

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 22, 2026

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 10:08 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
PAUL GOLDSTEIN, Vice Chair
MELISSA LINDSJÖ, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Vice Chair

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
ELLA ACKERMAN, Zoning Specialist
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD
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
6 the Regular Public Hearing held on July 22, 2026.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AGENDA

Application Number 21404, 512 Taylor, LLC	4
Application Number 21459, Alexandra and Ahmed Mady	125
Application Number 21460, Katie Delzell	146
Application Number 21462, Thomas Jefferson Real Estate, LLC and Emerald Wings, LLC	170
Application Number 21463, Adam Finkel and Megan Crowe	240
Application Number 21465, Jesse and Kristen Connell	257

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

2 (10:08 a.m.)

3 CHAIRPERSON POURCIAU: We'll move on to our
4 virtual public hearing session, and our first case
5 is 21404.

6 Secretary Mehlert, would you please read it
7 into the record?

8 MS. MEHLERT: Yes. Next in the public
9 hearing is Application No. 21404 of 512 Taylor, LLC.

10 This is a self-certified application pursuant to
11 Subtitle X, Section 901.2 for a special exception
12 under Subtitle D, Section 5201 from the side yard
13 requirements of Subtitle D, Section 208.7. This is
14 for a partial third-story and two-story rear
15 additions to an existing two-story attached
16 principal dwelling. It's located in the R-2 Zone at
17 1534 Nebraska Avenue NW, Square 1879, Lot 30. This
18 public hearing was originally scheduled for January
19 28th and has been postponed several times.

20 On January 28th, the Board also granted a
21 request for party status in opposition to Katelyn
22 Belinski and Jason and Patricia Kovacs. I'll also
23 note as a preliminary matter, the party in
24 opposition, Katelyn Belinski, has proffered an
25 expert witness, Guillermo Rueda, who has previously

1 been recognized as an expert witness by the Board.

2 CHAIRPERSON POURCIAU: Thank you so much.
3 I see we have Mr. Sullivan with us as the agent for
4 the applicant. Are you ready to proceed with your
5 presentation and report?

6 MR. SULLIVAN: Yes, we are, Madam Chair.
7 My name is Marty Sullivan, zoning counsel for the
8 applicant. If we could load the PowerPoint
9 presentation, please. And if we could please go to
10 the end of the PowerPoint presentation first. I
11 want to go to the third slide from the end. This is
12 the updated one. Is this the last page? Okay. We
13 submitted an updated PowerPoint.

14 I wanted to address a question before we
15 get into the meat of the hearing, and if it's
16 possible to load that PowerPoint presentation
17 because it includes just some information from the
18 public domain, a BZA order discussing self-
19 certification. I think it would be helpful to go
20 over that first before we start the main
21 presentation. While that's getting loaded, I can
22 start talking about that because before we delve
23 into the actual argument for the special exception
24 that's being requested, I think, possibly we could
25 save a lot of time and provide some focus here

1 because from the party opponents and their expert
2 witness, the majority of the arguments have to do
3 with the question of erroneous self-certification.
4 Or in other words, they're claiming that we haven't
5 asked for the correct relief or the right amount of
6 relief.

7 We are asking only for special exception
8 relief from the side yard provision found in D208,
9 and we're asking that request, which is evaluated
10 pursuant to D5201.4. It's known as the light and
11 air, privacy, and character, scale, and pattern
12 criteria. The party opponents and their expert
13 witness have made numerous arguments which are, at
14 their heart, arguments of erroneous self-
15 certification. We have self-certified this
16 application, certifying that, in our opinion, the
17 side yard relief for one side yard is the only
18 relief that's required for the proposed project.

19 I think it's important before we start the
20 main presentation that we discuss the purpose of
21 self-certification and what it means as applied to
22 this case. This is BZA Order 18263B. It's a remand
23 order written in 2011. The reason I'm providing
24 this is because it provides an excellent explanation
25 of how self-certification works and what it means

1 for the Board when there's claims of erroneous self-
2 certification. So, if we could go to the next
3 slide, please.

4 I'll start with the middle paragraph on
5 page 9 here of the order, starting with this
6 application. This application was self-certified.
7 That provision allows an architect or attorney to
8 certify that zoning relief is needed and the type of
9 relief required. Self-certification therefore
10 allows property owners who know what zoning relief
11 is needed to seek that relief prior to applying for
12 a building permit. Then I'll drop to the last
13 paragraph there. Thus, the Board's grant of this or
14 any other self-certified application does not
15 prevent the Zoning Administrator from denying a
16 building permit because more relief is needed or the
17 Board from affirming the denial. Next slide,
18 please.

19 Here's the important paragraph on the next
20 slide. It is for this reason the Board has
21 consistently held that assertions of an erroneous
22 certification are irrelevant to its review of
23 applications. And the Board in this case relied on
24 other BZA opinions and also relied on the Court of
25 Appeals, which stated that these holdings are

1 consistent with the Court of Appeals admonition
2 that, "In evaluating requests for special
3 exceptions, the BZA is limited to a determination of
4 whether the applicant meets the requirements of the
5 exception sought" and in this case, again, we're
6 only asking for the one exception.

7 It goes on to say, "It would defeat the
8 entire purpose of the self-certification process if
9 one of the requirements of the exception sought is
10 to prove that the exception alone will suffice."
11 Effectively meaning it defeats the purpose of self-
12 certification if I also have to prove to the Board
13 and the Board has to evaluate and approve that the
14 entire proposal meets every zoning regulation out
15 there. This is not to say that the Board may not,
16 on its own motion, dismiss an app where there's no
17 plausible basis to conclude that the relief
18 requested is sufficient. No plausible basis.

19 It goes on to say the Board has the right
20 not to waste its time. If there was a undisputed
21 height violation, if we were asking for 45 feet in
22 height and I refused to add a variance to my
23 request, the Board should dismiss that case because
24 it's in the interest of not wasting their time when
25 it's obvious. But here's another key sentence,

1 though, "But where, as here, the issue is not one of
2 computation but interpretation, the Board should at
3 this stage allow the Zoning Administrator to carry
4 out the function of administratively interpreting
5 the zoning regulations." What that means for this
6 case -- and I'll use the party opponent's expert
7 witness summary as an example. He has nine points,
8 and I'm sorry I don't know what exhibit this is, but
9 I'll describe it in detail. Point 1 and 7, he's
10 claiming we need variance relief because he's saying
11 that we are raising the building for zoning
12 purposes. We've self-certified that this is an
13 addition, and we're relying on the Zoning
14 Administrator to agree with us on that, and they
15 have to this point. So we're not going to ask for a
16 variance. He wants us to ask for a variance.

17 The next item, he claims that we failed to
18 disclose the existence of an additional dwelling
19 unit at the cellar level with its own independent
20 entrances, sleeping and kitchen facilities. This
21 isn't relevant in any context anyway for the special
22 exception. But again, that's self-certified. We're
23 not applying for a building permit for an accessory
24 apartment in addition to the single family. If the
25 Zoning Administrator looked at the plans and said,

1 Yes, you are, then we would have to get approval as
2 an accessory apartment. But that's a matter of
3 right as well anyway, so that doesn't matter.

4 The solar studies, this is the big item.
5 Mr. Kovacs and Mr. Rueda are both claiming that we
6 should be asking for relief from D-204 for the solar
7 water heater on Mr. Kovacs roof. In our opinion, we
8 don't need to do that, and we're not requesting
9 that. It's for the Zoning Administrator to then, in
10 the building permit application, tell us whether or
11 not we're wrong about that. And if the Zoning
12 Administrator agrees with us, Mr. Kovacs has the
13 ability to appeal that and challenge that decision.

14 Mr. Rueda says that we failed to request special
15 exception relief from D-207.4 because the upper
16 floors of the addition go more than 10 feet past the
17 upper floors of the adjoining buildings. We happen
18 to know that's not how the Zoning Administrator
19 interprets it, and so we haven't asked for that, and
20 it's not before the Board. They also say we failed
21 to request special exception relief for D-204.
22 That's the solar energy panels.

23 So, there's mainly three areas that he says
24 it's a zoning raise. He says we need special
25 exception relief from the upper floors for the 10-

1 foot rule and also for the solar panels. So we're
2 not asking for that. We're only asking for side
3 yard relief, and that's all we've certified to. And
4 I want to note that this is not just a technicality
5 of law. There's a logical and pragmatic reason
6 behind the self-certification process and how it
7 should be applied here. The permitting
8 professionals at DOB and at the Office of the Zoning
9 Administrator have the experience and training to
10 review building permit applications in their
11 entirety to determine whether any additional relief
12 is required. If this board was charged with having
13 to determine on every application whether or not the
14 applicant was asking for the correct relief, the
15 Board would be in the position of reviewing an
16 entire plan set and building permit application for
17 compliance with the entire panoply of zoning
18 regulations and requirements. And the Board, in
19 this case, doesn't even have all the required
20 documents for that. They only have the documents
21 required to show enough to for them to evaluate the
22 relief being requested. For instance, solar panels.
23 We would have a lot more detailed argument on the
24 solar panels if we were asking for that relief.

25 This is what the BZA is explaining in the

1 Lester order. I think it's appropriate for the
2 Board to either strike the arguments relating to
3 erroneous self-certification or at least limit the
4 party opponent's time spent on those because the
5 Board should find those to be irrelevant and the
6 province of the Zoning Administrator, as stated in
7 the middle paragraph on page 10 at the end there
8 where it says, Whereas here the issue is one of
9 interpretation, the Board should allow the ZA to
10 carry out the function of interpreting the zoning
11 regulations, which of course is challengeable back
12 to this BZA. And you have appellate jurisdiction
13 over those decisions at that point.

14 With that, I would like to begin the main
15 presentation and go back to page 1 unless the Board
16 has any questions about what I've stated on self-
17 certification at this point.

18 CHAIRPERSON POURCIAU: Please proceed.

19 MR. SULLIVAN: Thank you. The address is
20 5034 Nebraska Avenue, NW. Next slide, please. The
21 request is for -- well, first go through the
22 introduction of the property. The lot area is 2,932
23 square feet. It is a non-conforming lot as to lot
24 width and lot area. This is a two-story single-
25 family row dwelling. It's a single-family dwelling,

1 existing and proposed. The relief sought is under
2 208.7 for one five-foot side yard for the length of
3 the addition, and only one such side yard is
4 required. The Office of Planning is recommending
5 approval, and DDOT has no objection. And the
6 applicant is proposing to construct a three-story
7 rear addition that is also set back from the front
8 building line. Next slide, please.

9 The building is an existing row dwelling,
10 no side yards, in an R-2 zone, where buildings are
11 required to have one eight-foot side yard when built
12 new. The building's currently non-conforming with
13 respect to the side yard requirements, and pursuant
14 to D-208.7 in the case of a building with a non-
15 conforming side yard, an extension or addition may
16 be made, provided that the width of the existing
17 side yard shall not be reduced or eliminated, and
18 provided further that the width of the side yard
19 adjacent to the extension or addition shall be a
20 minimum of five feet.

21 The proposal is requesting to maintain the
22 existing condition with no side yards. Therefore, a
23 relief is requested from the requirement to provide
24 a five-foot side yard for the addition. Next slide,
25 please.

1 I think it's important to note in that when
2 we're requesting the relief, the matter of right
3 option is significant here. We're not asking for
4 height relief or stories relief. Third story is
5 permitted with a five-foot side yard, and the
6 addition's permitted with a five-foot side yard. We
7 have communicated with the neighbors. I was under
8 the impression that Mr. Kovacs was also represented
9 by Ms. Ferster, and I was mistaken in that. So, I
10 may not have communicated -- I would have
11 communicated with Mr. Kovacs more.

12 In our communications with Ms. Ferster, it
13 was relayed to us that the main complaint is about
14 the third story addition in general, and removing
15 the third story would be the requirement if we were
16 to be able to get agreement from the neighbor, Ms.
17 Belinski. Next slide, please. I'd like to turn it
18 over to the architect. Mr. Abebe should be on the
19 panel, I believe. Dag, if you want to take them
20 through the photos and the plans, please.

21 MR. ABEBE: Sure. So, as our
22 representative has stated, it's in a row building in
23 the middle of two --

24 MS. FERSTER: I'm sorry, I need to
25 interrupt for a minute because Mr. Sullivan has not

1 qualified his architect as an expert yet. If he
2 wants to --

3 MR. SULLIVAN: We're not presenting him as
4 an expert.

5 MS. FERSTER: Offer him -- offer him as an
6 expert.

7 MR. SULLIVAN: He's the -- we haven't
8 presented him as an expert witness.

9 CHAIRPERSON POURCIAU: Excuse me -- excuse
10 me. He is already qualified as an expert. Thank
11 you for bringing that up.

