

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

FEBRUARY 11, 2026

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:30 a.m. EST, Carl Blake, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

CARL BLAKE, Vice-Chairperson  
BRITTNEY DRAKEFORD, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary  
MICHAEL SAKINEJAD, Zoning Data Coordinator

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD  
MAXINE BROWN-ROBERTS  
PHILIP ISAIAH  
MATTHEW JESICK  
CRYSTAL MYERS  
KAREN THOMAS

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OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.  
CARISSA DEMARE, ESQ.

The transcript constitutes the minutes  
from the Regular Public Hearing held on February 11,  
2026.



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

2 10:26 a.m.

3 MS. MEHLERT: Moving into the Board's hearing  
4 session, next is Application No. 21400 of Aidan  
5 Montessori School. This is a self-certified  
6 application pursuant to Subtitle X, Section 1002, for  
7 an area variance from the lot occupancy requirements  
8 of Subtitle D, Section 210.1. This is for a two story  
9 addition to an existing four story building, this is a  
10 private school.

11 It is located in the R-3 zone at 2700 27th  
12 Street Northwest, Square 2109, Lot 92. As a  
13 preliminary matter the Applicant has requested to  
14 waive the filing deadline to submit responses to  
15 letters of opposition, which is in Exhibit No. 25.

16 VICE CHAIRPERSON BLAKE: Sorry. Would the  
17 Applicant please introduce yourself, and anyone else  
18 who will be joining you here today?

19 MS. MOLDEHAUER: Good morning, Meredith  
20 Moldenhauer from the Law Firm of Cozen O'Connor here  
21 on behalf of the Applicant.

22 VICE CHAIRPERSON BLAKE: Ms. Moldenhauer, who  
23 do you have with you today, and who will be  
24 presenting?

25 MS. MOLDEHAUER: Yes, if everyone can

1 introduce themselves? We have two presenters.

2 MR. ODUROE: Hello, I am John Oduroe from Big  
3 Tent Design Studio, the architect on the project.

4 MS. MOLDEHAUER: Jamie, you're muted, we  
5 can't hear you.

6 VICE CHAIRPERSON BLAKE: Okay, Ms.  
7 Moldenhauer, you can introduce them for us for now.

8 MS. MOLDEHAUER: Yes, if someone can -- if  
9 Mr. Young can bring up our PowerPoint presentation?

10 VICE CHAIRPERSON BLAKE: No, we're not going  
11 to go to that yet, I want to just make sure -- before  
12 we get into --

13 MS. MOLDEHAUER: Sorry, Jamie Rue and Phillip  
14 Katinas are both from the Aidan Montessori School.

15 VICE CHAIRPERSON BLAKE: Okay, great, thank  
16 you very much. Now, before we get into the merits of  
17 the case, I want to discuss the request itself with  
18 you, that you brought before the board. Obviously  
19 this is a self-certified application, and you're  
20 seeking a variance from lot occupancy requirements of  
21 Section D 210, and you want to build a two story  
22 addition on an existing four story building, which is  
23 actually used as a private school.

24 Now, the application itself seeks release  
25 from the structure because the enlargement would

1 increase the occupancy beyond the maximum permitted as  
2 a matter of right. However, the enlargement of this  
3 building that is devoted to a special exception use  
4 also requires as the board interprets it, approval as  
5 a special exception to allow the proposed expansion of  
6 use. Would you be able to address that, why that is  
7 not part of the application?

8 MS. MOLDENHAUER: So the special exception  
9 for the use has previously been approved. We are not  
10 requesting an enlargement in the enrollment number.  
11 Historically the board has reviewed the special  
12 exception as being vested, and not needing to be  
13 modified so long as you're not increasing the  
14 enrollment number, because that use is tied  
15 specifically to the number of students and staff that  
16 directly corresponds with the factors the board  
17 considers in regards to pick up and drop off, number  
18 of parents in the area.

19 Those factors are analyzed during a special  
20 exception use case review. The use is not changing,  
21 we are not asking to enlarge the number of enrolled  
22 students, therefore the vested special exception  
23 approval is still valid, and does not need to be  
24 requested again, because we are not changing that,  
25 it's not a though we have abandoned that use, it

1 continues.

2           And so the only thing we're asking for is the  
3 enlargement of the building for which the use special  
4 permission -- the special exception for the use  
5 continues under those limited restrictions of number  
6 of enrollment, and so that's why we're focusing just  
7 on the structural element of the variance request for  
8 this application today, and believe that the exception  
9 that's previously been approved, and is obviously as I  
10 said earlier, vested with the property, continues to  
11 apply to the property.

12           And would only need to be coming back to the  
13 board in the future if there was a request to modify  
14 the enrollment.

15           VICE CHAIRPERSON BLAKE: Okay. Two things I  
16 want to point out, first of all I did forget to  
17 mention that you did mention actually in Exhibit No.  
18 25 that your proposal to actually increase, to  
19 actually condition the cap of enrollment to 180  
20 students as part of this application, I'm not quite  
21 sure how that ties into the requested relief, but  
22 certainly that couldn't be accomplished through a  
23 variance, that's a special exception kind of agenda.

24           Where you would be amending the previous  
25 special exception. That said, the interpretation that

1 you gave us with regard to enrollment is actually not  
2 consistent with the board's treatment of prior cases.

3 The board has previously approved the application  
4 with special exceptions under U203.1(m) to allow  
5 physical expansion of an existing private school use  
6 even if the expansion would not involve an increase in  
7 enrollment, 5.2 orders 21389 Saint Peters School, 2989  
8 Sheridan School, 2458 Washington International School.

9 So all these applications were self-certified  
10 and requested a special exception under private school  
11 regulations for expansion but did not involve an  
12 increase in enrollment. So, and again, also because  
13 the proposed condition would modify the special  
14 exemption granted in 1964 that allowed the private  
15 school use on the subject property as you mentioned,  
16 that's not coming before us.

17 So we can't revise that condition without an  
18 explanation based on substantial evidence in this  
19 record. So I'm going to turn to the board for a  
20 second. Board members, the way we have it now, this  
21 is self-certified application, and as I see it we have  
22 three options. The first option would be to consider  
23 the request for the variance on its own.

24 But my concern with this option is that the  
25 approach would not be consistent with the board's

1 interpretation of zoning regulations. The second  
2 option is that the board could decline to consider the  
3 request, but that really wouldn't accomplish the  
4 Applicant's purpose. And my concern here is that the  
5 application actually looks pretty straight forward,  
6 and so I think that would be a waste of time.

7 I think the third option would be to offer  
8 the Applicant the opportunity to amend the  
9 application, add the request for a special exception  
10 under U 203.1(m) to allow an expansion of an existing  
11 private school use. And I think that would be a more  
12 efficient option, it would also allow the Applicant to  
13 modify the enrollment cap. Commissioner Stidham, what  
14 are your thoughts?

15 COMMISSIONER STIDHAM: I tend to agree with  
16 your analysis. I think option one is not consistent  
17 with what has been previously done by the board. And  
18 I don't like option two in sending the Applicant back  
19 to start all over, that feels like a waste of time.  
20 This is a fairly complete application, and in fairly  
21 good shape, I think the only thing we need is the  
22 addition of U 203.1(m), so I would agree with option  
23 three, which is to give the Applicant time to add that  
24 in and come back to us.

25 MS. MEHLERT: Okay. Board member Drakeford,

1 your thoughts?

2 MEMBER DRAKEFORD: Yes, I will also agree  
3 with your comments, and the analysis in looking at the  
4 three different options. I think option three makes  
5 the most sense, or will be most effective for the  
6 Applicant to make that revision, and then also allow  
7 them the time to incorporate that, and then come back  
8 to us.

9 MS. MEHLERT: Okay. Ms. Moldenhauer, it is a  
10 fairly straight forward thing, and I think that making  
11 that adjustment you should probably be able to do  
12 pretty quickly. How quickly could you actually get  
13 that done?

14 MS. MOLDENHAUER: We could file that by this  
15 Friday. Obviously we've worked with the Office of  
16 Planning on the prior application, and did not engage  
17 in this conversation about the special exception, but  
18 we'd be happy to get it filed by Friday, and engage  
19 with the Office of Planning to have a supplemental  
20 report if that's necessary.

21 VICE CHAIRPERSON BLAKE: Okay, thank you very  
22 much. Madam Secretary, can you give us a sense of  
23 what you can do from a scheduling perspective?

24 MS. MEHLERT: So if the Applicant can file  
25 that by this Friday the 13th, any responses would be

1 due the following Friday, February 20th, and then the  
2 board could come back for a hearing on February 25th.

3 VICE CHAIRPERSON BLAKE: Okay, the 25th would  
4 be good for me. Ms. Moldenhauer, would you be  
5 available for that date?

6 MS. MOLDENHAUER: Yes, Chairman Blake, we  
7 will.

8 VICE CHAIRPERSON BLAKE: Okay, great, and is  
9 the Office of Planning here? Mr. Sakinejad, is the  
10 Office of Planning here? Crystal Myers, Ms. Myers,  
11 how are you?

12 MS. MYERS: Good morning.

13 VICE CHAIRPERSON BLAKE: Good morning. Would  
14 you be comfortable getting back an update for us by  
15 the 25th with this, with the U 203.1(m)?

16 MS. MYERS: Yes, I can do that.

17 VICE CHAIRPERSON BLAKE: Excellent, thank you  
18 very much. Okay, I appreciate that. So we will all  
19 see you back here the week after next. Thank you.

20 MS. MOLDENHAUER: Thank you very much.

21 VICE CHAIRPERSON BLAKE: I see everyone is --  
22 okay, can we please call our next hearing session  
23 case, Madam Secretary?

24 MS. MEHLERT: Next is Application No. 21403  
25 of David William Lawrence and Madeline Britvec. This

1 is an application pursuant to Subtitle X, Section  
2 901.2 for special exceptions under Subtitle E, Section  
3 5201 from the regulatory requirements of Subtitle E,  
4 Section 27.1, and from the lot occupancy requirements  
5 of Subtitle E, Section 210.1. This is for a first  
6 floor rear deck addition to an existing two story  
7 attached resident dwelling.

8 It is located in the RF-1 zone at 1448 Spring  
9 Road Northwest, Square 2690, Lot 48.

10 VICE CHAIRPERSON BLAKE: Okay, Madam  
11 Secretary, I did not hear the end of your remarks if  
12 you are there. I didn't hear the rest of your  
13 remarks, did you finish? Madam Secretary?

14 MS. MEHLERT: Yes, did you not hear the  
15 caption?

16 VICE CHAIRPERSON BLAKE: I did not hear the  
17 end of that, I'm sorry, you cut out just at the end.

18 MS. MEHLERT: It's located in the RF-1 zone  
19 at 1448 Spring Road Northwest, Square 2690, Lot 48.

20 VICE CHAIRPERSON BLAKE: Okay. Would the  
21 Applicant, if you're here, introduce yourself, and who  
22 else will be speaking with you today?

23 MR. HOFFLAND: Hi, this is Erik Hoffland, I'm  
24 the architect for the project, my address is 1810  
25 Kilbourne Place Northwest, and I believe the owner of

1 the property is here as well.

2 MR. LAWRENCE: Good morning everyone, my name  
3 is Will Lawrence.

4 MS. BRITVEC: Hi, I'm Madeline Britvec, and  
5 we're the owners of 1448 Spring Road Northwest.

6 VICE CHAIRPERSON BLAKE: Okay, welcome, thank  
7 you very much. Mr. Hoffland, if you could tell us a  
8 little bit about your project, and how you believe  
9 your Applicant is meeting the burden of proof I'd  
10 appreciate that. You're going to have 15 minutes on  
11 the clock, and tell us about the project, and we can  
12 begin whenever you'd like.

13 MR. HOFFLAND: Okay. There is a  
14 presentation, I don't know if it's available to view  
15 here, but it should be, it was submitted.

16 VICE CHAIRPERSON BLAKE: Do you know which  
17 exhibit it is in the record? There it is, here we go.

18 MR. HOFFLAND: It's called the -- yes, hi.

19 VICE CHAIRPERSON BLAKE: Okay.

20 MR. HOFFLAND: So this is the property, it's  
21 a row house RF-1 zone, and the bottom photo there is  
22 the rear of the house, which has half of it is a  
23 driveway, and it's 28 feet deep between the alley and  
24 the rear of the house. And if we could go to the  
25 second page? This is an aerial view of the row, the

1 red pin is our house, and if we can go to the end,  
2 you'll see there's a whole series of very small yards  
3 here.

4           And this shows the alley, all of the red  
5 items in that plan are decks on this alley, varying in  
6 depth from about 5 feet to 13 feet deep. These are  
7 all very similar houses along the row, built almost  
8 identical. The problem with these lots is that  
9 they're very small, and the rear yards are very short,  
10 and because the half of the rear of the yard is for  
11 parking, there's not really any opportunity for -- and  
12 because it's angled, the alley is above the basement  
13 level.

14           There is not any level area for the use and  
15 enjoyment of the property owners. So we are proposing  
16 a ten foot deep deck on the rear of the house, which  
17 is very similar to numerous ones already on the row,  
18 including one just three houses down at 1454 Spring  
19 Road, which was approved in 2016 under BZA Order 19347  
20 for an exactly same size deck as we have here.

21           And the variance, or the special exceptions  
22 we're going for here are the lot occupancy, because  
23 it's a small lot. To get a deck of any size, we would  
24 have to go over 60 percent, and so we are proposing to  
25 go up to 69 percent lot occupancy, which would be

1 under special exception. And then the rear yard  
2 requirement, if we can go to the next slide? Here is  
3 the existing lot.

4 And if we go to the next slide? We will see  
5 here is the deck, and I know it's small here, but the  
6 rear yard is again, as I said, 28 feet deep from the  
7 rear of the house to the alley. And so with a 10 foot  
8 deck we would be at 18 feet from the alley, which  
9 obviously exceeds the 20 foot rear yard setback. And  
10 the last thing I would point out, if we can go to the  
11 next slide, here is the existing rear elevation, and  
12 proposed.

13 And then the next slide. The thing also I  
14 just wanted to point out is that the deck is actually  
15 lower, it's less than four feet above the building  
16 height measurement point at the front of the property,  
17 so I assumed that it would not count for lot  
18 occupancy. But according to the zoning reviewer when  
19 we permitted this, they said that because it's more  
20 than four feet above grade at the rear of the property  
21 it does.

22 So that's up for you guys, but regardless,  
23 these are the two parts of the zoning code that we are  
24 trying to get a special exception for. And again,  
25 this is very similar to numerous other decks on the

1 row, it's really the only opportunity for my  
2 Applicants to get any kind of exterior use for a deck  
3 for having dinner, and grilling, and so forth.

4 VICE CHAIRPERSON BLAKE: Okay, does that  
5 conclude your presentation?

6 MR. HOFFLAND: I believe, unless there is any  
7 other questions, yes.

8 VICE CHAIRPERSON BLAKE: Any of the board  
9 members have questions for the Applicant? Having  
10 heard none we're -- go ahead.

11 MR. HOFFLAND: Sorry, I would just also like  
12 to note that the Office of Planning, both ANCs that  
13 are affected by this, and numerous neighbors have all  
14 come out in support of the project that's in the BZA  
15 case file, and I don't believe there is any opposition  
16 to the project.

17 VICE CHAIRPERSON BLAKE: Thank you very much.  
18 Being no questions for our board, I'd like to hear  
19 from the Office of Planning.

20 MR. BRADFORD: Good morning, Chair Blake,  
21 members of the board. For the record, this is Philip  
22 Bradford with the Office of Planning. The Office of  
23 Planning is recommending approval of the requested  
24 special exception relief, and can stand on the record  
25 of the report in Exhibit No. 24. Thank you, and I'm

1 available for any questions.

2 VICE CHAIRPERSON BLAKE: Thank you, Mr.  
3 Bradford. Does anyone from the board have any  
4 questions for the Office of Planning? Does the  
5 Applicant have any questions for the Office of  
6 Planning?

7 MR. HOFFLAND: None from me.

8 VICE CHAIRPERSON BLAKE: Okay, thank you very  
9 much. Mr. Sakinejad, is there anybody from the public  
10 that wishes to testify?

11 MR. SAKINEJAD: We do not have anyone signed  
12 up today.

13 VICE CHAIRPERSON BLAKE: Okay, thank you.  
14 All right, well that seems to be, we've gone around  
15 the horn there. Mr. Hoffland, do you have any last  
16 comments you'd like to make, any closing remarks?

17 MR. HOFFLAND: No, I just thank the board's  
18 time in considering this matter.

19 VICE CHAIRPERSON BLAKE: Okay, thank you very  
20 much. Mr. Sakinejad, you can dismiss everyone, thank  
21 you very much for coming everybody. Okay, I'll kick  
22 off the deliberation on this. This seems a fairly  
23 straight forward application, I believe the Applicant  
24 has met the burden of proof to be granted the  
25 requested relief. The proposed deck is relatively

1 modest in size, it's unenclosed again, and located in  
2 the rear of the property.

3           It shouldn't affect the light, air available  
4 to any adjacent properties, nor create any unusual  
5 overlook or privacy impacts. Its design is fairly  
6 consistent with numerous other decks in the block, and  
7 it doesn't introduce any new mass or height, so it  
8 shouldn't visually intrude on the character or pattern  
9 of development along the alley.

10           Since there's no identified adverse effects  
11 on neighboring properties, and the RF-1 zone  
12 anticipates incremental residential developments that  
13 maintain neighborhood character, I believe the  
14 Applicant has met the standard for approval. I would  
15 give great weight to the Office of Planning's  
16 recommendation for approval, and I would also give  
17 great weight to the written reports of ANC 1D and ANC  
18 4C, both of which are in support, and state no issues  
19 of concern.

20           I would also note that there are letters in  
21 support in the record, and no opposition. So I will  
22 be voting to approve the application. Commissioner  
23 Stidham?

24           COMMISSIONER STIDHAM: Everybody must be  
25 feeling this warmer weather, today is deck day it

1 seems, with so many cases of decks. And again, this  
2 one, I agree, it's very straight forward. They've met  
3 the burden of proof, there do not appear to be any  
4 adverse conditions to existing neighbors, or to the  
5 neighborhood in general, and consistent with the zone.

6 So I also agree with your remarks, and am prepared to  
7 support.

8 VICE CHAIRPERSON BLAKE: Excellent, thank  
9 you. Board Member Drakeford?

10 MEMBER DRAKEFORD: No, I don't have any  
11 particular objections to this application, and also  
12 align myself with the comments that you've provided.  
13 In reviewing the materials that the Applicant  
14 submitted, it does appear to be consistent with the  
15 character of other deck projects in the surrounding  
16 neighborhood. And I believe they also have clearly  
17 demonstrated, and clarified some of the challenges  
18 that they're having with this particular project.

19 VICE CHAIRPERSON BLAKE: Thank you, Board  
20 Member Drakeford. With that I'd like to make a motion  
21 to approve the application as written and captured by  
22 the secretary, and ask for a second. Board Member  
23 Drakeford?

24 MEMBER DRAKEFORD: I second.

25 VICE CHAIRPERSON BLAKE: Okay, the motion has

1 been made and seconded. Would you please call for a  
2 roll call vote, Madam Secretary?

3 MS. MEHLERT: Please respond to the chair's  
4 motion to approve the application. Chairman Blake?

5 VICE CHAIRPERSON BLAKE: Yes.

6 MS. MEHLERT: Board Member Drakeford?

7 MEMBER DRAKEFORD: Yes.

8 MS. MEHLERT: Commissioner Stidham?

9 COMMISSIONER STIDHAM: Yes.

10 MS. MEHLERT: Staff record the vote as three  
11 to zero to two to approve Application No. 21403 on the  
12 motion made by Chairman Blake and seconded by Board  
13 Member Drakeford.

14 COMMISSIONER STIDHAM: Chairman Blake, could  
15 we take a short ten minute break before we start the  
16 next case?

17 MEMBER DRAKEFORD: You're muted, Mr. Blake.

18 VICE CHAIRPERSON BLAKE: That sounds good,  
19 let's take a ten minute break.

20 (Whereupon, the above-entitled matter went  
21 off the record at 10:49 a.m. and resumed at 11:01  
22 a.m.)

23 MS. MEHLERT: The Board is back from a quick  
24 break and returning to its hearing session.

25 The next case is Application No. 21408 of

1 Kristin Clark, an application pursuant to Subtitle X,  
2 Section 901.2 for special exceptions under Subtitle F,  
3 Section 5201 from the rear yard requirements of  
4 Subtitle F, Section 207.1 and the lot occupancy  
5 requirements of Subtitle F, Section 210.1. This is  
6 for a second floor rear deck addition to an existing  
7 principal rear dwelling. It's located in the RA-1  
8 zone at 3295 Fort Lincoln Drive NE, Square 4325, Lot  
9 995, and I will just note there were a couple later  
10 filings. There were comments from the ANC 5C01  
11 Commissioner in Exhibit 23, and then an updated letter  
12 of authorization from the architect that was filed  
13 yesterday in Exhibit 24.

14 VICE CHAIRPERSON BLAKE: Thank you, Madam  
15 Secretary. So we've already put in all the additional  
16 filings and approved those.

17 Is the Applicant here? If you could, could  
18 you please introduce yourself for the record?

19 Mr. Davies-Cole, are you here?

20 MR. DAVIES-COLE: I'm here.

21 VICE CHAIRPERSON BLAKE: Is your camera not  
22 working?

23 MR. DAVIES-COLE: My camera is -- I'm having  
24 an issue with my camera. I'm trying to unmute.

25 VICE CHAIRPERSON BLAKE: Okay. All right,

1 then we're just going to proceed. Are you going to do  
2 your presentation alone? Do you have some other  
3 people with you?

4 MR. DAVIES-COLE: I'm going to do the  
5 presentation alone. The other person couldn't log in,  
6 is on voice.

7 VICE CHAIRPERSON BLAKE: Who is that?

8 MR. DAVIES-COLE: Christopher Hill.

9 VICE CHAIRPERSON BLAKE: Christopher Hill.  
10 Okay. Mr. Sakinejad, do you see Mr. Hill in there?

11 MR. SAKINEJAD: Yes, staff is trying to help  
12 him sign in. He says he's in, but we're trying to  
13 locate him. Just a second.

14 VICE CHAIRPERSON BLAKE: Okay. Just while  
15 we're waiting for that, Madam Secretary, could you  
16 come back for a second? Are we set with the  
17 authorizations at this point?

18 MS. MEHLERT: Yes, I believe so. It's in the  
19 record. I believe everyone who is participating is  
20 authorized by the Applicant.

21 VICE CHAIRPERSON BLAKE: Okay, great. Thank  
22 you.

23 COMMISSIONER STIDHAM: One other question,  
24 did you say in the intro that there was a letter from  
25 ANC 5C?

1 MS. MEHLERT: It's a letter from the ANC  
2 Commissioner in 5C01, not from the full ANC.

3 COMMISSIONER STIDHAM: Okay. Okay.

4 MR. SAKINEJAD: Chair, Christopher Hill has  
5 called in, so he is available now.

6 VICE CHAIRPERSON BLAKE: Okay, great. Thank  
7 you very much.

8 Well, we can begin now if you will introduce  
9 yourself for the record. If you have a formal  
10 presentation we can pull that up. You have 15 minutes  
11 on the clock. If you can please go through and tell  
12 us how you believe your client is meeting the burden  
13 of proof to be granted the requested relief.

14 MR. DAVIES-COLE: Okay, my name is Emlyn  
15 Davies-Cole, and I'm the architect on the project.  
16 And I have a presentation, I submitted it, I don't if  
17 it's up yet. Okay. Yes.

18 VICE CHAIRPERSON BLAKE: It's up.

19 MR. DAVIES-COLE: Thank you. So can you move  
20 to the next slide?

21 So we are in the RA-1 zone, and we are  
22 putting in a deck, 18 by 10 feet. Unfortunately, we  
23 weren't able to meet the rear yard requirements and  
24 the lot occupancy requirements. That's all we're  
25 requesting relief for. The rear yard requirements

1 require that they have 20 feet unobstructed and we  
2 have only 12 and a half feet unobstructed. The lot  
3 occupancy is currently at 49 for our building, for our  
4 deck, with the building included in the lot occupancy  
5 calculations. Next slide.

6 So we're here complying with 5201.4. We have  
7 a modest deck and we have a minimal impact on the  
8 land. Next slide.

9 We are complying with sight lines and  
10 privacy. We have no intrusive views. The deck  
11 actually, you have unobstructed views to the sight  
12 lines. We have unobstructed views to the  
13 neighborhood, so we are not obstructing anything.  
14 Next slide.

15 So the deck is obviously located in the rear  
16 yard of the property and so it meets the current  
17 character of the neighborhood. Next slide.

18 In this section, we have some plans and  
19 elevations to show how we're meeting 501.2(a)(2)(c).  
20 Next slide.

21 This is the property and this is the deck,  
22 and we have the setbacks on here. Next slide.

23 This is the visual evidence provided. This  
24 is how the deck will look based upon the context. So  
25 we have the alley way and then we have the adjacent

1 buildings. Next slide. This is the rear view. Next  
2 slide. The right. Next slide. The left. Next  
3 slide.

4 So we have no adverse effects on the  
5 neighborhood. We are meeting light and air  
6 requirements for privacy. Next slide. Again, we're  
7 just trying to comply with Subtitle 50210 -- 502014.  
8 Next slide.

9 So we have a modest-size deck. We have no  
10 negative impacts and we are meeting -- the deck is  
11 used for -- it enhances residential livability by  
12 providing functional outdoor space. Next slide.  
13 That's just basically it.

14 VICE CHAIRPERSON BLAKE: Thank you very much.  
15 Does anyone from my Board have any questions for the  
16 Applicant?

17 Okay, I have one quick question for you.  
18 Could you please give me a little bit of color on the  
19 community outreach that you did, particularly with  
20 regard to the ANC and the adjacent neighbors?

21 MR. DAVIES-COLE: Yeah, I sent the ANC and  
22 the adjacent neighbors letters, basically, by email,  
23 to notify them of the work that we're doing.

24 VICE CHAIRPERSON BLAKE: And the adjacent  
25 neighbors and the homeowners association, etc.?

1 MR. DAVIES-COLE: Yes.

2 VICE CHAIRPERSON BLAKE: What did you do?  
3 Did you talk to the --

4 MR. DAVIES-COLE: I didn't talk to them. I  
5 notified them by email.

6 VICE CHAIRPERSON BLAKE: Okay. All right.  
7 Thank you very much.

8 Are there any other questions from my Board?

9 COMMISSIONER STIDHAM: Yes, just a follow up.  
10 So did you not hear back from any of the adjacent  
11 neighbors or the homeowners association?

12 MR. DAVIES-COLE: Yes, I didn't hear anything  
13 from them. No, I didn't receive any emails back or  
14 anything like that.

15 MR. HILL: Let me interject. The HOA --

16 VICE CHAIRPERSON BLAKE: Go ahead, Mr. Hill.

17 MR. HILL: That's what we're trying to  
18 obtain, a permit, because then we'll submit to them,  
19 but they have been on notice as far as what's being  
20 built.

21 VICE CHAIRPERSON BLAKE: Mr. Hill, you said -  
22 - you're Mr. Hill, I assume, and you said that --

23 MR. HILL: I'm sorry, yes.

24 VICE CHAIRPERSON BLAKE: Okay. And you said  
25 --

1           MR. HILL: The homeowner contacted the HOA  
2 for permission to build the deck, and the HOA  
3 instructed the homeowner to submit and obtain a  
4 permit, and then once the permit is obtained, then  
5 submit the drawing to them to them and they approve  
6 it. That was told to her.

7           VICE CHAIRPERSON BLAKE: And as far as the  
8 neighbors, the next door neighbors, did we speak with  
9 them at all?

