

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

JUNE 3, 2026

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson  
PAUL GOLDSTEIN, Vice Chairperson  
MELISSA LINDSJO, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary  
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

SHEPARD BEAMON  
MAXINE BROWN-ROBERTS  
PHILIP ISAIAH  
MATTHEW JESICK  
MICHAEL JURKOVIC  
JOSHUA MITCHUM

1 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

2 SARAH BAJAJ, ESQ.  
3 CARISSA DEMARE, ESQ.  
4 JORDANE WONG, ESQ.

5 The transcript constitutes the minutes from the  
6 Regular Public Hearing held on June 3, 2026.

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

2 9:30 a.m.

3 MS. MEHLERT: Would you like to move to the  
4 next case?

5 ZC CHAIR HOOD: Let me help out a little  
6 bit, just a little bit, and Ms. Pourciau, let me  
7 know when I'm interfering too much.

8 BZA CHAIR POURCIAU: No, I appreciate that.

9 ZC CHAIR HOOD: Now, we're going to go into  
10 our hearing action, am I correct, Ms. Mehlert?

11 MS. MEHLERT: Correct.

12 ZC CHAIR HOOD: Okay. So, now you want to  
13 call the first case for under hearing action and  
14 then we can go from there?

15 BZA CHAIR POURCIAU: Okay. Am I -- yes,  
16 so, I believe we're going to our first case, which  
17 is Application Number 21405 of Azanach Haile, and  
18 it's a special exception use alley lot, they're  
19 looking for a release of --

20 MS. MEHLERT: If I can just interrupt,  
21 sorry, Chairman, I can call the case and mention any  
22 preliminary matters. And then, during that time,  
23 the witnesses will come in, and then I'll turn it  
24 over to the Board.

25 BZA CHAIR POURCIAU: Okay, excellent, thank

1 you.

2 MS. MEHLERT: So, the first case in the  
3 Board's hearing session is Application Number 21405  
4 of Azanach Haile, as amended. This is an  
5 application pursuant to Subtitle X Section 1002 for  
6 area variances from Subtitle C, Section 306.1 A and  
7 B to allow two new alley record lots not having  
8 frontage along a public alley at least 24 feet wide  
9 or access to a public street through a public alley  
10 at least 24 feet wide.

11 And pursuant to Subtitle X, Section 901 for  
12 special exceptions under Subtitle U, Section  
13 601.1(f) to allow residential use on two alley lots  
14 not meeting the requirements of Subtitle U, Section  
15 601.1(f)(4) and under Subtitle B, Section 50.1.3.  
16 And the side yard requirements, that's Subtitle D,  
17 Section 61.1(d).

18 This project is the subdivision of the  
19 existing alley tax law to create two new alley  
20 record lots with a new two-story attached principal  
21 dwelling on each new record lot. It's located in the  
22 RF-1 Zone at 3207 6th Street, Northwest, Square  
23 3046, Lot 808.

24 And just as a preliminary matter, the  
25 applicant submitted a motion to waive the 30-day

1 filing deadline to file additional photographs sent  
2 to the record which are in Exhibit 40.

3 BZA CHAIR POURCIAU: I'm sorry, would you  
4 repeat that please?

5 MS. MEHLERT: Oh, no, I'm just going to  
6 turn it over to the Board.

7 BZA CHAIR POURCIAU: Okay, thank you.

8 So, can I call the first witness now?

9 ZC CHAIR HOOD: Ms. Pourciau, we're going  
10 to call the applicant up and let them begin  
11 presenting their case to us. I'll give them maybe  
12 about 10 to 15 minutes.

13 BZA CHAIR POURCIAU: Okay.

14 MS. PYNE: Hi, good morning. Good morning,  
15 Ms. Chair.

16 BZA CHAIR POURCIAU: Good morning.

17 MS. PYNE: Good morning. Good morning, Ms.  
18 Chair, members of the Board. My name is Olusola  
19 Pyne, but you can call me Sola. I'm the authorized  
20 agent for the owner, Ms. Azanach Haile. She's the  
21 property owner of 3207 6th Street, Northwest, at  
22 cross sections Lot 808 and Square 3046. She is also  
23 here on the call. She is willing to speak, if  
24 needed, but will prefer not to as English is her  
25 second language.

1           This is an application to subdivide one  
2 existing alley lot into two alley record lots and to  
3 build a two-story basement road dwelling on each.  
4 We're requesting two special exceptions and an area  
5 variance.

6           I can briefly describe the property as they  
7 explain why each request meets the Board standards.

8           And I apologize, I realize I'm not on  
9 video.

10          BZA CHAIR POURCIAU: Thank you, please  
11 proceed.

12          MS. PYNE: Good morning, again. All right,  
13 the subject of property in the RF-1 Zone is served  
14 by the public alley system in the interior of the  
15 square. The lot currently is vacant and used as  
16 additional parking for the neighborhood and  
17 residence next door. The surrounding square  
18 contains primarily existing two to three-story  
19 dwelling units and a few sprinklings of apartment  
20 houses.

21          Our proposal to subdivide the alley and  
22 construct on each one lot, one principal road  
23 dwelling and the design is shown in the plans and  
24 elevation already in the record at Exhibits 28 and  
25 31.

1           The special exceptions for alley lot  
2 residential use and access under Subtitle U, Section  
3 601.1(f)(4), and for the side yard requirements  
4 under Subtitle E, Section 5100.1(d) are judged under  
5 Subtitle X, Section 901.2.

6           And I know the grant -- the Board may grant  
7 them where the request is in harmony with the  
8 general purpose and intent of the building  
9 regulations. So, we do believe we have the harmony  
10 with the purpose and intent.

11           The RF-1 Zone is intended for low density  
12 residential road dwellings. Our proposal is exactly  
13 that at a scale consistent with the surrounding  
14 square.

15           Second, we do not have no adverse effect on  
16 the neighboring properties. The dwellings maintain  
17 adequate light and air to neighbors, the alley  
18 provides safe access.

19 We have no objection from FEMS and DDOT. There is  
20 no in traffic or parking burden, as we will provide  
21 an off-street parking space for each dwelling. And  
22 no neighboring properties lawful use is impaired.

23           And I guess, third, the specific conditions  
24 in Subtitle U for alley lot dwellings, the alley lot  
25 has no frontage on a public street and access

1 exclusively from the public alley within an existing  
2 improved width of 10 feet, which is less than the 24  
3 feet.

4           However, of course, depending ZC case text  
5 amendment, proposed revised yard requirements for  
6 alley lots in the RF Zone that would substantially  
7 reduce the side yard requirement relative to the  
8 current standard, and we showed this recognizes that  
9 alley lock development warrants different yard  
10 treatments and street facing lots.

11           And the relief that we're requesting here  
12 is consistent with the direction in which the zoning  
13 regulations are being updated and with the stated  
14 intent to facilitate alley lock residential  
15 development.

16           For community and compatibility, Office of  
17 Planning has recommended approval of the requested  
18 relief in this report, I believe it's Exhibit 37.  
19 The ANC reviewed and supported the project at its  
20 January 28th meeting. The ANC voted yes in support  
21 of the application as originally submitted.

22           We did have a revised BZA memo originally  
23 when the project was reviewed. It wasn't caught  
24 that we also needed an area variance and so, there  
25 was an updated BZA memo that was submitted.

1           The ANC has been updated completely along  
2 the way, but we -- they are scheduled to consider  
3 the revised plan at a June 10th hearing. However,  
4 we are hoping that, considering that there is no  
5 substantial change to the design, instead of single  
6 family homes, we're now presenting them as road  
7 dwellings.

8           There's no substantial change and hope  
9 that, of course, that the ANC will continue to  
10 support the project. We do have petition uploaded as  
11 well from a lot of the neighbors and some that are  
12 in support of the project as well.

13           We did have one objection letter. However,  
14 the items that were called out within that, I  
15 believe, can be addressed through the intended  
16 design. Out of respect, of course, for the ANC's  
17 process, we have no objections to the Board holding  
18 the record open for a supplemental ANC report.

19           However, considering that they have been  
20 noticed and informed at every step and have  
21 expressed no objection to the revision yet, we do  
22 respectfully ask the Board to proceed with the  
23 application consistent with their support and the  
24 Office of Planning's recommendation.

25           The motion that was submitted to enter the

1 three photographs of property into the record are  
2 not very different from the initial photograph,  
3 however, they just give more views of the vacant  
4 alley lot.

5 In summary, I would say the two special  
6 exceptions are in harmony with the RF-1 Zone and  
7 create no adverse impact on the neighbors. The area  
8 variance responds to a genuine pre-existing  
9 condition of the alley lot to relieve a real  
10 practical difficulty and contain no substantial harm  
11 to the public good or to the zone plan. Of course,  
12 OP, again, has recommended approval, ANC has  
13 supported the project and has raised no objection to  
14 the design as revised yet.

15 I guess that's all I have, thank you, I'm  
16 very happy to answer any questions.

17 BZA CHAIR POURCIAU: Thank you so much, Ms.  
18 Pyne.

19 I'd like to ask the Board if they have any  
20 questions.

21 Mr. Goldstein, did you have some questions  
22 on this case, please?

23 VICE CHAIR GOLDSTEIN: Yes, I'm happy to  
24 start. I do wonder if we need to resolve a late  
25 motion filing first and ask, Madam Chairperson, if

1 you are supportive of the acceptance of the late  
2 motion.

3 I have no objection to it. It doesn't look  
4 like it's changing any material facts of the case,  
5 it's just providing some more photos of the  
6 property, which I think are helpful.

7 So, I have no objection to allowing the  
8 late filing, just want to make sure that you concur.

9 BZA CHAIR POURCIAU: Yes, I -- it seemed to  
10 be in keeping with what was in the file already, so  
11 thank you for that.

12 VICE CHAIR GOLDSTEIN: Okay. And if anyone  
13 else has any objections, you know, please feel free  
14 to say that.

15 Not hearing that, I'd really like to ask  
16 the applicant a few questions, and I really -- I  
17 thank you for the excellent presentation. I think  
18 you did terrific job. But I would like to ask you  
19 to really drill down a bit more on the variance test  
20 and what makes this property unique or exceptional,  
21 what the practical difficulty is, and then, you  
22 know, harm to neighboring property or the public or  
23 zone plan?

24 So, if you could spend some more time  
25 talking about those items, please?

1 MS. PYNE: Thank you, definitely. I'm  
2 going to open up some more of my notes specifically  
3 about the variance if you don't mind, give me one  
4 second.

5 All right, yes, okay. So, I guess the  
6 practical difficulty -- so, the strict application  
7 of that 24-foot alley width requirement would  
8 essentially kind of render this property permanently  
9 undevelopable.

10 The alley -- existing alley width is fixed  
11 public infrastructure, it can't be changed to meet  
12 the regulatory minimum. There's no real, like,  
13 engineering solution, no redesign of the proposed  
14 buildings, and no real modification to the lot  
15 configuration that would change the width of the  
16 public alley.

17 I guess if the variance is denied, the  
18 property remains vacant in perpetuity, not because  
19 the owner lacks the means or desire to develop it,  
20 but because the zoning regulations, as written,  
21 requirement that is impossible to satisfy.

22 This is, I guess, the case for variance  
23 relief, the practical difficulty is not a matter of  
24 economics or preference, it's a matter of  
25 impossibility. A property that can't be developed

1 under any scenario where no redesign, no  
2 reconfiguration, no investment can achieve  
3 compliance.

4 It kind of exemplifies the kind of  
5 exceptional hardship that area variance relief is  
6 designed to address under Subtitle X, Section  
7 1000.1.

8 The requested variance app owned that the  
9 Board acknowledged that the existing physical  
10 reality of the alley right-of-way, the proposed road  
11 dwellings are otherwise fully compliant and modestly  
12 scaled, and the variance represents the minimum  
13 relief necessary to allow any beneficial use of this  
14 property at all.

15 VICE CHAIR GOLDSTEIN: Thank you for the  
16 explanation. I want to continue to talk about this  
17 a little bit more.

18 MS. PYNE: Sure.

19 VICE CHAIR GOLDSTEIN: So, first, you know,  
20 I think it's helpful to start with what makes it  
21 unique or exceptional. So far, I've heard the  
22 argument that it's because the alley's too narrow  
23 and there's no ability to change the width of the  
24 alley.

25 One issue that I have, or one concern I

1 have about the argument is that there's lots of  
2 property, narrow alleys is a feature of life in the  
3 District. There are many, you know, properties  
4 along alleys that are 10 feet wide or 15 feet wide.

5 Generally, I don't believe it's accepted  
6 that the alley width alone makes your property  
7 unique, that you don't meet the regulations, so  
8 therefore, you're unique. It's a little bit  
9 circular, the argument here.

10 Would you talk more to what about this  
11 property is so unique, not just that it's, I think  
12 that's a factor that it's an alley lot on a narrow  
13 alley, but what about this property truly makes it  
14 exceptional or unique so that not every property  
15 along an alley is similarly considered unique alley  
16 lot, at least unique in the same way, what is it  
17 about this property that makes it exceptional?

18 MS. PYNE: I would say, for this property  
19 to be unique, of course, it has two alley lots --  
20 two alleys that are down this lot, one is 10 feet,  
21 the other is 15.

22 On the opposite side of the alley, I  
23 believe 526 Lamont Street, because that property has  
24 street frontage, they were able to create kind of  
25 like an apartment house that majority of their units

1 face the same alley.

2 So, we are not kind of like making this lot  
3 with alley frontage for new alley lots to be any  
4 different than what is already existing.

5 So, I would say to that is denying this  
6 application, it kind of defeats the purpose of  
7 continuing with what that 526 has already started to  
8 create with beautification of alley lots in the way  
9 that are just sitting vacant with no use and  
10 undevelopable in a way.

11 Yes, that's what I would have to say  
12 towards that.

13 VICE CHAIR GOLDSTEIN: Let me ask a few  
14 more questions if I can, and I'm going to ask the  
15 Office of Planning about this as well. Are there  
16 other alley lots in the square or nearby?

17 MS. PYNE: Nearby, yes, I believe they're  
18 nearby, not in this exact alley. However, there are  
19 units that frontage the alley, but they are not  
20 considered alley lots since they were built off of a  
21 street facing lot.

22 Does that answer your question?

23 VICE CHAIR GOLDSTEIN: So, I think the one  
24 you're referencing, I don't know the details of it,  
25 but were those alley lots or they had street

1 frontage, but they have some properties that front  
2 on the alley, some aspects of their developments  
3 that front on the alley?

4 MS. PYNE: Correct, yes.

5 VICE CHAIR GOLDSTEIN: Okay.

6 MS. PYNE: The main property does have  
7 street frontage, however, the way they built the  
8 property back towards the alley, the rear units all  
9 face the alley, if that makes sense, if I'm  
10 explaining it correctly.

11 VICE CHAIR GOLDSTEIN: Yes.

12 MS. PYNE: But, yes, the main structure  
13 does have street frontage.

14 VICE CHAIR GOLDSTEIN: How does the size of  
15 the alley lot compare to RF properties or the  
16 residential properties that are in the square?

17 MS. PYNE: Currently, as it is, this lot is  
18 very large, it's over 3,000 square feet, it's --  
19 yes, it's over 3,000 square feet. Our proposal to  
20 split it in half so that it -- with residential  
21 structures, would kind of like fit into more of the  
22 existing row homes that are in the neighborhood.

23 But this lot is extremely large.

24 VICE CHAIR GOLDSTEIN: Okay. To that  
25 point, I'd also like to move to your practical

1 difficulty argument. The argument that you made was  
2 that, if not granted, I think, the variance relief,  
3 because we're talking about the variance test, that  
4 the property would remain undeveloped, it would be  
5 undevelopable.

6 And I just want to tease this out a little  
7 bit. You probably have one alley lot, and the  
8 proposal is to make two. So, are you suggesting  
9 that there's something about making the second one  
10 that makes a development feasible, whereas a  
11 development could not occur just with one building?

12 MS. PYNE: No, no, not necessarily.  
13 However, we would still need an area variance, even  
14 if it was just one home on the existing lot,  
15 considering that lot as a stand still does not have  
16 street facing frontage.

17 VICE CHAIR GOLDSTEIN: I don't believe  
18 that's correct, it's an existing alley lot, it's  
19 existed, and you can correct me, since prior to  
20 1958. I'm surprised to hear that said that I think  
21 it's an existing situation, so I'm not sure why you  
22 would need a variance relief.

23 You would so likely need special exception  
24 --

25 MS. PYNE: Yes, correct.

1           VICE CHAIR GOLDSTEIN:  -- relief for the  
2 residential use, but I don't think you would need  
3 variance relief.

4           So, is the argument that, I guess I'm  
5 hearing you say it isn't, but you could not just  
6 develop it with one home by special exception.  
7 Rather, you need to subdivide it, get area  
8 variances, and build it for two homes to make the  
9 project somehow happen.

10           Is that the argument?

11           MS. PYNE:  Yes, in a way, and you're  
12 correct, and I apologize for misspeaking, I was  
13 thinking special exception, but I said variance, but  
14 you were definitely correct.

15           We technically would not need an area  
16 variance if we chose to just build one.  However, I  
17 don't feel like it would fit in the character of an  
18 RF-1 neighborhood, considering that these are  
19 rowhomes.  A rowhome technically has to go expand  
20 from lot to lot.

21           This lot size being over 3,000 square feet  
22 attached to other lots that are generally in between  
23 22 to 25 feet wide, it would -- to me, it would look  
24 out of place.

25           It would not fit in with the character of

1 the neighborhood at all to have one super large  
2 structure expanding over this 3,000 square foot lot  
3 in this neighborhood.

4 It can be done. However, I do agree with  
5 that, it can be done, but it would not fit in with  
6 the character of the neighborhood.

7 VICE CHAIR GOLDSTEIN: Would the -- so, you  
8 would still need to get water to the property, I  
9 don't know if it's already laid down piping to get  
10 there. I'm sure there's some financial costs to  
11 creating residential units on this property.

12 What kind of costs are you anticipating?

13 MS. PYNE: We've gotten just one quote from  
14 a master plumber who opted -- who gave us two  
15 separate options. The property owner does co-own the  
16 neighboring property that does have -- she could  
17 find a way to kind of get a covenant so that the  
18 water line is kind of like attached to that home and  
19 split off into new branches or dig new lines  
20 connections from the alley. That would be the more  
21 substantial cost.

22 However, the owner and her husband are  
23 still very, very willing to take on that burden.  
24 This is, in a way, kind of almost like a very  
25 significant family project for them, and they are

1 willing to take on that financial burden if it  
2 presents. But they do have, I guess, the option of  
3 trying to pull the water lines off the street  
4 frontage from 3213 6th Street as well.

5 VICE CHAIR GOLDSTEIN: Okay. Madam  
6 Chairperson, I have maybe one or two more questions,  
7 I don't want to monopolize all the time. If I can  
8 just kind of proceed with my last questions here?

9 BZA CHAIR POURCIAU: Yes, that would be  
10 great. Thank you.

11 VICE CHAIR GOLDSTEIN: Thank you. I think  
12 that you had mentioned there's a letter in the  
13 record that raised a number of points, and I was a  
14 little bit -- I was interested in you kind of  
15 addressing that a little bit more specifically.

16 And then I think the Office of Planning  
17 also raised a design point in their report. They  
18 can also speak to that about the facade and details.

19 And I'm curious how you're thinking of responding  
20 to the Office of Planning as well on that?

21 MS. PYNE: Definitely, definitely. First,  
22 I can speak to the opposition letter from the  
23 neighbor, Mr. Lloyd Leeman. I guess his main  
24 concern -- his first set of concerns are about  
25 safety, just making sure that -- about the main

1 entrance opening directly into the narrow alley,  
2 D.C. DPW's trash trucks having difficulty, and the  
3 design showing very little internal storage.

4 So, speaking to that, yes, of course, that  
5 this -- we are proposing that these single family  
6 homes release directly into the alley. However, we  
7 do not believe that this is a safety concern.

8 There -- like I discussed, on the opposite  
9 side of the alley, there are also units that face  
10 directly onto the alley. They have parking spaces  
11 that abut right upon the alley. There have not been  
12 any, you know, excessive accidents, any issues from  
13 that property.

14 So, literally, less than 200 feet away, I  
15 don't see where that would be a concern here. We do  
16 have support from FEMS when concerning about the  
17 accessibility into the alley.

18 So, I do believe that the DPW trucks have  
19 not outrightly expressed any concern about not being  
20 able to pick up any trash in that alley, so we would  
21 not raise any additional measures with that.

22 And his point about us showing little  
23 internal storage, these homes will be quite, I would  
24 say, not large, but they'll be slightly larger than  
25 the other residential homes with basements.

1           There is a place for internal storage.  
2 There is space for a parking space outside as well  
3 as trash area. So, I don't think that the  
4 likelihood that personal property will be stored  
5 outside is a valid concern yet, it's more  
6 hypothetical.

7           On -- I know that he was concerned about  
8 the north side of the property with blocked exit.  
9 We would not be blocking any exits to the alley.  
10 There might be temporary during construction, where  
11 -- as they're bringing things onto the lot  
12 temporarily, you know, access might be reconfigured.

13           However, we would do so safely with the  
14 regulations of the Department of Transportation. I  
15 know that he also said about the neighborhood  
16 character. Most of the -- several houses in the  
17 neighborhood have built structures on about half of  
18 the property and open yards, parking on the other  
19 half. And newer developments make more use of the  
20 capacity, but each one of these is approved, the  
21 roads, the character of the neighborhood.

22           Again, I disagree that the newer  
23 developments erode the character of the  
24 neighborhood. It is true that they do try to take  
25 on more of the lot as the regulations allow. But we

1 are also offering rear open yard as well to allow,  
2 of course, for additional space for entertaining or  
3 the parking space that is set, and also the plat of  
4 space for trash trucks.

5 His next point about inadequate or  
6 conflicting design information, I believe he  
7 submitted this prior to us updating per our BZA  
8 memo. So, I know his treatments for the east and  
9 west side of the building, they may not exist now.

10 He did not submit, I guess, an updated  
11 opposal letter after we had our revised memo and our  
12 revised document submitted, but I guess only he  
13 would be able to respond to that. The bump-out that  
14 he mentioned with no apparent purpose, that has been  
15 removed, so that is no longer an issue. He said, I  
16 guess, given the design, it appears that it looks to  
17 be four units, not two, but that is not what we're  
18 proposing.

19 We're proposing two units on two separated  
20 lots.

21 His last view, two total parking spaces for  
22 two, three, four units seem unrealistic. I  
23 disagree. There are plenty of people -- I know a  
24 lot of people drive and even with a partner,  
25 everybody has their own car, but I think it is

1 reasonable to assume that there may be a family that  
2 just shares one car.

3           And lack of a yard and minimal interior  
4 storage creates concerns for problematic overflow  
5 onto both the 15 and 10-foot alley. And the  
6 building exterior surface appears to be brick, but  
7 is not specified, leaving wide latitudes for quality  
8 and visual effect.

9           As for the interior storage, I spoke to  
10 that. And the exterior surface, this is something  
11 along with what you mentioned about OP's concern  
12 about the front facade of the structure. This is  
13 something that we definitely wanted to delve more  
14 into them when we actually reached the permit review  
15 process to be able to design this property in a way  
16 that would blend in seamlessly with the character of  
17 the neighborhood to match kind of like any  
18 ornamental art, you know, on the front space of the  
19 facade, any lentils, any columns, anything that is  
20 existing with the existing single families that we  
21 would mimic that in a way.

22           VICE CHAIR GOLDSTEIN: The neighbor to the  
23 north, so the side yard relief is for the northern  
24 side yard. Have they expressed any feedback to you  
25 about their proposal?

1 MS. PYNE: The owner, Ms. Azanach Haile, is  
2 co-owner of that property so --

3 VICE CHAIR GOLDSTEIN: Oh, okay.

4 MS. PYNE: Yes.

5 VICE CHAIR GOLDSTEIN: Okay, all right,  
6 thank you.

7 So, they don't object to their own plan?

8 MS. PYNE: They don't object to their own  
9 plan. They -- I mean, they do have some designs to  
10 what to do with that wall, of course. There are  
11 existing windows that would now end up facing a  
12 brick wall.

13 So, they are also considering, you know,  
14 either if they want to move that property out, that  
15 would be a completely separate application so that  
16 they share a property wall. So, they would all be  
17 row homes instead of two row homes and then, instead  
18 of another row homes.

19 VICE CHAIR GOLDSTEIN: Okay, thank you.  
20 I've got two last quick ones.

21 MS. PYNE: Okay.

22 VICE CHAIR GOLDSTEIN: I see the two  
23 parking spots, and I just want to make sure they're  
24 both compliant parking spots that you've shown?

25 MS. PYNE: They definitely should be. The

1 9 by 19, yes, the -- that is our -- and we're not  
2 opposed to bringing the properties in a little bit  
3 to actually expand on that rear area.

4 We just know, in this zone, with the  
5 updated zoning that 80 percent of the lot is allowed  
6 to be occupied, we're not taking the full 80  
7 percent, but it is pretty close, it's higher than  
8 the normal 60 percent of the lot.

9 VICE CHAIR GOLDSTEIN: Okay. I just wanted  
10 to make sure, one of them looked a little tight, so  
11 I wanted to make sure that you've got that on your  
12 radar.

13 And then, you mentioned about the ANC. Are  
14 they -- you've alerted them to the change in the  
15 plans and there's an expectation that they're going  
16 to be meeting again to consider your plan, is that  
17 right?

18 MS. PYNE: That is correct. There were no  
19 real substantial changes in the two designs. Of  
20 course, it was already single families and now  
21 they're row homes.

22 We -- they supported -- we went to ANC and  
23 they supported our original design on January 28th.

24 I believe their support letter is in the record as  
25 well.

1           Once we revised the design with the BZA  
2 memo, everything was uploaded into record, and also  
3 sent directly to them. Unfortunately, due to a lot  
4 of scheduling conflicts, especially on my part, a  
5 lot of things were going on, I could not meet at the  
6 time that they wanted to meet in May.

7           And so, they put up on the calendar for  
8 June 10th.

9           However, they have had access to the file since  
10 early May and have not raised any objections.

11           VICE CHAIR GOLDSTEIN: And how long has it  
12 been uploaded, just to know?

13           MS. PYNE: I can give you the exact date.

14           VICE CHAIR GOLDSTEIN: And that's also the  
15 time that you forwarded it to the ANC at the same  
16 time it was uploaded?

17           MS. PYNE: Yes, it was uploaded on 3/27,  
18 March 27th.

19           VICE CHAIR GOLDSTEIN: Oh, March 27th?  
20 Okay, thank you, thank you very much.

21           MS. PYNE: You're very welcome.

22           BZA CHAIR POURCIAU: Thank you so much, Mr.  
23 Goldstein.

24           Mr. Hood, do you have any questions?

25           ZA CHAIR HOOD: I do, I'm just -- I'm not

1 going to be as detailed, but I do -- will say that,  
2 I will let Ms. Lindsjo go first, and I will go last,  
3 if she would like to have any questions.

4 I don't -- since I'm the Zoning  
5 Commissioner, I will yield and I will go last, if  
6 you don't mind?

7 BZA CHAIR POURCIAU: Thank you so much,  
8 thank you.

9 Ms. Lindsjo, please?

10 MEMBER LINDSJO: I don't have any questions  
11 at this time. Thank you.

12 ZA CHAIR HOOD: Okay, so I do, unless you  
13 have something, Madam Chair.

14 Let me make sure, how do you pronounce your  
15 last name? Ms. Pyne? Payne?

16 MS. PYNE: Pyne, yes.

17 ZA CHAIR HOOD: Ms. Pyne. First of all,  
18 let me just say, you handled those questions very  
19 professionally.

20 Mr. Goldstein, and you did very well.

21 Every question he asked, you gave it back  
22 to us, so, you did a great job.

23 MS. PYNE: Thank you.

24 ZA CHAIR HOOD: Only thing that I have a  
25 concern about is the ANC process, and I know that

1 you feel like it's a slam dunk for them, but even  
2 though they seem to basically the higher hurdles,  
3 I'm also big on engagement.

4           And I have a concern, the only thing that  
5 would hold me up, it looks like I think you meet the  
6 test and the request that you've asked for. But the  
7 problem is, the ANC is meeting on this June the 10th  
8 and we're meeting on June the 3rd. So that's an  
9 issue for me.

10           We may have to kick that -- it depends on  
11 the rest of the Board members, the other members, we  
12 may have to kick this down the road until we get  
13 signed, sealed concurrence on making sure that they  
14 are in support as their previous letters did with  
15 the updates.

16           The only other question I do have is, and I  
17 think -- and I appreciate the question of Board  
18 Member Goldstein, because the uniqueness of this  
19 property, and I think you've explained that well.  
20 But I was trying to get that, what -- but I think  
21 you explained to us, so I won't go there.

22           I do have one other question, but it's been  
23 such a while, I was, it was the Leeman's letter, and  
24 you responded to us. So, I'm just curious, have you  
25 all shared the updates? I know you said some of the

1 design solutions will take care of some of their  
2 issues.

3 Have you had a conversation with them, the  
4 Leeman family?

5 MS. PYNE: I have not personally. However,  
6 the owner, Ms. Azanach Haile, has. She has spoken  
7 to this gentleman, the neighbor, several times prior  
8 to even filing her BZA case for this.

9 So, she had spoken with him. He -- I mean,  
10 it would be her testimony, but she told me that he  
11 actually congratulated her, but he was  
12 congratulating her, basically, on some of the  
13 changes that were coming in the zoning text  
14 amendment that she would, you know, be able to move  
15 through a little bit quicker with her proposal.

16 But I did not hear that firsthand, that was  
17 between the owner and she just basically told me  
18 about it.

19 ZA CHAIR HOOD: Okay. I don't have any  
20 other questions, I just want to make sure though,  
21 I'm not sure which direction the Board is going to  
22 go in as far as whether they're going to deal with  
23 what your request was. Because you would prefer for  
24 us to vote on this or do you want us to hold off  
25 until the ANC seals their deal?

1 MS. PYNE: So, I do respect the ANC's  
2 process. If it is fine with the Board, I'm willing  
3 to hold off rather than the application being  
4 rejected, of course. I would just -- I didn't know  
5 if someone representing ANC was on B=board and could  
6 speak to it.

7 If so, then yes, of course, I would prefer  
8 to move forward today, but if it's going to lead in  
9 a negative outcome, then I would prefer to wait.

10 ZA CHAIR HOOD: Okay. Thank you, Ms. Pyne,  
11 I appreciate you responding to all those questions.

12 And thank you, Madam Chair, I don't have  
13 any further questions.

14 BZA CHAIR POURCIAU: Thank you, Mr. Hood,  
15 and members of the Board, those were great  
16 questions.

17 I think we'll go on to the report and  
18 recommendations from the Office of Planning. Is  
19 there someone from the Office of Planning to speak?

20 MR. BEAMON: Yes, and good morning, Board  
21 members. For the record, I'm Shepard Beamon with  
22 the Office of Planning.

23 The Office of Planning has reviewed the  
24 application for the request of special exception and  
25 variance relief from the alley lot requirements to

1 allow two row dwellings on two alley record lots.  
2 And we found that the request meets the criteria for  
3 Subtitles C, E, U, and X.

4 OP has determined that the applicant is  
5 faced with an exceptional situation that would  
6 result in practical difficulty, as the applicant  
7 would not be able to develop the property with two  
8 units or two dwellings without variance relief due  
9 to the existing 10-foot width of the alley.

10 We do not believe that the proposal would  
11 conflict with the intent of the zoning regulations  
12 nor should adversely impact neighboring properties.

13 Therefore, we're recommending approval, as stated  
14 in our report on the record.

15 And with that, I'll conclude OP testimony.

16 BZA CHAIR POURCIAU: Thank you so much, Mr.  
17 Beamon.

18 Are there any questions for Office of  
19 Planning from Board members? Why don't we take Ms.  
20 Lindsjo first?

21 Nothing for you? Thank you.

22 MS. LINDSJO: Nothing for me, thank you.

23 BZA CHAIR POURCIAU: Great.

24 How about Mr. Goldstein?

25 VICE CHAIR GOLDSTEIN: Yes, I do have some

1 questions. Thank you. And thank you, Mr. Beamon,  
2 for your report.

3           You've been following along the testimony  
4 of the applicant's, who I would like to echo,  
5 Chairman Hood, the terrific answers to the  
6 questions, but I really would like to ask more about  
7 the variance argument here and would like to hear  
8 you articulate what makes this property exceptional  
9 and that relief granted would cause a practical  
10 difficulty to the owner?

11           MR. BEAMON: Right, and to your point, you  
12 know, there are a number of alleys that do not meet  
13 the minimum alley width requirement. But I think  
14 the applicant -- that there would be some difficulty  
15 in terms of cost and just developing one dwelling as  
16 well as with the current requirements, again, there  
17 would be additional difficulty in developing the  
18 property as proposed.

19           VICE CHAIR GOLDSTEIN: Thank you. Let's --  
20 can we unpack that just a little bit more? What  
21 about this property in your view is exceptional?

22           MR. BEAMON: Again, this is not necessarily  
23 a standalone property with this condition throughout  
24 the District. However, we have had a number of  
25 cases similar to this in the past where the Board

1 has determined that the alley width has been a  
2 difficulty, perhaps, not unique.

3 VICE CHAIR GOLDSTEIN: Is there -- can you  
4 -- are you able to sort of address how this alley  
5 log is different or similar to other properties  
6 around it?

7 MR. BEAMON: There are no other ones around  
8 it, a specific alley like this one in the immediate  
9 area.

10 VICE CHAIR GOLDSTEIN: Are there any  
11 properties in the immediate area of the size of this  
12 property?

13 MR. BEAMON: That I'm not sure of, and even  
14 with that, there may be properties that are larger,  
15 but they may have a different configuration.

16 It may be larger in depth, but this site  
17 might be -- and again, I'm not a hundred percent  
18 sure, but in just looking at the parcel map, this  
19 appears to be one of the only lots that has more of  
20 a larger area in terms of length and width versus  
21 the lots around it which have, you know, your  
22 standard 20-foot width and have a much longer depth.

23 VICE CHAIR GOLDSTEIN: Okay. So, you're  
24 testifying that the shape is unusual compared to  
25 surrounding lots --

1 MR. BEAMON: Yes.

2 VICE CHAIR GOLDSTEIN: -- is that correct?

3 MR. BEAMON: Correct.

4 VICE CHAIR GOLDSTEIN: For the practical  
5 difficulty argument, are you agreeing with the  
6 applicant that there's some practical difficulty  
7 related to only having one lot instead of two lots?

8 MR. BEAMON: Of course, the applicant could  
9 develop that lot with one standalone house, but as  
10 they mentioned before, this would not fit in with  
11 the character of the surrounding area.

12 VICE CHAIR GOLDSTEIN: There's no -- yes,  
13 I'm sorry, I don't mean to interrupt, please  
14 continue.

15 MR. BEAMON: No, that was it. You can go  
16 to the next question.

17 VICE CHAIR GOLDSTEIN: Yeah, no, I just  
18 want to tease that out a little bit more. Could you  
19 -- to expand on how one development would not be  
20 characteristic of the surrounding neighborhood?

21 MR. BEAMON: Right, yeah. So, the  
22 neighborhood is primarily row dwellings, which is  
23 what the applicant is proposing. And scale and  
24 height of the proposed dwellings would fit in with  
25 the character of the surrounding area.

1           But, as mentioned in our report, we just  
2 recommend incorporating some architectural details  
3 that would help the dwellings better blend in with  
4 the surrounding area, which the applicant has agreed  
5 to.

6           VICE CHAIR GOLDSTEIN: And would the row  
7 dwellings meet the development standards other than  
8 the specific area of relief being asked for the side  
9 yard? Would they be -- they're otherwise compliant  
10 dwellings except for the use needing to be  
11 permitted, the side yard that's referenced, and just  
12 obviously the creation of the alleys? But the  
13 buildings themselves would be compliant as well as  
14 the lot area and lot width, is that correct?

15           MR. BEAMON: Correct, for a row dwelling,  
16 yes.

17           VICE CHAIR GOLDSTEIN: For a road dwelling  
18 or the zone? Okay.

19           Thank you, those are all my questions.

20           BZA CHAIR POURCIAU: Thank you, Mr.  
21 Goldstein.

22           Mr. Hood, do you have any questions for Mr.  
23 Beamon?

24           ZC CHAIR HOOD: No, I don't think I have  
25 any questions for Mr. Beamon.

1           Mr. Beamon, thank you for your report, as  
2 always.

3           Thank you, Madam Chair.

4           BZA CHAIR POURCIAU: Thank you. Ms.  
5 Mehlert, I need your -- a little help from you right  
6 here, I'm not sure if I go to the next report now or  
7 if there's another item, I do that.

8           MS. MEHLERT: I don't believe any other  
9 agencies are here. So, next, you could go to the  
10 ANC. And if the ANC is not here, then you can go to  
11 see if there are any public witnesses.

12           BZA CHAIR POURCIAU: Okay. So, is the ANC  
13 present? Do we know?

14           MR. YOUNG: They are not.

15           BZA CHAIR POURCIAU: They are not? Okay,  
16 thank you. Are there public witnesses for this  
17 application?

18           MR. YOUNG: We do not have anyone signed up  
19 to testify.

20           BZA CHAIR POURCIAU: Okay, thank you. And  
21 it's no support or opposition. At this point, I  
22 believe I just want to point out that I like the  
23 questions that were asked and the answers given.

24           I think there's been a lot of description  
25 on how the lots will work as well as, you know, the

1 issue of -- in developing as one unit instead of  
2 two, it won't fit in with the look and feel of the  
3 neighborhood and the consistency.

4 I share the concern about the ANC's input,  
5 it has been positive, and I hope that and expect  
6 that it might continue to be, but we don't know  
7 until we hear from them.

8 And so, at this point, I don't -- I believe  
9 I may ask the applicant if there's any additional  
10 information you'd like to provide for the record?

11 MS. PYNE: No additional information to  
12 provide, but I do want to thank you, Madam Chair,  
13 and all members of the Board, this was my first  
14 presentation before the Board.

15 I definitely thank you, Mr. Goldstein, very  
16 much for just making sure that I'm confident in all  
17 of my answers. So, I appreciate the amount of  
18 questioning I received, but I have no other comments  
19 towards this. But again, I am open to tabling this  
20 if -- to respect ANC's process.

21 BZA CHAIR POURCIAU: And so, with that, Ms.  
22 Pyne, I want to congratulate you because you, for  
23 your first time, you were exemplary.

24 MS. PYNE: Thank you.

25 BZA CHAIR POURCIAU: And I do believe that

1 we should continue this hearing so that we can have  
2 the benefit of the ANC. And I'd like to also have  
3 the opportunity to discuss it a little more.

4 And so, with that, Ms. Mehlert, can you  
5 take us to the next step?

6 ZC CHAIR HOOD: Madam Chair, I don't know  
7 about continuing the hearing. I think, unless Mr.  
8 Goldstein or Ms. Lindsjo or yourself has issues --  
9 and I'll tell you what, I think this -- once we get  
10 the information, from my standpoint, once we get the  
11 information from the ANC, I think it would -- I  
12 think it will be good for us to deliberate on what's  
13 going on, unless we have additional questions.

14 And Ms. Pyne can always submit to the  
15 record if we have additional questions, but that's  
16 the way I would move. But let's see, whatever you  
17 all decide is, you know, you're on the Board, but I  
18 just was trying to move -- because we say additional  
19 hearing, that means I have to come back.

20 So, that means I can come back for another  
21 hearing. But I don't know if this rises to the  
22 level of another hearing, it just rises to the  
23 submissions and I'll go from there.

24 But let me hear from everybody. I'll turn  
25 it over to Ms. Mehlert and let her opine -- I mean,

1 let you, Madam Chair, opine on how you all proceed  
2 to proceed.