12 MS. FERSTER: If I may, Madam Chair.

13 CHAIRPERSON POURCIAU: Excuse me. You'll
14 get a chance to speak in the rebuttal after the
15 presentation. All right? Is that okay?

16 MS. FERSTER: Yes, I'll just have some
17 cross-examination questions.

18 CHAIRPERSON POURCIAU: Very good. I'll
19 call on you for that, and I would like to ask the
20 applicant how much longer they expect the
21 presentation to proceed. Mr. Sullivan, can you
22 answer that?

23 MR. SULLIVAN: Yes. Thank you, Madam
24 Chair. I should be 5 or 10 minutes tops.

25 CHAIRPERSON POURCIAU: Okay. Thank you.

1 Please proceed.

2 MR. ABEBE: Okay. So next slide, please.
3 So this is the existing rear yard. We are proposing
4 a single family dwelling unit. Next slide, please.

5 This is the current condition of the existing rear
6 yard. As you can see, there is a single story
7 addition on both sides of abutting properties. Next
8 slide, please. It has an existing entrance to the
9 basement. Next slide, please. And this is also
10 part of the existing rear yard condition. Next
11 slide, please. Okay. So, on our addition we only
12 propose 10 feet rear addition. On the 10 feet rear
13 addition we don't have any windows to the neighbor,
14 our windows are designed to look to our own
15 backyard.

16 MR. SULLIVAN: Excuse me, excuse me. I'm
17 sorry. Dag, can you ask the presenter to move the
18 slides in conjunction with what you're --

19 MR. ABEBE: Thanks. Okay. Next slide,
20 please.

21 MR. SULLIVAN: -- talking about.

22 MR. ABEBE: Okay, next slide -- next slide.
23 So these are the shadow studies for the four
24 seasons. As you can see, there is a minimal impact
25 on the abutting property's rear yard. Next slide,

1 please. This is also the shadow study. Next slide,
2 please. This is the plan existing and versus
3 proposed. As you can see, we are only adding a 10
4 foot rear addition to the back. Next slide, please.

5 So, this is a single-family unit. The in-
6 law suite in the basement and there's living room
7 and bedrooms on the upper levels of the building.
8 Then on the third floor, we have given ample
9 setbacks from the front considering the chimneys on
10 abutting properties and then we also have presented
11 this to DOB. Next slide, please.

12 This is to show how we have kept the
13 characters of the building and the neighborhood, but
14 also that we have basically upgraded the front
15 facade. Next slide, please. This is the rear
16 elevation. Next slide, please.

17 As you can see, then we can see the
18 neighbor's property with regards to our addition.
19 Next slide, please. This is also to show the other
20 side our addition with regards to the neighbor's
21 property. Next slide, please. Yeah. That's it
22 mostly. If you have any questions regarding the
23 design, let me know, but mostly it's a very simple
24 project. It's a single-family, nothing complicated
25 from the design perspective. Thank you.

1 MR. SULLIVAN: Thank you, Dag. If we could
2 go back a few slides to the slides about the how we
3 meet the special exception criteria. One slide
4 previous, please. I'm going to make sure we --
5 okay, next slide, please. Okay. I want to note the
6 Office of Planning recommendation and highlight some
7 of the comments they had on the special exception
8 criteria on light and air. They've noted that the
9 application complies with all R-2 standards except
10 this requested side yard requirement. A matter of
11 right addition could be constructed with a five-foot
12 side setback, and the applicant's shadow study
13 compares that scenario with the proposed addition,
14 as is the customary standard for these special
15 exception cases.

16 Although the proposed design would create a
17 small amount of additional shadow on adjacent
18 properties, the difference is limited and not undue
19 per BZA practice compared to what could be built as
20 a matter of right. Regarding privacy, there are no
21 windows proposed on the building sides, and the open
22 decks are located at the rear of and on top of the
23 dwelling. The placement of these features is
24 logical as to not create undue privacy concerns to
25 any neighboring property. Again, these are comments

1 from the Office of Planning.

2 Regarding character, scale, and pattern,
3 the addition is visible from the public alley but
4 does not extend more than 10 feet beyond the
5 furthest adjacent rear walls and is partially
6 screened by site features and neighboring
7 structures, and the proposed decks and balconies are
8 typical residential elements. Although the third-
9 story addition occupies the existing footprint, the
10 front deck setback, substantial front yard
11 vegetation, and surrounding buildings minimize
12 visibility from the street. The building is set
13 back significantly from the front building line and
14 about 60 feet from the front property line in total
15 from the existing building. For these reasons, the
16 proposal does not substantially visually intrude on
17 character, scale, and pattern of houses on the
18 street. Next slide, please.

19 This might be a little bit duplicative, but
20 this is our argument as well. Regarding the general
21 special exception criteria, the applicant proposes
22 to expand an existing non-conforming structure that
23 has occupied this lot for approximately 85 years.
24 The proposed improvements are consistent with the
25 purpose and intent of the zoning regulations and

1 will not increase density beyond what is permitted
2 by special exception or introduce any prohibited
3 uses. Regarding 901.2B, the applicant does not
4 propose side-facing windows, and for other reasons
5 discussed in the specific criteria, this proposal
6 will not tend to affect adversely the use of
7 neighboring property.

8 As you saw from the shadow studies, the
9 additional shadow is limited, and this should not be
10 considered undue. It's important to note that the
11 matter of right option would be to go to the same
12 height and could do an additional footprint by going
13 further to the front and not having the front set
14 back with a five-foot setback requirement. So, that
15 five feet missing, we're comparing -- as is the
16 custom with shadow studies -- we're comparing the
17 matter of right option or what will happen if this
18 isn't approved with what we're asking for.

19 You can see why that would only be a
20 limited amount of shadow because this five foot
21 additional is up against what would be an existing
22 matter of right building at the same height.
23 Regarding privacy, the applicant's not providing any
24 north-facing or south-facing windows, and their
25 placement minimizes potential privacy impacts and

1 will not create undue privacy concerns for
2 neighboring properties.

3 There was concern by Ms. Belinski about a
4 skylight that she has. I think it's arguable
5 whether or not somebody can have a skylight in their
6 building and then expect that that limits a
7 neighbor's ability to develop their own property.
8 But we don't think that the relief requested has an
9 impact on that. We have offered to Ms. Ferster to
10 provide some sort of screening at that area or
11 planters or something that would just prevent people
12 from looking over the edge of the building in that
13 position where the skylight is, and we're open to
14 doing that if so required.

15 Finally, there's no substantial visual
16 intrusion on character, scale, and pattern for the
17 reasons we've discussed. It's set back from the
18 front, even though there's no front setback
19 requirement, and we're not asking for height relief,
20 so that's not really even part of the application.
21 This is just relates to the side yard. And from the
22 rear, we still have a 27-foot rear yard setback,
23 seven feet more than required. We're not asking for
24 relief from the 10-foot rule, and it's a minimal
25 change to have the side set back. So, it doesn't

1 substantially visually intrude from the alley as
2 well as the street. Next slide, please. I think
3 that's it, yeah, that's it for our argument. So if
4 the Board has any questions for myself or the
5 architect or the applicant. Thank you.

6 CHAIRPERSON POURCIAU: Thank you, Mr.
7 Sullivan and Mr. Abebe. I'd like to first take
8 questions from the Board. Vice Chair Goldstein, do
9 you have questions for the applicant?

10 VICE CHAIR GOLDSTEIN: I do have a few
11 questions. Thank you, Mr. Sullivan, for the
12 presentation. I think it also was useful, the
13 discussion of self-certification. I mostly agree
14 with you, but I just want to ask you a little bit
15 about the solar because it is really the key one, I
16 think, that's come up a lot. You must feel very
17 confident you've got the right interpretation. Is
18 that right? And why, can you help me understand why
19 you feel confident?

20 MR. SULLIVAN: Yeah, the applicant has
21 filed their affidavit based on their information,
22 and I can have the applicant talk about why they did
23 that, but they have filed the affidavit. I'm not an
24 expert in solar panels, and the applicant's not, but
25 he is a mechanical engineer. What I'm basing it on

1 is the fact that -- and so now we're getting into
2 the argument -- for which the applicant or the party
3 opponent has filed numerous submissions in the last
4 week. And so if we're prepared to get into an
5 argument on whether or not relief from 204 is
6 required, then we're arguing about something that
7 should go to the Zoning Administrator. But I'll
8 just say that the language of solar energy system
9 notes that it's in kilowatts. It limits the system
10 to say, a size of more than two kilowatts, which is
11 an electrical measurement, kilowatts.

12 A solar water heater is a thermal system,
13 not an electrical system, and the permit provided
14 for that was a plumbing permit, not a solar panel
15 permit or solar energy system permit. So in a
16 nutshell, that's what the applicant has based their
17 opinion on why they don't think that applies. This
18 goes to my question when I talked about self-
19 certification. If there's no plausible basis to
20 find otherwise, then it should go to the Zoning
21 Administrator. That's what the Board said in the
22 Lester case.

23 VICE CHAIR GOLDSTEIN: Have you all had any
24 discussions with the Zoning Administrator about this
25 issue? I mean, we also don't want to waste our

1 time. We don't want to waste your applicant, your
2 client's time. If you get this wrong, that's a
3 problematic factor for your client. I'm just
4 curious, has there been discussions --

5 MR. SULLIVAN: Yeah, that's the point.
6 Right. In the order that I presented it, it says
7 that -- that we're certifying and -- that, you know,
8 the applicant is liable at that point for being
9 correct, and they bear the brunt of the
10 responsibility of having the Zoning Administrator
11 approve that. Or, also the Board could also
12 overturn it if the Zoning Administrator approved it.

13 So, and I'm sorry, I lost the question.

14 VICE CHAIR GOLDSTEIN: Yeah, the question
15 was, has there been any discussion with your client
16 with DOB about that point? If not, if not, I'm just
17 curious.

18 MR. SULLIVAN: I don't know, and I'd like
19 to see if I can turn it over to the applicant, but
20 either Ritesh, if you'd like to speak, or if Alper
21 is on the phone line, it might be --

22 MR. MATTA: Yeah, Alper is. Hi, this is
23 Ritesh. Let me get my video in here. Yeah, Alper
24 actually will be able to better speak to it, but
25 he's in the attendees but has not been upgraded as a

1 panelist. So, if that can be done, that'll be super
2 helpful.

3 CHAIRPERSON POURCIAU: He has to be sworn
4 in and --

5 MR. MATTA: Yeah, he went through that
6 process, I think, as he told me.

7 CHAIRPERSON POURCIAU: Ms. Mehlert, can you
8 help us?

9 MS. MEHLERT: Yeah, I believe he did sign
10 up kind of last minute, and I do see him in the
11 attendee list. Mr. Young can add.

12 MR. YOUNG: What was the name again?

13 MR. MATTA: Last name is Akan, A-K-A-N.
14 Alper Akan.

15 MR. YOUNG: All right. Hi, Alper. So the
16 question was --

17 MR. AKAN: Good morning.

18 MR. YOUNG: -- whether or not you've had
19 any discussions. If you could introduce yourself,
20 and then afterwards if you could -- Board Member
21 Goldstein had the question about whether or not
22 there's been discussions with OZA or DOB regarding
23 the solar panels.

24 MR. AKAN: Yep. Good morning. Yes, when
25 we were applying for the permits we did file an

1 addendum, and there were some back and forth with
2 DOB, and we gave them the same answer, you know two
3 kilowatts and you know, what constitutes basically a
4 solar system in D.C. law. We did provide that
5 answer, and we didn't get any, you know
6 justification or any questions or any concerns, any
7 issues from DOB when we went over the permitting
8 process.

9 We didn't deny that there are, you like,
10 what constitutes a solar system is, I think, what's
11 being challenged here. We did look at the law, and
12 I'm a mechanical engineer too. The two kilowatt is
13 like, you know, Marty explained there's a
14 distinction between a thermal system and a solar
15 energy system. One of them produces an electricity;
16 the other one produces heat.