10          MR. HILL: Yeah, they don't object. It's the  
11 neighbors on both sides. They concurred.

12          VICE CHAIRPERSON BLAKE: Okay. Thank you.  
13 Any other questions from my Board for the Applicant?

14          MEMBER DRAKEFORD: I did just have a question  
15 for the Applicant. I just wanted to make sure. It  
16 was a clarifying question for myself. So just looking  
17 at the architectural plans, you all are proposing a  
18 terrace addition on which you all have identified, I  
19 believe, as the lower level. And then there is a deck  
20 addition proposed on the main level. Is that correct?

21          MR. DAVIES-COLE: It'll just be the deck.

22          MR. HILL: Yes, it's a deck. I'm sorry.

23          MR. DAVIES-COLE: It's a deck. It's going up  
24 a few feet in the air, over the garage.

25          MEMBER DRAKEFORD: Okay. The reason why I

1 asked is because in the architectural plans that I  
2 believe you submitted, it does indicate the terrace  
3 and I believe the hashing indicates that it's  
4 proposed, so I just wanted to make sure I was clear on  
5 that.

6 MR. DAVIES-COLE: Yes, we're putting in like  
7 screens, basically, like a screen on both sides of the  
8 right side and the left side. It's just a screen. So  
9 really anything -- privacy screen.

10 MR. HILL: That privacy screen is matched  
11 throughout the neighborhood. It's on various decks  
12 throughout the neighborhood. It's like a panel, like  
13 a vinyl panel.

14 VICE CHAIRPERSON BLAKE: Okay, but Member  
15 Drakeford, was your questions answered? Do you have  
16 any --

17 MEMBER DRAKEFORD: I mean is it possible, can  
18 we, I mean is it possible that we can just pull up the  
19 architectural plans, I believe it's Exhibit 30a.

20 MR. HILL: Okay.

21 VICE CHAIRPERSON BLAKE: It's like a vinyl  
22 panel.

23 All right, which slide would be helpful here?

24 MEMBER DRAKEFORD: Sorry, I was just going  
25 through the deck now. Okay, this is helpful. Thank

1 you. My questions have been answered.

2 VICE CHAIRPERSON BLAKE: Could you look at  
3 the last slide on this deck, please, the very last  
4 slide?

5 MR. SAKINEJAD: Chair, can you specify  
6 exactly which exhibit?

7 VICE CHAIRPERSON BLAKE: The one you're in  
8 now. The one you're in now. Just go to the very last  
9 slide on this slide presentation --

10 MR. SAKINEJAD: Oh, so this is --

11 VICE CHAIRPERSON BLAKE: Oh is this -- the  
12 slideshow presentation is the one I wanted to see,  
13 then. You go back to the slideshow, the last slide  
14 you had on that presentation, did have a picture that  
15 was a little confusing. I think that may have been  
16 part of this. I'm not sure.

17 MR. DAVIES-COLE: Oh, ok. I can speak to  
18 that. That's not part of the project.

19 VICE CHAIRPERSON BLAKE: Why is it on the  
20 slide?

21 MR. DAVIES-COLE: It actually shouldn't be on  
22 the slide. It's not terraced like that.

23 VICE CHAIRPERSON BLAKE: Okay. Board Member  
24 Drakeford, is that part of what your concern was?

25 MEMBER DRAKEFORD: Yes, and this is helpful,

1 so no. I appreciate it. I believe my questions have  
2 been answered. Thank you.

3 MR. HILL: Thank you.

4 VICE CHAIRPERSON BLAKE: Thank you. If there  
5 are no more questions, I'm going to turn it over to  
6 the Office of Planning.

7 MR. JESICK: Thank you, Mr. Chairman, and  
8 members of the Board. For the record, my name is Matt  
9 Jesick, but it's my pleasure today to introduce our  
10 newest development review specialist here at OP,  
11 that's Mr. Philip Isaiah. Philip is a Baltimore  
12 native, and he got his master's in planning from the  
13 University of Maryland, and has had a range of  
14 planning and development review jobs throughout the  
15 region, most recently in Fairfax County. So he comes  
16 to us with a broad range of experience. He's already  
17 fit in as a great member of our team, and today is his  
18 first BZA presentation, so I'm going to turn it over  
19 to Philip to present OP's testimony in this case.

20 VICE CHAIRPERSON BLAKE: Great. Thank you.  
21 Welcome aboard.

22 MR. ISAIAH: Thank you, Mr. Chairman, and  
23 thank you, Mr. Jesick, for the warm welcome. And I'm  
24 glad to be part of the team and be able to work with  
25 the Board for the foreseeable future. With that, as

1   aforementioned, I'm Philip Isaiah, Office of Planning.  
2   The Office of Planning recommends approval of the  
3   subject application and stands on the record of the  
4   report contained in Exhibit 19 of the record, dated  
5   January 30, 2026. Thank you.

6           VICE CHAIRPERSON BLAKE: Okay. Thank you  
7   very much. Good for the debut.

8           Does anybody have any questions for the  
9   Office of Planning? Okay.

10          Does the Applicant have any questions for the  
11   Office of Planning?

12          MR. HILL: No, not at this moment. Thank  
13   you.

14          VICE CHAIRPERSON BLAKE: Okay, you made it  
15   through pretty good. All right.

16          Let's see, Mr. Sakinejad, is there anybody  
17   from the public who wishes to testify?

18          MR. SAKINEJAD: There is not anyone that has  
19   signed up.

20          VICE CHAIRPERSON BLAKE: Okay. Thank you  
21   very much then.

22          All right, we're going to go back to the  
23   Applicant. First of all, does the Board have any more  
24   questions for anybody?

25          Okay, second, we're going to go back to the

1 Applicant for any closing remarks you have?

2 MR. DAVIES-COLE: No, that's all.

3 MR. HILL: No, not at all.

4 VICE CHAIRPERSON BLAKE: Okay, well, thank  
5 you very much. I'm going to close the hearing and the  
6 record.

7 Mr. Sakinejad, if you could dismiss the  
8 witnesses. Thank you all for coming.

9 I'm going to just kick off the deliberations  
10 here. I thought this was a fairly straightforward  
11 application. We have had several decks of this type  
12 in this community that have come up, all about a  
13 similar size. The Applicant, based on the record, has  
14 met the burden of proof to be granted the requested  
15 relief. The proposed deck is open, uncovered, with  
16 additional shadowing, primarily falling on the subject  
17 property's driveway and garage. It introduces no  
18 atypical sight lines and is common, an anticipated  
19 feature in this subdivision.

20 I just want to say I thought that the  
21 photographs and renderings were actually very helpful  
22 to understand the context, and I appreciate Board  
23 Member Drakeford's efforts to clarify what exactly was  
24 being requested.

25 Considering these factors, the proposed deck

1 should not result in undue impacts on light, air, and  
2 privacy or neighborhood character. I believe it  
3 conforms with the harmony with the purpose and intent  
4 of the zoning regulations.

5 I do agree with the analysis provided by the  
6 Office of Planning and give great weight to the  
7 recommendation for approval by the Office of Planning.

8 There isn't an official written statement from ANC 5C  
9 in the record to afford great weight, but there is a  
10 submission from the SMD of 5C01 in Exhibit 23 that  
11 says the official response of ANC 5C, if the project  
12 is approved by Dakota Crossings homeowners  
13 body/organization, that standard suffices.

14 Unfortunately, the Board is required to give  
15 great weight to issues and concerns included in  
16 written reports of ANC provided that it contains the  
17 following; including the date of the ANC's public  
18 meeting, the outcome of the ANC's vote on a motion to  
19 adopt the report, and the Board's signature of a vice  
20 chair or chair. So I don't see anything in the record  
21 that -- I didn't find in the record, so we don't have  
22 by great weight.

23 But I also don't see anything in the record  
24 in opposition from any neighbors, and the Applicant  
25 representative indicated that they had been in touch

1 with others and that they have also been in touch with  
2 the HOA. So as I said, the Board has reviewed a few  
3 applications with similar decks in the area and all of  
4 them have actually been uncontested.

5 I also think there's sufficient evidence in  
6 the record to assess the potential impact on  
7 neighboring properties for zoning purposes without  
8 testimony, and I'd also indicate that any issues at  
9 the HOA level are really outside the Board's  
10 jurisdiction anyway. So I'll be voting in support of  
11 the application.

12 Commissioner Stidham?

13 COMMISSIONER STIDHAM: Thank you, I agree.  
14 It's very straightforward and this is pretty much a  
15 deck that has been implemented throughout this  
16 community with the similar style, shape, and  
17 configuration. I think they have met all of the  
18 balancing requirements and agree with the approval of  
19 recommendation from DC OP. And with that I am  
20 prepared to support.

21 VICE CHAIRPERSON BLAKE: Okay. Thank you.  
22 Board Member Drakeford?

23 MEMBER DRAKEFORD: Yes, I want to just first  
24 thank the Applicant for providing the clarification on  
25 the particular case and the question that I had. As

1 you all have both mentioned, I do believe that this is  
2 very straight forward and is consistent with previous  
3 deck additions in this area, and I have no objections  
4 to the case.

5 VICE CHAIRPERSON BLAKE: Okay. Thank you  
6 very much. Well, with that I'd like to make a motion  
7 to approve Application No. 21408 as written and  
8 captioned by the Secretary and ask for a second.

9 Board Member Drakeford?

10 MEMBER DRAKEFORD: I second.

11 VICE CHAIRPERSON BLAKE: Okay. Madam  
12 Secretary, the motion has been made and seconded.  
13 Would you please call for a roll call vote?

14 MS. MEHLERT: Please respond to the chair's  
15 motion to approve the application.

16 Chairman Blake?

17 VICE CHAIRPERSON BLAKE: Yes.

18 MS. MEHLERT: Board Member Drakeford?

19 MEMBER DRAKEFORD: Yes.

20 MS. MEHLERT: Commissioner Stidham?

21 COMMISSIONER STIDHAM: Yes.

22 MS. MEHLERT: Staff would record the vote as  
23 3 to 0 to 2 to approve Application No. 21408 on the  
24 motion made by Chairman Blake and seconded by Board  
25 Member Drakeford.

1           VICE CHAIRPERSON BLAKE: All right, okay.  
2 Madam Secretary, would you please call our next  
3 hearing session application?

4           MS. MEHLERT: Next is Application No. 21412  
5 of Taleesha Scott Richardson. As amended, this is a  
6 self-certified application pursuant to Subtitle X,  
7 Section 901.2 for special exceptions under Subtitle D,  
8 Section 5201, side yard requirements of Subtitle D,  
9 Section 208.7, and the lot occupancy requirements of  
10 Subtitle D, Section 210.1. This is for a third story  
11 and rear addition to a reconstructed two-story  
12 detached principal dwelling with an accessory  
13 apartment in the basement and new accessory structure  
14 in the rear yard. It's located in the R-1B zone at  
15 3708 24th Street NE, Square 4242, Lot 44, and as a  
16 preliminary matter, the Applicant has filed a motion  
17 to accept untimely filings in Exhibits 35 and 37,  
18 which includes provided statements, self-  
19 certification, plans, plat, and shadow study.

20           VICE CHAIRPERSON BLAKE: Okay. If that  
21 information is in, please submit that to the record.  
22 I'd like to see what they have to say. If the  
23 Applicant is here, would you please introduce yourself  
24 for the record?

25           MS. RICHARDSON: Good afternoon, Chairperson

1 and members of the Board. My name is Taleesha  
2 Richardson, and I am the homeowner of 3708 24th Street  
3 NE. My husband is here as well, along with my  
4 architect, if there are questions that I am unable to  
5 answer. And I do have a presentation as well.

6 VICE CHAIRPERSON BLAKE: Okay. Will you be  
7 doing the presentation or will your architect? Or  
8 he'll just be answering questions for you?

9 MS. RICHARDSON: I'll be doing the  
10 presentation and if there are any questions that are  
11 raised by the Board that I am unable to answer, he is  
12 available to step in.

13 VICE CHAIRPERSON BLAKE: Okay, excellent.  
14 Okay, well, you have 15 minutes on the clock. If you  
15 please give us an overview of your project and how you  
16 believe you're meeting the standard for approval.  
17 We'll begin whenever you'd like.

18 MS. RICHARDSON: Thank you so much. Again,  
19 my name is Taleesha Scott Richardson and I am here  
20 today requesting a special exception, or special  
21 exception relief to allow the reconstruction of our  
22 single family home following a fire that began in our  
23 neighbor's home and spread to ours, leaving my family  
24 displaced and our home uninhabitable. So we are  
25 requesting relief for lot occupancy and side yard

1 requirements on a 25 foot wide nonconforming lot.

2 Next slide, please.

3 The property is located in R-1B, in R-1B  
4 zone, and it is only 25 feet wide which makes it a  
5 legally nonconforming lot. Next slide, please.

6 The original structure already contains  
7 nonconforming side yards, and those conditions limit  
8 how the home can be reconstructed today. Next slide,  
9 please.

10 So because of the lot width and the existing  
11 conditions, zoning relief is necessary in order to  
12 rebuild a functional single family home. Next slide,  
13 please.

14 So we are requesting two forms of relief; lot  
15 occupancy relief from 35 percent to 50 percent, as  
16 well as side yard relief to maintain the existing  
17 nonconforming conditions on the north and then one  
18 foot on the south. We have revised our plans, and we  
19 are no longer requesting any relief related to green  
20 area of pervious surface. Our proposal is to  
21 reconstruct a detached single family home with a small  
22 basement accessory dwelling unit. The design  
23 maintains the residential character of the block and  
24 includes a step-back, third floor, to reduce the  
25 massing and visual impacts, as well as relocated

1 garage which will be our home office. So the garage  
2 has been relocated to the other side of the lot to  
3 further enhance the light and air for our immediate  
4 neighbors, and then it also aligns with the garage to  
5 the south.

6 The accessory dwelling unit complies fully  
7 with Subtitle U. Next slide, please. You can also go  
8 to the next slide.

9 These are the proposed site plans. Next  
10 slide, please. The first floor. Next slide, please.

11 Our second floor. Next slide, please.

12 The proposed third floor plan, again, which I  
13 mentioned is intentionally set back to prevent any  
14 additional shadowing and to maintain access to light  
15 and air for adjacent properties. Next slide, please.

16 These are the elevations. Next slide,  
17 please. Next slide. Next slide, please. Next slide.

18 Next slide. Next slide, please. Thank you, next  
19 slide. And the next slide. Thank you. And the next  
20 slide.

21 So while the home will not intentionally  
22 mirror the older one destroyed by the fire, it's  
23 designed as thoughtfully -- it thoughtfully reflects  
24 the style and the material and character of newer  
25 homes redesigned in the neighborhood, such as this

1 nearby home which is just one house outside of our  
2 2,000 feet tax map radius, which is another approved  
3 BZA case which is BZA Case No. 20925 at 2214 Otis  
4 Street NE. Next slide, please.

5           And while the structure introduces the height  
6 compliant third story, the massing and articulation  
7 are balanced with existing three-story homes in the  
8 neighborhood with varied roof lines which are visible  
9 along the block and the home across the street  
10 features increased roof height that helps to establish  
11 a consistent rhythm of critical massing along the  
12 block. Next slide, please.

13           The ANC reviewed the application and voted in  
14 support of our application. We also have the full  
15 support of our ANC Commissioner as well. We do not  
16 have any letters of opposition, and we have various  
17 letters in support on record.

18           So the design is consistent with nearby homes  
19 and the overall character of the block. Next slide,  
20 please. And next slide.

21           I also just wanted to provide some examples  
22 of the streetscape and the visual character of the  
23 neighborhood, and our home would be consistent with  
24 the evolving neighborhood context and comparable with  
25 other three-story homes that are nearby. Next slide,

1 please.

2 This is just an example of our proposed  
3 building materials, which we may not necessarily need.

4 And then I would like to show you the shadow study.  
5 If you can go to the next slide, please. Thank you.

6 So the shadow study demonstrates that while  
7 there is some additional impact associated with the  
8 requested relief, it is minimal and does not rise to  
9 the level of undue impact under the zoning  
10 regulations. Next slide, please.

11 So the project does not create undue impacts  
12 on light, air, or privacy, and the shadow study  
13 actually shows minimal additional shadowing compared  
14 to the by right scenario and as I mentioned earlier,  
15 therefore, it is intentionally set back to provide  
16 some additional relief. Next slide, please. And next  
17 slide. Thank you.

18 I do want to note that we have been very  
19 active in terms of collaborating with neighbors and  
20 with our ANC, and we met with the DZLU and received  
21 some feedback from them and revised our plans to  
22 address their concerns and feedback. And so with  
23 those revisions, if you can go to the next slide,  
24 please, we have changed the footprint and we  
25 eliminated the need for pervious surface relief

1 altogether. We removed the side yard living room  
2 bump-out that was in a previous plan. We also reduced  
3 the size of our breakfast nook bump-out and the  
4 proposal before you reflects those revisions and the  
5 feedback that we were given and that we addressed.  
6 Next slide, please.

7 I also just want to show similar breakfast  
8 nooks just right within our block, right on the same  
9 square and side of the street as our house on 24th  
10 Street. One home features a side bump-out that has  
11 zero side yard. Another home at 3718 has a foot of  
12 side yard remaining after their side yard nook bump-  
13 out. And then 3712 24th Street has two feet of side  
14 yard. Next slide, please.

15 So just in conclusion and just with a summary  
16 here, the project does not create undue impacts on  
17 light, air, or privacy. The proposed addition will  
18 not adversely affect the use of neighboring properties  
19 in accordance with the zoning regulations and zoning  
20 map, and as discussed, any additional shadowing is  
21 minimal and does not constitute an undue impact. The  
22 design is consistent with nearby homes and the overall  
23 character of the neighborhood. So taken altogether,  
24 the proposal satisfies all special exception criteria  
25 and maintains harmony with both the zoning regulators,

1 excuse me, zoning regulations and surrounding  
2 community. Next slide, please.

3 So for these reasons, we believe that the  
4 application meets the standards for special exceptions  
5 under Subtitle D and Subtitle X and we respectfully  
6 request the Board's approval. Thank you so much for  
7 your time today. That concludes my presentation.

8 VICE CHAIRPERSON BLAKE: Thank you very much.  
9 That was a very thorough presentation and I greatly  
10 appreciate it. Does anyone on the Board have any  
11 questions for the Applicant?

12 COMMISSIONER STIDHAM: I do.

13 VICE CHAIRPERSON BLAKE: Go ahead.

14 COMMISSIONER STIDHAM: So what is your  
15 intention with the existing home, the existing  
16 structure before you make these improvements?

17 MS. RICHARDSON: It will remain a single,  
18 family detached home. I'm not sure if I understand  
19 your question.

20 COMMISSIONER STIDHAM: So I guess I'm trying  
21 to understand are you -- you talk about rebuilding  
22 throughout your presentation. So is your plan to  
23 demolish the existing structure and you're basically  
24 starting over or does this meet the requirements of an  
25 addition to the existing structure?

1 MS. RICHARDSON: Based on the feedback  
2 received from just from the preliminary findings from  
3 the engineering, from our engineer, it should meet the  
4 requirements of an addition.

5 COMMISSIONER STIDHAM: Okay. Is there  
6 anything in the record related to that clarification  
7 of an addition? I went through the record and I just  
8 couldn't find anything that gave me a sense of whether  
9 you were starting over or whether this qualified as an  
10 addition.

11 MS. RICHARDSON: Got it. No, there is not  
12 anything on the record. I'm not sure if my architect  
13 would like to speak in reference to that, but our  
14 understanding is that we will not have to completely  
15 tear down the house and start over.

16 COMMISSIONER STIDHAM: Okay, is your  
17 architect here today?

18 MS. RICHARDSON: Yes. He should be. Andy.

19 COMMISSIONER STIDHAM: That would be helpful.

20 MR. SAKINEJAD: We had folks try to call him  
21 and we could not get him on the line.

22 MS. RICHARDSON: Okay. Let me just --

23 VICE CHAIRPERSON BLAKE: We can -- let's do  
24 this for a second. Ms. Richardson, put yourself on  
25 mute. Thank you.

1 I think Commissioner Stidham, one of the  
2 things about this -- I agree with you that the  
3 question does become now: does this become a rebuild  
4 or is this a teardown? The biggest difference,  
5 though, would be that we'd end up having --- the  
6 Applicant would have to come back and get rear side  
7 yard relief. The magnitude of the relief would  
8 change, but the relief in question would not.

9 At this point, they're looking for, I think  
10 it's going to be five feet. If it were a new build,  
11 the requirement would be two side yards at eight feet,  
12 but you'd still end up having to get the same -- you  
13 would still need side yard relief and it would end up  
14 with the project in the same place. So at the end of  
15 the day, there may be some issues up there, but  
16 they'll figure that out, but they will have to come  
17 back and end up -- if they have to make an adjustment,  
18 they can. But I don't think we end up in a very  
19 different spot.

20 COMMISSIONER STIDHAM: Okay, thank you for  
21 that.

22 VICE CHAIRPERSON BLAKE: Ms. Richardson, if  
23 he's available to call in, that's fine. Otherwise, I  
24 think we're good for now.

25 MS. RICHARDSON: Okay. Thank you.

1                   MEMBER DRAKEFORD: Chair Blake, I did also  
2 have a question. I just wanted to confirm what the  
3 height of the proposed structure is?

4                   MS. RICHARDSON: Let's see. It should be  
5 there on our self-cert and plan, so Exhibit 37D, and  
6 I'm not sure what slide that is in my presentation.  
7 But let's see if I can give you --

8                   VICE CHAIRPERSON BLAKE: Can you -- which  
9 slide? Was it in the presentation deck itself?

10                  MS. RICHARDSON: Yes. It does include the  
11 numbers in the plan, but the proposed height is fully  
12 compliant with the by right height limit for zone R-1B  
13 and we are not requesting height relief. But let me  
14 see if I can tell you what that exact height is. It  
15 should be within -- that is slide -- either within the  
16 plans of the exhibit that I mentioned or it can be  
17 found -- if I can find the slide.

18                  VICE CHAIRPERSON BLAKE: Let's do this. I  
19 think the Office of Planning may be able to have that  
20 information. It's typically in their written report.  
21 If there are any other questions, we'll come back to  
22 that, are there any other questions that we have for  
23 the Applicant?

24                  MEMBER DRAKEFORD: No, not at this moment.

25                  VICE CHAIRPERSON BLAKE: Okay, great. So

1 let's go to the Office of Planning. Ms. Thomas, could  
2 you please give us your report and if you have any  
3 idea of that height measurement, I'd appreciate it.

4 Thank you.

5 MS. THOMAS: Yes. Good morning, Mr. Chair,  
6 members of the Board. Karen Thomas for the Office of  
7 Planning and to address the height, the height as  
8 presented in the application is 39 feet. The proposed  
9 height is 39 feet which meets, which satisfies the  
10 height requirements for this zone. The maximum height  
11 permitted for this zone is 40 feet. And the  
12 Applicant's proposed height is 39 feet.

13 We are in support of this application. I  
14 think the Applicant did a complete presentation, so I  
15 can rest on the record of our report. We are in  
16 support of this application as presented in our report  
17 at Exhibit 38. And I'd be happy to take any  
18 questions. Thank you.

19 VICE CHAIRPERSON BLAKE: Does the Board have  
20 any questions for the Office of Planning? Okay.

21 Thank you, Ms. Thomas.

22 Mr. Sakinejad, is there anyone here who  
23 wishes to speak?

24 MR. SAKINEJAD: So yes. We have ANC here and  
25 we have --

1 VICE CHAIRPERSON BLAKE: Yes, yes, of course.

2 MR. SAKINEJAD: We have two people signed up  
3 to speak in opposition, so would you like to hear from  
4 the ANC?

5 VICE CHAIRPERSON BLAKE: We'll hear from the  
6 ANC first and then we'll hear from the two parties in  
7 opposition, two persons in opposition. Thank you.

8 Commissioner, are you there?

9 MS. DUPEE: Thank you for your patience.  
10 It's been a day. Here we are. Can you hear me,  
11 Chairman?

12 VICE CHAIRPERSON BLAKE: Yes, how are you?

13 MS. DUPEE: I'm doing well. How are you  
14 today? I've learned a lot about decks this morning.

15 VICE CHAIRPERSON BLAKE: We all have.

16 MS. DUPEE: Are you ready for me to present?

17 VICE CHAIRPERSON BLAKE: Yes, please, go  
18 ahead. Thank you.

19 MS. DUPEE: All right, well, good morning to  
20 everyone with the Board. Thank you for the partners  
21 who are part of this development that have presented  
22 as well. My name is Natasha Dupee, I serve as chair  
23 of ANC 7E. This is my sixth year as a Commissioner  
24 for a Single Member District 7E04.

25 We have a cadence for engaging with our

1 development partners when they come to the Commission.  
2 Our chief concern is have you talked to the residents  
3 if you're in a multi-family dwelling or a large-scale  
4 building? Like what is your engagement with those  
5 tenants already? Have you spoken with the neighbors  
6 that are most directly impacted in the --

7 VICE CHAIRPERSON BLAKE: Excuse me, excuse.  
8 Ms. Dupee, this is good. You know what? I'm just  
9 realizing, this is not the case that you're working on  
10 because --

11 MS. DUPEE: Okay.

12 VICE CHAIRPERSON BLAKE: We should be hearing  
13 from 5B is what we should be hearing from. Is that  
14 right? 5B.

15 MS. DUPEE: I'm here.

16 VICE CHAIRPERSON BLAKE: You're coming back.  
17 I think you're coming here. I think you're coming  
18 back.

19 MR. SAKINEJAD: Sorry about that, everyone.  
20 I'm still trying to get --

21 VICE CHAIRPERSON BLAKE: That's okay. So  
22 where do we stand, Mr. Sakinejad?

23 MR. SAKINEJAD: Okay, so I triple checked.  
24 We do not have anyone signed up to speak and we do not  
25 have anyone from the ANC. And again, I am sorry for

1 the little switch up there.

2 VICE CHAIRPERSON BLAKE: That's all right.  
3 You got everybody a little excited. It's okay. Thank  
4 you very much.

5 All right, let's see, with that, Ms. Dupee,  
6 thank you very much for your presentation.

7 Ms. Richardson, do you have any closing  
8 remarks?

9 MS. RICHARDSON: No.

10 VICE CHAIRPERSON BLAKE: Okay, well, thank  
11 you again for a thorough presentation. I enjoyed it  
12 myself and Mr. Sakinejad, we can now close the hearing  
13 and the meeting and dismiss the witnesses. I  
14 appreciate it.

15 Okay. I'm going to kick this off really  
16 quickly. This is certainly a challenging situation  
17 which I can completely relate to having been displaced  
18 by fire myself. It's seeking two areas of reliefs,  
19 lot occupancy and side yard to reconstruct their home.

20 As this has been a fairly straight forward  
21 application and it looks to me that they're going to  
22 have a nice-looking house when it's all said and done.

23 I do believe that the Applicant has met the burden of  
24 proof to be granted requested relief. I appreciate  
25 the Applicant's presentation. It was very thorough

1 and helpful. I also appreciate the community  
2 interaction and their willingness to receive and  
3 incorporate the feedback they received.

4 We did mention an issue here with regard to  
5 the relief requested. If it turns out that this is,  
6 in fact, a raze by the definition in the regulations,  
7 you will need to revisit the relief being requested,  
8 so we should just be aware of that as we do this. But  
9 I think that based on what we have today and making  
10 the assumption that we are that this is a rebuild, I'm  
11 going to be in support of this application. I do  
12 believe that they do have the support of ANC 5B and  
13 from what I can see multiple folks in support  
14 including the abutting neighbors.

15 Commissioner Stidham, do you have anything  
16 you want to add?

17 COMMISSIONER STIDHAM: No, I don't think so.  
18 Just that clarification to say you have to come back,  
19 otherwise, I think it will be a beautiful structure  
20 and complimentary to the neighborhood, so I'm prepared  
21 to support as well.