3 That was -- that's my two cents. Thank  
4 you.

5 BZA CHAIR POURCIAU: Thank you, Mr. Hood.

6 And so, I do need clarification on next  
7 step, you know, having a full additional hearing may  
8 not be warranted.

9 But, Ms. Mehlert, can you give us advice on  
10 the various options of moving forward?

11 MS. MEHLERT: Yes, absolutely. So, if  
12 there are no -- if there's no additional information  
13 that the Board needs from the applicant, you could  
14 close the hearing in the record, and just leave the  
15 record open for the ANC report, and schedule it for  
16 a decision at a later decision meeting where you  
17 wouldn't take any testimony. You would just  
18 deliberate and vote on the application.

19 BZA CHAIR POURCIAU: Mr. Goldstein, I'd  
20 like to ask, I know we want to wait on the ANC  
21 comments, I want to -- I'm wondering of your comfort  
22 level with what you've heard, and if you believe  
23 that what's on the record now, and assuming the  
24 positive feedback from the ANC, that a decision vote  
25 would be adequate at this point?

1           VICE CHAIR GOLDSTEIN: Thank you for the  
2 question. I think I've evolved a bit during this  
3 discussion. At first, I was not sure about the  
4 variance argument, but I think a number of my  
5 questions have been addressed.

6           I think I could see a path where we ask for  
7 some additional information about the lot relative  
8 to others, but I think I may be comfortable, based  
9 on some of the testimony provided.

10           I'd love to ask for some other Board  
11 members, if they feel as if more is needed or if  
12 they've had -- if they've heard enough to satisfy  
13 them in the review that those topics have been  
14 covered. I'm of mixed mind on that one.

15           BZA CHAIR POURCIAU: Ms. Lindsjo, could you  
16 weigh in, please?

17           MEMBER LINDSJO: Sure, I feel comfortable  
18 voting today on this matter.

19           BZA CHAIR POURCIAU: Okay. Okay, so, I  
20 believe, then, what I'm hearing is that a decision  
21 meeting would be in order for this versus a  
22 continued hearing, and that that will be contingent  
23 on receipt of positive feedback from the ANC. And I  
24 guess --

25           MS. MEHLERT: I just want to clarify a

1 couple of things.

2 BZA CHAIR POURCIAU: Yes?

3 MS. MEHLERT: I know the applicant, you had  
4 mentioned that you're scheduled for the ANC meeting  
5 next Wednesday, June 10th, is that correct? Is that  
6 their Zoning and Economic Development Committee  
7 meeting or the full ANC meetings? Because I'm  
8 seeing 1E on June 24th for their full meeting.

9 MS. PYNE: Well, if I go back to -- that's  
10 what I was invited to by Mr. -- let me see, Dimitri  
11 McDaniel, well, yes, Zoning Economic Development  
12 meeting is June 10th and that's when he wanted me to  
13 present our updated design, I guess, to the Board.

14 MS. MEHLERT: Okay. So, I think what that  
15 means is that that's their zoning committee and then  
16 it would go, I'm assuming, this is how I -- the  
17 other ANCs do it, that it would go to the full ANC  
18 for their full meeting on the 24th. So, it looks  
19 like they meet on the fourth Wednesday of every  
20 month.

21 So, if that's the case, then, we could  
22 schedule this for decision on -- at the July 1st  
23 meeting and ask for the ANC to word prior to that,  
24 if they are taking the vote on June 24th.

25 VICE CHAIR GOLDSTEIN: I would like to ask,

1     though, if the ANC, for some reason, doesn't meet or  
2     the report doesn't come in in a timely way, how has  
3     that been managed in this similar scenario in the  
4     past?

5                 ZC CHAIR HOOD: Well, most of the time,  
6     that doesn't usually happen, Board Member Goldstein.

7                 So, I mean, we can put a lot of what ifs,  
8     and anything, but we go with what we -- did you cut  
9     your camera off? You want to see me?

10                VICE CHAIR GOLDSTEIN: I hit the wrong  
11     button.

12                ZC CHAIR HOOD: So, and here's the thing, I  
13     mean, I think that was a good question, but if it  
14     doesn't happen, then the Board can adjust. But,  
15     right now, this is -- we're going to go out there --  
16     I think the Board should move in the fashion what's  
17     described by the Chair.

18                But if some of those things happen, then  
19     we've also kicked the can down the road. We don't  
20     like to keep kicking it down the road, but we also  
21     will kick it down the road until those things are  
22     taken care of.

23                But, typically, if the ANC is scheduled to  
24     meet by law, they usually do, that doesn't usually  
25     happen. I'm not saying we can't, because you may be

1 right, but it doesn't usually happen. I think Ms.  
2 Mehlert's direction, I think, is going in the right  
3 direction, my opinion.

4 BZA CHAIR POURCIAU: Can I ask a question  
5 about continuance and the quorum and the  
6 participation? If there are four of us here today,  
7 which is fabulous, if at least three of us was in  
8 that continuance, it would have to be the same three  
9 that are here, would that be acceptable or does it  
10 have to be all four members that are here today?

11 ZC CHAIR HOOD: It can be just three, but  
12 let me just say, the reason I said I have to come  
13 back is because there'll be a Board -- another Board  
14 -- whenever it's rescheduled, nine times out of ten,  
15 it'll be another Zoning Commissioner here.

16 For me, and this is just me, and I think  
17 the evidence, especially with the questions that Mr.  
18 Goldstein had, and if he's not comfortable, then I  
19 would put a pause on it, but sounds like he said,  
20 after discussion it is he --

21 we could probably go ask about a lot of alleys in  
22 the city, but that's not what's in front of us.

23 What's in front of us is this particular  
24 property only, and that's what we have to deal with.

25 That's why we have to look at whether it's unique,

1 practical difficulty on this particular property  
2 only, not all the ones across the city, because all  
3 of them rise to some kind of level as Mr. Beamon has  
4 already mentioned.

5 But I think that the issue is, I don't  
6 think this rises to the level of a continued  
7 hearing, and I just don't see it, but others may.

8 That's why we need to have that discussion,  
9 if Mr. Goldstein, since you asked the majority of  
10 questions, which are good questions, if you think it  
11 rises to the level of continued hearing, I just  
12 don't want us to waste people's time and waste our  
13 time.

14 When we -- I think we've exhausted what we  
15 do here today and we can kind of be asked to move  
16 forward.

17 Those are my comments, Madam Chair.

18 BZA CHAIR POURCIAU: Mr. Goldstein, I'd  
19 like to take it back to you. Based on what we've  
20 heard, what would be your recommendation at this  
21 point?

22 VICE CHAIR GOLDSTEIN: I think I've heard  
23 enough to make a decision.

24 BZA CHAIR POURCIAU: Okay, thank you for  
25 that. So, we'll move this to decision meeting.

1           Ms. Mehlert, let us -- would you guide us  
2 to the next steps, please?

3           MS. MEHLERT: Yes, so, if the Board does  
4 not need anything else and just would like the ANC  
5 report, then we would close the hearing in the  
6 record, with the exception of the ANC report, and  
7 schedule this for a decision meeting on July 1st.

8           So. yes, so that would be your next step.

9           BZA CHAIR POURCIAU: All right. So, I will  
10 close this meeting with the action that we'll have a  
11 decision meeting on July 1st with information from  
12 the ANC.

13           Thank you so much, Ms. Pyne, and others who  
14 presented. This was our first case and I think --  
15 well, second, but I think it went well. Thank you.

16           MS. PYNE: Thank you, Madam Chairman and  
17 all members of the Board, I truly appreciate you  
18 allowing me to present today. Thank you.

19           BZA CHAIR POURCIAU: You're welcome.

20           I was hoping we might take a five-minute  
21 break or less, is that okay?

22           ZC CHAIR HOOD: That's fine, five minutes,  
23 we'll be back.

24           BZA CHAIR POURCIAU: All right, thank you.

25           ZC CHAIR HOOD: Thank you.

1           (Whereupon, the above-entitled matter went  
2 off the record and resumed following a brief  
3 recess.)

4           BZA CHAIR POURCIAU: Okay, it looks like we  
5 have all returned. We will continue our session and  
6 proceed on to Agenda Item Number 2.

7           Ms. Mehlert, would you introduce the item  
8 please?

9           MS. MEHLERT: Yes, the Board is back from a  
10 quick break and returning to its hearing session.

11           The next case is Application Number 21406  
12 of Consys, Inc. This is a self-certified  
13 application pursuant to Subtitle X, Section 901.2,  
14 for special exceptions under Subtitle A, Section  
15 207.2, to allow extension of regulations applicable  
16 to the portion of a split zone lot located in the  
17 less restrictive use zone to the portion of the lot  
18 in a more restrictive use zone. And under Subtitle  
19 C, Section 703.2, from the minimum vehicle parking  
20 requirements of Subtitle C, Section 701.5

21           This is for a new four-story detached  
22 building with 36 dwelling units of ground floor  
23 retail use, with penthouse, and roof deck on a split  
24 zone lot. It's located in the MU-4 and RA-1 Zones  
25 at 2502 Martin Luther King, Jr. Avenue, Southeast,

1 Square 5868, Lot 175.

2 And, as a preliminary matter, I'll note  
3 that the applicant has proffered three expert  
4 witnesses, Daniel Solomon, as an expert in  
5 transportation engineering, who is in the witness  
6 book, Kaloyan Yordanov as an expert in architecture,  
7 that's not been recognized by the Board, and Sean  
8 Pichon as an expert in architecture, who is in the  
9 witness book.

10 BZA CHAIR POURCIAU: Thank you. So, will  
11 we hear from the witnesses with the applicant with  
12 the time provided.

13 Who will speak first from the applicant,  
14 please?

15 ZC CHAIR HOOD: Madam Chair, I have a  
16 question before we get to that.

17 BZA CHAIR POURCIAU: Okay.

18 ZC CHAIR HOOD: We have three expert  
19 witnesses, I think Ms. Mehlert said one of them has  
20 not been accepted.

21 Ms. Mehlert, could you help me with that,  
22 please? One of them has not been accepted?

23 MS. MEHLERT: Correct, Kaloyan Yordanov is  
24 an expert in architecture, and the resume is in  
25 Exhibit 20C2.

1           ZC CHAIR HOOD: So, typically, we review  
2 the resumes and see whether or not they get expert  
3 status, and we already have two that are in the  
4 book, Mr. Pichon and Mr. Templin, I believe.

5           So, let's see, Mr. Yordanov, and I know I  
6 missed your name, I butchered that up, but he -- we  
7 need to make sure that he has expert status.

8           And once we review his resume, Mr.  
9 Goldstein, Madam Chair, and Ms. Lindsjo, then we can  
10 proceed. We want to give him expert status first,  
11 given him expert status, the other ones we can  
12 continue because they've been given expert status in  
13 front of the Board previously.

14          BZA CHAIR POURCIAU: Today, is that the  
15 outcome of that?

16          ZC CHAIR HOOD: Yes, yes.

17          BZA CHAIR POURCIAU: Okay.

18          ZC CHAIR HOOD: All we have to do is review  
19 his resume and then we decide -- we look at his  
20 resume and decide whether we give him expert status  
21 in architecture.

22          BZA CHAIR POURCIAU: Okay, at a later date,  
23 not right now, right?

24          ZC CHAIR HOOD: We want to do that right  
25 now, at the very beginning of the hearing, yes.

1 BZA CHAIR POURCIAU: Okay, so --

2 ZC CHAIR HOOD: What exhibit, Ms. Mehlert?

3 MS. MEHLERT: Exhibit 20C2.

4 ZC CHAIR HOOD: Let's just look at his  
5 resume, looking, you know, let me -- Mr. Templin, is  
6 Mr. Yordanov, is he registered architect in the  
7 District of Columbia?

8 MS. TEMPLIN: I believe, Mr. Yordanov --  
9 I'm not sure you're not -- are you registered in  
10 District of Columbia?

11 MR. YOUNG: He was a little muffling.

12 ZC CHAIR HOOD: Yes, I couldn't hear you.

13 MS. TEMPLIN: Okay. Yes, if you're  
14 registered in the District of Columbia?

15 MR. YORDANOV: I am registered. I couldn't  
16 hear you again, but I am registered in the District  
17 of Columbia.

18 ZC CHAIR HOOD: Okay. Madam Chair --  
19 (Simultaneous speaking.)

20 VICE CHAIR GOLDSTEIN: I'm sorry, go ahead.  
21 I was just saying, looking at your resume,  
22 I have no objection to recognizing him as an expert  
23 in architecture.

24 ZC CHAIR HOOD: I agree, Madam Chair, I  
25 have no objection as well. So, that's it, unless we

1 hear from Ms. Lindsjo, and she has an objection and  
2 yourself, and then that's it. Then, we move into  
3 the case.

4 VICE CHAIR GOLDSTEIN: Thanks.

5 ZC CHAIR HOOD: Sorry for interrupting.

6 VICE CHAIR GOLDSTEIN: Thank you.

7 MS. TEMPLIN: Okay, thank you very much.

8 Good morning, Chair Pourciau, and members  
9 of the Board. My name is Lee Templin of Goulston &  
10 Storrs, land use counsel, on behalf of the  
11 applicant, Consys, Inc. We greatly appreciate the  
12 opportunity to present to you today BZA Case Number  
13 21406 for 2502 Martin Luther King, Jr. Avenue,  
14 Southeast.

15 Mr. Young, if you could please pull up the  
16 presentation? Okay, thank you.

17 So, I'd like to start off by introducing  
18 our team. I'm joined today by my colleague Jeff  
19 Utz, as well as Jay Narain, President of Consys,  
20 Inc. On behalf of the design team, Michael Graves  
21 Architects, we have Sean Pichon and Kaloyan  
22 Yordanov. Finally, Daniel Solomon of Gorove/Slade  
23 is the project transportation expert.

24 Next slide, please. We are excited to  
25 present to you a new mixed-use multi-family building

1 located just southeast of the Anacostia Metro Rail  
2 Station. The application seeks the approval of two  
3 special exceptions.

4 First, the property is split zone, with the  
5 majority of the property located in the MU-4 zone  
6 and a small portion in the RA-1 zone. The  
7 application sees a special exception pursuant to  
8 Subtitle A, Section 207.2 for an extension of the  
9 MU-4 zone boundary line by approximately 24 feet  
10 into the RA-1 zone to allow the height and the bulk  
11 of the building to accommodate a more rational and  
12 efficient floor height, particularly for the  
13 residential units.

14 Second, we are requesting a special  
15 exception pursuant to Subtitle C, Section 703.2 from  
16 the minimum required five vehicle parking spaces due  
17 to the irregular and narrow shape of the lot  
18 location at the intersection of several streets and  
19 has great access to that campus.

20 Before we dive into our presentation, I'll  
21 mention that we are pleased to have the support of  
22 OP at Exhibit 26 of the record, and ANC 8C at  
23 Exhibit 33, along with a report of no objection from  
24 DDOT at Exhibit 27.

25 We appreciate the feedback from the

1 agencies which resulted in changes to the project,  
2 including additional commercial area on the ground  
3 floor, and a revised unit layout based on OP Harmon.

4 And building back approximately four feet in public  
5 space to provide a more useful sidewalk and more  
6 robust public space based on our request to DDOT.

7 As a note, we did also engage with ANC 8A  
8 as an affected ANC across Martin Luther King Avenue,  
9 and they informed us that it was their preference to  
10 defer to ANC 8C at the ANC in which the property is  
11 located.

12 I'll turn it over to Mr. Narain to give a  
13 bit more background on the project. Mr. Pichon will  
14 then walk through the plans. And Mr. Solomon will  
15 speak to the transportation considerations of the  
16 project. I'll then briefly walk through the special  
17 exception standards to close.

18 And, with that, I'll turn it over to Mr.  
19 Narain.

20 MR. NARAIN: Good morning, everyone.  
21 Congratulations, Madam Chair, and to you, Mr.  
22 Goldstein. My name is Jay Narain. I'm the  
23 president of the Consys, Inc. I've been a member of  
24 this community since the late '70s -- '79, to be the  
25 exact. So, having the opportunity to do one more

1 project, I guess, in this neighborhood beside my two  
2 children would be a great opportunity for our  
3 company and our team.

4 The uniqueness of this property, it's been  
5 sitting for a while, and we were given this  
6 opportunity to do something great with it within the  
7 same facade that all the new buildings that are  
8 going up around us. We are able to complement what  
9 the new Anacostia is all about, and we would like to  
10 be part of it. And since I've been in the community  
11 for such a long time, it's an honor to do that.

12 The uniqueness of this property, you know,  
13 we're quite unique here, Mr. Goldstein. We're  
14 sandwiched between Dr. King Avenue, Suitland  
15 Parkway, and Sheridan. We're a footstep or two to  
16 the Metro, and taking advantage of these new bus  
17 route lanes and bike lanes. They're more than  
18 adequate, I think, for the need of our new residents  
19 and the new occupants of this building, should you  
20 allow us with those two variants, two minor requests  
21 for relief of parking requirements, and the minor  
22 extension of the zone boundary line.

23 We have parkland behind us. The parkway  
24 extends behind us, so we're not impeding anyone  
25 where we're going to be removing some of the curb

1 cuts, because this used to be, at one point, an old  
2 gas station, so, we can give greater access for  
3 traffic.

4 I do believe this project, should you allow  
5 it to go ahead, will contribute to the housing that  
6 Anacostia surely needs. We do have the 36 large one  
7 and two-bedroom units, including four affordable  
8 units at a 60 percent for the median family income  
9 discount.

10 It's a great opportunity for Consys, Inc.,  
11 and the District of Columbia, for the city, which  
12 has been a great part of building some of the  
13 things, and this would be just something that our  
14 community really needs, I think. And being a local  
15 builder, I would really appreciate any input you may  
16 have and what you can do to help us get this done.  
17 Thank you.

18 And thank you again, madam, for your new  
19 position, and Mr. Goldstein, same to you. And the  
20 rest of the members of the Board, thank you very  
21 much for hearing us out and I hope you give us a  
22 thumbs up. Thank you.

23 MR. PICHON: Thank you. I guess I'm up  
24 next. Can we go to the next slide?

25 Good morning, Chairwoman, members of the

1 Board. My name is Sean Pichon. I'm a principal  
2 here at Michael Graves Architecture D.C. office,  
3 leading the multifamily housing sector.

4 Thank you for that great intro, stealing a  
5 little bit of my thunder. He did a great job of  
6 explaining a lot of the merits of the site. I'm  
7 going to run through this pretty quickly to not  
8 duplicate too much of what was already said.

9 As you can see from this slide, we are a  
10 triangulated site, bounded by Martin Luther King,  
11 Jr. Avenue, Sheridan Road, and Howard Road, and  
12 then, of course, Suitland Parkway down below, and  
13 the parkway below. We're a quarter mile away from  
14 the Anacostia Metro Station, so well within walking  
15 distance.

16 Next slide, please. So, we're neighboring  
17 several new projects that have been recently built,  
18 the new Bridge Apartments along Martin Luther King  
19 Avenue, Sheridan Station Apartments, and of course,  
20 Bethlehem Baptist Church. And then the two schools,  
21 Thurgood Marshall Academy and Excel Academy Public  
22 School.

23 Next slide, please. These are existing  
24 conditions as it sits today. There is a current  
25 office trailer on the site now that Consys, Inc.

1 Construction Company occupies and is surrounded by  
2 surface parking. So, the new development will be a  
3 vast improvement to what they've been using it for  
4 to this point.

5 Next slide. As was mentioned, we are on a  
6 split zone site, MU-4 and RA-1. Our building will  
7 propose building footprint, as you see in the  
8 hatched area there, we'll be spanning mostly on the  
9 MU-4, but we are seeking the exemption for special  
10 exemption to extend into the RA-1 and continue the  
11 MU-4 bulk and height and other zoning regulations  
12 into that zone.

13 As mentioned also, where you can see from  
14 the hatched area, we are through our discussions  
15 with DDOT and the other agencies. We've agreed to  
16 push our building back into the site to allow for  
17 greater public access along MLK, to widen that, and  
18 make that sidewalk a little bit more comfortable  
19 pedestrians.

20 Next slide, please. So, we are a 36-unit  
21 building, multifamily building, with approximately  
22 2,900 square feet of retail at the corner, the apex  
23 of the site, and closest to the Metro and the foot  
24 traffic that will be traveling along Sheridan, MLK,  
25 and Howard Road.

1           Then, our main lobby, we have two options  
2 for this, one entering off of MLK and the other off  
3 of Sheridan.

4 Those are -- we're requesting flexibility for that,  
5 but that is something that we're doing in response  
6 to some of the Agency comments, but we have provided  
7 both options here.

8           And in our testimony, you'll see the second  
9 option next. And then, above that, we have typical  
10 floors of units.

11 And then, at the very top, a penthouse of four units  
12 on the top of the building.

13           Next slide. In this scenario, where we  
14 locate the lobby towards Sheridan Road, which, in  
15 some cases, will draw traffic, pedestrian traffic  
16 away from the more heavily trafficked MLK. It does  
17 reduce the amount of retail that we're able to  
18 provide down to 2,200 square feet, but we are  
19 gaining one additional unit in this scenario on the  
20 ground floor, so up to 37 units.

21           Next slide, please. We are meeting all the  
22 other zoning requirements within the MU-4 zoning.  
23 We are within the 50-foot height limit, plus  
24 penthouse. And our project is incorporating a  
25 number of materials from masonry, cementitious

1 siding, and metal panels to make up the facade.

2           Next slide, please. This is a view from  
3 the Sheridan Road, continuing the same materiality  
4 and design intent around Sheridan Road, so, there is  
5 no real backside of this building. The building  
6 design wraps all four sides, or all five sides in  
7 this case, because we have multiple facades around  
8 the entire perimeter of the building.

9           Next slide, please. These are renditions,  
10 the next three slides of renditions is to show the  
11 building in context which share an end station in  
12 the backdrop there. And then, this is a view  
13 looking from MLK intersection towards the property.

14           Next slide. This is a view looking from  
15 MLK, looking back towards the property, more towards  
16 the Suitland Parkway side.

17           And then, the next slide. This a view  
18 looking from the Sheridan Road side of the property.

19           And, with that, I'm going to turn it over  
20 to our traffic, and they're going to go to the next  
21 slide.

22           MR. SOLOMON: Thanks, Sean. Good morning,  
23 members of the BZA Zoning Commission and Chair Hood.

24           For the record, I'm Daniel Solomon, principal with  
25 Gorove/Slade Associates, Inc. We've been working

1 with the applicant and the project team of DDOT  
2 related to the transportation aspects of the 2502  
3 MLK, Jr. Avenue, Southeast project. I'm going to  
4 touch on one of the -- on the highlights of our  
5 review and coordination with DDOT.

6 The project is situated within the  
7 Anacostia neighborhood with MLK Avenue to the west,  
8 open space in Suitland Parkway to the south,  
9 Sheridan Road southeast to the east, and Howard Road  
10 southeast to the north. It's located at a transit-  
11 rich, increasingly bicycle and pedestrian  
12 neighborhoods, which minimizes the need for personal  
13 vehicles.

14 Specifically, the site is located across  
15 the street from the Anacostia Metro Rail Station  
16 with access to the Green Line. And it's served by  
17 12 Metrobus routes. There are multiple existing bus  
18 stops within a quarter mile of the site,  
19 specifically along MLK and the Anacostia Avenue  
20 Metro Rail Station, and MLK includes bus-only lanes.

21 The project has access to several on-street  
22 bicycle facilities, including shared lanes along  
23 Howard Road, MLK Avenue, and Sheridan Road, which  
24 can be used to access off-street trails, such as the  
25 Anacostia River Riverwalk Trail, and the Bull Lane

1 Air Force Base Bike Trail, as well as the Suitland  
2 Parkway Trail as well.

3 There are two Capitol BikeShare stations  
4 located within the 10 minutes walk of the site,  
5 offering access to 29 docks. The site is also  
6 surrounded by a robust pedestrian network that  
7 consists of well-connected sidewalks and crosswalks.

8 Next slide, please. All existing curb cuts  
9 for the property will be removed as part of the  
10 proposed development. No vehicular parking is being  
11 proposed, and I'll be discussing that in the next  
12 slide.

13 Pedestrian and bicycle access and  
14 circulation are shown on the screen in yellow and  
15 green, respectively. Pedestrian access to the ground  
16 floor retail use is proposed at the northwest corner  
17 of the project at the intersection of MLK, Sheridan,  
18 and Howard, and as well along the western frontage  
19 of the site on MLK.

20 Pedestrian access to the residential use  
21 will be provided by the primary building entrance on  
22 Sheridan or MLK, depending on the floor option.  
23 Based on our request from DDOT, the applicant has  
24 shifted the building footprint back from MLK to  
25 provide wider sidewalks.

1           Short-term bicycle parking will be provided  
2 on the northern frontage of the site, adjacent to  
3 the retail pedestrian and entrance. Long-term  
4 bicycle parking is located in a secure bicycle room  
5 accessed by MLK from Sheridan. The applicant will  
6 provide 16 long-term and 6 short-term bicycle  
7 parking spaces which exceed zoning requirements.

8           Additionally, at least 10 percent of the  
9 long-term spaces will have access to electrical  
10 outlets per DDOT guidelines. DDOT is supportive of  
11 the amount of bicycle parking that is being provided  
12 by the project.

13           Next slide, please. Due to the small size  
14 and narrow triangular shape of the lot, the  
15 applicant is not proposing any parking on-site and  
16 is requesting relief from the five required parking  
17 spaces.

18           As mentioned previously, the location of  
19 the site is a transit rich, increasingly pedestrian,  
20 and bicycle-friendly area that promotes multimodal  
21 transportation and minimizes the reliance on  
22 personal vehicles.

23           Notably, to further support the development  
24 and other uses along this segment of Sheridan Road,  
25 the applicant is proposing an on-street loading

1 zone.

2 Now, the streetscape improvements, which  
3 may allow for the creation of on-street parking on  
4 Sheridan Road, is supportive of the requested  
5 parking relief.

6 In terms of loading, the development is not  
7 required to provide on-site building facilities, as  
8 less than 50 dwelling units and 5,000 square feet of  
9 resale are proposed.

10 However, in order to accommodate the site's  
11 anticipated loading needs, including service and  
12 delivery vehicles, trash collection, and move-in  
13 routes, the applicant is proposing a seven-foot wide  
14 curbside loading zone along Sheridan, while  
15 narrowing the two existing 14-foot travel lanes to  
16 approximately 10 and a half feet each to give  
17 adequate space for the spec's loading demand and to  
18 preserve vehicular flow along the roadway.

19 As there is an existing bus stop along the  
20 spec's frontage on Sheridan, the applicant is  
21 exploring a 60 to 100-foot curb extension from the  
22 intersection of MLK, Sheridan, and Howard to  
23 physically narrow the travel lanes, enhance safety  
24 and visibility for pedestrians and bus riders, and  
25 prevent conflicts between the curbside loading zone,

1 and the bus stop.

2 As mentioned previously, these streetscape  
3 improvements may allow for the creation of  
4 approximately 80 feet of on-site parking along the  
5 front of the site, which could also be extended  
6 about 600 feet southwards in terms of adding on-  
7 street parking there, as well, towards Bowen Road,  
8 either along the western or eastern frontage of  
9 Sheridan Road.

10 The location and design of the curbside  
11 loading zone and potential parking lane will be  
12 coordinated further with DDOT during the public  
13 space permitting process.

14 Next slide, please. As the applicant is  
15 proposing a curbside loading zone on Sheridan Road,  
16 Southeast, the loading management plan is provided  
17 as part of the project to help mitigate any impacts  
18 that the proposed loading configuration may have  
19 within the public realm.

20 Here, we have listed the highlights of the  
21 loading management plan, which will ensure efficient  
22 operations of the loading zone through appropriate  
23 levels of management and scheduled operations. DDOT  
24 is supportive of the proposed loading management  
25 plan.

1           Next slide, please. Here, we've listed the  
2 highlights of the Transportation Demand Management  
3 Plan that we coordinated and agreed to with DDOT and  
4 includes many of the typical components expected in  
5 such a package.

6           We believe this TDM plan is appropriate for  
7 this type of project to help encourage non-single  
8 occupancy vehicle trips and non-auto trips as well.

9           Next slide, please. In summary, for this  
10 project, we performed a transportation statement  
11 with the scope with DDOT. Our study concluded that  
12 the proposed development will not have a detrimental  
13 impact on the surrounding transportation network and  
14 minimize its impact by providing a robust TDM plan  
15 and a loading management plan.

16           Furthermore, the project proposes  
17 significant streetscape enhancements along the site  
18 frontage, such as removing all existing curb cuts,  
19 moving the building footprint to increase sidewalk  
20 width, and providing a curb extension in tandem with  
21 bus stop relocation that will improve pedestrian  
22 experience.

23           Requested relief from the five to eight-  
24 foot parking spaces is not expected to have a  
25 detrimental impact on the local transportation

1 network.

2           The site is surrounded by a very well-  
3 connected existing network, transit, bicycle, and  
4 pedestrian facilities that will result in an  
5 environment for safe, enjoyable, and effective non-  
6 vehicular transportation.

7           The proposed curbside loading zone and  
8 potential parking lane on Sheridan Road, as well as  
9 an establishment of a loading management plan, will  
10 further ameliorate any additional impacts.

11           We have coordinated extensively with DDOT  
12 during the review. We're pleased to have their  
13 support in the form of a no objection staff report.

14           DDOT's report did include two conditions  
15 which require the applicant to implement the TDM and  
16 loading management plans, as included in the  
17 transportation statement, which the applicant has  
18 agreed to do.

19           The applicant will continue to coordinate  
20 with DDOT as part of the public space permitting  
21 process. At this time, we have addressed all of  
22 DDOT's concerns.

23           That will conclude my testimony, and I'll  
24 be available to answer any questions. Thank you,  
25 and I'll pass it back to Ms. Templin.

1 MS. TEMPLIN: Thank you.

2 BZA CHAIR POURCIAU: Ms. Templin?

3 MS. TEMPLIN: Yes?

4 BZA CHAIR POURCIAU: You are over the time.  
5 Thank you, Mr. Solomon, for somewhat speedy  
6 at the end. Is there more you want to add?

7 MS. TEMPLIN: So, yes, I wanted to walk  
8 through the special exception standards, but I'm  
9 happy to rest on the record. The slides are there  
10 and all in the record. I could just give a brief  
11 closing if that would be preferable.

12 BZA CHAIR POURCIAU: Yes, could you do  
13 that? I don't know if you could get closer to your  
14 mic, but you're a little muffled, so maybe -- or  
15 speak a little louder maybe. Okay.

16 MS. TEMPLIN: Does this work? Or I wonder  
17 --

18 BZA CHAIR POURCIAU: Yes, that's a little  
19 better.

20 MS. TEMPLIN: Yes. So, to close, we  
21 believe the application meets all of the required  
22 criteria for the two special exceptions. As I  
23 mentioned, we have the support of OP and ANC 8C, and  
24 a report of no objections from DDOT.

25 I would like to specifically express our

1 gratitude to ANC 8C, we had numerous meetings about  
2 the project. We are truly grateful for the time and  
3 care with which they spent considering the  
4 application.

5 We're excited for this much needed new  
6 housing. The project will bring some important  
7 transit adjacent corner in the District, and we  
8 really appreciate the Board's time today. Thank  
9 you.

10 BZA CHAIR POURCIAU: Thank you. That was a  
11 good presentation. We -- I'd like to open up the  
12 floor to Board members to see if they have any  
13 questions.

14 Again, I'll start with Mr. Goldstein.

15 VICE CHAIR GOLDSTEIN: Thank you. And I  
16 think that was an excellent presentation, so thank  
17 you all very much. I do have a few questions, some  
18 a little bit more specific than the others.

19 The first is, I believe in the extension of  
20 the zone line, it requires compliance of A207.1.  
21 And one of the threshold questions of 207.1 is that  
22 this is a lot that was in single ownership as of  
23 1958.

24 Could you please just confirm that for the  
25 record?

1 MS. TEMPLIN: Yes, I can confirm that. We  
2 do have a plat showing that it was sole ownership at  
3 that time previously. We provided that to the  
4 Zoning Administrator.

5 VICE CHAIR GOLDSTEIN: Okay, thank you.  
6 Concerning the TDM conditions, is there any daylight  
7 between DDOT's report and recitation of conditions  
8 and your TDM exhibit that's been submitted?

9 MS. TEMPLIN: Daniel?

10 MR. SOLOMON: Sure, sure. I don't believe  
11 so. I think the only update we had from the  
12 transportation statement was that the number of  
13 long-term and short-term bicycle parking spaces have  
14 increased from what was included in the  
15 transportation statement.

16 So, they had supported it with fewer  
17 parking -- bicycle parking spaces and we're  
18 providing even more than what was included in the  
19 transportation statement.

20 VICE CHAIR GOLDSTEIN: Okay. Concerning  
21 the loading management plan, this is something that  
22 both you and DDOT are supportive of and want to make  
23 a condition of the order, is that correct? In spite  
24 of the fact that there's no loading relief in  
25 complex loading?

1 MR. SOLOMON: Correct, DDOT asked for the  
2 loading management plan in order to better manage a  
3 per side loading area.

4 VICE CHAIR GOLDSTEIN: Okay. I have one  
5 more set of questions that I'd like to ask, and it's  
6 about the options that were put forward. And I  
7 believe the options rearranged, just my observation,  
8 they rearranged the ground floor some, including the  
9 size of the retail, maybe the lobby, and there's an  
10 additional unit in one of the options.

11 If we asked you to just pick an option, to  
12 have as the option going forward, mindful of the  
13 Zoning Administrator flexibility that's built into  
14 the system, as well as likely changes brought by the  
15 Omnibus, are you able to, on the spot, pick the  
16 option that you prefer and go with that as the  
17 recorded approved plan that you want?

18 MS. TEMPLIN: And yes, I think we have both  
19 options in there to preserve flexibility based on  
20 conversations with DDOT in terms of the entrance of  
21 the lobby, that that the reason to show the lobby on  
22 either side.

23 I will leave it up to Mr. Narain to speak  
24 to if he has a preference between the two options.  
25 I think, you know, in our mind, they are not major

1 material changes, they're, I mean, there's the one  
2 unit that the location of the lobby is all internal  
3 changes.

4 So, Mr. Narain, I don't know if you have a  
5 preference between the two or Mr. Pichon?

6 MR. PICHON: I would say it's a matter of,  
7 I mean, one, you get an extra unit versus smaller  
8 retail. I think, if it were solely up to me, I  
9 would think that the entrance off of Sheridan Road  
10 was a safer, more conducive lobby location.

11 VICE CHAIR GOLDSTEIN: My concern,  
12 generally, is that, at permitting time, there  
13 typically needs to be certainty of which plan the  
14 BZA adopted, and I think alternate plans can create  
15 some downstream questions.

16 In addition, the ZA flexibility is meant to  
17 accommodate many of the flexibilities for an  
18 approved plan. So, I am a little bit hesitant with  
19 approving alternates.

20 And my own preference, and I leave it up to  
21 the other Board members to also ask or make their  
22 own judgment on, would be to go with one preferred  
23 plan and then, being mindful of what flexibility is  
24 allowed in the future.

25 MR. UTZ: Can I just mention -- sorry, Jeff

1 Utz, with Goulston & Storrs, land use counsel on  
2 behalf of the applicant.

3 The main reason that we were maintaining  
4 that flexibility is so that we can respond to the  
5 public design configuration that we will, hopefully  
6 help, evolve, but we don't know for sure. You know,  
7 much of this -- the building's already setting back  
8 from the street lot lines a couple feet to make  
9 those sidewalks usable.

10 So, there's going to be a fairly rich  
11 interaction here with the public space and the  
12 permits that are necessary to kind of invest in  
13 those spaces, including some of the loading along  
14 the actual street right of way.

15 So, there's going to be this complicated  
16 set of steps that come from this. So, the intent is  
17 to allow the lobby to flex with wherever that ends  
18 up, since it is -- there is some gray areas to do  
19 with how DDOT and the various agencies reviewing  
20 those permits will want things going out.

21 So, that was really the point of -- it was  
22 meant to be a fairly narrow set of flexibility  
23 benchmarks that really wouldn't change much about  
24 the use, and the exterior is meant to flow in a  
25 similar way as well.

1           So, I do think we would prefer to keep the  
2 flexibility, if it's not something that the Board  
3 prefer, and clearly, we accede to your wishes, so  
4 that is the -- I wanted you to understand a bit more  
5 about why we kind of ended up there.

6           VICE CHAIR GOLDSTEIN: Okay. I'll let my  
7 colleagues chime in. One of the issues is adding  
8 units, typically, is something that A304.10 is  
9 specific -- specifically addresses about projects  
10 getting bigger. I understand there's kind of just  
11 one unit at play. I think the rest of the ground  
12 floor should just be flex. There's the flexibility,  
13 but I don't want to prejudge that.

14           I'll let my colleagues weigh in a bit. My  
15 preference is to pick one, but I understand what  
16 you're --this is a minor amount of change that  
17 you're proposing, all that's sort of allowed within  
18 sort of the matter of right of the zone.

19           BZA CHAIR POURCIAU: Thank you, Mr.  
20 Goldstein, and thank you for those answers.

21           Ms. Lindsjo, did you have any questions?

22           MEMBER LINDSJO: I don't have any  
23 questions. Thank you for a great presentation. I  
24 really appreciate the project, especially around the  
25 TDM. But I do want to kind of go with Goldstein. I

1 do think it could be helpful to kind of decide which  
2 way you're going with the entrance.

3 BZA CHAIR POURCIAU: Thank you so much for  
4 that. I'd like to add some questions about the  
5 transportation report. There's a significant number  
6 of provisions listed in that report -- well, not  
7 significant, but alterations that would occur  
8 depending on the options. That gives me pause, as  
9 well. Can you talk at all about how you might tie  
10 down those options without selecting one  
11 alternative?

12 MR. SOLOMON: Do you want me to take a  
13 guess at that? I might need clarification here from  
14 other folks on the team. But in terms of the  
15 options being considered, it's just a ground floor  
16 option, right? So it's either whether the entrance  
17 is on MLK or on Sheridan.

18 My understanding is that the TDM plan that  
19 we've committed to, as well as the coordination with  
20 DDOT on the proposed streetscape improvements that  
21 we're making, are not contingent on either option.  
22 So we're going to be making those improvements  
23 regardless and committed to those TDM plans  
24 regardless and as well the loading management plan  
25 regardless.

1           DDOT's preference was for access off of  
2 Sheridan because they believed it would be more  
3 likely, especially around pickup/drop-offs with  
4 Ubers, Lyfts, cabs, et cetera. Their preference is  
5 that it occur on Sheridan and not within the bus  
6 lane on MLK, which is why they made the request, and  
7 I think that option was provided.

8           But in terms of the TDM plan and the  
9 loading management plan we've committed to, there  
10 should not be optionality within there. We've  
11 committed to those regardless of the ground floor  
12 option.

13           BZA CHAIR POURCIAU: Mr. Hood, do you have  
14 questions, please?

15           ZC CHAIR HOOD: Yes, I have a few  
16 questions. I would just caution the applicant to  
17 listen to what Mr. Goldstein says. I'm not familiar  
18 with the ZA's office to that extent, but I will tell  
19 you that, as one commissioner for years who thought  
20 that the ZA should not have any flexibility, we  
21 might want to really listen to what Mr. Goldstein is  
22 saying about keeping an option, but we'll see how  
23 that pans out here.

24           Mr. Utz, I know you all have done this a  
25 lot in these options, and I know that's happened in

1 the past, but, Mr. Goldstein, that's one thing that  
2 he brings very uniquely to this board now. He knows  
3 how some of those things work where some of us  
4 don't, including myself, and I've been around a  
5 while.

