 submitted a motion to waive the 30 day filing deadline to submit
5 revised plans which are in Exhibit 16A.

6 CHAIRPERSON HILL: Okay. Great. Thank you.

7 Unless the Board has any issues I'd like to have the
8 revised plans in the record and so I'm going to go ahead and
9 allow that into the record, unless the Board has any issues and
10 if so please speak up. Okay.

11 Could the Applicant please introduce themselves for the
12 record.

13 MR. WILLIAMS: Good morning again, Chairman Hill and
14 members of the Board. Zach Williams, land use attorney with
15 Venable. I'm representing the Applicant which is the same
16 Applicant as the prior case, District Line Development, who is
17 also represented here by Mr. Matt Medvene. I believe Ryan Petyak
18 has not yet shown as a panelist. I think he only signed up for
19 the first case so if we could add him too that would be great.

20 CHAIRPERSON HILL: Great. I see him now added and
21 we'll see if there are any questions for anyone as we continue
22 moving through this.

23 Mr. Williams, if you want to go ahead again and walk
24 us through your application and why you believe your client is
25 meeting the criteria for us to grant the relief requested, and

1 | you can begin whenever you like. And let's see, if somebody's
2 | not on mute if you can mute yourself unless you're speaking.
3 | That would be helpful. Thank you. Go ahead, Mr. Williams.

4 | MR. WILLIAMS: Great. Thank you all. It looks like
5 | the presentation is coming up now.

6 | This is a project that is actually just down the street
7 | from the last project we considered in the same neighborhood.
8 | This one's a little bit different though. This one involves four
9 | properties that will be combined into one to create a single
10 | apartment house. The project's located at 2200 through 2212 40th
11 | Place, Northwest, and it's the same Applicant team as the prior
12 | case, District Line Development, represented by Matt Medvene and
13 | Ryan Petyak is our architect. Next slide, please.

14 | This is the location of the project as shown here on
15 | the zoning map on the left and the aerial view on the right. T
16 | his is also zoned to the RA-1 zone and this project, as I
17 | mentioned, involves four separate parcels. The parcels are
18 | currently improved with two, I'm sorry, four semi-detached
19 | apartment houses. They will be, as I mentioned, combined into a
20 | single project. The number of units currently in these four
21 | apartment houses is 16. We'll be adding 13 for a total of 29.
22 | Next slide, please.

23 | Okay. So shown here on this slide is the current survey
24 | of the four existing properties and there's a couple of things I
25 | want to point out here for the Board. First, the total land area

1 is 21,634 square feet. As I mentioned, it is zoned RA-1. You
2 can see here the four semi-detached apartment houses that are
3 currently located on these four lots. One thing I want to point
4 out, we'll come back to this is, there is no alley access for
5 this property. As you can see here, there's no alley access and
6 there's no parking provided and we will not be providing parking.
7 We are seeking a special exception for that as well, we'll get
8 more into that and the reasoning for that as we go through the
9 presentation. But I did want to point that out here as you can
10 see on the survey, we have these four parcels but we do not have
11 access at the rear of the property like we did for the other
12 project we just looked on 41st Street. Next slide, please.

13 Here are the existing conditions. On the top left of
14 the screen you are looking down the rear of these parcels and
15 you see what looks like an alley there. It's not actually an
16 alley. It's a driveway that exists on the private property of
17 that large apartment building to the rear.

18 Now, there actually is a paper alley, if you will.
19 There's a public alley in the land records behind these parcels
20 but it is not currently improved nor does the curb cut open to
21 the alley and so in order to have alley access, not only would
22 the curb cut have to be moved and changed but the grade would
23 change. You can see the significant grade there. The alley
24 would have to be built and it would have to be paved and it would
25 have to be done so all the way up the block. So not just for

1 | our project, but in discussions with DDOT the alley would have
2 | to be built all the way up the block.

3 | DDOT is not willing to do that. They have, they are
4 | not willing to allow the Applicant to cross the alley with a
5 | driveway, for example, to get to the rear of these properties.
6 | Now, in addition, there's a heritage tree that currently exists
7 | in the paper alley which DDOT and other agencies have expressed
8 | they don't want us to remove. So we've got multiple impediments
9 | here to getting rear access and getting parking here which we'll
10 | get more into but I did want to point this out here that we see
11 | the current conditions just to sort of lay the groundwork for the
12 | relief that we're seeking.

13 | On the bottom left hand side of the screen is you're
14 | looking at the front view from 40th Place of two of these parcels
15 | and then on the right bottom hand part of the screen you're
16 | looking at the front view of two other parcels, looks like we
17 | just went ahead, but that's probably okay, we can stick with this
18 | slide. As you can see similar to the 41st Street project all
19 | the apartment houses in this area of Glover Park have that similar
20 | aesthetic, the two-story brick, and we've seen a number of
21 | projects come forward and add units as long as they fit within
22 | the RA-1 zone development standards which this project will.

23 | So what's the proposed project? The proposed project
24 | is to combine all four lots into a single consolidated lot. We'll
25 | be connecting the buildings so that it's one single building and

1 | there'll be an entrance in the middle which you'll see on some
2 | elevations coming up. A partial third story will be added as
3 | well to take advantage of the additional FAR that we have here
4 | in the RA-1 zone. We will be adding 13 total units for 29. We'll
5 | also be taking advantage of the IZ, IZ FAR bonus, density bonus
6 | in this case. We'll have a total FAR of 1.07, with IZ we can go
7 | up to 1.08.

8 | Now, what's interesting about this project is all of
9 | the units will be three bedroom units. Every unit in this project
10 | will be large three bedroom family units. That includes the IZ
11 | units. So there will be three three bedroom IZ units provided
12 | as part of this project as well. I already touched on the parking
13 | due to a lack of alley access and we'll get more into that here
14 | as we go along in the presentation. Next slide, please.

15 | Here is the current proposed project site plan and you
16 | can see how we'll be connecting these four semi-detached
17 | apartment houses into one. You see the connection point there
18 | in the middle. Those property lines will go away and it will be
19 | a single consolidated lot. The site plan here shows what the
20 | proposed new footprint will look like. It's very much what the
21 | footprint already is. We're not moving a lot of things around
22 | as far as the footprint goes other than adding that connection
23 | point. So even though this is a larger project with 29 units,
24 | it's actually barely limited in terms of disturbance to the site
25 | and disturbance to the overall look and feel of the block. So

1 we're really taking advantage of the efficiencies of connecting
2 these four properties without having to make significant changes
3 to the existing buildings or the existing aesthetics of the
4 street, if you will. Next slide, please.

5 As we're waiting for the next slide one thing I want
6 to mention is there will be solar panels that'll be provided on
7 the roof tops of these buildings. I'll defer to Mr. Medvene. I
8 don't know if it will be completely self-sufficient in terms of
9 solar but I think it'll be close to that and that's another
10 feature that we'll be adding with this project.

11 So here are some of the proposed elevations along
12 street view. You can see we are adding that partial third story
13 changing the look a little bit, but for the most part the facades
14 are staying the same with the additions trying to fit in as best
15 as we can with the aesthetics of the neighborhood. There's
16 actually a project right across the street that was recently
17 built as well, a new apartment house with a completely sort of
18 modern aesthetic. So we'll be compatible not only with that but
19 also with the existing apartment houses on the street. Next
20 slide, please.

21 And I'll note, while we're waiting for that slide, this
22 is not located in the historic district or otherwise in CFA's
23 jurisdiction so there aren't any design requirements other than
24 just compatibility with the neighborhood.

25 Here are some additional color rendering elevations.

1 This is one of the changes that staff at OP asked us to make.
2 This is why we had to file the plans within the 30 days of the
3 hearing. We were really looking at trying to improve the façade,
4 improve the aesthetics of the project which we did here. The
5 gray that you see there is going to be brick. It will be painted,
6 but it will be brick. Those houses are currently built with a
7 brick façade and the majority of the buildings will remain as
8 such including portions of the additions as well. Next slide,
9 please.

10 I mentioned the solar panels. You can see here an
11 overview of where those will be placed. We're really using all
12 of the roof area for solar panels on this project, as you can
13 see here. Next slide, please.

14 So the relief we're requesting first is to add 13 units
15 to an existing, four existing four unit apartment houses in the
16 RA-1 zone. As I mentioned, three three bedroom IZ units will be
17 included with this project. We are also requesting parking
18 relief. We are required to provide three parking spaces as part
19 of this project. We confirmed that with the Zoning Administrator.
20 It's a question that we've gotten repeatedly from the community
21 and from staff. If you look at the zoning requirements and the
22 zoning regulations you would think that more parking is required
23 except that when you're doing an addition or a renovation to an
24 existing structure, Section 704 of Subtitle C comes into play
25 which states essentially that you're only required to provide the

1 parking for an addition to an existing building for the new floor
2 area that you're adding.

3 And so here we're required to provide the parking for
4 the new units, the new 13 units that we're providing and that's
5 where the three comes from. Now, the fact that the existing
6 units don't have any parking, which is an existing condition,
7 doesn't play into that. Those are essentially, for lack of a
8 better term, grandfathered and so our parking requirement here
9 is three. We wanted to be sure of that and so we did confirm it
10 with the Zoning Administrator and we have that in writing. We
11 provided that to the ANC. We provided that to the Office of
12 Planning as well.

13 Notwithstanding the requirement of three, we're not
14 able to provide any and that is because, again, we do not have
15 any alley access nor can we get alley access for all the reasons
16 I discussed. It would be prohibitively expensive for this project
17 to build that alley all the way up the block because DDOT doesn't
18 just want us to build a partial alley. We have to build the
19 entirety of the alley all the way up the block and as we saw,
20 not a simple endeavor. New curb cuts, grading, and then another
21 huge impediment, a heritage tree right in the middle of the alley
22 and I think I've got a slide that will show that here coming up.
23 So next slide, please.

24 Walking through the special exception standards. As I
25 mentioned previously we have the general standards that the

1 project must be in harmony with the general purpose and intent
2 of the zoning regulations. Here are adding units to the existing
3 apartment houses which are in harmony with the RA-1 zone. We
4 will meet all other development standards other than parking. In
5 the RA-1 zone for these projects no further relief is required
6 other than the parking relief which we'll get to a little bit
7 more here as we go through the presentation. Next slide, please.

8 So top, looking at that alley. Here is a current survey
9 of the alley and you can see here that paper alley, if you will,
10 it's a 16 foot public alley that's right behind our parcels. Now
11 you can also see where the current paved driveway is. You can
12 see how it looks like it might be the alley but it's actually
13 not at all. It veers to the private property behind these sites
14 and it is, the actual alley area itself is not in any way
15 improved.