22 VICE CHAIRPERSON BLAKE: Board Member  
23 Drakeford?

24 MEMBER DRAKEFORD: I really appreciate the  
25 thoroughness of the Applicant's presentation. In

1 walking us through the presentation, it does seem as  
2 though there has been significant community outreach  
3 done for this particular project and the design has  
4 been done to be thoughtful and compatible or somewhat  
5 consistent with the character of the surrounding  
6 community, so I also am prepared to support this  
7 particular case.

8 I do just have a question about the height of  
9 the structure as outlined in the architectural plans,  
10 but for the relief requested, as proposed, or as  
11 requested, I am certainly in support of that.

12 VICE CHAIRPERSON BLAKE: Thank you very much.  
13 We're okay. Then with that, I'm going to make a  
14 motion to approve the application for No. 21412 as  
15 written and captioned and ask for a second, Board  
16 Member Drakeford?

17 MEMBER DRAKEFORD: I second.

18 VICE CHAIRPERSON BLAKE: The motion has been  
19 seconded.

20 Madam Secretary, will you please conduct a  
21 roll call vote.

22 MS. MEHLERT: Please respond to the chair's  
23 motion to approve the application.

24 Chairman Blake?

25 VICE CHAIRPERSON BLAKE: Yes.

1 MS. MEHLERT: Board Member Drakeford?

2 MEMBER DRAKEFORD: Yes.

3 MS. MEHLERT: Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MS. MEHLERT: Staff would report the vote as  
6 3 to 0 to 2 to approve Application No. 21412 on the  
7 motion made by Chairman Blake and seconded by Board  
8 Member Drakeford.

9 VICE CHAIRPERSON BLAKE: Thank you, Madam  
10 Secretary. Let's see.

11 MEMBER DRAKEFORD: Chair Blake? I'm sorry.

12 VICE CHAIRPERSON BLAKE: Yes.

13 MEMBER DRAKEFORD: Can we take a short five-  
14 minute break? I just need to plug up my laptop to  
15 make sure I do not cut off.

16 VICE CHAIRPERSON BLAKE: Well, I can do  
17 better than that. Just while we're here, first thing,  
18 Madam Secretary, how many cases do we have left?

19 MS. MEHLERT: There are four cases left.

20 VICE CHAIRPERSON BLAKE: Four cases left.

21 How about -- where do you guys stand on this? Would  
22 you rather take a -- it's right at 11:50. Do we want  
23 to take a 30-minute lunch and then do the rest of  
24 those or do you want to kind of take a short break and  
25 then come back? We'll do it that way.

1 COMMISSIONER STIDHAM: Thirty minutes would  
2 be great.

3 VICE CHAIRPERSON BLAKE: Okay.

4 MEMBER DRAKEFORD: I agree.

5 VICE CHAIRPERSON BLAKE: Okay, we're going to  
6 take a 30-minute break. In fact, we're going to take  
7 a 40-minute break.

8 (Whereupon, the above-entitled matter went  
9 off the record at 11:51 a.m. and resumed at 12:34  
10 p.m.)

11 MS. MEHLERT: The Board is back from their  
12 lunch break and returning to its hearing session. The  
13 next case is Application Number 21409 of Valley Vista  
14 Condo Association. This is a self-certified  
15 application pursuant to Subtitle X, Section 901.2  
16 under Subtitle C, Section 909, no loading requirements  
17 of Subtitle C, Section 909.1, size of land  
18 requirements for Subtitle C, Section 905.4, and from  
19 the screening and lighting requirements of Subtitle C,  
20 Section 908. This brand new loading berth had an  
21 existing department house for 169 units located in the  
22 RA-2 Zone at 2032 Belmont Road NW, Square 2541, Lot  
23 32. And as a preliminary matter, the Applicant has  
24 filed a motion to waive the filing deadline to submit  
25 an updated letter of authorization, which is at

1 Exhibit 27A.

2 VICE CHAIRPERSON BLAKE: Okay, would you  
3 please submit that to the record so we have it? Is  
4 the Applicant here, Mr. Corell? Would you please  
5 introduce yourself? Could you please introduce  
6 yourself and anyone else that is here with you? Is  
7 your camera working? Oh, great, there you are.

8 MR. CORELL: Hi.

9 VICE CHAIRPERSON BLAKE: Okay, hi.

10 MR. CORELL: Hi, good afternoon. It is  
11 actually pronounced Corell.

12 VICE CHAIRPERSON BLAKE: Perfect. Is that  
13 right?

14 MR. CORELL: That is weird, I know. My wife  
15 gives me a hard time about it all the time.

16 VICE CHAIRPERSON BLAKE: Well, that is  
17 interesting, okay.

18 MR. CORELL: I am a partner at the Firm DBMC  
19 Design LLP, who is representing the Valley Vista Condo  
20 Association today. There are no other participants on  
21 the Applicant side other than me.

22 VICE CHAIRPERSON BLAKE: Okay. Mr. Sakinejad  
23 is there anyone else here on the -- here to testify or  
24 available for testimony?

25 MR. SAKINEJAD: We do not have anyone else.

1           VICE CHAIRPERSON BLAKE: Okay. All right.  
2 Well, then, Corell, would you go ahead then if you  
3 have a presentation with us, please let us know and we  
4 will pull that up. You have 15 minutes on the clock  
5 if you can tell us how you believe your Applicant is  
6 meeting the burden of proof to be granted the request  
7 for relief. Before you do that, I am just curious to  
8 begin and get a little background as to why the condo  
9 association is trying to do this. It would be very  
10 helpful for me to understand that, and kind of how  
11 they are doing things today. Those are things I am  
12 just very curious about, so please.

13           MR. CORELL: Yes, absolutely. So thank you  
14 for your time this morning to hear our case requesting  
15 special exception of the service delivery space  
16 loading platform and screening. Valley Vista is 169-  
17 unit condo building that has existed for almost 100  
18 years. The property has street frontage on Belmont  
19 Road NW and Ashley Place NW. There is an alley access  
20 from Ashley Place NW, is shared with nine single  
21 family residences.

22           The property's main entrance and lobby is  
23 located along Belmont Road, and has a service door  
24 located at the alley. It should be noted that the  
25 alley is one floor higher than Belmont Road, which

1 means that the alley is level with the second floor of  
2 the building. The building has only six onsite  
3 parking spaces, which are owned by individual condo  
4 owners, meaning not just anyone in the building can  
5 park in these spaces. Currently there does not exist  
6 any loading berth or service delivery spaces.

7           The building due to longevity of the  
8 residence does not produce a lot of turnover, in fact,  
9 the building in 2025 had a total of 27 days of  
10 scheduled moves. The moving trucks parking in the  
11 alley were not an issue until recently when the  
12 building underwent a mandatory roof replacement,  
13 completed in 2023 where some of the neighbors along  
14 Ashmead expressing concerns about the alley being  
15 blocked by trucks. From these conversations with the  
16 neighbors Valley Vista added cameras and signage to  
17 the loading door to prevent residences from blocking  
18 the alley.

19           Additionally, the building's move-in/move-out  
20 plan was revised to require all residents to register  
21 and schedule their move at least one week in advance  
22 with management. The new plan allows only one move  
23 per day, limit to four hour increments from 9:00 a.m.  
24 to 1:00 p.m., or 1:00 p.m. to 5:00 p.m., Monday  
25 through Saturday. Sundays and holidays are prohibited

1 moving days. After continuing conversations with the  
2 neighbors, Valley Vista in 2024 engaged DMC for the  
3 expiration to provide a loading berth for the use of  
4 the residents to eliminate any disruption to the  
5 alley.

6           During our investigations we noted that the  
7 Zoning Code, Section C901 requires every building of  
8 50 units or more provide one loading berth and one  
9 service delivery space. Furthermore, all loading  
10 berths are to be located in the rear yard of the  
11 property per Section C 903. This requirement, Section  
12 C903, limits our options for loading as the rear yard  
13 is only accessed via the alley. Due to the building's  
14 position there is only one space for a 12 foot by 30  
15 foot loading berth as required by Section C905.  
16 However, this location does not allow for a service  
17 delivery space, a loading platform, or the required  
18 screening.

19           Currently, service delivery trucks such as  
20 UPS or FedEx park at the main entrance along Belmont  
21 Road, and will continue to do so. We do not propose  
22 delivery berth at the rear to be used by these  
23 deliveries, not only would it be impractical for the  
24 drivers, we feel this would create unnecessary traffic  
25 in the alley. We request relief from the required

1 loading platform, Section C9 through 5.4 as modern  
2 loading trucks come standard with ramps or built-in  
3 platforms to aid movers. The lack of permanent  
4 loading platform would not adversely affect the intent  
5 of the zoning code. While not ideal, the lack of  
6 screening would not adversely affect the neighbors as  
7 the alley is used by other service trucks such as  
8 utility and garbage trucks that collect the trash for  
9 the neighbors who share the alley with Valley Vista.

10           Additionally, several neighbors have  
11 constructed fencing or walls to visually protect their  
12 property, and the amended move-in/move-out plan, which  
13 limited the hours and days is intended to reduce the  
14 amount of loading to further help with these  
15 disruptions. Valley Vista has demonstrated their  
16 willingness to work with the neighbors by adding the  
17 signage, the amendment to the move-in/move-out plan,  
18 and for the proposed loading berth. The added loading  
19 berth will address the concerns of the neighbors by  
20 keeping the alley clear of loading traffic. It thus  
21 create a better environment for all the inhabitants.  
22 The proposed relief has already received support from  
23 the Office of Planning and the District Department of  
24 Transportation. For these reasons we feel we meet the  
25 burden of proof for special exceptions. We appreciate

1 your time, and look forward to your ruling. Thank  
2 you.

3 VICE CHAIRPERSON BLAKE: Okay, great. Thank  
4 you very much. Do we have any questions from the  
5 Board?

6 Would you kindly go over for me, Mr. Corell,  
7 again the move-in times that you have with the new  
8 plan?

9 MR. CORELL: The new plan restricts it from  
10 9:00 a.m. to 1:00 p.m., or 1:00 p.m. to 5:00 p.m. Any  
11 mover who decides to move on any given day only has  
12 four hours to do it.

13 VICE CHAIRPERSON BLAKE: Okay, 1:00 to 5:00  
14 or 5:00 to 1:00 and no Saturdays or Sunday.

15 MR. CORELL: No Sundays or holidays,  
16 Saturdays are allowed.

17 VICE CHAIRPERSON BLAKE: No Sundays or  
18 holidays. What size are the apartments, I am just  
19 curious, in the building? Are they all small units,  
20 or are they larger units?

21 MR. CORELL: There is a range of studios, one  
22 bedrooms, two bedrooms, and three bedrooms.

23 VICE CHAIRPERSON BLAKE: So it is a little of  
24 everything. Okay, and the condos you said there are  
25 not many move-outs. You only had 27 days of move-outs

1 last year.

2 MR. CORELL: Last year that is all that was  
3 recorded, 27 days.

4 VICE CHAIRPERSON BLAKE: You said all other  
5 deliveries will be from where, the front?

6 MR. CORELL: From the main entrance on  
7 Belmont Road, which is where they currently go.

8 VICE CHAIRPERSON BLAKE: Okay, which  
9 deliveries are you talking about, like, mail,  
10 DoorDash, Amazon, that type of thing?

11 MR. CORELL: Yes, sir.

12 VICE CHAIRPERSON BLAKE: Okay, and the rear  
13 will be used for what, trash, and what else?

14 MR. CORELL: For moving, so whenever a  
15 residence decides to move or have furniture delivered  
16 it will come to the rear of the building.

17 VICE CHAIRPERSON BLAKE: Trash is also  
18 collected from the rear.

19 MR. CORELL: Correct, that is existing  
20 already.

21 VICE CHAIRPERSON BLAKE: It would be used for  
22 the berth or would that be separate?

23 MR. CORELL: Separately, the berth would not  
24 be used for trash.

25 VICE CHAIRPERSON BLAKE: Oh, the trash is

1 handled in a separate location. Will that in any way  
2 be affected by this?

3 MR. CORELL: By the loading berth?

4 VICE CHAIRPERSON BLAKE: By the new  
5 configuration, yes.

6 MR. CORELL: No, sir, it is completely and  
7 totally on the property of Valley Vista.

8 VICE CHAIRPERSON BLAKE: Okay, great. Thank  
9 you very much. Any other questions from Board  
10 members?

11 COMMISSIONER STIDHAM: Along those same  
12 lines. I think there were other conditions related to  
13 the use of the berth that maybe I missed. Thank you  
14 for having him to read the timing. Were there other  
15 conditions that you were mentioning related to its  
16 current use, or how would the proposed use and how it  
17 would mitigate the issues related to the current use,  
18 and how move-ins and other things are occurring?

19 MR. CORELL: Currently there is not any  
20 loading berths or --

21 COMMISSIONER STIDHAM: Right, I understand.  
22 So how moving currently occur without the berth?

23 MR. CORELL: Unfortunately, the residents  
24 park in the alley and block the alley when they move  
25 in and move out.

1 COMMISSIONER STIDHAM: Okay.

2 MR. CORELL: So the neighbors obviously  
3 expressed concerns about this, and rightfully so, so  
4 we are trying to mitigate any kind of concern and make  
5 the alley a safer place by actually having a dedicated  
6 loading berth just for the residents to no longer  
7 block the alley.

8 COMMISSIONER STIDHAM: Those conditions that  
9 you mentioned, they apply currently even with the  
10 alley use or is this --

11 MR. CORELL: Correct.

12 COMMISSIONER STIDHAM: Okay. I am just  
13 trying to get a good picture of current versus  
14 proposed operations and how those will affect the  
15 alley use and the adjacent neighbors. Thank you.

16 MR. CORELL: Yes, ma'am. Thank you.

17 MEMBER DRAKEFORD: Chair Blake, I do have a  
18 few questions. I do not know if we should --

19 VICE CHAIRPERSON BLAKE: Please go ahead.

20 MEMBER DRAKEFORD: I do not know if this is  
21 more appropriate for DDOT, but as we are speaking  
22 about some of the conditions or how the loading area  
23 would be managed and used have you all -- DDOT has  
24 provided some recommendations around the  
25 implementation of a loading management claim,

1 specifically noting that a loading manager -- or  
2 recommending that a loading manager would be  
3 designated by the building management. Is that  
4 something that you all have considered or thought  
5 about how that will be implemented with this  
6 particular application?

7 MR. CORELL: Well, currently there is an  
8 onsite manager who takes the registrations of each  
9 individual unit owner prior to management, so prior to  
10 move-ins and move-outs. When they are there for their  
11 allotted time they are required to meet at the front  
12 desk, the building manager notify them to sign in if  
13 they are moving in or moving out. So there is  
14 somebody there on site all the time who is going to be  
15 managing and making sure that the unit owners are  
16 adhering to the 9:00 to 1:00 or the 1:00 to 5:00.

17 MEMBER DRAKEFORD: Okay, thank you.

18 VICE CHAIRPERSON BLAKE: Mr. Corell, you said  
19 you have looked -- have you gone through the  
20 recommendations from DDOT with regard to the potential  
21 conditions?

22 MR. CORELL: Yes, sir.

23 VICE CHAIRPERSON BLAKE: Okay, are there  
24 anything in particular on there that we need to flag?  
25 I would be curious to know.

1           MR. CORELL: The one in particular is the  
2 service delivery spaces. I believe that DDOT is  
3 recommending that they also use the alley loading  
4 berth to drop off their packages, which I think the  
5 neighbors would oppose that as well as I do not think  
6 the drivers themselves from a practical standpoint  
7 would actually use them. I think they would still use  
8 the front door.

9           VICE CHAIRPERSON BLAKE: Okay, are there any  
10 other --

11           MR. CORELL: It is very -- I'm sorry, I  
12 interrupted, forgive me. In particular it is very  
13 hard to call an Amazon driver or a UPS driver and tell  
14 them, hey, you have to use the back entrance, you  
15 cannot come in through the front door. They are  
16 already there dropping the package and left before you  
17 ever open your mouth to say do not do that.

18           VICE CHAIRPERSON BLAKE: Okay, great, thank  
19 you. Any other Board questions, Board member  
20 questions?

21           Great, okay. I would like to now have the  
22 Office of Planning.

23           MS. MYERS: Good afternoon, Crystal Myers,  
24 with the Office of Planning. The Office of Planning  
25 recommends approval of this case. Examine the record

1 of the staff report, but is open for questions. Thank  
2 you.

3 VICE CHAIRPERSON BLAKE: Does anyone from the  
4 Board have any questions for the Office of Planning?

5 Okay, thank you. Mr. Sakinejad, is anyone  
6 there who wishes to speak? Is the DDOT present?

7 MR. SAKINEJAD: So they are. Yes, it should  
8 be Erkin.

9 VICE CHAIRPERSON BLAKE: Oh, how are you,  
10 sir, welcome.

11 MR. OZBERK: Good afternoon, my name is Erkin  
12 Ozberk, program manager with DDOT. I do not have any  
13 prepared testimony today, but I am happy to answer any  
14 questions that the Board may have about the  
15 application.

16 VICE CHAIRPERSON BLAKE: I would like to ask  
17 you a quick question. I have reviewed the plan, and  
18 it does not appear to me that it is especially  
19 tailored for this particular application. In general,  
20 obviously all new developments have to put together a  
21 plan like this with more than 50 units, but I have not  
22 quite understood how this one fits exactly right for  
23 this particular situation. One of the things too is  
24 one of the issues we have from the Board is to a large  
25 extent when we make these recommendations we do need

1 to make sure they are mitigating specific issues or  
2 concerns that are raised. So if you can help us a  
3 little bit to understand kind of how the whole or the  
4 majority of your recommendations kind of -- what  
5 issues are you addressing specifically that are zoning  
6 related?

7 MR. OZBERK: Sure. First off, when we were  
8 reviewing this application it was actually unclear  
9 whether the loading relief was required based on the  
10 building and the project, but what we did recognize is  
11 the Applicant was trying to ameliorate a situation  
12 that was already occurring through the insulation of  
13 this new platform in the rear of the building that did  
14 not meet current standards but would still improve the  
15 current situation. So our report was supportive of  
16 the relief from that perspective, and we recommended a  
17 standard bullets from a loading plan. I think what we  
18 heard today is that the Applicant has further  
19 refinements on that with regards to certain time of  
20 day and other things that might address how the move-  
21 ins and move-outs are managed. One thing, just as it  
22 relates to the conversation about delivery spaces, the  
23 front of the building does have sort of a no parking  
24 area by the entrance which is absolutely appropriate  
25 for food deliveries or small partial deliveries. I

1 think in our report when we referenced the delivery  
2 space being used it was for contractors that might be  
3 visiting the building to do work on a unit, or, I  
4 think as the Applicant mentioned, for larger  
5 deliveries like furniture and things like that and not  
6 being through the front door. So with that in mind  
7 the proposal that they are putting forward has noted  
8 things to improve the operations in the alley given  
9 the limitations of the existing building to try to  
10 come as close as possible to meeting current standards  
11 for loading. I do not know if that answered your  
12 question, but that is how we looked at it.

13 VICE CHAIRPERSON BLAKE: Okay, thank you.  
14 That is very helpful actually. Any other Board  
15 members have any questions for DDOT?

16 COMMISSIONER STIDHAM: I do. I do feel based  
17 on the fact that the Applicant really has a plan in  
18 place for dealing with the loading and a manager on  
19 site that manages the loading, that the plan is  
20 actually necessary at this point. It just feels to me  
21 that they already have a plan in place and that what  
22 you are requesting may not be necessary.

23 MR. OZBERK: Agreed, it sounds like they have  
24 a plan in place, but we look to the future not the  
25 past. So that is why when we make recommendations it

1 is about ensuring if there are things that are  
2 happening that they continue to happen, or if they  
3 were not happening that they do happen moving forward.

4 So from the sound of things the Applicant has a good  
5 plan in place and it is consistent with what we are  
6 asking for, but we would still as for it to continue.

7 COMMISSIONER STIDHAM: Okay, thank you.

8 VICE CHAIRPERSON BLAKE: I have one other  
9 question from DDOT perspective, have you received a  
10 lot of complaints about alley activities?

11 MR. OZBERK: Is that for me or the Applicant?

12 VICE CHAIRPERSON BLAKE: Yes, have you  
13 received complaints?

14 MR. OZBERK: We receive complaints about  
15 everything, but one thing that we are kind of mindful  
16 of is -- this kind of goes back to the service  
17 delivery conversations like double parked Amazon  
18 delivery trucks and those kinds of things on streets.

19 That is something that given the amount of deliveries  
20 that are increasing we are trying to manage from  
21 curbside perspective. As I noted, this building has a  
22 no parking zone that can accommodate one, maybe even  
23 two, delivery trucks at a time or vehicles at a time  
24 in front of the front door of the building so that is  
25 actually very helpful. We try to ensure that those

1 are part of any kind of new development or residential  
2 development because we are seeing so many deliveries  
3 come into the front door of buildings all the time. I  
4 do not know if the Applicant team can speak to any  
5 alley specific comments they have heard related to  
6 this application or prior.

7 VICE CHAIRPERSON BLAKE: Okay, thank you very  
8 much. Mr. Corell, do you have any comments that you  
9 wanted to ask the DDOT? I think you are on mute if  
10 you are saying something.

11 MR. CORELL: No, I am good.

12 VICE CHAIRPERSON BLAKE: Okay, thank you very  
13 much. Any other questions from the Board?

14 Okay, I want to thank you for taking your  
15 time to join us today. I know that you guys are  
16 really busy over at DDOT so I want to just thank you  
17 right now. If you have to go I understand. I do not  
18 think we will have any more questions. Thank you so  
19 much.

20 MR. OZBERK: Thank you very much. I was  
21 happy to help.

22 VICE CHAIRPERSON BLAKE: Now, let's see, back  
23 to the hearing. Mr. Sakinejad, is anyone there who  
24 wishes to testify?

25 MR. SAKINEJAD: We do not have anyone signed

1 up.

2 VICE CHAIRPERSON BLAKE: Okay. All right,  
3 Mr. Corell, do you have any other -- first of all,  
4 does the Board have any other questions for the  
5 Applicant?

6 No, okay. Mr. Corell, if you have any  
7 questions or closing remarks you would like to make  
8 please go ahead. I would like to say this before we  
9 do that. I want to first acknowledge the fact that  
10 this more of a voluntary action than involuntary, and  
11 the fact that you will ultimately if you did not do  
12 this you could continue pretty much doing what you are  
13 doing right now which is a nuisance. So I do  
14 appreciate the fact that you are making the effort to  
15 proactively address these issues as well as create the  
16 revised move-in/move-out policy and plans that you  
17 have in place. We do think that DDOT has propose a  
18 fair number of terms and conditions. You have not  
19 agreed to those terms and conditions, I do not believe  
20 in the text, but you have outlined a number of  
21 programs that you adapt and the strategy you have  
22 adapted right now for your new process. We would  
23 likely try to include those as conditions, just to  
24 kind of make sure we have got a handle on what we have  
25 done in terms of, especially, the no Sundays and

1 holidays, the 9:00 to 1:00 and 1:00 to 5:00 those  
2 types of things and the fact that you will do most of  
3 the smaller deliveries or the service deliveries from  
4 the front of the building. Are there any other -- of  
5 course, you do have a manager on site that oversees  
6 move-ins and move-outs. Are there any other things in  
7 your program that would help us better define what you  
8 are doing?

9 MR. CORELL: I did not read through the move-  
10 in/move-out plan, but these were the high level bullet  
11 points that I knew addressed it, the DDOT's comments.

12 So I could review it further and let you know if  
13 there are any other stipulations, but the at the  
14 moment I do not have any.

15 VICE CHAIRPERSON BLAKE: So you do have  
16 actually a move-in/move-out plan current that is  
17 written.

18 MR. CORELL: Correct.

19 VICE CHAIRPERSON BLAKE: That would address  
20 both of these issues.

21 MR. CORELL: What I said came straight from  
22 the move-in/move-out plan, and I can tell you that if  
23 a resident fails to adhere to these regulations they  
24 are fined by the HOA and it is a fairly severe fine  
25 for it. So the residents do know that if they do not

1 adhere they do get in trouble.

2 VICE CHAIRPERSON BLAKE: Would it be possible  
3 for you to submit that to the Board? Is that like a  
4 one-page kind of document that kind of outlines the  
5 move-in/move-out policy?

6 MR. CORELL: I believe it is a two-page  
7 document, but it is not very long. I would have to  
8 check with Valley Vista to make sure that they are  
9 okay with that. I think the stipulation and concerns  
10 that we would have is that the residents themselves  
11 might try to opine and write the move-in/move-out plan  
12 themselves.

13 VICE CHAIRPERSON BLAKE: They might write it  
14 themselves.

15 MR. CORELL: Yes, so meaning that if they  
16 were to get their hands on it they may take it as  
17 their ability to restrict even further what we have  
18 already done. So as you said, this is all voluntary  
19 so we have amended the move-in/move-out plan as per  
20 the comments from the building owner or from the  
21 adjacent neighbors, but they could stipulate to say,  
22 hey, we do not want you to do Saturdays either we want  
23 you to do just Monday through Friday and that is  
24 practical for a lot of working families that are in  
25 the building. So our concern is if we release that

1 private document it would then become part of the  
2 neighbors then to weigh in on how it gets approved.

3 VICE CHAIRPERSON BLAKE: Okay, well, I mean,  
4 from our perspective -- what I would like to do for  
5 our records is if you could then -- perhaps you could  
6 prepare for us some redacted version or something that  
7 gives us the key issues that we are looking at. It  
8 would be ideal to be able to put some conditions in  
9 that pretty much flow with what you are currently  
10 doing, designed to mitigate the impact on the  
11 neighboring properties and the alley activity,  
12 summarized in such a way that we could at least  
13 incorporate those elements into the order. We would  
14 expect that to adhere to those conditions. So if you  
15 could -- I would like to get through this as quickly  
16 as we can, but I think that that would be very helpful  
17 for us to kind of pull together what I think -- I  
18 would ask the other Board members to chime in on this  
19 as well, but I think that would be very helpful to  
20 pull together kind of the -- what we think are the  
21 more appropriate conditions. They are always subject  
22 to change certainly. Board members, you want to chime  
23 in on that? Would that be helpful to us?

24 COMMISSIONER STIDHAM: I mean --

25 MEMBER DRAKEFORD: Yeah -- I'm sorry. Go

1 ahead.

2 COMMISSIONER STIDHAM: No, I think that would  
3 be helpful. Also going through DDOT simple loading  
4 management plan it does not look too exhaustive, and  
5 it does seem that some of the details that were  
6 provided as part of the move-in/move-out plan seem  
7 generally consistent. I would almost encourage the  
8 Applicant maybe just to refer to the guidance in the  
9 loading management plan that DDOT has in the appendix  
10 that they have prepared that might serve as some  
11 general guidance.

12 VICE CHAIRPERSON BLAKE: Okay, Ms. --

13 COMMISSIONER STIDHAM: I'm sorry. So I sort  
14 of tend to think that what the Applicant is planning  
15 is more site specific than what DDOT prepared,  
16 frankly.

17 VICE CHAIRPERSON BLAKE: Yes, and I would add  
18 to that. I think some of the issues or some of the  
19 conditions in DDOT's proposal actually kind of go  
20 beyond the scope and the purview of the Board itself.

21 So there are some elements that we probably would not  
22 be able to a hundred percent rubber stamp or  
23 incorporate into our order. So it would be, I think -  
24 - you can do it either way you want to, but I really  
25 think it would be helpful for you to at a minimum

1 review those and I would greatly appreciate if you  
2 could submit some kind of something that gave us  
3 something on what the project -- what your move-in  
4 plan is that would be policy. That would be very  
5 helpful, even if it is just a summary of some of the  
6 points that we can work with. The days is  
7 particularly helpful, the hours very helpful, things  
8 of that sort.