6 Let's talk about the design of the  
7 building. First of all, let me just say this. I  
8 really like the design of the building, but I want  
9 to ask Mr. Pichon, there doesn't seem to be a blank  
10 wall, and it was very crappy. It reminds me of  
11 another site that we did where it didn't have any  
12 backs, and that was on Georgia Avenue. Mr. Pichon,  
13 there's no blank walls on this, at least I don't see  
14 it in the renderings.

15 MR. PICHON: No, there are not, because we  
16 have access to air and light on all sides, so we're  
17 accommodating ventilation, air, windows, penetration  
18 all around the building.

19 ZC CHAIR HOOD: Great. Thank you. And,  
20 again, I think it's an excellent design for an  
21 excellent spot. We just want to make sure we flesh  
22 out the requirements that are being asked for for  
23 relief because, when I first started looking at it,  
24 it was going to go into the RA1, and I said, well,  
25 what is there in the encroachment? Then when I

1 looked at the photos, I said, okay, so there's no  
2 encroachment.

3 Mr. Solomon, let me come to you about the  
4 bike lanes -- not the bike lanes, the bike parking  
5 and the bike park, and maybe the applicant is maybe  
6 the person I need to ask. Is there a messaging for  
7 people who would like to go in a facility about no  
8 cars because you're asking for -- you're not  
9 providing any parking, and, unlike a lot of cases,  
10 it would be very difficult to park in the  
11 neighborhood. Well, it's not difficult. But, you  
12 know, nobody's going to really park in the  
13 neighborhood.

14 What type of messaging, Mr. Solomon, has  
15 been done? And I know we're not putting in the  
16 leases. We've been down that road about putting the  
17 leases about you can lease here, but you can't have  
18 a car. Kind of walk me through that and explain how  
19 that works because what you're asking for, you're  
20 asking for relief from parking. So how does that --  
21 what's the messaging? Let me just ask that.

22 MS. TEMPLIN: Mr. Solomon, do you want to  
23 take that? I'll just chime in and say that it's a  
24 little preliminary, and I'm sure that there will  
25 definitely be that messaging. I mean, I think when

1 residents come to this building, they will be aware  
2 that there is no parking located on site, and yet  
3 there are bicycle facilities and there is very  
4 nearby bus and train options. So I think that that  
5 will just kind of be in the marketing for the units.

6 I'll let Mr. Solomon add anything. Do you  
7 have anything else?

8 MR. SOLOMON: No. That's a great question.

9 I think part of what our proposal is trying to also  
10 add by creating that curb extension and narrowing  
11 the very wide lanes on Sheridan is to create a curb  
12 side lane where parking can go. So we'd be  
13 effectively, as part of this project, adding parking  
14 to the neighborhoods that potential residents of  
15 this building could use as well.

16 ZC CHAIR HOOD: Okay. Thank you for that  
17 answer. We've heard this quite a bit. If there's  
18 ever a time I think I could probably go along with  
19 Subtitle C703.2 is now, and I think this is well  
20 done. It's well polished. I know others may have  
21 other questions, but, again, I like the design. I  
22 like what you're working with, and it looks good.  
23 And I think it meets all the requirements,  
24 especially under the special exception and under the  
25 parking request.

1 All right. That's all I have, Madam Chair.  
2 Thank you.

3 BZA CHAIR POURCIAU: Thank you. One more  
4 question. Mr. Solomon. You probably said earlier.  
5 The walking distance to the Metro, what was that?

6 MR. SOLOMON: I think it's less than 0.1 of  
7 a mile. It's across the street.

8 BZA CHAIR POURCIAU: Very good. That's  
9 excellent. I think we'll go from here to hear the  
10 report from --

11 VICE CHAIR GOLDSTEIN: My apologies. Can I  
12 ask one more question? There was a letter that  
13 commented quite a bit on the project in the record.  
14 I think it's Exhibit 23. I just wondered if the  
15 applicant could address some of the concerns that  
16 were raised.

17 MS. TEMPLIN: Yes, of course. So some of  
18 the concerns that were raised in that letter by, I  
19 believe it was Christopher Comer, the first was the  
20 failure of a meaningful transition to the RA-1 zone.

21 And we would point out that there is no requirement  
22 that there be a transition to the RA-1 zone. In  
23 addition, the extension is very minimal. The  
24 building will only extend about 10.5 feet into the  
25 RA-1 zone, when the density is only about 1,780

1 square feet of density into the RA-1 zone.

2 Also, the lot to the rear of this property  
3 is vacant federal land. I believe the letter might  
4 refer to some low-density residential that's  
5 abutting, but there is vacant land that abuts this  
6 property.

7 The letter also has concerns about the  
8 flexibility notes, and we would just state that  
9 flexibility is pretty par for the course for orders  
10 like this. The application is really focused on the  
11 relief, the two special exceptions we are  
12 requesting. Another point that the letter makes is  
13 that, in terms of the detail of the facade, and I  
14 would say, you know, this is, again, we are focused  
15 on the special exception for the vehicle parking and  
16 the zone boundary lines, and we believe that we've  
17 presented sufficient information for both of those  
18 things.

19 The letter also addresses the massing  
20 impacts, and we believe the massing is entirely  
21 consistent with the neighborhood. If you look  
22 across Sheridan Road, there is the Sheridan Station  
23 development. I believe it's about 5 stories across  
24 14 acres. I think there's about 344 units that were  
25 approved for that development that's there today.

1 And then a little bit to the northeast of this  
2 property is the bridge, which is another five-story  
3 multifamily building. So we believe the massing  
4 really is consistent with the neighborhood.

5 The letter also mentions the TDM plan, and  
6 I believe -- I can't remember if the letter came in  
7 before or after, but the TDM plan is in the record  
8 now. So we do have that, and, as Mr. Solomon has  
9 spoken to, we are agreeing to that, as well as the  
10 loading management plan.

11 Finally, the letter also, I think, hits on  
12 a lack of a landscape buffer, and we are sending  
13 back about four extra feet in response to a request  
14 from DDOT from the MLK frontage, which will expand  
15 that sidewalk and make that sidewalk more usable.  
16 And I believe those are the main points of the  
17 letter, but please feel free to ask any other  
18 specific questions.

19 VICE CHAIR GOLDSTEIN: No, that's helpful.  
20 I'm just curious, have you had any direct  
21 communication with this individual?

22 MS. TEMPLIN: We have not. We were  
23 expecting to have some or for him to come to the ANC  
24 meetings, but I don't believe he did or, if he did,  
25 we did not have direct conversations with him.

1           VICE CHAIR GOLDSTEIN: Thank you. I'm  
2 sorry, Madam Chairperson. Please continue.

3           BZA CHAIR POURCIAU: Thank you, Mr.  
4 Goldstein. That was a good follow-up. So why don't  
5 we, if there are no other discussion right now from  
6 the board members, we'll hear reports from the  
7 various offices. I think I see Joshua Mitchum here  
8 from the Office of Planning.

9           MR. MITCHUM: Yes. Thank you, Madam Chair,  
10 and good morning to the fellow board members. My  
11 name is Joshua Mitchum with the Office of Planning.

12        We are in support of the application. We believe  
13 that the applicant has met the burden of proof to  
14 get a special exception from the minimum vehicle  
15 parking requirements of Subtitle C, 701.5, as well  
16 as a special exception for the zoned boundary line  
17 crossing the lot requirements of Subtitle A, 207.2.

18        And we're ready for any questions that you may  
19 have. Thank you.

20           BZA CHAIR POURCIAU: Ms. Lindsjo, any  
21 questions for OP?

22           MEMBER LINDSJO: None at this time. Thank  
23 you.

24           BZA CHAIR POURCIAU: Thank you. Mr.  
25 Goldstein?

1           VICE CHAIR GOLDSTEIN: No, thank you. I  
2 think it was a good report. Thank you for  
3 addressing the relief.

4           BZA CHAIR POURCIAU: Very good. Mr. Hood?

5           ZC CHAIR HOOD: I have no questions either.  
6 Mr. Mitchum, thank you again for a well-done  
7 report. Thank you, Madam Chair.

8           BZA CHAIR POURCIAU: Thank you. Are there  
9 others present from the government? And thank you,  
10 Mr. Mitchum. Please stay on in case if we have any  
11 follow-up. I appreciate you. Is anyone else from  
12 the government here to give a report? Ms. Lindsjo?

13           MEMBER LINDSJO: No, none at this time.

14           BZA CHAIR POURCIAU: Ms. Maynard. Nobody  
15 here. Okay. Is there a report from the ANC? Is  
16 the ANC present?

17           MR. YOUNG: The ANC is not present.

18           BZA CHAIR POURCIAU: Thank you. Are there  
19 other parties who have signed up to testify that we  
20 could hear from now?

21           MR. YOUNG: We had one witness signed up,  
22 but he is not on and our staff was unable to get in  
23 touch with him. So, no, we do not have anyone to  
24 testify.

25           BZA CHAIR POURCIAU: Okay.

1           ZC CHAIR HOOD: Madam Chair, I would just  
2 suggest that we call his name so it will be in the  
3 record that we did call for him, so we don't have to  
4 come back next week and have another hearing.

5           BZA CHAIR POURCIAU: All right. So what I  
6 see is there was a public witness, Mr. Christopher  
7 Comer, signed up to testify today. He was to speak  
8 in opposition, and, as was just recorded, we've  
9 tried to reach out to him, and he has not come on as  
10 of yet. So we'll assume he decided not to testify.

11           I'd like to then go back to the Board for  
12 any final discussion. What I'm hearing at this  
13 point is that the two options give me a lot of  
14 pause. The option with the entrance on MLK sounds  
15 particularly difficult for transportation access,  
16 but I understand the difference for the development.

17           I think the other questions have been answered  
18 satisfactorily, and I'm pleased with hearing that.

19           Board members, I'm feeling like I don't  
20 want to choose an option for the applicant, and Mr.  
21 Goldstein has kindly asked the applicant if they  
22 could select an option. Maybe I'd like to ask the  
23 applicant again is there an option you're willing to  
24 select today?

25           MS. TEMPLIN: Yes. I believe that the

1 Board, if it depends on whether or not the Board  
2 moves forward today, I believe we would go with the  
3 option with the additional unit and the lobby  
4 frontage on Sheridan Road. I would just point out  
5 that the genesis, I think, of this flexibility came  
6 from conversations with OP back early, I think it  
7 was even before we filed, where we had a different  
8 ground floor and they asked for some rearrangement.

9 So that's just where the two options came out of.  
10 But, again, if the Board is willing to move forward  
11 based on a decision, we are willing to make that  
12 decision today.

13 BZA CHAIR POURCIAU: Mr. Mitchum, can you  
14 speak to that, please?

15 MR. MITCHUM: I would ask Ms. Templin, did  
16 those discussions take place?

17 MS. TEMPLIN: Yes. I think it was prior.  
18 So it was with Jennifer Steingasser and Joel Lawson.

19 So I think it was maybe late summer. So it was  
20 prior to filing, though. Early days.

21 MR. MITCHUM: Okay. I was likely not  
22 privy, as my tenure with OP started January of last  
23 year. So I'm separate to that.

24 BZA CHAIR POURCIAU: Okay. So I'm a little  
25 confused, Ms. Templin. Can you clarify? There were

1 earlier discussions. You then went about coming up  
2 with two options, but, since then, you didn't  
3 select, even though it sounds like two options  
4 weren't on the table in continued discussions.

5 MS. TEMPLIN: Correct, yes. When we came  
6 to actually file the application, we brought those  
7 back to OP to address their comments. I believe it  
8 had to do with the location of the trash room, and  
9 there was amenity space, as well, that kind of got  
10 shifted around to address their comments. But we  
11 went into the application hoping to preserve some  
12 kind of flexibility to allow for these two  
13 alternatives. And, again, we don't think that they  
14 are very material. They are entirely interior and  
15 typically within flexibility that is allowable for  
16 the zoning administrator, as Vice Chair Goldstein  
17 pointed out.

18 BZA CHAIR POURCIAU: So I'll ask again,  
19 would you like to select an option at this time? If  
20 not, I am not hearing that we are able to make a  
21 decision for you.

22 MS. TEMPLIN: I mean, so, yes, we are  
23 prepared to go with the Sheridan lobby entrance  
24 layout if we need to choose one.

25 VICE CHAIR GOLDSTEIN: And is that option

1 two with the 37 units? I'm sorry, pardon me.

2 ZC CHAIR HOOD: No, go ahead, Board Member  
3 Goldstein. Go ahead.

4 VICE CHAIR GOLDSTEIN: I'm sorry. Just to  
5 clarify, is that the option two with the 37-unit  
6 development?

7 MS. TEMPLIN: That is option two, and I'll  
8 let Mr. Pichon weigh in just to confirm.

9 MR. PICHON: That is correct.

10 ZC CHAIR HOOD: Madam Chair, did I hear --  
11 I'm trying to remember what Mr. Utz said about the  
12 options were there due to continued conversations  
13 with the community, or was it continued  
14 conversations with OP, or did I mishear that, Mr.  
15 Utz?

16 MR. UTZ: Yes, thank you. It is continued  
17 conversations mostly with DDOT as part of public  
18 space. So OP will be involved to a degree, and the  
19 community will be involved to a degree as well, but  
20 it's primarily so that there is an ability to  
21 respond to the public space permits that are  
22 approved for these adjacent spaces, you know, the  
23 curb cuts and then the loading zone and whatever  
24 else needs to happen as part of the hardscaping of  
25 those areas. We were trying to have the flexibility

1 to respond to that.

2 ZC CHAIR HOOD: So if we nail down, I think  
3 option two or whatever, I don't necessarily like to  
4 get into nailing down and picking projects, but if  
5 we nail down option two and you go -- and what Mr.  
6 Goldstein mentioned happens at the public space,  
7 what happens? Do you have to come back? I'm trying  
8 to figure out how you don't come back here. That's  
9 where I'm at. Not that we don't like seeing you,  
10 but I'm just trying to figure it out.

11 MR. UTZ: We appreciate that. So we would  
12 try to utilize the flexibility under the  
13 regulations, as Vice Chair Goldstein was  
14 referencing, that relate to the flexibility of the  
15 zoning administrator to sign off on a permit that is  
16 coming in subject to BZA. But if not, if the change  
17 is too significant to live within that safe harbor,  
18 we would come back as a modification, likely a  
19 modification without a hearing for something like  
20 this if it impacted the exterior. So that is why we  
21 wanted to build that in as kind of that additional  
22 latitude so that there wasn't a need to come in and  
23 take up more of the board's time during a public  
24 meeting. That is what would ultimately happen if  
25 it's just beyond that scope, flexibility purpose, on

1 either of those here.

2 ZC CHAIR HOOD: Mr. Utz, I think in recent  
3 years the Board has not really allowed a whole lot  
4 of flexibility. Is that a correct statement?

5 MR. UTZ: It is true, yes. We were trying  
6 to make this very narrow. We were trying to, with  
7 that awareness, kind of live within what could be  
8 allowed. So we weren't changing uses or anything  
9 like that. It was meant to be a really kind of  
10 bespoke arrangement, and that's actually why it's so  
11 distinct. There's an option one and an option two,  
12 but not kind of a qualitative or sort of kind of  
13 description of what can happen. We wanted to show  
14 you exactly option A, option B, and leave it at  
15 that, so that we didn't run afoul of asking for too  
16 much flexibility.

17 ZC CHAIR HOOD: Okay. All right. Madam  
18 Chair, I will leave it up to you all, but I just  
19 want to make sure that we don't put an extra burden  
20 and waste not just the Board's time but the public's  
21 time in dealing with something like this. So I will  
22 yield to what the Board chooses to do. I'm fine with  
23 it either way. But I do not like picking projects,  
24 and that's where I'm at. Thank you, Madam Chair.

25 BZA CHAIR POURCIAU: Thank you. And so

1 that's why I opened up -- I asked Ms. Templin about  
2 if they were willing to make a selection themselves  
3 today, and so I need to know procedurally. She said  
4 and the architect agreed that the option two would  
5 be their selected option. I don't know, Ms.  
6 Mehlert, how would we proceed with that in terms of  
7 the record or the motion? Would that have to be  
8 included in the motion?

9 MS. MEHLERT: You can clarify, if the Board  
10 wishes to approve the application, you can include  
11 in your motion to clarify that it would be, I  
12 believe it's sheet A.13 in Exhibit 24A for the  
13 lobby location. So you can just include that.  
14 That's what we would include in the order.

15 BZA CHAIR POURCIAU: Mr. Goldstein and Ms.  
16 Lindsjo, are you all comfortable with proceeding in  
17 that way, or are there other items that you still  
18 might have some questions about on this?

19 VICE CHAIR GOLDSTEIN: Yes, I feel  
20 comfortable proceeding that way. To Mr. Hood's  
21 comments, I'm not trying and I hope not creating any  
22 additional burdens for the applicant. I just think  
23 there's a benefit in having some certainty of which  
24 plan we're approving. And I certainly can't  
25 prejudge what DOD or OZA could view it, but I think

1 this sounds like a reasonable approach.

2           So I think the applicant is -- this is a  
3 terrific project that the applicant is proposing. I  
4 think they've met all the standards, and I would be  
5 comfortable with voting on it. And then just I  
6 think there's going to be more than one condition,  
7 including conditions related to the DDOT TDM plan  
8 and the like, but just specifying which is the  
9 selected option that the applicant has said that  
10 they have offered as the one that they prefer. And  
11 from everything I've heard, they're willing to move  
12 forward today with that selection.

13           BZA CHAIR POURCIAU: Ms. Lindsjo.

14           MEMBER LINDSJO: I also agree with that. I  
15 think that we can move forward with having them  
16 stating a preferred location moving forward for the  
17 lobby.

18           BZA CHAIR POURCIAU: Excellent. Mr. Hood  
19 already expressed. Would someone like to enter a  
20 motion for the Board on this project?

21           VICE CHAIR GOLDSTEIN: I can get us  
22 started, but I don't know -- please fill in the gaps  
23 for me that I might miss. I vote to approve -- oh,  
24 I'm sorry. Go ahead.

25           MS. MEHLERT: No, that's fine. If the

1 Board is concluding with the hearing and deciding to  
2 move into deliberations, you can see if there's any  
3 closing from the applicant and then excuse the  
4 witnesses, and then the Board can move into  
5 deliberations.

6 BZA CHAIR POURCIAU: Thank you so much.  
7 Yes. Are there any other items the applicant would  
8 like to discuss before we move to deliberations?

9 MS. TEMPLIN: No. I'll just reiterate that  
10 we believe the application meets all of the criteria  
11 and that the project offers important new housing on  
12 this transit adjacent corner in Anacostia, achieving  
13 a number of district goals, and we really appreciate  
14 the support from OP and ANC, AC, and the no  
15 objection from DDOT. And we thank the agencies, the  
16 community, and the Board for their time and  
17 consideration. So thanks so much.

18 BZA CHAIR POURCIAU: I want to thank you,  
19 Mr. Narain, Mr. Pichon, Mr. Solomon, great  
20 presentation, wonderful project, and hopefully we  
21 can get this one moved. We look forward to working  
22 with you.

23 MR. NARAIN: Thank you, Madam Chair, Mr.  
24 Goldstein, Mr. Hood. Excellent, excellent. Thank  
25 you very much. And to give us a goal at this stage,

1 really, really, really appreciate it. And this is  
2 something I've dreamed about getting done in  
3 Anacostia since the early days, so we look forward  
4 to getting it done. Thank you again.

5 BZA CHAIR POURCIAU: All right. Ms.  
6 Mehlert, shall we move to deliberations?

7 MS. MEHLERT: Yes. I will just let -- Paul  
8 Young, our administrator, our Webex administrator,  
9 has some technical issues, so we just need to give  
10 him a second to come on and excuse the witnesses.

11 BZA CHAIR POURCIAU: Okay. Thank you.  
12 Okay. I think everyone has been excused. All  
13 right. So we can have further deliberation now, or  
14 we could proceed with a motion. Do we want to talk  
15 about it a little more? Mr. Goldstein, you seem to  
16 be ready to offer a first option, so maybe that's a  
17 good place to start. Thank you.

18 I think I jumped the gun earlier. I think  
19 it's a tremendous project. It's a great site for the  
20 project. I think they've met the criteria of 701.5  
21 for the minimum vehicle parking requirements subject  
22 to 703.2 and 901.2. The record was robust. There  
23 was a good presentation that explained the project  
24 and relief needed.

25 I also think that the applicant has met the

1 burden of 807.2, which is to extend the zone  
2 boundary line. It's a pretty minimal amount of  
3 extension, and they've met the criteria of 901.2.  
4 I'm sorry, I'm kind of leading to making a motion.  
5 I would make a motion to approve the project --  
6 you'll have to correct me if I am saying things out  
7 of order as I'm kind of learning this -- conditioned  
8 on the plans that were submitted into the record, I  
9 don't have the exhibit number, but specifically the  
10 option that the applicant indicated as the one they  
11 want to go with, which has 37 units, I believe,  
12 unless someone can correct me otherwise, as opposed  
13 to 36 units, which is the caption of the case and  
14 also subject to the condition of the applicant's TDM  
15 plan.  
16 I hope that's a robust enough motion for our  
17 purposes.

18 BZA CHAIR POURCIAU: Is there a discussion  
19 on that motion? Well, I guess, is there a second on  
20 the motion?

21 MS. TEMPLIN: Seconded.

22 BZA CHAIR POURCIAU: Is there a discussion?  
23 I do want to ask -- go ahead.

24 ZC CHAIR HOOD: Further discussion. It's  
25 been moved and probably seconded, so I want to give

1 further discussion. I would agree with Board Member  
2 Goldstein's motion. The only caveat I would add --  
3 I think he hit all the necessary relief requested.  
4 The only thing I would add is that it's always good  
5 to see someone from the community when they're doing  
6 this type of development, and I want to commend the  
7 developer on this and this team. It's always good,  
8 when they know the community, they can come in and  
9 meet the needs of the community and work with the  
10 community in that fashion.

11 That's all I have to add. Thank you, Madam  
12 Chair.

13 BZA CHAIR POURCIAU: In discussion, I  
14 realized we didn't see the ANC. There was no  
15 community present, but it looks like they've been  
16 doing a lot of work there, as you said, Mr. Hood, so  
17 that's great. If there's no further discussion, Ms.  
18 Lindsjo, did you have anything else you wanted to  
19 offer?

20 MEMBER LINDSJO: Not at this point.

21 BZA CHAIR POURCIAU: Good. I'd like to  
22 call the vote. Mr. Goldstein, you offered the  
23 motion. How would you -- oh, I turn it over to Ms.  
24 Mehlert now?

25 ZC CHAIR HOOD: Yes, Ms. Mehlert will call

1 the vote.

2 BZA CHAIR POURCIAU: Ms. Mehlert, would you  
3 call the vote, please? Thank you. Mr. Goldstein,  
4 you didn't jump the gun before. I think we're all  
5 kind of figuring out the pace here, so I think it's  
6 going really well. Thank you, Mr. Hood and Ms.  
7 Lindsjo. We're all working this through well. Ms.  
8 Mehlert, thank you.

9 MS. MEHLERT: Sure. And just to clarify,  
10 so the Board is including both the TDM condition and  
11 the loading management plan in its motion to  
12 approve?

13 BZA CHAIR POURCIAU: Yes. Should we say  
14 DOT report? We're saying those two things. That  
15 includes all of the recommendations from DDOT.

16 MS. MEHLERT: Yes. So you're making a  
17 motion to approve the application with the condition  
18 of the TDM and the loading management plan and DDOT  
19 report in the record.

20 BZA CHAIR POURCIAU: Thank you.

21 MS. MEHLERT: All right. When I call your  
22 name, please respond to the vice chair's motion to  
23 approve the application with condition. Chairperson  
24 Pourchiau.

25 BZA CHAIR POURCIAU: Yes.

1 MS. MEHLERT: Vice Chair Goldstein.

2 VICE CHAIR GOLDSTEIN: Yes.

3 MS. MEHLERT: Board Member Lindsjo.

4 MEMBER LINDSJO: Yes.

5 MS. MEHLERT: And Chairman Hood.

6 ZC CHAIR HOOD: Yes.

7 MS. MEHLERT: Staff would report the vote  
8 of 4-0-1 to approve application number 21406 with  
9 conditions on the motion made by Vice Chair  
10 Goldstein and seconded by Board Member Lindsjo.

11 BZA CHAIR POURCIAU: Thank you, Ms.  
12 Mehlert. So this session, this application is  
13 closed now, and it's okay to move to the next agenda  
14 item. Thank you very much. Would you proceed?

15 MS. MEHLERT: Yes. The next case is  
16 application number 21415 of Robert Kyle Bivens and  
17 Jose Duron Milla, as amended. This is a self-  
18 certified application pursuant to Subtitle X,  
19 Section 901.2, for special exceptions, under  
20 Subtitle E, Section 5201, from the rear yard  
21 requirements, Subtitle E, Section 207.1, and under  
22 Subtitle U, Section 320.2, to allow the conversion  
23 of an existing residential building existing on a  
24 lot prior to the May 12, 1958 to a three-unit of  
25 apartment house.

1           This is for a two-story plus cellar rear  
2 addition to an existing three-story semi-detached  
3 principal zone and conversion to a three-unit  
4 apartment house. It's located in the RF-1 zone at  
5 1300 Girard Street, Northwest, Square 2860, Lot 68.

6           BZA CHAIR POURCIAU: Thank you, Ms.  
7 Mehlert. Is the applicant ready to proceed?

8           MR. SULLIVAN: Yes. Hi, Madam Chair. My  
9 name is Marty Sullivan. I'm zoning counsel for the  
10 applicant. And also with me is Dave Bloom. He's  
11 the project architect. And we have a PowerPoint  
12 presentation, if Mr. Young could load that, please.

13          And we'll take you through the application if  
14 you're ready.

15          BZA CHAIR POURCIAU: Yes, thank you.

16          MR. SULLIVAN: Thank you. The property is  
17 1300 Girard Street, Northwest. And next slide,  
18 please. The request is special exception for two  
19 areas of relief, and the property is in the RF-1  
20 zone. It's improved with a three-story plus cellar  
21 single-family road dwelling. It's on a lot that's  
22 5,152 square feet in area. And the applicant is  
23 proposing to construct a two-story plus cellar  
24 addition at the rear of the building and to convert  
25 it from one to three units. And the addition will

1 reduce the rear yard to 16 feet where the required  
2 rear yard is 20 feet.

3           So, accordingly, we are requesting special  
4 exception approval pursuant to U 320.2 to convert  
5 the building to three units and from the rear yard  
6 setback requirements of Subtitle E, Section 207.1.  
7 The Office of Planning has recommended approval in  
8 their report, and DDOT has submitted a report with  
9 no objection. And ANC 1A has unanimously supported  
10 the application, as well.

11           Next slide, please. And here's a photo of  
12 the building, 1300 Girard, here. And that's the  
13 large building on the corner, and it's a lot of open  
14 space in the property between the building and  
15 Girard Street there along 13th Avenue.

16           Next slide, please. Here's a view from the  
17 corner at the building. Next slide, please. Here's  
18 a view of the side of the building on Girard Street.

19           And there will be, after the project is done, there  
20 will be two parking spaces on the property at the  
21 rear of the property behind the building.

22           Next slide, please. I'll take you through  
23 the special exception criteria, and then Mr. Bloom  
24 can take the Board through the plans. Special  
25 exception will be in harmony with the general

1 purpose and intent of the zoning regulations and  
2 maps and will not tend to affect adversely the use  
3 of neighboring property. The granting of the  
4 special exception will be in harmony with the  
5 general purpose and intent of the zoning regulations  
6 and zoning maps. And the zoning regulations permit  
7 the conversion of a single-family dwelling to three  
8 units in accordance with the special exception  
9 criteria.

10 And the regulations also note that the RF  
11 zones are residential zones, which provide for areas  
12 developed primarily with road dwellings but within  
13 which there have been limited conversions of  
14 dwellings or other buildings into more than two  
15 dwelling units. Therefore, the proposed three-unit  
16 conversion is in harmony with the general purpose  
17 and intent of the RF zone and zoning regulations.

18 Next slide, please. The criteria for the  
19 special exception criteria necessary to approve for  
20 the conversion of the building into three units, the  
21 building has to be in existence, which it is. And  
22 the applicant is only proposing three units, so the  
23 fourth dwelling unit as an ID unit doesn't come into  
24 play. And then the third requirement is that we  
25 have 900 square feet of land for each proposed unit,

1 which would be 2,700 square feet. As noted earlier,  
2 this lot is 5,152 square feet in area.

3 Next slide, please. Regarding the special  
4 exception criteria for the rear yard relief, and,  
5 again, we're asking for four feet of rear yard  
6 relief for two stories in the back. The architect  
7 will take the Board through a shadow study, which  
8 demonstrates that the addition shall not have a  
9 substantial impact on the light and air of  
10 neighboring properties. And also the addition does  
11 not propose any windows on that south side, so there  
12 would be no impact on privacy for abutting neighbors  
13 in the back. And also, as demonstrated by the  
14 elevations that you'll see, the addition is  
15 consistent with the character, scale, and pattern of  
16 development along Girard and 13th Street because  
17 we're only adding four feet again just to two  
18 stories. And so it does not substantially visually  
19 intrude on character, scale, and pattern.

20 Next slide, please. And I think we'll be  
21 into the plans here, and I'll turn it over to Mr.  
22 Bloom to take the Board through the plans. Dave,  
23 thanks.

24 MR. BLOOM: Thanks, Marty. Could we  
25 actually go to the next slide, please?

1                   BZA CHAIR POURCIAU: Mr. Bloom, I'm sorry.  
2           Mr. Bloom, I need to interrupt for a minute. I see  
3           that, I believe, Mr. Sullivan is not registered. I  
4           wanted to ask Ms. Mehlert if there's anything we  
5           need to do. I mean, he's already presented. Is  
6           there anything here?

7                   MS. MEHLERT: He did register a little  
8           earlier today, so after that list had been sent out.  
9           So he is registered. But if someone is not  
10          registered, I will flag for you and we can give them  
11          the oath.

12                  BZA CHAIR POURCIAU: I appreciate that.  
13          Thanks so much. Go ahead, Mr. Bloom. I'm sorry.

14                  MR. BLOOM: Thank you. No problem. Could  
15          we go to the next slide, please? So here you have  
16          the existing site plan. You can see the subject  
17          building in gray. It is attached to the building to  
18          its south but is open to the north. It has a pretty  
19          substantial front yard. We are proposing to remove  
20          a small wood-framed rear addition that you can see  
21          dashed to the left of the building.

22                  And then, if you go to the next slide, you  
23          can see that the addition is being replaced and  
24          extended, as Marty mentioned, to give a 16-foot rear  
25          yard. There are also some other general site

1 improvements, including lead walks, stoops, and the  
2 two parking spaces, which are to the left of the  
3 property.

4 Next slide, please. This is just a  
5 building section. The proposed addition is to the  
6 left at the lowest level, which is the cellar. The  
7 addition does not extend into the 20-foot required  
8 rear yard. It only extends at the first, second  
9 levels.

10 Next slide, please. To the left, you have  
11 the view from 13th Street. You don't see the  
12 addition on that one. To the right is the front  
13 elevation on Girard. You can see the addition on  
14 the right side in that image.

15 Next slide, please. And then there is the  
16 rear addition of the addition. Next slide. And one  
17 more. So here you have the shadow study that we  
18 did. On the left side is the existing conditions,  
19 on the right is the proposed. Also on the right, to  
20 help you see the impact, the red dashed line is the  
21 existing shadows superimposed on the proposed  
22 design.

23 Since this building is the northernmost row  
24 house in this section of row houses, and the sun  
25 comes from the south, there's very minimal impact or

1 additional shadows being cast. But we did look at  
2 it three times, the summer and winter solstice and  
3 the equinox, and then three times during the day, 9  
4 a.m., 12 a.m., and 3 p.m.

5 So really at any time in the morning, when  
6 the shadows cast to the left, to the west in this  
7 case, is when you would see any impact. But you can  
8 see in the summer that there's virtually no impact.

9 Next slide. At noon, where the sun is directly to  
10 the south, the only impact is on the subject  
11 property. Next slide. And then, again, any impact  
12 during the afternoon is limited to the subject  
13 property.

14 And we can go to the next one. So those  
15 first three were in summer. Then we looked at the  
16 equinox. Similar story. There's basically no  
17 impact in the morning. Next slide. And then only  
18 some minor impact on the property itself during  
19 noon. Next slide. And, again, just some minor  
20 impact on the property itself in the afternoon.

21 Next slide. This is in winter, where the  
22 shadows are the longest. Again, no impact. And  
23 next slide. Similarly, just a minor impact on the  
24 property itself. And last slide. Winter at 3 p.m.,  
25 it's basically the same. And I think that is the

1 last slide.

2 MR. SULLIVAN: Thank you, Mr. Bloom. Just  
3 one final note. The applicant did connect with and  
4 reach out to both of the adjacent neighbors, and  
5 they had no objection. The one neighbor was in the  
6 process of selling their house, and the other  
7 neighbor wasn't interested in getting involved but  
8 had no issues with this. And, in fact, the ANC  
9 asked us to make sure that we did connect with those  
10 neighbors, and he has done so, they have done so.  
11 So that's what led to the unanimous support from the  
12 ANC.

13 And that's it. I do want to mention, too,  
14 also, Mr. Milla is here from the applicant, if you  
15 had any questions for him personally. But that's  
16 all we have for the Board, and thank you. If you  
17 have any questions for myself or Mr. Bloom or Mr.  
18 Milla. Thank you.

19 BZA CHAIR POURCIAU: Thank you so much.  
20 Good presentation. I appreciate that. I'd like to  
21 open it to Board members to see if they have any  
22 questions. I'll start with Mr. Goldstein.

23 VICE CHAIR GOLDSTEIN: Thank you very much.  
24 Thank you for the presentations. I think it looks  
25 like a great project. I don't have any additional

1 questions to ask the applicant. Thank you.

2 BZA CHAIR POURCIAU: Thank you, Mr.  
3 Goldstein. Ms. Lindsjo.

4 MEMBER LINDSJO: Thank you. Thank you for  
5 this presentation. I appreciate the project, and I  
6 don't have any questions for you at this time.

7 BZA CHAIR POURCIAU: Thank you so much.  
8 Mr. Hood, do you have any questions?

9 ZC CHAIR HOOD: I'm just going to mess with  
10 Mr. Goldstein on his first day. If Mr. Goldstein  
11 don't have no questions, I shouldn't have any. But,  
12 no, I'm really messing with him.

13 I will say that I do like the design. I do  
14 know, Mr. Sullivan, across the street, there's  
15 something similar to what you all are trying to do  
16 here. I do know across on 13th Street on the 1200  
17 block. I know that house was redone and I also know  
18 on the Fairmont Street side. So all these corner  
19 lots in this neighborhood are kind of taking on the  
20 same -- they differ, but they're kind of taking on  
21 the same development type and enhancing those  
22 projects. So I think that whole corridor is going  
23 to eventually evolve on that.

24 So that's all I have to say. Thank you,  
25 Madam Chair. Excellent presentation, and thank you,

1 Madam Chair.

2 BZA CHAIR POURCIAU: Thank you. Before we  
3 go to any agency comments, was there any other  
4 discussion right now with the applicant? I don't  
5 think so. So why don't we go on to the Office of  
6 Planning. It looks like Joshua Mitchum may be here  
7 to present the OP report.

8 MR. MITCHUM: Yes. Hello again, Madam  
9 Chair, members of the Board. Again, Joshua Mitchum  
10 with this application. We are in support of the  
11 application. We believe that they have met the  
12 burden of proof for special exception uses for the  
13 RF zone and the conversion of an existing  
14 residential building. And we're also in support of  
15 the special exception relief for rear yard. And  
16 we're available for any questions. Thank you.

17 BZA CHAIR POURCIAU: Thank you. Are there  
18 any other district agencies present and ready to  
19 present? I'm not hearing that there are any here,  
20 so we'll move on. Did the ANC show up? Are they  
21 offering testimony today?

22 MR. YOUNG: They are not signed up to  
23 testify.

24 BZA CHAIR POURCIAU: Okay. Was there  
25 anyone else signed up to testify, Mr. Young?

1 MR. YOUNG: We did not have anyone else.

2 BZA CHAIR POURCIAU: Thank you so much.  
3 Hearing that, I think we'll close the presentation  
4 part of this agenda item and move into discussion  
5 and deliberation. I want to thank the applicants  
6 for a great presentation and what looks like a nice  
7 project on 13th Street.

8 MR. SULLIVAN: Thank you, Madam Chair, and  
9 welcome to you and to Board Members Lindsjo and  
10 Goldstein. Thank you very much.

11 BZA CHAIR POURCIAU: Thank you. Ms.  
12 Mehlert.

13 MS. MEHLERT: Yes. I believe the witnesses  
14 have been excused.

15 BZA CHAIR POURCIAU: So we're ready for a  
16 deliberation now?

17 ZC CHAIR HOOD: Yes. I think we're ready  
18 to deliberate, Madam Chair.

19 BZA CHAIR POURCIAU: Okay. So that seemed  
20 pretty straightforward. It seems like there's no  
21 outstanding items, no further questions. I would  
22 like to put a motion forward that we approve that  
23 application and submit it. Is there a second?

24 ZC CHAIR HOOD: I'll second the motion.  
25 I'm sorry. Let me be quiet. Go ahead, Vice Chair.

1 VICE CHAIR GOLDSTEIN: I second.

2 BZA CHAIR POURCIAU: Is there any  
3 discussion? You go ahead, Mr. Goldstein. No one  
4 was saying anything about it.

5 VICE CHAIR GOLDSTEIN: Yes, I think the  
6 record is full. I think the applicant has met their  
7 burden for the relief requested, and the Office of  
8 Planning report also addressed how the project met  
9 the relief needed. I'm comfortable in moving  
10 forward to the vote.

11 BZA CHAIR POURCIAU: Mr. Hood, would you --

12 ZC CHAIR HOOD: I would agree. Again, as  
13 we know, this is an RF-1 zone. Subtitle E, 5201,  
14 has been met for the rear yard. The requested  
15 Subtitle U, 320.2, to allow the conversion of the  
16 existing residential building prior to May 12, 1958  
17 has been met, as well as our typical standard of  
18 Subtitle X, 901.2, for the special exceptions as  
19 requested for this two-story re-addition to an  
20 existing three-story semi-detached principal  
21 dwelling in conversion to a three-unit apartment  
22 house. And as was mentioned, the IZ unit does not  
23 come into effect because it's not four units.

24 So I think they've met the test, as the  
25 vice chair has mentioned. And with that, I'll be

1 voting in support. That's all I wanted to put out.

2 Thank you.

3 BZA CHAIR POURCIAU: Thank you. Thank you  
4 for that complete description. Ms. Lindsjo, do you  
5 have anything you'd like to add?

6 MEMBER LINDSJO: No, not at this time.  
7 Thank you.

8 BZA CHAIR POURCIAU: Thank you. So with  
9 that, I think we're ready to vote, Ms. Mehlert.

10 MS. MEHLERT: Please respond to the chair's  
11 motion to approve the application. Chairperson  
12 Pourchiau.

13 BZA CHAIR POURCIAU: Yes.

14 MS. MEHLERT: Vice Chair Goldstein.

15 VICE CHAIR GOLDSTEIN: Yes.

16 MS. MEHLERT: Board Member Lindsjo.

17 MEMBER LINDSJO: Yes.

18 MS. MEHLERT: Chairman Hood.

19 ZC CHAIR HOOD: Yes.

20 MS. MEHLERT: Staff would record the vote  
21 as 4-0-1 to approve Application No. 21415 on the  
22 motion made by Chairperson Pourchiau and seconded by  
23 Vice Chair Goldstein.