17 The way that the law is written is D.C.
18 does not consider thermal systems as a solar system;
19 at least solar energy system. Yes, it's a type of
20 energy, but the distinction comes from solely an
21 energy electricity producing system. So this is,
22 you know, one of these when we look at it, yes,
23 there are panels, but the panel's on the other side
24 of the neighboring property. And even though, let's
25 say, we didn't know that it was actually a thermal

1 system back then, it's technologically it's not
2 possible to produce more than two kilowatt with two
3 panels, which doesn't constitute a solar system in
4 D.C. law also. Later, during the process, we got to
5 learn that it's a thermal system. And the way that
6 the law is written, that we didn't think that it was
7 a solar energy system in D.C. law, and that's what
8 we submitted to DOB and we didn't get any pushback
9 on that. So, I hope that helps. And --

10 VICE CHAIR GOLDSTEIN: Okay. I think that
11 is helpful. I'm mindful of delving too deeply into
12 the issue, which I kind of hear you saying, Mr.
13 Sullivan, but I'm glad to know that you've engaged
14 DOB or OZA on this issue. I hadn't heard of this
15 issue before, so there is risk in the
16 interpretation. You sound like you feel confident
17 in your position, but I appreciate you addressing
18 it. Mr. Sullivan, can I ask you? Is the presence
19 of that thermal system at all relevant to the 5201
20 analysis?

21 MR. SULLIVAN: No. In fact, it doesn't
22 even align with the request because it, the solar
23 system -- if it was determined that that is a solar
24 energy system, then it applies to the matter of
25 right addition as well. So, it's not even a

1 question of does the special exception, the five
2 feet, impact the panels. It's the matter of right.

3 So, it's not even aligning effectively with that
4 and it doesn't impact the light and air privacy,
5 character, scale, and pattern argument required for
6 the side yard relief.

7 VICE CHAIR GOLDSTEIN: Okay. I'm just a
8 little bit curious and, Madam Chair, if you don't
9 mind, I just want to ask another question. I have a
10 feeling I know the answer, but I'd like to ask it
11 nonetheless.

12 In your view, this project is very close to
13 matter of right. Just the setback. That's all
14 you're asking for. I'm just curious, you could have
15 proposed a project with a five-foot setback and not
16 come through the BZA process. So there is a reason
17 that you all wanted no setback. You want what you
18 want, and that's why we're here, but I'm just
19 curious what was the thinking in not providing a
20 setback in this case? And you wouldn't have even
21 needed to be in the BZA potentially. I'm just
22 curious about the thought process here. It could
23 just be the applicant wants this design, and that
24 can be it, but I'm a little bit curious about it and
25 whether there have been any design changes made

1 based on neighboring feedback.

2 MR. SULLIVAN: I'll ask, Alper, if you want
3 to answer --

4 MR. AKAN: Yeah.

5 MR. SULLIVAN: -- the question.

6 MR. AKAN: I'll take it.

7 MR. SULLIVAN: The question.

8 MR. AKAN: I'll take it. I'll take a stab
9 at it. I think originally, at least our top process
10 is just exactly, you know, what you, you know, asked
11 that, Hey, we could have done this. So I think
12 where we started originally was a few decisions on
13 almost an identical situation on the same block. We
14 looked at, you know, like, Hey, this middle
15 rowhouse, do we need a BZA relief or not? I think
16 that's where we got a little bit--you know,
17 originally we didn't think that we were going to
18 apply for BZA, if I'm being completely frank,
19 because of that. I need to look at the address, but
20 it's within the same block basically. It's one of
21 the middle rowhouses.

22 We found a letter from the previous Zoning
23 Administrator saying that exactly the same situation
24 did not require BZA relief. That's where we started
25 when we designed it originally. Then along the way,

1 you know, we put a BZA application as a fallback
2 just in case that this ambiguous, you know,
3 memorandum or opinion was challenged. That's where
4 we started when we first designed the project.

5 We weren't thinking that we were going to,
6 you know, need a BZA, and I'm still not completely
7 clear. Marty explained the reason. At that point,
8 we already, you know, wasted more than six months,
9 and at that point, we just decided we might just
10 wait and see how that plays out kind of.

11 MR. SULLIVAN: If I can interrupt here,
12 Alper.

13 MR. AKAN: Yes.

14 MR. SULLIVAN: I want to explain. What
15 he's referring to is the previous Zoning
16 Administrator determined that a rowhouse in an R-2
17 zone did not require side yard relief, and it was
18 based on D 208.5, which says, No side yards are
19 required for row buildings. And it doesn't
20 distinguish which zone that is, and so when you have
21 a row building already, no side yard should be
22 required. That's in conflict with the provision on
23 a non-conforming side yard.

24 Originally, in this application, OZA came
25 down on the side of 208.5, and then they switched to

1 the other conflicting provision, that it's a non-
2 conforming side yard that can only be extended at
3 five feet. In addition to that, there's a front
4 setback being required because of believe it's
5 because of a chimney issue. Also, to make sure that
6 it complies with the character scale and pattern.

7 So, there's space being lost there
8 essentially, and I think that was part of the
9 filling in the five feet. And it's a narrow lot as
10 well. If, Alper or Ritesh, if you can talk a little
11 bit about design or floor plan or Dag and the impact
12 of not having that five feet in the floor plan. I
13 think that might be responsive to what Board Member
14 Goldstein's asking. You're muted, Alper.

15 MR. AKAN: There we go. Can you hear me?

16 MR. SULLIVAN: Yep.

17 MR. AKAN: I think the, the difference
18 between, you know, setback or not setback, the rear
19 of the property, the options there get very limited
20 as far as what you can place, you know, in the back
21 and it becomes, you know, two rooms. You can't put
22 two rooms at that point. Or if you want to change
23 the orientation, it becomes almost a -- I don't want
24 to say a dysfunctional rear addition, but if you're
25 extending the property already you know, it is

1 limiting the design options quite a bit if, you
2 know, since it's a narrow lot, if you get rid of,
3 you know, the side yard, it gives us a better design
4 options.

5 If we have a setback, it's basically
6 becomes a very limited room in the back. We can't
7 put a master bedroom anywhere in the rear addition
8 if we wanted to, so that, you know, the setback just
9 doesn't help with our rear addition.

10 VICE CHAIR GOLDSTEIN: Okay. Based on what
11 any discussions, this has been in the process since
12 January, and you've been hearing some objections, I
13 think since January. Maybe there were some
14 objections even before then. I don't know. Have
15 you made any changes to your design based on what
16 you've heard? Or is this, this is the design and
17 you've stuck with it? I'm just curious.

18 MR. SULLIVAN: I'll answer that, Alper. I
19 don't believe we've made any changes and we've had
20 some discussions with Ms. Ferster on that. But the
21 demand is to remove the third story in any event,
22 and so we don't think that that would address the
23 concerns of either party. Obviously, to remove the
24 third story is not an option for the applicant, but
25 it's never been discussed that providing any kind of

1 side yard there would change the opinion of the
2 party opponents that the third story shouldn't be
3 there. Also, I don't think it would improve the
4 project that much. It would actually impact privacy
5 concerns as well because at that point you would
6 have windows probably facing the applicant or the
7 party opponents. I'd also note that it's a 19-foot
8 wide lot. It's a very narrow lot, and so it would
9 be a 14-foot wide addition at that point. And the
10 lot's narrower than both adjoining lots as well.

11 VICE CHAIR GOLDSTEIN: Okay. Well, thank
12 you. And I look forward to hearing a little bit
13 more from the neighbors about that issue. Madam
14 Chair, that's all I've got for now. Thank you.

15 CHAIRPERSON POURCIAU: Thank you. Board
16 Member Lindsjo, do you have any questions for the
17 applicant at this point?

18 MEMBER LINDSJO: No, not at this time.
19 Thank you.

20 CHAIRPERSON POURCIAU: Thank you.
21 Commissioner Miller, do you have questions?

22 COMMISSIONER MILLER: I don't want to
23 prolong this process. It's already been prolonged.

24 But I appreciate Vice Chair Goldstein's questions
25 and comments, which I think were very informative,

1 and the answers we got were very informative. I
2 appreciate the applicant's very comprehensive and
3 compelling presentation and all the exhibits in the
4 record.

5 You know, I've been on the Zoning
6 Commission for almost 14 years, but I felt like I
7 got a training seminar today on self-certification
8 and solar energy law and that was interesting to me
9 as a land use nerd for this hardly compensated
10 position. It's always to listen and learn and I
11 look forward to hearing the opposition neighbors and
12 the cross-examination and the testimony. I've read
13 their and the ANCs. I've read everything that's in
14 the record already. I'm willing. I'm open to
15 listening and learning there as well, but I
16 appreciate all the information that's been provided
17 thus far. I have no questions. Thank you, Madam
18 Chair.

19 CHAIRPERSON POURCIAU: Thank you. We'll go
20 to a cross-examination by the opposition. I do not
21 believe we have any parties that are in support.
22 What I believe we have are three separate parties in
23 opposition. You will have a time to make your
24 presentation later in the agenda. Right now we just
25 want to focus on immediate questions for the party.

1 We ask that you keep your part within three
2 minutes, but we'll see where this goes, okay? First
3 I'd like to call on the Agent for Kate Belinski. I
4 believe that's Andrea Ferster. Ms. Ferster?

5 MS. FERSTER: Yes.

6 CHAIRPERSON POURCIAU: Would you like to --

7 MS. FERSTER: Thank you, Madam Chair.

8 CHAIRPERSON POURCIAU: Thank you.

9 MS. FERSTER: And I do want to, of course,
10 clarify that I have, I don't represent Mr. Kovacs,
11 so, you know, I will not ask any questions on his
12 behalf. I assume he will do that himself. I
13 appreciate your suggestion that we keep our cross-
14 examination brief and only ask questions that we do
15 not plan to address in our opposition case. I do
16 have several questions, however, for Mr. Abebe to
17 start with and I don't see him on the screen yet.

18 MR. ABEBE: I'm here, ma'am.

19 MS. FERSTER: Great. Thank you. Mr.
20 Abebe, you indicated that you are an architect. Is
21 that --

22 MR. ABEBE: Correction. Design architect,
23 ma'am.

24 MS. FERSTER: -- a design architect. Okay.
25 And you did not sign the zoning self-certification.

1 Is that also correct? Mr. Abebe, you're muted.

2 MR. ABEBE: No, I did not sign -- yes, I
3 did not sign.

4 MS. FERSTER: Thank you. And you also are
5 not on the -- your name is not on the architectural
6 plans that were filed with the Zoning Commission as
7 one of the preparers. Is that correct?

8 MR. ABEBE: Correct, ma'am.

9 MS. FERSTER: Can you tell us when you were
10 retained by the applicant?

11 MR. ABEBE: As I told you, I represent a
12 company. I'm the design architect. There are
13 architects, structural engineers, mechanical,
14 electrical engineers involving in this project. So,
15 I'm part of the team.

16 MS. FERSTER: I'm sorry, I did not catch
17 that. Can you tell me specifically the date on
18 which you were retained by the applicant?

19 MR. ABEBE: I'll have to take a look at
20 that and will get back to you. I don't remember on
21 top of my head, but I can take a look at it.

22 MS. FERSTER: Or even approximately. To
23 the best of your recollection.

24 MR. ABEBE: In 2019.

25 MS. FERSTER: 2019. And can you tell us,

1 say, whether or not you are a D.C. registered
2 architect -- D.C. licensed architect?

3 MR. ABEBE: As I told you earlier, I'm a
4 design architect, not a D.C. licensed architect. I
5 work under a licensed architect, so --

6 MS. FERSTER: Okay. And who is the
7 registered D.C. architect that you work under,
8 please?

9 MR. ABEBE: Mr. Ikechukwu Agbim.

10 MS. FERSTER: Can you spell that last name,
11 please?

12 MR. ABEBE: A-G-B-I-M.

13 MS. FERSTER: A-G-B-I-M. And it is A-G-B-
14 I-M?

15 MR. ABEBE: Correct, ma'am.

16 MS. FERSTER: And is Mr. Agbim, the
17 registered architect that you work under, did he
18 sign either the zoning self-certification or any of
19 the architectural plans that were submitted in this
20 case?

21 MR. ABEBE: So, the zoning, the self-
22 certification can be signed by an architect or the
23 representative attorney. I would look at the
24 document, and I'll get back to you who has signed
25 the document.

1 MS. FERSTER: Okay. Okay. Thank you. And
2 my last question for you is, do you consider
3 yourself an expert in solar technology?

4 MR. ABEBE: No, ma'am. I'm not a solar
5 technology expert.

6 MS. FERSTER: Okay. Thank you. I do also
7 have a few questions for Mr. Akan. Are you there,
8 Mr. Akan?

9 MR. AKAN: Yep. Yep, I'm here. Go ahead.

10 MS. FERSTER: Thank you. So, let me ask
11 you about whether or not you consider yourself an
12 expert in solar technology. I understand you're a
13 mechanical engineer.

14 MR. AKAN: What do you define by, you know,
15 expert in solar? I think mechanical engineer
16 qualifies, you know, in heat and solar systems as an
17 expert. Yes, I do have a very deep understanding of
18 how these systems work.

19 MS. FERSTER: Okay. And have you provided
20 your CV or resume that describes any detail of your
21 solar -

22 (Simultaneous speaking.)