9 MR. CORELL: Absolutely.

10 COMMISSIONER STIDHAM: I think the one thing  
11 I believe you said, and let me know if this is  
12 accurate, it is one move-in during each of those time  
13 periods, correct?

14 MR. CORELL: One move-in per day period.

15 COMMISSIONER STIDHAM: One move-in per day  
16 period. So it is one move-in between either 9:00 and  
17 1:00 or 1:00 and 5:00 in a day, it is not one at 9:00  
18 to 1:00 and one at 1:00 to 5:00, okay.

19 MR. CORELL: That is correct.

20 VICE CHAIRPERSON BLAKE: Okay. All right,  
21 thank you. All right, let's -- do you have any --  
22 well, let's see. What I would like you to do, if  
23 possible, is if you could jot -- do you think you  
24 could put together a list for me and get that back to  
25 us in an hour or so?

1 MR. CORELL: Yes.

2 VICE CHAIRPERSON BLAKE: Okay, I would like  
3 you to try to do that and submit that to the record so  
4 we can go through that, and I would like to push this,  
5 our deliberations, to the end of the day so we have an  
6 opportunity to review Mr. Corell's submission, okay?  
7 Does that work for everybody?

8 Now the day is not going to last that long,  
9 so please be as fast as you can, okay?

10 MR. CORELL: Who should I mail it to or email  
11 it to?

12 VICE CHAIRPERSON BLAKE: Madam Secretary,  
13 help me.

14 MS. MEHLERT: You can mail that to  
15 bzasubmissions@dc.gov that would be great.

16 MR. CORELL: bzasubmissions@dc.gov.

17 MS. MEHLERT: Yes.

18 MR. CORELL: Understood, will do.

19 VICE CHAIRPERSON BLAKE: Okay, great. Thank  
20 you very much. Do you have any closing remarks you  
21 would like to make?

22 MR. CORELL: No closing remarks, but one  
23 other question. For the final review at the end of  
24 the day do you require me back on, or should I just  
25 hold off? Meaning do I need to show back up for the

1 conference call.

2 VICE CHAIRPERSON BLAKE: I do not think you  
3 need to be here for our decision session. We are  
4 closing the hearing, we are closing the record with  
5 the exception of the submission you are going to give  
6 us on that information, conditions and so forth. We  
7 are going to deliberate on that this afternoon and  
8 make a final decision incorporating the conditions we  
9 think are appropriate to mitigate the adverse impact  
10 on the surrounding property.

11 MR. CORELL: Understood.

12 VICE CHAIRPERSON BLAKE: Okay? So, no, it is  
13 going to be a decision so you do not need to be here.

14 MR. CORELL: Okay.

15 VICE CHAIRPERSON BLAKE: Okay, that is it.

16 MR. CORELL: All right, thank you.

17 VICE CHAIRPERSON BLAKE: Thank you. Okay, I  
18 am closing the hearing and the record with the  
19 exception of that one document. So what we will do --  
20 I do not know how we do this. We are going to hold  
21 off on this until the end of the day, so temporary --  
22 what do we do here, Madam Secretary? Are we calling  
23 it and we are just closing the meeting or just -- what  
24 are we doing?

25 MS. MEHLERT: You are closing the hearing and

1 scheduling for deliberations at the end of the day. I  
2 will recall the case as the last case.

3 VICE CHAIRPERSON BLAKE: Okay, perfect. Can  
4 we then call the next case, our next hearing case --  
5 application?

6 MS. MEHLERT: Yes, next is application number  
7 21377 of Hampton East Owner, LLC. This is a self-  
8 certified application pursuant to Subtitle X, Section  
9 901.2 for a special exception under sub-sale use,  
10 Section 421 to allow any residential development and  
11 pursuant to Subtitle X, Section 1002 for an area  
12 variance, Subtitle C, Section 303.4 to allow operation  
13 of a new law with street frontage less than 30 to use  
14 and occupy by an apartment house. It is for the sub-  
15 division of two existing record lots to create three  
16 new record lots and new apartment house and 28 units  
17 and new three-story attached building with cellar and  
18 penthouse on lot. It is located in the RA-1 zone at  
19 4750 and 4730 Benning Road SE, Square 5344 and portion  
20 of Lots 1 and 2. There are two expert witnesses that  
21 have been proffered, Aubrey Grant as an expert in  
22 architecture who is not in the witness book, and David  
23 Landsman as an expert in civil engineering and site  
24 design who is in the witness book. Both their resumes  
25 are in Exhibit 7, and then there is also a couple

1 motions from the Applicant to waive the filing  
2 deadline to submit updated plans and self-  
3 certification form, and Exhibits 36 through 36E as  
4 well as a response, and Exhibit 43 to the ANC's  
5 letter.

6 VICE CHAIRPERSON BLAKE: Okay, Mr. Freeman,  
7 you certainly are keeping us busy. Let's see, first  
8 of all, we should definitely admit those documents to  
9 the record. I want to see what they have to say. Mr.  
10 Grant, you have been here before. I have seen you  
11 before. It is good to see you again, welcome. I am  
12 comfortable admitting both to the record as expert  
13 witnesses in architecture. I believe that is where  
14 both are engineering and architecture, but I think Mr.  
15 Landsman has already take care. Let's see, is there  
16 any other issue that we need to address? I do not  
17 three so. Okay, Mr. Freeman, if you would -- let me  
18 see who else is here. Who else is here to speak with  
19 us? We have the ANC representative from 7E? Do we  
20 have anyone from the ANC? Mr. Sakinejad, do we have  
21 anyone from the ANC?

22 MS. DUPEE: I am the chairwoman, Natasha  
23 Dupee.

24 VICE CHAIRPERSON BLAKE: Okay, you are there.  
25 I just wanted to make sure.

1 (Simultaneous speaking.)

2 VICE CHAIRPERSON BLAKE: Okay, and then we  
3 have got some public witness as well, so we should be  
4 all set. Okay, so what I am going to do, Mr. Freeman,  
5 is if you can just kind of give me a sense of your  
6 presentation. We have reviewed most of what you put  
7 into the files except for the most recent submissions.

8 If you would go by and tell us a little bit about  
9 your presentation, how you want it structured, who  
10 will be speaking, and introduce yourself, of course,  
11 first, and then who is going to be speaking with you,  
12 how they will be doing it, how you do your  
13 presentation. Specifically though, with the new  
14 filings I am a little sensitive to the information  
15 that comes into the record that we do not know  
16 exactly, so if you could just kind of make sure you  
17 explain the most recent submissions, which have just  
18 recently come in, what incrementally is there, and if  
19 there is anything that we are very unaware of I want  
20 to make sure we catch those things. So with that we  
21 got 15 minutes on the clock. If you can tell me how  
22 you want your presentation, who is speaking. You can  
23 begin wherever you like.

24 MR. FREEMAN: Good afternoon. For the  
25 record, my name is Kyrus Freeman, I am an attorney

1 with the law firm Holland & Knight on behalf of the  
2 Applicant. I will be presenting our expert Aubrey  
3 Jason Grant will kind of go through the architectural  
4 plan and describe the project a little. If you could  
5 remote David Landsman. I do not know that David  
6 Landsman will be speaking, but to the extent that  
7 there are any questions about engineering or site plan  
8 layout are David, our civil engineer. So we want him  
9 available to answer questions that he was not  
10 intending to proffer him that day as a direct witness.

11 We do have a PowerPoint slide. We will submit the  
12 film in 13 minutes, and I will leave myself two  
13 minutes to make sure I am answering your questions. I  
14 will tell you our most recent submissions are  
15 basically a response to the ANC's letter. I am happy  
16 to go through our response to that either idea of a  
17 presentation or I am happy to do that after the ANC.  
18 With that next slide please. You all know what the  
19 application is. Our property is a portion of lots 1  
20 and 2, it is located in the Marshall Heights  
21 neighborhood, it is within the RA-1 zone, and I am not  
22 going to hit everything on every slide for the  
23 purposes of time. Next slide, please. As you know we  
24 filed our application on August 19th, 2025. We are  
25 seeking a special exception to approve the new

1 residential development, and an area variance from the  
2 lot frontage requirements. The proposed development  
3 will result in a three-story apartment house with 28  
4 units, a mix of two, three, and four bedrooms, D units  
5 will have amenities such as a green roof, solar panel.

6 We are providing parking spaces. This view gave a  
7 tot lot/play area that were shown on our site plan.

8 That was added in response to some feedback from the  
9 Office of Planning, so that is a new change perhaps

10 compared to the last. New slide please. With that I  
11 will turn it over to our architect and he will talk us  
12 through the existing conditions, the proposed  
13 subdivision and the floor plans.

14 MR. GRANT: Good afternoon everyone, Aubrey  
15 Grant, architect. So this slide represents the  
16 existing conditions starting from bottom right going  
17 to my left you see the entry for the number four entry  
18 looking northwest from the site from St. Louis Avenue.

19 On the left you have view through the site. Top  
20 right you have a lot of view looking west, and then  
21 top left you have a view looking north, which is our  
22 subject area on the site.

23 Next slide, please. This is a view from St.  
24 Louis at the northeast corner of the site looking  
25 southeast, and this is where we propose to have

1 frontage of a proposed subdivision. Next slide,  
2 please. This slide shows the existing 3.4 acre site,  
3 gives you an idea of the size of the site. It shows  
4 the two existing buildings on the site. Next slide,  
5 please. Okay, this slide shows how we propose the  
6 divide of the lot. The area in red is the proposed  
7 subdivision, and the areas in blue and purple are the  
8 modified lots after we do the subdivision.

9           Next slide, please. This slide shows how we  
10 propose to lay the site out in the top left or the  
11 northwest corner of the site you can see the outline  
12 of the building, and in the northeast side of the top  
13 right you are going to see an outline of the 800  
14 square foot top lot that we are proposing that is  
15 actually open to all residents of the complex. Next  
16 slide, please. This slide kind of shows you -- this  
17 is the first site of project composed of 28 apartment  
18 buildings, a mix of two, three, and four bedrooms.  
19 This floor is the first floor. It shows the mix of  
20 two bedrooms in the yellow and three bedrooms in pink,  
21 not to mention we are also showing some private  
22 outdoor spaces that are part of each floor in each  
23 unit, so every unit has its own outdoor space.

24           Next slide, please. This is our typical  
25 second and third floor inner city unit mix. We have

1 two bedrooms in yellow primarily, three bedrooms on  
2 each floor, and we have the addition of a four bedroom  
3 as well. Next slide, please. This is our penthouse  
4 level, and, again, we try to evenly distribute the  
5 unit mix throughout, so we have two bedrooms, three  
6 bedrooms, and the four bedroom as well. As you can  
7 see every unit also has private door access. Next  
8 slide, please. This slide just shows penthouse roof  
9 where we have some of our sustainable features, a  
10 green room and solar panels as well as a condenser,  
11 which should be located far away from the exits, not  
12 visible from the street.

13           Next slide, please.       This slide shows  
14 proposed exterior views of the building. We chose  
15 materials where it is cost effective, less durability,  
16 and ease of maintenance. We work at the base to kind  
17 of reflect they will be in harmony with the existing  
18 buildings around. On the upper levels we used an off  
19 white siding so that the building will not be  
20 overwhelming to the context of the neighborhood.  
21 Again, we are showing you that every unit has their  
22 own terraces for the purpose of recreation space.  
23 What is not shown here, obviously, is the -- we are  
24 adding storage space in the basement. Every residence  
25 is going to probably have access to storage as well as

1 the bike parking that is also located in the basement,  
2 and that is it. Thank you.

3 MR. FREEMAN: Thank you. So next slide,  
4 please. So what's before the Board is an application  
5 to approve this residential building.

6 That requires a special exception. These are  
7 the special exception standards. The application has  
8 to be referred to DC agencies, including the Office of  
9 Planning. And the Applicant has to submit floor  
10 plans, elevations, grading plans, landscaping plan and  
11 any additional information to help understand the  
12 project.

13 Next slide, please. This is a summary, by  
14 the way, of what's already in the record. So we have  
15 obviously filed the application. It has been reviewed  
16 by the Office of Planning. As we've described, we  
17 have a good mix of unit sizes to accommodate family-  
18 size households, which is consistent with the  
19 District's goals.

20 In terms of school capacity, the -- based on  
21 our information and based on the information provided  
22 by the Office of Planning and the schools that  
23 residents of this new building would go to a  
24 sufficient capacity to accommodate students from our  
25 site. And, again, it's been reviewed by the Office of

1 Planning and DDOT.

2 I know OP will present, but OP found that  
3 it's not anticipated that the addition of students  
4 generated by the development would result in any  
5 significant overcrowding.

6 We already described at OP's recommendation,  
7 we added a tot lot that would be accessible to  
8 residents of this building, and there are a variety of  
9 recreation facilities within close proximity of our  
10 site.

11 Next slide, please. Just to further -- an  
12 application of the special exception standards, that  
13 the building would be located so that it is not  
14 visible from any street. It's kind of in the back of  
15 the property. So it would be buffered by vegetation  
16 from the apartments to the west. By the way, those  
17 apartments are over 90 feet away from our site. The  
18 massing of the building is similar to the adjacent  
19 apartment buildings. The architecture is similar, and  
20 it's not imagined that there would be any negative  
21 impacts in terms of light, air flow, et cetera, to  
22 existing residents on the site. And there's no real  
23 impact to privacy of any adjacent property.

24 So we think the record is clear, and Office  
25 of Planning agrees, that we meet the special exception

1 standards.

2           Next slide, please. So as you know, the  
3 Board also has to look at whether the building would  
4 be in harmony with the general purpose and intent of  
5 the zoning regulations.

6           In this case, it is zoned RA-1, which --  
7 actually, if you go to the next slide, I'll have more  
8 detail on that. So the property is zoned RA-1, and  
9 what we are proposing is a building that is consistent  
10 with the RA-1 zone standards.

11           It complies in terms of FAR, lot occupancy,  
12 parking loading. We are asking for relief from the  
13 lot frontage requirement, but that has no practical  
14 impact in terms of how you see, view, or fill the  
15 building. So we're fully consistent and in harmony  
16 with this standard.

17           Next slide, please. The project will not  
18 adversely affect the use of neighboring property in  
19 accordance with the zoning regulations. Again, the  
20 project will integrate with the surrounding  
21 multifamily buildings. Surrounding services and  
22 infrastructure are capable of accommodating new  
23 residents. We're not going to result in any adverse  
24 impact on parking availability. We not only meet, we  
25 actually slightly exceed the parking requirement for

1 this project. Most importantly, we're contributing to  
2 the affordable housing stock without creating any  
3 substantial negative impacts. And again, OP agreed  
4 with that.

5 Next slide, please. In terms of the  
6 variance, you know it's a three-prong variance test.  
7 You know that standard very well at this point.

8 Next slide. So the first prong are the  
9 physical configuration of the property. It comprises  
10 a portion of two lots which have an irregular,  
11 interlocking configuration that effectively traps the  
12 property at the very back. There is really no ability  
13 to get independent street frontage.

14 We're surrounded by the Fletcher-Johnson  
15 redevelopment, which will be occurring adjacent --  
16 somewhat adjacent to our site. We have no ability to  
17 have any street frontage for this new development on  
18 any street. It's just impossible to get 30 feet of  
19 street frontage for this proposed lot without  
20 generating a new nonconforming for any of the existing  
21 lots.

22 As OP found, taken together, the irregular  
23 configuration of the lots, the location of the vacant  
24 portion of Lot 2, a lack of public street frontage and  
25 the need to maintain conforming record lots for the

1 existing apartments create an extraordinary situation  
2 that will result in practical difficulty if we had to  
3 provide a 30-foot wide lot frontage for the subject  
4 lot.

5 Next slide, please. I think this is  
6 essentially the same point in terms of practical  
7 difficulty. There is no way to provide a 30-foot lot  
8 frontage for this property.

9 More importantly -- next slide -- the purpose  
10 of the lot frontage is to provide kind of access to  
11 the site. There will still be full, unhindered access  
12 to the site from the existing curb cut on St. Louis.

13 So there is already a curb cut that people  
14 will utilize to access the site, and, in fact, our  
15 project enables us to not have to provide another curb  
16 cut on St. Louis. We're able to utilize one existing  
17 curb cut instead of, if we were to provide a 30-foot  
18 lot frontage, we would then have a curb cut which  
19 would then result in two curb cuts on St. Louis.

20 Next slide, please. I think I just described  
21 that. Again, 28 units, multi-size, family-size, IZ  
22 units, transit-accessible location, fully consistent  
23 with all of the District plans and goals for housing  
24 and more housing across the city.

25 Next slide, please. So you will hear from

1 the ANC. They voted to not support the application.  
2 We have presented to them multiple times. You can see  
3 we've gone to two executive committee meetings. We've  
4 gone to three full ANC meetings. We have -- in  
5 addition to the ANC, we have certainly appraised all  
6 of the residents of our project about the application.

7 The record includes -- at this point, I believe we're  
8 up to like 16 support letters from residents of the  
9 project who indicated their support for the project.

10 I understand there may be some folks here  
11 today in opposition, but other than the ANC  
12 resolution, there is nothing in the record in  
13 opposition that relates to any of the standards upon  
14 which our application is seeking relief. So that's  
15 just a quick outline of our community outreach.

16 Next slide, please. You will hear from the  
17 Office of Planning. They recommend approval. These  
18 are just some of the key findings from their report.  
19 They think we meet all of the standards for approval.

20 Next slide, please. It's DDOT. They had no  
21 objection. They proposed some TDM measure. As the  
22 DDOT report notes, we are not seeking any parking  
23 relief. We're not seeking any bike relief. We're not  
24 seeking any loader relief. We comply with all of  
25 those standards.

1           They did propose some TDM measures, and the  
2 next slide indicates the TDM measures that we have  
3 agreed to implement. They proposed some that we don't  
4 think kind of -- are kind of to the hearing that we  
5 just had that didn't seem to be kind of tailored to  
6 this application, particularly given the fact that  
7 we're not asking for any parking or loading relief,  
8 but these are the DDOT conditions that we have agreed  
9 to, and we're happy to include these as conditions in  
10 order if the Board decides to approve our application.

11           And with that next slide, I think I got us  
12 all in 15 minutes. We're happy to answer any  
13 questions.

14           VICE CHAIRPERSON BLAKE: Thank you very much,  
15 Mr. Freeman.

16           Does anyone else have any questions for the  
17 Applicant at this time?

18           COMMISSIONER STIDHAM: I do, Chairman, and  
19 it's related to the presentation at the ANC meeting.  
20 And I'll ask the ANC the same question, but in the  
21 ANC's letter, they stated that you were unable to  
22 provide information that participants were asking.

23           Can you help me understand how those meetings  
24 went and what the format was and how you interacted  
25 with people who had questions?

1 MR. FREEMAN: Sure. Well, and I'll certainly  
2 let Commissioner Dupee -- I don't want to speak for  
3 her.

4 COMMISSIONER STIDHAM: Right.

5 MR. FREEMAN: From our perspective -- and we  
6 have, in the record, a copy of a response to the ANC  
7 resolution, which includes a lot of detailed  
8 information. At each of those meetings we presented a  
9 slide deck very similar to what we presented here  
10 today. The slide deck has certainly evolved over the  
11 course of time.

12 I think it's a fair amount of questions  
13 related to the existing buildings. We answered every  
14 question we could about the existing buildings with  
15 the recognition that the existing buildings are not  
16 part of this application. The existing -- our -- let  
17 me back up. Sorry. Client recently purchased the  
18 property in January of 2025. I don't want to be wrong  
19 on the date. And since they purchased it, there have  
20 been kind of ongoing renovations occurring at those  
21 existing buildings.

22 So, rightfully so, people have questions  
23 about what's happening there. So we answered those  
24 questions. In my view, we answered those questions.  
25 The ANC may have a different opinion. Honestly, I

1 don't think we got many, if any, real questions about  
2 the proposed development. There were some questions,  
3 for example, about whether this new building will take  
4 away parking from the existing residents.

5 So we actually agreed to do some re-striking  
6 of the site in order to provide more parking, which  
7 would help to alleviate that concern. We're thinking  
8 about going to, like, an assigned parking situation to  
9 help alleviate that concern, but most of the questions  
10 really generated around, um, generated around the  
11 existing buildings.

12 Commissioner Dupee will certainly say they  
13 asked, well, what was our engagement strategy. They  
14 specifically asked us for a list of the dates and  
15 times and the doors that we knocked on. We do not  
16 have that. What I said is that our client's gone out,  
17 we knocked on doors, and, as the record indicates, we  
18 have support letters from existing residents. So I  
19 think that was like a process question, maybe not as  
20 much on the substance question.

21 I think there were some questions about the  
22 Fletcher-Johnson is being redeveloped, as you may  
23 know, Commissioner, that went to the zoning  
24 commission. And what we have said is that if -- when  
25 our project is approved -- can't give a timeline,

1 right, but when our project is approved, if that  
2 project is under construction at the same time, we  
3 would certainly coordinate construction with that  
4 Applicant, that owner, to mitigate any adverse  
5 impacts. As the Board knows, I think, Chairman, you  
6 said it in a case earlier today, construction issues  
7 are outside of the Board's jurisdiction. But  
8 nonetheless, we want to be good neighbors and will  
9 coordinate with those property owners to mitigate any  
10 adverse impacts if there are two projects going --  
11 undergoing construction at the same time.

12 So, again, I'll let Commissioner Dupee  
13 indicate whether there are any questions that they  
14 felt they asked that weren't answered. From my  
15 recollection having gone to a lot of these meetings, I  
16 felt like I answered every question that was asked of  
17 us. Maybe not satisfactorily, but it did certainly  
18 felt like our team definitely answered the questions  
19 that were asked.

20 COMMISSIONER STIDHAM: Okay, great. I  
21 appreciate that explanation and will have the same  
22 conversation with the ANC commissioner as well. Thank  
23 you.

24 VICE CHAIRPERSON BLAKE: Member Drakeford, do  
25 you have a question?

1                   MEMBER DRAKEFORD: No, I don't have any  
2 questions at this moment.

3                   VICE CHAIRPERSON BLAKE: I have a quick  
4 question. A little bit of a side point that I just  
5 want to clarify. You know, we've had a lot of  
6 discussions lately about self-creation, and I was  
7 curious to know how, in your mind, this did not  
8 qualify as an issue of self-creation.

9                   MR. FREEMAN: So the easy answer is the self-  
10 created hardship testifies to the use variance, not an  
11 area variance. So this is an area variance, not a use  
12 variance. So I don't know if I need to go beyond  
13 that, but the self --

14                   VICE CHAIRPERSON BLAKE: You do, actually,  
15 because the area variance does have an element of it,  
16 because there's the element of it just has to be land  
17 -- it has to be connected to land, and you would  
18 exclude, in an area variance, the things that came out  
19 of that.

20                   But I want to just -- so there is an area  
21 variance implication from self-creation. It's not  
22 just towards hardships and that standard, but can you  
23 just talk -- to use variance standard, but can you  
24 just give me a sense of any other -- the -- you  
25 probably -- you may not have this, history of the

1 creation of the lot so I can get a sense for that?

2 And this lot was being used for parking, you  
3 said. So can you explain to me how many units exist  
4 in total? As I understand, the ownership is shared.

5 How many units exist in total? How many  
6 parking spaces have existed and how many will  
7 prospectively exist?

8 MR. FREEMAN: So if we could -- if you give  
9 me a second, I do have a drawing that I know has that.  
10 Can you find the -- if you could pull up our slide  
11 presentation and if we could go to slide 7?

12 So, Chairman Blake, so what this is intending  
13 to show is the existing configuration of the property.

14 So what's shown in blue is Lot 1, and that's approved  
15 with an existing building. What's shown in purple,  
16 which is Lot 2, is also approved with an existing  
17 building. What's shown in red is the proposed new  
18 lot, and the building is in the proposed new lot.  
19 That is dirt today. That is not developed. That is  
20 not -- that's not removing any parking spaces. It's  
21 not -- it's just dirt. So I think -- I wanted to make  
22 that clear. So we're not creating --

23 VICE CHAIRPERSON BLAKE: So was this all of  
24 Lot 2? The new lot is all -- actually all in Lot 2?  
25 And so you're re-dividing Lot 2 as well? Is that what

1 you're doing?

2 MR. FREEMAN: It's technically a portion of  
3 Lot 1 and Lot 2. So we're -- so if you see where the  
4 frontage on St. Louis Street is -- and let me also  
5 make the point that the street frontage requirement is  
6 when you're kind of, you know, driving down the street  
7 and you want to be able to easily identify where the  
8 property is.

9 The actual way you would experience this site  
10 is if you'd go to enter the site, you would actually  
11 enter -- you will never see this building from that  
12 lot frontage on St. Louis Street. This is what you  
13 would call a pipestem lot. You're actually going to  
14 enter the site from St. Louis Street. If you go to  
15 Slide 4, you're actually entering the site from the  
16 image on the bottom right-hand side. So you're  
17 actually entering from this existing curb cut and  
18 driving in that existing driveway and get into the  
19 building. The image on the upper left, those trees,  
20 kind of in that area is where this new building is  
21 going.

22 VICE CHAIRPERSON BLAKE: Okay. Great. Thank  
23 you.

24 MR. FREEMAN: And I can get for you -- I have  
25 an image -- I'm looking for a drawing that we

1 presented to the ANC. If you give me a second, I'll  
2 come back in terms of number of existing parking,  
3 because I want to say it's 115 parking spaces, and I  
4 think we figured out a way to get up to 125. Those  
5 are the numbers that come to my mind immediately, but  
6 I want to make sure I'm giving you the right numbers,  
7 Chairman.

8 MR. LANDSMAN: Kyrus, those are correct.

9 MR. FREEMAN: Okay. That was our civil  
10 engineer, the voice.

11 VICE CHAIRPERSON BLAKE: Okay. All right.  
12 So, again, but I do want you to make sure you come  
13 back to me on that self-creation answer, though, okay?

14 I think we may be a little off of that. I  
15 want you -- if you could just come back to me a little  
16 later on with that, okay?

17 MR. FREEMAN: Yes, sir.

18 VICE CHAIRPERSON BLAKE: Thank you. All  
19 right. Do we have any other questions for the  
20 Applicant at this time?

21 Okay. Can I have the Office of Planning?

22 MS. BROWN-ROBERTS: Let me start, and  
23 hopefully my camera will come in sometime. Okay. So  
24 good afternoon, Mr. Chairman and members of the Board.

25 I am Maxine Brown-Roberts representing the Office of

1 Planning.

2 As outlined in our report, the Applicant  
3 meets the requirement of an area variance regarding  
4 and not providing a 30-foot wide frontage, but would  
5 be limited to 5 feet. The property exhibits an  
6 exceptional situation that results in practical  
7 difficulty to the property owner due to the irregular  
8 configuration of the existing lots, the location of  
9 the existing buildings, and the location of that  
10 vacant portion of Lot 2.

11 There is currently no direct access to the  
12 adjacent street from that portion of the lot. There  
13 is no access to F Street as this is blocked by the  
14 apartment building which occupies the entire F Street  
15 frontage. There is also no direct access to Benning  
16 Road or to St. Louis Street as both are occupied by  
17 either Lots 1 or 2. The next option is, therefore, to  
18 subdivide one or both of the lots to provide frontage  
19 along either street.

20 The Applicant proposes to provide access from  
21 St. Louis Street. However, providing the required 30-  
22 foot-wide frontage would affect the FAR and lot  
23 occupancy of the other two lots, making them  
24 nonconforming. Therefore, the Applicant has posed  
25 doing a 5-foot-wide lot frontage from St. Louis

1 Street, which would allow the new lot, which is called  
2 Lot B and C, to remain conforming.

3 Taken together, the irregular frontage, the  
4 need to maintain a conforming record lot for the  
5 existing apartments, the Applicant is faced with an  
6 extraordinary situation resulting in a practical  
7 difficulty in providing the required 30-foot-wide lot  
8 frontage for the subject lot.