16 Further, you can see on this survey the grade, a pretty
17 significant grade there right where the entrance to the alley
18 would be and you can see the heritage tree I mentioned. It's
19 the third lot to the north from the opening of the alley. Right
20 in the middle of the alley is a 36 inch diameter heritage tree
21 which we've talked to DDOT about this, we've talked to the
22 neighborhood about this. There really isn't any interest in
23 taking that tree down, even if we could get approval for it and
24 so you start to understand all of the issues we're running into
25 here with trying to get parking, get rear access to these

1 properties. Next slide, please.

2 The next general standard is that the project should
3 not adversely affect neighboring properties. We typically think
4 that in these types of projects light, air and privacy, as I
5 mentioned the footprint is going to remain largely the same. The
6 only change is going to be in the middle connecting those
7 buildings that currently exist. All of the buildings on this
8 block, as with the adjacent blocks, are already multi-family
9 apartment house residential buildings. We have a large multi-
10 family building behind us which you saw where that driveway is
11 entering into and while we do need parking relief, we're only
12 requesting relief from three spaces because that's all we're
13 required to provide for this project. So even though it seems
14 like it's a lot of parking relief, from a technical standpoint
15 and from a zoning standpoint, the relief is only three spaces.
16 Next slide, please.

17 Here are some shadow studies showing that we will not
18 be impacting, creating significant impacts beyond our site. One
19 of the reasons that we're able to limit those impacts is that
20 this project at the southeastern corner is a corner lot and so
21 obviously we won't be impacting anyone to the south. To the rear
22 we have that large apartment building that's separated by the
23 paper alley and the driveway and to the north the shadow studies
24 do not extend hardly at all. A little bit, but nothing that's a
25 significant adverse impact for what are additional apartment

1 | houses to the north of our site. Next slide, please.

2 | So we did meet with the ANC. We met with our SMD on
3 | site. Then we had a presentation with the ANC. We went back to
4 | the ANC again for further deliberation and a vote and we were
5 | very pleased to receive unanimous support for this project. It
6 | took a lot of hard work on the Applicant's part, particularly
7 | because of the parking relief we were requesting.

8 | The Applicant conducted an extensive outreach with the
9 | neighbors, by letter, in person, the neighbors to the north, the
10 | neighbors to the rear, the neighbors across the street. We were
11 | able to receive multiple letters of support from adjacent
12 | neighbors to the north, behind the project, across 40th Place.
13 | We did not receive any opposition. There were some neighbors who
14 | did not want to go on record, wanted to stay neutral, but there
15 | were no neighbors that expressed opposition and there's no
16 | opposition in the record and there's no opposition that we are
17 | aware of. So we're very pleased that we're able to obtain the
18 | community's support for a project like this that's going to be
19 | adding units to a neighborhood and doing so in an efficient way
20 | by connecting these four properties and combining them into one.

21 | That concludes my presentation and we're here and we're
22 | available for additional questions. Thank you.

23 | CHAIRPERSON HILL: Okay. Go ahead, Mr. Blake.

24 | VICE CHAIRPERSON BLAKE: A couple of quick questions.

25 | Let's see, first of all kind of straightforward. How

1 much square footage do you think each of the units would be?
2 What's the size you're looking at?

3 MR. WILLIAMS: Yeah. I think it's somewhere around
4 seven to eight hundred. Ryan or Matt, can you jump in here to
5 make sure I'm right about that, seven or eight hundred square
6 footage?

7 MR. MEDVENE: They range between 700 to 1,000 square
8 foot.

9 MR. WILLIAMS: Okay.

10 CHAIRPERSON HILL: Mr. Medvene, could you just
11 introduce yourself for the record.

12 MR. MEDVENE: Good morning, everyone. My name is Matt
13 Medvene. I am the Applicant's, part of the Applicant's team.

14 VICE CHAIRPERSON BLAKE: And the next question is, is
15 this going to be a rental or a condo?

16 MR. MEDVENE: A rental.

17 VICE CHAIRPERSON BLAKE: Rentals? Okay. Thank you.

18 Now, you mentioned that you submit, in your submission
19 latest filing you had the plans. You mentioned in your
20 presentation one of the main issues you needed to address concerns
21 raised by the Office of Planning was to improve the façade. Could
22 you describe any other changes that took place in that submission?
23 Was it just the façade because there are a number of issues that
24 the Office of Planning had raised and I wanted to kind of
25 understand what additionally was in there? It was a little tough

1 going back and forth trying to figure out what the incremental
2 add was and that it wasn't specified in your document.

3 MR. PETYAK: Yeah. The most, the biggest, I'm sorry.
4 This is Ryan Petyak on behalf of Matt Medvene from 3877. The
5 major changes, as you stated, were relative to the façade,
6 specifically with colors, as well as signage over the main entry
7 to make sure that it was pronounced and identifiable as an entry
8 to the apartment building.

9 VICE CHAIRPERSON BLAKE: Okay. And the Office of
10 Planning had also made some comments with regard to deficiencies
11 in the site plan with regard to a path for external trash pick-
12 up. Did you address those in any way?

13 MR. PETYAK: Thank you. Yes, those were addressed
14 through Huska & Horgan Consulting. They're a civil engineering
15 firm. So we worked to make sure that there was a readily
16 available trash enclosure area to the back. I believe also the
17 Office of Planning asked us to provide some screening so that was
18 included in the renderings and the trash access off the side of
19 the sidewalk has been provided.

20 VICE CHAIRPERSON BLAKE: Would you be able to show me
21 on the, one of the, on the plans where that is exactly? The
22 rendering, something that reflects the -- I think your slide may
23 have done that so I want to be able to reference it in the
24 document, in the, somewhere.

25 MR. PETYAK: Yes. I am unfortunately on my phone today.

1 If Mr. Mike can please pull up the civil plan, please, or the
2 site plan? It's the site plan --

3 MR. WILLIAMS: It's going to be Exhibit 16A in the
4 record. Pulling that up.

5 CHAIRPERSON HILL: No problem. It's 16A, slide 4.

6 VICE CHAIRPERSON BLAKE: And is that the same that was
7 in the slide show today?

8 MR. WILLIAMS: Yeah. It looks like it was. I wasn't
9 sure and so I was deferring to the actual plans but now that I'm
10 looking at it it was in the slide show as well.

11 VICE CHAIRPERSON BLAKE: Okay. I prefer the one in the
12 actual plans. Okay. Could you explain exactly, if you have it
13 in front of you could you explain?

14 MR. WILLIAMS: I'm going to just share my screen if
15 that's okay.

16 VICE CHAIRPERSON BLAKE: No, you can't do that.

17 MR. WILLIAMS: We can't?

18 VICE CHAIRPERSON BLAKE: No.

19 CHAIRPERSON HILL: No.

20 MR. WILLIAMS: I've never done it but it's giving me
21 the option.

22 CHAIRPERSON HILL: No, don't do it.

23 MR. WILLIAMS: Okay.

24 VICE CHAIRPERSON BLAKE: The site plan is on the screen
25 now but if you can put it up, you can talk from your screen. We

1 have it visually.

2 MR. WILLIAMS: Sure.

3 VICE CHAIRPERSON BLAKE: We have it visually so you can
4 talk to it.

5 MR. WILLIAMS: It's in the top left corner of the site
6 plan. You can see there's like a little enclosure shaded with
7 the little trash receptacles off the corner of W Street and where
8 the public alley should be.

9 ZC COMMISSIONER WRIGHT: I don't have that on my screen.
10 If we could just pull up the PowerPoint and go to the slide in
11 the PowerPoint it would be the easiest.

12 MR. SAKINEJAD: I'm sharing it.

13 MR. WILLIAMS: There it is.

14 ZC COMMISSIONER WRIGHT: Yeah.

15 MR. SAKINEJAD: Sorry, there's about a 15 second delay
16 on this.

17 CHAIRPERSON HILL: Go ahead, Mr. Williams. Can you see
18 it?

19 MR. WILLIAMS: Yes, I can see it. If everyone else
20 can. In the top left corner of the site plan at the corner of W
21 Street and where the alley should be you can see the trash
22 receptacles and the screen area just behind where the building
23 will be. That's where the trash, that's what we added in. That's
24 where the trash receptacles and screening will be located.

25 MR. MEDVENE: And for clarity that's where the trash

1 receptacles are currently for the four buildings. They're all
2 four being served by one trash vendor in that same location and
3 we've already confirmed with the trash vendor that when the
4 building is complete they would be more than happy to continue
5 servicing the completed project in the same location in the same
6 manner (phonetic).

7 VICE CHAIRPERSON BLAKE: Okay. And also the Office of
8 Planning had talked about a clear path. Has that been provided
9 from both buildings, a clear path to that?

10 MR. PETYAK: From both buildings by way of a pathway.
11 You can see there as it wraps up around the top right corner of
12 the left square, for lack of better terms. We think of this as
13 like a dumbbell. You can see the pathway coming from a rear door
14 as it wraps down towards the trash enclosure. That center area
15 is essentially a connecting piece between side left and side
16 right so all units have access to that door and pathway by the
17 inside of the building.

18 VICE CHAIRPERSON BLAKE: Okay. Great. I have one
19 other, so to be clear. The trash collection will be from the
20 rear of the alley and there's ample access to serve others in
21 the alley, same collector. Okay.

22 ZC COMMISSIONER WRIGHT: Can I ask a clarification on
23 that since there really is no alley? When the trash receptacles
24 are full and your private trash pick-up happens, do they park on
25 the street and wheel the trash receptacles to their vehicle? Do

1 | they pull into your adjacent neighbor's drive? How do they
2 | actually get to the receptacles? I mean they're doing it today,
3 | but how do they do that?

4 | MR. MEDVENE: They do one of the two. I don't know
5 | for sure. I would imagine depending on the crew some might stop
6 | on the street if there's no cars parked on that street there. If
7 | there are cars parked there then they would probably pull into
8 | that private alley just at the curb cut area to load it up and
9 | then back out and leave.

10 | ZC COMMISSIONER WRIGHT: Okay. Thank you.

11 | VICE CHAIRPERSON BLAKE: Okay. And my last question
12 | is the issue of loading, moving and moving out. Now basically
13 | because of the size of this property a loading plan is not
14 | required but I would be curious to know -- I think we're going
15 | to have to use street loading and unloading, you've got 29
16 | apartments loading and unloading and I note that DDOT has
17 | basically opined on this -- but I'm just curious to know is the
18 | width of the street able to really accommodate that and how you
19 | anticipate having that move in, move out take place?

20 | MR. MEDVENE: Given that we're located on the corner
21 | it gives us the unique ability to have access to two streets as
22 | needed. There's also on W Street this is additional parking
23 | spaces across the way that can be used for parking and moving
24 | and whatnot as needed for staging during the movements.

25 | VICE CHAIRPERSON BLAKE: Okay. Thank you. That's all

1 I have for now.

2 CHAIRPERSON HILL: Go ahead, Mr. Smith.

3 COMMISSIONER SMITH: This is to the Applicant and this
4 is, again, about, you know, this line of accessibility that's
5 being asked by my fellow Board members. The trash receptacles
6 are along the alley it looks like or at the intersection of the
7 alley and W Street, so I'm assuming there would be access either
8 via the alley or W Street and I was questioning about loading.
9 I'm assuming with loading of the residents moving into their
10 buildings would occur either on 40th or W Street.