23 MR. SULLIVAN: I'll stipulate he's not
24 qualified. We're not offering him as an expert
25 witness. He's not. He hasn't been qualified by

1 this board as one.

2 MS. FERSTER: Okay. Thank you. So you did
3 testify about your familiarity with the law
4 governing solar panels in the District of Columbia,
5 that's correct?

6 MR. AKAN: That's correct.

7 MS. FERSTER: Can you cite the regulation or
8 the law that you are familiar with that governs
9 solar panels?

10 (Simultaneous speaking.)

11 MR. SULLIVAN: I would object to this line
12 of questioning just because now we're having a
13 discussion about whether or not we're required to
14 have special exception relief for the solar panels,
15 which is what I was trying to hopefully save
16 everybody the time of doing and leave that to the
17 Zoning Administrator. We're not experts in this.
18 We have an opinion about it, and we've made a
19 decision to proceed with the side yard relief
20 request.

21 CHAIRPERSON POURCIAU: Ms. Ferster?

22 (Simultaneous speaking.)

23 MR. SULLIVAN: And we haven't had the zoning
24 com --

25 MS. FERSTER: Okay, I will modify. I will

1 modify that question. Sure. I'll be happy to
2 modify.

3 CHAIRPERSON POURCIAU: Ms. Ferster?

4 MS. FERSTER: Mm-hmm.

5 CHAIRPERSON POURCIAU: Ms. Ferster, how
6 many more questions do you have at this point? Or
7 do you have any --

8 MS. FERSTER: That's probably my last
9 question.

10 CHAIRPERSON POURCIAU: Okay.

11 MS. FERSTER: And I will modify that.

12 CHAIRPERSON POURCIAU: Okay, thank you.

13 MS. FERSTER: So, you know, specifically
14 you testified that you did not believe that the
15 thermal solar energy system was a solar energy
16 system under the District of Columbia law, is that
17 correct? That was your testimony. Or not?

18 MR. AKAN: I'll defer to counsel.

19 MR. SULLIVAN: I believe that is our
20 position, yes. Obviously, otherwise we would be
21 addressing that in our argument, either asking for
22 that relief or explaining why it's not.

23 MS. FERSTER: Thank you. Just one follow-
24 up, and perhaps this is a legal question, but you
25 did say that you were familiar with the law, so I

1 will say isn't it correct that the definition of a
2 solar energy system in D.C. zoning regulations does
3 not speak in terms of electricity but only in terms
4 of energy?

5 MR. SULLIVAN: It actually has a
6 requirement of two kilowatts, which my understanding
7 is a measurement of electricity.

8 MS. FERSTER: Yes.

9 MR. SULLIVAN: Yes.

10 MS. FERSTER: Yes, this definition of solar
11 energy system does not use the word electric in it.

12 MR. SULLIVAN: No, but it's implied in the
13 measurement being in kilowatts and not BTUs or some
14 other non-electrical measurement method.

15 MS. FERSTER: Okay.

16 CHAIRPERSON POURCIAU: Okay. Thank you.

17 MS. FERSTER: Thank you. We will address
18 that in our opposition case, and that is all I have
19 at this point.

20 CHAIRPERSON POURCIAU: Very good. I
21 believe next would be Architect Rueda. Do you have
22 --

23 MS. FERSTER: I'm sorry. Does Mr. Kovacs -
24 - I do not represent Mr. Kovacs, so he may have
25 cross-examination questions I can --

1 CHAIRPERSON POURCIAU: Well, I haven't
2 gotten to him yet. Next, I have on my list
3 Architect Rueda. Do you have any questions for the
4 applicant, please?

5 MR. RUEDA: Good morning. I don't have any
6 questions for the applicant.

7 CHAIRPERSON POURCIAU: Thank you so much.
8 And third, I have on my list Mr. Kovacs. Mr.
9 Kovacs? Yes. Do you have any questions for the
10 applicant, please?

11 MR. KOVACS: Good morning. I don't have
12 any questions for the applicant at this time.

13 CHAIRPERSON POURCIAU: Thank you. I would
14 like to then go to -- I guess I need to ask the
15 applicant, maybe I don't. Yeah, I'd like to go to
16 the Office of Planning report now. And we have --

17 MS. MEHLERT: Madam Chair, if I may
18 interrupt?

19 CHAIRPERSON POURCIAU: Yes.

20 MS. MEHLERT: I'll just note that the ANC
21 commissioner is also on for ANC 3F.

22 CHAIRPERSON POURCIAU: Okay. Thank you
23 very much. And so, ANC Commissioner Carlson?

24 MS. CARLSON: Hi. Good morning.

25 CHAIRPERSON POURCIAU: Hi. Do you have any

1 questions for the applicant? Thank you, Secretary
2 Mehlert.

3 MS. CARLSON: I guess just in hearing this,
4 one of the questions I would have is they said that
5 there wasn't any -- they were very limited in what
6 they could design based on the site. In my
7 experience, I'm in my fourth year as ANC
8 commissioner, and I've lived in the area the better
9 part of my life. But we've had, I believe, at least
10 three BZA applications for alterations to properties
11 on this block that are all quite similar since I've
12 been ANC commissioner and several I know of from
13 before I was ANC commissioner. So there've been
14 plenty of --

15 VICE CHAIR GOLDSTEIN: Madam Chair, I
16 apologize, and thank you. This is helpful. I think
17 we're just at the point of questions.

18 MS. CARLSON: Oh, sorry.

19 VICE CHAIR GOLDSTEIN: Yeah, but certainly -
20 -

21 MS. CARLSON: Oh, sorry. I was just
22 asking. Yeah, okay, sure.

23 VICE CHAIR GOLDSTEIN: -- you can tell them
24 in a broader testimony.

25 MS. CARLSON: Okay.

1 VICE CHAIR GOLDSTEIN: Yeah.

2 MS. CARLSON: Okay, sorry. I'm on vacation
3 and at a public library, so I was just trying to get
4 what I wanted to say, which is there have been many
5 people on the block who've made alterations to their
6 property, and the ANC has not objected, and they
7 seem to have been able to do that. So, I guess that
8 was a statement that they had made. So, I
9 apologize if that was out of line.

10 CHAIRPERSON POURCIAU: Okay. So I will
11 call on you for your testimony hopefully shortly.
12 Thank you.

13 MS. CARLSON: Okay.

14 CHAIRPERSON POURCIAU: All right. So now
15 we'll hear from the Office of Planning's report, and
16 we have Mr. Phillips here. Thank you.

17 MR. ISAIAH: Thank you.

18 CHAIRPERSON POURCIAU: Mr. Isaiah.

19 MR. ISAIAH: Sure.

20 CHAIRPERSON POURCIAU: I think I do that
21 every time. Thank you.

22 MR. ISAIAH: You won't be the last, Madam
23 Chair. Thank you. For the record, this is Philip
24 Isaiah on behalf of the Office of Planning. The
25 Office of Planning is recommending approval of the

1 side setback relief that has been requested by the
2 applicant as part of an addition to a legally non-
3 conforming single family row dwelling to be aligned
4 with the rest of the dwelling located 0 feet from
5 the side lot line in lieu of the 5 feet required for
6 a side yard that is already non-conforming pursuant
7 to Subtitle D Subsection 5201 and Subtitle X
8 Subsection 901 of the Zoning Regulations.

9 Save the side yard requirement, the subject
10 addition appears to meet all of the bulk standards
11 for the R-2 zone, including height, lot occupancy,
12 the rear extension limitations, meaning the 10-foot
13 rule rear yard and front yard. While additional
14 shadow would be cast over adjacent property, if the
15 Board chooses to grant the five feet setback relief
16 requested, the additional shadow cast from those
17 five feet appears limited in nature and should not
18 be considered substantially adverse or undue.

19 As such, OP finds that the zoning
20 regulation standards have been met for the requested
21 application and otherwise stands on the record of
22 the report contained as Exhibit 41 of the record,
23 dated July 10, 2026. Thank you.

24 CHAIRPERSON POURCIAU: Thank you. Are
25 there questions for OP? Vice Chair Goldstein,

1 please.

2 VICE CHAIR GOLDSTEIN: Thank you very much,
3 and that's helpful. I just want to reiterate, if
4 you could just reiterate a point for me in your
5 analysis. I think you've said it probably pretty
6 clearly. From your perspective, we are really just
7 talking about that additional five feet of side yard
8 when we're looking at the analysis. Is that
9 correct? We're not looking at the building, the
10 home addition overall; it's just the incremental
11 relief of that five feet?

12 MR. ISAIAH: OP's analysis was limited to
13 that which was requested by the applicant, which is
14 just the five feet of side setback relief. So, OP's
15 analysis was limited in scope to that which was
16 requested.

17 VICE CHAIR GOLDSTEIN: Thank you.

18 MR. ISAIAH: Thank you.

19 CHAIRPERSON POURCIAU: Thank you, Vice
20 Chair. Board Member Lindsjo, do you have any
21 questions for OP?

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

24 CHAIRPERSON POURCIAU: And Commissioner
25 Miller?

1 COMMISSIONER MILLER: No questions, but
2 thank you for the Office of Planning -- your Office
3 of Planning report and presentation here today.
4 Always very concise and to the point.

5 CHAIRPERSON POURCIAU: Thank you for that.
6 I'd like to see if there are any questions from the
7 opposition. Ms. Ferster, any questions for the
8 Office of Planning?

9 MS. FERSTER: No questions.

10 CHAIRPERSON POURCIAU: Thank you. Mr.
11 Rueda, any questions for Office of Planning?

12 MR. RUEDA: No, ma'am. Thank you.

13 CHAIRPERSON POURCIAU: Thank you. And Mr.
14 Kovacs, any questions for OP?

15 MR. KOVACS: No, ma'am. Thank you.

16 CHAIRPERSON POURCIAU: Does the applicant
17 have any questions for OP?

18 MR. SULLIVAN: No, thank you, Madam Chair.

19 CHAIRPERSON POURCIAU: Okay. I'd like to
20 take a short break, and then when we come back, we
21 will begin with I believe there's no other
22 government agency here to present, DDOT or others --
23 actually, I think I'd like to take the ANC report
24 before I do that. I know ANC Commissioner Carlson
25 is longing to go, so please, we'd love to hear your

1 report, ANC Commissioner.

2 MS. CARLSON: Thank you. I really
3 appreciate that. I, like I said, it's unprecedented
4 in my term on this ANC. This is my SMD, and I'm the
5 chair for us to object to a BZA. And we've had
6 several on this block in my term and I know of
7 several before my term that were both large and I
8 would consider somewhat disruptive to the neighbors.

9 I would believe almost every single
10 neighbor on the block has weighed in on this and has
11 objected. And we saw ourselves in the presentation
12 at the ANC meeting how the neighbors would be
13 affected and how the neighbors have been affected by
14 the condition of the property since it's been owned
15 by Mr. Matta, that it's not been cared for. I think
16 that is relevant to the way in which this is
17 proceeding. I believe that -- I'm not a lawyer, you
18 know -- my opinions are of care and concern and
19 volunteer for the neighborhood and for these
20 neighbors and helping them to advocate.

21 But in every other BZA we've seen, we've
22 had neighbors who've written in support of the BZAs.

23 And in this case, we've had zero neighbors in
24 support and, to a person, they've all been opposed,
25 including a longtime realtor who knows the

1 neighborhood very well and cares about the property
2 value both in terms of rentals and, you know, future
3 sales. And as I was saying before, and I'm sorry I
4 spoke out of turn, people have done these
5 renovations and no one else has had a hard time
6 complying with the -- and I understand they're not -
7 - they're asking for a small bit of relief, but the
8 relief that has been requested previously has never
9 been a cause for objection. This seems far outside
10 the scope of what is both the light and privacy for
11 adjoining neighbors and for how those neighbors and
12 that set of buildings relate to each other and how
13 the neighbors relate to it. It really is really far
14 out of the realm of what others have done and what
15 seems appropriate and right for the block.

16 CHAIRPERSON POURCIAU: Thank you.

17 MS. CARLSON: Thank you very much.

18 CHAIRPERSON POURCIAU: Thank you. Does the
19 Board have any questions for the ANC commissioner?

20 COMMISSIONER MILLER: I would just like to
21 thank Chair Carlson for her testimony and report in
22 the record and your community advocacy on behalf of
23 your community for the last four years or probably
24 more. But you heard -- I guess there's one
25 question.