9 Not providing the 30-foot-wide frontage would  
10 not be a detriment to the public good. The 30-foot-  
11 wide frontage would be -- if the 30-foot-wide frontage  
12 was to be provided, it would result in another curb  
13 cut along St. Louis Street, which could mean  
14 intermingling of pedestrian and vehicles. The  
15 proposed five-foot-wide frontage would not be used as  
16 an entrance to access the new apartment and would  
17 remain undeveloped and wooded. Therefore, the  
18 requested variance would not result in any substantial  
19 detriment to the public good.

20 The building is also designed to meet the  
21 requirements of the RA-1 zone except for the lot  
22 frontage. If the proposed lot was to meet the lot  
23 frontage requirement, it could result in creating  
24 nonconforming lots for the existing apartment, as I  
25 mentioned before. The proposed lot frontage along St.

1 Louis Street would not be used to access the building.

2 Therefore, it would not substantially impair the  
3 intent, purpose, and integrity of the zoning  
4 regulations.

5 Regarding the special exception for the new  
6 development in the RA-1 zone, which is pursuant to  
7 Subtitle U 421 and Subtitle X 901, as outlined in the  
8 proposal, the 28-unit apartment building with a mix of  
9 two-, three- and four-bedroom units, four of which  
10 would be affordable at 50 and 60 percent MFI.

11 Student generation would not result in any  
12 significant overcrowding at the neighborhood schools.

13 Recreational facilities are in close proximity to the  
14 site, including a small tot lot on the property.

15 The plans show landscaping around the  
16 building, including a green roof and parking. It is  
17 not envisioned that there would be any negative impact  
18 in terms of access to light and air flow for the new  
19 residents or to the residents of adjacent buildings.  
20 The degree of privacy for the adjacent property should  
21 not be changed.

22 Therefore, in summary, OP recommends the  
23 requested area variance and special exception be  
24 approved. Thank you, Mr. Chairman.

25 VICE CHAIRPERSON BLAKE: Thank you. Are you

1 finally getting the picture? Okay. Great.

2 MS. BROWN-ROBERTS: Yes.

3 VICE CHAIRPERSON BLAKE: Okay. It worked  
4 out. Thank you very much. That was a very thorough  
5 analysis. I appreciate it.

6 Does anyone have any questions for the Office  
7 of Planning?

8 MEMBER DRAKEFORD: I do have a question just  
9 for clarification for my understanding. So the report  
10 notes that, you know, flag lots are generally  
11 discouraged by the regulations.

12 Can you just walk through again for me what  
13 specific physical factors distinguish this site from  
14 any other landlocked parcel?

15 MS. BROWN-ROBERTS: Well, because -- I think  
16 just because of the irregular shape -- this property  
17 is owned by a single owner. There are two lots there.

18 They are irregular shape. And, again, because of the  
19 location of that portion of lot, I think Lot 1, the  
20 lot is large enough to accommodate two buildings, but  
21 -- that could meet the requirements. But because the  
22 property in the zone, you cannot have two principal  
23 building on a lot. So it has to be subdivided.

24 And currently, if we were to provide that 30-  
25 foot access, the easiest place where the Applicant has

1 the stem going up to St. Louis Street, that would be -  
2 - that doesn't have enough width to accommodate both  
3 the new lot and the existing apartment buildings.

4 So when we looked at it -- and another thing  
5 that works in its favor is that it's not actually  
6 going to be used. So that area is going to remain  
7 wooded and undeveloped. So that is something else.  
8 So it won't really -- yes, there is that flag lot or  
9 that access, but it won't affect the existing  
10 apartments.

11 MEMBER DRAKEFORD: Thank you. And then also  
12 just another question just generally related to  
13 fire/EMS services. I know that you all have deferred  
14 to DDOT on some of the statements regarding fire/EMS.

15 Just is there any other thoughts or  
16 considerations just around -- given the location of  
17 the property, just any concerns around fire/EMS  
18 services?

19 MS. BROWN-ROBERTS: No, I have no concern  
20 because, I mean, there are two access, you know, one  
21 from St. Louis, one from -- the other from Benning  
22 Road, and those are open streets. There are no narrow  
23 areas that they would have to go through. They would  
24 enter into the parking lot, and the building would be  
25 right there.

1           MEMBER DRAKEFORD: Thank you. Those are all  
2 the questions I have for now.

3           VICE CHAIRPERSON BLAKE: All right. Any  
4 other questions of the Office of Planning?

5           Okay. Thank you very much, Ms. Brown-  
6 Roberts.

7           MS. BROWN-ROBERTS: You're welcome.

8           VICE CHAIRPERSON BLAKE: I want to hear from  
9 the ANC.

10          MS. DUPEE: All right. Good afternoon,  
11 everyone. My camera is in focus now. My name is  
12 Natasha Dupee. I serve as the chairwoman of ANC 7E.  
13 This is my sixth year as the commissioner for Single-  
14 Member District 7E04, which is the district for which  
15 this proposed property resides. I want to thank  
16 everybody for the statements that they've given thus  
17 far.

18          My role here today is to outline the  
19 opposition and how the ANC arrived at it. Our  
20 philosophy for engaging with development projects is  
21 to make sure that there's actual dialog with residents  
22 that are -- if they're in a multifamily unit, that the  
23 dialog is happening with the people that live there  
24 and with the potential residents that are in the  
25 surrounding areas or development projects.

1           With this specific concern, we had some  
2 practical questions. As the Chairman asked earlier,  
3 how many spots exist? How many folks are currently  
4 living in the property? And we were trying to get  
5 clarity on the transition between land ownership.  
6 There is a new owner, new as in -- within the last two  
7 years. It was with this development project that the  
8 Commission was aware that there had been a change in  
9 the property ownership which was, again, about six  
10 months ago or six to seven months ago.

11           Part of our curiosity, if you will, we had  
12 frequent flyers, bad actors, not-so-good neighbors in  
13 the past, and the Commission had been in engagement  
14 with the past site ownership, if you will, or with  
15 district agencies around how the property had been  
16 managed, and essentially the impact of that  
17 development on the surrounding streets, we call this  
18 spillage. So whereas on paper there might be the  
19 boundaries of that development, we know that there are  
20 ways in which the neighborhood is still impacted by  
21 the flow, like what is happening to and from that  
22 property.

23           We brought up those concerns and were  
24 curious. We were probing one, again, from the most  
25 technical presentations that were outlining names that

1 were not appropriate to the development, citing  
2 another school that wasn't appropriate. Many of the  
3 commissioners were curious if the folks who were  
4 presenting this proposal had been in the site, had  
5 talked to the residents, because there was a  
6 disconnect between what was being communicated and  
7 what we knew to be true as residents.

8 We had a discussion around development just  
9 happening to residents. That's how they felt. Again,  
10 property ownership, the tenants could not change that.

11 They had talked through TOPA, a explorations right,  
12 and I know that is separate from this application and  
13 the ownership, and those were concerns around, well,  
14 what is the new HOA structure? When are the meetings  
15 held? And so these are some of the questions that the  
16 ANC would propose.

17 During the last ANC meeting, we had a  
18 resident who was a newer resident who came with the  
19 new ownership who is now over the HOA. We asked her  
20 to present what is the structure of their meetings.  
21 With the ANC, we know when we were asked to present  
22 when were your meetings, can you tell us minutes,  
23 records, how did you communicate that this meeting was  
24 happening, we have a seven-day standard, et cetera.

25 That information the HOA president was not

1 able to provide. She was unclear that there would be  
2 a level of detail asked of her about what was being  
3 postured by this development of this proposal.

4           And so to us, again, we had concern around,  
5 you know, is this a copy-and-paste letter of support  
6 you just ask people to sign and submit from residents  
7 that may not have familiarity with processes,  
8 especially since there is this level of, I think it  
9 was, 25 percent vacancy. Many of those who are  
10 residents were asking what's the mix of new residents,  
11 say, within the last two years versus legacy  
12 residents. How are we mitigating the existing  
13 conditions before proposing that there be a new  
14 building on this lot?

15           And so some of those things were addressed.  
16 Like, we had talked with Mr. Freeman about the  
17 striking of parking spaces. We have not just the  
18 Fletcher-Johnson development, but there is a  
19 freestanding emergency department coming, and part of  
20 the concern was overflow or spillage.

21           We cannot have -- we talk about FEMS and  
22 DDOT. There can't be that overflow and spillage at a  
23 FED, right? We need to have that mitigated. And so,  
24 again, the re-striking was a part of this condition  
25 that we appreciated this discussion in good faith.

1           I think part of the Commission's concern was  
2 that the dialog had not been as frequent or as  
3 thorough, right? If we're talking about process, you  
4 have a 20-minute presentation window perhaps in the  
5 ANC/Commission meeting and we have neighbors who want  
6 to voice concerns. We have folks who are new to the  
7 development process.

8           And so doing education and exchange of dialog  
9 in a public setting, even if we have three meetings,  
10 what is an hour worth of discussion on a project that  
11 will have decades of implication? We thought that  
12 that wasn't a sufficient level of dialog.

13           Part of the other concern, again, we talked  
14 about congestion, the overflow. I think essentially  
15 it came down to property management.

16           And so we knew that with signing on and  
17 saying we're in support of this development with the  
18 current, new owner, that we were also co-signing that  
19 there had been a relationship or establishment of what  
20 the property management had been with the last 18  
21 months -- or two years. At this point it's been two  
22 years.

23           And so we didn't have fidelity in stating a  
24 letter of support when we did not have that track  
25 record of what that property management looked like.

1           And I know a part of their application  
2 requires an outline of how would you manage, again,  
3 assigning the parking? How would you manage even  
4 access to the site? Right now, there's not any type  
5 of restriction to get onto the site.

6           I think I have one more. Let's see what the  
7 other thought was. Again, I think our discussion is  
8 different from we ask a question and there's a  
9 response provided.

10           A response provided doesn't mean it is  
11 assuaging concerns or if they all come to a place of  
12 balance, reconciliation, et cetera.

13           And so, again, I think part of the  
14 Commission's concern at this time was to say perhaps  
15 there should be additional engagement with communities  
16 so that there isn't just development happening to  
17 residents. It would be a, does this make sense for  
18 the context of this new owner, the proposed addition  
19 to this space? We understand how spillage could have  
20 impact. And so that's where the Commission landed.

21           Again, in terms of good-faith efforts from  
22 the Commission, we have allotted space on our agendas  
23 over the past few months, when asked, like, we're here  
24 for that.

25           We've also shifted the public meetings for

1 February so that we could have a response in time for  
2 today's hearing -- or the hearing that was previously  
3 scheduled on the 4th.

4 And so that's where the Commission lands, and  
5 I welcome any additional questions that you might have  
6 regarding our approach.

7 VICE CHAIRPERSON BLAKE: Thank you very much.  
8 Commissioner Stidham, I'm sure you have some  
9 questions?

10 COMMISSIONER STIDHAM: Yes, sorry. Is it  
11 fair to say that the concerns of the ANC -- or that  
12 you heard at the ANC meeting are really focused around  
13 existing residents and the property management of the  
14 existing facilities, and how -- so that as a separate  
15 item, right? Just property management of the existing  
16 facilities of the existing residents is one bucket.

17 And then is the other just how this new  
18 development will impact or affect those really  
19 existing concerns with how the property is currently  
20 being managed in the existing buildings, but less  
21 about the proposal of the new building? Is that an  
22 accurate statement?

23 MS. DUPEE: I think I would amend that --

24 COMMISSIONER STIDHAM: Okay.

25 MS. DUPEE: -- in some regard.

1 COMMISSIONER STIDHAM: Sure.

2 MS. DUPEE: I think part of the assessment is  
3 -- you are correct. There are existing concerns. I  
4 think the other concern is, does the community have an  
5 appetite for -- is there a willingness to accept this  
6 increased density on this lot in the back of this  
7 property? I think that is part of the concern.

8 And the concern being; one, what is the  
9 response if we were to ask the existing residents?  
10 And so we have what is displayed in the record and we  
11 also have a gap of information.

12 And I think part of our concern, as the  
13 Commission, is, well, where are the other responses if  
14 you've heard from a percentage of the existing  
15 residents?

16 I think the other question outside of the  
17 response of the existing residents in that development  
18 where that Lot 2 and 1 are is on the surrounding  
19 streets.

20 Again, if we look at it in context -- and I  
21 appreciate the comment that OP had around, like, the  
22 play zone and greenspace. When we add a new brick-  
23 and-mortar, right, what are the other concerns and  
24 considerations?

25 And generally, the Commission or residents,

1 right, and the public get to weigh in on, well, here  
2 is a community benefit or here are things that might  
3 be a nice value add in that building. I know they  
4 were talking about storage.

5 We haven't had that level of dialog with the  
6 project. The dialog had been, we need the frontage  
7 variance, and that's literally what we need to talk to  
8 you about. We don't need to talk to you about  
9 anything else that's going on with the building, per  
10 se.

11 I'm not speaking that in total absolute, but  
12 it's more of, like, the concern legally is can we have  
13 five feet? And the five feet won't be used, and so  
14 nothing else concerning this project should be a  
15 concern.

16 And I think that's where some of the  
17 commissioners had a disconnect because we see beyond  
18 the five-foot, again, architectural design shift to,  
19 like, actual lived implications.

20 COMMISSIONER STIDHAM: Okay. Thank you very  
21 much. That was helpful.

22 VICE CHAIRPERSON BLAKE: Okay. Any other  
23 questions? Ms. Drakeford, do you have any questions?

24 MEMBER DRAKEFORD: Yes, I do. Sorry. Thank  
25 you. So for Ms. Dupee, I just wanted to clarify. So

1 I know you've mentioned, right, that, you know, there  
2 is a perception or belief that the Applicant has not  
3 engaged with the ANC at the level of which you all  
4 would have desired.

5 So, I mean, in thinking about just the  
6 particular request of this application beyond  
7 additional meetings, would there be any particular  
8 conditions or any particular -- yeah, any particular  
9 conditions or elements or aspects that you all want to  
10 see to be in less of an opposition to this particular  
11 application?

12 MS. DUPEE: Yeah. I think part of our work,  
13 as commissioners, is to do our due diligence. And so  
14 we've offered March 19th.

15 We established a separate meeting to have  
16 further dialog so that, again, we could be in support  
17 if there is a -- again, it might be a level of  
18 education, socialization of the project. I'm not sure  
19 if there's another, like, ah-ha moment that may come  
20 about.

21 Again, I do recognize Mr. Freeman operating  
22 with good faith to say, like, we should re-strike the  
23 parking and -- as a design that was presented for that  
24 effort.

25 Again, I don't know if there's another

1 proposal to support -- to have the Commission and the  
2 public be in support of the project. Again, I think  
3 there is some education and socialization that perhaps  
4 are missing.

5 I know we had discussion, as well, around the  
6 new residents or forthcoming residents as opposed to  
7 the existing residents and being clear about -- when  
8 we talk about the new residents, again parking was one  
9 of the things that were discussed, but is there any  
10 additional supports that might be helpful?

11 The play space, right, that's one. Parking,  
12 storage. I don't know if there's another component  
13 that could be supportive.

14 Part of it is property management, right? Is  
15 there something that will be -- again, I think those  
16 are the context of the thinking that the Commission  
17 had in addition to the architectural shift, right?

18 We wanted to say, like, this has been a  
19 thorough discussion or plan for development, right, as  
20 opposed to we give our support for this shift and then  
21 there's five years, ten years later there will be  
22 another concern we're navigating the relationship with  
23 this neighbor, et cetera, and what is our lever of  
24 change.

25 MEMBER DRAKEFORD: Thank you.

1 VICE CHAIRPERSON BLAKE: Are there any other  
2 questions?

3 Mr. Freeman, do you have any questions for  
4 the ANC?

5 MR. FREEMAN: No. No questions, but we'll  
6 have some rebuttal at the end, please.

7 VICE CHAIRPERSON BLAKE: Okay. All right.  
8 We don't have any other questions from in here. Are  
9 there any other agencies that wish to speak that are  
10 here?

11 Okay. I'm going to take that as a no. Are  
12 there any persons that wish to testify from the  
13 public? Mr. Sakinejad?

14 MR. SAKINEJAD: So, yes. We have two people  
15 signed up. The first person is Caprice Casson. She's  
16 in opposition. And a Takia Shire (phonetic). They  
17 are calling in. We're still trying to get them  
18 connected, but, yeah.

19 VICE CHAIRPERSON BLAKE: Okay. Are they  
20 seconds away or a little longer than that?

21 MR. SAKINEJAD: Seconds, I believe.

22 VICE CHAIRPERSON BLAKE: Okay. Great. So  
23 we'll just wait for that.

24 MR. SAKINEJAD: Okay. And Caprice is up  
25 right now.

1 VICE CHAIRPERSON BLAKE: Okay. Well, let's  
2 begin. Let's bring her in.

3 MR. SAKINEJAD: Okay.

4 MS. CASSON: Good afternoon.

5 VICE CHAIRPERSON BLAKE: Good afternoon.

6 MS. CASSON: All right.

7 VICE CHAIRPERSON BLAKE: As a member of the  
8 public, you have three minutes to provide your  
9 testimony. Please feel free to begin whenever you  
10 would like, but you first start out with your name,  
11 address, so we get a sense of how you are located in  
12 relation to the project.

13 And then if you could just go ahead for the  
14 next three minutes. Mr. Sakinejad, if you start the  
15 clock, we can go whenever you like.

16 MS. CASSON: Thank you. My name is Caprice  
17 Casson. My address is 4602 Benning Road SE. I am  
18 within the ANC, as well as the SMD, on the main  
19 corridor. I feel like in reference to the community,  
20 I would like to second what Commissioner Dupee has  
21 stated.

22 Today, I'm representing Marshall Heights  
23 Civic Association and we have offered plenty of  
24 opportunities, once we were aware of this project, to  
25 come and speak to the community as a whole, which

1 would have automatically allotted more time than what  
2 is able to be placed on the ANC agenda.

3 Really quick, I also serve as the PTO to the  
4 neighboring school -- president to the neighboring  
5 school at J.C. Nalle Elementary School.

6 So we are condensed in that particular area  
7 as it relates to any development and reconstruction.  
8 So it is very necessary that the Marshall Heights  
9 community is aware of; one, the transition of  
10 ownership; two, their new vision with the addition.

11 That property is one of the bigger properties  
12 in this SMD which requires the high level of parking,  
13 and that is a concern on top of construction vehicles  
14 for a project that is already underway, which is  
15 Fletcher-Johnson.

16 J.C. Nalle is due to go through modernization  
17 and it will share all of the same streets for  
18 construction. So I think, again, as I second a lot of  
19 what Commissioner Dupee said, the education component,  
20 the understanding, I do understand that without  
21 approval, Mr. Freeman cannot provide us a time line,  
22 but having a clear understanding as all of this is  
23 concentrated in the exact same two blocks would have  
24 been really great by the way of coming to the Civic  
25 Association meeting and/or rescheduling to speak with

1 parents from the PTO that live directly in that  
2 apartment complex.

3 I was told, as a result to the hearing being  
4 scheduled November the 19th, that my open meeting was  
5 the same day. So Mr. Freeman and/or, I guess,  
6 additional staff members never circled back around to  
7 engage with us at all on the PTO level.

8 We were not answered on the Civic Association  
9 level to offer additional community opportunities and  
10 conversations.

11 for me as the elementary school PTO, this is  
12 bringing environmental concerns massively a block away  
13 from the school. Thank you.

14 VICE CHAIRPERSON BLAKE: Okay. Thank you  
15 very much for your testimony.

16 Does anyone from the Board have any questions  
17 for the -- no, okay. Mr. Freeman, do you have any  
18 questions?

19 MR. FREEMAN: I do. It's good to see you  
20 again, Ms. Casson. If you recall, we met on October  
21 14th after the last ANC meeting, and chatted about our  
22 kids both being involved in the Girl Scouts.

23 I think you just said that Marshall Heights  
24 had offered to the Applicants opportunities to  
25 present. When was that, because I don't recall ever

1 being invited to come and not accepting that  
2 invitation.

3 MS. CASSON: Well, let's just be clear that  
4 one of the ANC commissioners is also the president of  
5 Marshall Heights Civic Association.

6 So it was automatically offered as we  
7 questioned the validity of your community engagement.

8 MR. FREEMAN: Okay. I don't recall that, but  
9 okay. Is your email address nallepto@gmail.com?

10 MS. CASSON: Yes, that is the PTO email.

11 MR. FREEMAN: All right. Because I remember  
12 -- and I don't know if I can share the screen here. I  
13 do remember emailing you a copy of our presentation  
14 saying we're happy to come and present to the PTO at  
15 any time, and did you ever respond?

16 MS. CASSON: I did respond and I do not think  
17 that --

18 MR. FREEMAN: You did respond, okay.

19 MS. CASSON: Due to the date, I don't think  
20 that there's additional opportunity or another hearing  
21 was in the foresight. So communication on our -- I  
22 mean, it didn't continue.

23 VICE CHAIRPERSON BLAKE: Okay. Mr. Freeman,  
24 do you have any other question? I think we --

25 MR. FREEMAN: I will submit for the record a

1 copy of the email indicating we're happy to present.  
2 And I will posit that we never received a response,  
3 nor have we ever received an invitation to present to  
4 anyone --

5 VICE CHAIRPERSON BLAKE: I understand.

6 MR. FREEMAN: -- that we didn't respond to.

7 VICE CHAIRPERSON BLAKE: Okay. Thank you.  
8 Thank you very much, Ms. Casson. Appreciate your  
9 attendance. If we have no other questions, we'll  
10 dismiss the witness. Thank you.

11 Mr. Sakinejad, do you have our next witness?

12 MR. SAKINEJAD: Unfortunately, we have yet to  
13 be able to figure this out. Staff has been trying.  
14 So I just got a text saying they're not able to make  
15 it work. So we tried.

16 VICE CHAIRPERSON BLAKE: Okay. Thank you  
17 very much then. All right. I think we'll have an  
18 opportunity now to -- let's see. Does the Board have  
19 any more questions before I go on to the next thing,  
20 which is Mr. Freeman's closing remarks?

21 Okay, Mr. Freeman. If you would give us any  
22 comments or closing remarks you have? I think you had  
23 some rebuttal-type stuff. So I'll be looking forward  
24 to what you have to say.

25 MR. FREEMAN: Sorry. Did you want me to come

1 back on the why it's not a self-created hardship or  
2 did you get what you needed on that?

3 VICE CHAIRPERSON BLAKE: No, you could do it.

4 It's not critical. If you have it, fine. If not --

5 MR. FREEMAN: Okay. I just want to make sure  
6 the record is thorough. I think you heard from the  
7 Office of Planning. I think we had to have site  
8 access from somewhere. It has to be from a street.  
9 The only street is St. Louis. It can't be Benning  
10 because there are existing structures there. So the  
11 only place to locate it is St. Louis.

12 And other zones, by the way, you could  
13 theoretically have multiple buildings on a single-  
14 record lot. You cannot in this zone.

15 So the existing buildings limit where that  
16 frontage can be along St. Louis. So we have located  
17 the frontage in the only place it can go.

18 And I have a case here that I'm happy to  
19 submit, BZA application 17316, that confirms that it  
20 can be a confluence of factors. And in this case, I  
21 think we clearly meet the confluence of factors  
22 standard.

23 With respect to the ANC, we have submitted a  
24 request. Our first point, which I do want to point  
25 out, is certainly happy to hear the ANC's comments.

1 We don't think it meets the standard to be given great  
2 weight.

3           If you look at the zone regulation, subtitle  
4 Y406.2(e) says, the ANC's resolution has to address,  
5 quote, the issues and concerns of the ANC about the  
6 application as related to the standards against which  
7 the application shall be judged.

8           There's nothing in the ANC resolution,  
9 there's nothing in what we heard today from the ANC,  
10 that says anything whatsoever about the special  
11 exception standards, which is what's before the Board.

12          Nor is there anything about the variance standards,  
13 which is what's before the Board.

14           And as the Board has said and has done in  
15 other cases, most recently 21220, the Board did not  
16 give great weight to the ANC in that case -- and in my  
17 view, nor should they here -- because the ANC did not  
18 state any issues or concerns pertaining to the special  
19 exception standards here or the variance standard.

20           So certainly happy to hear the ANC. We're  
21 happy to respond to the ANC. I think if you look at  
22 the record, if you look at, for example, Exhibit 43B1  
23 and 43B2, every communication that has occurred with  
24 the ANC has been at the Applicant's request.

25           Like, we have consistently and thoroughly

1 reached out to the ANC since June/July of 2025 to not  
2 just present the case, but to answer every question.

3 I will file this email that shows immediately  
4 after meeting Ms. Casson, I asked to be put on an  
5 agenda and I sent her the presentation.

6 Like, we have gone to every place we've been  
7 asked to go, we've presented to everyone that we've  
8 been asked to present to, and that's what we've done.

9 So I think the record reflects that the  
10 Applicant has done what the regulations require the  
11 Applicant to do in terms of outreach.

12 The record reflects that in terms of the  
13 actual residents, I think Commissioner Dupee mentioned  
14 the fact that there are letters, but there are letters  
15 that are signed by people that indicate they support  
16 the project who live in the site.

17 So other than the ANC's statements to the  
18 contrary, the only evidence in the record is support  
19 from existing residents at the site.

20 So we believe, again, and I think the record  
21 thoroughly indicates, that we've done everything we're  
22 required to do in terms of outreach.

23 I think I heard the Commissioner say  
24 something about a community benefits package.

25 Certainly that's a PUD requirement, not a BZA

1 requirement.

2 In terms of mitigating construction impacts,  
3 again, not a part of the BZA analysis, but we will  
4 certainly do that and we filed a construction  
5 management plan that indicates what measures we will  
6 take to mitigate any adverse impacts.

7 I think, Member Drakeford, you asked the ANC,  
8 well, what changes would you like to see? We didn't  
9 hear any. What we heard was we want more meetings.

10 And we're happy to meet, but, again, you  
11 heard the Commissioner and you've seen what they've  
12 written and it's -- I don't know that there's anything  
13 of substance that they have related to this project.

14 I think everything that they had asked has  
15 been about -- I think you heard TOPA. You heard her  
16 say, well, when are the TOPA meetings? That's  
17 certainly worth being responded to.

18 I didn't know the answer to that. Happy to  
19 provide that information, but that's not before the  
20 Board. And I think, again, the record clearly  
21 indicates that we meet the standards for relief and we  
22 would request that the Board approve our application.

23 Thank you.

24 VICE CHAIRPERSON BLAKE: All right. Thank  
25 you.

1 MR. FREEMAN: Happy to answer any other  
2 questions.

3 VICE CHAIRPERSON BLAKE: Okay. Let's see.  
4 Oh, okay. I think the witness is now here; is that  
5 right? Sorry about that.

6 MR. SAKINEJAD: Yes, she is.

7 VICE CHAIRPERSON BLAKE: Okay. Well, would  
8 you please -- I like to introduce the witness. You  
9 have, let's see, Ms. Shire, you have three minutes on  
10 the clock to give us your testimony.

11 You can begin when you like, but please begin  
12 with your name and address and you've got three  
13 minutes on the clock. Thank you.

14 You're on mute.

15 Mr. Sakinejad, could you see if you can get  
16 this to go through so we can --

17 MR. SAKINEJAD: If you can hear me, if you  
18 can hit \*6 on your phone, that should unmute you.

19 VICE CHAIRPERSON BLAKE: I think she got it.

20 MS. SHIRE: Hello. Yes, this is Takia Shire.  
21 Can you guys hear me?

22 VICE CHAIRPERSON BLAKE: Ms. Shire, welcome.  
23 Thank you very much. You have three minutes to give  
24 your testimony. If you begin with your name and your  
25 address, we'll put three minutes on the clock. Please

1 go ahead.