11 My question is about, again, going back to this
12 question about accessibility. It doesn't look like there's a
13 sidewalk that touches from enter to the property to any of the
14 District sidewalks but on 40th Street. How are these trash
15 containers being accessed from the alley if there really isn't a
16 hard path to the alley? Can you talk about that and why you
17 didn't include one?

18 MR. MEDVENE: Are you referring to how the trash vendor
19 will be accessing it or how the tenants, because the tenants have
20 a hard --

21 COMMISSIONER SMITH: Both.

22 MR. MEDVENE: -- path from the building.

23 COMMISSIONER SMITH: Well, I see the tenants can access
24 it via a hard path from the building but I don't see a hard path
25 to the alley and I'm assuming (indiscernible).

1 MR. MEDVENE: Because that would require us to cross,
2 that would require us to build structures crossing the unimproved
3 alley that is not our property.

4 COMMISSIONER SMITH: So --

5 MR. MEDVENE: So as it stands now the trash vendor, the
6 private trash vendor comes and crosses the sidewalk and walks up
7 the slight hill on our property at the corner to access the trash
8 cans, pull them down, service them, and then pull them back up.
9 That's the only one that we're able to do it without crossing
10 the public alley or creating a new curb cut or some other
11 mechanism that goes into public space that we're not permitted
12 to do.

13 COMMISSIONER SMITH: Okay. All right. So there isn't
14 a sidewalk along W Street that you could connect to with a
15 sidewalk, just for clarification?

16 MR. MEDVENE: Correct. There is -- Ryan, don't we,
17 there is not from the trash alley, no. There is a --

18 MR. PETYAK: There's a public sidewalk on W Street that
19 wraps down that street as you can see in the presentation photos,
20 so there is a sidewalk there but there is not currently a hard
21 scape path from the trash receptacles to the sidewalk because
22 currently the trash vendor is familiar with and accepts how the
23 current configuration is established.

24 COMMISSIONER SMITH: So I think you should probably,
25 and I think this is a comment that was also made by the Office

1 of Planning. For accessibility purposes I think if you can
2 construct some type of hard scape path from where the trash
3 receptacles are to the public street that connects to that
4 sidewalk, I would highly recommend that.

5 CHAIRPERSON HILL: So the question is I don't know what
6 you guys, they're just trying to figure out how to get the trash
7 from the trash area there down to that sidewalk. Do you know if
8 that's -- is that something you guys can do or do you have to go
9 through Public Space first?

10 MR. WILLIAMS: We'd have to go through Public Space for
11 that.

12 CHAIRPERSON HILL: Right. You'd have to go through
13 Public Space (indiscernible).

14 COMMISSIONER SMITH: You would have to go through
15 Public Space for you to connect to a sidewalk that already exists
16 along W Street?

17 ZC COMMISSIONER WRIGHT: Put some sort of paved path
18 on your property essentially paralleling where the public paper
19 alley is but not going into the paper alley?

20 MR. WILLIAMS: Yeah. I mean, we could do that. I'd
21 have to look at where the sidewalk is vis-à-vis our private
22 property because if it's not obviously on the line then we are
23 building into public space to connect with the sidewalk, and I'm
24 just trying to pull up my survey right now to see where it is.
25 And Ryan or Matt, step in if you know whether that sidewalk is

1 built right up to the property line.

2 MR. MEDVENE: I'm looking at the plans right now as we
3 speak trying to take a look at --

4 MR. WILLIAMS: I'll look at the survey.

5 MR. MEDVENE: -- because I just want to make sure before
6 we speak or say anything that (indiscernible).

7 COMMISSIONER SMITH: I'm looking at the current
8 conditions image within your presentation and I'm assuming where
9 this trash enclosure would be if I'm looking at the image that
10 says current conditions, the image at the top left it says
11 existing unimproved public alley. I'm assuming that where there
12 is a, there's already a fence there now, I'm assuming that that
13 is roughly where this trash enclosure that you're planning to
14 construct; am I right?

15 MR. WILLIAMS: That's correct.

16 COMMISSIONER SMITH: So I'm visually seeing that there
17 is a sidewalk there that runs along W Street and I believe that
18 Commissioner Wright and I are highly recommending that you
19 construct some form of a hard scape surface that will connect to
20 where presumably this trash enclosure will be to the public
21 sidewalk.

22 Now, what I'm assuming is are you maybe hesitant to do
23 this is because it may require you to redesign where this trash
24 enclosure is because it looks it may abut up against to where
25 the unimproved alley is. That very well may be what you need to

1 do, but there needs to be some type of sidewalk that connects to
2 the W Street sidewalk. That is my recommendation.

3 ZC COMMISSIONER WRIGHT: They'll be dragging the trash
4 cans against, along the grass with more trash cans than what they
5 currently have. They're going to be digging up the grass.

6 COMMISSIONER SMITH: Exactly.

7 ZC COMMISSIONER WRIGHT: I mean, I think you need,
8 again, on your property but parallel to where the actual paper
9 alley is, even if it's just an asphalt pathway. It doesn't have
10 to be a big sidewalk. But I think you need something so that
11 they can drag the trash cans without dragging them over the grass.

12 MR. MEDVENE: We can do that. We're fine with agreeing
13 to that. We are actually in looking at I believe in evaluating
14 accessibility requirements from an ADA perspective, I think we
15 are already exploring adding an additional ramp, ADA ramp, for
16 access from the side of the building to W Street so what we can
17 do is we can tie in the trash enclosure, pathway from the trash
18 enclosure to that ramp that gives a hard pathway for them to get
19 the trash down from the trash enclosure down to W Street. So
20 that is not a problem. We can accommodate that.

21 COMMISSIONER SMITH: Thank you. I appreciate that and,
22 you know, I would highly recommend, and this is to the Chairman,
23 that we continue this conversation. So if that's what you're
24 willing to do I want to see that in a set of plans that we can
25 deliberate on to make this decision.

1 CHAIRPERSON HILL: So, whoever is not on mute, can you
2 mute yourself when you're not talking for a second.

3 So I think all you guys are hearing from a couple of
4 my fellow Board members is again how you're getting the trash,
5 they're probably dragging it across the grass now and so, you
6 know, how you're going to get this now to where it's not being
7 dragged across the grass, right, and if you guys can get us
8 something relatively easy then we can come back here either next
9 week or, I don't know how fast your architect can draw something
10 up that we can just see how that trash is going to not be dragged
11 across the grass, you know, we can do this at the end of the day.
12 Well, I don't have a very long day today so I don't know where
13 you all are or how fast you can get plans. We have to approve
14 plans, that's the problem.

15 So does anybody from your team know how quickly we can
16 get something?

17 MR. PETYAK: We can probably get something fairly, oh,
18 I'm sorry, Mr. Hill. This is Ryan Petyak. We can probably get
19 something quickly.

20 I just did want to ask for some clarity. We're using
21 the term accessibility. I want to make sure that we're talking
22 about this paving from the sidewalk to the trash cans is access
23 to pull the dumpsters by way of the trash collectors and not
24 necessarily providing additional accessibility with regards to
25 the ADAAG --

1 CHAIRPERSON HILL: Thanks. You're correct.

2 MR. PETYAK: -- or ADA.

3 CHAIRPERSON HILL: You're correct. You're correct.
4 It's for the trash.

5 MR. PETYAK: So --

6 CHAIRPERSON HILL: Yeah. Sorry.

7 MR. PETYAK: No, no, no, it's okay. So in regards to
8 this committee, if a paved surface that was not compliant with
9 the one to twelve slope was shown, then that is something that
10 would meet the criteria that you guys are asking for, not
11 necessarily providing an accessible ramp in regards
12 (indiscernible) --

13 CHAIRPERSON HILL: Yes, yes, yes. Correct. So how
14 long could that take?

15 MR. PETYAK: I can probably have that completed before
16 you're done with this hearing today.

17 CHAIRPERSON HILL: Okay. All right. I've got two more
18 cases. So let's see, if you can get it, great. Okay. All right.

19 I'm going to turn to the Office of Planning. I'm sorry.
20 Go ahead, Commissioner Wright.

21 ZC COMMISSIONER WRIGHT: I had a question about a
22 different topic. The report noted that you don't have to do a
23 TDM, a transportation demand management plan, because you're
24 dealing with under four spaces which is great and I appreciate
25 that and, again, I do want to say, you know, like I said with

1 the last one I think this project's great. The fact that you're
2 doing three IZ units all of which are three bedroom, fantastic.
3 Really important.

4 You know, I think the way as you get into a slightly
5 bigger project like this, this isn't a huge project but it's a
6 slightly bigger project and you don't have parking, is you look
7 at transportation demand management and I know it's not
8 technically required but I would love you to explain if there are
9 things that you are doing. For example, do you have bicycle
10 parking spaces anywhere at this apartment building so that your
11 tenants who may travel by bicycle have a place to park their
12 bicycles? Do you know the distance to the nearest bus line? You
13 know, would you be willing to, you know, provide your residents
14 with, you know, when they first move in as an introduction, you
15 know, a bus pass or a metro pass or whatever.

16 Are there some things that you are thinking of doing
17 with your tenants to make it easier for them to live in a building
18 that does not have parking? So that's my question.

19 MR. PETYAK: Thank you. I can speak to the bike
20 parking. We have provided the zoning required bikes long term
21 bike parking in the design of the project. I'll be candid with
22 you, I don't recall the exact quantity associated with 29 units
23 but we did meet that criteria in the design.

24 And I can answer your other question which is the
25 Wisconsin Avenue bus line, which is one of the exempt, or one of

1 the bus lines that reduces the vehicle capacity by a half, is a
2 third of a mile away. If you recall in the zoning regulations
3 for a bus line to be considered towards the exemption, it's a
4 quarter of a mile. So it's not a half mile, not a mile, so it's
5 outside of those criteria and one of my colleagues just informed
6 me that we provided ten long term bike parking spaces inside of
7 the property.

8 CHAIRPERSON HILL: Okay. Okay. All right.

9 May I turn to the Office of Planning? Thank you.

10 MR. JURGOVIC: Mr. Chairman, members of the Board, this
11 is Michael Jurgovic, Development Review Specialist with the
12 Office of Planning.

13 OP recommends approval of the Applicant's requested
14 areas of relief and, as you all discussed, with conditions listed
15 in our report. We stand on the record of our report and happy
16 to answer any questions. Thank you.

17 CHAIRPERSON HILL: Okay. Great.

18 So I guess as we're kind of talking about the
19 conditions, like, I think that again if this plans, if the plans
20 seem to satisfy the Board I don't necessarily think a condition
21 would be necessary because that would then just satisfy the Board
22 in terms of that particular issue that OP is bringing up.