1 You heard that the matter of right option
2 might allow the same height and development
3 standards except for the side setback -- all the
4 height and density. Was there any discussion of
5 that at the ANC meeting that if they drop this side
6 back set-back relief request, they could still do
7 that third floor addition and it might have the same
8 kind of impact? Maybe this zone needs to be changed
9 to not allow what the neighbors are objecting to,
10 but if the --

11 MS. CARLSON: Well, I think the side backs
12 are really important, the side setbacks in a
13 property such as this where you've got, you know,
14 adjoining properties on either side. I've lived in
15 a house like that myself before, and I understand
16 how that feeling is.

17 I think that piece of it, in and of itself,
18 is quite important. And when other neighbors have
19 requested similar variances, they've worked
20 diligently with their fellow neighbors to figure out
21 how to make that work for all of them. And maybe
22 that's part of the reason I don't think I've ever
23 written a letter, and I certainly have never
24 interrupted a vacation to go to a public library to
25 testify before. That's why I think this is so

1 important. That's why I mentioned the care for the
2 property before this even came up in the time that
3 they've owned it. It's not -- everyone before has
4 worked together when they've asked for something
5 that goes out of the realm. I understand the matter
6 of right, but this -- it's the lack of
7 neighborliness that, I guess I think, is a big part
8 of it. These are houses that are close together.
9 These are houses that need to work in harmony with
10 each other.

11 It matters. That's why I bring up Joan
12 Cromwell's letter because she's a realtor and she's
13 been a realtor for, I think, 30 years and
14 understands our neighborhood inside and out. We
15 should all care, and I would think that the owners,
16 the applicants would care about that as well. You
17 know, she is right on that block. She cares about
18 the property value for rental, for purchasing. This
19 is about what works well within that block, and
20 every neighbor who's on that block says, This
21 doesn't work. This doesn't work for the adjoining
22 properties. It doesn't work and everyone there
23 understands why.

24 COMMISSIONER MILLER: Oh.

25 MS. CARLSON: Does that answer your

1 question?

2 COMMISSIONER MILLER: Yes, yes you did.
3 Thank you. I appreciate your response. And Mr.
4 Sullivan or the applicant might have addressed this.

5 Do most of the other houses have that five-yard
6 setback, meet that set back requirement, or are
7 there some that don't and because whatever the
8 design was, it was okay, or because it was already
9 there, preexisting zoning regulations? Do you know
10 that? You said there were other cases. I just
11 wonder did they have the five yard? Do other houses
12 on the block have the five-yard setback? If you
13 don't know the answer, that's okay. We'll get an
14 answer from OP or somebody. But thank you for being
15 here and on your vacation and going to the public
16 library.

17 MS. CARLSON: No, I mean, I really think
18 the public library is really nice. I really think,
19 again, I can think of three off the top of my head
20 BZAs that have been requested on this block during
21 my term. I have good friends who live on the block
22 who've done another one. I know this has been up
23 for discussion before. You know, this is the kind
24 of block where everyone lives closely together, and
25 what's missing here is everyone working together to

1 make it work for the block. And that's something
2 that's worth discussing and worth thinking about,
3 you know, in this hearing and as a board, I think,
4 coming into a block and really not thinking about
5 where you sit and, and how you might coexist with
6 people who've, who've made their families and their
7 lives there. I think that's really important.

8 CHAIRPERSON POURCIAU: Thank you, A N C
9 Commissioner.

10 COMMISSIONER MILLER: I agree. I --

11 CHAIRPERSON POURCIAU: I'd like to --

12 COMMISSIONER MILLER: I agree that that's
13 very important, and the BZA and the Zoning
14 Commission always encourage what our Zoning
15 Commission Chair Anthony Hood calls the good
16 neighbors policy. You have to live together, and
17 you will be living together and should find a way to
18 work together, so I agree with that. That's very
19 important.

20 (Simultaneous speaking.)

21 MS. CARLSON: I would also say that, you
22 know, and --

23 CHAIRPERSON POURCIAU: Excuse me one
24 second. I just want to make sure Ms. Lindsjo didn't
25 have any questions, but I think I may. I'm sorry, I

1 missed that opportunity. Would it be okay if I go
2 to see if there's any questions from the opposition
3 for the ANC?

4 VICE CHAIR GOLDSTEIN: I'm sorry, I just
5 want to say one thing really quickly. Just want to
6 echo thank you very much for participating today on
7 your vacation. Really helpful testimony to hear. I
8 will want the applicant to address the current
9 condition of the property when they get back to an
10 opportunity. So thank you for raising that as well.
11 I'm sorry, Madam Chair.

12 CHAIRPERSON POURCIAU: That's okay. No,
13 that's great, so we'll go on to see if Ms. Ferster
14 has any questions for the ANC.

15 MS. FERSTER: No questions.

16 CHAIRPERSON POURCIAU: Thank you. And what
17 about Architect Rueda?

18 MR. RUEDA: I have no questions. Thank you
19 very much.

20 CHAIRPERSON POURCIAU: Thank you. And then
21 Mr. Kovacs, any questions for the ANC?

22 MR. KOVACS: I have no questions. Thank
23 you, ma'am.

24 CHAIRPERSON POURCIAU: Okay. Thank you for
25 that. Again, thank you so much, ANC Commissioner

1 Carlson. You're welcome to stay on, and I hope you
2 will. But you might be moving around. I'm not
3 sure. So, thank you for that.

4 MS. CARLSON: I'm going to get going, but I
5 really appreciate the opportunity to speak on behalf
6 of the ANC. And again, I'll remind you our ANC was
7 unanimous in opposition, and that's unprecedented.
8 We've never done that before. Thank you.

9 CHAIRPERSON POURCIAU: Okay. Next on our
10 agenda will be to hear the presentations from the
11 opposition. There are no parties signed up in
12 support, and so next would be parties in opposition.
13 And I'd like to just take a quick four-minute break
14 before we do that. So, we'll reconvene here at
15 11:55. We'll see you then.

16 (Whereupon, the above-entitled matter went
17 off the record at 11:51 a.m. and resumed at 11:55
18 a.m.)

19 CHAIRPERSON POURCIAU: I guess five minutes
20 wasn't enough time. We'll give everybody a little
21 more time. Or four minutes wasn't enough time.
22 Okay, we've got the primary people back on. We'll
23 give Rob a moment, Commissioner Miller. Okay, good.
24 Can you hear us okay? You good? Yes. All right.
25 That's like, yeah. Good. Think we're ready. Are

1 you ready, Ms. Mehlert? Thank you.

2 All right, we'll reconvene and at this time
3 I'd like to -- we don't have any individuals or
4 organizations in support, and so we'll take parties
5 in opposition. I'd like to start with Ms. Ferster.
6 Did I have that right? Ms. Ferster.

7 MS. FERSTER: Thank you.

8 CHAIRPERSON POURCIAU: If you'd like to
9 make your presentation now? Thank you.

10 MS. FERSTER: Yes, thank you. Thank you,
11 Madam Chair, members of the Board. We are going to
12 present a combined case with the other opposing
13 party. So, in total, we will have three witnesses
14 for the opposition case. I'd like to start, though,
15 by briefly -- before I introduce our case -- first
16 of all to make sure that our PowerPoints are cued up
17 so that we can move forward smoothly. We have two.

18 CHAIRPERSON POURCIAU: And please remember
19 all to give your name and address for the record,
20 and hopefully we'll finish all within 20 minutes,
21 that's the time we've allotted to the opponents.
22 Thank you.

23 MS. FERSTER: Great. Thank you. Mr.
24 Young, we're going to start with a different
25 PowerPoint, with Kate Belinski's PowerPoint. Thank

1 you. The two points I'd like to make in response
2 before I introduce our witnesses, and that is I'd
3 like to respond briefly to the self-certification
4 issue that was raised by Mr. Sullivan.

5 For what it's worth, self-certification is
6 relevant or the erroneous self-certification is
7 relevant because it affects the reviewers in this
8 case who do not have information on which to base
9 their reports, particularly the Office of Planning.

10 The second important point I want to make is self-
11 certification has no bearing on the solar energy
12 compliance issue. Instead, the zoning regulations
13 very specifically provide in Subtitle D 204D, that
14 the application is where solar issues are addressed.

15 It specifically states that all applications for
16 proposed construction, whether for building permit
17 or zoning, must include the following: an affidavit
18 of the applicant stating there's no solar energy
19 system, a comparative solar shading study or a
20 written agreement executed by the owner.

21 I will say that the application does have a
22 certified statement by an attorney in Mr. Sullivan's
23 firm that there is no solar heating, solar energy.
24 So you know, that is, you know, that's something
25 that self-certification does not address. Our case

1 in chief will address most of the remaining issues
2 raised about the solar energy system. But I do want
3 to point out that Mr. Sullivan is incorrect when he
4 says that the baseline for measuring interference
5 with the solar energy system is the difference
6 between a matter of right building and the special
7 exception. That is not correct, because the plain
8 language of that regulation, which I just read,
9 makes clear that the protection for solar energy
10 systems applies to matter of right developments in
11 addition to special exceptions.

12 With that sort of brief introduction, I do
13 want to let our witnesses take the case now. And
14 our first witness is going to be Jason Kovacs, who
15 is going to testify very particularly about the
16 impacts of his solar system.

17 MR. KOVACS: Good morning, Madam Chair and
18 members of the Board. My name is Jason Kovacs, and
19 my wife, Trish, and I own and live at 5036 Nebraska
20 Avenue, NW.

21 Just as a preliminary matter before I get
22 into my testimony, I wanted to address a couple of
23 things that Mr. Sullivan said. First, I just wanted
24 to talk about the issue of kilowatts and whether a
25 kilowatt is a unit of electricity; it's not. A watt

1 is the standard unit of power in the International
2 System of Units. It measures the rate of energy
3 which is transferred, used or generated, and it's
4 defined as one joule of energy per second. I'll
5 also point out that the FSEC rates, my collector's
6 output in kilowatt hours thermal on the
7 certificate's face and the threshold and the
8 regulation screens size, not technology. The two
9 kilowatt floor that's in the regulation is designed
10 to exclude like a two-inch garden light not to
11 choose between panel types.

12 The second thing I wanted to address is the
13 question of whether a solar hot water system is
14 really a solar energy system within the meaning of
15 the regulation. And the answer to that question is
16 yes. Nothing in 204.1B or Subtitle B limits the
17 term solar energy system to photovoltaics. The
18 words photovoltaic and thermal appear nowhere in
19 Subtitle B. And where the regulations mean to
20 specify electricity, they say so such as in the
21 community solar facility regulation in Subtitle B
22 Section 100. The legislative record on 204 also
23 supports this.

24 The OP's stated purpose when they were
25 doing the rulemaking on this regulation was to

1 protect all solar energy systems. And again, the
2 two kilowatt floor was just to address size, not
3 type. So, however one would want to characterize my
4 roof panels, they're definitely not a two-inch
5 garden light.

6 The third and final thing I wanted to
7 address and Ms. Ferster already touched on this, but
8 I wanted to hit it again, is the question of whether
9 or not the solar issue is properly before this
10 board. As Ms. Ferster said, the text of 204.1(D)
11 attaches to all applications, whether for building
12 permits or for zoning relief, and that's, of course,
13 what we're here for. And the regulation defines its
14 own trigger. 2041(A) says that the obligations
15 apply at the time of application, meaning the
16 earlier of DOB accepting a building permit
17 application or the Office of Zoning accepting an
18 application for zoning relief.

19 So, this application and this body is that
20 trigger, and the duty came due when the Office of
21 Zoning accepted this case, not at some future permit
22 stage, meaning that while the roof massings may be
23 outside the scope of the relief that the applicant
24 requested, the 204.1(D) requirements attach to this
25 application regardless. And the sufficiency of

1 their application under 204 is a live issue that
2 this board is empowered to decide.

3 With those rebuttal matters out of the way,
4 I'd like to start my prepared testimony. So, our
5 home shares a party wall with the application
6 property, and we are parties in opposition. Our
7 written submission on subtitle D 204 with four
8 attachments is in the record at Exhibit 44, and I
9 adopt it as part of my testimony. Likewise, our
10 written submissions on light and air in the record
11 as Exhibits 44A and 44B, which I also adopt as part
12 of my testimony. And I'll use my time on the facts
13 that are mine to give, and I'm happy to take
14 questions on the legal analysis and our submissions,
15 though I should note that I'm not an attorney and
16 that all my work on this case has been pro se.

17 On the 204 issue, our home has, as we've
18 discussed, a rooftop solar energy system. We have
19 two Selene flat plate collectors that heat our
20 household's water. The system was installed under a
21 DCRA plumbing permit issued on March 10th of 2008,
22 and a copy of the original permit and a printout of
23 DOB's online record of it are attachments A and B of
24 our Exhibit 44 submission. Our system has operated
25 continuously for the eight years that we've owned

1 our home, and it was operating before that. The
2 system supplies roughly three-quarters of our annual
3 hot water demand.