24 BZA CHAIR POURCIAU: Thank you. Before we  
25 proceed, I want to ask some questions. We're

1 halfway through our agenda, maybe a little more than  
2 half, but about halfway through our agenda, and it's  
3 kind of lunchtime. And there has been some  
4 additions to some of the cases we haven't heard yet  
5 that I see have popped up. Ms. Mehlert, is there a  
6 suggestion you have about proceeding? I know the  
7 next case may be a little more difficult, so I  
8 thought it might be good to take a break before that  
9 one. And is there anything you have to offer on, I  
10 think it's 21446, our last agenda item?

11 MS. MEHLERT: No. If the Board would like  
12 to take a break for lunch, then that's within your  
13 purview and just at a specific time of when you'd  
14 like to return.

15 BZA CHAIR POURCIAU: All right. You all  
16 want a break for lunch?

17 VICE CHAIR GOLDSTEIN: Sounds like a good  
18 plan. How long should we take?

19 BZA CHAIR POURCIAU: Yes. Can we take 40  
20 minutes? Is that too short?

21 ZC CHAIR HOOD: So can we just come back at  
22 1 o'clock and that's the 40 minutes, so I think  
23 we'll be good if we say 1 o'clock.

24 BZA CHAIR POURCIAU: You think? That's  
25 what I thought. Okay. So we'll come back at 1

1 o'clock. Thanks, everyone. See you soon.

2 (Whereupon, the above-referred to matter  
3 went off the record and resumed following a brief  
4 recess.)

5 BZA CHAIR POURCIAU: Welcome back. It  
6 looks like everyone is present. Ms. Mehlert, do we  
7 reopen the record?

8 MS. MEHLERT: I can just call the Board  
9 back. The Board is returning from its lunch break  
10 and returning to its hearing session.

11 BZA CHAIR POURCIAU: Very good. I'd like  
12 to take up two items before we go to the next case.  
13 It's been brought to my attention that items 4 and  
14 6 on our agenda, the Eastern Avenue Holdings  
15 applications, have the same presenters, and so we'd  
16 like to take those together or simultaneously. So  
17 what I'd like to do, if it's okay, is move up number  
18 5, and then, after we complete number 5, we'll go to  
19 4 and 6.

20 Ms. Mehlert, is that appropriate?

21 MS. MEHLERT: Correct. So I'll just  
22 clarify what the case number is. Application No.  
23 21418 the Board will do next, and then followed by  
24 21416, and then followed by 21420.

25 BZA CHAIR POURCIAU: Very good. And the

1 second item I'd like to discuss is a closed session.

2 And let me find -- I'd like for us to vote on  
3 having a closed session. The next item on our  
4 agenda is to vote for the Board to hold a closed  
5 session meeting on June 10th prior to the next Board  
6 meeting. This session is being held in order for  
7 the Board to receive legal advice from its counsel  
8 regarding the cases noted on the agenda for the June  
9 10th meeting and to preserve the attorney-client  
10 privilege between the Board and its attorneys.

11 Pursuant to D.C. Official Code Section 2575(b)(4)(a)  
12 and to deliberate but not vote on the contested  
13 cases under D.C. Official Code Section 2575(b)(13),  
14 I will ask the secretary to provide a list of cases  
15 on the agenda.

16 MS. MEHLERT: So the cases scheduled for  
17 June 10th include 21419, 21423, 21424, 21386, 21428,  
18 21431, 21433, 21451, and 21440.

19 BZA CHAIR POURCIAU: Okay. So I will now  
20 make a motion to enter the closed session on June  
21 10th into the record. Is there a second?

22 VICE CHAIR GOLDSTEIN: I'm happy to second  
23 that.

24 BZA CHAIR POURCIAU: Thank you. Is there  
25 any further discussion? We'll do a roll call.

1 MS. MEHLERT: To clarify, you wanted to do  
2 it on the 10th or the day before the hearing on --

3 BZA CHAIR POURCIAU: On the day before the  
4 hearing, on the 9th. So I'll clarify that. So the  
5 motion has been seconded to have a closed session on  
6 June 9th regarding the June 10th agenda items.

7 MS. MEHLERT: Sorry. And this would be at  
8 2 p.m.?

9 BZA CHAIR POURCIAU: Yes.

10 ZC CHAIR HOOD: Madam Chair, let me just  
11 add, I would suggest that we -- and I know Ms.  
12 Mehlert has just went over that, but I know that  
13 Vega has watched us with a fine-tooth comb having  
14 negotiated the way that we're doing it. Even though  
15 she called the case numbers, we probably, for the  
16 record, should say what the cases are.

17 MS. MEHLERT: I can do that.

18 ZC CHAIR HOOD: Thank you. Thank you, Ms.  
19 Mehlert.

20 MS. MEHLERT: So the cases scheduled for  
21 the June 10th hearing to be discussed at the closed  
22 session on June 9th. 21419 of PMG Mid Atlantic,  
23 LLC; 21423 of 2210 5th, LLC; 21424 of Mestawet  
24 Dejene; 21386 of AMW Associates, LLC; 21428 of  
25 Daniel Alexander Payne Community Development

1 Corporation; 21431 of Eastern Avenue Holdings III,  
2 LLC; 21433 of Eastern Avenue Holdings III, LLC;  
3 21451 of Rayon McKnight; and 21440 of Paul and  
4 Katherine Rosenbaum.

5 BZA CHAIR POURCIAU: Well, the motion has  
6 been entered, seconded, clarified, and discussion.  
7 Are we ready to take a vote now? So, Ms. Mehlert,  
8 would you call the vote, please?

9 MS. MEHLERT: Yes. Chairperson Pourchiau.

10 BZA CHAIR POURCIAU: Yes.

11 MS. MEHLERT: Vice Chair Goldstein?

12 VICE CHAIR GOLDSTEIN: Yes.

13 MS. MEHLERT: Board Member Lindsjo.

14 MEMBER LINDSJO: Yes.

15 MS. MEHLERT: And Chairman Hood.

16 ZC CHAIR HOOD: Yes. And thank you, Ms.  
17 Mehlert, for calling that out, yes.

18 MS. MEHLERT: Great. The motion passes 4-  
19 0-1 to hold a closed session June 9th at 2 p.m.

20 BZA CHAIR POURCIAU: Very good. So I think  
21 we're ready to proceed with 21418 of Alexandra Bloom  
22 and Aron Szapiro.

23 MS. MEHLERT: Okay. So, yes, the next case  
24 is Application No. 21418 of Alexandra Bloom and Aron  
25 Szapiro. As amended, this is a self-certified

1 application pursuant to Subtitle X, Section 901.2,  
2 with special exceptions under Subtitle E, Section  
3 207.5, to allow the rear wall of a row building to  
4 extend farther than 10 feet beyond the floor of its  
5 rear wall of an adjoining principal residential  
6 building on an adjacent property under Subtitle E,  
7 Section 5201, from the lot occupancy requirements of  
8 Subtitle E, Section 210.1, and under Subtitle E,  
9 Section 5201.2 from the requirements of Subtitle E,  
10 Section 5000.1© to allow an accessory building  
11 occupying more than 30 percent of the land area of a  
12 required rear yard.

13 This project is for a second floor rear  
14 addition above an existing one-story portion of an  
15 existing two-story attached principal dwelling and  
16 new one-story accessory structure at the rear yard  
17 located in the RF-1 zone at 1427 D Street,  
18 Southeast, Square 1062, Lot 0104.

19 BZA CHAIR POURCIAU: Thank you. Are the  
20 applicants ready to present?

21 MS. FOWLER: Yes. Hi, this is Jennifer  
22 Fowler. I'm here to present the project.

23 BZA CHAIR POURCIAU: Hi, Jennifer. Thank  
24 you.

25 MS. FOWLER: Okay. Shall I go ahead and

1 get started? Okay. First of all, welcome to the  
2 new Board members. It's nice to see some new faces.

3 Mr. Goldstein and I have worked for years together  
4 on projects, so it's nice to see you on the Board,  
5 as well. So thank you.

6 I think the record's pretty full on this  
7 project, but I'll just kind of run you through kind  
8 of what we're asking for and kind of the impacts of  
9 the project. So there's two components. There's a  
10 rear addition. Currently, there's a one-story  
11 screened-in porch at the back of the house, and the  
12 idea is to expand the house with a second floor over  
13 the existing porch, so it will have a second floor  
14 kind of bedroom enclosed space. That addition has a  
15 setback on the side with 1425 so that we can  
16 maintain light and air on that side.

17 The rear addition is not triggering lot of  
18 occupancy relief. The only thing we need for that  
19 component of the project is the rear yard setback,  
20 meaning that it's going 16-foot 6 beyond 1425. It  
21 is lining up with 1429, so it's aligned with that  
22 project or that house on the other side, which is on  
23 the east side.

24 Then there's the second component is the  
25 one-story accessory structure, and it's basically

1 like a similar mapping to the garages that are next  
2 door, and that is what's kind of pushing us above  
3 50.5 percent occupancy to the 70-percent occupancy.

4 It also sits in the required rear yard, which is  
5 the 5,000 foot one, so that's why we're asking for  
6 that relief. If it was a garage, I believe we  
7 wouldn't need that relief because a garage can sit  
8 in the rear yard. It's basically a similar  
9 structure except that it's living space instead of  
10 garage, so that's why that relief is getting  
11 triggered. And it's also less than the 450 square  
12 feet maximum, as well.

13 1429 has a three-story -- actually, a third  
14 floor with a rear addition that was put on a few  
15 years ago, and I believe that one also went through  
16 zoning probably maybe less than 10 years ago, a long  
17 time ago. So they are also kind of at their 70-  
18 percent occupancy, and so we're lining up with that  
19 house. So there really will be no impact to them  
20 due to the addition on the house, as far as lighting  
21 or air is concerned, as well as privacy because  
22 there will be no additional views into that house.  
23 And, currently, there's an open deck on the second  
24 floor, which offers unlimited views into their yard.

25 So now it would be an enclosed bedroom space with

1 windows, so there will be an improvement in privacy  
2 for that neighbor.

3 The garage does come forward in the yard  
4 about almost 15 feet closer to the house than the  
5 garage at 1429, but they're pretty much identical  
6 heights, so we actually matched the height of that  
7 garage in similar massing to the garage next door.  
8 So, again, any shadows cast there are going to be  
9 types into the very far rear yards and not impacting  
10 the main house at 1429.

11 At 1425, which is to the east, there will  
12 be some impact because we are extending beyond that  
13 rear wall as far as the addition is concerned.  
14 However, it's a modest impact, and it's really only  
15 going to be in the afternoon hours because of the  
16 orientation of the house.

17 Again, the garage is bigger than the garage  
18 at 1425. However, the facade on the yard side  
19 actually aligns, so it's not coming any further into  
20 the yard than the garage at 1425. And, again, it's  
21 a similar massing to what they have next door. The  
22 privacy will be improved to 1425, again, because  
23 we're reducing it from a full-size deck on the  
24 second floor to really just a small space in the  
25 step-back of the addition.

1           We have a lot of support for this project.  
2       ANC has supported it unanimously. We also have  
3       Capitol Hill Restoration Society sent in a letter of  
4       support. We presented to them. And we also have  
5       letters from eight neighbors, so I'm very happy and  
6       proud of my clients for all their outreach. We have  
7       1419, 1421, 1423, 1425, which is the adjacent  
8       neighbor, and then we have 1429 on the other side,  
9       1431, 1433, and 1437. So, again, it's very well  
10      received. It's a family that wants to stay on the  
11      Hill and keep continuing raising their kids there  
12      and hope to be able to add the extra space to make  
13      it work for them.

14           So, with that, I'll leave it open to  
15      questions, and thank you for your time.

16           BZA CHAIR POURCIAU: Thank you. That was a  
17      clear and concise presentation. Appreciate that.  
18      We'll start with you, Mr. Goldstein. Do you have  
19      any questions?

20           VICE CHAIR GOLDSTEIN: Not so much  
21      questions, but clarifications. Thank you, Ms.  
22      Fowler, for your kind words at the beginning. I  
23      just wanted to say, for the record, Ms. Fowler, I've  
24      seen her projects as an agency representative with  
25      the Office of Planning or DOD, but not beyond my

1 official capacity.

2           And just to clarify, I think you had  
3 mentioned the rear yard relief, something to the  
4 extent of whether it was a car garage versus a  
5 living space. I'll just say what my understanding  
6 is, and the Office of Planning can also chime in at  
7 their earliest opportunity, is that your lot is an  
8 irregular lot, which has produced a certain way of  
9 measuring the required rear yard from the valley  
10 side in, and your accessory building occupies in  
11 excess of 30 percent of that required yard. It's  
12 irrespective of how the accessory building is being  
13 used. The relief would be required either way.

14           It doesn't affect your application or the  
15 zoning relief required, but that's my understanding  
16 of what triggered the required rear yard relief for  
17 the accessory building. You can comment on that or  
18 not, but I can certainly have the Office of Planning  
19 address that, if needed.

20           I think the project looks terrific, and I  
21 echo the appreciation for your outreach to the  
22 neighbors. I think that's excellent, and that's all  
23 I have.

24           BZA CHAIR POURCIAU: Ms. Fowler, do you  
25 want to speak to the first remark?

1 MS. FOWLER: No, I appreciate that. I  
2 don't think I've had this type of relief come up  
3 before, and you're right. I remember now that, when  
4 we filed it, they suggested that it had to do with  
5 the irregular lot, so thank you for that reminder.

6 BZA CHAIR POURCIAU: Ms. Lindsjo, do you  
7 have any questions for the applicant?

8 MEMBER LINDSJO: Thank you. It was a very  
9 clear and informative presentation. I have no  
10 questions or concerns at this time.

11 BZA CHAIR POURCIAU: Thank you. Mr. Hood,  
12 would you like to add anything for the record,  
13 please?

14 ZC CHAIR HOOD: No, I don't have anything  
15 to add. But thank you, Ms. Fowler. Great job as  
16 always. And I don't have any comments as of yet.  
17 Thanks.

18 BZA CHAIR POURCIAU: Okay. I want to share  
19 how nice it looks to see so much support and the ANC  
20 saying they enthusiastically support, so that's very  
21 nice. So I think we'll move on to reports, and I  
22 see Philip Isaiah is on from the Office of Planning.  
23 Would you like to give your report now, please?

24 MR. ISAIAH: Thank you, Madam Chair. For  
25 the record, this is Philip Isaiah on behalf of the

1 Office of Planning. I will remark that Vice  
2 Chairman Goldstein is correct in the fact that for  
3 an irregular lot, which is generally considered that  
4 which is not rectangular in nature, the subject  
5 property has a notch in the rear yard as caused by  
6 the curvature of the alleyway that has caused an  
7 irregular-shaped lot for purposes, thus causing the  
8 rear yard to be measured not from the rear of the  
9 dwelling towards the rear lot line, but in contrast  
10 from the furthest rear lot line to the dwelling,  
11 which, for this sake, did trigger the need for  
12 relief for the accessory structure standards for  
13 more than 30 percent of the rear lots.

14 Other than that, staff recommends approval  
15 of the application on all accounts and rests on the  
16 record of the report, containing this Exhibit 33 of  
17 the record dated February 20, 2026. Thank you.

18 BZA CHAIR POURCIAU: Thank you, Mr. Isaiah.

19 Are there any other government witnesses for this  
20 application today? I didn't see any that signed up.

21 All right. Has the ANC signed up to speak today?  
22 I don't think so. Any other parties in support of  
23 the application who would like to speak?

24 MR. YOUNG: We have no one signed up.

25 BZA CHAIR POURCIAU: No one else has signed

1 up. Okay. Thank you so much, Mr. Young. So with  
2 that, I think we will move to close the hearing and  
3 move to deliberations.

4 ZC CHAIR HOOD: Madam Chair, we probably  
5 want to offer, we always want to make sure we offer  
6 Ms. Fowler any closing remarks before we -- okay.

7 BZA CHAIR POURCIAU: Yes. Thank you so  
8 much. There was so much complimenting going on, I  
9 think we all decided just to go with that, right?  
10 Ms. Fowler, would you like to make any closing  
11 remarks, please?

12 MS. FOWLER: I'm happy to offer more  
13 compliments, but I think we're all good on that.  
14 Thank you for your time, and I appreciate your  
15 efficiency and for also taking it before the other  
16 case. Very much appreciated. I don't have anything  
17 else to add. Thank you.

18 BZA CHAIR POURCIAU: Okay. Very good. So  
19 we'll move to close this part of the application  
20 section and move to deliberations.

21 VICE CHAIR GOLDSTEIN: I'm happy to start  
22 us off with the deliberations. I think the  
23 submissions to the record by the applicants and by  
24 the Office of Planning create a strong, robust  
25 record for support of this application.

1 Additionally, the ANC submitted a letter of support,  
2 as well as the Capitol Hill Restoration Society, in  
3 addition to both adjacent neighbors and additional  
4 neighbors in support. I'm supportive of this  
5 project.

6 BZA CHAIR POURCIAU: Ms. Lindsjo, do you  
7 have any comments you'd like to make?

8 MEMBER LINDSJO: I have no additional  
9 comments. Thank you.

10 BZA CHAIR POURCIAU: Okay. How about you,  
11 Mr. Hood?

12 ZC CHAIR HOOD: I would just say that I  
13 appreciate you, Madam Chair, bringing up the  
14 enthusiastically. I've only seen two letters from  
15 ANCs in 20 years with the word enthusiastic, and  
16 today was the second one. So I don't have anything.  
17 I concur, plenty of support. Thank you, Madam  
18 Chair.

19 BZA CHAIR POURCIAU: All right. So let me  
20 give a shot at making this motion. It seems like  
21 we're ready. I'd like to make a motion to approve  
22 Application No. 21418 of Alexandra Bloom and Aron  
23 Szapiro, as captioned and read by the secretary, and  
24 ask for a second.

25 VICE CHAIR GOLDSTEIN: Second.

1 BZA CHAIR POURCIAU: Is there any further  
2 discussion on this application? Everyone's quiet.  
3 That's good. Ms. Mehlert, would you please call the  
4 vote?

5 MS. MEHLERT: Please respond to the chair's  
6 motion to approve the application. Chairperson  
7 Pourchiau.

8 BZA CHAIR POURCIAU: Yes.

9 MS. MEHLERT: Vice Chair Goldstein.

10 VICE CHAIR GOLDSTEIN: Yes.

11 MS. MEHLERT: Board Member Lindsjo.

12 MEMBER LINDSJO: Yes.

13 MS. MEHLERT: Chairman Hood.

14 ZC CHAIR HOOD: Yes.

15 MS. MEHLERT: Staff would record the vote  
16 as 4-0-1 to approve Application No. 21418 on the  
17 motion made by Chairperson Pourchiau, seconded by --  
18 who seconded -- by the vice chair, I believe. Yes,  
19 by Vice Chair Goldstein. The motion passes.

20 BZA CHAIR POURCIAU: Thank you. I guess we  
21 can get started with agenda item --

22 MS. MEHLERT: Sorry, Madam Chair. I think  
23 you broke up briefly. Are you ready to move up to  
24 the next case?

25 BZA CHAIR POURCIAU: Yes. Thank you.

1 MS. MEHLERT: The next case is Application  
2 No. 21416 of Eastern Avenue Holdings III, LLC. As  
3 amended, this is a self-certified application  
4 pursuant to Subtitle X, Section 901.2, for special  
5 exceptions under Subtitle U, Section 421, to allow  
6 new residential developments, and under Subtitle F,  
7 Section 201.4, to allow 1.084 area ratio in a  
8 voluntary inclusionary development.

9 This project is for the creation of nine  
10 additional small units in an existing 15-unit  
11 apartment house with a three-story rear addition to  
12 an existing three-story detached building. It's  
13 located in the RA-1 zone at 1342 Eastern Avenue  
14 Northeast, Square 5172, Lot 809.

15 There are a few preliminary matters.  
16 First, the applicant has submitted a motion to waive  
17 the filing deadline to submit a revised self-  
18 certification form and burden of proof in Exhibits  
19 23A and 23B. Also, ANC 7C submitted their report  
20 this morning, which is in the record in Exhibits 28  
21 and 28A. There are also two filings that came in  
22 earlier today that are not in the record. One is a  
23 letter in opposition from Jahnvi Jagannath, who had  
24 signed up to testify, and then a letter or  
25 resolution from the Deanwood Citizens Association.

1 So those are before the court right now.

2 BZA CHAIR POURCIAU: I'd like a little  
3 clarification. There seems like a significant  
4 amount of late entry, and we haven't had the time to  
5 review it. How has the Board handled this  
6 previously or what the next steps might be?

7 MS. MEHLERT: Yes. So there's a motion  
8 from the applicant, which was just to waive the 30-  
9 day filing deadline, and that information is in the  
10 record. And then there were just a couple of things  
11 that were submitted from, like, the Citizens  
12 Association and another person interested in the  
13 case that came in after the 24-hour filing deadline.  
14 So we're not able to enter those into the record  
15 unless approved by the Board.

16 BZA CHAIR POURCIAU: Mr. Hood, could I ask  
17 your guidance on this?

18 ZC CHAIR HOOD: Typically, we would always  
19 bring it in because it would add help to the case.  
20 I know in the Zoning Commission we always add it.  
21 It won't prejudice anything, I don't believe,  
22 because we haven't even heard anything. So I would  
23 suggest that we accept it and bring it in, and then  
24 we just have to kind of read through it as we're  
25 having our discussions with Mr. Williams.

1           BZA CHAIR POURCIAU: Thank you for that.  
2 All right. So we should proceed with the case. And  
3 if the applicant is ready to present, they begin  
4 their presentation.

5           ZC CHAIR HOOD: So, Madam Chair, before Mr.  
6 Williams begins, so we're accepting all the files,  
7 right?

8           BZA CHAIR POURCIAU: Yes. Do we need to  
9 vote on that?

10          ZC CHAIR HOOD: We can do that by general  
11 consensus. If everybody just consents to it, we do  
12 it.

13          BZA CHAIR POURCIAU: Okay. Very good.  
14 Thank you for that clarification. The applicant can  
15 proceed now.

16          ZC CHAIR HOOD: Mr. Williams is on mute or  
17 he's having some problems because we can't hear you,  
18 Mr. Williams.

19          BZA CHAIR POURCIAU: Mr. Young, I don't  
20 even see Mr. Williams. I see him there. Mr. Young,  
21 do you know what's going on?

22          MR. YOUNG: Yes, he just needs to switch  
23 his microphone settings on there. So if you go to  
24 your audio options under microphone, there should  
25 be, like, a drop-down list. And if you just try

1 selecting whichever one you don't have currently and  
2 test it. We cannot hear you.

3 BZA CHAIR POURCIAU: Is there anyone that  
4 can go ahead of him? We'll give him a minute.

5 MR. WILLIAMS: Okay. How about now?

6 VICE CHAIR GOLDSTEIN: Perfect.

7 MR. WILLIAMS: Okay. Some technical  
8 difficulties here. I actually will say, and I was  
9 speaking with Zoning earlier, Office of Zoning, for  
10 about the first hour of the hearing, I actually  
11 couldn't see any of you all. I didn't even know the  
12 hearing was happening. I've never had that happen  
13 before, and I've been doing this for 10 years. And  
14 apparently from speaking with zoning, that was  
15 happening to some other folks, too. So I don't  
16 know. Hopefully, that's not impacting any speakers  
17 or any other applicants, but just wanted to put that  
18 out there that Webex glitches are going on today.  
19 I'm not sure what's happening, but, hopefully, we  
20 get it figured out.

21 BZA CHAIR POURCIAU: Thank you, Mr.  
22 Williams. We'll follow up on that. So I think we're  
23 ready to start the clock now.

24 MR. WILLIAMS: Sure. So, my name is Zack  
25 Williams. I'm a land use attorney with Venable.

1 What I was saying earlier, which you all didn't  
2 hear, was that it's great to be back with you today,  
3 Madam Chair. Good to see you. Good to see the new  
4 members of the Board. We're very happy to be,  
5 again, having these proceedings, and I know that the  
6 applicant is, as well.

7 Along with me today is Matt Medvene with  
8 the applicant, as well as Ryan Petyak, who's the  
9 architect on the project. Mr. Young, can we pull up  
10 on the presentation? Great. Thank you so much.

11 So this application today is 1342 Eastern  
12 Avenue, Northeast. This is one of four related  
13 applications that the Board is going to hear today  
14 and next week. If we go to the next slide, please,  
15 Mr. Young. This slide shows these four related  
16 Eastern Avenue projects. Today, you'll be hearing  
17 1342 Eastern Ave., which is right now we're hearing  
18 this case, and then directly thereafter we'll be  
19 hearing 1106 to 1112 Eastern Avenue, Northeast.

20 All these properties were purchased by the  
21 developer in a bundled transaction out of a  
22 bankruptcy. These properties were owned by a single  
23 owner. Previously, they fell into a significant  
24 state of disrepair. There were liens and other  
25 types of violations on the properties. Ultimately,

1 it was purchased out of bankruptcy with  
2 collaboration with the city, which Mr. Medvene can  
3 get into once we get into the discussion.

4 Next slide, please. A quick summary of  
5 these projects. There's similarities here. They're  
6 all zoned RA-1 and currently-approved existing  
7 apartment houses. As I already mentioned, they all  
8 fell into a state of disrepair, I mean just falling  
9 apart, basically unlivable conditions. They were  
10 neglected for years by the previous owner.

11 The idea here is to renovate and expand all  
12 the properties in a different extent. For 1342,  
13 which we're hearing right now, this is currently a  
14 15-unit building. The proposal is to add 9 units,  
15 and we'll get into the next case after this one.  
16 But you can see that these are similar cases,  
17 similar vintage, as you will see. These are very  
18 similar buildings and properties, and so we've  
19 treated this as sort of a collective bundled  
20 transaction, bundled effort, sort of from the  
21 beginning.

22 Next slide, please. This is 1342 Eastern  
23 Ave. as it exists today. You can see this is an  
24 existing three-story apartment house. Here's some  
25 photos of the front and the rear. Next slide,

1 please. Here's another of the projects, 1218. Just  
2 to give you the sense, these are, you can tell,  
3 these were built at the same time, very similar  
4 vintage. Next slide, please. Same with 1206. Next  
5 slide, please. Same with 1106 to 1112, which we'll  
6 hear next. Next slide.

7 And that's just the rear of 1106 to 12.

8 Next slide, please. So going back, today,  
9 well, right now, we're going to be talking about  
10 1342 Eastern. Part of the reason I'm talking about  
11 all these things at once also is because, in our  
12 communications with the community and with the  
13 Deanwood Citizens Association, that's how we talked  
14 about these projects, really collectively, as well.

15 And I think you'll see the result of that. We do  
16 have support, as we'll get into, from the community,  
17 ANC, and the Deanwood Citizens Association.

18 Next slide, please. This is the proposed  
19 project for 1342 Eastern. This is a single corner  
20 lot with a little over 16,000 square feet of land  
21 area. As I mentioned, we'll be adding 9 units to  
22 the existing 15-unit house. This will include three  
23 new IZ units. The proposal from the building  
24 standpoint is to raise the roof slightly by just a  
25 couple of feet. There will also be a very minor

1 rear addition. Other than that, the building is  
2 going to stay sort of almost exactly as it is today.

3 There will be four parking spaces provided, which  
4 meets zoning requirements; and everything else about  
5 the project will be permitted as a matter of right  
6 without further BZA relief.

7 Next slide, please. The relief that we are  
8 requesting today is a special exception to add  
9 additional units in the RA1 zone, pursuant to  
10 Subtitle U, Section 421.

11 As I already mentioned, everything else is, by  
12 right, permitted in RA-1.

13 Next slide. Walking through the special  
14 exception standards for the relief that's requested,  
15 the relief must be in harmony with the general  
16 purpose and intent of the zoning regulations, and  
17 here it indeed is. The RA-1 zone is a zone that  
18 allows for and encourages exactly this type of  
19 development, low- to moderate-density development,  
20 including low-rise apartments like this. As I  
21 already mentioned, we'll be meeting all the  
22 development standards in the RA-1 zone.

23 Next slide. The next prong of the special  
24 exception test is that the relief should not  
25 adversely affect neighboring property. And,

1 typically, we think of light, air, and privacy. In  
2 reviewing this standard here, the project building  
3 only be changing by a couple of feet. It shouldn't  
4 impact in terms of shadow, light, air, things like  
5 that. The very minor addition that's proposed, as  
6 well, shouldn't have an impact on neighboring  
7 properties. The renovations will mainly be  
8 occurring inside the buildings.

9 It's also very common in this neighborhood  
10 to see apartment and multifamily buildings of this  
11 type. In fact, you saw the other three Eastern Ave.  
12 buildings that we are going to be bringing forward  
13 are exactly this type of building. If you go up and  
14 down Eastern Ave., you'll see that these low-rise  
15 apartment homes are common in the community here.  
16 It's also appropriate in this location. This  
17 location is just a quarter mile from the Deanwood  
18 Metro Station, so exactly where we want to see low-  
19 rise, higher-density, multifamily apartment living.

20 Next slide, please. As I already alluded  
21 to, there is community support, as well as Office of  
22 Planning support. We met with ANC 7C, both the  
23 general body and the executive committee, on  
24 multiple occasions. We also met with the Deanwood  
25 Citizens Association on multiple occasions. ANC 7C

1 voted to support the project, and the letter is in  
2 the record. The Deanwood Citizens Association  
3 supports the project, and a community benefits  
4 agreement was entered into with the applicant. I  
5 believe they also filed that for the record. And  
6 his was a collective effort, again, to ensure that  
7 all four of these projects, since they're all on the  
8 same timeline, were acceptable to the community. We  
9 wanted to make sure we met the community's concerns.

10 You saw there were some concerns about the existing  
11 tenants and how those folks would be taken care of;  
12 and if there's questions about that, we can get into  
13 it. But we wanted to ensure that really the  
14 community was comfortable with all four of these  
15 projects, starting with 1342, but the others as  
16 well.

17 And to conclude, Office of Planning also  
18 recommended approval of the application. So that  
19 concludes my presentation, and thank you for your  
20 consideration.

21 BZA CHAIR POURCIAU: Thank you so much. I  
22 appreciate the presentation, Mr. Williams, and  
23 putting in context for us how it all fits together.

24 I'd like to see if there are questions from our  
25 board members. Mr. Goldstein, would you mind going

1 first, please?

2 VICE CHAIR GOLDSTEIN: Sure. Happy to.  
3 And thank you very much for your presentation. It  
4 did help to see the context of what we're going to  
5 have coming before us, and I think that will be  
6 useful.

7 I do have some questions, and I would like  
8 to start with the tenant relocation information. I  
9 see a fair amount of it in the record, including the  
10 CVA. What is the relevance of this for this zoning  
11 case? I'm really happy to hear that there's been  
12 agreement and outreach and communication with  
13 tenants, but are you viewing this as in any way  
14 related or subject to the zoning regulations that we  
15 have before us for consideration today?

16 MR. WILLIAMS: Not technically. I  
17 appreciate the question. That being said, it still  
18 was a concern of the community and the ANC, and so  
19 we wanted to make sure that we addressed that. And  
20 we do have a good response on it, too, which, again,  
21 we're happy to get into. There's been considerable  
22 efforts to make sure those tenants are taken care  
23 of, that they're relocated if they want to be, and  
24 that they're given an opportunity to live in the  
25 community where they are.

1           So it's not technically about zoning, but  
2 it was a big concern of the community, so we  
3 addressed it.

4           VICE CHAIR GOLDSTEIN: Is the community  
5 understanding of the agreement that it will, in my  
6 view, not be part of an order and enforceable as  
7 part of the BZA case, that these are separately  
8 enforceable agreements outside the scope of the  
9 Board? Speaking for myself, that would be my  
10 perspective. What is your understanding of the  
11 expectation with these being put into the record?

12           MR. WILLIAMS: That's a good question, Mr.  
13 Goldstein. So you might have noticed that it wasn't  
14 the ANC that put the CVA into the record. It was  
15 the Deanwood Citizens Association. And so I thought  
16 that was important because the ANC's vote was not  
17 subject to a CVA. The ANC voted to support the  
18 project. The Deanwood Citizens Association is a  
19 separate civic group that doesn't have -- it's not a  
20 party in the case, obviously, and they don't have --  
21 they aren't given great weight, as is the ANC. I  
22 mean, that's my understanding. I believe that they  
23 understand that, too. It's a separate agreement  
24 between the developer and the Deanwood Citizens  
25 Association. I think they put it into the case just

1 to reflect that discussion. They didn't talk to me  
2 about it before they did that, but, obviously, you  
3 can see it's been executed by both parties.

4 VICE CHAIR GOLDSTEIN: So my reading of the  
5 ANC letter is that their support was only contingent  
6 on the presentation of the plans and the pursuit of  
7 approval of the Deanwood Citizens Association. Is  
8 that your understanding as well?

9 MR. WILLIAMS: Yes. The ANC folks, they  
10 wanted us to meet with and get comfortable with the  
11 Deanwood Citizens Association. All the folks on the  
12 ANC are also part of the Deanwood Citizens  
13 Association, similar leadership, but the Deanwood  
14 Citizens Association is just a little bit broader  
15 community group. And by the way, great  
16 organization. They've been absolutely amazing  
17 throughout this process.

18 So they wanted to make sure that, you know,  
19 we didn't -- they had an opportunity to meet with  
20 us, even though they weren't required to. We  
21 weren't required to meet with them. They wanted to  
22 make sure that we did that, and we got their  
23 support, and so that was part of their letter.

24 VICE CHAIR GOLDSTEIN: Okay. I've got a  
25 few other questions, but, just in case any of our

1 Board members want to ask about this topic, I'm  
2 happy to pause or I can continue moving on through  
3 my questions if that's preferable.

4 ZC CHAIR HOOD: So let me just help you a  
5 little bit, Vice Chair. I know this is your first  
6 day, and you picked right up on it. This is nothing  
7 new from a commissioner. He's the president of  
8 Deanwood, so Mr. Williams is exactly right. I have  
9 talked to him in public about this on more than one  
10 occasion because they include CVA packages like it's  
11 a PUD and it's not. We have been through this with  
12 them. They continue to do it, and it makes them  
13 feel good, but there's no enforceability as far as  
14 the BZA is concerned. It's really not part of the  
15 record they submitted because it gives them a  
16 comfort level, and I'm sure that Mr. Williams and  
17 we'll follow through what they said they're going to  
18 do while it's not necessarily germane to our  
19 proceeding.

20 And I know Chairman Holmes now, he was the  
21 president at one time of Deanwood, but Chairman  
22 Holmes now also understands it because this is a  
23 conversation we've been having over the past two to  
24 three to maybe four to five years. So I wanted to  
25 shed some light on that. So thank you, Mr.

1 Williams, for doing that. Well, I know you're not  
2 necessarily required in this particular case, so  
3 thank you.

4 VICE CHAIR GOLDSTEIN: Thank you for that.

5 That was very helpful information. With that, I  
6 think I'm going to move to a few other topics. One  
7 is DDOT and the Office of Planning raised this issue  
8 of a curb cut that's in public space. There is a  
9 preference recommended for, I believe, a narrowing  
10 of that curb cut. I would like to hear from you. I  
11 don't believe that's related to any particular  
12 zoning request or issue, but I'd like to know how  
13 you are or intend to address it.

14 MR. WILLIAMS: Thank you. That's a good  
15 question.

16 So you're correct that DDOT has made that request,  
17 and, to the extent there is a public space committee  
18 meeting and hearing, that, I assume, would be taken  
19 up then. We are not proposing to alter that curb  
20 cut as part of the zoning application, so you are  
21 correct that the project and the relief that we are  
22 seeking is not inclusive of that. And so our  
23 preference would be to not take that up now and let  
24 that be a subject for the public space hearing with  
25 DDOT. I think that's where it would be the better

1 venue for that discussion.

2 VICE CHAIR GOLDSTEIN: Okay. I'm just  
3 probably going to ask the Office of Planning, I  
4 don't know if there's anyone from DDOT who is  
5 attending today, just to discuss that. I think the  
6 Office of Planning also noted their concern about  
7 the location of the HVAC units, and I'd love you to  
8 address that concern and its relevance to the zoning  
9 analysis that we have to do.

10 MR. WILLIAMS: Yes, absolutely. And I  
11 believe we did move the units at least once for this  
12 application, and so we did hear that concern, and we  
13 moved them as a result. Correct me again, Ryan and  
14 Matt, if I'm wrong. I believe they were closer to  
15 the property line, and we moved them to the rear of  
16 the property, if I'm not mistaken. So we did do  
17 that, and, you know, we feel like they're  
18 appropriate at this time and we haven't heard any  
19 objection to that from either the ANC, the Deanwood  
20 folks, or any of the neighbors.

21 So, Ryan, Matt, let me know if I'm missing  
22 anything there.

23 MR. MEDVENE: No, that's correct.  
24 Originally, the outside air units were located along  
25 the property line, and that was a request to remove

1 them from the property line. So we placed them at  
2 the rear of the building in essentially an outside  
3 air unit grid, an array at the back, to pull it  
4 further away from the adjacent property.

5 MR. WILLIAMS: And it's also worth noting  
6 that the impetus for this was that OP originally  
7 asked us to put it on the roof, and we are  
8 converting the building to go fully electric, and  
9 we're putting solar panels to be in line with the  
10 city's DOE goals. And that was the impetus for why  
11 they weren't on the roof in the first place because  
12 that's obviously the easiest, most out-of-sight  
13 location. But we have a solar array on the roof, so  
14 we had to bring them down to the ground.

15 VICE CHAIR GOLDSTEIN: Okay. So the  
16 concern was about the adverse impact on neighboring  
17 properties. That was the original concern, so you  
18 pulled it back in for the development itself. I  
19 read and they also pointed, and you can correct me,  
20 I read their report to say that they're now  
21 concerned that they're too close to the development  
22 and to the cellar units. I'll ask Ms. Roberts,  
23 Acting Director Roberts, to comment on that. Can  
24 you address that issue? I understood it correctly.

25 MR. WILLIAMS: I think you've understood it

1 correctly in terms of what OP has stated in their  
2 report, and I think, to the point that Mr. Medvene  
3 made, as well as my prior point, there's a couple  
4 different places they could be on the site, and  
5 where we put them now is, we think, the most  
6 appropriate given the options that we have.

7 MR. MEDVENE: Yes. And it's important to  
8 note, too, Zack, that egress has been provided out  
9 of both area walls, so that's sustained. Obviously  
10 there is not a setback regulation from the outside  
11 area units from the building as it relates to the  
12 building code, and so that array area seemed to be  
13 the most reasonable location to satisfy the other  
14 aspects of the zoning regulations for parking,  
15 circulation, trash, et cetera, as well as obviously  
16 setting it back as far as possible from the adjacent  
17 lot.

18 VICE CHAIR GOLDSTEIN: Just to ask, the  
19 next follow-up is that I suspect the Office of  
20 Planning, and they'll comment on it, is there's a  
21 concern about the noise or the impact on the tenants  
22 of those closest units. Do you foresee there being  
23 any impact on tenants of those units?

24 MR. PETYAK: The general building code  
25 requires laminated glass. Obviously, the exterior

1 wall assemblies are FCC rated with appropriate  
2 insulation and continuous surface rigid insulation.

3 I do not foresee major adverse impacts on the  
4 adjacent units.

5 VICE CHAIR GOLDSTEIN: And by major adverse  
6 impacts, do you anticipate some noise impacts but  
7 not of a substantially impactful manner?

8 (Simultaneous speaking.)

9 MR. MEDVENE: We have designed it to the  
10 building code and industry standards, so the noise  
11 and impact at this juncture shouldn't be any more  
12 than what you hear outside your house when you have  
13 your HVAC condenser kick on. You might hear a low  
14 rumbling just because when it starts up it might be  
15 loud, but it's not going to be anything that  
16 deviates from the norm. That is the key there.