23 In terms of, and I'm just going to have a discussion
24 also since I have the mike open for a minute, in terms of the
25 TDM plan I mean I think that, again, it's something that is not

1 necessarily, I appreciate, is not necessarily required and
2 therefore isn't required from them. If there's something they
3 would like to do to help with this then I think that's something
4 that we should do, but I personally am not in support of DDOT's
5 condition to implement a TDM plan because it's not something that
6 is necessary at this point.

7 However, I am very happy and I think we're all, well
8 I'll say this but I also enjoy the project. I think the project's
9 a nice project. I think I like what they're trying to do with
10 the three bedroom units. There's been more talk about three
11 parking spaces, but we can talk about all this in deliberations
12 as well.

13 Does anybody have any questions for DDOT? I'm sorry,
14 not DDOT. Does anybody have any questions for the Office of
15 Planning?

16 Go ahead, Mr. Blake.

17 VICE CHAIRPERSON BLAKE: Sure. Just ask the Office of
18 Planning a question.

19 Did what we talked about just now in going through the
20 deficiencies really capture the issues that you had raised in
21 your review? Has the Applicant adequately addressed all these
22 issues, in your opinion?

23 MR. JURGOVIC: Yes. As you guys have discussed, the
24 condition was primarily to find a way to connect the proposed
25 trash area either to the sidewalk or other means to better

1 facilitate trash collection, so as Commissioner Wright stated,
2 these aren't dragged, and I believe Board member Smith as well,
3 these aren't just regularly dragged over the grass, so.

4 VICE CHAIRPERSON BLAKE: Okay. Thank you.

5 CHAIRPERSON HILL: Okay. Mr. Sakinejad, is there
6 anyone here wishing to speak?

7 MR. SAKINEJAD: There is not.

8 CHAIRPERSON HILL: Okay. Great. Okay. And I'm going
9 to, Mr. Petyak, I'm sorry. Is that close?

10 MR. PETYAK: Nailed it.

11 CHAIRPERSON HILL: Okay. Thanks. All right.

12 The reason why I'm going to try to do this as
13 efficiently as possible is because we only have, we're at the end
14 of our term here, right, and I want August to come quickly. So
15 if you can try to get this in, okay, to the secretary and if it
16 doesn't happen then we'll push this to next week. But if you
17 can get us something, I mean it's not going to take long, I've
18 got two more cases, okay? So I'm going to close the hearing
19 except for what we're talking about which is the plan that we
20 can see indicating how the trash is not going to be dragged over
21 the grass, okay, and put that into the record and then we'll come
22 back, we might even take a little bit of a break so you have a
23 better chance.

24 MR. PETYAK: I'm going to jump off and start that now.

25 CHAIRPERSON HILL: Okay. Great. All right.

1 Mr. Williams, you understand how to help your client
2 with this, correct?

3 MR. WILLIAMS: We do.

4 CHAIRPERSON HILL: Okay. All right. We'll see you
5 guys a little bit later.

6 MR. WILLIAMS: Great. Thank you.

7 CHAIRPERSON HILL: I'm going to close this portion of
8 the hearing. Mr. Sakinejad, if you could please excuse everyone
9 (indiscernible). Okay. Madam Secretary, okay.

10 MS. MEHLERT: Just to clarify, will you be coming back
11 for a continued hearing on (indiscernible)?

12 CHAIRPERSON HILL: Yeah, it's a continued hearing.

13 MS. MEHLERT: Okay.

14 CHAIRPERSON HILL: Okay? All right.

15 I'm going to take a quick five minute break if that's
16 good with you guys. Okay? We'll come back in, like, five minutes
17 or so. Thank you.

18 (Whereupon, there was a brief recess.)

19 CHAIRPERSON HILL: Okay, Madam Secretary, if you want
20 to call us back in and call our next case.

21 MS. MEHLERT: The Board is back from a quick break and
22 returning again to its hearing session.

23 The next case is Application No. 21316 of Saturday
24 Nnam. This is a self-certified application pursuant to Subtitle
25 X, Section 901.2 for a special exception under Subtitle E, Section

1 207.5 to allow the rear wall of a row building to extend farther
2 than ten feet beyond the farthest rear wall of an adjoining
3 principal residential building on an adjacent property.

4 This is for a two-story rear addition to an existing
5 two-story row dwelling. It is located in the RF-1 zone at 515
6 21st Street, Northeast, Square 4516, Lot 203. As a preliminary
7 matter the Applicant has filed two motions to accept a late
8 filing. This is to submit a shadow study which is in the record
9 at Exhibit 29.

10 CHAIRPERSON HILL: Okay. Great. Thank you.

11 Unless my Board has any issues I'm going to accept the
12 late filing because I want to see the shadow study and if the
13 Board has any issues, please let me know.

14 (No response.)

15 CHAIRPERSON HILL: Okay. Hearing none. All right.

16 If the Applicant can hear me, if they could please
17 introduce themselves for the record.

18 (Pause.)

19 CHAIRPERSON HILL: I think you're on mute, sir. There
20 you go.

21 MR. RACHAL: Good morning, Chairman Hill and members
22 of the Board. My name is Anthony Rachal. I'm an attorney for
23 the Applicant, Mr. Saturday Nnam. Mr. Nnam is with us this
24 morning. In addition, Mr. Scott Willett, of the firm Willett's
25 Architecture is also here as a part of our presentation.

1 CHAIRPERSON HILL: Okay. Great.

2 Okay, Mr. Rachal, if you want to go ahead and walk us
3 through your client's application and why you believe they're
4 meeting the criteria to grant the relief requested. I'm going
5 to put 15 minutes on my own clock and I can let you know if, as
6 you get closer to the time if there's an issue, and you can begin
7 whenever you like.

8 MR. RACHAL: Yes. Thank you, Chairman Hill.

9 First of all, I'd like to just clarify the record. The
10 Applicant submitted a shadow study as a part of its application
11 and it was updated, and we were seeking permission to provide for
12 the updated submission of the shadow study as requested by the
13 office of Planning to supplement what had previously been
14 filed --

15 CHAIRPERSON HILL: Okay.

16 MR. RACHAL: -- and I appreciate the Boards accepting
17 that late filing of the supplemental materials.

18 The Applicant is seeking a special exception pursuant
19 to Subtitle E, Section 5201 and under Subtitle X, Section 901.
20 The present development is within a single household row dwelling
21 unit. There would be no changes to the existing structure except
22 for the rear addition which exceeds the requirement that it not
23 be past a ten foot limitation.

24 The application is going to be presented by our
25 architect in terms of the facts of the plans and to orient the

1 Board as to the existing conditions. I would ask Mr. Scott
2 Willett to provide for that presentation based on the submission
3 we made earlier to the record for the inclusion of that as a part
4 of our presentation today. Mr. Willett, if you would provide
5 those details I'd appreciate it.

6 MR. WILLETT: Good morning, Chairman Hill and members
7 of the Board. My name is Scott Willett, architect with Willett's
8 Architecture in nearby Bethesda, Maryland. We have created a
9 shade study along with a due diligence background document, the
10 latter of which I would like presented. So if Mr. Sakinejad can
11 post what I believe is called the Eight Page Document I'd be
12 happy to walk the Board through this part of the presentation and
13 please ask any questions as we go.

14 MR. SAKINEJAD: It should be coming up now.

15 MR. WILLETT: Could we present the other document
16 first, please?

17 CHAIRPERSON HILL: Do you know which exhibit you're
18 talking about, Mr. Willett?

19 MR. WILLETT: Well, I believe it was submitted it was
20 called the Eight Page Shade Study, so you should have two
21 different attachments.

22 MR. RACHAL: It was 23B, Mr. Chairman.

23 CHAIRPERSON HILL: Thank you.

24 MR. WILLETT: I'd still like to see the other document,
25 please.

1 CHAIRPERSON HILL: It's just taking a little time I
2 think, Mr. Willett.

3 CHAIRPERSON HILL: It's 23B, Mr. Sakinejad. For some
4 reason I'm also having a hard time pulling up things.

5 CHAIRPERSON HILL: And if everyone can mute themselves
6 unless they're talking, that would be helpful. Thank you.

7 CHAIRPERSON HILL: I mean, I don't know what happened.
8 Like, I can't even pull stuff slowly getting out of the system
9 for some reason. I guess, Mr. Willett, also if you could, since
10 I've got a minute to ask, if you can tell us what's there now as
11 you're going through this.

12 MR. WILLETT: Yes, certainly. This is a row house.

13 CHAIRPERSON HILL: Well, Mr. Willett, just wait until
14 this presentation gets pulled up.

15 MR. SAKINEJAD: I'm sorry. I'm not sure what's going
16 on here.

17 CHAIRPERSON HILL: Sure.

18 MR. SAKINEJAD: It is dreadfully slow.

19 CHAIRPERSON HILL: The one that finally came up on mine
20 was Exhibit 23B.

21 MR. SAKINEJAD: 23B was superseded by 29, correct?

22 MR. WILLETT: Superseded? Complimented. You should
23 have two documents.

24 MR. SAKINEJAD: So the shadow, so the full, okay. So
25 the full plans are still current but the shadow study is swapped

1 out?

2 CHAIRPERSON HILL: If you just want to go ahead, Mr.
3 Sakinejad, and pull up 23B.

4 MR. SAKINEJAD: Okay. Just a second.

5 CHAIRPERSON HILL: Yes.

6 (Pause.)

7 MR. SAKINEJAD: Okay. It is sharing currently. It's
8 probably going take us ten seconds (indiscernible). Okay.

9 MR. WILLETT: All right. Thank you very much.

10 CHAIRPERSON HILL: Mr. Willett? Mr. Willett, just one.
11 Is that what's there now, in the top left?

12 MR. WILLETT: Yes.

13 CHAIRPERSON HILL: So it's already built?

14 MR. WILLETT: That is correct and we have site photos
15 which are part of this document which will explain it as well.

16 CHAIRPERSON HILL: Okay. Go ahead, Mr. Willett.

17 MR. WILLETT: So the top left image that you referenced,
18 that's a three dimensional BIM model. We did a shade study using
19 this tool since it effectively shows not only shadows on the
20 ground but we think more relevantly across the façade of adjacent
21 buildings which is the primary concern. So you will be seeing
22 them in more detail throughout the year.

23 In the second document, the initial due diligence
24 study. This cover page we present the site plan of location.
25 This property is just a few blocks north of RFK Stadium and if

1 we go to the next slide, please just a little more information
2 about the site itself. Thank you.

3 This is lot 203. This is the third one down from the
4 top of square 4516. Also attached on this lot is the wall test
5 report that was done during the building permitting process and
6 below that is the plat for the building permit application itself.
7 The original design was for an 11 foot rear extension to the
8 existing rowhouse. Due to soil conditions the footings needed
9 to be re-located and the as-built conditions are now fifteen
10 feet, two and a half inches. So a difference of four feet and
11 two and a half inches from what was approved from the permit set.
12 Next slide, please.