4 On the question of the size of our system,
5 each collector carries a current FSEC certification,
6 my attachment C to Exhibit 44, rating its output at
7 approximately 2.3 kilowatts thermal per collector at
8 the standard irradiance used to rate solar
9 equipment. Each collector alone exceeds 204's two
10 kilowatt threshold, and the system as installed is
11 more than double it. The applicant has known about
12 this system throughout the case. Our party status
13 submission of January 7th, Exhibit 20A, disclosed
14 the system in writing and said the third-floor
15 addition would likely shade it. On June 2nd, the
16 BZA specialist at the applicant's law firm emailed
17 my neighbor's attorney asking, Does that neighbor,
18 meaning me, have a permit number for the panels?
19 And that email is attachment D of Exhibit 44. As of
20 this morning, their application still rests on a
21 sworn certification that no solar energy system
22 exists on the abutting property. That certification
23 is false.

24 Section 204.1(D) is mandatory and as I was
25 just saying, every application, whether for a

1 building permit or a zoning relief, must include one
2 of three things: an affidavit that no abutting
3 solar energy system exists, a comparative solar
4 shading study acceptable to the Zoning
5 Administrator, or a written agreement from the
6 system's owner. The affidavit the applicant's filed
7 is false. No shading study of our system exists in
8 this record, and no one has ever asked us for an
9 agreement. If a conforming study were done and
10 showed significant interference, the applicant would
11 then need special exception relief under 204.2,
12 relief that it has not requested, supported by best
13 efforts and design alternative showings that it has
14 not made.

15 One more point, Mr. Rueda will testify that
16 this project is properly viewed as a new building
17 rather than an addition. The Board doesn't need to
18 resolve that for purposes of 204. The provision
19 applies by its terms to any new semi-detached or row
20 building or an alteration or addition. Either way,
21 the obligation attached and was not met. And one
22 point on baseline because the applicant's rebuttal
23 letter leans on it, measuring only the increment
24 between matter of right design and the proposal does
25 not measure the variables that 204 requires in order

1 to quantify impact on our solar energy system.
2 Section 204 protects the system against significant
3 interference from matter of right construction too.

4 That's the entire point of the provision really.
5 Section 204.1C defines significant interference as
6 an increase in the shading incidence on the system,
7 an increase over existing conditions, not over a
8 hypothetical design that's never been measured
9 against them.

10 I also want to be clear that the harm here,
11 both in terms of the unaddressed 204 requirements
12 and the requested side yard relief is not abstract,
13 and it's not only about the panels. Our lot faces
14 southeast, so the proposed massing wraps the
15 southern corner of our backyard in an inside corner
16 of a three-story wall. It's blocked from the south
17 by their third story addition and from the west by
18 their rear extension. For direct sun to ever reach
19 that corner again, it would have to come in from the
20 northeast where the sun sets briefly on summer
21 mornings and never otherwise. My daughter's bedroom
22 window faces into that same corner.

23 One more thing about scale because
24 percentages can be misleading here. Our lots are
25 deep on paper, but on this block the depth is

1 usually in the front yards facing Nebraska Avenue,
2 which is a busy crosstown commuter road. Most of
3 the row homes on this block, ours included, are
4 sited that way with these big front yards where
5 almost nobody spends much time. Like none of us
6 have picnic tables, grills or fire pits in our front
7 yards. Most of the family and social life on this
8 block happens in the backyards as we said in our
9 January party status filing, which was Exhibit 20A.

10 And much of what looks like sunlit yard back there
11 in any of these studies is parking spaces or parking
12 pad. The part that our family actually uses -- the
13 garden, patio, play space, back roof deck -- is the
14 small area nearest to the houses, and that's exactly
15 the area that the masses in the proposed addition
16 will be shading. A shading impact that looks like
17 small percentages of a deep lot ends up filling a
18 big percentage of the space that we actually live
19 in.

20 No analysis by the applicant has ever
21 addressed any of this. Their first shadow study,
22 the one the Office of Planning reviewed to render
23 its recommendation in this case, doesn't actually
24 reflect the plans the applicant has on file for this
25 project. And we're not talking about small

1 differences. On 24 frames of that study, 22 depict
2 a three-story tower attached to the rear of the
3 existing building with no massing depicted above the
4 existing footprint. Two of those frames depict a
5 three-story tower attached to about 3 to 5 feet of
6 massing over the existing footprint when the design
7 before this board specifies 17 feet of massing over
8 that footprint. Not one frame in their study
9 depicts the buildings that they're actually asking
10 you to approve. Instead, their study compares two
11 hypothetical massings in three snapshots between
12 9:00 a.m. and 3:00 p.m., hours when most of the
13 family is obviously at work or school. It treats
14 our property as background. Shadows are shown to
15 cross our yard, but nothing about our property is
16 ever measured or evaluated. Not our yard, not our
17 windows, not our back roof deck, and not our solar
18 collector. The only evidence in this record that
19 examines the incident shading of the proposed
20 structure in the evening hours is the supplement we
21 filed ourselves, Exhibit 44A, which we drafted to
22 establish the insufficiency of the applicant's
23 analysis. Their study cannot fill that gap.

24 As we demonstrated in Exhibit 44B, their
25 study carries no scale, its frames model massings

1 that never match the filed plans, and its shadow
2 demarcations are absent or incomplete in 7 of the 12
3 frames depicting their proposed design. Yesterday
4 morning, 60 minutes before this record closed, the
5 applicant answered with a revised study in the
6 letter, Exhibit 50. Their answers are concessions.

7 The letter says the study was never intended to
8 provide measurable dimensions -- that's their words.

9 So, the only evidence offered to prove that the
10 shading is limited is a document its own authors say
11 provides no measurable dimensions. The letter
12 claims the third floor massing is present in both
13 scenarios, but in the revised panels, just as in the
14 original, the main block casts the same shadow as
15 the unmodified houses beside it. Even taken at face
16 value, the claim concedes the real problem in
17 writing. Massing identical in both scenarios
18 cancels out in a difference-only study. So by their
19 own account, its shading against what exists today
20 has never been measured by anyone and never even
21 displayed by the applicant anywhere in the record.
22 And the study the office of planning reviewed and
23 relied on is no longer even current. Its authors
24 revised it yesterday.

25 Subtitle D, Section 5201.4(D) requires

1 graphic representations, "sufficient to represent
2 the relationship of the proposed addition to
3 adjacent buildings." Neither version of their study
4 meets that standard. One final point of context,
5 the ANC unanimously, and for the first time in its
6 chair's nearly four years on the commission, asked
7 this board to deny this application, citing among
8 its concerns the absence of a required comparative
9 solar studies. That's Exhibit 42. Our submission,
10 Exhibit 44, identifies the provisions that require
11 one, specifically 204. So, we ask the Board to do
12 what our submissions request, which is to deny this
13 application. Section 204.1(D) was never satisfied,
14 and this record can't support a finding that
15 Subtitle D 5201.4(A) requires that the exception
16 will not unduly affect the light and air available
17 to our property. If the Board's not prepared to
18 deny outright, we ask it to defer decision until the
19 applicant produces the study that this record has
20 been missing from the start: a comparative study
21 that models the full massing as filed, including the
22 third story edition; measures shading against
23 existing conditions as 204-1© requires; and
24 includes the solar energy system that their
25 affidavit denied. We would also like any deferral

1 to stipulate that a 204-1© compliant study be
2 provided in a time frame that allows us and the
3 Office of Planning a fair opportunity to respond.
4 The burden here is the applicants under Subtitle X
5 901.3, and it has not been carried. Thank you and
6 I'm glad to answer questions now.

7 CHAIRPERSON POURCIAU: Thank you, Mr.
8 Kovacs. I'd like the opposition to complete their
9 presentation before we go to questions, so please
10 stay on for questions. I'm not sure if Ms. Belinski
11 is presenting.

12 MS. BELINSKI: Yes, I am.

13 CHAIRPERSON POURCIAU: And is that where
14 you would like to go next?

15 MS. BELINSKI: Yes, please.

16 CHAIRPERSON POURCIAU: Yes, please proceed.
17 Thank you.

18 MS. BELINSKI: Good afternoon, members of
19 the Board. I thank you in advance for your
20 attention to this matter and your thoughtfulness.
21 My name's Kate Belinski, and for the past 20 years,
22 I've resided in the home I own at 5032 Nebraska,
23 which is next door to the proposed project. My
24 husband, Tom Watkins, and my five-year-old daughter
25 also reside at 5032.

1 At the outset, I'd like to say I'm
2 absolutely stunned by the audacity of the applicant
3 to propose to build such a monstrosity in the middle
4 of our block, entirely out of character with any
5 other home in the neighborhood. As my expert
6 witness, Mr. Rueda, will testify, this is almost a
7 complete raze and new build, not a modest extension
8 of an existing home. The plans are for major
9 structural work demolishing the entire back wall,
10 roof, and inside of the building, excavating and
11 building over the entire current backyard, and
12 dramatically changing the massing of the house. The
13 rear addition would tower at least 15 feet above the
14 adjoining rear walls, which are currently all
15 identical in height of two stories for the entire
16 span within this R-2 zone from Nebraska Avenue to
17 Fessenden Street.

18 Their application for exception for the
19 five-foot side yard requirement is a red herring.
20 It's an attempt to obfuscate the fact that this is a
21 raze and new build for which they have not properly
22 applied. There are many issues with the proposed
23 development that will result in substantial
24 impairment of my use and enjoyment of my property.
25 I'll start with the back and share a photograph of

1 our yard, if we could move to the next slide. So,
2 this is our backyard and this is looking towards the
3 5034 property next door. You can see we have -- you
4 can see into the sky, and if you go to the next
5 slide. You know, we have great views and we enjoy
6 the air and the cross breezes. And so, yeah, my
7 family and I, we use this garden as a three season
8 space almost every day from April through October
9 dining on the patio, relaxing on the couch, tending
10 to the garden, grilling and playing with our
11 daughter and her friends.

12 I'm extremely concerned not only about the
13 visual impact of having a massive wall extending the
14 length of our garden but also on the heat that will
15 reflect off the wall and into our garden, making the
16 use of our garden impossible on warm days. It will
17 significantly restrict airflow and impede drainage
18 that naturally flows across the yards. The 5000
19 block is on a hill, and so the water goes from Reno
20 Road houses flows across and down to Connecticut
21 Avenue. There's a drain at the end of the alley.
22 In large rains, the water flows across the yards,
23 and putting a wall there will stop all that drainage
24 and dump it right into my very small drain at the
25 bottom of my basement stairs.

1 What is now a continuous row of family
2 gardens from one end of the block to the other will
3 be irrevocably destroyed by replacing one garden
4 with a hulking eyesore of a building. In case it
5 isn't clear, we're talking about the entire
6 backyard. The only thing that will be left behind
7 the house is the parking pad.

8 If you go to the next frame, that shows how
9 far the extension is going to go across the
10 backyard, so there's only about a foot and a half
11 between the end of the structure and my garage that
12 will not have a structure on it. Notably, the
13 applicant has not even taken the proper measurements
14 and is proposing to extend this back structure six
15 inches beyond what would be even as a right, you
16 know, based on the bump out on the back of my home
17 and Mr. Kovacs home. The applicant also fails to
18 acknowledge that the bump-out rooms, which are
19 original to the design of the homes, are only on the
20 first floor. And so thus it's our belief that they
21 are not entitled as of right to bump out any further
22 than 10 feet from their back wall on the upper
23 floors. Although perhaps as of right they may do
24 that on the first floor, it's our belief that they
25 may not do that on the upper floors. This is

1 another obfuscation that they're clearly hoping you
2 wouldn't notice. Thus in addition to seeking an
3 exception to the side yard rule, they are also
4 seeking exception to the 10-foot rule for the upper
5 stories.

6 As stated previously, the proposed building
7 would extend almost the entire length of the yard,
8 stopping a foot and a half short of our garage and
9 towering 39 feet in the air. If you want to go to
10 the next photo. That arrow is showing you from an
11 aerial view how far that will go, and you can see
12 the only thing left behind that is the parking pad.

13 The significant impact on light and airflow, not to
14 mention the loss of the visual rhythm of the yards
15 on the block, is not just a negative impact on my
16 family and the Kovacs. As was noted by Ms. Carlson,
17 several of our neighbors mentioned this visual
18 impairment even to their non-adjacent properties.
19 The addition will permanently block the views,
20 airflow, and water runoff in the 5000 block of
21 Nebraska. The proposed building also includes
22 multiple decks, all of which will be looking down
23 into our yard and intruding on our privacy.