17 So this is a standard. We built it or  
18 designed it per code. There is no encroachment or  
19 unique situation here that would provide any  
20 exceptional shaking, loud noises, et cetera, beyond  
21 what one might hear generally when a condenser kicks  
22 on outside their house. The windows, as Ryan put  
23 it, everything's been designed per code with SCT and  
24 so on and so forth. It's a common situation we have  
25 across the city with all the buildings, and it's not

1 something that we are uniquely concerned about or  
2 worried will present a unique scenario to cause  
3 problems.

4 VICE CHAIR GOLDSTEIN: And based on your  
5 review of the site and the possible locations that  
6 funneled that array to this specific spot on the  
7 site, is that correct?

8 MR. MEDVENE: That is correct, yes. As  
9 you'll see on the site, we're tied in between some  
10 existing structures outside already. And you also,  
11 from a building perspective, you can only go so far  
12 from the building as the condensers have line sets  
13 that run from them to the interior furnaces. The  
14 third point, while it is technically feasible to run  
15 line sets over 100 to 200 feet, that becomes  
16 extremely expensive and much more prone to  
17 maintenance errors and issues as it is an  
18 exceptionally long run for the units, which is why  
19 there is a building code limit as to how close you  
20 can get it because you want to get it as close as  
21 you can to the building for functionality purposes.

22 The last thing we want to do is sacrifice  
23 the functionality and have tenants not be able to  
24 get the units cooling to what they want in exchange  
25 for it maybe being minutely quieter than what you

1 would otherwise find in a typical instance.

2 VICE CHAIR GOLDSTEIN: I think there was,  
3 as part of a preliminary matter, I believe,  
4 something put into the record expressing concerns  
5 about the project. Have you had a chance to review  
6 that submission? Have you seen it? Is there  
7 anything you can say to address it? It came in  
8 late, so I haven't even reviewed it. But I'm just  
9 wondering if you have and if there are any points  
10 that you're able to address at this moment.

11 MR. WILLIAMS: So, because it came in late,  
12 it came in -- I haven't seen it either. I see it  
13 now in the record, but as of prior to this hearing,  
14 it wasn't there, so we have not had a chance to  
15 review.

16 VICE CHAIR GOLDSTEIN: Okay. Those are all  
17 the questions I have at the moment. Thank you.

18 BZA CHAIR POURCIAU: Thank you, Mr.  
19 Goldstein. Ms. Lindsjo, do you have any questions?

20 MEMBER LINDSJO: Thank you. No, I think  
21 Goldstein brought up my question that was mostly  
22 about the opposition letter that we received.

23 BZA CHAIR POURCIAU: Okay. Mr. Hood, do  
24 you have any questions for the applicant?

25 ZC CHAIR HOOD: I don't have any at the

1 moment, I may have some before he does closing if we  
2 get to that point. Thank you, Madam Chair.

3 BZA CHAIR POURCIAU: You're welcome. I  
4 would just like to add a question about -- it seems  
5 that there are two items. Well, first I want to  
6 ask, in the presentation you said the height is a  
7 couple of feet and in the presentation it said  
8 several feet higher, and I didn't get to look at the  
9 drawings to see what the actual difference in height  
10 is. Could you tell me what that is, Mr. Williams?

11 MR. WILLIAMS: I believe -- was it three  
12 feet for this one, Ryan?

13 MR. PETYAK: Yes, it's just under three  
14 feet.

15 BZA CHAIR POURCIAU: Okay. Then the second  
16 item, I'm concerned that, you know, if we approve  
17 this and it's -- it's got this language in there  
18 about the community agreement and tenant relocation  
19 and curb cut issue, that there may be an expectation  
20 that those items have been approved as presented or  
21 are, you know, officially a part or is a preference  
22 of the BZA, and that's not the case. So I would  
23 just like when we discuss this further that we  
24 clarify how we -- how we deal with something like  
25 that to ensure that we're not sending missed --

1 mixed messages.

2 All right. If that's all the questions for  
3 the applicant, why don't we move on to the Office of  
4 Planning and we'll see you again after we hear from  
5 others who are here to testify.

6 MR. WILLIAMS: Thank you.

7 MS. BROWN-ROBERTS: Good afternoon, Madam  
8 Chairman and members of the Commission. My name is  
9 Maxine Brown-Roberts from the Office of Planning. I  
10 would like to say on behalf of the Office of  
11 Planning that we extend our heartiest  
12 congratulations to your appointment to the BZA, and  
13 we do look forward to working with you.

14 Regarding BZA 1, Now 21433, OP is in  
15 support of the proposal to renovate and expand the  
16 building from 15 to 24 units. The applicant has  
17 also requested to do voluntary IC by providing three  
18 units. Since there are currently tenants in the  
19 building, the applicant has also provided a  
20 relocation plan for the tenants during construction.

21 And this is something that the Office of Planning  
22 has always asked about just to make sure that we are  
23 looking and making sure that tenants are protected,  
24 even though it's not, you know, would not be part of  
25 the order, but that's -- that is something that we

1 always like to know about.

2 So as outlined in our report, the  
3 application meets the requirements of special  
4 exception allowed on the Subtitle U-421 for all new  
5 multifamily projects in the RA-1 zone in Subtitle F,  
6 201.4 for the special exception to pursue voluntary  
7 IZ development pursuant to Subtitle X, 901.2.

8 So, generally, OP is supportive of the  
9 proposal, but as noted in our you know, report, and  
10 there was some discussion about it earlier, that we  
11 have some concerns about the HVAC units that would  
12 be located close to the air wells of the cellar  
13 units. Yes, we did have a discussion with the  
14 applicant when they were -- when they were on the  
15 side of the building adjacent to the -- to the  
16 adjacent neighbor's house, but the applicant spoke  
17 about, you know, the noise generated from a regular  
18 house, which would be one unit. These are 24 units  
19 close to the air wells of the cellar units. So  
20 that's where my -- that's where our concerns lie.

21 Second, I will also note that Peter has  
22 requested the condition that the existing curb cut  
23 should be limited to a maximum width of 14 feet.  
24 Again, this is not a --- the zoning issue, it's a  
25 public space issue. So I do agree that that issue

1 can be addressed at permitting.

2 So in general, the Office of Planning  
3 believes that the proposal would be in harmony with  
4 the general purpose and intent of the zoning  
5 regulation and zoning map and should not adversely  
6 affect the use of the neighboring property or the  
7 neighborhood in accordance with the zoning  
8 regulation and map. And we do recommend approval.  
9 Thank you, Madam Chairman, and I'm available for  
10 questions.

11 BZA CHAIR POURCIAU: Thank you, Ms. Brown-  
12 Roberts. I know that Commissioner Goldstein  
13 mentioned some discussion with OP. Commissioner  
14 Goldstein?

15 VICE CHAIR GOLDSTEIN: Sure. I think two  
16 of the issues I -- I wanted the Office of Planning  
17 to touch on, she just did. I would like to ask,  
18 were you satisfied with the applicant's response  
19 concerning the location of the HVAC units? It  
20 sounds like it still is of concern to you. Is that  
21 correct?

22 MS. BROWN-ROBERTS: Yes, as I said that,  
23 you know, the -- one of the responses of the  
24 applicant was that you know, having HVAC unit  
25 outside of a building or more likely I think he was

1 mostly referring to a single-family dwelling is  
2 something that is usual, and I do agree with that.

3           However, in this case, there are 24 units  
4 outside of these cellar units, so that's a much  
5 higher noise, I think from you know, just having one  
6 -- just having one unit there, so -- so that's what  
7 my concern is. I do understand that you know, where  
8 they talk about, you know, relocating them from, you  
9 know, relocating them further may be more costly, I  
10 do understand that. But I do think that the  
11 applicant should work on, you know, minimizing the  
12 noise and really demonstrating that the noise on  
13 these units will be less.

14           VICE CHAIR GOLDSTEIN: Okay. I would like,  
15 before we close the record, for the applicant to  
16 once again address this issue and any possible  
17 mitigation that they -- they can propose. If I can  
18 ask a few more questions about this -- this time,  
19 Madam Chairman, I see for the U-421 analysis that  
20 both OSSI and DPR do not have anything in the  
21 record, but it's the Office of Planning's position  
22 that based on your analysis, the conditions have  
23 still been satisfied for the purpose of U-421. Is  
24 that correct?

25           MS. BROWN-ROBERTS: That is correct, yeah.

1 We looked at -- we looked at the schools that are  
2 in -- in regards to OSSSI, we looked at the schools  
3 that are nearby and we think that they have capacity  
4 to accommodate kids. This is just an additional,  
5 you know, nine or so units, so we're not expecting  
6 that they would generate so many kids that would  
7 adversely affect the -- the school's capacity.  
8 Regarding DPR, we also looked, and there is a  
9 community center and school close by that has  
10 recreational facilities.

11 One thing that we are sometimes a little  
12 concerned about is for you know, having some  
13 recreational facilities on-site, especially for  
14 smaller kids when we're providing three-bedroom  
15 units, because those are usually for families. And  
16 so we would ask -- but I don't think that this  
17 property has enough space really to accommodate some  
18 outside recreational things for the kids. And  
19 again, the recreation center that is close by does  
20 have a variety of recreational things that these  
21 children can use. So I feel comfortable with that.

22 VICE CHAIR GOLDSTEIN: Great. Thank you  
23 for the answer. Two more questions for you. The  
24 first is that now with the benefit of seeing  
25 multiple of these cases today from the applicant,

1 we're about to have another one right after. In  
2 that case, the Office of Planning conditioned its  
3 approval on the landscape plan. I see that you did  
4 not, and I just want to make sure, is that a  
5 purposeful decision from the Office of Planning?  
6 I'm not necessarily encouraging it in one way or the  
7 other, it's just the difference between the Office  
8 of Planning recommendation in this case versus the  
9 next case.

10 MS. BROWN-ROBERTS: Yeah. Generally, I --  
11 I think the applicant has provided -- it's on the  
12 plans -- shown on the plans. The plans are going to  
13 be part of the record when they go for permitting,  
14 so I -- I don't really see the necessity for having  
15 a condition for that. It's already taken care of.  
16 It's not, you know, having that condition is not  
17 mitigating anything, so I think that's fine.

18 VICE CHAIR GOLDSTEIN: Okay. Thank you.  
19 And one final question, and I think I know the  
20 answer to this. If you don't mind looking at the OP  
21 report at the chart that you provided on page 3, and  
22 let me know when you are able to navigate to that.  
23 This is the OP supplemental report. My apologies,  
24 I'm putting you on the spot to get to it.

25 MS. BROWN-ROBERTS: I'm trying to get to it

1 but I can't --

2 VICE CHAIR GOLDSTEIN: Right when you need  
3 it.

4 MS. BROWN-ROBERTS: Yeah.

5 VICE CHAIR GOLDSTEIN: I don't mean to drag  
6 along the suspense. On page 3 of the report in the  
7 chart, there's a reference to a variance being  
8 requested for side yard relief. And I just want to  
9 make sure that that's probably an inadvertent  
10 reference --

11 MS. BROWN-ROBERTS: Yes.

12 VICE CHAIR GOLDSTEIN: -- and it's not  
13 actually something being requested.

14 MS. BROWN-ROBERTS: Yes.

15 VICE CHAIR GOLDSTEIN: Okay.

16 MS. BROWN-ROBERTS: You're correct. That's  
17 that -- yes, that's just -- there.

18 VICE CHAIR GOLDSTEIN: Thank you very much.  
19 Terrific testimony. I really appreciate it.

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

21 BZA CHAIR POURCIAU: Thank you, Ms. Brown-  
22 Roberts, for your presentation. Let's see if there  
23 are any other questions from any other board  
24 members. Ms. Lindsjo, do you have any questions  
25 for OP?

1 MEMBER LINDSJO: Not at this time, thank  
2 you.

3 BZA CHAIR POURCIAU: All right. Mr. Hood,  
4 do you have any questions?

5 ZC CHAIR HOOD: Yeah, I do. And I don't  
6 know how much -- is germane to what I know we do on  
7 the Commission, Ms. Brown-Roberts, did you -- well,  
8 let me ask you two questions. Does Office of -- I'm  
9 trying to remember -- does Office of Planning go  
10 out, and talk to the community or did the applicant  
11 just do it in this case? You all going to do -- you  
12 all going to go out to the community talking about  
13 this case? Okay. I'm tying all this stuff up with  
14 the COP Plan, so I'm -- I'm getting confused. Okay.  
15 The relocation, did you have a chance to look at  
16 the applicant's relocation -- tenants' relocation?

17 MS. BROWN-ROBERTS: Yes, I did look at it,  
18 yes.

19 ZC CHAIR HOOD: And - you all think it's  
20 sufficient for the -- well, I'm going to talk about  
21 just this case for now, but you all think it's  
22 sufficient for this case and you all have analyzed  
23 it and agree with what has been proposed?

24 MS. BROWN-ROBERTS: I wouldn't say that we  
25 analyzed it. We looked at what was being

1 recommended and were satisfied with what they were  
2 proposing. Yeah.

3 ZC CHAIR HOOD: Okay. All right. Thank  
4 you, Ms. Brown-Roberts. Madam Chair, when we get  
5 back to before -- I guess closing, I do want to  
6 expand a little bit with Mr. Williams on the tenant  
7 relocation. I'll leave it at that. Thank you.  
8 Thank you, Ms. Brown-Roberts.

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

10 BZA CHAIR POURCIAU: Thank you. Ms. Brown-  
11 Roberts, did you include -- did you have the DDOT  
12 report when you did your report, where -- did they  
13 reference the issue of the curb cut with -- was that  
14 incorporated in your report as well?

15 MS. BROWN-ROBERTS: Yes, I did mention it  
16 in my report.

17 BZA CHAIR POURCIAU: Okay. All right. And  
18 so are they -- the curb cut is currently greater and  
19 the request is to shorten it; is that your  
20 understanding --

21 MS. BROWN-ROBERTS: Yes.

22 BZA CHAIR POURCIAU: -- but that wouldn't  
23 be necessarily a condition of this application?

24 MS. BROWN-ROBERTS: That's correct.

25 BZA CHAIR POURCIAU: Okay. It's okay.

1 That's it, I just wanted clarification on that.

2 Thank you. I don't think we have any more questions  
3 for you.

4 MS. BROWN-ROBERTS: Okay.

5 BZA CHAIR POURCIAU: But if you could stay  
6 on just in case if anything comes up later in the  
7 discussion.

8 MS. BROWN-ROBERTS: Will do.

9 BZA CHAIR POURCIAU: Do we have any other  
10 government agencies?

11 ZC CHAIR HOOD: Madam Chair -- Madam Chair,  
12 if I can just -- we also want to make sure that the  
13 applicant doesn't have any questions of Office of  
14 Planning as well.

15 BZA CHAIR POURCIAU: Oh, okay. Thank you.  
16 Is there -- I didn't hear, do you have any  
17 questions?

18 MR. MEDVENE: No questions, thank you,  
19 Madam Chair.

20 BZA CHAIR POURCIAU: Okay. Thank you so  
21 much. All right. Let's move on to any other  
22 district agencies. Are there any district agencies  
23 that are here to present?

24 It doesn't -- there doesn't seem to be  
25 anyone. All right. Let's see if there -- the ANC

1 is here, I don't believe they are here, or any ANC  
2 witnesses? Doesn't seem to be any. All right. So  
3 are there any parties in support of the application  
4 that would like to speak now? So I see on my list  
5 that there are public witnesses in opposition and  
6 declared. Are they on the site now and prepared to  
7 give their presentations?

8 MR. YOUNG: Yes, I'll bring them all up  
9 now.

10 BZA CHAIR POURCIAU: Thank you, Mr. Young.

11 MR. YOUNG: If you have the list of names,  
12 you can call whoever you'd like first and ask them  
13 to start.

14 BZA CHAIR POURCIAU: All right. The first  
15 person to speak is Ms. Cassandra Phillips. Ms.  
16 Phillips, would you please introduce yourself and  
17 provide your testimony?

18 MS. PHILLIPS: Yes. My name is Cassandra  
19 Phillips and I reside at 1342 Eastern Avenue,  
20 Apartment 305. I have been a dedicated member of  
21 this community and living in this rent-controlled  
22 apartment over 40 years now. And not just staying  
23 is to have a company come in, buy the property, put  
24 a bag on our doors with a letter introducing  
25 themselves and inviting us to a town hall meeting

1 where we were told that we had three months to  
2 vacate the premises for renovation. And if we  
3 wanted to come back, we had to reapply and qualify.

4 That was very insensitive. All while coming into a  
5 government shutdown where I was promised leniency  
6 but couldn't get in touch with anyone during that  
7 time.

8 What are our rights in this situation?  
9 Because now they're saying they offered us \$10,000.

10 There's nothing comparable to what I'm paying now  
11 in the D.C. area. I haven't found anything  
12 comparable to this, and I work in D.C. So how --  
13 and then how is it good for the neighborhood when  
14 companies are allowed to come in with these kind of  
15 tactics and strip us of our affordable housing and  
16 some or more -- or more decent neighborhoods just to  
17 line their pockets. I just don't understand how  
18 they can come in -- and they're lying about  
19 relocation planning. Where am I going? I haven't  
20 had any -- anybody talk to me about relocation.  
21 They -- on their letter it said that they had a  
22 company called Equally who will work with us. We  
23 have to pay application fees, and then we'll --  
24 they'll have a list of properties where we can apply  
25 for. I haven't gotten one list of properties. I

1 haven't talked to anybody since then, and that was  
2 September, October.

3           So I just want to know my rights. I mean,  
4 you want to renovate the building, you don't want us  
5 to come back because you want to put these  
6 astronomical prices on these buildings so you can  
7 make money and forget about the tenants. So I don't  
8 know who GCA or AMC talked to, but I'm not in  
9 agreement with it because I've been over here for 40  
10 years. And to have somebody come in and tell me I  
11 got three months to leave out of here, I just don't  
12 understand that. Where are my rights?

13           BZA CHAIR POURCIAU: Thank you, Ms.  
14 Phillips.

15           MS. PHILLIPS: Where are my rights?

16           BZA CHAIR POURCIAU: Thank you, Ms.  
17 Phillips. I -- I'm sorry --

18           MS. PHILLIPS: I just hope that the Board -  
19 - really consider the tenants that make up this  
20 neighborhood before making a decision to allow this  
21 to go forward.

22           BZA CHAIR POURCIAU: So I'd like to open it  
23 up for the Board to ask you questions if they have  
24 any questions. Is that okay?

25           MS. PHILLIPS: Sure.

1           BZA CHAIR POURCIAU: All right. We'd like  
2 to -- I'd like to start with --

3           ZC CHAIR HOOD: Madam Chair, I -- I --

4           BZA CHAIR POURCIAU: Yeah?

5           ZC CHAIR HOOD: I know we've been going to  
6 Vice Chair Goldstein, but I'm going to go first this  
7 time because --

8           BZA CHAIR POURCIAU: Okay. Thank you.

9           ZC CHAIR HOOD: Because when I go down for  
10 confirmation hearings and when I go down in front of  
11 the Council, and you'll see too when you start going  
12 with me, one of the things that comes up a lot in  
13 this city is displacement. I'm very disturbed, Mr.  
14 Medvene, of what I'm hearing from Ms. Phillips.  
15 Don't think -- this is not a made-up story. I  
16 don't, you know, believe that Ms. Phillips would get  
17 on here with her concerns -- I know she lives in one  
18 of the units. I don't think she would get on here  
19 with those concerns and just give us a falsehood.

20           So that's why I want to know more about the  
21 relocation, because this is not my first rodeo.  
22 People come down and they talk about these elaborate  
23 relocation plans, and number one, they don't know  
24 where the residents are when it's time for them to  
25 come back. They -- so I've been to relocations

1 quite a bit in this city. One of the issues that  
2 I'm having is it sounds like we're getting ready to  
3 set up for another displacement. And I realize that  
4 the BZA has certain statutes and certain  
5 limitations, but I represent the Zoning Commission  
6 and we don't. So I have to also wear that hat, a  
7 certain degree.

8 But I will tell you this, that before I  
9 move forward, Madam Chair and Board members, that  
10 relocation -- unless I'm missing something, because  
11 this is very disturbing, that's why I was asking,  
12 unless I'm missing something, we need to fine-tune  
13 that and find out ways that the people who live  
14 there through this time are able to return to the  
15 good times. Unless, Mr. Medvene, that's not the  
16 intent. And I want to know how are you going to be  
17 able to help those that want to return to qualify?  
18 That's what it's all about.

19 So I'm going to give you an opportunity, I  
20 know I might put some dispersions out there, but I'm  
21 going by the testimony that I've heard. This ain't  
22 the first time I've heard that kind of testimony,  
23 and I will tell you, for me, that's a non-starter.  
24 So I don't know if you want to respond to me or  
25 you're going to prove to me later that maybe you

1 need to work some more with Ms. Phillips and the  
2 other members as well to be able to return. You  
3 tell -- walk me through it. How is that going to  
4 look? What are you all doing to make sure we don't  
5 just put a bag with a letter on Ms. Phillips' door,  
6 tell her to move out in three months, and you got to  
7 qualify to come back? Explain to me how we're  
8 working all that out.

9 MR. MEDVENE: Great. Sorry, I just wanted  
10 to make sure to let you finish. So, to start, I  
11 cannot begin to stress the inaccuracies of a lot of  
12 the statements. I prefer not to get into  
13 questioning the integrity, I'll stick to the facts.

14 So, first and foremost, it is now nine  
15 months or eight months since the first town hall was  
16 held and the tenants were informed of the new  
17 acquisition out of bankruptcy. We also informed  
18 them of the process that we were planning on working  
19 through -- the three months that she's referring to  
20 is incorrect. It's 120 days, which is four months.

21 And we informed all of them, as I said, about eight  
22 months ago, telling them what the intent was.

23 The standard URA relocation process is 120  
24 days, which is four months. Again, we are eight  
25 months in, and there are still a few tenants

1 remaining. They're not kicked out, so the notion  
2 that -- them that they have three months and then  
3 they're on the street, is clearly not a factual  
4 statement, validated by the fact that we are eight  
5 months and counting in, they're still in their  
6 homes, we are still -- a majority of them -- a lot  
7 of the federal tenants are not paying their rent.

8 I'm not saying that Ms. Phillips is one of  
9 those, but regardless, the buildings are still being  
10 kept up, which is not an easy task given the  
11 condition that they are in. So first and foremost,  
12 I'm going to clear the air on the fact that -- or  
13 the notion that -- that people were given three  
14 months and then out on the street.

15 The process that was followed was upon  
16 purchasing the building, as Zach had noted, these  
17 buildings are barely staying standing. Two of them  
18 are already condemned, fortunately, those are  
19 already vacant, but all of the buildings are --  
20 dilapidated is an understatement. And there is no  
21 possible way to bring these buildings back up to  
22 proper code and living standards with them being  
23 occupied. As such, we -- that is the main reason  
24 why the District worked with us prior to purchasing  
25 the property.

1           There were extensive conversations with  
2 multiple government agencies, DOB, OAG, et cetera,  
3 there are VCAs, which is a Voluntary Compliance  
4 Agreement, that is tied to all of these properties  
5 that the District signed with us, that basically  
6 suspended all but life safety violations on the  
7 buildings, because they acknowledge that these  
8 buildings are not sustainable to be brought up to a  
9 livable and code-compliant condition with the  
10 occupants in it. They are -- literally falling  
11 apart is not an understatement. That is not  
12 stressed enough, the condition these buildings are  
13 in.

14           So as such, going into this endeavor, all  
15 of the parties involved, the government included,  
16 which is evidenced by the VCA and government  
17 contract, everything that is documented and  
18 reported, that was all out there. Through  
19 relocation services, the moment we bought the  
20 building out of bankruptcy, we engaged Equally  
21 Crafted Management, ECM, which Ms. Phillips  
22 referenced. They, along with the property  
23 management company, hosted town hall to get all the  
24 remaining tenants. There were 36 tenants across the  
25 five buildings that remained when we purchased the

1 building. They met with them, outlined all of the  
2 plans, what's going to happen, along with all the  
3 relocation resources and efforts that -- that  
4 equally crafted management via our contract with  
5 them are being provided.

6 A lot of those resources is finding new  
7 locations, it is assisting them to apply to new  
8 platforms or programs. We have -- as it stands now,  
9 we have 22 of the 36 have been successfully  
10 relocated. This endeavor has included taking them -  
11 - literally DCM literally driving tenants to  
12 different apartments and -- and properties to look  
13 at, make sure it's something they want, it's  
14 included getting them signed up and applied and into  
15 the IT program, it is getting them into voucher,  
16 Section 8, ERAP, et cetera, to provide them the  
17 resources so that they can qualify to find a new  
18 home, which in turn would also allow them in that --  
19 vis-à-vis that program to return when they want to -  
20 - if they want to apply in the back end.

21 The remaining -- if I'm not mistaken, there  
22 are 14 remaining tenants in the building. Of the  
23 14, there are only eight that have not signed these  
24 relocation agreements, and it is boiled down to  
25 requesting -- and it's not -- some of them, not

1 necessarily Ms. Phillips, but some of them just  
2 straight up demanding more money, saying that after  
3 everything that they have lived through for the last  
4 X many years of mismanagement, dilapidated housing,  
5 et cetera, they feel that they deserve a higher  
6 payout than the monies that we have offered.

7 As we have conveyed on numerous occasions,  
8 we can't speak to what happened before we got here.

9 All we can do is provide the resources that we have  
10 paid a significant sum of money to put towards  
11 assisting them, but unfortunately, as everyone here  
12 knows, you can throw as many resources at someone as  
13 you want, but unless they are willing to take them  
14 up on it, it's not going to matter. Again, we get  
15 reports on a weekly basis from our vendors that have  
16 stated -- and Ms. Phillips is on that list of people  
17 they have knocked on the door, and they have stated  
18 -- and I can pull up the report now, stating that  
19 she wants to buy out of \$60,000 or she will not  
20 leave.

21 MS. PHILLIPS: That's a lie.

22 MR. MEDVENE: Is a statement --

23 ZC CHAIR HOOD: Ms. Phillips, this is what  
24 I'm going to do --

25 (Simultaneous speaking.)

1 MS. PHILLIPS: That's a lie.

2 MR. MEDVENE: No.

3 ZC CHAIR HOOD: Well, Ms. Phillips, Ms.  
4 Phillips, I'm asking the questions right now. Mr.  
5 Medvene, hold tight, hold tight. You've given me  
6 enough information.

7 Madam Chair, I'm not going to take over  
8 this meeting, but I'm going to kind of guide the way  
9 I need to do it to get things done.

10 Mr. Medvene, I wanted to kind of know,  
11 because I did not see, typically, I know on the  
12 Commission, and I think the BZA too, I stand to be  
13 corrected, I always like to see outline. If it's in  
14 here, Mr. Williams, if you can tell me where I need  
15 to look because I like to see them. What I do want  
16 to ask Mr. Medvene is, if you could -- because  
17 people's perception becomes their reality.

18 Now, I'm not taking a side, I just want to  
19 make sure, because this -- at least the Commission  
20 and the Board, gets accused of displacement all the  
21 time. So I'm going to do my necessary due diligence  
22 to make sure I've exhausted -- make sure everything  
23 under the law, you mentioned OAG and DOB and all  
24 those who are involved, which I think is clear, but  
25 I want to make sure that the due diligence has been

1 done, to work with the -- and, Ms. Phillips, I don't  
2 -- I'm going to ask you, please do not respond right  
3 now because I need to try to figure this out.

4 But I'm going to ask you, Mr. Medvene, if  
5 -- if there's something in the record, Mr. Williams,  
6 that you can point me to that shows the relocation  
7 plan, I know the BZA doesn't get too much into it,  
8 but with displacement and under the Council's  
9 regulations, we actually should, and we have to. So  
10 we want -- I want to make sure that people are not  
11 being displaced, I want to know what the plan is.  
12 And I will tell you, Madam Chair, I will not be  
13 moving forward with this, I'm not taking a side  
14 until I'm -- I'm seeing what the plan is.

15 I know you have some people that are  
16 successful, and I do know people hold out for other  
17 reasons. But everybody don't hold out for other  
18 reasons. They might have to hold out because they  
19 might not be able to qualify, which puts them up  
20 under -- and I'm not talking about Ms. Phillips  
21 either, but puts them up under the case of being  
22 displaced. And that's a big thing that this city is  
23 talking about, making sure residents are not  
24 displaced.

25 So I need some assurances. Then they say

1 always go to the zoning, but that's part of what --  
2 what this Board and what the Commission is -- stands  
3 for, so if you can help me get through that Mr.  
4 Medvene, I'd really, really appreciate it.

5 Madam Chair, I will not be moving forward.

6 I will not be voting in favor of this anytime  
7 today. So I'll leave it at that. And thank you,  
8 Mr. Medvene and Ms. Phillips, for explaining. I  
9 know I got off, we were dealing with Ms. Phillips,  
10 but I needed to hear that because of what I heard.  
11 So that's all I have. I'll give it back to you,  
12 Madam Chair. Thank you.

13 BZA CHAIR POURCIAU: Thank you. Ms.  
14 Phillips and -- Ms. Phillips and Mr. Medvene, can  
15 you reference what part of the application that's  
16 in, please?

17 MR. WILLIAMS: Madam Chair may I respond  
18 briefly to Commissioner Hood? Because he brought up  
19 a couple of points that I think I can hopefully help  
20 him with. First of all --

21 BZA CHAIR POURCIAU: Mr. Williams? Mr.  
22 Williams?

23 MR. WILLIAMS: Yes?

24 BZA CHAIR POURCIAU: Could you first answer  
25 the question about where we can find that

1 information in the application package, if it's in  
2 there?

3 MR. WILLIAMS: The relocation plan?

4 BZA CHAIR POURCIAU: Yes. Which exhibit is  
5 that in?

6 MR. WILLIAMS: That's not part of the BZA  
7 application.

8 BZA CHAIR POURCIAU: Okay. Thank you.  
9 Okay. Go ahead.

10 ZC CHAIR HOOD: And I agree it may not be,  
11 but you remember, Mr. Williams, I sit on the Zoning  
12 Commission, and it's always part. And for me to  
13 participate in this, and when you talk about  
14 displacement, I would like to see a copy of it. And  
15 you can do it, and you all can send it. You can do  
16 that.

17 MR. WILLIAMS: Commissioner Hood, we did  
18 provide it to Office of Planning, Office of Planning  
19 asked us for that information early in this process,  
20 and we did provide that to them. It wasn't filed  
21 since it's not part of the zoning application, but  
22 it was something that Office of Planning engaged  
23 with us on. I will also say it's referenced in the  
24 Deanwood Citizens Association CBA. This was the  
25 most discussed topic with the Deanwood Citizens

1 Association.

2 ZC CHAIR HOOD: Mr. Williams, let me cut  
3 you off. Mr. Williams, because you're saying what  
4 I'm asking for is not referenced, not pertaining to  
5 zoning, and then you're not -- not going to get a  
6 disagreement because at the end of the day I have to  
7 be comfortable with how I vote. Also, the CBA is  
8 not a part, so we got one part already, I also want  
9 the other part.

10 I want the other part. I want the -- I  
11 want the relocation package. I mean, what you can  
12 give me within legal bounds, I want that. I want to  
13 be able to read the process. That's what I want.  
14 Just like the CBA is in there, I want that to be in  
15 there. And I have -- so thank you, Mr. Williams.

16 Thank you, Madam Chair. I don't think I  
17 need any more discussion on that, Mr. Williams. And  
18 we can -- and anything else you have, we can talk  
19 about it later, but I mean, we can talk about it  
20 another time, but I want to keep things moving for  
21 the rest of the board members. I want to be  
22 considerate of them. But we can't talk about the  
23 CBA, and you got that in there, which shouldn't be  
24 in there, and won't -- won't submit the relocation  
25 ER process.

1           MR. MEDVENE:  If I could also interject one  
2 other element to point out that I didn't get to in  
3 my whole explanation and everything.  There is an  
4 affordability covenant on all these properties.  
5 It's recorded with the deed, that is 60% AMI.  So  
6 the notion that we are -- we are looking to come in  
7 here and pad our pockets and make this a new  
8 building that excludes existing residents and makes  
9 it market with exorbitant -- that is factually --  
10 also factually incorrect, as these properties are  
11 all going to be affordable under the existing LURA  
12 covenant that is -- that is place on all the  
13 properties.  So any rent that is going to be charged  
14 is going to be limited to 60% AMI.

15           And furthermore, the displacement concern  
16 is a valid one.  And as Zach had mentioned, that's  
17 why I brought up the fact that we have -- through  
18 ECM, we have done it -- our vendor has specifically  
19 assisted and facilitated several of them that do not  
20 qualify for a lot of other places, whether it be for  
21 income-based reasons, age eligibility reasons, et  
22 cetera, and that is why they've gotten it into the  
23 ERAP voucher or, IZ program.  They filled out it,  
24 those program applications with them, gotten them  
25 into it, and gotten them into those buildings.

1           There's also a number of seniors that lived  
2 in the buildings that did not want to move to a  
3 regular apartment. So they got a number of them  
4 into the, I want to call this Delta something, but  
5 there is a senior-specific assisted living facility  
6 that they have moved into.

7           So there is -- eight months into this,  
8 there is no forcible displacement, and we will  
9 provide -- as I can get with Zach, we can see what's  
10 the most expeditious and efficient manner to get you  
11 the plan. But the plan outlines everything that we  
12 just -- I just discussed, which is essentially that  
13 we are providing them the resources vis-à-vis ECM to  
14 apply to any programs needed at their disposal, show  
15 them all these -- any available apartments, as well  
16 as providing them the physical relocation, the  
17 moving services, all of that is part of the package  
18 that is given to them and has been executed on for  
19 now over, whatever it says the number is two dozen  
20 of these tenants that were in the building at the  
21 time.

22           ZC CHAIR HOOD: Mr. Medvene, thank you,  
23 because everything you just said is what I'm looking  
24 for. That's it. It's not hard. It's not rocket  
25 science. I didn't have to get a doctoral degree to

1 get what you just told me you have. I just need to  
2 see it in writing. So thank you, Mr. Medvene,  
3 thank you, Mr. Williams. Back to you, Madam Chair.

4 Thank you.

5 BZA CHAIR POURCIAU: Thank you. I'd like  
6 to call on Mr. Goldstein now to see if he has any  
7 questions for the applicant?

8 VICE CHAIR GOLDSTEIN: Thank you. I don't  
9 have any additional questions.

10 BZA CHAIR POURCIAU: Okay. Thank you.

11 VICE CHAIR GOLDSTEIN: Oh, I'm sorry. The  
12 applicant or the individual?

13 BZA CHAIR POURCIAU: Oh, I'm sorry.

14 ZC CHAIR HOOD: All right.

15 BZA CHAIR POURCIAU: I'm sorry. Thank you  
16 so much, Mr. Goldstein. For Ms. Phillips, do you  
17 have any questions for Ms. Phillips?

18 VICE CHAIR GOLDSTEIN: I don't have any  
19 questions for Ms. Phillips. Thank you.

20 BZA CHAIR POURCIAU: Thank you. Ms.  
21 Lindsjo, do you have any questions for Ms. Phillips?

22 MEMBER LINDSJO: I do not, thank you.

23 BZA CHAIR POURCIAU: Okay. Let me add to  
24 the discussion that I'm so glad Mr. Hood is with us  
25 today because he has a breadth of experience in this

1 area. I -- I raised earlier that I was concerned  
2 about a potential perception of this being included  
3 in our report, and -- and it gives me pause because  
4 it's not something that we have and that we have  
5 been able to do anything with. And so I appreciate  
6 Mr. Hood's comments and I -- I hope Ms. Phillips,  
7 that that gives you sense of what we're trying to do  
8 in this regard.

9 MS. PHILLIPS: Yes, it does. Thank you.

10 BZA CHAIR POURCIAU: You're welcome. There  
11 -- I think with that, I'll move on to the next  
12 person signed up on the list. Again, thank you so  
13 much, Ms. Phillips, for coming in today and sharing  
14 your concerns. The next person on the opposition  
15 list is Maryan Ali, would you like to speak now, and  
16 you have three minutes to give your presentation.

17 ZC CHAIR HOOD: Madam Chair --

18 BZA CHAIR POURCIAU: Yes?

19 ZC CHAIR HOOD: -- before we move on, can  
20 we make sure we afford Mr. Williams the opportunity  
21 to do cross on the witness, which is Ms. Phillips?  
22 If he -- if he has questions of Ms. Phillips,  
23 that's -- that's the process where, you know, you  
24 can do cross-examination.

25 BZA CHAIR POURCIAU: Okay. I'm sorry. So

1 let's back up and proceed with that. Mr. Williams,  
2 did you have anything?

3 MR. WILLIAMS: I do not have anything.

4 BZA CHAIR POURCIAU: Okay. Thank you.  
5 Thank you, Mr. Hood. So again, Ms. Ali?

6 MS. ALII: Good afternoon. My name is  
7 Maryan Ali. I reside at 1542 Eastern Avenue  
8 Northeast -- 303 Washington, D.C. 20019. I also  
9 work in D.C. The new owner of my building is the  
10 Scope Group of the United States. This development  
11 that they are pursuing is having a significant  
12 negative impact on us as a long-term tenant in the  
13 District of Columbia. Property management informed  
14 us that once the development is complete, we will be  
15 required to apply as a new tenant rather than being  
16 allowed to continue as a tenant. We're not provided  
17 with sufficient notice or adequate time to secure  
18 alternative housing. Additionally, we are not  
19 offered any relocation assistance or buyout package  
20 that will help offset the cost and challenge  
21 associated with finding a new -- This situation has  
22 created substantial uncertainty and hardship for my  
23 household.

24 I was wondering, in this situation, what my  
25 rights are. What rights do I have as a tenant? Are

1 we able to get more time under this circumstance?  
2 Are we able to get better buy out so we can go  
3 before a court?

4 I can also add that the representatives of  
5 this company spoke about that none of the tenants  
6 accepted the offer unless, you know, they -- they're  
7 still having a hard time. Those who are not paying  
8 the rent, they are still struggling finding a place  
9 to go. We were told if you do not accept what we  
10 offer you, we will evict you. So at this point,  
11 Mrs. Phillips and I are waiting for that eviction.  
12 That's where we at. So I -- from my place, please  
13 state again that what are our rights in this  
14 situation? I lived here since 2015.

15 BZA CHAIR POURCIAU: Thank you, Ms. Ali.  
16 Thank you so much. I'd like to ask the board  
17 members if they have questions or a discussion that  
18 they would like to offer Ms. Ali. Mr. Hood, can I  
19 call on you first again, please?

20 ZC CHAIR HOOD: Well, I heard Ms. Ali. I  
21 don't necessarily have any question. Ms. Phillips  
22 kind of represented what Ms. Ali has said, but I do  
23 want Mr. Williams and Mr. Medvene to be able to just  
24 provide me -- and you see, that's important because  
25 the Commission and the BZA, we get accused all the

1 time of displacement. And not doing our due  
2 diligence. So I want to make sure we do our due  
3 diligence, I want to make sure that they are  
4 protected because again, their perception. People's  
5 perception becomes the reality. And I will tell  
6 you, a lot of times -- and I'm not taking sides but  
7 a lot of times there's a lot of truth to what's  
8 being said. And I don't want to get into what Mr.  
9 Medvene -- I heard what Mr. Medvene represented, and  
10 that's typically what we look at on the Commission.

11 And again, we want to make sure that people are not  
12 -- it's a big push about not displacing people in  
13 this city, and that's one of the things that I have  
14 been -- it's been brought to my attention. And as  
15 the newer members today, as you're around a while,  
16 you'll see that's a big deal in the city. I know  
17 Mr. Goldstein knows about it, and you and others,  
18 Madam Chair, know about this, but that's a big push  
19 about justification in putting people out of the  
20 city, and I don't want to be a part of that.

21 BZA CHAIR POURCIAU: Thank you. Mr.  
22 Goldstein, did you have any questions or discussion  
23 with Ms. Ali?

24 VICE CHAIR GOLDSTEIN: I don't have any  
25 further questions. Thank you very much, Ms. Ali for

1 your testimony today.