13 This is a zoning study. Just has a quick break down
14 of the existing and as-built conditions. Most relevant is with
15 the addition as built we've covered 42.3 percent of the site.
16 The maximum allowable for zoning is 60 percent so we're within
17 the zoning limits for lot coverage. Also if you look at the
18 diagram to the right the rear property setback line is 22 feet
19 and we are shy of that as well. So even with the changes that
20 happened during construction we're within the zoning parameters.
21 If no questions, next slide, please.

22 What we've depicted here is the rear addition as
23 designed with the 11 foot extension and ghosted in there is the
24 as-built condition of fifteen, two and a half. So, again, about
25 a four foot two and a half difference between permitted and what

1 was built and still within our parameters, and --

2 CHAIRPERSON HILL: Mr. Willett?

3 MR. WILLETT: -- (indiscernible) twenty-one and a half
4 feet from the rear property line. Yes, Chairman Hill?

5 CHAIRPERSON HILL: Thanks. I just want to move along
6 in a different way.

7 MR. WILLETT: Okay.

8 CHAIRPERSON HILL: If you can, Mr. Sakinejad, if you
9 could drop that slide deck for a second. Okay. Thanks.

10 I mean, I think we all kind of know what we're looking
11 at, in terms of the Board does, in terms of what we need to be
12 doing, but before I get to the Board's questions just real quick,
13 can I hear from the Office of Planning?

14 MS. MYERS: Sure. Crystal Myers for the Office of
15 Planning.

16 The Office of Planning recommends its support of this
17 case and can stand on the record of the staff report, but of
18 course here for questions. Thank you.

19 CHAIRPERSON HILL: Great. Thank you. I'm going to ask
20 a couple of questions and then I'll turn it over to the Board.

21 Mr. Willett, so you guys built this 15 feet as opposed
22 to the 11 because there were supposedly some soil issues; is that
23 correct?

24 MR. WILLETT: That is what transpired. I'm not the
25 architect of the project. I'm an independent consultant.

1 CHAIRPERSON HILL: That's all right. I'm just trying
2 to understand real quick.

3 MR. WILLETT: Yes.

4 CHAIRPERSON HILL: And then you all did go to the, and
5 so is it Mr. Rachal? You all did go to the ANC and you presented
6 with the fifteen foot two inches to the ANC?

7 MR. RACHAL: Yes, we did, Chairman Hill. We went to
8 the ANC Zoning Committee twice and in the first meeting they
9 requested a shade study which we performed.

10 CHAIRPERSON HILL: That's fine. And so the two next
11 door neighbors, adjacent neighbors, what was their feedback?

12 MR. RACHAL: One neighbor at 513 gave us a letter of
13 support. That is in the record at Exhibit 10. We sent a letter
14 to the other adjoining property owner and we had not heard back
15 from them relative to the request.

16 CHAIRPERSON HILL: Okay. And I see the shadow studies
17 that you put in there. How come you guys put in this, the shed
18 in the neighbor's yard?

19 MR. RACHAL: Chairman Hill, that's not our shed. That's
20 the property owner's shed at five --

21 CHAIRPERSON HILL: Right. The next door neighbor?

22 MR. RACHAL: Yes, correct. That's 517.

23 CHAIRPERSON HILL: Okay. Okay. All right.

24 Now I'm going to turn to the Board. What questions,
25 Mr. Blake?

1 VICE CHAIRPERSON BLAKE: When I look at this project
2 it's clearly incomplete. There's a second level door kind of
3 goes to nowhere. Kind of, how does that end? What is, how does
4 this continue because obviously there are two units, the lower
5 one I assume is for the lower unit and the upper floor would
6 actually need egress. Could you explain how that, and you
7 anticipate that unfolding and I say that because I'm curious to
8 know the next step in this process?

9 MR. RACHAL: The next step would be to get permitted
10 for a landing and not to allow for someone to exit that door at
11 the second level. It is, there would be no patio associated with
12 that up store second-story area. It would just be a landing to
13 allow steps to come down to the ground.

14 VICE CHAIRPERSON BLAKE: Okay. Has that already been,
15 is that permit in, within process now?

16 MR. RACHAL: No, it's not. We're seeking to get
17 approval for the extension before we could then file for a permit
18 for the continuation of the project.

19 VICE CHAIRPERSON BLAKE: Okay. Do you have a rendering
20 of what the stair, landing and stairs would look like? Where it
21 would be placed?

22 MR. RACHAL: Not at this time. No, we do not.

23 VICE CHAIRPERSON BLAKE: Okay. But you anticipate a
24 landing and staircase?

25 MR. RACHAL: A landing in order for someone to exit the

1 door and then to immediately go down via steps to the ground.

2 VICE CHAIRPERSON BLAKE: Okay. All right. Thank you
3 very much.

4 MR. RACHAL: Mr. Willett might be able to add additional
5 comments.

6 MR. WILLETT: Yes. If we were to continue the
7 presentation I have photos and drawings of the rear facades and
8 it will describe existing conditions that neighbors have with
9 rear stoops and I believe what we're intending is closely aligned
10 with what other folks have done along that alleyway.

11 CHAIRPERSON HILL: Which exhibit is that in, Mr.
12 Willett because it's not in the eight pages, I think?

13 MR. WILLETT: It should be page 5 of the eight page
14 document.

15 ZC COMMISSIONER WRIGHT: I would appreciate seeing the
16 rest of their presentation because I'm having a hard time trying
17 to pull it up on a separate computer and still keep this screen.
18 So I would love to see the rest of the presentation if we could.

19 CHAIRPERSON HILL: Mr. Sakinejad? Can you go ahead and
20 bring back up slide 4?

21 MR. WILLETT: Slide 5, actually. Yes. Okay. I see
22 it, hopefully everyone else as well.

23 This has front and rear elevations. The rear
24 elevations are on the right. You can see that the neighbors 513
25 and 517 have a similar condition with a main level rear door and

1 a stoop with stairs that enter down into the alley and the
2 photographs below show how those are configured for each of those
3 properties. So it's really just a stoop, three and a half, four
4 feet deep probably with a straight run of stairs into the back
5 of the yard.

6 CHAIRPERSON HILL: Okay. Mr. Willett, you can keep on
7 going but, Mr. Rachal and/or Mr. Willett, this isn't increasing
8 any relief, correct?

9 MR. RACHAL: Correct, Chairman Hill. It is not. There
10 is no need to seek relief for the lot width nor the lot area nor
11 the height, nor the --

12 CHAIRPERSON HILL: No, no, no. What I'm saying when
13 you add the landing, it's not increasing FAR or anything, you're
14 just adding that landing to go down to the next level?

15 MR. RACHAL: Right. That's correct. There's no
16 increase.

17 CHAIRPERSON HILL: Okay. Mr. Willett, you can go ahead
18 and keep.

19 ZC COMMISSIONER WRIGHT: I might just say, some of the
20 other properties have more than what I would call a landing.
21 Some of them have what I would call a small deck and then steps
22 down. So what I'm concerned is that we're all talking the same
23 language here because if you did a small deck it would change
24 your lot coverage and it would change what you're presenting. So
25 when you say just a landing, you know, on this slide the property

1 to the right has more what I would call a small deck. The
2 property to the left has more what I would call a true landing.
3 So I just think we have to be very clear about what you're
4 actually proposing to do.

5 MR. RACHAL: We are actually proposing, as indicated
6 earlier, just a stoop or landing with steps and we would be
7 willing to have a condition imposed because there is no intent
8 to erect a deck at all.

9 CHAIRPERSON HILL: It's up to you guys in terms of my
10 Board members. If you all want to see the plans, and I'm happy
11 to go either way, if they need more -- if they built something
12 illegal then I guess if that's something that is of concern, then
13 we go ahead and take a look at whatever they would like to do.
14 I also find it, you know, it would have been better to have seen
15 what is actually being proposed but I can't see my fellow Board
16 members right now so I don't know what you guys want to do. Do
17 you all want to speak up and tell me?

18 VICE CHAIRPERSON BLAKE: Mr. Chair, from my perspective
19 it would be good to see. From my calculations they have about
20 75 square feet to work with to do something beyond that. To the
21 extent that it's a landing and staircase it would, you know, not
22 count against lot occupancy which is really the issue if you were
23 to fill that out and it is possible just as a, for sand reasons
24 they may need to expand it beyond that.

25 So the fact that they didn't do it right the first time

1 I got to say I'd like to see on the plans what exactly they'd
2 like to do so I'm clear. I understanding representation but I
3 don't think we put in a condition that said you would have to
4 build a deck that's like this. Now you can build what you build.
5 If you're not in compliance there's an issue, but I think it
6 would be better for us to see what they plan to build. That's
7 easier from an enforcement standpoint it's easier from a review
8 standpoint, et cetera. So I'd like to actually see exactly what
9 they're talking about and what the impact is on that, although I
10 do agree that what we have here right now is within the context
11 of the, you know, requirements and so forth but it would just,
12 to me I'm just curious about that addition. I'd like to see what
13 it is.

14 CHAIRPERSON HILL: That's fine. Commissioner Wright?

15 ZC COMMISSIONER WRIGHT: I agree. I think we have to
16 know what we are taking action on and at this point we have a
17 verbal description of a landing. We don't know if the steps are
18 coming straight out, if they're coming along the side of the
19 building, we don't really know what we're acting on and so that,
20 I think we need to have a clear understanding of what the final
21 building will look like when we're done.

22 CHAIRPERSON HILL: Okay. And I'm not disagreeing. I'm
23 happy to see what you guys want to see. My thought, again, and
24 I don't know if Mr. Smith has an impression or not, is, again,
25 if they build something illegal then they're building something

1 | illegal. If they're building something they're allowed to build,
2 | but I agree. It's not really clear. It's better to have
3 | something that we can actually see, which is fine.

4 | So, Mr. Willett, you're going to get kicked to next
5 | week, okay, because I'm not going to do another drawing thing
6 | again for today because I have other things that are working in
7 | my time line here. So you can go ahead and continue with this
8 | presentation, Mr. Willett, and then we're going to have to come
9 | back next week and see -- do you understand what's being asked
10 | of you, Mr. Willett? And I forget, you're not the architect or
11 | you are?

12 | MR. RACHAL: Not the architect.

13 | MR. WILLETT: Independent consultant.

14 | CHAIRPERSON HILL: Got it.

15 | MR. WILLETT: So I have to --

16 | CHAIRPERSON HILL: Yes. Mr. Rachal, I guess you have
17 | to work with your architect and put something, you know, show us
18 | whatever it is that you think you're planning on doing which
19 | would be within the right if you did get this relief for that
20 | second story. Do you understand?

21 | MR. RACHAL: Yes, yes I do, Chairman Hill, and we would
22 | be happy to do so.