24 Moving to another privacy, light, and air
25 issue as Mr. Sullivan mentioned, I do have solar-

1 powered clear glass skylights in the ceilings of my
2 second floor bathrooms to provide natural light and
3 airflow. We leave these skylights open to get fresh
4 air throughout the spring and fall. The proposed
5 roof deck is directly adjacent to these skylights,
6 meaning anyone on the roof deck will be able to look
7 in directly into the two bathrooms. So, that's
8 obviously not a great situation.

9 I am also concerned about the short and
10 long-term construction impacts on my home. The
11 developer's already been proven to be a bad neighbor
12 by completely neglecting any yard upkeep as you can
13 see in these photographs. And if you go to the next
14 photo, there's it's completely overgrown. There's
15 now significant rodent activity in the rear yard,
16 and the home is completely overgrown and appears
17 abandoned. Last year, a squatter moved in for
18 several weeks while we were away on vacation. And
19 I've also read the letters from neighbors on the
20 developer's other projects where they cite
21 construction debris, noise issues and other negative
22 activity by this developer.

23 None of that surprises me, nor should it
24 surprise you when you see these pictures and the
25 state of the property. Even after the ANC

1 admonished the applicant more than three weeks ago
2 for the state of disrepair and after the city
3 inspected and posted a vacant notice, the applicant
4 has done nothing to clean up the property. This
5 clearly speaks volumes to the fact that this
6 applicant has wanton disregard for the neighbors and
7 the neighborhood. They even signed and submitted an
8 application of maintenance despite the fact that the
9 posting hasn't been properly posted since at least
10 last Thursday, as you can see from the next photo.
11 Next photo please. Yeah and I checked, and it's
12 still like that this morning. So none of this is
13 surprising.

14 Given the fact that they're proposing to
15 raze the existing home and dig a new basement
16 covering almost the entirety of the existing
17 backyard, I have long-term structural concerns about
18 the foundation of my home as well as the drainage
19 that I mentioned. These homes experience
20 significant vibrations when large trucks thunder
21 down Nebraska Avenue, and it seems inevitable that
22 construction will cause significant damage to my
23 home and Mr. Kovacs. My lawyer raised these
24 concerns with the applicant's counsel and was
25 informed they would only deal with this issue at the

1 permitting stage.

2 I'm disappointed that the applicant was
3 apparently unwilling to agree to a construction
4 management plan that would give me assurances that
5 the structural integrity of my property would be
6 protected. This project will clearly erode the
7 character of this neighborhood. People move to this
8 neighborhood for the green space and the lovely
9 yards, not for no yard and a one car concrete pad.
10 I think the value of my property will be seriously
11 affected by being adjacent to this hideous and
12 hulking landlocked unit with no yards that sticks
13 out in the middle of the block.

14 From the outset, the applicant's cavalier
15 attitude toward this project has been on blatant
16 display as we've heard. They ignored the solar
17 panels, didn't submit a shadow study, and have made
18 a last-minute attempt yesterday to "correct" these
19 errors, but still have not corrected them. And then
20 I don't want to go on about the solar panels being a
21 matter of right, I think you've already heard about
22 that.

23 CHAIRPERSON POURCIAU: If I can just step
24 in for a minute here, we have one more presentation
25 as well from Mr. Rueda. Is that true?

1 MS. BELINSKI: Yes.

2 CHAIRPERSON POURCIAU: And then there's
3 nothing else from Ms. Ferster at this time?

4 MS. BELINSKI: That's correct.

5 CHAIRPERSON POURCIAU: Okay. I'm just
6 going to have to ask that you kind of wrap it up so
7 he can have a little time, because we're over time
8 now, okay?

9 MS. BELINSKI: Okay.

10 CHAIRPERSON POURCIAU: Thank you.

11 MS. BELINSKI: Yeah, I mean, just to point
12 out the significant neighborhood opposition to the
13 project with seven neighbors strenuously objecting
14 to this, in addition to Mr. Kovacs and myself. That
15 was an important factor to the ANC. Again, this is
16 not a homeowner who's looking to improve their own
17 property to fit their family's needs. This is a
18 developer who's looking to do a cheap flip for his
19 own personal enrichment while taking value from the
20 adjoining homes in terms of light, air, and privacy
21 and irreparably harming the neighborhood.

22 The applicant admitted during the ANC
23 meeting that he has no intention of ever living in
24 this property. My family and I support reasonable
25 improvements to homes in our neighborhood, and in

1 fact, I wrote letters of support for the five
2 additions that have been undertaken on the block in
3 the past 20 years. Those were modest additions that
4 were entirely in keeping with the character of the
5 neighborhood, and each of them preserved a
6 significant amount of backyard space and respected
7 the light, air, and privacy of their neighbors.
8 This proposal is different because it replaces the
9 traditional pattern of rear gardens with a three-
10 story structure extending almost to the rear
11 property line. It's changing the character of the
12 block, creating visual dominance over the adjoining
13 homes, and diminishes the openness that has defined
14 this row of homes for decades. So for all of these
15 reasons, and that is the answer, I guess, to the
16 question that was raised earlier, which is why was
17 there not objection to the other neighbors when they
18 wanted to do additions. They did modest additions.
19 They didn't try to go all the way back to the
20 property line. Nobody has bumped up to a third
21 story. Everyone has been respectful of their
22 neighbors and leaving and preserving that backyard
23 space that is so important. That's the main
24 difference here is just that this is such a
25 monstrosity of a project that's completely out of

1 keeping with this neighborhood and the quality of
2 life of it that we enjoy as neighbors on this block.

3 So, thank you very much.

4 CHAIRPERSON POURCIAU: Thank you. And Mr.
5 Rueda, can you sum up your presentation at this
6 point?

7 MR. RUEDA: Thank you.

8 CHAIRPERSON POURCIAU: Thank you.

9 MR. RUEDA: Good afternoon. We've crossed
10 the threshold. Madam Chair, members of the Board,
11 my name is Guillermo Rueda, and I appear as a zoning
12 expert on behalf of Kate Belinski on the adjacent
13 property at 5032.

14 I've considered the application and I
15 visited the property, and it's my opinion that the
16 application could be denied because it contains
17 material errors and, as proposed, does not satisfy
18 the requirements of the special exception relief
19 under the district zoning regulations, whether
20 that's limited to the subject exception or the
21 additional missing exceptions that we've pointed out
22 too.

23 Slide No. 2, as an overview, I draw your
24 attention to this section of the zoning map. In
25 large part, these observations should address

1 Chairman Miller's comments regarding zoning.

2 There's been a lot of different things stated back
3 and forth, but if you look at this section of R-2,
4 which is surrounded on the one side by R-1B and on
5 the other side by a development along Connecticut
6 Avenue, you have in Ms. Belinski's block -- you, oh,
7 I can't point on this -- but you have to the upper
8 left, you have those properties which are five
9 triplexes arranged across individual lots. And then
10 you have this triangular shape in, I believe, it's
11 1925, and this other row at the bottom of triplexes
12 and duplexes in 1923 or the inverse, one of the two.

13 The reason I point this out is because this segment
14 of the R-2 zone is deliberate. You have triplexes,
15 right? You have 34 lots, right? 10 triplex
16 arrangements and 2 duplex arrangements. This means
17 that there are 10 non-conforming rowhouses within
18 this area, and they were intentionally zoned as R-2
19 rather than R-3.

20 R-2 doesn't allow row buildings, but R-3
21 does. Triplex arrangements aren't characteristic of
22 the R-2 zone. The R-2 zone allows only detached and
23 semi-detached buildings per Subtitle D-101.7. It's
24 clear that this R-2 designation by the zoning plan
25 is made to protect these properties from, "the

1 regulations, invasion of denser types of residential
2 development." So, any expansion of a non-conforming
3 condition should respect the tenants of this zoning
4 district. Can you go to the next slide, please?

5 I have a segment on the division
6 application, which I think we've gone through. But
7 I do want to, rather than focus on the elements of
8 the application, point out that the inaccuracies and
9 omissions, you know, warrant correction and
10 resubmission in order to be properly reviewed by the
11 Board or OP or anyone. The objections speak more to
12 the characterization of the application as if it
13 were a kitchen or a master suite addition, right?
14 This permit requests that the entire building be
15 demolished and reconstructed as a new building with
16 higher floor levels and additional stories or the
17 stated height, and extending back the non-conforming
18 row building an additional 20 feet, I think it's a
19 little bit more.

20 There have been many different terms thrown
21 around this morning that I'd like to address and the
22 fact that under the zoning regulations, the matter
23 of right condition depends on the classification of
24 this solar energy system. I think at one point Mr.
25 Sullivan refers to 208.5 to say, Oh, well, the side

1 yard requirements for row buildings don't exist,
2 right? But for the fact that row buildings are not
3 allowed, so the extension of the row building
4 therefore is not contemplated under this zone.
5 Section 208.5 is submitted as part of the
6 requirements for all of the R zones and does not
7 specifically refer to a row building in R-2 because
8 they're not allowed.

9 There was also reference to the front
10 setback issue, which is that this setback was really
11 provided because there are chimneys that are being
12 protected. Otherwise, they would have to go and
13 apply for special exception or have an agreement
14 with the neighbor to either interfere with those
15 chimneys or have them somehow extended and the like.

16 The setback issue does not speak to their desire to
17 address, you know, massing concerns to Nebraska
18 Avenue, which already have a setback of 60 feet to
19 the front wall. The regulations protect systems,
20 solar systems, solar energy systems that are at
21 least two kilowatts in size, and the solar energy
22 system as described by Mr. Kovacs has been shown to
23 be rated well above that threshold.

24 The application is also incomplete and in
25 error because it depicts a two-dwelling unit, and

1 this is determined by the Zoning Administrator's
2 interpretive letter from 2019-003, which would
3 require that this property -- maybe not necessarily
4 here -- but that the Zoning Administrator would
5 require a covenant to suggest that the property
6 cannot be operated as a two-dwelling flat or that it
7 is an accessory apartment, which they assert they do
8 not intend to do. If it were approved as an
9 accessory apartment, the entry that they show,
10 because this new construction demolishes the entire
11 footprint of the building and extends further to
12 provide a new entry from Nebraska and from the rear
13 of the building. A separate front entry is not
14 allowed in the R-2 zone under the regulations.

15 The rulemaking from 2020, just to clarify
16 the solar point since I guess I missed this, is that
17 the 220 rules expanded the understanding of solar
18 energy systems, and they intentionally eliminated
19 the word production to avoid the interpretation that
20 this is a solely an electric production from a
21 photovoltaic, right? Production is not the standard
22 for interference at this point. The language
23 changed -- well, it was always 5 percent, but the
24 language changed its threshold to shading, right?
25 Which this new building will project onto those

1 panels well in excess, in my opinion, of the 5
2 percent threshold. Can we go to the next slide,
3 please? Thank you.

4 CHAIRPERSON POURCIAU: How many more slides
5 do you have?

6 MR. RUEDA: I have four more slides, I
7 think, maybe three.

8 CHAIRPERSON POURCIAU: Can you please wrap
9 it up in five minutes?

10 MR. RUEDA: I would like to be able to give
11 my testimony. I thought we had gotten enough time
12 when we asked for the time. Didn't we get more time
13 than the 20 minutes?
14 I will try to be brief.

15 CHAIRPERSON POURCIAU: Thank you.

16 MR. RUEDA: This slide shows the errors
17 that, as a matter of just to be precise, that they
18 are requesting more setback under the matter of
19 right condition than would be allowed if you
20 measured against the actual condition at either
21 property. Therefore, those dimensional problems
22 correspond to other problems in the application.
23 Next slide.

24 This slide is important because this slide
25 speaks to the very nature of whether or not you can

1 accept the analysis to determine any sort of impact
2 on either property or even impact on the actual
3 property itself. Because if you look at these two
4 images that I've provided, you have the color image
5 from September 23rd at 3:00 and the image below
6 provided by Mr. Kovacs of modeling that to Vice
7 Chairman Goldstein's points that solar studies can
8 be quite misleading and need to be somehow addressed
9 in how the Board can perceive and review these. The
10 point of bringing these two images up on screen is
11 to show you on the upper image you have the
12 rectangle that would show the actual massing of what
13 they're proposing, right? And you see below what
14 that massing would look like as it shades in the
15 same condition with two hours of difference that
16 shadow onto 5036. And this is important because
17 they keep trying to tell you that as a condition for
18 their special exception relief of the side yard,
19 that they're trying to show you matter of right
20 versus side yard setback implications. Obviously
21 for solar there can be no determination of whether
22 it impacts the solar system based on this, but it's
23 pretty clear that in the vernal and autumnal
24 equinoxes that the condition you see below in black
25 and white would effectively eliminate any solar

1 production from Mr. Kovacs's property in the
2 afternoon.