2 MS. SHIRE: Yes. My name is Takia Shire. My  
3 address is 5323 E Street SE, and I'm testifying today  
4 as a Ward 7 resident living in the community all my  
5 life as far as for the project, an alumni of Fletcher-  
6 Johnson.

7 And with that being said, the building in my  
8 state should not go because of the surrounding project  
9 that's going to be done at Fletcher-Johnson. We  
10 already have apartment buildings that's already  
11 Hampton East that has been there for numerous years.  
12 You also have houses and apartments that's already  
13 surrounding in that vicinity of the project. And with  
14 that basically with the building itself, there's no  
15 parking for those tenants to live right there.

16 And you're going to also have children that  
17 attend school in that area with numerous projects  
18 going on in the area at the same time. I'm done.  
19 Thank you.

20 VICE CHAIRPERSON BLAKE: Thank you very much  
21 for your testimony. Does anyone have any questions  
22 for the witness?

23 Okay. Thank you very much. Mr. Sakinejad,  
24 you can dismiss the witness. Okay. We've already had  
25 closing remarks. I think we can wrap this up.

1 Does anyone from the Board have any  
2 additional questions they'd like to ask the Applicant  
3 at this point before we -- or the Office of Planning?

4 Okay. The answer is no. Okay. So thank you  
5 all very much for your participation. I'm going to  
6 close the meeting and the record -- the meeting and  
7 the hearing and we'll go to our next deliberation  
8 session.

9 Okay. I have to be honest with you. I've  
10 looked at this case back and forth -- this application  
11 and I do believe that -- it's a reasonable  
12 application. It has very strong merits.

13 I, however, would like to make this decision  
14 on the 25th because I do need a few more minutes to  
15 kind of put my thoughts together, and I'd like to hear  
16 what the rest of my board has to say.

17 COMMISSIONER STIDHAM: I'm definitely in  
18 agreement with that. I think I need a little bit more  
19 time to go back over the record again myself.

20 VICE CHAIRPERSON BLAKE: Ms. Drakeford?

21 MEMBER DRAKEFORD: Yes, I would certainly --  
22 I would certainly agree that having additional time  
23 would be helpful as part of this -- as part of this  
24 case.

25 VICE CHAIRPERSON BLAKE: Okay. Madam

1 Secretary, I'd like to schedule this for a decision  
2 meeting on the 25th along with many other decision  
3 meetings, if you would. Would that be possible?

4 MS. MEHLERT: Yes. And, no, there's nothing  
5 requested from the Board.

6 VICE CHAIRPERSON BLAKE: Nothing. Nothing  
7 requested from the Board. We'll just schedule our  
8 decision for the 25th.

9 MS. MEHLERT: Got it.

10 VICE CHAIRPERSON BLAKE: Okay. All right.  
11 Thank you. Does anyone need a quick break or can we  
12 move to the next application?

13 COMMISSIONER STIDHAM: I'm good to keep  
14 moving.

15 VICE CHAIRPERSON BLAKE: Okay.

16 MEMBER DRAKEFORD: We can keep going.

17 VICE CHAIRPERSON BLAKE: Madam Secretary, if  
18 you would please call our next case?

19 MS. MEHLERT: Next is Application No. 21410  
20 of Nicholson St Holdings, LLC and Nicholson Street  
21 Properties, LLC. This is a self-certified application  
22 pursuant to Subtitle X Section 901.2 under Subtitle C  
23 Section 703.2 from the minimum vehicle parking  
24 requirements of Subtitle C Section 701.5, and under  
25 Subtitle C Section 909 from the loading requirements

1 of Subtitle C Section 901.1.

2 This is the subdivision of three contiguous  
3 lots for a new apartment house with 62 units and a new  
4 five-story detached building with cellar on one new  
5 lot.

6 The project is located in the RA-2 zone at  
7 2318, 2322 and 2324 Nicholson Street SE, Square 5560,  
8 Lots 0819, 007 and 008.

9 As a preliminary matter, the Applicants filed  
10 a motion to waive the filing deadline to submit a  
11 transportation study and revised plans in Exhibits 19A  
12 and 23A.

13 VICE CHAIRPERSON BLAKE: Okay. All right.  
14 Thank you very much. As a preliminary matter, we  
15 comfortable submitting those documents to the record -  
16 - admitting those documents to the record.

17 Let's see who we have here today. Would the  
18 Applicant, if you're here, please introduce yourself  
19 and who else will be speaking with you today?

20 MR. WILLIAMS: Vice Chair Blake, good  
21 afternoon. My name is Zach Williams. I'm a land use  
22 attorney with Venable representing the Applicant. We  
23 also have here today our architect Ryan Petyak, as  
24 well as Daniel Solomon with Gorove Slade. And we have  
25 Matt Medvene with the Applicant. I'm not sure if he's

1 showing yet in the list, but he should be admitted if  
2 so as a panelist.

3 MR. SAKINEJAD: So did he call in or is he  
4 through the app?

5 MR. WILLIAMS: Assume he's on -- he should be  
6 on the app. If he's not, we'll get him in and we can  
7 do the presentation while we're waiting.

8 VICE CHAIRPERSON BLAKE: Okay, let's see.  
9 And we also have the ANC here. Is that right?  
10 Commissioner Donohue, is that right? Okay, great.

11 MR. DONOHUE: Yes, it is.

12 VICE CHAIRPERSON BLAKE: Thank you. Welcome.  
13 All right.

14 Mr. Williams, if you want to begin your  
15 presentation and tell us how you believe your  
16 application -- your client is meeting conditions for  
17 approval. You get 15 minutes on the clock and you can  
18 begin whenever you like.

19 MR. WILLIAMS: Thank you. If we could pull  
20 up the presentation, please.

21 Thank you, this is a presentation for two  
22 special exceptions at 2318, 2322 and 2324 Nicholson  
23 Street Southeast. And presenting with me today will  
24 be Daniel Solomon from Gorove Slade. And I mentioned  
25 Ryan Petyak and Matt Medvene as well are here for Q&A

1 after the presentation.

2 Next slide please. Here is the zoning map  
3 showing what are the three properties that will be  
4 consolidated for this existing, this proposed project.

5 These properties are zoned to the residential  
6 apartment RA-2 zone.

7 Currently today, as you'll see here, they are  
8 improved with several vacant structures and houses  
9 that are currently not in the residents living on  
10 these properties. Next slide please. Here's an  
11 aerial view showing the site in the proximity of  
12 Pennsylvania Ave, which you can see directly to the  
13 north.

14 You have a large multifamily apartment  
15 building also across the alley to the north and you  
16 have Minnesota Ave to the east as well. We are  
17 adjacent to the MU-4 zone, which is the zone which  
18 covers the Pennsylvania Ave frontage just to the north  
19 of us.

20 Next slide please. Here's some current  
21 conditions of the existing property. You're looking  
22 at these properties from Nicholson Street in these two  
23 photographs. You can see the now vacant structures  
24 formally houses on the lots. You can also see that  
25 large apartment building to the rear. That's the

1 adjacent side across from the alley just across from  
2 the alley to the rear of our property.

3 Next slide please. Here's some photographs  
4 of the existing conditions from the alley looking  
5 towards the site, looking towards Nicholson. You can  
6 see the rear of the alley. There's a garage type  
7 structure there. And then there's some green area as  
8 well as those formerly now vacant houses on the lots.

9 Next slide please. The proposed project is a  
10 62 unit apartment building. The apartment building as  
11 built and as proposed, the massing of the building,  
12 the density of the building is all a matter of right  
13 within the RA-2 zone. The building is built to fit  
14 within those existing zoning standards in the RA2.  
15 Everything about the building and the layout of the  
16 site is the height, the density, the unit count is  
17 within the standards of the RA-2 zone.

18 Next slide please. To summarize the project,  
19 the 3 lots consolidated will comprise 18,000 square  
20 feet. The proposed height of the building is 5  
21 stories or just under 50 feet. As I mentioned, 62  
22 residential units are proposed. Comprised mainly of  
23 family style units of 3 bedroom and 2 bedroom units.

24 There will be 6 inclusionary zoning units  
25 here as part of the inclusionary zoning program. We

1 are proposing for zoning purposes, 11 parking spaces.

2 There are 7 spaces, 2 of them will be car share  
3 spaces, which counts as 6 spaces each. So that's  
4 total of 11. 19 are technically required. I'll  
5 explain why that is essentially a moot point from a  
6 technical standpoint.

7 We have it still as requested relief. We are  
8 providing 20 bicycle parking spaces, whereas 24 are  
9 required and we are providing a partial loading space  
10 off the rear alley. All the parking and the loading  
11 will be accessed from the rear alley. We're not  
12 proposing a curb cut or any vehicular access off  
13 Nicholson street.

14 Next slide please. Some proposed shadow  
15 studies that we include with all of our presentations  
16 and drawings just to show that while this is a large  
17 building, given the angle of Nicholson street, the  
18 impacts are actually not so significant as you might  
19 expect. Moreover, all of the properties surrounding  
20 the site are zoned either to the RA-2 zone or the MU-4  
21 zone, which would support similar massing and size and  
22 topology of future development.

23 Next slide please. The relief that we're  
24 requesting today, there's 2 items, both special  
25 exceptions. The first, which I mentioned, is the

1 parking relief requesting 11 parking spaces rather  
2 than 19.

3           However, this is relief that will not be  
4 necessary when this building is actually built. The  
5 reason is that the zoning commission in December  
6 approved a new text amendment that removes what  
7 previously was a condition on a parking exemption for  
8 this site because we are within a quarter mile of a  
9 priority bus network. However, previously, or  
10 currently, I should say, the zoning regulations don't  
11 allow that exemption if the street is designated for  
12 RPP residential parking, which this street is.

13           The Zoning Commission approved a text  
14 amendment in December, removing that condition on the  
15 exemption and so we know that the zoning order has not  
16 been published yet.

17 It will be published in forthcoming months. So we  
18 expect it to be published once this building is  
19 actually under construction and being built. That  
20 being said, we're keeping the relief in our  
21 application so that the building permit process  
22 doesn't get delayed.

23           We want to be able to move forward this  
24 project and not have a waiting period between today  
25 and whenever that text amendment is ultimately

1 approved. However, we fully expect that the building  
2 as built, given the time timing of construction, which  
3 is several years, will be fully compliant with the new  
4 zoning parking requirements approved by the zoning  
5 commission.

6 Now, the relief that we do need and will  
7 continue to need is for a smaller loading dock or  
8 service and delivery space, I should say, that  
9 otherwise required. We're requesting a space of 10 by  
10 20 feet rather than 12 by 30. The main reason for  
11 this is to be able to load off the alley rather than  
12 Nicholson street.

13 There's just limited access and area back  
14 there to be able to have a typical larger size loading  
15 space. We thought it important to be able to load  
16 there, rather than to bring traffic down Nicholson and  
17 create another curb cut.

18 Further as you'll hear from Mr. Solomon, this  
19 loading space is expected to be able to accommodate  
20 this type of project. We've gone over it with and I  
21 won't get too far into it because I know Mr. Solomon  
22 is going to speak to this, but DDOT is in favor or  
23 supports the relief given some of the measures that we  
24 have agreed to. Everything else about the project is  
25 a matter of right.

1           Next slide please. With that, that I will  
2 now turn it over to Mr. Solomon to speak to  
3 discussions with and analysis on that loading belief.

4           Daniel.

5           MR. SOLOMON: Thanks Zach. Good afternoon  
6 members of the BZA. For the record, I'm Daniel  
7 Solomon, a principal of Gorove Slade. We've been  
8 working with the Applicant, Project DDOT related to  
9 the transportation aspects of the 2322 Nicholson  
10 Street project. I'm going to touch on the highlights  
11 of our review and coordination with DDOT.

12           The project is bound by Nicholson to the  
13 south, public alley to the north, the single family  
14 housing units to the east and west. It's located  
15 within close proximity to multiple existing and  
16 planned priority bus corridors and increasingly  
17 bicycle and pedestrian friendly neighborhood  
18 minimizing the need for personal vehicles.

19           The site is well served by five bus routes  
20 along Pennsylvania Avenue and Minnesota Avenue  
21 Southeast that connect the site to other parts of DC  
22 as well as Maryland and Virginia. The development is  
23 also within a mile of the Potomac Avenue Metro rail  
24 station served by Blue, Orange, and Silver lines that  
25 can be reached within a five-minute bus ride.

1           The project has access to off street trails  
2 along Anacostia Drive protected bike lanes along  
3 Pennsylvania Avenue which are planned to be extended  
4 towards the site at some point, and multiple signed  
5 routes nearby.

6           There is a Capital Bike Share station located  
7 at Pennsylvania and Minnesota Avenue Southeast  
8 intersection, as well as three planned stations near  
9 the project site. Additionally, the site is surrounded  
10 by a pedestrian network that consists of generally  
11 well-connected sidewalks and crosswalks.

12           Next slide, please.     As Mr. Williams  
13 discussed, the project will provide parking spaces,  
14 which count towards 11 as part of zoning, 24 long-term  
15 bicycle parking spaces, and four short-term bicycle  
16 parking spaces, as well as one delivery in terms of  
17 delivery and service space.

18           In terms of access, access to the vehicular  
19 parking spaces and service and delivery spaces will be  
20 provided by a public alley along the north side of the  
21 building as shown in red and purple on the screen.

22           Bicycle and pedestrian access is shown here  
23 in green and yellow respectively. Short-term bicycle  
24 parking will be provided along the site's frontage on  
25 Nicholson. Long-term bicycle parking is located

1 within the secure storage room in the south.

2 Next slide please. So of the seven vehicle  
3 parking spaces that will be provided to our reserve  
4 for car share for zoning, two of those dedicated car  
5 share spaces may each count as three, so the side  
6 effect provides 11 vehicle parking spaces for zoning.

7 That falls below the 11 required by zoning, for which  
8 the Applicant is seeking relief due to the size of the  
9 lot and desire to maximize the number of affordable  
10 dwelling units.

11 This relief is not expected to have impacts  
12 on the neighborhood due to the project's close  
13 proximity to high capacity bus service, as well as the  
14 robust TDM plan as which is proposed as part of this  
15 application. DDOT is supportive of the requested  
16 relief.

17 In addition, Mr. Williams went over the  
18 Omnibus Tax Amendment, which means that when this  
19 building is built, we'll actually be exceeding the  
20 amount of parking that would be required on this site.

21 So I won't go into further detail on that.

22 In terms of loading, it's expected that the  
23 majority of the building's loading activity will  
24 involve small delivery trucks and vans, as well as  
25 service maintenance, service and maintenance vehicles,

1 as well as small size moving trucks or 20 feet in  
2 length or shorter.

3 It's expected that most loading activities  
4 will be accommodated by the proposed 10 foot by 20  
5 foot service and delivery space along the alley,  
6 despite zoning requiring one 12 by 30 loading berth  
7 and one 10 by 20 service and delivery space.

8 Bike parking. It's not feasible to meet  
9 these requirements given the limited lot size and  
10 desire to maximize the number of dwellings units that  
11 can be provided. As such, the Applicant is seeking  
12 relief from the zoning requirements to provide a  
13 single 12 by 30 loading.

14 In support of the requested zoning  
15 flexibility, a loading management plan is being  
16 proposed to mitigate any impacts that the proposed  
17 loading activities may have on public space. DDOT is  
18 supportive of the requested relief.

19 Next slide, please. Here we have listed the  
20 highlights of the loading management plan, which will  
21 ensure efficient operations of the service and  
22 delivery space through appropriate levels of  
23 management and scheduled operations.

24 The plan also includes a lease provision  
25 requiring all residents to schedule the use of the

1 service delivery space or use the public space permit  
2 and emergency parking signs obtained through the DC  
3 Transportation online permitting system, TOPS, for all  
4 deliveries and move-in/move-out activities that are  
5 conducted using a truck that is 20 feet in length or  
6 larger. DDOT is supportive of the proposed loading  
7 management plan.

8           Next slide, please. Here I've listed the  
9 highlights of the TDM plan, transportation demand  
10 management plan, that we've coordinated and agreed to  
11 with DDOT. This plan includes many of the typical  
12 components expected of such a package. We believe  
13 this TDM plan is appropriate for this type of project  
14 to help encourage non-single occupancy vehicle trips  
15 and non-auto trips in general. DDOT is supportive of  
16 the proposed TDM plan.

17           Next slide, please. In summary for this  
18 project, we prepared a transportation statement, which  
19 was scoped and reviewed by DDOT. Our study concluded  
20 that the development of the site will not have a  
21 detrimental impact on the surrounding transportation  
22 network and minimizes impacts by exceeding the amount  
23 of bicycle parking that is required, providing a  
24 service and delivery space that accommodates the  
25 majority of the building's loading needs and proposing

1 a loading management plan that ensures the efficient  
2 management of the building's loading activities and  
3 providing a robust TDM plan.

4 We have coordinated extensively with DDOT  
5 during their review. We're pleased to have their  
6 support in the form of no objection staff report.  
7 DDOT's report did include the condition that the TDM  
8 plan and loading management plan be implemented as  
9 outlined in the transportation statement, which the  
10 Applicant has agreed to.

11 This time we believe we have addressed all of  
12 DDOT's concerns. That includes my testimony and I'll  
13 be available to answer any questions. Thank you and  
14 I'll pass it back to Mr. Williams.

15 MR. WILLIAMS: One additional slide if we go  
16 to that one please. Okay, this is an older slide but  
17 that's okay. I can update where we are here. Office  
18 of Planning recommends approval of all the relief  
19 sought. As far as the ANC goes, we do have full  
20 support from ANC 7B in which this project sits. ANC  
21 8A is across the street and adjacent and so we've been  
22 meeting with ANC 8A as well.

23 We had the ANC 8A vote last night, which is  
24 why we updated the presentation. But that's okay. I  
25 can put on the record here that ANC 8A supports the

1 project. It supports the loading relief.

2 ANC 8A did not take a position on the parking  
3 relief and only voted on the loading relief given that  
4 that's what's needed for the building to actually get  
5 built. We had significant discussion with the  
6 community. We have, I believe, nine letters of  
7 support from the neighbors on Nicholson Street. There  
8 are no letters in opposition in the record that I'm  
9 aware of.

10 We have received no letters of opposition.  
11 We've had a really collaborative approach with the  
12 community and with both ANC's. And it was really a 5-  
13 month effort in order to make sure folks were  
14 comfortable.

15 There was a lot of feedback that we took, and  
16 I think there's a lot of good work done by the ANCs,  
17 both ANCs and the individual commissioners  
18 representing their SMDs closest to the site. So we  
19 appreciate that, and that concludes my presentation.  
20 Thank you.

21 VICE CHAIRPERSON BLAKE: Thank you.  
22 Let's see. Do we have any questions from the board?

23 MEMBER DRAKEFORD: I have no questions.

24 VICE CHAIRPERSON BLAKE: Okay, very good.

25 Then we will move to the Office of Planning.

1           MR. JESICK: Thank you, Mr. Chairman and  
2 members of the board. The Office of Planning can  
3 recommend approval of the requested parking and  
4 loading relief in this application. For the rest of  
5 my testimony, I can rely on the written record, but  
6 I'm happy to take any questions. Thank you.

7           VICE CHAIRPERSON BLAKE: Mr. Jesick, would  
8 you go through your loading relief analysis for me?

9           MR. JESICK: Yes, certainly. The Board is  
10 authorized to grant loading relief pursuant to  
11 Subtitle C Section 909.2, and that relief can be  
12 granted upon a finding that the use or structure will  
13 generate a lower loading demand than the minimum  
14 loading standards would require.

15           And that could be as a result of either the  
16 nature of the use or structure or a loading demand  
17 management plan approved by DDOT. The implementation  
18 of which shall be a condition of the BZA's approval.  
19 And DDOT did analyze the loading management plan  
20 provided by the Applicant and found that granting the  
21 relief would not result in undue impacts to the  
22 transportation network.

23           Based on that analysis, the office of  
24 planning was comfortable that the Applicant had met  
25 the burden of proof under Section 909.2 and therefore

1 we recommended approval of that area of relief.

2 VICE CHAIRPERSON BLAKE: Thank you. Thank  
3 you. Any other questions for the Office of Planning?  
4 No? Okay. So we'll move then to the ANC.  
5 Commissioner Donohue, welcome.

6 MR. DONOHUE: Thank you, Chairman Blake. I  
7 appreciate it. My name is Commissioner Tom Donohue.  
8 I'm the ANC Commissioner representing Advisory  
9 Neighborhood Commissioner 8A. While the property at  
10 2318-2322-2324 Nicholson Street Southeast is  
11 physically located within the territory of ANC 7B-01,  
12 it is immediately adjacent to my single-member  
13 district ANC 8A01. During our regularly scheduled ANC  
14 8A Commission.

15 Meeting on February 3, 2026, Chair Jamila  
16 White called for a special meeting to be held one week  
17 later. This special meeting took place last night,  
18 February 10, at 7:00 p.m. At this meeting, I moved a  
19 motion regarding BZA Application number 21-410, which  
20 was supported by the Commission.

21 Furthermore, the Commission agreed last night  
22 that I, Tom Donohue, Commissioner for A01, will  
23 represent the entire ANC 8A Commission during this BZA  
24 hearing. The Commission's decision follows a rigorous  
25 four-month engagement process aimed at balancing the

1 District's housing goals with neighbor concerns.

2           Following the initial notification in October  
3 2025 the Applicant presented plans at the November 25,  
4 2025 ANC 8A-01 meeting at Galley Baptist Church. Key  
5 concerns raised by the public included parking  
6 scarcity, construction safety, and the necessity of a  
7 community benefits agreement.

8           Throughout the December and January, the  
9 Commission held multiple public discussions and  
10 coordinated with ANC 7B to draft a CBA that addresses  
11 these impacts. A targeted follow-up meeting with  
12 neighbors was held late January 2026 to review the CBA  
13 terms before last night's final commission vote.

14           Support for the loading relief schedule C,  
15 901 ANC 8A supports the Applicant's request for  
16 special exemption regarding the loading requirements.

17           Specifically for a service and delivery space of 10  
18 by 20 feet.

19           This support is strictly contingent upon the  
20 understanding that the CBA will be renegotiated to  
21 include the following special provisions; staff  
22 transportation; dedicated transit incentives or  
23 management for building staff; property management;  
24 enhanced standards and 24-hour contact requirements  
25 for property management.

1           Binding clause. A strict enforcement in  
2 binding arbitration clause; community sign-on, a  
3 formal process for broader community verification and  
4 sign-on; review of beneficiaries; a comprehensive  
5 review of the specific organization slated to benefit  
6 from the \$25,000 in community grants such as Cramer  
7 Middle School and Nicholson Project to ensure maximum  
8 local impact.

9           Decision and parking relief. The Commission  
10 chose not to vote on the requested special exemption  
11 for minimum vehicle parking requirements. Our  
12 decision is based on the understanding that the  
13 district law regarding parking minimums is in the  
14 process of changing.

15           It is our understanding that once these  
16 legislative changes go into effect in quarter 1 of  
17 2026, the project will no longer require the specific  
18 exemption to move forward. Therefore, the Commission  
19 views a vote on this matter is unnecessary at this  
20 time.

21           ANC 8A remains committed to the development  
22 process that provides 62 units of much-needed  
23 affordable housing while protecting the quality of  
24 life for existing residents. We believe the path  
25 forward includes the successful regeneration of CBA as

1 outlined above.

2           Advisory neighbor commission 8A respectfully  
3 requests that the Board of Zoning Adjustment give  
4 great weight to this recommendation. Respectfully  
5 submitted, Tom Donohue, Commissioner ANC 8A01,  
6 authorized representative.

7           VICE CHAIRPERSON BLAKE: Commissioner, is  
8 this statement and is the document in the record right  
9 now?

10           MR. DONOHUE: It is not. So we just took the  
11 vote last night. So I have not been able to actually  
12 get it over to you. It's my understanding there's  
13 also a form that needs to be signed. I think Jamila  
14 said that she was going to contact you guys and let  
15 you know, but we will -- we'll see that this gets put  
16 on, onto the record as quickly as possible. We  
17 literally just had it late last night.

18           VICE CHAIRPERSON BLAKE: I appreciate if you  
19 could submit that to the record for us along with the  
20 forms as well. Okay?

21           MR. DONOHUE: Yes, sir. I'll see that's done  
22 as soon as possible.

23           VICE CHAIRPERSON BLAKE: I appreciate your  
24 diligence and the efforts you made to meet with the  
25 Applicant and work with them to try to work things

1 out. I also want to commend the Applicant for its  
2 outreach efforts. It seemed like he went through  
3 quite a bit. Okay.

4 Does anyone on the board have any questions  
5 for the ANC?

6 MEMBER DRAKEFORD: I have no questions.

7 VICE CHAIRPERSON BLAKE: Okay. Are there any  
8 other agency people here wishing to speak? Okay.  
9 Okay, Mr. Sakinejad, is there anyone here wishing to  
10 speak? If you answered me, I didn't hear you.

11 MR. SAKINEJAD: No, sir. We don't have  
12 anyone signed up for this case.

13 VICE CHAIRPERSON BLAKE: Okay, thank you very  
14 much. Okay, let's see. Mr. Williams, do you have any  
15 other closing remarks?

16 MR. WILLIAMS: The only other point I would  
17 make is that ANC 7B's record, or letter, is in the  
18 record. Commissioner John Adams was here.  
19 Unfortunately, he had to step off, but we made sure  
20 that that letter of support is in the record.

21 VICE CHAIRPERSON BLAKE: Yes, I saw that.  
22 Thank you very much.

23 Okay, do we have any -- okay, that's it.  
24 Thank you very much. I'm going to close the hearing,  
25 close the record, close the hearing. Okay. You this

1 is little a bit of a complicated case and -- well, no.  
2 It's a little bit of a complicated case. I did one  
3 thing. I closed the hearing, closed the record. I  
4 need to leave the record open to get the commentary  
5 from the ANC 8A from its meeting yesterday. I would  
6 like to get that to the record.

7 I do think this is a fairly straightforward  
8 case. I reviewed the LMPs, the TDM plan, the LMP  
9 plan. I do feel very comfortable with inclusion both  
10 as the Applicant has agreed to those, but I would like  
11 to remove the one term for the life of the project  
12 which is included in them. These run with the land,  
13 so we need to exclude those from the provision and the  
14 conditions. Otherwise, I'm comfortable with that.

15 I do believe the Applicant has met the burden  
16 of proof to be granted proof both requests for relief.  
17 And I do give great weight to the Office of  
18 Planning's report. I do agree with the analysis they  
19 provided and I would be in favor of voting in favor. I  
20 would be in favor of supporting this application.

21 That said, I do think that we would like -- I  
22 can't close this out until after we get -- if I've got  
23 the record open, I can't close it out until after I  
24 have that document in. So for that reason, we may  
25 have to hold off to actually do the full deliberations

1 on this until again the 25th.

2 But I want to hear from my other board  
3 members, tell me what you think. We could  
4 theoretically do this without getting that closure.  
5 We did have the -- we couldn't give great weight to  
6 that. We do have the report from 7B, which we can  
7 give great weight to.

8 And we did hear this, so we do have an idea  
9 of we do know where they're going, so we don't  
10 necessarily need that information because we know  
11 they're both in support. I would not include any  
12 conditions from either because I don't think that they  
13 definitely fit in with what we especially the  
14 agreement that they have.

15 We don't have that in writing anyway, but I  
16 would be in support of that and we could exclude that  
17 if you want to and vote without it. So I'd like to  
18 hear what your thoughts are, Commissioner Stidham.

19 COMMISSIONER STIDHAM: Oh, you make it hard.  
20 I was like, yeah, sure, we can wait until the ANC  
21 report is in, but he basically just read it to us so  
22 we know what it's going to say. I would be fine  
23 either way.