23 | CHAIRPERSON HILL: Okay. Great. Well, then, I don't
24 | know, Mr. Willett, I guess you can continue on. You have a few
25 | more slides here. Who spoke? Mr. Rachal?

1 MR. RACHAL: Yes. I would like for him to complete the
2 report to at least conclude the issue with regard to the shade
3 matter.

4 CHAIRPERSON HILL: Sure.

5 MR. RACHAL: Thank you.

6 MR. WILLETT: And the shade study is on the other
7 document that you had previously posted, Mr. Sakinejad.

8 CHAIRPERSON HILL: And I'm going to assume that that's
9 Exhibit 29?

10 MR. RACHAL: Yes, Chairman Hill.

11 CHAIRPERSON HILL: Okay.

12 MR. WILLETT: So what we have presented here are side
13 by side slides of the shade conditions at various points of the
14 year. Upper left starts with March 21st, the spring equinox and
15 the upper image in all cases is what was built. That's the
16 fifteen foot four addition. I've shown that façade ghosted with
17 the as permanent façade behind it. What it does though is casts
18 the shadow at the time of day. This is 2 p.m. where the shadows
19 are the maximum. So worst case scenario, and so what we can see
20 if you can follow the lines is that the shadow from the roof
21 doesn't change very much. It shortens slightly at the deck and
22 between the two different conditions.

23 To the right that is the summer solstice. The sun is
24 much higher in the sky. Impact of the shadows are minimal really
25 any time of day. This is shown at 3 p.m. maximum shadow. By

1 four, everything is in shadow.

2 And the slide below that similar to the spring solstice
3 is the fall solstice and these shadows are, again, about the same
4 and what we're trying to show is the contrast or the impact
5 between these two different conditions as built and as permitted.

6 During the winter solstice maximum shadows all day
7 long. This is the worst case scenario and you can see those, a
8 couple more feet of shadow along the rear façade between the two
9 conditions.

10 CHAIRPERSON HILL: Before we move off of this slide
11 does anybody have any questions concerning this slide?

12 (No response.)

13 CHAIRPERSON HILL: Okay. Go ahead, Mr. Willett.

14 MR. WILLETT: Well, those are the shade studies. The
15 impact we tried to show as dramatically as we could and not just
16 on the ground but against the facades of the adjacent neighbors.
17 I believe the ANC 7 rendered their opinion seeing similar images.

18 CHAIRPERSON HILL: Okay. Mr. Sakinejad, if you could
19 just drop that slide, please? And Mr. Sakinejad, is there anyone
20 where wishing to speak?

21 MR. SAKINEJAD: Sir, there are no folks signed up for
22 this case.

23 CHAIRPERSON HILL: Okay. Thank you, Mr. Sakinejad.

24 All right. Does anybody have any other questions
25 before we come back next week?

1 (No response.)

2 CHAIRPERSON HILL: Okay. I'm assuming that Mr. Willett
3 will not be with us next week; is that correct, Mr. Rachal?

4 MR. RACHAL: Yes, that's correct, Chairman Hill, unless
5 the Board would like him to return.

6 CHAIRPERSON HILL: Okay. So this is all, just so I'm
7 clear for my Board members, Mr. Willett is here for the shadow
8 studies and for that area of the relief that's being requested
9 and so we're not going to have any more questions concerning that
10 area next week and so we're going to be speaking about the
11 landing.

12 So, Mr. Rachal, if you can, again, speak with your
13 architect. Do you think you'd be able to get those into the
14 record relatively quickly?

15 MR. RACHAL: Yes. We will attempt to do so, Chairman
16 Hill, and I would just point out that Mr. Willett's entire
17 presentation was presented to the full ANC Zoning Committee which
18 voted unanimously to approve the requested relief.

19 CHAIRPERSON HILL: Okay. Thank you, Mr. Rachal. All
20 right.

21 So, okay. Madam Secretary, what is our week looking
22 like next week, please, on the 23rd?

23 MS. MEHLERT: You have five hearing cases and two
24 decision cases.

25 CHAIRPERSON HILL: Okay. And then are any of those

1 decisions cases currently we've already promised another
2 Commissioner to be first or no?

3 MS. MEHLERT: No.

4 CHAIRPERSON HILL: Okay. And then I think the 30th is
5 our last day, correct?

6 MS. MEHLERT: Correct.

7 CHAIRPERSON HILL: Okay. And how many cases do we have
8 on the 30th just so now I know?

9 MS. MEHLERT: Five hearing cases.

10 CHAIRPERSON HILL: Okay. Great. All right.

11 And, Commissioner Wright, is not with us on either one
12 of those dates, correct? Okay. Great. All right.

13 Commissioner Wright, are you able to come back early
14 on the 23rd?

15 ZC COMMISSIONER WRIGHT: I could be there in the morning
16 of the 23rd, yes.

17 CHAIRPERSON HILL: Okay. Why don't we go ahead and do
18 this first? So, Mr. Rachal, if you could go ahead and, again,
19 what the Board is looking for is, you know, something, and you
20 will know this when your architect puts this together, but
21 something that has the landing that's not increasing any kind of
22 relief that's being requested, right? And so if you can go ahead
23 and get us that, I mean if you can get us that on Friday that
24 would be great, the 18th.

25 MR. RACHAL: Fine. We'll work to do so.

1 CHAIRPERSON HILL: Okay. Okay. Great. All right.

2 Then I'm going to go ahead and close this hearing and
3 the record except for what's been requested by the Board and
4 we'll have a continued hearing first thing on the 23rd at 9:30
5 in the morning. Okay?

6 Does anybody have questions? All right. Great. Then
7 we'll see you guys then.

8 MR. RACHAL: Thank you, Chairman Hill.

9 CHAIRPERSON HILL: Thank you.

10 All right, Madam Secretary. You can call whatever's
11 next before we come back with that other item.

12 MS. MEHLERT: Sure. Next is Application No. 21317 of
13 Milu Properties, LLC. This is a self-certified application
14 pursuant to Subtitle X, Section 901.2 for special exceptions
15 under Subtitle E, Section 5201 from the rear yard requirements
16 of Subtitle D, Section 207.1 and the pervious surface
17 requirements of Subtitle D, Section 211.1, and pursuant to
18 Subtitle X, Section 1002 for an area variance from the lot
19 occupancy requirements of Subtitle D, Section 210.1.

20 This is for a two-story rear addition to an existing
21 two-story row dwelling. It's located in the R-3/FB zone at 2413
22 I Street, Northwest, Square 28, Lot 96.

23 CHAIRPERSON HILL: Okay. Great.

24 If the Applicant can hear me, if they could please
25 introduce themselves for the record.

1 MR. MOORE: Certainly. My name is Nate Moore with
2 Moore Construction Group representing Milu Properties regarding
3 the rear expansion at 2413 I Street, Northwest. I'd like to
4 thank ANC 2A and the Office of Planning for their support and we
5 do have a presentation prepared for your consideration as well.

6 CHAIRPERSON HILL: Okay. Great.

7 MR. MOORE: I'm also joined here by a colleague, Alyssa,
8 who's been working on the case.

9 CHAIRPERSON HILL: Okay. Great. Alyssa, what's your
10 last name, please?

11 MS. GORMAN: Alyssa Gorman.

12 CHAIRPERSON HILL: Okay. Great. Thank you.

13 Well, welcome to you both. Let's see. Mr. Moore, do
14 you know which exhibit we're going to be pulling up?

15 MS. GORMAN: It is the most recent one.

16 CHAIRPERSON HILL: Okay, I see it. It's Exhibit 29.
17 Okay. Great.

18 MR. MOORE: And just so you're aware, Chairman. For
19 some reason we haven't had great visuals from shared screens on
20 the other cases. There's been a lot of lag from what's being
21 shown to what we're seeing so I have it on another monitor, so
22 just be aware that I'm following along separately because the
23 sharing doesn't seem to be work.

24 CHAIRPERSON HILL: No problem. Can you see what's on
25 the screen now?

1 MR. MOORE: I cannot.

2 CHAIRPERSON HILL: You can't see what's on, you can see
3 me but you can't see the slide below?

4 MR. MOORE: Correct. It's been that way for all the
5 cases. Although it kicks on sometimes and will show --

6 CHAIRPERSON HILL: Okay.

7 MR. MOORE: Oh, see like right now. It just popped up.

8 CHAIRPERSON HILL: Got it.

9 MR. MOORE: It's not been reliable.

10 CHAIRPERSON HILL: Got it. Madam Secretary, if we can
11 look into that for next time. I don't know what's going on.

12 MR. MOORE: There are three work stations in our office
13 and only two out of the three were having issues, so I don't
14 know.

15 CHAIRPERSON HILL: I got it, Mr. Moore. Just see if,
16 whatever seems to pop up on the screen that you see me on, try
17 to speak to that. So go ahead.

18 MR. MOORE: Okay. Great. All right.

19 So, again, this application is to seek relief to build
20 back the subject property in line with the neighboring property
21 on the non-alley side. If we can go to the next slide.

22 So the slide hasn't changed, oh, there we go. Okay.
23 So this is a two bedroom, two-story single family home, unfinished
24 basement. The addition that's being proposed will be in line
25 height-wise as well. The addition will, again, align with the

1 rear neighbor and provide space for updated sized living room and
2 an additional bedroom. No changes to the building use and, again,
3 we do have support from ANC 2A on this. And the next slide.

4 So we're looking for relief for a special exception
5 pursuant to Subtitle 207.1, minimum required rear yard for a lot.
6 The rear façade is currently 25.9 feet from the rear lot and we
7 propose that the rear façade be 16.2 matching the neighbor.
8 Additional relief for the minimum percentage of pervious surface
9 for the lot, existing pervious surface is 106. We propose making
10 it 97. This lot is smaller than its neighboring properties so
11 that's what drives these calculations to be a little different,
12 even though the structure itself will be in line with the other
13 properties. We are also seeking relief for the permitted
14 occupancy of 60 percent. This design will put it at 73.5, again,
15 because of the size variation of the lot. And then the next
16 slide.

17 It will keep in harmony with the purpose and intent.
18 Doesn't affect adversely the use of the neighboring properties.
19 It does meet special conditions under Subtitle 5201.4. It doesn't
20 affect the light and air of neighboring properties. Would not
21 unduly compromise privacy and would not visually intrude upon the
22 character, scale or pattern. We intend to finish it with brick
23 in the same style as what's currently there.

24 Then the next slide shows the sun study. As we're
25 bringing the property in line with its neighbor, as you can see

1 | there's not a great impact in how shade falls on the neighboring
2 | properties. So it has minimal impact but we included it for
3 | reference.

4 | And then the relief sought for the area variance on the
5 | next slide. It would result in peculiar and exceptional practical
6 | difficulties. Again, it's because of the lot, and would result
7 | in undue hardship. The neighboring lots are similarly sized
8 | nonconforming lots. They have grandfathered in larger structures
9 | and the proposed design would create a more uniform block while
10 | giving the owners the same square footage advantages of many of
11 | the neighboring lots.