2 BZA CHAIR POURCIAU: Ms. Lindsjo?

3 MEMBER LINDSJO: Thank you for your  
4 testimony. No questions at this time.

5 BZA CHAIR POURCIAU: Thank you. Ms. Ali, I  
6 think what we're trying to do here is see what the  
7 process has been outlined. I don't feel that we're  
8 the people who could speak on your rights in this  
9 hearing, but what we are looking at deliberating  
10 about is we've heard the presentation of what has  
11 been done and some of the items that here seem  
12 notable, I would say, and so we might want to see a  
13 little more to feel more comfortable that due  
14 diligence process is being followed. And if there  
15 can be anything else done. Is there anything else I  
16 can help you with, Ms. Ali, at this point?

17 MS. ALI: That's all at this point.

18 BZA CHAIR POURCIAU: Mr. Williams, did you  
19 want to respond to the testimony?

20 MR. WILLIAMS: Not to Ms. Ali, no. Thank  
21 you, Madam Chair.

22 BZA CHAIR POURCIAU: Okay. Thank you. So  
23 thank you again, Ms. Ali. We will move on to the  
24 next public witness, which is Javier Mul.

25 MR. MUL: Hi, yes, it's Mul.

1           BZA CHAIR POURCIAU: Mul, I'm sorry. Thank  
2 you.

3           MR. MUL: No worries. Good afternoon and  
4 thank you everyone for this opportunity to provide  
5 the community, you know, their testimony and my  
6 public testimony. My name is Javier Mul. I am a  
7 property owner across from the Eastern Ave.  
8 development, as I can actually see from my window  
9 the development across from my property at 1121  
10 Eastern Ave. The, you know, as we have here, I  
11 think the major concerns are the tenant displacement  
12 that the previous witnesses have testified, and  
13 that's something that is really very, very  
14 emotional, especially if one has lived in that house  
15 or space for a long time. I definitely concur with  
16 Commissioner -- Commissioner Hood who has -- who  
17 would like to see a written plan, so.

18           Also, I want to say that because of the  
19 lack of communication from Eastern Avenue Holdings  
20 in terms of site maintenance control measures, I  
21 would like to oppose the granting of this special  
22 relief due to site construction. You know, the  
23 developer has not brought forth a, you know,  
24 comprehensive plan on, you know, securing the site,  
25 you know, as far as maintenance or, you know, during

1 construction. And also, you know, it will cause,  
2 you know, public general, you know, prevention of  
3 the roads. For example, the Eastern Ave corridor  
4 is a very, very high traffic you know, corridor.  
5 You know, besides we have, you know, accidents,  
6 even, you know, tragically deaths by, you know, cars  
7 that speed up and down Eastern Ave. And so to this  
8 day, the developer has not brought forth a you know,  
9 a plan to like mitigate you know, traffic or  
10 disruption to traffic, you know, especially in the  
11 you know, in the afternoons when there's a lot of  
12 vehicle traffic at Eastern Sheriff Road Division,  
13 so.

14 And also, to this day, you know, there has  
15 been no official notification that the -- this site  
16 will be, you know, developed. I think I understand  
17 that the developer reached out to other property  
18 owners that is abutting the site, but to this day I  
19 have not officially gotten any postal mail from the  
20 developer, so --

21 BZA CHAIR POURCIAU: Mr. Mul we may --

22 MR. MUL: I'm sorry?

23 ZC CHAIR HOOD: We have some technical  
24 issues. We'll be back Mr. Mul. Give her a minute,  
25 please.

1 MR. MUL: Okay.

2 VICE CHAIR GOLDSTEIN: I think my sense is  
3 she may have been getting to the point of asking you  
4 to conclude your testimony if possible just since we  
5 have exhausted the time.

6 MR. MUL: Okay. No worries. And also the  
7 other matter is the environmental impact. So  
8 there's a lot of trees that -- long-standing trees  
9 up and down the eastern corridor. we're fearful that  
10 the developer will, you know, just simply cut the  
11 trees on the public sidewalks -- on the sidewalks  
12 there. And so because of that, I'm opposed to this  
13 development. Thank you.

14 BZA CHAIR POURCIAU: I think my internet  
15 was in and out, so I missed a little bit. And I saw  
16 that Mr. Goldstein was speaking. Did you wrap up  
17 now, can we go to questions, are there more  
18 questions from the Board for this presenter?

19 VICE CHAIR GOLDSTEIN: I'm sorry, I don't  
20 have any additional questions. Thank you very much  
21 for your testimony today.

22 BZA CHAIR POURCIAU: Okay, thanks.

23 ZC CHAIR HOOD: Madam Chair -- I'm sorry.

24 BZA CHAIR POURCIAU: I was going to ask Ms.  
25 Lindsjo if she had any questions.

1           MEMBER LINDSJO: I do not. Thank you for  
2 your testimony.

3           BZA CHAIR POURCIAU: Thank you. Mr. Hood?

4           ZC CHAIR HOOD: I don't have any additional  
5 questions, but Ms. Mul, I want to thank you for your  
6 testimony and coming down to present your views, but  
7 that even clarifies even more -- confirmation even  
8 more why I need -- we want to see that relocation,  
9 so thank you.

10          BZA CHAIR POURCIAU: Thank you, Mr. Mul.  
11 It was very comprehensive and we appreciate you  
12 spending the time. I'd like to move on to the next  
13 public witness. That's an opposition, Dan Del  
14 Pielago.

15          ZC CHAIR HOOD: Madam Chair, you always  
16 want to make sure you give the applicant a chance.

17          BZA CHAIR POURCIAU: Oh, yeah. Thank you.

18          ZC CHAIR HOOD: They will call this out.  
19 Yeah.

20          BZA CHAIR POURCIAU: I'm so sorry. If we  
21 can back up to Mr. Mul. Mr. Williams, did you want  
22 to respond to the presenter?

23          MR. WILLIAM: Just a couple of points.  
24 First, and I don't necessarily want to cross-  
25 examine, but just a couple of points for Mr. Mul.

1 First, I want to make sure that he has seen or is  
2 aware of the Community Benefit Agreement signed with  
3 the Deanwood Citizens Association because it  
4 addresses, I think all of the points that he brought  
5 up. And so that's something very important because  
6 it's been executed by the civic association as well  
7 as the developer. That's number one. Number two, I  
8 believe Mr. Mul was at least one Deanwood Citizens  
9 Association meeting. So I think he would know --  
10 hopefully knows who to reach out to there to get  
11 further information about that agreement and the  
12 efforts that went into it, which were significant.  
13 So that -- that is it. The only other question  
14 about notice I was going to ask is whether Mr. Mul  
15 resides in DC or on the Maryland side, because that  
16 would probably impact whether notice went out as  
17 well. But that doesn't necessarily matter, it was  
18 just a thought that occurred to me while I heard his  
19 testimony.

20 BZA CHAIR POURCIAU: Thank you. And thank  
21 you again, Mr. Hood, for the reminder. So we'll  
22 move on to Mr. Pielago. Is that how you pronounce  
23 your name, please?

24 ZC CHAIR HOOD: I'm sure I hate to keep  
25 interrupting, but I think Mr. Williams asked Mr. Mul

1 a question that has not gotten answered, so --

2 BZA CHAIR POURCIAU: Yeah, if he has the --  
3 that's correct.

4 MR. MUL: Sorry, what was the question?

5 BZA CHAIR POURCIAU: If you have a copy of  
6 the Tenant Relocation Agreement, the -- what's the -  
7 -

8 MR. MUL: No, I don't.

9 MR. WILLIAMS: The community benefit --

10 BZA CHAIR POURCIAU: Yeah.

11 MR. MUL: Nope.

12 MR. WILLIAMS: Yeah.

13 MR. MUL: And I think the other question  
14 was about the official notification?

15 MR. WILLIAMS: Yes.

16 MR. MUL: No, I've not received that.

17 MR. MEDVENE: He asked because he noticed  
18 you made a comment earlier on that you can look at  
19 the building across the street. Across the street  
20 technically is Maryland.

21 MR. MUL: Yes, Maryland. We are  
22 technically Maryland, but --

23 MR. MEDVENE: You would not have received a  
24 notice because all the notices formally go out to DC  
25 residents. That's just for clarification purposes.

1 That's why he was asking the question. So all --  
2 we have certified mail receipts and records of all  
3 notifications going out to all DC residents,  
4 unfortunately, in this instance given the proximity,  
5 that does not apply to Maryland residents.

6 ZC CHAIR HOOD: And that's correct. We've  
7 been through that before. I shouldn't say this, but  
8 Maryland don't give us notice, so we don't give them  
9 notice. But anyway, stay engaged, Mr. Medvene, I'll  
10 turn it off. I'm sorry, Madam Chair, I don't want  
11 to take over.

12 BZA CHAIR POURCIAU: Thank you, Mr. Hood.  
13 Your experience is invaluable here. Mr. Mul, I  
14 think your comments are right on point, and as you  
15 can hear, we are working on the same thing you are  
16 with getting that agreement and seeing where we go  
17 with next steps. Thank you again for presenting  
18 today. Mr. Pielago, I want to --

19 MR. PIELAGO: Hello?

20 ZC CHAIR HOOD: Looks like you're on the  
21 line. Make sure you step out, yeah?

22 VICE CHAIR GOLDSTEIN: Yeah. Sure. Why  
23 don't we -- Mr. Pielago, please begin presenting  
24 your testimony. Please be mindful if you can of the  
25 three-minute time limit, we'd really appreciate it.

1 Thank you.

2 MR. PIELAGO: I will. Thank you. Good  
3 afternoon. My name is Daniel Del Pielago and I work  
4 with Empower DC. We recently began supporting the  
5 tenants who are mostly seniors and low to moderate  
6 income district residents at these Eastern Ave.  
7 properties being redeveloped by the Eastern Ave.  
8 Holdings III LLC.

9 At a recent meeting of the Deanwood  
10 Citizens Association, Matthew Medvene, the new owner  
11 of these properties, shared that he was undertaking  
12 these properties to help improve these languishing  
13 properties. However, a direct result of these  
14 planned redevelopments has resulted in, will  
15 continue to result in displacement of long-term  
16 district residents. As we understand, even the  
17 tenants who have accepted the buyout that Eastern  
18 Avenue Holdings offered are having difficulty  
19 finding a new place to relocate, so they have not  
20 received the negotiated buyout in hand as of yet.

21 Another big concern is the confusion this  
22 process has created for the remaining tenants. We  
23 understand from tenants that they have been told  
24 they have to relocate by March -- they would have to  
25 relocate by March 17th. It appears that tenants

1 received the combined notice of relocation  
2 eligibility for URA, relocation assistance, and the  
3 120-day notice to vacate on different dates, and  
4 some did not receive them at all.

5 Furthermore, the rent administrator  
6 confirmed that it has no record of a 501 petition,  
7 which must be filed with them in the Office of the  
8 Tenant Advocate in these types of redevelopment  
9 projects, and issued void orders of the combined  
10 notice to vacate dated, November 17th, 2025. We can  
11 submit these void orders if you'd like to see them,  
12 if you would just let us know how.

13 We do not support the approval of this and  
14 other projects related with the Eastern Avenue  
15 Holdings LLC. These projects will have an adverse  
16 impact on the community. It purports to want to  
17 help and improve. Thank you.

18 BZA CHAIR POURCIAU: Mr. Goldstein, my --  
19 is going in and out. Could you please guide us  
20 through the remainder of this, I think it'll be --  
21 and I'll be able to hear. Thank you.

22 VICE CHAIR GOLDSTEIN: Do any -- I'll  
23 start. Thank you. I don't have any additional  
24 questions. It sounds very much as it's in the same  
25 -- in your -- same tone as other things we've been

1 hearing. I want to ask if any other board members  
2 have questions or feedback for -- related to this  
3 testimony.

4 MEMBER LINDSJO: I --

5 VICE CHAIR GOLDSTEIN: Yep, sorry, go  
6 ahead.

7 MEMBER LINDSJO: No, I do not at this time.  
8 Thank you for your testimony.

9 ZC CHAIR HOOD: Thank you, Mr. Vice Chair.  
10 Let me just ask Mr. Pielago, and I can't remember,  
11 I think you might have said this, did you attend  
12 some of those ANC meetings and the Deanwood Civil  
13 Association meeting?

14 MR. PIELAGO: I have.

15 ZC CHAIR HOOD: Okay. And, so -- okay,  
16 that's all I need to know. Thank you. Thank you,  
17 Vice Chair.

18 VICE CHAIR GOLDSTEIN: Mr. Williams, do you  
19 have any questions for the individual testifying  
20 now.

21 MR. WILLIAMS: I don't have any questions  
22 but we will have a response and we can either do it  
23 now or at the end of this.

24 VICE CHAIR GOLDSTEIN: Okay. Thank you.  
25 Unfortunately, I can't see it in front of me, Madam

1 Chair --

2 MR. MEDVENE: I do actually have one  
3 question, if it's all right. Mr. Pielago, did you  
4 have any knowledge of ECM reaching out to Empower DC  
5 on numerous occasions, both via calls and emails  
6 attempting to contact?

7 MR. PIELAGO: I did receive a call, I  
8 cannot recall the person's name. I was actually  
9 away when those calls came through. I did respond.  
10 I was unable to reach that person, I, also, tried  
11 several times to reach them. When I was able to  
12 finally connect with them, they said that they were  
13 just looking for somebody to help with relocation,  
14 and I said that's not what my organization does, and  
15 that's where the conversation ended.

16 MR. MEDVENE: Okay.

17 VICE CHAIR GOLDSTEIN: Thank you.

18 Unfortunately --

19 BZA CHAIR POURCIAU: Can you hear me now?

20 VICE CHAIR GOLDSTEIN: I can hear you.

21 Unfortunately, I can't see who's next in line. If  
22 you are able to take back.

23 BZA CHAIR POURCIAU: Jahnavi Jagannath,  
24 next in line. Could you hear that?

25 MS. JAGANNATH: Yes. Hi. Thank you both

1 for your time. My name is Jahnavi Jagannath, and  
2 I'm an Empower DC staff attorney and a DC resident.

3 I'm here to support the current tenants of Eastern  
4 Avenue and draw the nexus between the tenant  
5 relocation issue and the zoning case.

6 So, as you all know, Section 901.2 states  
7 that the BZA can grant a special exception when the  
8 relief is in harmony with the general purpose and  
9 intent of the zoning regs. And 901.3 puts the  
10 burden to prove the adverse impact on the applicant.

11 I would argue that the burden of proof is higher  
12 than just showing a plan for relocation, so I know  
13 that's come up. We would request that you all  
14 acknowledge a higher burden of proof than just  
15 showing a plan. And while the applicant has  
16 referenced the subsection in their submitted papers,  
17 they do incompletely state the purpose and intent of  
18 the zoning regs. So Subtitle 101.2D states that the  
19 regs in this title and the MAP are designed with  
20 consideration of the requirement that zoning shall  
21 not be inconsistent with the Comprehensive Plan for  
22 the national capital. And the Comp Plan states that  
23 every effort should be made to avoid long-term  
24 displacement of existing residents; if the project  
25 is reconstructed, build affordable units first to

1 minimize displacement and maximize return of  
2 residents to the community; ensure every effort  
3 possible is made to avoid permanent displacement of  
4 residents; and recognize vulnerability of conversion  
5 to market-rate housing to include at a minimum an  
6 equivalent number of affordable units, additional  
7 market-rate units, and measures to avoid  
8 displacement of onsite residents.

9           And as a reminder, zoning shall not be  
10 inconsistent with the Comp Plan, and BZA has a  
11 responsibility to promote harmony with the Comp  
12 Plan. Section 901.4 does allow the BZA to impose  
13 requirements to ensure compliance with the intent of  
14 the zoning regs.

15           And while these requirements that we are  
16 about to recommend might not be the most common  
17 place, they are all aligned with the CBA that the  
18 applicant has already entered into. And we call on  
19 BZA to use its authority laid out in Section 901.4  
20 to encourage the application's harmony with the  
21 general purpose and intent of the zoning regs.

22           So, the requirements that we are  
23 recommending are: number one, give remaining tenants  
24 an additional 120 days to find alternative housing;  
25 number two, on completion of the renovations, give

1 original tenants who want to return first right to  
2 apply for new units in the building with no  
3 application fee and a guarantee that their  
4 application be accepted; number three, make these  
5 units available to these tenants at a rental rate  
6 consistent with the original rent as of June 2026,  
7 subject to proportional increase in rent for  
8 increased square footage; and number four, provide  
9 relocation assistance out and back into the building  
10 for the remaining tenants.

11 Before conditional approval, BZA must  
12 compel the property owners to also come into  
13 compliance with DC law. The owner of the property  
14 did not submit a petition to the rent administrator,  
15 they were in violation of 42-3505 and failed to meet  
16 requirements on providing valid notice to vacate,  
17 having a business license, proper registration.

18 So lastly, if Eastern Avenue Holdings does  
19 come into compliance with DC law and BZA  
20 subsequently chooses to consider this application,  
21 we recommend that approval be made conditional upon  
22 these four requirements, consistent with Section  
23 901.2, to prevent ongoing displacement of low-income  
24 DC residents, and denial unless these substantial  
25 requirements are met. Thank you for your time.

1           BZA CHAIR POURCIAU: Thank you so much.  
2 Can you hear me now? My -- ok, hello, can you hear  
3 me? You hear me now?

4           VICE CHAIR GOLDSTEIN: I can hear you. I  
5 can hear you.

6           BZA CHAIR POURCIAU: Okay. Good. Sorry.  
7 So thank you so much for your summary. It was  
8 great. It was clear, concise with specific  
9 questions. Board members, do you have any questions  
10 for Ms. Jagannath, is that how you pronounce it?  
11 Thank you.

12           VICE CHAIR GOLDSTEIN: No, I don't have any  
13 questions, and I believe your testimony has been put  
14 into the record; is that correct?

15           MS. JAGANNATH: It has. And apologies for  
16 only uploading it today.

17           VICE CHAIR GOLDSTEIN: Okay. We appreciate  
18 your testimony and your submission. Thank you very  
19 much.

20           BZA CHAIR POURCIAU: Mr. Hood?

21           ZC CHAIR HOOD: Thank you, Ms. Jagannath.  
22 I appreciate your testimony. And yes, the bar is  
23 higher than just a plan. I agree with you. But if  
24 I don't have a plan, I don't even know what the  
25 process is. So that's why I'm starting there, and

1 then we can go from there. And you're right, the  
2 bar is higher than that comprehensive plan. I get  
3 it. So thank you for your testimony.

4 BZA CHAIR POURCIAU: Ms. Lindsjo?

5 MS. LINDJSO: Thank you for your testimony.  
6 I don't have any questions. Thank you.

7 BZA CHAIR POURCIAU: Thank you. I think  
8 with that I'll go to the applicant, Mr. Williams or  
9 Mr. Medvene. Did you have any cross-examination  
10 for this witness?

11 MR. WILLIAMS: Nothing from me, Madam  
12 Chair.

13 BZA CHAIR POURCIAU: Thank you. All right.  
14 I -- that -- it's the list of witnesses. Are there  
15 -- is there anyone else that has been added? Any  
16 organization? No? Okay. So, this is the part.  
17 So, having heard all of the witnesses, I'd like to  
18 ask the applicant if there's any rebuttal or closing  
19 remarks that you would like to present.

20 MR. WILLIAMS: Yes, Madam Chair. I have a  
21 few notes that I've written down. First, I just  
22 want it to be known for the record, and I think the  
23 record probably already states that these  
24 applications were delayed about three months due to  
25 the ECAs lacking a quorum. That was unfortunate for

1 the developer. However, it gave us three additional  
2 months to work with the Deanwood Citizens  
3 Association and the ANC. I think Commissioner Hood  
4 mentioned that he knows Commissioner Holmes, who is  
5 our ANC SMD Commissioner. He's also a leader at  
6 Deanwood Citizens Association. He is a very strong  
7 community advocate. He did not let us off the hook  
8 easily. It took all of those last three months to  
9 make sure that the ANC, the Executive Committee, and  
10 the Deanwood Citizens Association were comfortable  
11 supporting these cases.

12 Deanwood Citizens Association is one of the  
13 strongest civic groups I have ever worked with in  
14 DC, and kudos to them because it is a tireless,  
15 difficult job and volunteer work to do what they do.

16 They did their due diligence, and if you know the  
17 folks there, you know what I'm talking about when I  
18 say that these folks are amazing community servants.

19 They went and did their due diligence on these  
20 questions that have come up today. All of them.  
21 And that is why you see them even though I know the  
22 CBA is not part of the BZA's order, it is in the  
23 record. It is evidence of these discussions  
24 happening and is evidence that the Deanwood Citizens  
25 Association considered these matters and felt them

1 resolved to the extent that they were willing to  
2 support these projects.

3           So, I would say that if anyone speaks for  
4 the community here, it is that civic association and  
5 the ANC. And we are proud to get that support. We  
6 worked very, very hard to get it. We went to  
7 countless meetings at night and in the evenings. I  
8 mean, I don't know how many, Mr. Medvene, it was,  
9 but it was at least 10 to 15 meetings that we went  
10 to in order to make sure these folks felt  
11 comfortable supporting these cases.

12           And so, now what we need is we need to be  
13 able to move forward because, Mister -- these  
14 buildings are falling apart, and they are life  
15 safety problems at this point. So that is --  
16 there's a concern about timing here. I understand  
17 Commissioner Hood wants some additional information,  
18 and that is completely reasonable. Our concern is  
19 having already been delayed three months, we want to  
20 make sure we can -- we can get that to you  
21 immediately. What we don't want to have happen is  
22 lose another couple of months where there's  
23 continued to be a life safety issue with these  
24 buildings, and we can't get moved -- moving with  
25 getting these buildings repaired, dealing with this

1 -- the public safety issues that revolve around  
2 buildings that are in disrepair, which was another  
3 huge concern of the community. These are things  
4 that we have to deal with as soon as we can. And  
5 so, we're hopeful that if we can get that  
6 information satisfactory to Commissioner Hood and  
7 the members of BZA, that we can move this forward to  
8 get a decision to move forward with these projects  
9 so that there isn't an additional delay built into  
10 the process. Thank you.

11 BZA CHAIR POURCIAU: Thank you, Mr.  
12 Williams. I came off camera hoping I'd have  
13 bandwidth at this point. I believe that we've heard  
14 everything for the public record at this time.  
15 Having said that, I think I'd like to close the  
16 public record, thank the witnesses who showed and  
17 the applicant, and move forward into deliberation  
18 about -- and discussion about this case. And if  
19 after deliberation we're ready to vote, we'll motion  
20 to do so, but Madam Secretary, can you advise how  
21 would we --

22 ZC CHAIR HOOD: Before we go to the  
23 Secretary, Madam Chair, I am not ready to vote on  
24 this case. I've asked for some information, and I  
25 heard Mr. Williams. I know -- I don't know if it

1 meets the schedule. I don't know if others agree  
2 with me, I may be by myself. And if we vote today,  
3 I will be voting against this for the mere fact of  
4 what we need to go -- what I think we need to avail  
5 ourselves to, at least having the complete record  
6 and complete information.

7 But I hear Mr. Williams, I heard Mr.  
8 Medvene and others, and also heard from the -- those  
9 in opposition. But I think for us to do our due  
10 diligence, that we would need -- I'd like to see the  
11 redevelopment, the return of what's been proposed in  
12 the process, and then I would -- because to me  
13 that's a start.

14 And yes, Mr. Williams, I do know Mr.  
15 Holmes, and I'm sure -- I know he's done his due  
16 diligence. I have been knowing him for some years,  
17 but I also have to do -- at least from my  
18 standpoint, I have to do my due diligence. And  
19 that's not checking behind them, but that's just  
20 showing that I have a comfort level of what we're  
21 going to do as a participating member today on the  
22 Board of Zone Adjustment.

23 So I know that Mr. Williams and them were  
24 trying to get this done, and I'm sorry it took three  
25 months, but things do happen. People have other

1 things they want to do in life, and again, even  
2 board members, this is more or less a volunteer job  
3 to a certain degree, but I think that the -- and  
4 that's what the office is trying to do, trying to  
5 catch up, especially on the BZA cases, and to help,  
6 Mr. Williams, I don't have -- if they're able to  
7 submit it and if it works out with Ms. Mehlert's  
8 timing, I don't have a problem coming back next week  
9 to vote in a special meeting unless my colleagues  
10 disagree and it does not work on the time.

11 If you all want to move forward with it  
12 today without getting the relocation, process, then  
13 I will be voting against it for that very reason.  
14 So anyway, I'll turn back to you, Madam Chair, but  
15 that's -- as far as deliberation, I'm not ready to  
16 deliberate. I don't know what others feel, but I  
17 just think that right now it's incomplete.

18 BZA CHAIR POURCIAU: So, I don't know if  
19 I'm using incorrect terminology, it seems like there  
20 is a -- we need to discuss this a little more.  
21 Maybe there's a continuation of the hearing. Is  
22 that the appropriate next step since there's  
23 additional information we could use, and so is it  
24 not deliberation now, but it's actually asking for a  
25 continuance, assuming that the other board members

1 are aligned with that?

2 VICE CHAIR GOLDSTEIN: I certainly -- I  
3 don't believe that we're ready to vote on it now. I  
4 think the question in my mind is whether we close  
5 the record subject to asking for certain materials,  
6 certain evidence that has been referenced today, as  
7 opposed to a -- I don't know, a continuing hearing.

8 Perhaps Ms. Mehlert can help us sort of navigate  
9 those options, and we can decide what is most  
10 appropriate in this case.

11 MS. MEHLERT: If the Board still wants  
12 additional information from the applicant, you'll  
13 also want to give an opportunity to the ANC to  
14 respond as a party. They get seven days to respond  
15 to that material. And typically, it's recommended  
16 to just -- to keep the record open, have a continued  
17 hearing if there's additional information so that  
18 you have the ability to ask questions at the next  
19 hearing about the information. Or sorry, did I keep  
20 you from talking?

21 VICE CHAIR GOLDSTEIN: For scheduling  
22 purposes, if we went down that path, what kind of  
23 schedule could we be looking at as far as how soon  
24 we could have a hearing?

25 MS. MEHLERT: Well, if the applicant can

1 submit, you know, it sounds like they're able to  
2 submit their request for information pretty quickly,  
3 say by tomorrow or Friday, I don't know which one  
4 would work best, but then we could give the ANC  
5 until a week to respond, and then if possible, the  
6 soonest to come back would be on June 17th. I don't  
7 know if that's too tight of a timeline.

8 VICE CHAIR GOLDSTEIN: Well, we can  
9 certainly ask the applicant if that timeline works  
10 for them. Madam Chair, did you -- do you have a  
11 sense of kind of where you'd like it to go, and then  
12 I will also say that I'd like to talk a little bit  
13 more about what we want them to submit before we  
14 conclude.

15 BZA CHAIR POURCIAU: Okay. Can we hear  
16 from you, Mr. Williams, or someone from the  
17 applicant about the time you'd like to submit the  
18 requested information?

19 MR. WILLIAMS: Yes, yes, Madam Chair, and I  
20 will just note we also have two more Eastern Ave.  
21 cases next Wednesday. And these are all obviously  
22 going to be, I think, similarly considered. We also  
23 have another one right after this one. And so, I  
24 think the -- I'm just trying to think in terms of  
25 logistics about this, because my suspicion, I expect

1 that the same information is going to be relevant to  
2 those cases as well next week.

3 I mean, we could submit today if we needed  
4 to. I mean, we can get everything to the record as  
5 soon as possible. I'm not sure to what extent the  
6 ANC is still to have, and the ANC has already  
7 submitted a letter of support on record. So, I  
8 don't know -- I don't recall, but I feel like we've  
9 done this before where we've closed the record,  
10 perhaps we've closed the record except with the --  
11 with one item that's requested. But maybe I'm  
12 misremembering that we didn't have to keep the  
13 public hearing open if it was just to -- for the  
14 receipt of one missing document. I know in the past  
15 we've like done revised plans that we had to submit  
16 by a decisional meeting or something like that. I  
17 know this is a little different from that.

18 MS. MEHLERT: It's up to the Board to waive  
19 any of the provisions in Subtitle I. So, if you  
20 would like to waive the response period, things like  
21 that, that's at the Board's purview.

22 ZC CHAIR HOOD: So what I would suggest,  
23 Madam Chair, is we get the information asked for  
24 unless my colleagues ask for more things. I know  
25 the Vice Chair mentioned he wanted to talk some more

1 about it, but I know what I need right now is the  
2 relocation process. And also, we can have the  
3 relocation process, that's what I want. Then, we  
4 can also leave the record open for the ANC response.

5 And Mr. Williams, I think we always do that out of  
6 what we should do, not just close it once you send  
7 it in, even though I know that Commissioner Holmes  
8 and them have probably went over this 100 times.  
9 But we have to again do our due diligence and let  
10 him -- give him an opportunity to respond. And once  
11 they respond, then I will probably pretty much be  
12 ready to deliberate.

13 Now, whether stays an open hearing or not,  
14 we can decide at that time for the simple reason  
15 that I think the submission should suffice, and if  
16 not, then we can always go back and say we want to  
17 have a limited scope hearing. There are a number of  
18 ways to finagle it, we don't want to spend three  
19 hours talking about how to move forward. Then we  
20 could have used that for our other cases. But  
21 anyway, and then Ms. Mehlert will give us the  
22 schedule of that. That's the way I see it, but I'm  
23 only one vote, so I guess we'll hear from others.  
24 I'll turn it back to you, Madam Chair. Thank you.

25 BZA CHAIR POURCIAU: Okay. I like that --

1 and it seems that Mr. Williams could get documents  
2 quickly. So at this point, it looks like the  
3 schedule Ms. Mehlert sent may be doable, but I want  
4 to go back to Mr. Goldstein to hear what additional  
5 items he is interested in, as well.

6 VICE CHAIR GOLDSTEIN: Sure. Thank you.  
7 And this feels like a lifetime ago, but I remember  
8 the HVAC discussion. And I continue to wonder  
9 whether the applicant can take another look at it  
10 and look at the site plan and see if there's a newer  
11 solution in your mind that may thread the needle  
12 between not adversely affecting any neighboring  
13 property, yet providing additional comfort with --  
14 for future tenants and to help alleviate our concern  
15 about that. So I would like to ask the applicant to  
16 go back, take another look, if it has to be this,  
17 then you can explain that it has to be this again.  
18 But I would prefer that maybe there's another option  
19 to consider. Thank you.

20 MR. WILLIAMS: Mr. Goldstein, we will do  
21 that and I think we've already got a solution. So,  
22 we'll include that in the submission.

23 VICE CHAIR GOLDSTEIN: Thank you.

24 BZA CHAIR POURCIAU: Thank you. So, Ms.  
25 Mehlert, with that, I believe we're looking to

1 continue this hearing with a request for additional  
2 information and to hopefully be able to schedule the  
3 next hearing on June 17th. Can you guide us through  
4 this process, please?

5 MS. MEHLERT: Yes, so to clarify, would you  
6 -- does the Board prefer Commissioner Hood's  
7 comments to close the record except for the  
8 requested filings and response from ANC's decision,  
9 or would you like to keep the hearing and record  
10 open and schedule for a continued hearing?

11 BZA CHAIR POURCIAU: I would like to keep  
12 the record open. Are there others who would like to  
13 weigh in on that?

14 VICE CHAIR GOLDSTEIN: -- My view is that it  
15 should really be a limited scope hearing and that  
16 it's not rehash, but really focus on these issues  
17 for determination. That would be my view of it. I  
18 do want to make sure one of our board members I  
19 think may not be there on June 17th, and I just want  
20 to make sure that that -- and Commissioner Hood, I  
21 don't know what your availability is that day, so I  
22 want to make sure that scheduling-wise this makes  
23 sense.

24 ZC CHAIR HOOD: Yeah, I would be able to  
25 fit whatever time. I just -- I always try to avoid

1 three or four zoning commissioners being on one  
2 case. That's the way we always have done it. But  
3 whatever this case comes back, I'll be back with it.

4 So thank you for your consideration, Vice Chair.  
5 Appreciate it.

6 BZA CHAIR POURCIAU: I think there's a  
7 concern about Ms. Lindsjo, as well.

8 MEMBER LINDSJO: Yes, I will be not  
9 available on the 17th.

10 ZC CHAIR HOOD: Okay, okay.

11 VICE CHAIR GOLDSTEIN: Yeah, so in that  
12 case, I guess we have two options. We can proceed,  
13 or we can see if there's a different date that might  
14 be more agreeable.

15 ZC CHAIR HOOD: But here's the situation.  
16 Ms. Lindsjo, I know you want to be here, but if it  
17 gets to a point that you have to do a -- and I know  
18 you may have some other obligations that may last a  
19 little while, but if it gets to a point, you may be  
20 able to do a absentee ballot. Would you be amenable  
21 to doing that, or do you want to be here for the  
22 discussion?

23 MEMBER LINDSJO: Yeah, that's fine. I can  
24 do that.

25 ZC CHAIR HOOD: Okay. So that'll solve

1 that problem. So whatever day we come up with --  
2 and that's for all of us, if I won't be out, I will  
3 do absentee ballot. I should be able to do one, but  
4 I'll be here.

5 BZA CHAIR POURCIAU: Okay. Ms. Mehlert,  
6 you -- so what's the next thing I do here?

7 MS. MEHLERT: So, just to go back in terms  
8 of the requested information, so I'll do a quick  
9 timeline. So from the applicant to by, we could say  
10 tomorrow if that works for the applicant's  
11 information about the relocation plan and the HVAC  
12 location. And then, we would give the ANC until  
13 Thursday, June 11th for any response. And then this  
14 would go on the schedule for continued hearing on  
15 June 17th. I will note, if a board member isn't  
16 able to participate in the continued hearing and  
17 there is a decision that day, then they wouldn't be  
18 able to submit an absentee for that decision if it  
19 is a continued hearing just because of the decision  
20 meeting.

21 ZC CHAIR HOOD: Yeah, I thought we was  
22 doing a -- Madam Chair, I don't -- I thought -- so  
23 you all are doing a continued hearing. You're  
24 right, the absentee vote wouldn't matter. But  
25 typically, something when we're asking for

1 additional information to move things along, we  
2 would ask for the -- what the information required.

3 We would -- and if we needed one, then we could go  
4 back and say we'll have a limited scope hearing.  
5 It's done that way as opposed to -- but either way,  
6 you know, it doesn't matter. I just -- I know we're  
7 relatively new, so I will -- however you all want to  
8 do it, I will work around it.

9 BZA CHAIR POURCIAU: So -- all right. We -  
10 - it looks like that --

11 VICE CHAIR GOLDSTEIN: Looks like we may  
12 have lost her temporarily. I think she was going to  
13 say -- oh, oh, there you go. I'm sorry.

14 BZA CHAIR POURCIAU: I think I'm back. No,  
15 I'm sorry. My internet is crazy. What I was -- it  
16 looks like we might be able to get everybody on the  
17 24th. Is that -- and it would just be better to  
18 continue it until the 24th. That the documents  
19 continue to be submit tomorrow, you know, as soon as  
20 possible. You know, the two days that I've been  
21 doing this, there's been long stretches in between  
22 things and submission is kind of late. So, let's  
23 get those documents in and then let's get the  
24 continuous scheduled for the 24th.

25 MR. WILLIAMS: Madam Chair, I'm not

1 available on the 24th unfortunately.

2 BZA CHAIR POURCIAU: Okay. All right. All  
3 right, Ms. Mehlert, what do we do now?

4 MS. MEHLERT: It's up to you. If Board  
5 Member Lindsjo feels strongly about participating,  
6 then you can push it to -- well, I don't think she's  
7 actually available on July first, either. Correct,  
8 yeah. So, you could do a decision on the 17th, and  
9 if you feel that there isn't enough information or  
10 you have questions, as Chairman Hood said, you could  
11 just schedule for a future day for a limited scope  
12 hearing when all the board members can participate  
13 in that, but it's up to you.

14 BZA CHAIR POURCIAU: You had stated that on  
15 the 17th, to clarify, Miss -- that a absentee vote  
16 could not be done. Can you clarify the meaning of  
17 that one?

18 MS. MEHLERT: So, if you had a continued  
19 hearing on the 17th, then a board member who wasn't  
20 present for that hearing would not be able to submit  
21 an absentee ballot. However, if -- for a decision  
22 based on what's in the record and testimony that's  
23 occurred, and the record is otherwise closed, the  
24 board member could submit an absentee ballot with  
25 their vote. It's up to you.

1           VICE CHAIR GOLDSTEIN: Oh, if it's all  
2 right, I think it would make sense just to do a  
3 decision on the 17th. And we've asked for specific  
4 pieces of information, it would allow the absentee  
5 vote, as well. And it's a little bit incumbent on  
6 the applicant to provide us with the information  
7 that we're looking for, and if for some reason it  
8 doesn't seem like it's been fulfilled, we would then  
9 have a limited scope hearing as Chairman Hood -- I'm  
10 sorry, Commissioner Hood had suggested. That would  
11 be my suggestion to keep this moving. And hopefully  
12 the filings will be sufficient for us to come to a  
13 final resolution.

14           BZA CHAIR POURCIAU: Let's see, thank you.  
15 Thank -- I'm in and out again.

16           MR. MEDVENE: Question, if I might ask the  
17 Board, out of procedurally, if we have two more  
18 cases next week, and as Mr. Williams noted in his  
19 earlier comments, there's going to be similar  
20 comments and questions regarding the plan as this  
21 has all been treated as one project, if we get this  
22 documentation in the next 24 hours -- should be less  
23 than that, is there any reason why we wouldn't be  
24 able to address everything next week when everyone's  
25 present, you'll have had the information for a week

1 roughly, and as Zach, also, noted, we have the ANC  
2 letters of support, so just out of procedural  
3 curiosity, because my concern is as I'm seeing,  
4 we're trying to shuffle up calendars and trying to  
5 juggle a lot of people and spinning plates as some  
6 might say, and it's hard to land everything all at  
7 once, and we can't afford to have this continue to  
8 slip. And next thing you know, and it's in July,  
9 and then if something comes up then, then everyone's  
10 recessed to August and so on and so forth. So, we  
11 can get the information within 24 hours. So I guess  
12 the question is, we just want to make sure that this  
13 doesn't become a slippery slope where it keeps  
14 slipping. So the hope would be that --

15 BZA CHAIR POURCIAU: Thank you. Thank you,  
16 Mr. Medvene. I think I'm making the flow even worse  
17 by having this inconsistent connection. But I agree  
18 with Mr. Goldstein's recommendation. It seems to be  
19 in keeping with getting the information next week,  
20 providing for the public notice process, and -- I  
21 mean getting the information within 24 hours,  
22 providing the public notice required, and then  
23 meeting the next -- which would be the 17th. And  
24 would also provide for the absentee vote since it  
25 would be based on a decision meeting. And so, we

1 would make a decision in that meeting on the  
2 information that has been presented. That seems  
3 like the best-case scenario. And so with that, Ms.  
4 Mehlert, can we proceed to -- can you speak to the  
5 record of how this process will work?

6 MS. MEHLERT: So, just to repeat, so the  
7 applicant submissions are due by tomorrow, June 4th.

8 Any response from the ANC is due June 11th. And  
9 then, the Board will return for a decision at its  
10 public meeting on June 17th. And then with that,  
11 you can close the record and the hearing except for  
12 the requested information.

13 BZA CHAIR POURCIAU: Thank you. So I would  
14 now like to close the record. I just -- I want to  
15 make sure the applicant doesn't have anything else  
16 they want to say before we do that because I've been  
17 going in and out, but I feel like this is a good way  
18 to proceed. So, hearing nothing here, we will --  
19 uh-huh. Yeah.