24 I do feel like it's a very straightforward  
25 project and that it has the support of both ANCs. I

1 had questions about the loading and concerns about the  
2 variance, but after reading the record and then  
3 hearing from the Applicant and then hearing from OP, I  
4 am much more confident and agree with the language you  
5 suggested about removal that DDOT suggested because it  
6 does run with the land. So I know it's not very  
7 helpful, but I could go either way, either vote now,  
8 close the record and not have it, or wait.

9 VICE CHAIRPERSON BLAKE: Member Drakeford,  
10 your thoughts?

11 MEMBER DRAKEFORD: I do agree that the  
12 Applicant and the other parties who presented today  
13 provided us with a very comprehensive overview of the  
14 particular application, as well as for the ANCs, their  
15 support of the project. I think DDOT's statement that  
16 was included also provides some good guidance that it  
17 seems that the Applicant is also in agreement with.

18 So, I mean, you know, if we feel like we need  
19 the additional time, I'm supportive of us, you know,  
20 bringing this on before February 25th for a final  
21 decision. But as Commissioner Stidham mentioned, the  
22 ANC representative did read the letter, which I feel  
23 like is sufficient for the record or is sufficient for  
24 at least the transcript. And I'm comfortable making a  
25 decision today.

1           VICE CHAIRPERSON BLAKE: Okay. I actually am  
2 comfortable making a decision today, and I would be  
3 voting in favor of the application. So we will close  
4 the record and hearing and we will base our decision  
5 on what we have today. So that said, I'm in favor of  
6 the application.

7           Commissioner Stidham, would you agree with  
8 that?

9           COMMISSIONER STIDHAM: Yep, no. My vote  
10 would be the same either way. I'm prepared to  
11 support.

12          VICE CHAIRPERSON BLAKE: Okay. With that,  
13 I'm going to make a motion to approve the application  
14 as written and captioned by the secretary, including  
15 the conditions that are laid out in the transportation  
16 report. So many windows open on my computer I can  
17 barely find anything. Let's see.

18          COMMISSIONER STIDHAM: Are you looking for  
19 the DDOT report?

20          VICE CHAIRPERSON BLAKE: No, I'm actually --  
21 yeah, I'm looking for the transportation report, which  
22 references the DDOT, or we could do the other way, it  
23 doesn't matter.

24          COMMISSIONER STIDHAM: Exhibit 20 for the  
25 DDOT report. Exhibit 19 for the transportation

1 statement.

2 VICE CHAIRPERSON BLAKE: Okay. Do you have  
3 the page numbers for the two statements?

4 COMMISSIONER STIDHAM: For loading management  
5 it's page 30 through 31. For the TDM it's 33 through  
6 34.

7 VICE CHAIRPERSON BLAKE: Yeah, I make a  
8 motion to include those things based on those that  
9 citation and ask for a second, Ms. Drakeford.

10 MEMBER DRAKEFORD: I second.

11 VICE CHAIRPERSON BLAKE: Okay, the motion  
12 made in second.

13 Madam Secretary, would you take a roll call  
14 vote?

15 MS. MEHLERT: Please respond to the chair's  
16 motion to approve the application with the loading  
17 management and TDM conditions.

18 Chairman Blake.

19 VICE CHAIRPERSON BLAKE: Yes.

20 MS. MEHLERT: Board member Drakeford.

21 MEMBER DRAKEFORD: Yes.

22 MS. MEHLERT: Commissioner Stidham.

23 COMMISSIONER STIDHAM: Yes.

24 MS. MEHLERT: Staff would record the vote as  
25 3-0-2 to approve Application No. 21410 with conditions

1 on the motion made by Chairman Blake and seconded by  
2 Board Member Drakeford.

3 VICE CHAIRPERSON BLAKE: Okay, I'm going to  
4 need a 15-minute break. We have one more case left,  
5 is that right? Or two?

6 MS. MEHLERT: You have two more including the  
7 other one.

8 VICE CHAIRPERSON BLAKE: Let's take a 15-  
9 minute break.

10 (Whereupon, the above-entitled matter went  
11 off the record at 2:51 p.m. and resumed at 3:08 p.m.)

12 VICE CHAIRPERSON BLAKE: Madam Secretary,  
13 would you call us back in?

14 MS. MEHLERT: Yes, the board has returned  
15 from a quick break and returning to its hearing  
16 session. Would you like me to call the next case?

17 VICE CHAIRPERSON BLAKE: Please, thank you.

18 MS. MEHLERT: Application number 21392 of  
19 William Michael Ellis Jr., Trustee and Jeanne Van  
20 Voorhees Ellis, Trustee. This is a self-certified  
21 application pursuant to Subtitle X, Section 901.2, for  
22 special exceptions under Subtitle D, Section 5201 from  
23 the rear requirements of Subtitle D, Section 207.1,  
24 and from the lot occupancy requirements of Subtitle D,  
25 Section 210.1.

1           It's for a one-story rear addition above an  
2 existing one-story rear extension and a rear deck  
3 addition on the second floor of an existing three-  
4 story attached residence dwelling. It's located in  
5 the R-3/GT zone at 1610 32nd Street Northwest. It's  
6 for 1289, lot 1017.

7           This application was removed from the January  
8 21st expedited review calendar and scheduled for a  
9 hearing. Also, on December 10th, the board granted a  
10 request for hearing status in opposition to D and F  
11 analog.

12           VICE CHAIRPERSON BLAKE: Okay, thank you very  
13 much.

14           If the Applicant is here, would you please  
15 introduce yourself and anyone else that's here with  
16 you today? You're on mute.

17           MR. SULLIVAN: Thank you. Good afternoon,  
18 Chairman Blake. My name is Marty Sullivan with  
19 Sullivan and Barros on behalf of the Applicant. And  
20 with me today should be Mark Giarraputo, the  
21 architect.

22           VICE CHAIRPERSON BLAKE: Okay. Thank you.  
23           And party in opposition, Mr. DeBear, I guess  
24 you're representing them.

25           MR. DEBEAR: Yes. Good afternoon, Chair

1 Blake. My name is Eric DeBear from the law firm of  
2 Cozen O'Connor, and I'm representing the party in  
3 opposition, Ms. Dana Madalon.

4 VICE CHAIRPERSON BLAKE: Ms. Madalon is here  
5 today as well?

6 MS. MADALON: Yes, I'm here.

7 VICE CHAIRPERSON BLAKE: Okay, great. Are  
8 you going to be testifying?

9 Mr. DeBear, are you going to have her  
10 testifying as well?

11 MR. DEBEAR: I'll give our presentation in  
12 chief. Ms. Madalon is here if the board has any  
13 questions or needs to add any color to any of my  
14 comments.

15 VICE CHAIRPERSON BLAKE: Okay, great. Do we  
16 have anybody here from the AMC or any other agencies?

17 Okay, great. All right, so we're going to get  
18 started.

19 First of all, I'm going to have the Applicant  
20 do his presentation followed by the Office of  
21 Planning. And then if the AMC is here, we'll have the  
22 AMC contribute.

23 Then the party of opposition will speak.  
24 We'll have public testimony. The Applicant will then  
25 have the opportunity for rebuttal, and then we'll take

1 the final comments from the party in opposition, then  
2 closing remarks from the Applicant. Okay?

3 Let's see. And throughout that process,  
4 everyone will have an opportunity, every party will  
5 have an opportunity to ask other parties questions  
6 with regard to their formal presentation or testimony.

7 And then we will, you know, have the opportunity at  
8 the end for, like I said, rebuttal and closing  
9 remarks.

10 The members of the board should feel free to  
11 ask any questions at any point throughout the  
12 presentations or throughout the hearing. So with that  
13 stated, Mr. Sullivan, you have 15 minutes on the clock  
14 to begin your presentation whenever you like.

15 MR. SULLIVAN: Thank you, Mr. Chair. Thank  
16 you for loading the PowerPoint. The application is  
17 21392 of 1610 32nd Street Northwest.

18 Next slide, please. So the property is in  
19 the R-3 zone in the GT overlay. It's currently  
20 improved with a three-story row building used as a  
21 single-family dwelling by Michael and Jeanne Ellis.  
22 The Applicant is proposing an addition to the second  
23 story, which is the main level of the building, at the  
24 rear of the building and a small deck with a staircase  
25 from the ground to that deck.

1           The proposed addition is located above an  
2 existing one-story extension at the lowest level of  
3 the building. It overhangs a portion of that lowest  
4 level. And the deck will encroach into the rear yard  
5 approximately four feet. It's an eight-by-six deck,  
6 48-square-foot deck.

7           The deck also increases the proposed lot  
8 occupancy over the maximum permitted of 60 percent to  
9 62.7 percent. So the area of the 2.7 percent  
10 requested represents about 49 square feet. The deck  
11 is 48 square feet. So effectively, the entire  
12 application revolves around this open deck, first-  
13 level deck.

14           So the rear yard setback, the deck goes into  
15 at about four feet, as I stated. It's a six-by-eight  
16 deck. So it's a 16-foot, one-and-a-half-inch rear  
17 yard, or 20 feet is required, and that's just for  
18 about a third of the property. So we're asking  
19 special exception relief from the rear yard  
20 requirements and from the lot occupancy requirements.

21           Next slide, please. The Office of Planning  
22 recommends approval. ANC 2E's letter is a little  
23 difficult to determine which way they're going, but  
24 they stated when they passed that that they intended  
25 to remain neutral.

1           Next slide, please. So here's a map showing  
2 the property, the subject properties there. The  
3 neighbor opponent is to the north. It's the longer L-  
4 shaped building to the north there. And the red lines  
5 here show the addition. The building addition is on  
6 the main level, or the second story, and that's all  
7 within 60 percent.

8           It's actually the second story is about 57.5  
9 percent lot occupancy, and it's the deck on the lowest  
10 level on the first story that is responsible for  
11 exceeding the 60 percent lot occupancy.

12           Next slide, please. There's a photo showing  
13 the subject property and the neighbor opponent to the  
14 north at 1614.

15           Next slide, please. There's a photo of the  
16 existing rear of the property. The building addition  
17 goes out to the furthest point of where this bay comes  
18 out. It's a two-story addition. Again, that's all  
19 matter of right. And there's no changes to the third  
20 floor. It's about 40 percent lot occupancy, and  
21 that's not being increased.

22           Next slide, please. These photos are in  
23 response to the privacy argument, which I will get to  
24 in more detail later. But it's showing the current  
25 view and the future view. Because part of the second

1 story matter of right addition is the building  
2 addition, instead of being an open balcony with  
3 windows, it's going to be a sidewall. So we think the  
4 privacy situation, as far as that goes, is improved.  
5 And again, that's the matter of right portion of it.

6 Next slide, please. This is a similar view  
7 showing we have less -- this Applicant has less of a  
8 view of the neighbors extended additions, windows,  
9 with the proposed addition.

10 Next slide, please. Regarding the general  
11 special exception requirements, the granting of the  
12 special section relief will be in harmony with the  
13 purpose and intent of the zoning regulations maps.  
14 Properties located in the R-3/GT zone intended to  
15 permit attached row houses on small lots, it will  
16 remain an attached single-family road dwelling.

17 The proposed rear yard and lot occupancy  
18 requests are permitted by special exception. Again,  
19 it's just 2.7 percent of lot occupancy relief, only on  
20 one level with an open deck and about four feet into  
21 the rear yard. No changes, again, on the third floor  
22 and a matter of right addition on the second story.

23 Next slide, please. Regarding specific  
24 requirements, we'll show a shadow study in a minute  
25 showing that light and air available to neighboring

1 properties is not unduly affected. As demonstrated in  
2 the coming shadow study, the project results in  
3 minimal light and air impacts on the neighboring  
4 property, and this arises from the eight-by-six open  
5 deck affecting the lot occupancy and the rear yard  
6 setback.

7 Privacy photographs showing the current and  
8 perspective views show the neighbor's property from  
9 the Applicant's property demonstrate improved privacy  
10 from the project itself. We have a privacy fence  
11 proposed on the eight-by-six deck, which we'll show  
12 you on the side elevation.

13 We're also open to not having that if the  
14 neighbor opponent wished to have that open instead of  
15 having the privacy fence. The addition is located at  
16 the rear of the house. There's not an alley here, so  
17 it's not materially visible from any public ways. The  
18 architect is working with HPO and OGB on those  
19 approvals.

20 Next slide, please. I think if Mark is here  
21 -- I didn't see his picture there. If the architect  
22 is here, Mark Giarraputo. If not, I'll go through the  
23 plans. I suppose he's not. Can he be called?

24 MR. GIARRAPUTO: I'm here.

25 MR. SULLIVAN: Okay, great, Mark. Do you

1 want to take us through the plans coming up now and  
2 the shadow study, please?

3 MR. GIARRAPUTO: Certainly. Next slide,  
4 please.

5 MR. SULLIVAN: I'm sorry, Mark, if you could  
6 turn -- if you could have the chance to turn your  
7 camera on, that would be helpful for the board as  
8 well. Thank you.

9 MR. GIARRAPUTO: There we go. Thank you. If  
10 we can go to the shade study and the presentation,  
11 please.

12 There you go. Thank you very much for your  
13 time today. Appreciate it. I really don't have much  
14 to add about the architecture. I think Mr. Sullivan  
15 brought us through that pretty quickly and pretty  
16 simply.

17 It's a one-story addition on the main level  
18 of the house with a small terrace off the back leading  
19 back down to the rear yard. We're building over the  
20 existing footprint of what is on the lower level. As  
21 you can see with the red shaded areas on the shade  
22 studies, that is the morning, midday, and afternoon  
23 shadows cast by the terrace that is off the back of  
24 the house.

25 Next slide. Here you can see the next

1 season, the same thing. The red indicates the shadows  
2 coming off the back of the house and to the side. And  
3 then the next slide, please. Again, you can see the  
4 shadows. I can't read the slide 100 percent, but I  
5 think it's in the winter solstice. Anyway, that's the  
6 shadow studies. I'm happy to answer any questions  
7 that you have.

8 MR. SULLIVAN: If we could go back a couple  
9 of plans pages, please. I would like to show the side  
10 elevation to show exactly what we're talking about  
11 with the deck. One slide back, please. So here's the  
12 proposed side elevation. And if you look on the side  
13 on the right, this is the view from the Ms. Madalon's  
14 property.

15 And there's the proposed privacy fence that  
16 will be on the edge of this deck. And that's the deck  
17 again. So the entire building to the left of this  
18 except for one square foot because we're asking for 49  
19 square feet of relief and the deck is 48 square feet,  
20 relates to the deck. And that's the area that's in  
21 the rear yard.

22 So the rest of it is compliant. The next  
23 slide, please. And we have this plan in there as  
24 well. If you look at the proposed north-facing  
25 elevation on the bottom row there, that's how it would

1 look without the privacy fence. We are proposing that  
2 the privacy fence be included. A fence can add some  
3 shadow but can increase privacy.

4 And we would be okay with either one, but our  
5 proposal was that we have that privacy fence. And  
6 then there you see a proposed rear elevation as well.

7 So that's all we have for our presentation. If you  
8 have any questions for myself or for Mr. Giarraputo.

9 VICE CHAIRPERSON BLAKE: I don't have any  
10 questions for the Applicant. Okay. So we're going to  
11 -- Mr. DeBear, do you have any questions for the  
12 Applicant?

13 MR. DEBEAR: I do. I have one for the  
14 Applicant's architect. And this is on your shadow  
15 studies, actually two. So I'm curious what method you  
16 use to develop those shadow studies.

17 MR. GIARRAPUTO: We have an in-house program  
18 that we use. I'm sorry, I don't recall the name of  
19 it.

20 MR. DEBEAR: Okay. And did -- is the fence  
21 shadow reflected on your studies?

22 MR. GIARRAPUTO: I believe it was.

23 MR. DEBEAR: Okay. I didn't see any shadow  
24 on there from the fence. But if that's your  
25 statement, then that's fine.

1           Is the new fence on the terrace reflected on  
2 your shadow study that you all added after the  
3 original application?

4           MR. GIARRAPUTO: The fence on the terrace?  
5 You're talking about the -- it is not currently shown  
6 on the plans. I think Mr. Sullivan just pointed that  
7 out.

8           MR. DEBEAR: And is that reflected on the  
9 shadow study?

10          MR. GIARRAPUTO: I believe that it is shown  
11 on the shadow study. I'd have to go back and take a  
12 look at my larger documents, but I believe that it is,  
13 yes.

14          MR. DEBEAR: And you're looking at the shadow  
15 study now?

16          MR. GIARRAPUTO: I believe so, yes. It is  
17 100 --

18          MR. DEBEAR: And is the fence between my  
19 client's property and the Applicant's property  
20 reflected with shadows?

21          MR. GIARRAPUTO: No. It is not.

22          MR. DEBEAR: Okay, thank you. And then did  
23 your company do a renovation for the Applicant a few  
24 years ago?

25          MR. GIARRAPUTO: We did an internal

1 renovation to the house, yes.

2 MR. DEBEAR: Okay. And did you cross-  
3 reference the measurements you are providing to the  
4 BZA, with those that you submitted to DOB?

5 MR. GIARRAPUTO: Did I cross reference the  
6 existing measurements?

7 MR. DEBEAR: Are they consistent?

8 MR. SULLIVAN: I would object to this for  
9 relevance. The proposal before the Board is relevant.

10 MR. DEBEAR: It is relevant. I mean, you  
11 filed it --

12 (Simultaneous speaking.)

13 MR. SULLIVAN: The proposal, if I could  
14 review --

15 MR. DEBEAR: New plans less than 24 hours  
16 ago.

17 MR. SULLIVAN: All right.

18 VICE CHAIRPERSON BLAKE: Okay. I sustain the  
19 objection.

20 MR. SULLIVAN: Okay. It's, we are proposing  
21 something for the Board. Those are the plans that are  
22 being proposed.

23 This isn't an old project. It has nothing to  
24 do with previous plans.

25 MR. DEBEAR: Okay. Okay.

1           VICE CHAIRPERSON BLAKE: Okay. You're done  
2 with the questions now, Mr. DeBear, right?

3           MR. DEBEAR: I am done.

4           VICE CHAIRPERSON BLAKE: Okay, thank you.  
5 Anybody else have any?

6           Okay, that's good. We're going to move now  
7 to the Office of Planning.

8           MS. BROWN-ROBERTS: Good afternoon. Good  
9 afternoon, Mr. Chairman and Members of the Commission.  
10 Again, I'm Maxine Brown-Roberts, representing the  
11 Office of Planning.

12           As outlined in our report, OP believes that  
13 the proposed edition would meet the special exception  
14 requirements for the reduction in rear yard and  
15 increase in lot occupancy, as outlined in Subtitle D-  
16 5201 and Subtitle X-901.

17           Regarding the light and air impacts, OP  
18 reviewed the shadow studies in both what the Applicant  
19 submitted and what the opposition submitted and was  
20 satisfied that there would be some additional  
21 shadowing over the matter of right, especially during  
22 the fall and winter months around 3:00 p.m., but would  
23 not be undue.

24           Regarding privacy, the addition would have no  
25 windows on the wall along the property line and the

1 deck would have an open screen.

2 OP therefore recommends approval of the  
3 requested special exceptions. Thank you, Mr.  
4 Chairman.

5 VICE CHAIRPERSON BLAKE: Thank you, Ms.  
6 Brown-Roberts. Does anyone have any questions for the  
7 Office of Planning?

8 Okay. Okay. Do we have anyone here from the  
9 ANC? I don't think so.

10 Okay. Mr. DeBear?

11 MR. DEBEAR: Yeah. And before I get to my  
12 presentation, Chair, I did want to note, which I made  
13 reference too in my cross-examination just now, there  
14 was a filing at 4:30 in the afternoon yesterday,  
15 changing the numbers quite significantly.

16 And I understand, you know, Mr. Sullivan has  
17 said this is self-certified. But, you know, first of  
18 all, I think the Board needs to rule on that motion to  
19 late file less than 24 hours prior to this hearing.

20 We had filed documents 14-days prior to the  
21 hearing, questioning the dimensional calculations.  
22 And then we get a filing a little more than 12-hours  
23 before the hearing, correcting those. And by  
24 happenstance, adjusting the relief to 3 percent less.

25 You know, I'll get to my presentation, but I

1 did just want to note that.

2 VICE CHAIRPERSON BLAKE: Do you think that --  
3 so the question is, are you prejudiced, do you feel  
4 prejudiced by that, the fact that they were late? It  
5 sounds like you do.

6 MR. DEBEAR: Yeah. We are prejudiced.

7 VICE CHAIRPERSON BLAKE: Okay.

8 MR. DEBEAR: I mean, we've been preparing  
9 for, you know, months now. We submit a timely  
10 presentation based on the numbers that were provided  
11 in the record.

12 VICE CHAIRPERSON BLAKE: Okay.

13 MR. DEBEAR: There was plenty of time for the  
14 Applicant to adjust those numbers. They've been all  
15 over the place with their numbers.

16 And, you know, beyond that, I did want to  
17 note, you know, we've taken their measurements and  
18 calculated them just like what we did two weeks ago.  
19 And we're still finding an inconsistency with the  
20 statements that are being made here versus what the  
21 plans actually show.

22 And we understand this is a matter of feet  
23 and percentages, small percentages. But the outsize  
24 impact is significant to Ms. Madalon.

25 And I'll get to my presentation now. But I

1 did just want to note that for the Board that we do  
2 object to the late filing, and also how it impacts the  
3 Board's assessment of this project versus what is  
4 matter of right.

5 So with that, I just ask for our presentation  
6 to be brought up and I'll get right into it.

7 VICE CHAIRPERSON BLAKE: Thank you.

8 MR. DEBEAR: Thank you. Just to again orient  
9 the Board, my client Ms. Madalon's property is located  
10 at 1614 32nd Street Northwest. You can see the white  
11 house facing south toward the Ellis property. Next  
12 slide, please.

13 Just a summary of the reasons Ms. Madalon is  
14 opposing the project. Again, this might be framed as  
15 a relatively small project.

16 But given the positioning of Ms. Madalon's  
17 home relative to the Applicant's project, it is an  
18 outsize impact. We have shown with documents in the  
19 record, and what we'll walk through today is, there is  
20 an undue impact to Ms. Madalon's light and air.

21 And this impact comes through in the only  
22 windows to Ms. Madalon's kitchen and second floor  
23 bedroom, the skylights and doors that provide the only  
24 light to her living area, and to her approximately  
25 nine-foot wide patio directly adjacent to where this

1 terrace is being proposed in this addition.

2 This results in really a cavern like feel to  
3 Ms. Madalon's property. And I think that's critical  
4 for the Board to weigh.

5 Again, because the Applicant has filed a last  
6 minute filing, this next point of a substantial  
7 difference might be undermined somewhat.

8 But based on our calculations of their  
9 numbers, it is larger than how Mr. Sullivan has framed  
10 it. It is bigger, the delta between matter of right,  
11 and the proposal is larger than the 48 or 49 square  
12 feet that is the deck.

13 And finally, this is referenced in the ANC's  
14 report, which was interesting how Mr. Sullivan framed  
15 that, but there has been just no dialogue between  
16 neighbors and it's unfortunate.

17 And I just wanted the Board to note that.  
18 And we were open and willing to a discussion and were  
19 met with zero response essentially. So with that,  
20 next slide, please.

21 Again, to orient the Board this is Ms.  
22 Madalon's property just to the north of the  
23 Applicant's property. Next slide.

24 These images are just intended to identify  
25 the windows and skylights and doors that I mentioned.

1 And we'll have a few more of them.

2 You can see the kitchen windows on the  
3 lefthand picture, directly facing where this addition  
4 will be located. And then, of course, the skylights  
5 and the doors are in the little dog leg there that  
6 you'll have a better idea of in a moment. Next slide,  
7 please.

8 This is a plan view and showing how these  
9 windows and doors look out onto what will be this  
10 project. You can see the kitchen windows there in the  
11 middle picture, the patio in the bottom middle, and  
12 then the doors and skylights in the lefthand picture.

13 And we thought it would be helpful to  
14 understand kind of how Ms. Madalon's home flows, and  
15 how it relates with a short video. So if Mr.  
16 Sakinejad could play that very quickly.

17 (Video played.)

18 MR. DEBEAR: Thank you. Next slide, please.

19 So what you just saw in that video, as Ms.  
20 Madalon was narrating over it, is the sun, obviously,  
21 with southern exposure of these windows directly  
22 filtering into those kitchen windows.

23 And you can see approximately where the new  
24 roof line of the addition will be, is directly  
25 adjacent to these windows and the doors and skylights.

1 Next slide, please.

2 And then just a few images. This is all from  
3 wintertime. Obviously, since this Application was  
4 filed, you can see strong sunlight there at noon, and  
5 it would not go over the proposed rooftop and privacy  
6 fencing on the terrace. Next slide, please.

7 And you can see again in December, throughout  
8 the day, the sun usually peaks out around 9:30 or so.

9 And then has direct sunlight into Ms. Madalon's  
10 kitchen and living area throughout much of the day in  
11 the winter. Next slide, please.

12 And then we have, again, all day, or almost  
13 all day, that the sun is actually up in January. Next  
14 slide, please.

15 And again, here are just closer images  
16 showing light filtering into the living room. Again,  
17 these are the only light sources. Because this is a  
18 row home, the only light sources into Ms. Madalon's  
19 living area. Next slide, please.

20 And just to give the Board a feeling of kind  
21 of the cavernous feel of what this addition will do.  
22 Again, you can see the dog leg there with the addition  
23 essentially boxing in the patio, the kitchen windows,  
24 and the skylights. Next slide, please.

25 Here's an image that we put together of a

1 rendering, essentially. Obviously, the Applicant has  
2 not shown anything of what this will feel like and  
3 look like for Ms. Madalon.

4 I did just want to draw the Board's attention  
5 to beyond just looking at a brick wall and a fence.  
6 Ms. Madalon has a climbing clematis on the shared  
7 fence that in a moment you'll see an image.

8 It has extensive foliage in the summer or in  
9 the warmer months, I should say. That climbing  
10 clematis requires extensive sunlight and is likely to  
11 die as a result of this addition. Next slide, please.

12 There you can see the foliage. Again, this  
13 is more of a vantage of what this will look like from  
14 her patio. Again, only about nine square, or sorry,  
15 nine feet wide between the fence line and the wall to  
16 the kitchen. Next slide, please.

17 We did have shadow studies of our own done.  
18 And they do diverge from what the Applicant's  
19 architect has provided. These are in the case record.

20 You can see, certainly during the middle of  
21 the day, in the spring and fall solstice, impacts the  
22 shadows. You can see existing overhead on the left,  
23 with existing proposed on the right.

24 Of course, ours actually do include the  
25 fencing just for accuracy. And then the axiomatic

1 view, you can get a better idea of how that's going to  
2 filter in directly into, again, the only light sources  
3 into our kitchen and living room. Next slide, please.

4 This is fall, which is obviously going to be  
5 virtually the same as spring. Next slide, please.

6 And here is winter, more pronounced because  
7 of the angle of the sun being lower in the sky. Next  
8 slide, please.

9 And what does this equate to? Just in graph  
10 form, getting an idea of how this impacts the sunlight  
11 to Ms. Madalon's home, you have to obviously look at  
12 what's currently available versus what will be  
13 available after the addition.

14 And so in graph form, you can see that, for  
15 example, in the winter, she currently gets  
16 approximately seven hours of sunlight into her kitchen  
17 windows. And as a result of the addition, that will  
18 be about one and a half hours of sunlight.

19 So a substantial change, almost 80 percent  
20 loss. And then during the solstices, based on our  
21 shadow studies, she has an almost 70 percent loss of  
22 total hours of sunlight versus, current versus what  
23 will happen post-edition. Next slide, please.

24 Again, this slide is unfortunately now  
25 outdated in the last 24-hours. But I think the

1 overall point of it remains in that we still kind of  
2 continue to question the numbers that have been  
3 provided.