12 | And the next slide, well the next few slides is the
13 | drawing just showing how the bump back will lay out and how that
14 | affects the interior across both levels, and then the following
15 | slides show, you know, what it'll look like when it's built back
16 | in line, and I mean it's pretty straightforward so we're maybe
17 | over-illustrating.

18 | CHAIRPERSON HILL: Is that it, Mr. Moore?

19 | MR. MOORE: It is. Thank you.

20 | CHAIRPERSON HILL: Okay. Mr. Sakinejad, if you could
21 | just drop the slide deck, please.

22 | Before I turn to my Board, can I turn to the Office of
23 | Planning, please?

24 | MR. MITCHUM: Hi. This is Joshua Mitchum with the
25 | Office of Planning. We are in support of the subject application

1 and are available for any questions. Thank you.

2 CHAIRPERSON HILL: Okay. Before I do that, Mr.
3 Sakinejad, is there anyone here wishing to speak?

4 MR. SAKINEJAD: Yes. We have a person signed up to
5 testify and I believe they are undeclared. Let me add them right
6 now. Okay. They've been added.

7 CHAIRPERSON HILL: Okay. What's the name of the person
8 you added?

9 MR. SAKINEJAD: Surname is Turnowski.

10 CHAIRPERSON HILL: Oh, great. Ms. Turnowski, can you
11 hear me? Ms. Turnowski, you might be on mute.

12 MS. TURNOWSKI: Can you hear me now?

13 CHAIRPERSON HILL: Yes, yes.

14 MS. TURNOWSKI: Okay.

15 CHAIRPERSON HILL: Could you please introduce yourself
16 and then you'll have three minutes to give your testimony as a
17 member of the public and I'll go ahead and time you and let you
18 know when you have a minute left.

19 MS. TURNOWSKI: I mean, I don't actually think that
20 would be necessary. I wanted to speak because I misunderstood
21 something about the nature of the work that was supposed to be
22 done so I really, because my misunderstanding was cleared up I
23 have nothing else I need to say.

24 CHAIRPERSON HILL: Okay.

25 MS. TURNOWSKI: So thank you very much for the

1 opportunity to speak but I don't think I need to speak.

2 CHAIRPERSON HILL: Okay. Great. Okay. Thank you, Ms.
3 Turnowski.

4 MS. TURNOWSKI: Thank you.

5 CHAIRPERSON HILL: Mr. Sakinejad, if you could please
6 excuse her? Okay, great. All right.

7 Now I'm turning to the Board. Okay. Does anybody have
8 any questions?

9 (No response.)

10 CHAIRPERSON HILL: Okay. Wow. Okay. All right.

11 Let's see. All right, Mr. Moore, I'm going to let you
12 go. You have a nice day.

13 MR. MOORE: Thank you, sir.

14 CHAIRPERSON HILL: Okay. Bye bye.

15 Excuse everyone, please, Mr. Sakinejad. So I think the
16 one week off has thrown me I got to tell you. Like, I feel I'm
17 on holiday already people. I'm just letting you know, okay?

18 So, all right. I could talk in better depth of this
19 application, however I will also agree with the Office of
20 Planning's analysis that this is kind of a small lot. It wasn't
21 developed as the others and the uniqueness is the fact that it
22 is such a small lot that wasn't developed as the others within
23 the block and in this kind of particular area. That's how I'm
24 getting to their exceptional situation. I think that's what
25 leads to a practical difficulty and I don't think it's having an

1 | issue with the zone plan. That's in terms of the area variance.

2 | In terms of the special exception I, again, don't have
3 | any issues with what's being requested and I appreciate that they
4 | did reach out to the ANC to get the support of the ANC as well
5 | as the Office of Planning, and I'll be voting in favor of this
6 | application.

7 | Mr. Smith, do you have anything you'd like to add?

8 | COMMISSIONER SMITH: No, Chairman Hill. I agree with
9 | your assessment as well as the Office of Planning's assessment
10 | on this particular case regarding the special exceptions and the
11 | area variance, and I will vote in support.

12 | CHAIRPERSON HILL: Thank you.

13 | Vice Chair Blake?

14 | VICE CHAIRPERSON BLAKE: Yes, Mr. Chair. I will agree
15 | with the comments made by you and Board member Smith and give
16 | great weight to the Office of Planning's recommendation and I
17 | will also rely on its evaluation of the variance and special
18 | exceptions which I agree with that. So I'm in support.

19 | CHAIRPERSON HILL: Thank you.

20 | Commissioner Wright?

21 | ZC COMMISSIONER WRIGHT: I agree with everything that's
22 | been said and I'm in support of the application.

23 | CHAIRPERSON HILL: Okay. Great.

24 | I'm going to make a motion to approve application No.
25 | 21317 as captioned and read by the secretary, and ask for a

1 second.

2 Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Second.

4 CHAIRPERSON HILL: Motion made and seconded. Madam
5 Secretary, take a roll call.

6 MS. MEHLERT: Please respond to the Chair's motion to
7 approve the application.

8 Chairman Hill?

9 CHAIRPERSON HILL: Yes.

10 MS. MEHLERT: Vice Chair Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Board member Smith?

13 COMMISSIONER SMITH: Yes.

14 MS. MEHLERT: And Commissioner Wright?

15 ZC COMMISSIONER WRIGHT: Yes.

16 MS. MEHLERT: Staff would record the vote as four to
17 zero to one to approve Application No. 21317 on the motion made
18 by Chairman Hill and seconded by Vice Chair Blake.

19 CHAIRPERSON HILL: Okay. Great. Thank you.

20 Madam Secretary, can you bring back, could you please
21 call again the continued hearing.

22 MS. MEHLERT: Yes.

23 CHAIRPERSON HILL: Actually, Ms. Mehlert, can I, did
24 that get added into the record or you don't know?

25 MS. MEHLERT: It did, yes.

1 CHAIRPERSON HILL: Okay. Great. Thank you. Okay, if
2 you could, that's be great, call us in.

3 MS. MEHLERT: Sure. The Board is, I'll call the whole
4 case again. The Board is returning to Application No. 21312 of
5 District Line Development, LLC. This is a self-certified
6 application pursuant to Subtitle X, Section 901.2 for special
7 exceptions under Subtitle U, Section 421 to allow a new
8 residential development and under Subtitle C, Section 703.2 from
9 the minimum vehicle parking requirements of Subtitle C, Section
10 705.1.

11 This is a consolidation of four existing four unit
12 apartment houses with a third floor addition and creation of 13
13 additional dwelling units for use as a 29 unit apartment house
14 in a three-story detached building. It's located in the RA-1
15 zone at 2200-2212 40th Place, Northwest, Square 1317W, Lots 7,
16 8, 9 and 10 and the revised site plan is in the record at Exhibit
17 24.

18 CHAIRPERSON HILL: Great. Thank you.

19 If the Applicant can hear me, if they could please
20 introduce themselves for the record. Mr. Williams, I think you're
21 on mute?

22 MR. WILLIAMS: Chairman Hill and members of the Board,
23 we're back. Zach Williams with Venable representing the
24 Applicant.

25 CHAIRPERSON HILL: Great. Thank you. All right, Mr.

1 Sakinejad. Great. Whatever the last exhibit pulling it up and
2 we'll wait for it.

3 (Pause.)

4 MR. SAKINEJAD: Should be coming up any second now.

5 CHAIRPERSON HILL: Yeah. It popped up for me. We'll
6 see, I don't know if Mr. Williams can see it.

7 MR. WILLIAMS: Yes, I can see it.

8 CHAIRPERSON HILL: Okay. Great. So, Mr. Williams, can
9 somebody explain what you guys did?

10 MR. WILLIAMS: Sure, I can explain it and then I think
11 our architect's jumping on too in case I miss anything.

12 So what we're doing here is, I think what was alluded
13 to earlier is we were already developing this ADA ramp that will
14 connect to W Street. It hadn't been shown on the plans. It was
15 going to be a minor modification from the BZA plans. What we've
16 done is we have now connected the trash area to that ADA ramp
17 which we're already planning to include and so that's what you're
18 seeing. You're seeing two new things. You're seeing the ADA
19 ramp and you're also seeing the connection from the trash area
20 to that ramp which gets us to the sidewalk of W Street.

21 CHAIRPERSON HILL: Okay. Does the Board have questions
22 concerning this?

23 (No response.)

24 CHAIRPERSON HILL: I can't see anybody so I'm assuming
25 that's a no. Okay, Mr. Sakinejad. You can drop this so I can

1 at least see my Board members. Okay. Does anybody have any
2 questions about it? Okay. Great. Okay.

3 All right, Mr. Williams. I did my best. Okay.

4 MR. WILLIAMS: Appreciate it. Thank you.

5 CHAIRPERSON HILL: Meaning to have this happen today.
6 Okay.

7 MR. WILLIAMS: No, we really appreciate it. Thank you
8 so much, Chairman Hill and members of the Board.

9 CHAIRPERSON HILL: Thanks, Mr. Williams. Okay. All
10 right. You have a good day. Bye bye. Oh, I'm sorry, Mr.
11 Sakinejad. If you could drop everybody. I'm closing the hearing
12 and the record. I can't believe I've got, we have two more
13 hearings, we have two more hearings, like August is already here.
14 Okay.

15 Okay. So with regard to this application I also would
16 like to say that I think that as Commissioner Wright mentioned
17 on a previous one and Mr. Smith, that this is a nice project. I
18 mean, I think the three bedroom units including the three IZ
19 bedroom units as something that's being, is nice for this area
20 and this neighborhood. I understand all of the issues that
21 they're having with that paper alley and that they can't do the
22 curb necessarily and then there's the heritage tree that's there.
23 I think that the fact that this is a corner lot helps the project.
24 I appreciate the shadow study and I did find it helpful.

25 I also do appreciate that the Applicant has done such

1 extensive community outreach because it is something that, in the
2 past, I've seen this type of a project get more scrutiny from
3 the community in certain ways and so I think that I am able to
4 agree with their particular argument in terms of the criteria for
5 the standard that they're meeting and then I would also give
6 great weight to the Office of Planning's report and also that of
7 the ANC, and I do appreciate my fellow Board members helping with
8 clarity on how those dumpsters are not going to continue to get
9 dragged through the mud. Okay. So I am going to vote in favor
10 of this application.

11 Mr. Smith, do you have anything you'd like to add?

12 COMMISSIONER SMITH: I have nothing to add. I thank
13 the Applicant for providing some additional clarification on how
14 the trash enclosure area will operate for the residents and for
15 removing the trash out of those trash receptacles. So I will,
16 with that, I will rest on the record and also support the
17 application forward.