20 So, we'll proceed with closing the record  
21 and moving to hearing for this application. And  
22 that decision meeting will include information that  
23 will be submitted tomorrow with tenant relocation  
24 and HVAC placement details, and will also include  
25 providing ANC notification and hopefully getting

1 some responses from them in time, and then meeting  
2 again on June 17th to make the decision.

3 VICE CHAIR GOLDSTEIN: I think that's a  
4 good recitation of the timing. If we have  
5 concluded, I would like to request a short break, if  
6 possible, if there's nothing else to conclude the  
7 case.

8 BZA CHAIR POURCIAU: I would too. Is that  
9 -- do you have anything to conclude, Ms. Mehlert?

10 MS. MEHLERT: No, that's all. The  
11 witnesses can be excused.

12 BZA CHAIR POURCIAU: Okay. Thank you. So  
13 can we take about a 15-minute break, return at 3:45?

14 ZC CHAIR HOOD: Okay.

15 MS. MEHLERT: Madam Chair, I was going to  
16 suggest maybe going in and out also, like coming  
17 back to the Webex and seeing if that helps your  
18 connection.

19 BZA CHAIR POURCIAU: So maybe I should --  
20 yeah, log off and come back in. I appreciate that.

21 Okay. Thank you so much. I'll see you all at  
22 3:40.

23 (Whereupon, the above-entitled matter went  
24 off the record and resumed following a brief  
25 recess.)

1 MS. MEHLERT: Yes. So the Board is back  
2 from a quick break and returning to its hearing  
3 session. Next case is Application Number 21420,  
4 Eastern Avenue Holdings III, LLC. It's a self-  
5 certified application pursuant to Subtitle X,  
6 Section 901.2 for a special exception under Subtitle  
7 U, Section 421 to allow a new residential  
8 development. This project is the consolidation of  
9 two existing apartment houses, each in a three-story  
10 detached building with 29 units total, with a three-  
11 story addition to create 18 new units for 47 units  
12 total.

13 Located in the RA-1 zone at 1106 and 1112  
14 Eastern Avenue Northeast, Parc 5201, Lots 800 and  
15 801, there are preliminary matters. The applicant  
16 has filed a motion to waive filing deadline to  
17 submit revised architectural plans and Exhibits 2481  
18 and 2482.

19 Also similar to the previous case, there  
20 are two letters not yet in the record that were  
21 filed late, a letter of opposition from Jahnvi  
22 Jagannath and the Deanwood Citizens Association. So  
23 just let us know if staff should enter those into  
24 the record.

25 BZA CHAIR POURCIAU: Yes, please enter

1 those in. Mr. Williams, are you prepared to begin  
2 the -- your case for your application?

3 MR. WILLIAMS: Yes, Madam Chair, I'm ready.

4 BZA CHAIR POURCIAU: Okay. Please proceed.  
5 Thank you.

6 MR. WILLIAMS: And I will just note for the  
7 Board that unfortunately I have a very hard stop at  
8 4:00 p.m., but that should give me time to do the  
9 presentation and then the applicant, Mr. Medvene and  
10 Ms. Petyak, who you all know well now, will be able  
11 to be on to the extent that there are additional  
12 discussions. Mr. Young, can we pull up that  
13 presentation? Great, thank you.

14 For the record, my name is Zach Williams.  
15 I'm a land use attorney with Venable, representing  
16 the applicant in this case, 1106 to 1112 Eastern  
17 Avenue Northeast. Next slide, please.

18 This slide, which is the same slide we saw  
19 in the previous application, represents the eastern  
20 projects that we've discussed previously that have  
21 been collectively reviewed and will be collectively  
22 developed. 1106 to 1112 Eastern Ave Northeast is  
23 the largest of the four sites. It involves  
24 consolidation of two separate lots, both of which  
25 have two separate apartment houses on them now

1 today. Next slide, please.

2 Same slide we looked at previously for 1106  
3 to 1112, the case we're considering today, right  
4 now. These two lots have two apartment houses with  
5 a combined 29 units. As part of this application,  
6 we're seeking to add 18 units and combine into a  
7 single apartment house. Next slide, please.

8 Walking through, if we can continue to move  
9 forward, this is 1342 Eastern, next slide.

10 1218 Eastern, next slide again.

11 1206, one more, thank you, Mr. Young. And  
12 1106 to 1112, which is the focus of this case.

13 These slides show the existing conditions of these  
14 three-story apartment homes as they currently exist  
15 today. This is the front view from Eastern Avenue  
16 Northeast. Next slide, please.

17 And this is the rear view of those  
18 apartment houses. Next slide.

19 Again, just to reorient everyone, this is  
20 the RA-1 Zone. This -- these properties are the  
21 southernmost of the four Eastern Ave sites that  
22 we'll be discussing as part of these four projects.

23 Next slide, please.

24 This is a proposed project, which is to  
25 combine the two existing apartment houses into a

1 single house -- a single apartment house, I should  
2 say, and in so doing, renovate all of the interior  
3 of the existing units, adding units as well in the  
4 middle of the buildings in the new combined building  
5 across two consolidated lots. This slide shows  
6 something that we discussed in the last case, which  
7 is that this building also will have a solar array  
8 on the roof. Next slide, please.

9           So the project involved consolidation of  
10 two lots for a total land area of just under 29,000  
11 square feet. We'll be connecting two existing  
12 apartment houses, again with 29 units, adding 18  
13 units for a total of 47. That will include five IZ  
14 units. We'll be raising the roof by less than two  
15 feet. 15 parking spaces will be provided, which  
16 meets the zoning requirements and all the other work  
17 and construction proposed is permitted by Ray in the  
18 RA-1 zone. It does not require further zoning  
19 relief. Next slide, please.

20           Here's some elevations, renderings of these  
21 projects, what they may look like once they're  
22 completed, just to give you a sense of how the  
23 project will look as the two existing apartment  
24 houses are combined in the middle there. You can  
25 see the new part on the right-hand side that area in

1 the middle is the new building. That'll be  
2 combining the two existing buildings. Next slide,  
3 please.

4 The relief requested is to add additional  
5 units to existing apartment houses in the RA-1 zone.

6 All other work, as I mentioned, is by right  
7 permitted in the RA-1 zone without further relief.  
8 Next slide, please.

9 Walking through the special exception  
10 standards for special exception relief pursuant to  
11 Subtitle U 421, and Subtitle X, Section 901.2, the  
12 first general standard is that the relief must be in  
13 harmony with the general purpose and intent of the  
14 zoning regulations. Here, like with the other  
15 Eastern Avenue projects, this is -- property is  
16 zoned RA-1, which is a zone that's intended for this  
17 type of moderate to low density development,  
18 including these types of low-rise apartments. So  
19 the project is in harmony with -- with the -- the  
20 intent of the RA-1 zone. The project as I also  
21 mentioned will meet all the development standards of  
22 that RA-1 zone. Next slide, please.

23 The next general standard is that the  
24 relief should not adversely affect neighboring  
25 property. And typically, we look at light, air, and

1 privacy when considering this element. As I  
2 mentioned, height will only change by several feet.

3 The lots will be consolidated and the two buildings  
4 will be connected, so all of the new construction  
5 will be happening between these two existing  
6 properties rather than on the sides. The applicant  
7 again, will be renovating all of these units in  
8 these buildings and bringing these buildings up to  
9 current standards, and improving the living  
10 conditions, the public safety, other issues that  
11 have unfortunately become an issue in this area.  
12 Many of the properties surrounding the site are also  
13 improved with apartment and multifamily buildings  
14 just like these, and these properties in particular  
15 are located about a half mile from the Deanwood  
16 Metro Station. So still walkable, still appropriate  
17 to have this type of density and low-rise  
18 residential apartment living in this area. Next  
19 slide, please.

20 The applicant has received both community  
21 and Office of Planning support for the project. As  
22 we discussed in the last case, we met with the ANC-  
23 7C as well as the Deanwood Citizens Association on  
24 multiple occasions and received support from both.  
25 Evidence of that support is in the record. With

1 respect to the Deanwood Citizens Association, there  
2 is a community benefits agreement that was entered  
3 into. And while that's obviously not part of the  
4 BZA's decision, it is in the record, the evidence of  
5 those discussions and meetings between the civic  
6 association and the applicant team.

7 Finally, the Office of Planning recommends  
8 approval of the application. Thank you very much  
9 for your consideration.

10 BZA CHAIR POURCIAU: Thank you, Mr.  
11 Williams. I'd like to open it up for questions from  
12 the board members. And first I'd like to ask, do  
13 you -- do we feel that the -- -- are there new  
14 questions in addition to the types of questions we  
15 asked in the previous case? So could we start with  
16 that, Mr. Goldstein, if there are questions that  
17 would be layered on top of the ones we asked in the  
18 last case. I think maybe what I should do is kind  
19 of summarize what those were. They were around  
20 tenant relocation and HVAC placement. And maybe  
21 I'll just ask this question to start out with is,  
22 should -- as a -- should we assume that it's a --  
23 okay for us to assume that tenant relocation and  
24 HVAC issues may have similar concerns in this  
25 application? Mr. Williams, I think that's for you.

1           MR. WILLIAMS: I'm not sure about the HVAC  
2 concerns, but the tenant relocation I assume is  
3 going to be the same issues that we discussed  
4 previously.

5           BZA CHAIR POURCIAU: Okay. All right. Mr.  
6 Goldstein you want to start with any additional  
7 questions?

8           VICE CHAIR GOLDSTEIN: Thank you. I -- I  
9 don't think -- I -- I think you summarized some of  
10 the things I was going to ask, and I'm going to ask  
11 the Office of Planning about the HVAC as well, if  
12 they made a determination that it was not worth  
13 conditioning in their report. It appears they did  
14 not, so maybe there aren't the same concerns in this  
15 particular application. They did raise the question  
16 of the condition of landscaping and trash placement,  
17 which I asked the Office of Planning in the previous  
18 case, and they declined to say that it needed a  
19 condition. In this case, the Office of Planning has  
20 recommended support subject to conditioning it on  
21 the landscaping, site plan, storage -- trash storage  
22 location and the like. I'd like the applicant to  
23 address how they view the condition that's being  
24 recommended by the Office of Planning.

25           MR. WILLIAMS: So, I actually agree with

1 what Office of Planning said in the last case, which  
2 is that the plans are -- the Board's decision is  
3 subject to the plans anyway. And that is a typical  
4 condition of the Board's approval, and the landscape  
5 plan is part of the plan submitted by the applicant.

6 So in my view, that's already a condition of the  
7 Board's approval, so there's no issue with it in my  
8 eye.

9 VICE CHAIR GOLDSTEIN: Okay. Well, thank  
10 you. I'm -- I'm going to also ask the Office of  
11 Planning to address that. I don't -- oh, there is  
12 one additional item that perhaps we should have led  
13 off with, thinking about it now. There's a question  
14 of notice. And this is related to my understanding  
15 that notice was sent -- notice gets determined the  
16 least by distance from a particular lot. And my  
17 understanding is that notice was based on one of the  
18 two lots in this development. I can't recall which  
19 of the two it was, and that there's a potential that  
20 the radius did not extend quite as far since both  
21 lots were not used to determine the distance for  
22 notice requirements. First, Mr. Williams, I'd like  
23 to ask if you were aware of this issue, and if not,  
24 you know, what -- whether you are or aren't, you  
25 know, could you describe how notice was given and

1 what the level of notice is in the community?

2 MR. WILLIAMS: Yes, I can. And that would  
3 surprise me if that was the case because the notice  
4 is typically determined by the radius map that we  
5 received from OTR. And so, I'm looking in the  
6 record right now and --

7 VICE CHAIR GOLDSTEIN: I believe Exhibit 6  
8 might be the best one to review for this issue.

9 MR. WILLIAMS: Okay. I see that. So we  
10 can take a look at this. And I have to study -- I  
11 have to see what actual notice went out because  
12 Exhibit 6 is not going to necessarily reflect the  
13 actual notices.

14 VICE CHAIR GOLDSTEIN: Okay.

15 MR. WILLIAMS: What happens is we send a  
16 list of mailing labels to the Office of Planning  
17 after we -- Office of Zoning actually, after we file  
18 the application, and that's the notice list that  
19 goes out.

20 VICE CHAIR GOLDSTEIN: Okay. So, I think  
21 one outcome is that you'll take a look at it and  
22 maybe that's information or a request that we're  
23 going to return to as part of this hearing. Would  
24 you mind just talking to notice more generally and  
25 community awareness and neighbor awareness of notice

1 of this project?

2 MR. WILLIAMS: I will speak to that and  
3 unfortunately, I'm going to jump off right after  
4 this. I have a very hard stop related to childcare.

5 So, as we discussed in the prior case, we've met  
6 with ANC-7C on multiple occasions, as well as the  
7 Deanwood Citizens Association. Our SMD, Mr. Holmes  
8 -- Commissioner Holmes -- Antoine Holmes is someone  
9 we've been in contact with since we filed the  
10 application last fall, and he has scheduled multiple  
11 meetings with his executive committee as well as his  
12 community and ANC. So we've had many community  
13 meetings and engagement opportunities as well as the  
14 public notice that has been posted on the site and  
15 reflecting in the affidavits that we have filed to  
16 the record.

17 MR. MEDVENE: Furthermore, it's worth  
18 noting that we also had teams that went out and  
19 polled and surveyed local residents and knocked --  
20 door knocked on buildings, we also have ACM, the  
21 vendor that we've referenced, they have canvassed as  
22 well. As far as we know, this project has been very  
23 broadcast -- very much broadcasted out there. We've  
24 only heard of one incident to date, which actually  
25 we just heard, again, for the second time in the

1 last hearing, which is Mr. Mulay (phonetic) who we  
2 found out was because he's not a DC resident.

3 Everyone else is very acutely aware of this  
4 project and there has been an incredible amount of  
5 community engagement, some more productive than  
6 others, but community engagement nonetheless as  
7 we've worked towards making sure that everyone is  
8 kept apprised of the situation and what the end  
9 goals are.

10 VICE CHAIR GOLDSTEIN: And in that light  
11 also, the close -- the closely proximate neighbors  
12 you would suspect have received notice of this  
13 project?

14 MR. MEDVENE: We have certified mail  
15 receipts for everyone within the 200-foot radius.  
16 As Zach had noted, if we go in and check to see  
17 whichever address between 1106 versus 1112, there  
18 might be a 50-foot difference in whatever direction  
19 you go, but if -- hypothetically if 1106 was used  
20 and 1112 wasn't, it shouldn't really make a  
21 difference because 1206 -- the notice was sent out,  
22 1218 was noticed, and 13 -- this project has had  
23 such a large swath of coverage down that block and  
24 in such a close proximity that, again, as I  
25 mentioned, there is beyond a shadow of a doubt

1 certainty that notice has gone out there.

2 And we've had, to date, six different  
3 meetings with the ANC and local community agencies,  
4 civic associations, et cetera, with very, very  
5 active public engagement at each hearing on top of  
6 the -- the boots on the ground interaction. That  
7 and resources that have been deployed for it.

8 MR. PETYAK: Excuse me, if I may add,  
9 looking at the exhibits posted on the case, Exhibits  
10 Number 6 and Number 7 are both two separate radius  
11 maps with each radius map carrying different names  
12 as it relates to the proximity. So, I believe based  
13 off of this, if the mailing receipts were sent based  
14 off of those two area maps, then it looks like all  
15 notification would be -- would have been submitted.

16 VICE CHAIR GOLDSTEIN: Thank you. Which is  
17 the other alternate area map that you're  
18 referencing? I'm sorry, you said Exhibit 7, but I  
19 don't --

20 MR. PETYAK: Exhibit 6 and 7 are posted on  
21 the DC OZ -- I'm sorry. That's interesting. If you  
22 pull up the PDF from the exhibits, so if you go to  
23 the exhibit numbers, they're both listed as 6. They  
24 both appear the same, but if you then select them  
25 off of the OZ file, that they reflect both

1 addresses.

2 VICE CHAIR GOLDSTEIN: Okay. I may not be  
3 seeing what you're seeing, I apologize. Not to  
4 discount it, I just can't -- I can't seem to  
5 replicate it in my image of the screen. I do want  
6 to ask other board members if they have any  
7 questions about notice and feel comfortable  
8 proceeding ahead, that there is sufficient notice  
9 out there, but also subject to getting potentially  
10 more information if needed.

11 ZC CHAIR HOOD: Mr. Vice Chair, I'll go  
12 right ahead. Mr. -- how do you pronounce your last  
13 name, I'm sorry, Petyak?

14 MR. PETYAK: It's spelled like you've got a  
15 pet yak.

16 ZC CHAIR HOOD: Petyak. Okay. He's  
17 exactly right. It does show the map come from both  
18 sides of the property. So I think from what I see,  
19 and it's actually listed, one is two pages and one  
20 is three pages. And it's showing that they come  
21 from both sides, so they look like they've done  
22 their due diligence as far as notice, from what I  
23 see.

24 VICE CHAIR GOLDSTEIN: Well, that'd be  
25 great if that is the case. I can't seem to

1 replicate it on my end, but I -- I'm glad Mr. Hood  
2 that you're able to observe that.

3 BZA CHAIR POURCIAU: Thank you, Mr.  
4 Goldstein. Do you have any more questions?

5 VICE CHAIR GOLDSTEIN: My last question is  
6 there was a revision in the plans that I think was  
7 it a late filing, but could you just describe what  
8 kind of changes were made in the plans and why the  
9 filing occurred when it did?

10 MR. PETYAK: Yeah, because of the delay,  
11 I'm trying to quickly ascertain what the changes  
12 were. I believe some of those changes is as related  
13 to the wood fence around the trash area that was  
14 added as part of the process. And then --

15 MR. MEDVENE: Here's some feedback from the  
16 ANC and the Deanwood Civic Association.

17 MR. PETYAK: Thanks, Matt.

18 VICE CHAIR GOLDSTEIN: I'm sorry, just the  
19 trash enclosing fence, is that correct?

20 MR. MEDVENE: And I believe OP requested  
21 some additional screening -- a foliage screening,  
22 and that one also, I think we relocated a number of  
23 the mechanical units and put screening around those  
24 units as well via landscaping.

25 MR. PETYAK: That is correct, Mr.

1 Goldstein. Your comment previously where they were  
2 all in one grouping, Office of Planning asked us to  
3 break into the three areas.

4 VICE CHAIR GOLDSTEIN: Okay. And so there  
5 was no --

6 MR. PETYAK: I'm sorry, as for the timing,  
7 I'm not certain, as Mr. Williams was the one  
8 handling the submissions of the exhibits.

9 VICE CHAIR GOLDSTEIN: Okay. So it does  
10 not sound like there was any substantial change to  
11 previously reviewed plans?

12 MR. PETYAK: That is correct.

13 VICE CHAIR GOLDSTEIN: Thank you. I don't  
14 have any more questions.

15 BZA CHAIR POURCIAU: Ms. Lindsjo, do you  
16 have any questions for the applicant?

17 MEMBER LINDSJO: Yes, if they could explain  
18 a little bit why they chose to infill green space.  
19 And so that's taking away green space, and  
20 potentially with the new design, it's just a much  
21 larger building, and you're losing -- residents  
22 would lose light from sides of buildings that they  
23 used to have with the two separate buildings, and so  
24 if you could address why that was, if there was like  
25 ever thinking about like a courtyard in the middle

1 of such a large building that you're now making, and  
2 then also addressing how you're going to protect --  
3 I think there's heritage trees and special trees on  
4 the property too, ensuring those are going to be  
5 protected.

6 MR. PETYAK: Thank you. Yes. Oh, go  
7 ahead, Matt.

8 MR. MEDVENE: Well, you want to start first  
9 and I can chime in and fill in, sir.

10 MR. PETYAK: Sure. So, currently, the  
11 existing site has a drive lane for the northernmost  
12 property, which is, I believe, 1112, it is. And  
13 then there's a parking lot between the buildings for  
14 1106, the southernmost property.

15 So what we tried to do was to make an  
16 addition to connect those two, utilizing those drive  
17 areas to have access off of the alley to unify  
18 access. So, taking circulation away from Eastern  
19 Avenue by infilling the curb cut and providing it in  
20 off of the alley for the rear.

21 As for taking away units, the building was  
22 reformatted internally in terms of the unit  
23 arrangement inside of the building once we combined  
24 the two, so that the family-sized units, three-  
25 bedroom units, could maintain -- although in this

1 case -- I'm sorry, this is the one building that has  
2 a few smaller units, but all units then would be  
3 able to have the required Department of Building or  
4 the -- the D.C. Building Code requirements of light  
5 and air for those units.

6 As for planning arrangements associated  
7 between the two, we at one point considered  
8 potentially increasing the height of the buildings,  
9 but as you all know, or may or may not know, when  
10 you start to add more height, there are issues with  
11 the building code of this type of construction as it  
12 relates to egress and fire and life safety  
13 regulations, so we went for connecting the two with  
14 that essentially connector piece.

15 MR. MEDVENE: And emphasize -- piggybacking  
16 off that, again emphasizing that the bulk of the  
17 space that we are taking is not green spaces. Paved  
18 impermeable areas of driveways and parking, and  
19 additionally, as to your comment or question  
20 regarding the protection of the trees, we have  
21 engaged a DC-certified arborist that has put  
22 together a tree protection plan. We have been  
23 working with the UFD and their certified arborists  
24 and ensuring that the adequate necessary tree  
25 protections, both in preventative measures as well

1 as operational measures are taken during the course  
2 of the construction.

3 We are not taking down any heritage trees.

4 They're all being protected and preserved and  
5 monitored by licensed artists or arborists during  
6 the construction process. And that goes for all the  
7 projects. As I know there was a past comment  
8 regarding concerns about trees. We have tree  
9 protection plans and a licensed arborist is handling  
10 all of the buildings, and we are taking -- I don't  
11 believe there's -- there's zero heritage trees being  
12 removed, and I believe there's less than four or  
13 five pest trees that are being taken down across all  
14 four lots. But as it pertains to this one, there  
15 are none.

16 MR. PETYAK: And -- and for the record,  
17 pest trees are trees that are non-indigenous to this  
18 area as well, or damaged or dying trees that the  
19 arborist allows construction to remove.

20 CHAIR POURCIAU: Thank you. Ms. Lindsjo,  
21 do you have any other questions?

22 MS. LINDSJO: No, that's it. Thank you.

23 CHAIR POURCIAU: All right. Mr. Hood, did  
24 you have any questions on this one?

25 COMMISSIONER HOOD: No, I don't have any

1 questions. Thank you.

2 CHAIR POURCIAU: You're welcome. Okay.  
3 Well, why don't we open it up for -- to hear the  
4 recommendations from the Office of Planning. Is  
5 Office of Planning here? Is the -- Mr. Jurkovic?  
6 Thank you.

7 MR. JURKOVIC: Yeah. Good afternoon, Madam  
8 Chair, and greetings to you and other new board  
9 members today. My name is Michael Jurkovic. I'm  
10 development review specialist with the Office of  
11 Planning. OP recommends approval of the applicant's  
12 requested U-421 special exception relief for a new  
13 residential development in the RA-1 zone with a  
14 total of 47 dwelling units. We otherwise stand on  
15 the record of our report, and I'm here to answer any  
16 questions. Thank you.

17 CHAIR POURCIAU: All right. Mr. Goldstein,  
18 I think you had some follow-up questions, I guess I  
19 have a question. The -- on the -- we saw a previous  
20 case on this block, and there were questions about  
21 where the HVAC units were presented in that case.  
22 Are there any questions about the HVAC units in this  
23 -- in this application?

24 MR. JURKOVIC: There were when we initially  
25 reviewed the filing. But as you can see in the

1 first plan submittals, the now since superseded  
2 exhibit that the original proposal did have a  
3 significant number of HVAC units directly adjacent  
4 to the property to the north. And in our  
5 discussions and the comments we gave the applicant,  
6 that was one of them that they addressed. And the  
7 current proposal does spread out those HVAC units so  
8 that they are not as close in proximity to the  
9 neighboring properties.

10 VICE CHAIR GOLDSTEIN: If I can -- if I can  
11 follow up, so in the previous case, the Office of  
12 Planning did not condition the approval on the  
13 landscape plan or the location of trash. Is there a  
14 -- a reason that you are instead recommending that  
15 condition in this case?

16 MR. JURKOVIC: Yeah, it -- it was more so  
17 on the cautionary side as -- as you can see the  
18 record has several different plans that were  
19 superseded. And in addition to that, our report  
20 does actually reference the original superseded  
21 plans since there were some pages that did not make  
22 it into to the latest submittal. So it was more out  
23 of caution both for the Board's benefit and others  
24 who may read our report that when we reviewed the  
25 record we did review it in the whole, and the most

1 recent submitted plans are the ones that are under  
2 your review. But like I said, it's generally  
3 cautionary and we -- we are not hard set on that --  
4 on that condition.

5 VICE CHAIR GOLDSTEIN: I -- I think I asked  
6 this also in the previous case. There were no  
7 reports from OSSI or DPR in the record, which are  
8 agencies that are called out for consultation in U-  
9 421. But saying that, based on your analysis, you  
10 still -- still feel comfortable that the relevant  
11 criteria were satisfied per U-421; is that correct?

12 MR. JURKOVIC: Correct. And stand on the  
13 analysis provided in our report in regards to those  
14 sections.

15 VICE CHAIR GOLDSTEIN: Thank you. I don't  
16 have any other questions.

17 CHAIR POURCIAU: Thank you, Mr. Goldstein.  
18 Mr. Hood, did you have any questions?

19 COMMISSIONER HOOD: No, I don't have any  
20 questions. Thank you, Mr. Jurkovic.

21 CHAIR POURCIAU: Thank you. Ms. Lindsjo,  
22 we heard your question. That's correct. I think  
23 that might be all the questions we have for you now.

24 I'll go to others who are on about this case. In  
25 the last case we had a lot of questions in the end,

1 some that went back to Planning again, so Mr.  
2 Jurkovic, please stay on so that if we need you over  
3 here. Are there any other government witnesses that  
4 are online to speak? I don't -- okay, so it looks  
5 like no government witnesses. The ANC -- does not  
6 look like the ANC has signed up to speak. Parties  
7 in support, there doesn't seem to be.

8 VICE CHAIR GOLDSTEIN: Looks like -- oh,  
9 there you are again. I -- I think we may have lost  
10 you for a moment.

11 CHAIR POURCIAU: Can you hear me?

12 VICE CHAIR GOLDSTEIN: Yes, I can hear you  
13 now.

14 CHAIR POURCIAU: Can you hear me now?

15 VICE CHAIR GOLDSTEIN: Yeah.

16 CHAIR POURCIAU: Okay. I was calling up  
17 Keith Ward to speak. He signed up to speak in  
18 opposition.

19 MR. WARD: Yes, Mr. Keith Ward is here.

20 CHAIR POURCIAU: All right.

21 MR. WARD: Can you hear -- how are you  
22 doing?

23 CHAIR POURCIAU: Yes, I can. Good, how are  
24 you?

25 MR. WARD: All right. I'm fine today.

1 Thank you.

2 CHAIR POURCIAU: You have --

3 MR. WARD: Thank you for hearing my  
4 opposition against this development project. I've  
5 been living in this apartment building for -- since  
6 1970. This company is Eastern Avenue Holdings,  
7 which I am very upset the way they did their  
8 agreement with us -- the situation. They came in as  
9 the other tenant owner Ms. Phillips said, of --  
10 they're holding of a -- give me a bag on the door, a  
11 little meeting in the parking lot, and say, heck,  
12 oh, we're going to renovate the place and we're  
13 going to renovate and you get 120 days to get out  
14 the whole situation. Since then, I've been here  
15 since like six or seven months, they haven't done  
16 nothing to the building. Yes, the problem is  
17 they're going to put solar panels on the roof.  
18 That's the only way the roof is going to get fixed,  
19 or they're putting solar panels on the roof. These  
20 guys really do not care about the tenants in the  
21 building. Yes, they offered \$10,000, but six months  
22 later -- a couple of months later, I'm sorry, after  
23 that, they offer was from \$10,000 down to \$5,000 and  
24 didn't give no guarantee that you can move back into  
25 the building. I see they are railroading us, the

1 people, and the DC government at the same time when  
2 they filed for the letter of termination because  
3 they didn't file it properly like before when going  
4 downtown to file it. They put down the DC number to  
5 file in the proper paperwork and the no zoning, but  
6 it does state in the paperwork, if you do move a  
7 tenant out at a certain rent, when you move back in,  
8 they got to come back in at that same price  
9 increase, no more, no less. That's why they want to  
10 get the people out of the door as soon as possible,  
11 because they don't want to make people come back in  
12 who's paying low-income rent at the price that they  
13 point want to get into.

14 I can see developing the city is a good  
15 idea, but I cannot see developing the city to really  
16 put tenants who are willing to pay rent, who are  
17 retired, who got the right to pay rent, and to kick  
18 them out. You talk about green space? Yeah, I live  
19 between this building. There is a green space,  
20 there's a parking lot and it's an acre of green  
21 space and there's three lots. So they're going to  
22 take that out and put a building in between there,  
23 and that green space is being filled up with a  
24 building, which it does not need to be as necessary.

25 I look at the situation. They let 1106 to go down

1 because they did not want to go over and do any  
2 maintenance. They haven't done any maintenance to  
3 the whole building since I've been here. They came  
4 in early in the morning, they started -- any vacant  
5 property, they get a sledgehammer and start busting  
6 the doors in. Hello? Yeah, so they started to  
7 busting the doors in say, 9 o'clock in the morning,  
8 I'm trying to sleep. And this is Scope. And when  
9 we try to talk to them, they say, oh, talk to the  
10 owner. Who is the owner? Eastern Holding. Okay,  
11 what's his number? You go find it on the website.

12           Wait a minute, so I pay you rent but you  
13 cannot communicate me to who's the owner of the  
14 building and situation, and now you want to tear  
15 down where I've been living? But you haven't done  
16 no maintenance to the building at all. So you are  
17 basically saying that the building are dilapidated  
18 is not because the rent -- people or people who live  
19 there are not paying rent, it's because the people  
20 who own the building, they won't take my money and  
21 put it into the building to keep it up properly.  
22 That's their job. That's why I pay you money to  
23 keep the building up properly. But you want to take  
24 the rent and probably go on a ski trip or buy fancy  
25 cars and later you took care of yourself and

1 developed the whole situation, but you do not want  
2 to take my money to put it into the property where  
3 it needs to be. I mean, this is the fourth company  
4 you've gone to. Some from Scope, some from TM  
5 Associates, some from Barte, nobody wants to put  
6 money into a decent building. They keep saying it's  
7 the old building. Yes, is -- turn the old building  
8 downtown, look at the Washington Monument, look at  
9 the Capitol, look at the White House. They keep  
10 putting money there, but they still standing. You  
11 got decent buildings around here. I will tell you -  
12 -

13 VICE CHAIR GOLDSTEIN: My apologies, you're  
14 --

15 MR. WARD: Yes?

16 VICE CHAIR GOLDSTEIN: -- you're over the  
17 two minutes. Can -- can you just give your  
18 concluding thought if possible? Thank you.

19 MR. WARD: Sure. Well, my concluding  
20 thoughts, I'm against this whole development  
21 process. I mean, I got documents of all the  
22 paperwork they gave me in those situations to show  
23 where they did everything wrong against the owners  
24 and tenants in the building and the government. So  
25 yes, I am against the whole process. I took it to,

1 Mr. Davis of Empowerment and the Deanwood Board  
2 Association. So yes, I am against this whole type  
3 of process. And we -- in my building 1112, we got  
4 seven tenants, and I asked them, why don't you move  
5 people from one building to the next building to  
6 renovate then back and forth? They want to kick  
7 everybody out of all the buildings, and then they  
8 want to renovate. They cannot renovate one at a  
9 time. I don't know why they can't do that. That  
10 doesn't make sense to me. Because they don't have  
11 that many apartments to move the people into the  
12 building to another apartment. I can see that.  
13 That's their game plan, is to kick everybody out,  
14 put high-rise properties up here, get the tenants to  
15 move in. And hell, there's no parking for these  
16 people on this street. None at all. So yes, that's  
17 my reason. I would like to talk longer, but since  
18 we're on a timeline, and I've been on this phone for  
19 six and a half hours, you guys at 9:30 this morning.

20 So yes, I'm against it. Mr. Keith Ward, 1112  
21 Eastern Avenue. So if you have any questions, I'm  
22 here to answer them. I'm here. Hello?

23 CHAIR POURCIAU: You hang up?

24 MR. WARD: No, hello?

25 VICE CHAIR GOLDSTEIN: I'm sorry, I think

1 that the Chair may be continuing to have some  
2 technical difficulties. I'd like to ask the  
3 applicants if they have any questions for the  
4 individual who's testifying on the phone?

5 MR. MEDVENE: I do not have any questions.

6 VICE CHAIR GOLDSTEIN: Okay. Thank you.

7 Of course, I cannot see who is next on the list.

8 Madam Chair, if you're able to?

9 CHAIR POURCIAU: It's Daniel Mul again.

10 VICE CHAIR GOLDSTEIN: Okay. Daniel Mul,  
11 would -- please go ahead. Please be mindful if you  
12 can of the -- the three minutes, but please begin.  
13 Thank you.

14 MR. MUL: Hi, yeah, I haven't spoken  
15 before, and -- and so yeah, just want to start,  
16 thank you for the opportunity to speak. I'm a  
17 property owner within 200 feet of each of the 1106  
18 and 1112 properties. Not aware of any contacts to  
19 residents or property owners on the PG County side,  
20 nor to the Chapel Oak Community Association for any  
21 of the developers for pending BZA cases all along  
22 the border, and in my reading, nothing in the zoning  
23 requirements, Subtitle Y, Section 300.8G, 402.1D  
24 limits the notice requirements to D.C. property  
25 owners alone. So this really seems legally

1 deficient to not inform anyone who is across the  
2 street from all of these massive projects.

3 Further, for context the neighborhoods that  
4 straddle this border, Deanwood, Deanwood Park,  
5 Chapel Oaks, are an integrated community served by  
6 shared transit, shared neighborhood amenities, but  
7 we're routinely harmed by a lack of coordination  
8 across the two jurisdictions, including at times an  
9 inability to hold developers on both sides of the  
10 border accountable, which has led to additional  
11 challenges in our community as well. Some of the  
12 challenges that we face, for context, include a lack  
13 of decent community retail to meet residents' needs,  
14 insufficient and limited traffic calming and  
15 enforcement leading to car accidents, pedestrian  
16 deaths, increasing crime and developer-delayed  
17 vacancies across the 1100, 1200, and 1300 blocks,  
18 exactly where these projects are, that encourages  
19 more illegal dumping, prostitution, drug -- drug  
20 trafficking and break-ins, and then the destruction  
21 of many mature trees in the area that undermines  
22 shade canopy drainage and also encourages some of  
23 these other deleterious impacts as well that I've  
24 mentioned.

25 So all of that is really important context

1 in considering the scale of the redevelopment that  
2 are being considered across these four different BZA  
3 applications, but for this project in particular, I  
4 want to highlight three things. First, on density  
5 and zoning. I want to say clearly, I'm -- I'm not  
6 opposed to the additional density. In fact, it's a  
7 shame that the existing MU-4 mixed-use zoning on the  
8 blocks just next to the site along Eastern Avenue  
9 were not extended to this site. Adding greater  
10 density than what is currently proposed would make  
11 sense given the proximity to transit that Mr.  
12 Williams earlier highlighted, and it could better  
13 accommodate both current residents and mixed-income  
14 housing. But what those residents -- new residents  
15 and current residents both need is additional ground  
16 floor retail, and this is a rare redevelopment of a  
17 large site at 1106, 1112 Eastern. It's a missed  
18 opportunity for mixed-use development and critically  
19 needed retail that would meet residents' needs.

20 Second, trees and streetscape. Others have  
21 touched on this, so I don't want to spend too much  
22 time, but just very concerned that the new  
23 construction will continue the -- the -- the ongoing  
24 trend of destruction of so many trees in this area.

25 The 1100 block in particular suffers from a number

1 of trees being cut down just in the last few years,  
2 and it's contributing to greater heat and other --  
3 other difficulties in the area.

4           And then I'd also like to say, just the  
5 third point on construction impacts, my neighbors  
6 and I have all been quite concerned about the  
7 construction impacts themselves, given that the  
8 Eastern Ave. is the only corridor that most people  
9 use to access this area from 295, given the traffic  
10 parking and crime issues, and the -- the existing  
11 vacant lots and buildings nearby that create real  
12 risk for residents. So really wondering how with  
13 the additional vacancies caused by the construction,  
14 with the additional construction impacts, parking,  
15 how will all of this be managed? Residents on the  
16 DC side are already parking left and right on the PG  
17 side, but with a greater influx of construction and  
18 then residents, that becomes harder to manage.

19           So again, I'm -- I'm not registering  
20 opposition to this project per se, just a number of  
21 different concerns, and these are really all issues  
22 that could be dealt with, but it's a fiction to  
23 assume that engagement with PG County residents who  
24 live right here on the border is not necessary, and  
25 that the cumulative impacts of these four apartment

1 building redevelopments within 500 yards isn't a big  
2 deal for both -- both sides of the street that is,  
3 again, an integrated community.

4 VICE CHAIR GOLDSTEIN: Okay. Thank you for  
5 your testimony. I'm going to ask the applicant if  
6 they have any questions for Mr. Mul or responses.

7 MR. MEDVENE: I don't have any questions.  
8 Responses are -- are the same that we've provided  
9 both in the earlier answers to OP and Commission as  
10 well as in the Deanwood -- last Deanwood Citizen  
11 Association that they attended. I can go into it --

12 MR. MUL: I did not attend any -- sorry to  
13 interrupt, I did not attend any Deanwood Citizen  
14 Association meeting.

15 MR. MEDVENE: Okay, sorry. Daniel Mule  
16 did, but the questions and concerns that you raised  
17 are the same ones that he did. High-level -- for  
18 parking and street interruption as I conveyed at  
19 that meeting, the -- the course of this project,  
20 there's very little, if any, public street work.  
21 There's maybe two days' worth of work per building,  
22 so you're looking at two days of having one -- maybe  
23 one lane interrupted for a few hours in the middle  
24 of the day, that's it. We're not taking any long-  
25 term spaces, not shutting the street down. Trees, I

1 already addressed the trees. We are not cutting  
2 down any heritage trees. We've engaged an arborist  
3 and worked with UFD, so trees are being protected.  
4 As for crime, we've already hired and are currently  
5 paying SPOs and additional security services to --  
6 to make the rounds through all of the properties  
7 twice a day, clearing out any illicit activities,  
8 unwanted trespassers, et cetera. We have put up  
9 security fencing up around buildings the moment that  
10 they have become vacated, and we have spent an  
11 inordinate amount of money boarding up the buildings  
12 and now engaging dog doors, which are high-security  
13 steel doors, around all of the vacant buildings.  
14 And we will continue to spend the money necessary to  
15 secure the buildings. During construction, it will  
16 be secured via the contractor. After the building  
17 is finished, there will be 24/7 surveillance cameras  
18 and security measures and lighting around all the  
19 buildings. This is shown both on the plans and has  
20 been provided during our community meetings that  
21 have been shared. I don't know if I missed anything  
22 else.

23 VICE CHAIR GOLDSTEIN: Okay. Thank you  
24 very much for your testimony today. I think that  
25 next -- if -- I'm not sure, Madam Chair, if you're -

1 - you're still having some technical difficulty or  
2 if you'd like to -- to pick up here. Okay. I'm  
3 going to next call on Jahnavi Jagannath. My  
4 apologies if I haven't quite got that right. It  
5 does not look -- just to let you know, it does not  
6 look like our three-minute clock is running, but I  
7 really ask you to be mindful of the length of your  
8 testimony. Thank you very much, and please begin.