4           And again, I understand it's self-certified,  
5 and what that means from a legal context. But it does  
6 reframe the conversation of what is matter of right  
7 truly, and what is being proposed, and how that delta  
8 has a specific and undue impact on Ms. Madalon.

9           And again, the second level has been  
10 referenced as by right. But it can't be built beyond,  
11 at least prior to these updated plans, it can't go  
12 beyond the more or less the existing floor plate,  
13 because it would obviously contribute to lot occupancy  
14 as well. Next slide, please.

15           And in closing, again, an unfortunately  
16 outdated slide. The prior numbers would have allowed  
17 approximately, based on our calculations, seven square  
18 feet matter of right.

19           This is a little bit greater certainly. But  
20 you can see how that compares, or could compare, to  
21 what's being proposed.

22           And again, this is a relatively small project  
23 with an outsized impact on Ms. Madalon's home due to  
24 the unique positioning, as we've shown the Board, of  
25 how her home extends beyond and looks toward the

1 Applicant's property.

2 And finally, I did want to again, circle back  
3 on the engagement. There's been no discussion amongst  
4 neighbors on this relatively compact Georgetown  
5 neighborhood.

6 These row homes that are on relatively narrow  
7 lots of, could we do this on a different part of the  
8 property? Could we achieve our goals of having a  
9 terrace in another way?

10 And I think, at a minimum, and something the  
11 ANC also acknowledged and pointed out in also  
12 acknowledging our concerns with light and air, is that  
13 they would expect that of the Applicant in this kind  
14 of scenario.

15 And so with that, I greatly appreciate the  
16 Board's attention and understanding of our case. And  
17 I will end my presentation.

18 VICE CHAIRPERSON BLAKE: Okay. Thank you  
19 very much, Mr. DeBear. Does anyone on the Board have  
20 any questions for Mr. DeBear?

21 Okay. Mr. Sullivan, do you have any  
22 questions for Mr. DeBear?

23 MR. SULLIVAN: I do have a question, if I  
24 might?

25 Mr. DeBear, would it be fair to say that your

1 presentation, including the shadow studies, is based  
2 on an analysis of the existing improvements, versus  
3 the proposed improvements in total, rather than just  
4 the actual special exception portion of the  
5 application, which is just the first story deck?

6 MR. DEBEAR: Well, you know, it's just the  
7 first story deck up to 24 hours, less than 24 hours  
8 ago. Yes, it is a comparison of existing versus  
9 proposed.

10 MR. SULLIVAN: So you're saying our shadow  
11 study changed in the last 24 hours?

12 MR. DEBEAR: I don't think your shadow study  
13 is accurate. And I think ours is a better reflection  
14 of what the actual shadows will be on my client's  
15 property.

16 MR. SULLIVAN: But that shadow study includes  
17 the matter of right portion of the addition as well.

18 MR. DEBEAR: Our shadow study? Yes.

19 MR. SULLIVAN: Okay. Thank you.

20 VICE CHAIRPERSON BLAKE: Okay. Does anyone  
21 else have any questions?

22 MR. SULLIVAN: I have no further questions.  
23 Thank you.

24 VICE CHAIRPERSON BLAKE: Okay. All right.  
25 Okay. I'm going to ask the Board quickly. Any

1 questions from the Board for either party so far,  
2 again?

3 MEMBER DRAKEFORD: No.

4 VICE CHAIRPERSON BLAKE: All right. We'd  
5 like to, let's see, is there anybody in public  
6 testimony who wishes to speak?

7 MR. SAKINEJAD: So we do not have anyone  
8 signed up to testify today.

9 VICE CHAIRPERSON BLAKE: Okay. Thank you  
10 very much. Thank you very much.

11 MR. SAKINEJAD: You're welcome.

12 VICE CHAIRPERSON BLAKE: Okay.

13 MS. MADALON: Is it okay for me to speak, to  
14 say something? Is it all right?

15 VICE CHAIRPERSON BLAKE: I was just waiting  
16 for Mr. DeBear to indicate that you would speak.  
17 That's fine. Please, you may --

18 MS. MADALON: I just never, I just have a  
19 comment with regard to what Mr. Sullivan said about  
20 the ANC. I've watched the testimony several times,  
21 and they did not remain neutral.

22 They did not vote to oppose. But they said -  
23 - they used verbiage that said there was a clear undue  
24 impact to my property in terms of light and air. And  
25 I think that needs to go on the record.

1 VICE CHAIRPERSON BLAKE: Okay. Thank you. I  
2 do think that, yeah, the ANC's report is in the record  
3 as well.

4 MS. MADALON: Okay.

5 VICE CHAIRPERSON BLAKE: Our requirement is to  
6 give great weight to the issues and concerns raised.  
7 The position they take actually is not determined.

8 But the issues and concerns are what we  
9 actually focus on. So they did indicate those things.

10 Okay. All right. Okay. Let's see, do we  
11 have any more? Okay. It's just, I'm surprised we're  
12 wrapping this up so quickly.

13 Let's see, Mr. Sullivan, do you have any  
14 other comments that you would like to make?

15 MR. SULLIVAN: Yeah, I do have a short  
16 rebuttal if I may?

17 VICE CHAIRPERSON BLAKE: Please.

18 MR. SULLIVAN: First of all, regarding the  
19 late filing, apologies to the Board and to Mr. DeBear  
20 on that. I did notice late yesterday that there was a  
21 number wrong, a measurement number wrong, and it was  
22 the width of the lot.

23 The width of the lot was represented as a  
24 little wider than it is on the plat. The plat is just  
25 23.5 square feet. So when we recalculated, then we

1 got to the 62.7 percent lot occupancy.

2           The reason that the shadow study doesn't  
3 change is because all of the overage on lot occupancy  
4 has always been on the first level only.

5           And when the second story is proposed to be  
6 built, it covers some open space on the first story.  
7 And so it wouldn't have been in the shadow study.  
8 That space remains open.

9           But it counts in that lot occupancy. With  
10 the change in the numbers, now that the size of the  
11 deck at 48 square feet, and the total size of the  
12 relief as self-certified, of course, is 49 square  
13 feet.

14           And we can say it's entirely related to the  
15 deck and it doesn't involve any of the portion  
16 underneath the second story. But for about a half  
17 inch we can do the entire second story is a matter of  
18 right. And that lot occupancy is going to be 57.5  
19 percent on that second story.

20           I don't want to get too much of back and  
21 forth on dialogue. But the first dialogue from Mr.  
22 DeBear was, we're going to file party status  
23 opposition unless you do this.

24           And he was proposing something less than  
25 matter of right. And so because we're only proposing

1 this deck at 48 square feet, there didn't seem to be  
2 any room for further dialogue after that.

3 To say we had no interest in dialogue is a  
4 misrepresentation meant for effect. He has admitted  
5 that his entire analysis, his entire case, is based  
6 primarily on the matter of right portion of the  
7 building.

8 All the shadow studies, which really don't  
9 even show that much undue impact frankly, from the  
10 building, are based on a matter of right addition.

11 And the Board knows that their call is to  
12 analyze what's the impact of what's going over the  
13 rear yard setback and over the lot occupancy number.

14 And again, it relates to the deck. So none  
15 of what he talked about had anything to do with the  
16 deck. It's all about the matter of right portion in  
17 the building.

18 And I don't think he's proposing that we  
19 can't build that. But he's using the impact from  
20 that, which is permitted as a matter of right, and  
21 trying to confuse the issue with just being the deck.

22 Also, I don't think that the neighbor gains  
23 any extra rights by having a non-conforming addition  
24 in the back. Which it seems to be kind of what he's  
25 implying as well.

1           So that's all I have in rebuttal. And  
2 regarding the ANC, it is in the record. It is what it  
3 is. The Board can determine what is.

4           And I can't speak for the ANC. I just, after  
5 they voted, I asked, I said, the Board may struggle to  
6 understand whether which way you're going on that.

7           And Commissioner Maysak said, well, our  
8 intention is to be neutral. But I know that's not in  
9 the record. The letter is what it is. And the Board  
10 can determine what that is.

11           Again, the main point of this again is, and  
12 for some context, I think the Board approved a deck  
13 earlier today that was about 180 square feet. We're  
14 asking for 48.

15           It was 9 percent deviation, we just have 2.7.  
16 And that was seven and a half feet into the rear  
17 yard. We're only asking for about four feet, only for  
18 a third of the property.

19           So it's difficult. This is more than modest.  
20 The addition is the addition, and we're not doing a  
21 third story.

22           So the Applicant's not maxing out completely.  
23 We're still 40 percent on the top story, under 60  
24 percent on the second story, and the deck takes us  
25 over as stated.

1           So the analysis should be limited to the deck  
2 and that's what our shadow study has presented. Thank  
3 you.

4           VICE CHAIRPERSON BLAKE: Mr. DeBear, you can  
5 have your comments and then Mr. Sullivan will have the  
6 last word.

7           MR. DEBEAR: Yeah. I, again, I don't want to  
8 go back and forth about what was said about dialogue.

9           But that is an utter misrepresentation. I have the  
10 email Marty, so I could pull it up if you'd like.

11           But, again, it's never been clear why they  
12 have to put the deck right next to my client's window  
13 and doors. Why can't it be on the other side?

14           That was one thing that I stated we would be  
15 interested in discussing with them. And there was no  
16 explanation why they could not do that. That would  
17 have a significant change to what the impact would be  
18 on my client.

19           So, you know, to misrepresent that, I just  
20 wanted to address that. And again, this is not like  
21 other deck projects that you all might have looked at  
22 today.

23           Or, I know that the Board approves special  
24 exception applications for decks all the time. This  
25 is a unique scenario, where we've shown you the unique

1 factors of how the deck, previously more of the  
2 project, but coincidence, it was reduced at the last  
3 second, has impacted my client.

4 So it is different than other special  
5 exception cases the Board might look at. And you all  
6 need to look at it in its own merits and how it  
7 impacts this specific, unique set of factors that Ms.  
8 Madalon has presented to you all today. Thank you.

9 MS. MADALON: Would it be all right if I  
10 spoke also? Or no?

11 VICE CHAIRPERSON BLAKE: Go ahead.

12 MS. MADALON: So we've talked a lot about the  
13 matter of right, and I have spent a lot of time on  
14 these calculations, and I still disagree with the  
15 calculations that Mr. Sullivan is proposing.

16 According to their measurements, not mine,  
17 their measurements from their 2022 plan, interior, not  
18 the lot size they have by right, 39.31 square feet.  
19 The proposed bump out that would be flush with the bay  
20 area, is 54.98 square feet.

21 So they're not just asking for exemption for  
22 the deck. It's the deck plus 15.67 square feet using  
23 their measurements.

24 So, and that is significant. That is  
25 significant to my property.

1           VICE CHAIRPERSON BLAKE:   Okay.  Thank you.  
2   Any Board questions arise?  No?

3           Okay.  We're going to go to Mr. Sullivan for  
4   his closing remarks.

5           MR. SULLIVAN:  Thank you, Mr. Chair and Board  
6   Members.  Again, I present that the proposed deck of  
7   48 square feet, as demonstrated in the shadow study,  
8   does not have an undue impact on light and air of the  
9   neighboring property and does not substantially  
10  compromise privacy of use and enjoyment.

11          And that the addition does not substantially  
12  visually intrude on character scale and pattern of  
13  houses on the street.  The opponent has said this is  
14  unique.  I'm not sure why it is.

15          He hasn't really addressed the impact of just  
16  the deck.  He's chosen to use the building itself as  
17  the cudgel for this, when again, that's all a matter  
18  of right.

19          So I don't think it's unique at all.  
20  Regarding the calculations, self-certified, of course,  
21  but we did come down to that the building proper  
22  itself has a certain building area and that's 23 and a  
23  half by 44.5.

24          The back deck is 48 and the front porch is  
25  47.  That's all first story lot occupancy.  Those

1 three numbers add up to the 1140 number for building  
2 area.

3 And so I'm certain about those now. I  
4 apologize for the numbers being higher before. But I  
5 think it makes it a simpler case too, because now the  
6 relief and the size of the deck are nearly completely  
7 aligned, but for one square foot. So I'm very  
8 confident in that number at this point. And that's  
9 all we have. Thank you.

10 VICE CHAIRPERSON BLAKE: Thank you all. I  
11 appreciate your time. Does the Board need any  
12 information at this point that would help you?

13 Mr. DeBear, did the measurements that  
14 changed, do you need time to further evaluate them to  
15 see if it addresses any of your concerns? I mean, or  
16 do you feel you --

17 MR. DEBEAR: It would be nice to have more  
18 than 12, 16 hours. But, you know, my client spent a  
19 lot of energy and effort preparing for this, for it to  
20 change at the last second.

21 And it's quite frustrating, I think  
22 unnecessarily so. But, you know, I -- yes, we would  
23 like more time to look at it and understand. And  
24 again, I think there's questions here of accuracy  
25 still.

1           VICE CHAIRPERSON BLAKE: Okay. I'm going to  
2 have to have Mr. Sullivan respond to that, just  
3 because he should, I want him have the last word.

4           MR. SULLIVAN: Normally, I would say, and I  
5 understand that definitely. But the analysis for Mr.  
6 DeBear didn't change, because he, from the beginning,  
7 based this all on the existing versus proposed,  
8 instead of the matter of right versus proposed.

9           So his argument, his perspective, nothing he  
10 presented would have changed one bit. And nothing we  
11 presented changed.

12           If we were talking about a week, even two  
13 weeks, normally, I would be amenable to that. I know  
14 we're in some interesting times with the Board, and  
15 quorums, and things like that, and timing and you're  
16 all backed up.

17           So I don't think it has a material impact on  
18 this process at all. I wish I had gotten in sooner,  
19 and I apologize for that. But I really don't think  
20 it's a material impact on the proceeding.

21           MR. DEBEAR: I just, you keep turning what I  
22 answer to you, Marty. You asked me if the shadow  
23 studies were existing first propose.

24           And then you say my whole case is existing  
25 first propose. The evidence speaks for itself.

1 MR. SULLIVAN: No. That's what I say.  
2 That's my --

3 (Simultaneous speaking.)

4 MR. DEBEAR: Yeah. That's the, yeah.

5 MR. SULLIVAN: Statement.

6 VICE CHAIRPERSON BLAKE: Okay. Mr. DeBear,  
7 just -- Mr. DeBear, just hang on. Okay.

8 Mr. Sullivan had the last word. We're going  
9 to close the hearing and the record. Thank you very  
10 much. Mr. Sakinejad, you can dismiss the witnesses.

11 Board members, okay. That was a healthy  
12 debate. It's one of the most intriguing cases we've  
13 had of this type. I'd like to get your thoughts, Ms.  
14 Stidham?

15 COMMISSIONER STIDHAM: My gut feeling is that  
16 I need to go back over the record. Both sides  
17 presented interesting points of view.

18 I think I need to re-look at it, at several  
19 of the exhibit items to be able to make a decision.  
20 Just based on the discussion here, and I did review  
21 this case like, two or three times between last night  
22 and this morning.

23 But now I feel like I need to go back and  
24 look at a few items. I don't want to delay the  
25 project, but I'm not sure that I should be making a

1 decision at this moment.

2 VICE CHAIRPERSON BLAKE: Okay. Now, Ms.  
3 Drakeford, your thoughts?

4 Board Member Drakeford, your thoughts?

5 MEMBER DRAKEFORD: Yeah, sorry. I was just  
6 pulling up my notes. I apologize about that.

7 VICE CHAIRPERSON BLAKE: Okay.

8 MEMBER DRAKEFORD: I would also, you know,  
9 agree with Vice Chair Stidham, Commissioner Stidham,  
10 that I think both sides provided some very compelling  
11 testimony and some very compelling information.

12 And having some additional time to review  
13 some of the, just to review the record, would be  
14 helpful in my deliberation.

15 VICE CHAIRPERSON BLAKE: Okay. So here's  
16 where we are. I agree that we definitely would  
17 benefit from having time to review the record.

18 But as the, as Mr. Sullivan pointed out, we  
19 are doing, the Board has to have a unanimous decision  
20 to get anything done right now, given the fact that we  
21 are at three.

22 And so for that reason, I do feel comfortable  
23 scheduling this for a decision, and as is customary,  
24 on the 25th of February.

25 So, Madam Secretary, if you please, jump in

1 and let us know how that hits the 25th?

2 MS. MEHLERT: Yeah. We can add it to the  
3 25th for a decision.

4 VICE CHAIRPERSON BLAKE: It will be just the  
5 decision. How many decisions do we have on that day?

6 COMMISSIONER STIDHAM: A lot.

7 MS. MEHLERT: There's now six decisions and  
8 ten hearing cases.

9 COMMISSIONER STIDHAM: Okay, cool.

10 VICE CHAIRPERSON BLAKE: That sounds great.  
11 Thank you.

12 COMMISSIONER STIDHAM: Well, I'll block off  
13 the morning of the 25th then.

14 VICE CHAIRPERSON BLAKE: Yeah. The morning,  
15 the week, what have you. Okay. That's good. All  
16 right. Thank you very much for that.

17 Madam Secretary, would you call our next, our  
18 final case of this day?

19 MS. MEHLERT: Yes. The Board is returning to  
20 Application Number 21409 of Valley Vista Condo  
21 Association. This is self-certified application  
22 pursuant to Subtitle X, Section 901.2 under Subtitle  
23 C, Section 909, from the loading requirements of  
24 Subtitle C, Section 901.1, from the size and layout  
25 requirements of Subtitle C, Section 905.4, from the

1 screening and lighting requirements of Subtitle C,  
2 Section 908.

3 And that was the last one. And this is for a  
4 new loading berth at an existing apartment house with  
5 169 drilling units and a six-story attached building.

6 It's located in the RA-2 zone at 2032 Belmont Road  
7 Northwest, Square 2541, Lot 32.

8 And the Board had requested the Applicant  
9 submit an updated loading management plan, which is  
10 now in the record at Exhibit 32.

11 VICE CHAIRPERSON BLAKE: Okay. I have not  
12 had a chance to look at that Exhibit yet. Would you -  
13 - is it posted?

14 MS. MEHLERT: Yes. It's in Exhibit 32.

15 VICE CHAIRPERSON BLAKE: Okay. All right.  
16 Have the Board Members read this, these conditions?

17 MEMBER DRAKEFORD: Yes.

18 COMMISSIONER STIDHAM: Yes.

19 VICE CHAIRPERSON BLAKE: What are your  
20 thoughts? I can, I guess we should go through it for  
21 the public's advantage.

22 All food delivery and parcel couriers, UPS,  
23 FedEx, et cetera, will provide delivery services  
24 utilizing the main entrance on Belmont Road. Moving  
25 trucks and construction trucks shall utilize the

1 loading berth and scheduled days and times with  
2 building management.

3 Moving hours are between 9:00 a.m. and 5:00  
4 p.m., Monday through Saturday. A maximum of one move  
5 per day, Monday through Saturday is permitted. Please  
6 note the time slots available for moves are 9:00 to  
7 1:00 and 1:00 to 5:00 p.m. Moves are prohibited on  
8 Sundays or federal holidays.

9 Moves must be scheduled at the front desk  
10 with the building management Monday through Friday at  
11 7:00 a.m. There's no end to that.

12 Moves must be made at the front desk with  
13 building management Monday through Friday, 7:00 to  
14 3:00 p.m., at least one week in advance. And that's  
15 the entirety of it. We'll add the 3:00 p.m. to the  
16 moves must be scheduled at the front.

17 COMMISSIONER STIDHAM: These are consistent  
18 with what we discussed earlier.

19 MEMBER DRAKEFORD: Yeah, I agree. I agree.  
20 I do believe this is consistent. And it's very  
21 helpful to have this as part of the record.

22 VICE CHAIRPERSON BLAKE: Yeah. The one  
23 before, the penultimate one here, moves must be  
24 scheduled at the front desk with building management.

25 That is obviously, it looks like a typo.

1           So they'll delete that one, because it looks  
2 like it's just continued.

3           COMMISSIONER STIDHAM: The one on the bottom,  
4 yeah.

5           VICE CHAIRPERSON BLAKE: Yeah. This must be  
6 made, that makes no sense. So, no, it's got a, let's  
7 see, we have to edit it to say, moves must be  
8 scheduled, instead of moves must be made, and  
9 scheduled at the front desk.

10           And then we'll -- so scheduled needs to be in  
11 here as opposed to be made, scheduled. But the  
12 second, you see what I'm saying?

13           We'll move the schedule down to --

14           COMMISSIONER STIDHAM: Yeah.

15           MEMBER DRAKEFORD: Yes.

16           VICE CHAIRPERSON BLAKE: Moves must be  
17 scheduled at the front desk with the billing  
18 management, Monday through Friday. Okay. And  
19 disregard that middle, that penultimate comment and  
20 condition.

21           Madam Secretary, do you understand what I  
22 just said for the record?

23           MS. MEHLERT: Yes.

24           VICE CHAIRPERSON BLAKE: Okay. All right.  
25 So with that, let's deliberate and vote on this

1 matter. Okay. Which as usual, I've got to find my  
2 notes.

3 Okay. So from my perspective, I'm in support  
4 of this application. I do think that the current  
5 building, which does predate the current loading  
6 standards, really does occupy a lot of the lot.

7 And it doesn't really have sufficient space  
8 to provide a compliant loading berth. The fact of the  
9 matter is, retrofitting this older building in a  
10 limited space, it's difficult to comply with the  
11 loading standards. It's difficult to, you know, that  
12 exists today.

13 COMMISSIONER STIDHAM: Yes.

14 VICE CHAIRPERSON BLAKE: It's a little bit  
15 smaller. But I do believe that it'll accomplish and  
16 improve what we have, what's currently in the alley.

17 So for example, you see there are issues  
18 with, it's been a nuisance to the public, people in  
19 the alley have complained. We have issues where, you  
20 know, this is going to definitely make a, be an  
21 improvement.

22 What I find attractive about it, is that to a  
23 large extent, it is a voluntary agreement which allows  
24 them to make this happen.

25 So to a large extent, I do believe it is,

1 it's not the best scenario. But it is by far an  
2 improvement over what's there today.

3 Not optimal, but it's definitely an  
4 improvement over what has existed. And I do believe  
5 that it will benefit the general public.

6 I looked at the conditions that DDOT had  
7 proposed, and I do believe that they are a bit onerous  
8 for this. And a little bit, a lot of it falls  
9 outside of the jurisdiction of the Board.

10 So I think for that reason I do prefer  
11 incorporating the conditions that we reviewed. I  
12 think that better is more tailored to this particular  
13 situation and will, you know, better suit what we're  
14 trying to accomplish here.

15 And if it's, you know, because I do think  
16 this is an improvement. I don't think that, you know,  
17 we talked about the front, using the front versus the  
18 back for different packages.

19 It's not a one, a blanket thing that fits  
20 everyone. So I think that this does better fit the  
21 particular situation we have in front of us.

22 In this particular instance, we had some  
23 criticisms and some concerns issued by members of the  
24 public about the alley. I do think that this largely  
25 addresses, will largely address those concerns.

1           Again, this is an improvement. It ain't  
2 perfect. But it is definitely an improvement of what  
3 was there before.

4           We do not have a comment in the record from  
5 the ANC. But we do know that the ANC was noticed and  
6 both from the zoning authorities and in the statements  
7 in the record.

8           So I do believe also that we do have a pretty  
9 good idea of what we have here. And I do think we can  
10 assess that it will improve the situation.

11           And I think an important part to remember  
12 when we look at this, is the Applicant doesn't have to  
13 do this. And if we said no, but you basically can  
14 continue the status quo, you would have, you could  
15 possibly, you'd have basically the same thing that  
16 everyone doesn't want.

17           To the extent that we put incredibly onerous  
18 conditions on and they chose not to implement, we'd  
19 have the same thing and still have the difficult  
20 conditions.

21           So I believe that this is an improvement. I  
22 believe it's consistent with the intent. I believe  
23 that you'll still be able to have, you know, you'll  
24 get rid of the obstructions in the alley, you won't  
25 have conflicts with any pedestrians or anything like

1 that.

2 This will improve the situation. I think  
3 that the conditions where we kind of limited the hours  
4 in which they can do it, the days in which they're  
5 going to do it, will all be for the better.

6 So for that reason, I'm in support of this  
7 application. I give great weight to the Office of  
8 Planning's recommendation for approval. And that's  
9 where I'm at.

10 Commissioner Stidham?

11 COMMISSIONER STIDHAM: I completely agree  
12 with everything that you've said, including the  
13 conditions that DDOT wanted to put on it.

14 I think that the conditions that the  
15 Applicant has proposed is far better. You know, I do  
16 want to emphasize, this is voluntary.

17 And it is the Applicant making improvements  
18 to better the situation on their own, which is great.

19 And they are making, they're doing the best that they  
20 can in the space that they have.

21 And I think this will be a far better  
22 improvement over what is existing. So I'm prepared to  
23 support as well.

24 VICE CHAIRPERSON BLAKE: Board Member  
25 Drakeford?

1           MEMBER DRAKEFORD: Yes, thank you. I also,  
2 you know, agree with the comments that you've  
3 provided, Chair Blake.

4           And in reviewing this particular application,  
5 it's clear that the Applicant is attempting to use a  
6 more, or to incorporate a more modern loading  
7 functionality into a space that wasn't originally  
8 designed for.

9           And as you all have both mentioned, this is  
10 something that the Applicant is doing voluntarily.  
11 Right? They're opting in to do this and it also helps  
12 to alleviate an existing problem while, it's helping  
13 to alleviate an existing problem.

14           So I also am generally in support of this  
15 application or in, of this application and also  
16 appreciate the revisions that they have made as a  
17 result of their move-in management plan and sharing  
18 that with us.

19           So I want to just thank the Applicant for  
20 doing that.

21           VICE CHAIRPERSON BLAKE: Okay. I'd like to  
22 make a motion to approve the Application 21409, as  
23 written and captioned by the Secretary, with the  
24 conditions as we discussed and modified in Exhibit 43.

25           And I ask for a second. Ms. Drakeford?

1 MEMBER DRAKEFORD: I second.

2 VICE CHAIRPERSON BLAKE: The motion's been  
3 made and seconded. Madam Secretary, would you please  
4 conduct a roll call vote?

5 MS. MEHLERT: Yes. Just clarifying that it  
6 was Exhibit 32.

7 VICE CHAIRPERSON BLAKE: Thirty-two, sorry.

8 MS. MEHLERT: Please respond to the Chair's  
9 motion to approve the Application with conditions.  
10 Chairman Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Board Member Drakeford?

13 MEMBER DRAKEFORD: Yes.

14 MS. MEHLERT: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. MEHLERT: Staff would record the vote as  
17 three to zero to two, to approve Application Number  
18 21409, with the conditions on the motion made by  
19 Chairman Blake and seconded by Board Member Drakeford.

20 VICE CHAIRPERSON BLAKE: Okay. Madam  
21 Secretary, do you have any other issues for today?

22 MS. MEHLERT: Nothing else on the agenda.

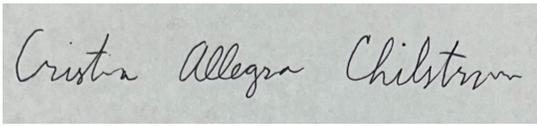
23 VICE CHAIRPERSON BLAKE: Okay. Thank you all  
24 very much. We'll have a rest next week and a very  
25 busy 25th. Thank you all. Bye.

1 (Whereupon, the above-entitled matter went  
2 off the record at 4:13 p.m.)

3 C E R T I F I C A T E

4 This is to certify that the foregoing transcript was  
5 duly recorded and accurately transcribed under my  
6 direction; further, that said transcript is a true and  
7 accurate record of the proceedings; and that I am  
8 neither counsel for, related to, nor employed by any  
9 of the parties to this action in which this matter was  
10 taken; and further that I am not a relative nor an  
11 employee of any of the parties nor counsel employed by  
12 the parties, and I am not financially or otherwise  
13 interested in the outcome of the action.

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Christina Allegra Chilstrom