18 CHAIRPERSON HILL: Okay. Thanks.

19 And I forgot to mention, like, I think that since we
20 now understand exactly what's going on with the trash area there
21 that the condition that the Office of Planning had seems moot and
22 they also seem to have agreed with that, and as I mentioned before
23 I don't think I'm going to be able to be in support of the TDM
24 plan but I do appreciate that Commissioner Wright asked about the
25 bicycle parking that was going on there, but that again is

1 something if anybody wants to speak up they are more than welcome
2 to do so, and with that I will turn it over to Vice Chair Blake.

3 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm in support for
4 the application. I do believe that the Applicant has done the
5 issues, addressed the concerns raised by the Office of Planning
6 and the Board. I'm in support of the application. I believe
7 the criteria has been met.

8 CHAIRPERSON HILL: Thank you.

9 Commissioner Wright?

10 ZC COMMISSIONER WRIGHT: I'm in support of the
11 application. I think it's, again, a really good project to add
12 housing and to add IZ units.

13 I do really want to note that although the project does
14 not technically meet the requirement for a TDM, it has the
15 potential to add a lot of cars to this neighborhood. With three
16 bedroom units, I think it is likely that many of the units may
17 have ever more than one car associated with them and so I think
18 the bicycle parking is very helpful and I am glad that we
19 discussed that.

20 I would strongly encourage, even if it is not a formal
21 TDM that's monitored by the District Department of
22 Transportation, I would encourage them to include two of the
23 elements that were in the suggested TDM as sort of voluntarily,
24 one being the welcome packets for all new residents to provide
25 information to the residents about where the nearby bus lines are

1 and to provide a Capital Bikeshare coupon and sort of added to
2 that I don't think they need to provide a metro card in perpetuity
3 but perhaps there could also be a one time metro card in that
4 welcome package.

5 I don't know that this needs to be a condition but I
6 do think that we do need to acknowledge that although there is
7 not a technical requirement for a TDM, there is a practical impact
8 that the project will have and that we should try to encourage
9 the Applicant to address that practical impact. So that's my
10 thought. I don't know that it has to be a condition, I'm just
11 sort of going on record to say that the bicycle parking is great.
12 That would have been an element of a TDM and they are above the
13 required number of bicycle parking units, which is great. But I
14 do think the welcome packet will be something that would be
15 helpful and would be something, you know, just in the effort to
16 be a good landlord. That would be important to the community.

17 So I support the project but I do want to put that out
18 there on the record.

19 COMMISSIONER SMITH: And can I speak to that really
20 quickly?

21 CHAIRPERSON HILL: Yeah, sure. Go ahead, Mr. Smith.

22 COMMISSIONER SMITH: So I, you know, I agree with what
23 Commissioner Wright is saying. They are requesting a special
24 exception to reduce their minimum vehicle parking space because
25 they're not proposing to provide any parking. So I think, and

1 while I don't think we should condition, and I agree with her in
2 the spirit of some of the recommendations she said in lieu of a
3 TDM. Like, for example, I don't know if we can necessarily
4 condition like a metro card because I think it would probably be
5 difficult for the Zoning Administrator to enforce but at least
6 the bicycle parking that would have existed with the TDM. I
7 believe that's what you're speaking to, Commissioner Wright?

8 ZC COMMISSIONER WRIGHT: Yeah. And they are providing
9 that and in fact they're providing above and beyond what would
10 have been required in the TDM. So I think that that's, I think
11 that's really great. They've got ten inside parking spaces which
12 is more than than what's required and I think that's great.

13 But I just think they should be doing, you know, as you
14 said and you're right. This is a special exception. This is
15 not a by-right. They are asking for a change to the parking
16 requirement and so I do think they should show a good faith effort
17 to try to mitigate some of the potential impacts.

18 COMMISSIONER SMITH: Okay. Well I echo her comments
19 and would like to reflect that on the record, so I'm fully in
20 support of it and will support the application.

21 CHAIRPERSON HILL: Okay. So, I'm just going through
22 this. So I am going to give a little pushback in that if it's
23 technically not required, then we're trying to change something
24 that technically isn't required. I understand the spirit of what
25 you guys are trying to do and I think it's fine. Like, I have

1 to bring them back in either way because I need to know what
2 they're willing to, I'm not -- I don't think and I think you guys
3 agree with this. Like, I don't think, let me put it this way.

4 I don't feel comfortable having them incur costs at
5 this point in time. Like, I mean, I think a welcome packet seems
6 reasonable and also, you know, the bikes, the bike parking that's
7 already there I guess is something that they've already committed
8 to. If you all want to, which is fine, I mean I'll just bring
9 them back in and see whether they would commit to a welcome
10 packet. Is that something that you all are amenable to?

11 ZC COMMISSIONER WRIGHT: Yeah. I mean, I would
12 appreciate hearing from them. This is a special exception and
13 it is not by-right and they are asking for relief and I think
14 that relief on the parking needs to be based upon their good
15 faith effort to address some of the issues.

16 CHAIRPERSON HILL: Yeah. I'm, and this is a special
17 exception meaning that if they meet the criteria, that's
18 something that we are, well, grant usually and so, you know, I
19 will bring them back in now and we can go ahead and hear what
20 they have to say, again, if they're willing to do some of these
21 things in terms of a welcome packet, if that's something that
22 both you and Mr. Smith deem is necessary to get your vote, then
23 we'll go ahead and see what happens next.

24 So if we could re-open this hearing. Madam Secretary,
25 do you need to say something in terms of re-opening this hearing?

1 MS. MEHLERT: No, I don't think so.

2 CHAIRPERSON HILL: Okay. So, Mr. Williams, could you
3 please re-introduce yourself?

4 MR. WILLIAMS: Yes. Zach Williams with Venable
5 representing the Applicant.

6 CHAIRPERSON HILL: Okay. Mr. Williams, did you hear
7 some of the deliberations?

8 MR. WILLIAMS: I did and first I'll say we're happy to
9 do the welcome packet. As a little bit of context, you know, we
10 saw the letter from DDOT, we considered it and we wanted to make
11 sure that the community and the ANC were okay with our project
12 before we started agreeing to things that frankly we're not
13 required to provide under the zoning ordinance and, you know, as
14 I mentioned earlier we got unanimous ANC support and we haven't
15 had any opposition from any neighbor, and we've done extensive
16 outreach.

17 So I think it's one thing if there's been impacts that
18 have been identified in a case and we need to mitigate those
19 impacts, but in this case I mean, really, thanks to the
20 Applicant's team in spending a lot of time going around and making
21 sure neighbors were comfortable there are no impacts in the record
22 or elsewhere, negative impacts or opposition that I'm aware of,
23 that has been raised.

24 And so we're happy to do the welcome packet and we're
25 providing the bike parking, but the TDM it's very specific in the

1 zoning ordinance that it's triggered at four and the Zoning
2 Administrator confirmed that we're only required to have three.
3 And so I think, you know, the zoning regs they state what they
4 state for a reason, that that was decided that four for some
5 reason was the trigger point and I just worry a little bit about
6 getting, setting a precedent or getting beyond that because it --

7 ZC COMMISSIONER WRIGHT: Well, let me respond to that.
8 If that's the case then maybe I will just vote that you should
9 provide three parking spaces. I mean, that's what you're asking
10 for relief from. Forget about the TDM. You know, I'm accepting
11 that you're not doing a TDM because it's not required by law. By
12 law you're required to provide three parking spaces. So do you
13 want to provide three parking spaces?

14 CHAIRPERSON HILL: Commissioner, I'm just asking. You
15 happened to ask for the welcome packet and then there was other
16 things that, you know, Mr. Smith, you also had questions. I'm
17 not rehashing this case now again, okay?

18 ZC COMMISSIONER WRIGHT: Yeah. But I'm really saying
19 to this Applicant I think we're asking for a very small nod
20 towards being a good landlord and dealing with parking in the
21 community. So I don't really like the pushback about, well, this
22 isn't required by law, blah blah blah, because what is required
23 by law is three parking spaces.

24 CHAIRPERSON HILL: Yeah, and Commissioner, I'm not --

25 ZC COMMISSIONER WRIGHT: And then saying we're not

1 going to require those three parking spaces and I think that
2 there needs to be some clear acknowledgement that, you know,
3 you're still trying to do what's good for the area.

4 CHAIRPERSON HILL: Commissioner Wright and Mr. Smith,
5 I'm back here re-opening this and so I want to understand is a
6 welcome packet something that you all would like to see happen?

7 COMMISSIONER SMITH: Yes.

8 CHAIRPERSON HILL: Okay. All right.

9 ZC COMMISSIONER WRIGHT: Yes.

10 CHAIRPERSON HILL: Okay. Perfect. Okay.

11 Then, Mr. Williams, are you agreeing to that?

12 MR. WILLIAMS: We are.

13 CHAIRPERSON HILL: Okay. Perfect. All right.

14 Then I'm going to go ahead and close this hearing and
15 the record and I'm going to excuse everyone. Thank you.

16 (Pause.)

17 CHAIRPERSON HILL: Okay. All right. So we've gotten
18 more feedback from the Applicant. I'm going to go ahead and make
19 a motion and see where we get.

20 So I'm going to make a motion to approve Application
21 No. 21312 as captioned and read by the secretary including some
22 of the discussions that we spoke about concerning a welcome packet
23 that the Applicant has agreed to, and ask for a second.

24 Mr. Blake?

25 VICE CHAIRPERSON BLAKE: Second.

1 CHAIRPERSON HILL: The motion is made and seconded.
2 Madam Secretary, take a roll call, please.
3 MS. MEHLERT: So was that, I'm sorry. Just to clarify
4 that was a condition?
5 CHAIRPERSON HILL: It was not a condition.
6 MS. MEHLERT: It was not a condition, just --
7 CHAIRPERSON HILL: It was not a condition. They have
8 agreed to something that we spoke about.
9 MS. MEHLERT: Do you want it referenced in the order?
10 CHAIRPERSON HILL: Sure. You can reference it in the
11 order.
12 MS. MEHLERT: Okay. Please respond to the Chair's
13 motion to approve the application.
14 Chairman Hill?
15 CHAIRPERSON HILL: Yes.
16 MS. MEHLERT: Vice Chair Blake?
17 VICE CHAIRPERSON BLAKE: Yes.
18 MS. MEHLERT: Board member Smith?
19 COMMISSIONER SMITH: Yes.
20 MS. MEHLERT: And Commissioner Wright?
21 ZC COMMISSIONER WRIGHT: Yes.
22 MS. MEHLERT: Staff would record the vote as four to
23 zero to one to approve Application No. 21312 on the motion made
24 by Chairman Hill and seconded by Vice Chair Blake.
25 CHAIRPERSON HILL: Okay. Great. All right.

1 Thanks, you guys. You all have a nice day. We will
2 see you next week. We are adjourned. Bye bye.

3 (Whereupon, the above-entitled matter went off the
4 record at 12:07 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 07-16-25

Place: Via Webex

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

Cecelia Baptiste
Cecelia Baptiste