9 MS. JAGANNATH: Thank you. Thank you again  
10 for your time. I won't take the whole three  
11 minutes. My name is Jahnavi Jagannath, and I am  
12 Empower DC's staff attorney and a DC resident. And  
13 I really appreciate BZA tabling 21416 to do due  
14 diligence on understanding the issue of tenant  
15 displacement. So I just want to reiterate our  
16 earlier requests, which are the same for this case,  
17 and remind the Board that Section 901.4 does allow  
18 the BZA to impose requirements to ensure compliance  
19 with the intent of the zoning regs.

20 So the four recommendations that we are  
21 laying out are to give remaining tenants an  
22 additional 120 days to find alternative housing, on  
23 completion of the renovations, give original tenants  
24 who want to return first right to apply for new  
25 units in the building with no application fee and a

1 guarantee that their application be accepted, make  
2 these units available to these tenants at a rental  
3 rate consistent with the original rent as of June  
4 2026, subject to proportional increase for increased  
5 square footage, and provide relocation assistance  
6 out and back into the building for remaining  
7 tenants.

8           And if these four recommendations are made  
9 into requirements, this could be consistent with  
10 Section 901.2 to prevent ongoing displacement of  
11 low-income district residents. Thank you for your  
12 time.

13           VICE CHAIR GOLDSTEIN: Thank you. And can  
14 you remind me, is your testimony also submitted to  
15 the record for this case too?

16           MS. JAGANNATH: It is submitted to the  
17 record. I would add just one addition for our  
18 recommendation, number two out of four, I -- I added  
19 with no application fee into my verbal testimony,  
20 that is not reflected in my written testimony. But  
21 that's the only difference -- the only meaningful  
22 difference in the two testimonies.

23           VICE CHAIR GOLDSTEIN: Okay. Thank you.  
24 Noted. I'd like to ask the applicant if they have  
25 any questions or responses to the testimony that

1 you've heard.

2 MR. MEDVENE: No questions. I would --  
3 response, I would ask that you engage with the Civic  
4 Association and the ANC as we've discussed these  
5 items. We have already agreed to give the residents  
6 the first right of application, we -- we cannot  
7 guarantee automatic approval, and we are also  
8 working with the Rent Administrator and Lauren Pair  
9 directly as we go and work through the necessary  
10 timelines and relocation assistance regulations and  
11 so on and so forth.

12 It's important to notice that's been  
13 brought up several times, this notion that we are  
14 forcibly displacing tenants, and people keep talking  
15 about the 120 days that was initially presented back  
16 in November. It is now eight months after that,  
17 which is more than 240 days from that notice, and  
18 the tenants are still in there, but it's for a  
19 reason. We are working actively with Lauren Pair  
20 and the Rental Administrator and the OAG and DOD on  
21 a active basis, speaking directly with Lauren Pair  
22 and her team as we work through the necessary steps  
23 to make sure that this stays compliant and that we -  
24 - we do not actively displace any tenants. So  
25 that's the response there.

1 MS. JAGANNATH: May I respond to that  
2 response?

3 VICE CHAIR GOLDSTEIN: Just very briefly if  
4 you can.

5 MS. JAGANNATH: Yes, thank you. I would  
6 just like to point out that in order to prevent  
7 active displacement, which we appreciate that stated  
8 intent, the amount of rent does play a factor in  
9 that. And I would just recommend that you take into  
10 account the ability of these current residents and  
11 what they can pay, and remind the BZA that the  
12 comprehensive plan really recommends against  
13 displacing tenants by years in advance.

14 MR. MEDVENE: There's a LURA covenant on  
15 those properties that we mentioned in the last case  
16 that is applying to this as well that restricts the  
17 rents to 60% AMI. So these are already affordable  
18 property projects.

19 VICE CHAIR GOLDSTEIN: Thank you. Is there  
20 anyone else who is in the queue for providing a  
21 testimony now? I'm not sure if anyone on the Board  
22 may have somebody -- have a list of anyone else  
23 who's prepared. If we have reached everyone, then I  
24 think we'll -- we'll move to -- pardon me. We'll  
25 give the applicant an opportunity to either have a

1 rebuttal or a closing argument, and then we'll  
2 proceed from there. Turning it over to the  
3 applicant, please.

4 MR. MEDVENE: Keeping it short and sweet as  
5 we have all had a long day, at this point I think  
6 the facts are pretty clear and speak for themselves.

7 We understand where the greatest concerns lie. Our  
8 concerns echo that whether people might agree with  
9 that or not, from the beginning of the project and  
10 in the endeavor, we have been very clear and candid  
11 with all agencies of the government to make sure  
12 that everything is documented, our I's are dotted,  
13 T's crossed. And that we do not put ourselves in a  
14 situation where either, A, we are legally liable and  
15 exposed, and B, we have tenants that are displaced  
16 unnecessarily or without any resources, et cetera.  
17 So we will be providing the documentation that shows  
18 the efforts and resources that have been offered.  
19 And I stress that because that -- just because  
20 they've been offered, they have not been received or  
21 accepted by all.

22 We will provide all that evidence and  
23 documentation along with correspondence and evidence  
24 of offering said resources and communication plans,  
25 et cetera, and we look forward to continuing to work

1 with the Board as we to get these resolved. We feel  
2 very strongly that these cases presented as it  
3 pertains to zoning are very tight, clean, and within  
4 the zoning bounds and regulations of the relief  
5 requested, and while these other factors that have  
6 been brought up as concerns are 100% relevant, it's  
7 important to note that, as I've said several times,  
8 we are actively working with the rental  
9 administrator with whose department it specifically  
10 exists to protect these tenants, and Lauren Pair is  
11 acutely aware of this project, as is her team, and  
12 we are working with them, and the tenants still  
13 remain in the buildings until we have worked through  
14 the appropriate process with the Rent Administrator  
15 and their division.

16 So, this is the BZA's approval here and in  
17 the coming weeks hopefully, the tenant protections  
18 will remain in place, as is DC's strong suit, and  
19 the tenants will -- even with an approved building  
20 permit, tenants are still in there, we cannot begin  
21 our project. So the tenants are protected until the  
22 process is followed and all regulatory compliances  
23 are met, and that is something that we are actively  
24 working with the Rent Administrator, OAG, DOB to  
25 successfully do. That's where we stand. Thank you.

1           VICE CHAIR GOLDSTEIN: Thank you. So I  
2 think we -- I'm just going to suggest we've got our  
3 roadmap for how to schedule this. I would recommend  
4 that we follow a very similar roadmap as with the  
5 other case that we previously heard, that we look to  
6 a June 17th scheduling. We're asking for the  
7 similar type of materials as we asked for in the  
8 previous case. I don't think -- and I'll open it up  
9 to other board members, whether there's any  
10 additional materials or if they -- if you have a  
11 view that this should be treated in a different  
12 manner than the previous one. But my suggestion  
13 would be to do something similar in this case.  
14 Happy to open it up for comments.

15           MS. LINDSJO: I agree that we should move  
16 forward the same way.

17           COMMISSIONER HOOD: I would agree as well  
18 Mr. Vice Chair, but I also want to ask our counsel  
19 not to let me forget or us to forget on this. I  
20 know that BZA is bound by the Comp Plan, but they're  
21 not bound by the Comp Plan as strictly as the Zoning  
22 Commission is. So I need some clarity on that from  
23 our legal counsel, but I don't need that now but at  
24 a later time. And I think I know the answer, but I  
25 want to make sure as we move into this. But I would

1 agree with your assessment on how we move forward.  
2 Thank you, Mr. Vice Chair.

3 VICE CHAIR GOLDSTEIN: Madam Chair, it  
4 looks like we see you again, which is terrific. And  
5 --

6 CHAIR POURCIAU: Can you hear me, can you  
7 hear me?

8 VICE CHAIR GOLDSTEIN: I can hear you just  
9 fine.

10 CHAIR POURCIAU: Okay, okay.

11 VICE CHAIR GOLDSTEIN: We were discussing  
12 sort of the scheduling, but don't know if you have  
13 any other thoughts that you'd like to express.

14 CHAIR POURCIAU: No, that sounds great. I  
15 just wanted to ask if there were any addition -- was  
16 there any additional information needed on the green  
17 space issue and the -- the building placement. Ms.  
18 Lindsjo, just wanted to make sure you were  
19 comfortable with that.

20 MS. LINDSJO: Yeah, I'm fine.

21 CHAIR POURCIAU: Okay. Thank you. Thank  
22 you, Mr. Goldstein. You -- why don't you proceed  
23 through this one, I appreciate it.

24 VICE CHAIR GOLDSTEIN: Just to ask the  
25 applicant, are you able to sort of -- I'll also open

1 this up to, Ms. Mehlert, but to the applicant, are  
2 you able to meet the same timeline that we discussed  
3 with the other case, and are you amenable to that  
4 timeline?

5 MR. MEDVENE: Yes, it's all the same  
6 information. Everything -- all these cases has been  
7 -- has been treated as one project in development.  
8 It's made it easier, more concise, and more clear  
9 for all parties involved, so it will all be uploaded  
10 in the same timeframe.

11 VICE CHAIR GOLDSTEIN: Okay.

12 MR. PETYAK: With the exception of a  
13 revised site plan as no changes were necessary of  
14 the HVAC units.

15 MR. MEDVENE: For this specific project.

16 MR. PETYAK: That's correct.

17 VICE CHAIR GOLDSTEIN: Correct. It sounds  
18 like that is not a live issue that we need  
19 additional information on. Thank you for  
20 clarifying. Ms. Mehlert, would you help lead us  
21 through any of the process here, that'd be terrific.

22 MS. MEHLERT: So similar to the previous  
23 case, the applicant submissions are due tomorrow,  
24 June 4th. The ANC has until June 11th to respond,  
25 and the Board will return for a decision meeting on

1 June 17th.

2 VICE CHAIR GOLDSTEIN: Unless there's any -  
3 - anything else, I think we can conclude this case.

4 I would also request at least a five-minute break,  
5 and then we can pick up with the next case. I'm  
6 open to if anyone needs additional time beyond five  
7 minutes, I'm open to that too, but that's just my --  
8 my suggestion.

9 COMMISSIONER HOOD: Mr. Vice Chairman, now  
10 -- Ms. Mehlert, can we put these cases at the -- I  
11 know we usually do. Can we put these two cases at  
12 the beginning for the -- at the decision meeting on  
13 the 17th? Okay. Thank you very much.

14 CHAIR POURCIAU: I had requested the five-  
15 minute break because I thought I needed to log off  
16 and log back on, but for some reason my mute and  
17 on/off mute button seems to be working again. So if  
18 you all would like to continue with the last agenda  
19 item, we can. Otherwise, we can take a break.

20 VICE CHAIR GOLDSTEIN: In spite of I -- I  
21 don't mean to break a streak of your internet being  
22 more solid, but I wouldn't mind having a five-minute  
23 break.

24 CHAIR POURCIAU: Great.

25 VICE CHAIR GOLDSTEIN: Everyone else would

1 indulge me?

2 CHAIR POURCIAU: Yes. Thank you for  
3 stepping up right in the moment. So we'll reconvene  
4 at 4:50. Thank you.

5 VICE CHAIR GOLDSTEIN: Thank you. Thank  
6 you.

7 (Whereupon, the above-entitled matter went  
8 off the record and resumed following a brief  
9 recess.)

10 CHAIR POURCIAU: All right. Looks like  
11 we're all back. You can hear me so far? Thanks  
12 again, Mr. Goldstein. This has been a great  
13 experience today, so I'm glad we're tag teaming. We  
14 were prepared to tag team, right?

15 So we will proceed to the last case on the  
16 agenda, number seven, Application 21446 of S.  
17 Michelle Swinson.

18 Ms. Mehlert, would you introduce the case,  
19 please?

20 MS. MEHLERT: Absolutely. The Board is  
21 back from a quick break. The next case is  
22 Application Number 21446, S. Michelle Swinson. As  
23 amended, this is an application pursuant to Subtitle  
24 X, Section 901.2, for special exceptions under  
25 Subtitle E, Section 207.5, to allow the rear wall of

1 a row building to extend farther than 10 feet beyond  
2 the farthest rear wall of any adjoining principal  
3 residential building on any adjacent property, and  
4 under Subtitle E, Section 5201, we will note  
5 occupancy requirements of Subtitle E, Section 210.1.

6 This is for a new three-story attached  
7 principal dwelling located in the RF-1 zone at 1324  
8 Kenyon Street Northwest, 2848, Lot 842.

9 As a preliminary matter, the applicant has  
10 filed a motion to -- the filing deadline to submit a  
11 revised zoning administrator memorandum. This is in  
12 Exhibit 26. Also, the applicant filed a late  
13 submission today after the 24-hour filing deadline,  
14 including a surveyor's plan and architectural plan,  
15 and these are not yet in the record, they are  
16 pending approval in court to be entered.

17 CHAIR POURCIAU: Thank you. It looks like  
18 we have Gayll Worsley on the applicant. Thank you  
19 for joining us, Ms. Worsley. Would you like to --  
20 are you ready to open your application and speak on  
21 your application and who is with you today, please?

22 MS. WORSLEY: Yes. My name is Gayll  
23 Worsley. I'm the architect. I want to say good  
24 afternoon to the Board. You guys are troopers.  
25 It's been a long day for you -- for you guys, so we

1 appreciate you hanging in there with us. Michelle,  
2 the owner, is with me, Ms. Simpson is with me, and  
3 so she'll be filling in a little bit of the history  
4 of the project, it's had a bit -- she's had a bit of  
5 a time in this process.

6 And so -- yes, so I'd like to address the  
7 merits of the -- before addressing the merits of the  
8 application, I would like to respectfully request  
9 that the Board permit the updated plaque and plans  
10 that we submitted based on the zoning  
11 administrator's revised memorandum. We just did  
12 some cleanup, some housekeeping on those plans, so  
13 they -- very slightly but not in any significant way  
14 to the plans that you have in front of you.

15 So, from the outside, I wanted to clarify  
16 the limit of the nature of the work. The applicant  
17 is not proposing a rear addition. The existing  
18 building footprint is -- the footprint is existing  
19 and no changes outside of the front porch which was  
20 demolished by the contractor -- the previous  
21 contractor without the permission of the current  
22 owner, Michelle. Where they also intend to install  
23 exterior siding, renovate the interior, it's going  
24 to remain a single-family principal dwelling for the  
25 new owner, and they want to basically build a small

1 front balcony in the same location as the previous  
2 porch was -- the same location, so outside of that  
3 scope of work to repair -- and also there's some  
4 repairs around the exterior as well, replacing some  
5 windows, and I think it had like a tile front which  
6 led to some water damage on the interior. They want  
7 to repair those things just so that the home is  
8 water-safe.

9           So the -- we wanted just to basically  
10 present the project as the exact scope of work. The  
11 homeowner is just trying to finish the project and  
12 repair -- replace the porch that the contractor took  
13 down without her permission and caused a total chain  
14 reaction, and sort of, you know, it's an unusual  
15 house, so I think based on, you know, what is  
16 visible, it looks like it's more work than it  
17 actually is.

18           And if you have any questions, I just  
19 wanted to keep it as brief as possible. I've  
20 written a much longer statement, but I understand  
21 you guys have had a very long day, so I cut to the  
22 chase, so to speak. And Michelle -- I don't know if  
23 you want to hear from the owner, if this is the  
24 appropriate time, so if you'd like to hear from her,  
25 she can follow up with some of the history with her

1 and the contractor.

2 CHAIR POURCIAU: Yes, if she would like to  
3 speak on the record, now would be a good time.

4 Thank you.

5 MS. SWINSON: Thank you so much. Good  
6 afternoon, Madam Chair and members of the Board, and  
7 I will follow suit and keep this very brief. We are  
8 here before the Board today because of mis-actions  
9 of our previous contractor. We are really honestly  
10 going through this process now because of the chain  
11 reaction. This process here is essentially the  
12 legal requirement now to remove the stop work order  
13 so we can get back to the rehab for the permit that  
14 we actually have for our building permit that was  
15 already approved.

16 So we are here to get permission for our  
17 house as it is. It is an unusual house, it's an  
18 unusual footprint, which was the appeal of the  
19 property. And so, therefore, we are not changing  
20 any of the footprint whatsoever, nothing. The only  
21 thing that we are asking in this request is to  
22 replace a smaller balcony that was previously there  
23 before and to add exterior siding.

24 That is it. Thank you so much.

25 CHAIR POURCIAU: Thank you. I think my

1 first question -- I haven't had the opportunity to  
2 look at anything new that was submitted today in the  
3 last day or so, so I don't know if any other board  
4 members have. And if -- if what was submitted --  
5 you say it's -- it's not a big change, but just can  
6 you give a -- what change is there, on the new  
7 submission?

8 MS. WORSLEY: What I did was I just wanted  
9 to sort of make it as clear as possible. I made  
10 sure that everything was noted as existing building  
11 to remain. I added a bunch of just notes that you  
12 could see this is the existing rear porch, this is  
13 the proposed rear porch, just to make it as clear as  
14 possible for -- because the previous submission kind  
15 of just had overall dimensions. I just wanted to  
16 make sure that underneath everything it was noted  
17 existing to remain. And it does extend -- the  
18 existing footprint does extend significantly past, I  
19 believe, the property to the, I want to say north.  
20 But that's the existing condition. And the  
21 neighbors are -- they wholeheartedly support the  
22 repairs to this project. They're -- they've been  
23 waiting a long time for it, so just -- just that  
24 kind of housekeeping and making sure the plaque also  
25 reflected the same thing, that this is the existing

1 building to remain, you know, just to make it as  
2 clear as possible.

3 CHAIR POURCIAU: Okay. Thank you for that.

4 Does any -- does Ms. Fenton need to speak at this  
5 time or is this a good time for questions from the  
6 Board? Ms. Worsley, I am speaking with you?

7 MS. WORSLEY: I don't have any questions.

8 CHAIR POURCIAU: Okay.

9 MS. WORSLEY: You can ask them to the  
10 Board. Thank you.

11 CHAIR POURCIAU: Thank you. Mr. Goldstein,  
12 why don't we start with you? Do you have some  
13 questions that you'd like to present to the  
14 applicant?

15 VICE CHAIR GOLDSTEIN: I -- I -- I do have  
16 some questions. And you are thanking us for our  
17 long day, but thank you all for hanging in there  
18 with us. It's our first day and it certainly has  
19 extended quite a -- quite a way. So thank -- thank  
20 you for your patience. I'm hoping that you could  
21 just fill in -- I'm really interested in the  
22 regulatory history and the changes in relief  
23 requested as this case has evolved with -- in the --  
24 in the case file. Could you speak to what happened?

25 And there was one referral letter and then a more

1 recent revised letter. What prompted that, and how  
2 did we land at the relief that we're at? So I'm  
3 sorry, that's -- that's a few questions all bundled  
4 together, but I'm hoping that you can follow that  
5 roadmap for me.

6 MS. WORSLEY: I'm going to let Michelle  
7 because she submitted the permit application  
8 originally, and she's had the history. She hired  
9 the original -- I'm the second architect, so I'm  
10 going to give -- let her speak to the original scope  
11 of work.

12 MS. SWINSON: Thank you. So we had a  
13 previous architect, and we later learned that the  
14 calculations were incorrect. And as a result of  
15 that, we wanted to get the second opinion of Ms.  
16 Worsley so we can make sure that what we are  
17 submitting is accurate. As a result of the first  
18 plaque that was submitted by the previous architect,  
19 DOB drafted the first letter. And because of the  
20 dimensions that were located on the plaque, it  
21 wasn't clear to them. They identified the  
22 additional variances and everything else that was on  
23 the initial memo. Once we got Ms. Gayll involved  
24 and he -- and spoke to DOB, they understood because  
25 there was a lot of confusion around why we were

1 here. And originally it was speaking about removing  
2 the -- the -- the balcony. Well, it had already  
3 happened, but because it happened, they still put it  
4 on there. They were talking about doing some  
5 additional construction, so there was a lot of  
6 clarity that needed to happen because the way that  
7 the memo read initially, it's as if that we were  
8 proposing new construction and that wasn't the case.

9 But that mishap was because of the improper  
10 calculations that was on the original plaque from  
11 the original architect.

12 So once all of that was resolved and we  
13 brought in Ms. Gayll, she was able to talk to DOB  
14 and clear all of that up. They were then able to  
15 issue us the new memo. So that's where we are now.

16 It's more reflective of the true scope of work  
17 based on where we are at the moment.

18 VICE CHAIR GOLDSTEIN: I'm -- I'm -- I'm  
19 sorry to hear that you've been through that. I can  
20 only imagine what -- what's been involved. I saw in  
21 the -- the filing a lot of -- a number of references  
22 to a zoning raise. And so I -- I'm wondering if you  
23 can address that. Typically, in my understanding,  
24 when you get zoning raises, it's that too much of a  
25 wall has been removed, and then you need to almost

1 treat a project like a new project, although parts  
2 of it may still be standing. But the consequences  
3 is that you kind of lose grandfathered rights on the  
4 property, so you need to almost reapply for what you  
5 once had. How does that -- is -- is that your  
6 understanding of what's happened here as well, or is  
7 the -- I -- I've heard sort of the discussion of the  
8 calculations weren't quite right, and I sort of  
9 understand that. And then I'm trying to understand  
10 how a -- the references to zoning raise factor into  
11 this. Is that something that you all can address as  
12 well?

13 MS. SWINSON: Well, I can speak to what was  
14 told to us because as we started to go through this  
15 process, that was another thing that kept rising to  
16 the occasion because people really couldn't  
17 understand all of the things that were now being  
18 assigned to -- to this application. So has there  
19 been an official acknowledgment as what they are  
20 speaking about, I don't know. Now you will see that  
21 it is wrapping on the front of the property and the  
22 rear of the property. Now the rear of the property,  
23 it's wrapped because we had to reframe the windows  
24 and it was totally rotted. And these windows are  
25 smaller and they're more compliant, but there was

1 never a removal of a wall. So I'm not sure. I  
2 don't have any more of an update than that as to how  
3 we got to a zoning raise. As we were going through  
4 this process and we were talking to the ANC and then  
5 and Department of Planning, they were asking the  
6 same question, so we don't know.

7 VICE CHAIR GOLDSTEIN: Okay. Thank you.  
8 And I'll -- I'll ask the Office of Planning if they  
9 can help fill this in a bit. So just what -- what  
10 prompted the stop work order then, if -- if you can  
11 say?

12 MS. SWINSON: The -- once the -- the damage  
13 was done with the contractor removing the wall  
14 without our authorization, the contract was  
15 terminated. As a retaliatory action, that  
16 contractor called DOB to say that it was illegal  
17 construction. So he called the work in for the work  
18 that he did illegally.

19 MS. WORSLEY: And by the way it was a  
20 porch, not a wall.

21 VICE CHAIR GOLDSTEIN: That was for the --

22 MS. WORSLEY: It was the porch. It was the  
23 porch, not the wall.

24 MS. SWINSON: Yeah, the porch. Porch,  
25 yeah.

1           VICE CHAIR GOLDSTEIN: Okay. It sounds --  
2 sounds like there's quite a -- quite a web here of  
3 history. I -- I think those are all the questions  
4 that I have for now. I want to ask the Office of  
5 Planning a few questions about -- about it too.  
6 Thank you very much.

7           MS. SWINSON: Thank you.

8           CHAIR POURCIAU: Thank you, Mr. Goldstein.  
9 It looks like we're new board members and we got a  
10 -- luckily, we have Mr. Goldstein, he's been  
11 involved in these things in the past, so we're going  
12 to work with you and try to work through this. Ms.  
13 Lindsjo, you have some questions you'd like to ask  
14 the applicants?

15           MS. LINDSJO: No, I appreciate you  
16 presenting and I have no questions at this time.  
17 Thank you.

18           CHAIR POURCIAU: Thank you. Mr. Hood,  
19 could you help us along with this a little, or any  
20 questions you have, or --

21           COMMISSIONER HOOD: I don't -- I don't  
22 necessarily have -- thank you, Madam Chair. I don't  
23 necessarily have any questions. I want to thank Ms.  
24 Worsley for making it simple, what's proposed, what  
25 -- what existed, but I -- I will say I'm sorry to

1 hear that how that went down, as -- as Vice Chair  
2 was talking about the web. Somebody helps you get  
3 to the -- get to this point and then all of a  
4 sudden, all these new regulations show up that you  
5 have to find -- find a way to get relief for it. So  
6 I'm sorry you're going through this, but I think you  
7 are -- personally, I think you've made your case, or  
8 the case has been made, but we -- we will continue  
9 to move forward. I'm sorry you had to go through  
10 all that, and I'm sorry you all may have had to wait  
11 a few months until we got ourselves together.  
12 That's all I have. Thank you, Madam Chair.

13 CHAIR POURCIAU: Thank you. I think what  
14 we'll do is we'll move on and hear from the Office  
15 of Planning and -- and -- and come back with you to  
16 talk about the details more of what we can do next,  
17 okay? Looks like Mr. Jesick is on board from Office  
18 of Planning. Thank you for joining.

19 MR. JESICK: Thank you, Madam Chair and  
20 members of the Board. My name is Matt Jesick, and  
21 I'll be presenting Oak Peace testimony in this case.

22 Just to summarize our -- our written report, our  
23 written report was based on the -- the most recent  
24 referral from the Zoning Administrator's office,  
25 which called for two different special exceptions,

1 one for the depth of the rear addition, and one for  
2 lot occupancy. And we found that those special  
3 exceptions met the standards for approval. And I  
4 can get into that in more detail if you'd like. For  
5 any other history of the application, I'm happy to  
6 try and answer any questions based on what I know.  
7 But I think my knowledge is reflective of what the  
8 applicant has stated.

9 CHAIR POURCIAU: Mr. Goldstein, I'd like  
10 it if you can ask some questions to maybe lay out  
11 what should happen next, how we should proceed, you  
12 know, with -- in keeping with your questions for Mr.  
13 Jesick?

14 VICE CHAIR GOLDSTEIN: Sure. Thank you  
15 very much. And -- and thank you, Mr. Jesick for  
16 helping guide us through this. Is -- so I think the  
17 original relief involved a variance. It involved a  
18 front porch special exception, the front porch is no  
19 longer needed. There's no relief in the latest  
20 referral for that. There's no longer an area  
21 variance, rather a special exception for the lot  
22 occupancy. Can -- can you help shed some light on  
23 the evolution of this relief and the current relief  
24 that we're -- have under consideration?

25 MR. JESICK: Yes, sure. The original ZA

1 memo as you referenced, front -- front porch relief,  
2 that regulation however, only applies to features  
3 original to a building. The front porch that  
4 existed and in fact most of the front facade of this  
5 house not original to the building, I think it dates  
6 -- the original house dates back to around 1900, and  
7 the features that were present that have been either  
8 removed or renovated did not date to that time  
9 period. So that relief is not necessary at all.  
10 The ZA's office took a second look at both the lot  
11 occupancy number, as well as the depth of the rear  
12 addition.

13           As the Board is aware, a rear addition  
14 cannot extend more than 10 feet past the adjacent  
15 neighbor's house. And they had a much larger number  
16 in their original referral, but upon reexamination  
17 of the plans for that depth of rear addition, they  
18 came to a new figure of 13 feet beyond the neighbor  
19 to the west, which is three feet beyond what is  
20 allowed as a matter of right.

21           Similarly, the lot occupancy dimension came  
22 down -- I forget what the old number was, but the  
23 present number calculated by the ZA's office for the  
24 proposed lot occupancy is 66%, which falls within  
25 the special exception range. So I think that's --

1 the ZA's office came to their most recent referral  
2 memo. So that's -- again, what we based our report  
3 on, was that most recent memo.

4 VICE CHAIR GOLDSTEIN: Okay. Thank you.  
5 That's really helpful. I don't know if the issue of  
6 zoning raise came up in your discussions, but the  
7 way it is styled is treating it as an addition, 150-  
8 201. Do you feel comfortable, just to note with  
9 that path of analysis for this case?

10 MR. JESICK: Certainly, yes, that issue of  
11 the raise has come up. If it is, in fact, deemed a  
12 raise, I think what you were hinting at earlier,  
13 Vice Chairman, was that Section 5201 is really not  
14 applicable to new construction in most  
15 circumstances. So if this is, in fact, deemed to be  
16 new construction, the applicant may need to request  
17 a variance for lot occupancy.

18 I believe one exception could still be  
19 granted for the depth of the rear additions. But  
20 given the ZA's most recent memo, again, we were  
21 proceeding forward based on that basis. So I guess  
22 we would need to get written confirmation from the  
23 ZA as to whether they are indeed considering this a  
24 raise. The memo would seem to imply it's simply an  
25 addition.

1           VICE CHAIR GOLDSTEIN: Thank you. That's  
2 the point of my confusion. It's not -- to the  
3 applicant, it's not the project, per se. It's just  
4 a technical issue. Are you requesting the  
5 appropriate relief and can we grant the appropriate  
6 relief?

7           So I think that, I think, cleared up quite  
8 a bit for me. I'll open it up to other board  
9 members. I'm inclined -- the Office of Zoning  
10 Administration has had two looks at this project.

11           They are the ones who've -- there's a stop  
12 work order. There's engagement with the applicant.

13           There's the revision into the record. I'm inclined  
14 to go with their recent revised referral as the  
15 definitive area of relief and I'll rely on that.

16           I don't know if anyone feels differently.  
17 But they've looked at it twice. They've done  
18 recalculations. They looked at the relief. I'm not  
19 going to look -- I don't know all the facts that  
20 they know.

21           So I'm going to rely on the relief that  
22 they presented. Mr. Jesick, one last question for  
23 you. Have you seen the plans that were submitted  
24 today? I believe it was today by the applicant.

25           MR. JESICK: I have not. When I checked

1 the record a few minutes ago, I don't believe they  
2 were yet uploaded. But I can look again as the  
3 hearing proceeds if necessary.

4 VICE CHAIR GOLDSTEIN: I just want to --  
5 I'd love to just have it if you can take a brief  
6 glance and we can come back to you just to make sure  
7 that nothing in your report would change based on  
8 the latest submission. It sounds like from the  
9 applicant's testimony that it was really limited to  
10 cleaning up and labeling. But just to have it on  
11 the record that you would remain in support based on  
12 the latest materials put into the record.

13 MR. JESICK: As of right now, I'm still not  
14 seeing it in the record.

15 MS. MEHLERT: Staff hasn't entered it yet.  
16 We were just waiting for kind of the affirmative to  
17 enter those lasted exhibits. We can get them in  
18 right away if that's what the Board would like.

19 BZA CHAIR POURCIAU: Yes, please. Can you  
20 enter those?

21 MS. MEHLERT: Yeah.

22 BZA CHAIR POURCIAU: Thank you.

23 VICE CHAIR GOLDSTEIN: I don't have any  
24 further questions. Thank you.

25 BZA CHAIR POURCIAU: Okay. Thank you. Ms.

1 Lindsjo, do you have any questions or comments for  
2 the applicant?

3 MEMBER LINDSJO: No, for OP. Yeah, I have  
4 nothing for OP. Thank you.

5 BZA CHAIR POURCIAU: You're welcome. Mr.  
6 Hood, any questions for OP?

7 ZC CHAIR HOOD: No, I don't have any  
8 questions for OP but what Mr. Jesick finds out.  
9 Thank you.

10 BZA CHAIR POURCIAU: Appreciate that. I  
11 don't know. Let's see. We'll go down the list and  
12 see if there's any other government agencies. It  
13 doesn't seem that any are here.

14 The ANC, you mentioned that everyone wants  
15 to see the project down. No other comments from ANC  
16 or other ANC witnesses. No other parties to the  
17 application. It seems like we've covered everything  
18 at this point.

19 I do want to say being a new Board member,  
20 it's our first day. And getting another submittal  
21 on the day of the hearing is a little difficult,  
22 let's say. But if we can get that uploaded and  
23 looked at, maybe we can get this one completed as  
24 well. So let's give it a couple minutes and see  
25 what happens.

1 MS. SWINSON: Thank you. We appreciate  
2 that, Madam Chair.

3 VICE CHAIR GOLDSTEIN: I'm sorry, Madam  
4 Chair. I do have another question for the  
5 applicant. I believe there's one letter to the  
6 record. Just trying to see. There's the DDOT  
7 report which is supportive, and there is the ANC  
8 letter of support, another one, Exhibit 28 from  
9 Marcus & Daran.

10 There's comments from William Panici with  
11 attachments. Were those -- were any of them -- I'm  
12 trying to refresh my memory. Did they raise any  
13 concerns, or were they supportive of the approval of  
14 the project? I don't know, Madam Chair, other Board  
15 members if you've had a more recent review of them.

16 If they raised any concerns, I was just hoping the  
17 applicant might be able to speak to them.

18 MS. SWINSON: I can speak to it really  
19 quickly. Mr. Bill, he is on the opposite side. So  
20 respectfully, I understand with the history of the  
21 house he purchased with the previous owner, they  
22 were with months of purchasing each other.  
23 Apparently, the way that the construction was  
24 handled by the previous owner was problematic for  
25 Mr. Bill that it did have some levels of

1 disturbances to his property, if you will.

2 And so in his letter, what he wrapped up to  
3 say, okay, if we just take off the whole back of the  
4 house, like, he would be okay, you know, because he  
5 doesn't want any additional building which we're not  
6 going to do. But outside of that, he supports  
7 completing the renovation of the house.

8 VICE CHAIR GOLDSTEIN: Thank you.

9 MS. SWINSON: You're welcome.

10 BZA CHAIR POURCIAU: Any update on the  
11 loading of that document?

12 ZC CHAIR HOOD: The document is now in.  
13 And I will say to Ms. Worsley, if I looked at this  
14 document and I'm going to use this word loosely.  
15 For me, when I look at what the plans say, if I use  
16 the word de minimis, would I be too far to the left?

17 MS. WORSLEY: No, you would be very  
18 correct.

19 ZC CHAIR HOOD: That's what it looks like.  
20 It's very de minimis. Thank you.

21 BZA CHAIR POURCIAU: Mr. Jesick, do you see  
22 it? Do you see the document?

23 MR. JESICK: Yes. Thank you, Madam Chair.

24 I reviewed as the Board was speaking the new  
25 exhibits, 29 and 30, the plat and the updated plans.

1 And as the applicant's architect stated, I didn't  
2 see any physical changes to the plans, just a change  
3 in labeling to be more clear about what's existing  
4 on the building to remain. So there was nothing  
5 there that would change our recommendation.

6 BZA CHAIR POURCIAU: Thank you so much.  
7 Since there are no others here to testify, I'd like  
8 to -- and I don't think the Board has anymore  
9 questions. Would the applicant like to bring  
10 anything else up and complete your presentation  
11 today?

12 MS. WORSLEY: No, we just want to express  
13 our appreciation. Thank you for listening to it and  
14 trying to understand the long history. Michelle and  
15 Tammy both very much appreciate it. Looking forward  
16 to finishing up things and moving into their new  
17 home.

18 BZA CHAIR POURCIAU: All righty. I got  
19 your closing statement. What I think we should do  
20 at this time is we will -- let me get my words here.  
21 We're ready to deliberate.

22 So Madam Secretary, you can close the  
23 hearing and the record. Witnesses can be excused.  
24 Then you can -- then we will deliberate and discuss  
25 the case. All right. Madam Secretary? Because I

1 believe we are ready to vote.

2 MS. MEHLERT: Okay. You're good to go with  
3 deliberations if that's what you'd like to do.

4 ZC CHAIR HOOD: Okay. Vice Chair, it's  
5 after 5:00. So you might want to start us off with  
6 the deliberations. I'm going to take over now.

7 VICE CHAIR GOLDSTEIN: No problem. Yeah, I  
8 would say that the application meets the special  
9 exception standards that we're based on the revised  
10 DOD referral memo. Those are the E 207.4, relief  
11 from 207.5 which is the rear extension of the house  
12 and the lot occupancy.

13 We certainly heard testimony about the  
14 challenges that has led the applicant to this  
15 particular moment and that the construction seems --  
16 there's generally support for the construction and  
17 completion of the project. The Office of Planning  
18 is supportive. The ANC, I believe, is supportive as  
19 well. And I am prepared to approve the project.

20 MEMBER LINDSJO: I agree with all those  
21 statements from Vice Chair Goldstein, and I also am  
22 willing to support the approval of this project.

23 ZC CHAIR HOOD: I too would agree with the  
24 comments I've heard thus far. And I think our  
25 discovery and as delved in the case and the merits

1 of this case and all of the things that have gone on  
2 throughout this case and the applicant being  
3 responsive. They threw extra things into the  
4 kitchen sink and be able to prove that the relief is  
5 warranted.

6 So I will be voting in favor of this, and I  
7 don't have anything else to add. And I think the  
8 record is complete. So Madam Chair, I think we're  
9 good. Are you there, Madam Chair?

10 VICE CHAIR GOLDSTEIN: Ms. Mehlert, I can  
11 make the motion. It looks like our chair may be  
12 having some technical difficulty once again. I  
13 don't know if that presents any complications for a  
14 vote in the moment.

15 There's still quorum to make the vote. If  
16 we can proceed, I don't mean to deny the chair the  
17 opportunity to vote. Kind of look a little for your  
18 guidance. Should we proceed ahead in the moment or  
19 give it another minute?

20 MS. MEHLERT: It's up to you. I mean, if  
21 the Board voted now with three votes, that would  
22 still constitute a quorum.

23 ZC CHAIR HOOD: Mr. Vice Chair, with all  
24 due respect, she's heard the case. We just need to  
25 help her with her internet. You can go ahead and

1 make the motion, and then we can wait for her to say  
2 aye.

3 VICE CHAIR GOLDSTEIN: Okay. I make a  
4 motion to approve Application No. 21446 as captioned  
5 and ask for a second.

6 MEMBER LINDSJO: I second it.

7 VICE CHAIR GOLDSTEIN: I'd ask for a roll  
8 call vote, please.

9 MS. MEHLERT: Okay. Please respond to the  
10 vice chair's motion to approve the application.  
11 Vice Chair Goldstein?

12 VICE CHAIR GOLDSTEIN: Yes.

13 MS. MEHLERT: Board Member Lindsjo?

14 MEMBER LINDSJO: Yes.

15 MS. MEHLERT: Chairman Hood?

16 ZC CHAIR HOOD: Yes.

17 MS. MEHLERT: And Chairperson Pourciau?

18 ZC CHAIR HOOD: Well, we did save a little  
19 time.

20 MS. MEHLERT: Hearing no vote from the  
21 chair, we can still record the vote as 3 to 0 to 2  
22 approve Application No. 21446 from the motion made  
23 by Vice Chair Goldstein and seconded by Board Member  
24 Lindsjo.

25 ZC CHAIR HOOD: Okay. Are there any other

1 matters before us today that we should address?

2 MS. MEHLERT: There is nothing from staff.  
3 Everyone did a great job today for your first  
4 hearing. So congratulations.

5 ZC CHAIR HOOD: I too -- vice chair and to  
6 all of the new colleagues today which is three. I'm  
7 going to consider myself new too. But I want to  
8 commend you all on this. You all did a fabulous  
9 job, and this shows the city and the Board of Zoning  
10 Adjustment is in good hands. So you all, thank you  
11 very much. Great job today. All right. Thank you,  
12 Mr. Vice Chair. I'm done.

13 VICE CHAIR GOLDSTEIN: And thank you so  
14 much, Commissioner Hood, for your guidance today.  
15 It was really helpful. If there is nothing else, I  
16 say we conclude the hearing.

17 (Whereupon, the above-entitled matter was  
18 concluded.)

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## 1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript was  
3 duly recorded and accurately transcribed under my  
4 direction; further, that said transcript is a true  
5 and accurate record of the proceedings; and that I  
6 am neither counsel for, related to, nor employed by  
7 any of the parties to this action in which this  
8 matter was taken; and further that I am not a  
9 relative nor an employee of any of the parties nor  
10 counsel employed by the parties, and I am not  
11 financially or otherwise interested in the outcome  
12 of the action.

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17 *Peter J. Holland*

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19 Pete Holland

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