3 Just to recap what I just said, the study
4 would not be suitable for evaluating the impact of
5 the special exception relief because it does not
6 model the actual mass of the third floor, either as
7 matter of right or as proposed. If it was matter of
8 right, it would be further forward, right? And they
9 have stated already that they've set back some
10 magical number, which we now know is from their
11 testimony is from the chimney. The applicant's
12 rationale for testing special exceptions is not used
13 for determining interference of solar systems. And
14 based on the evidence provided, the construction
15 appears to exceed the allowable five percent
16 threshold. So, on the one hand, we have a case
17 against the suitability of the application for
18 either the requested relief or the necessary relief.

19 And on the other, we have an argument against the
20 suitability of the proposed project, and this is
21 important, right? The project, as it's proposed,
22 extends the non-conforming row dwelling in its
23 maximum form in a zone that was intentionally zoned
24 R-2 to avoid the appearance or the intensity of a
25 new row building, whether by expansion of an

1 existing condition or as a complete and total zoning
2 raise. So, slide No. 6, please. The next slide.
3 Thanks.

4 We already know that this is already a non-
5 conforming row dwelling. The requested relief would
6 further increase that non-conformity by eliminating
7 the required side yard conditions, and it's not
8 really eligible to be considered as a non-conforming
9 side yard when the building type itself is non-
10 conforming, right? We know that we need to provide
11 the side yard for the portion that sticks forward at
12 this point, but we also know that the lot is
13 undersized, and the claims of hardship for the
14 undersized lot really speak to the fact that as a
15 zoning plan element, the space required by semi-
16 detached or detached buildings would actually give
17 you the space between neighbors that is
18 characteristic of R-2.

19 Eliminating both side yards extends this
20 rowhouse into the rear yard and exacerbates
21 increased density and footprint and the plans show
22 that it increases the density in that there are
23 actually two families that are able to live here as
24 it's depicted. Slide No. 7.

25 My most important point really is that this

1 impact from the special exception on the general
2 purpose and intent of the zoning regulations and the
3 zoning maps per X-901(A), the Office of Planning's
4 characterization of this property as simply a non-
5 conforming structure on an undersized lot kind of
6 misses the point. The 208.7 guideline regulation
7 stipulates that where a building with a non-
8 conforming side yard, an extension or an addition
9 may be made to the building, provided the width of
10 the existing side yard shall not be reduced or
11 eliminated, and provided further that the width of
12 the side yard adjacent to the extension shall be a
13 minimum of five feet. This is where we lie, right?

14 And so the special exception relief is not
15 applicable here because it would result in a
16 building type that is not allowed in an R-2 zone.

17 The district is intended to provide areas
18 for predominantly semi-detached and moderately sized
19 lots and detached houses. Per 101.7, the purpose of
20 the R-2 zone is to protect these areas from invasion
21 by denser types of residential development, 101.6
22 Subtitle D.

23 I'm going to skip over some of my testimony
24 here but would like to just finally say that this
25 grouping of triplexes here along Nebraska Avenue is

1 really meant to be not expanded, but preserved in
2 some way. Slide 8 talks about the potential
3 authorized dwelling unit as defined by the Zoning
4 Administrator, and you can see here the elements
5 that show the cooking and sleeping facilities, the
6 laundry facilities, everything needed to have an
7 apartment. You have front entry, you have a back
8 entry, and the front entry, as I stated before, is
9 not allowed per U253.7C. Slide 9. Next slide.

10 Thank you.

11 For purposes of discussion, the idea of
12 zoning raise here is really to bring to attention to
13 the Board, right -- to downplay the idea that this
14 is a new building, whether the Zoning Administrator
15 agrees or not, is kind of disingenuous. It's
16 disingenuous. It's not kind of. This building is
17 completely new, and if you actually calculate the
18 extent of the enclosure, it will prescribe to what a
19 zoning raise is defined as. So, it really needs to
20 be considered by the Zoning Administrator who has
21 ultimate authority on this, and I understand that.
22 But again, the point of bringing up the possible
23 zoning raise is that you would then be effectively
24 dealing with a new non-conforming row building as
25 they build it, right? And that is not allowed in

1 the R-2 zone, whether it's an addition to a building
2 or whether it's a new building.

3 In conclusion, the application has
4 significant technical and procedural deficiencies.
5 The required findings for special exception relief
6 of the side yard have not been met by having shading
7 studies that are really irrelevant to the conditions
8 on site and that there are additional elements of
9 proposed construction that require relief under the
10 regulations. The proposal increases existing non-
11 conformities that adversely affects adjoining
12 neighbors, neighboring properties, and conflicts
13 with the intent of the R-2 zone, and I recommend
14 that the Board deny this application and have them
15 come back with a revision that would appropriately
16 address the R-2 zone. I'm happy to answer
17 questions. I know I've missed some things that I'd
18 like to say, but at the end I think that the point
19 is made. I think we have here a wolf in sheep's
20 clothing. Thank you.

21 CHAIRPERSON POURCIAU: Thank you. Thank
22 you all for your presentations. I'd like to go to
23 questions from the Board. Vice Chair Goldstein, do
24 you have questions for the parties in opposition?

25 VICE CHAIR GOLDSTEIN: I do. I'd like to

1 preface this though, that one theme I'm hearing is a
2 mismatch in expectations for what people can build
3 on their properties, and I think Commissioner Miller
4 referenced that. So, I just want to put that in the
5 background that, you know, zoning may allow more,
6 whether it's a third floor or a rear addition or a
7 coverage on the property. I just want to have that
8 in the background of these discussions. I'd like to
9 start with Mr. Kovacs and thank you very much for
10 your testimony, and I'm going to ask something very
11 similar of the neighbor on the other side, I
12 apologize, I have your name written down, but I
13 don't have it at my fingertips -- Ms. Belinski.
14 Could you talk to me a little bit about any
15 discussions you've had with the applicant in which
16 you've expressed your concerns, and what those
17 conversations were like, and what in a realistic
18 sense, and I'm just curious, what would a reasonable
19 development next to you look like? Thank you.

20 MR. KOVACS: Was that for me or Kate?

21 VICE CHAIR GOLDSTEIN: I'll start with you,
22 Mr. Kovacs, and then for Ms. Belinski.

23 MR. KOVACS: So, I may ask you to remind me
24 of the order of questions, but I'll start with the
25 first one. Sorry, I'm very nervous this morning.

1 I'll start with the first one which is that I've had
2 no direct communication from the applicant at all.
3 Actually, I got a couple of emails about from their
4 BZA specialist about the nature of my solar heating
5 system, but nobody's asked me, you know, what I
6 would like or what I think would be a good idea or
7 anything like that. So that's the answer to the
8 first question. I'm sorry, what was the second
9 question?

10 VICE CHAIR GOLDSTEIN: If you could alter
11 your neighbor's, the proposed addition, I'm just
12 curious, what goes in your mind knowing that third
13 stories are allowed in the R-2 zone, additional lot
14 occupancy is allowed in the R-2 zone, additional
15 extension of depth is allowed in the R-2 zone, what
16 would you tell the applicant you'd like?

17 MR. KOVACS: I guess on the third story I
18 would be concerned about my solar system either way.

19 We get a lot of benefit from it and it was one of
20 the reasons we bought the house. We were excited to
21 have renewable energy come with the house. So you
22 know, given that they're allowed, I would still have
23 the concerns that I've expressed about the continued
24 utility of that system.

25 As far as the dimensions, you know, I feel

1 like their interpretation of the 10-foot rule, while
2 it may be technically correct, is diverges from the
3 intent, the underlying intent. You know, the I
4 can't remember the exact verbiage, but my
5 recollection is that the intent around that was to
6 prevent grossly disproportionate new developments.
7 I think if you look at a three-dimensional rendering
8 from different perspectives of the current structure
9 and then tack on this enormous block, it is grossly
10 disproportionate. They're using our two bump-outs
11 that were part of the original design of the house
12 to base that 10 feet off of. Well, those bump-outs
13 are conforming.

14 I mean, we've got, you know, between -- I'm
15 actually in my bump-out right now -- and between, my
16 office, behind my office wall behind me, and their
17 property line is about eight feet of empty space --
18 or no, about six and a half feet of empty space.
19 And then on my other side towards my other semi-
20 detached neighbor, I've got, you know, a giant empty
21 space. My bump-out is single story, so it doesn't
22 shade anybody else. I think having them do
23 something closer to what a more conceptually
24 reasonable 10 feet would make more sense. If they
25 wanted additional square footage, you know, there's

1 also room to move in the front. It's always been
2 kind of weird to me the way the houses are set up.
3 You've got my house and Kate's house, and then their
4 house is actually set a little bit back. So, they
5 stick out in the back, but they're recessed in the
6 front. They're adding on to the back where they've
7 already got three feet of tail sticking out and
8 leaving this bracketed space up front where they've
9 got almost four and a half feet of space that they
10 could have without really inconveniencing anybody.

11 I think there are some alternatives that
12 just haven't been explored, and the fact that
13 they've never reached out to me in this process has
14 always been kind of weird. I mean, I know Mr.
15 Sullivan mentioned that he thought Andrea was
16 representing me, but I mean that's not in the
17 record. It's the assignment letter is between Kate
18 and Andrea, and I'm sure that Andrea probably set
19 him straight. After that time, I still haven't
20 heard from them. I'm sorry, was there any more
21 questions, sir? I lost track.

22 VICE CHAIR GOLDSTEIN: No, that --

23 MR. KOVACS: I'm sorry.

24 VICE CHAIR GOLDSTEIN: That's helpful.

25 Thank you. I'm curious, and the applicant might be

1 able to address this, that even pushing out toward
2 the front may require relief as well. Ms. Belinski,
3 I'm curious a little bit about -- I do want to ask a
4 preliminary question or two. One is you showed that
5 graphic, which I thought was an interesting one, of
6 the big white block on your side of the property.
7 Did that include the decks? Or was that, in your
8 view, a wall that was projected as that white block?

9 MS. BELINSKI: That included the decks, but
10 the decks also yeah, so that wall included the
11 decks. But in terms, for purposes of the visual for
12 us, I mean, that's still going to be, like, we're
13 going to see that space taken up. The decks, I
14 think, are six foot, so if you go back six foot,
15 it's still most of that space would be building.
16 And in the basement, in terms of like water flow
17 going through the yards, it will go all the way out
18 to the edge of end of the decks. So for purposes of
19 water runoff and things like that, that would go all
20 the way to the end.

21 VICE CHAIR GOLDSTEIN: Okay. I've heard
22 some mention of your skylights, and that sounds like
23 a very interesting feature of your property. The
24 applicant was suggesting that they could do some
25 kind of screening, and I'm just kind of curious for

1 your thoughts on that offer.

2 MS. BELINSKI: I would be fine with that.

3 VICE CHAIR GOLDSTEIN: Okay.

4 MS. BELINSKI: That's really the only thing
5 that they've offered. I mean, in terms of your
6 other question --

7 VICE CHAIR GOLDSTEIN: Okay.

8 MS. BELINSKI: I think he, Mr. Sullivan,
9 reached out to my counsel and we, Ms. Ferster,
10 reached out on several occasions looking to
11 communicate. I think Mr. Sullivan reached out an
12 hour before the ANC meeting and then reached out
13 yesterday late afternoon. There were some emails
14 back and forth, but there were no other offers of
15 changes other than some screening on the on the roof
16 deck.

17 VICE CHAIR GOLDSTEIN: I heard a
18 characterization from the applicant. I can't
19 remember who it relates to, but that in discussions
20 there was this idea that the only solution would be
21 not to have a third floor. Does that sound familiar
22 at all in your mind?

23 MS. BELINSKI: That was my recommendation.
24 I said, you know, that if there was not, you know,
25 like, that would be -- a solution would be to not

1 have a third floor.

2 VICE CHAIR GOLDSTEIN: Okay.

3 MS. BELINSKI: It would solve a lot of
4 problems. It would solve the solar problem; it
5 would solve the chimney issue. We still would have
6 this massive mass, which is disproportionate, but I
7 understand what you're saying about things that are
8 a matter of right. Just because something's a
9 matter of right doesn't mean it's the right thing to
10 do, certainly isn't neighborly, and certainly isn't
11 consistent with the rest of the block and the
12 continuity of the block. But I understand that
13 people like to push the limits to the extremes, and
14 that's clearly what's happening here.

15 VICE CHAIR GOLDSTEIN: Okay, thank you.
16 Madam Chair, that's all the questions I have for the
17 moment.

18 CHAIRPERSON POURCIAU: Thank you.
19 Commissioner Miller, do you have questions?

20 COMMISSIONER MILLER: I'm not sure if I
21 have questions. I want to thank all the opposition
22 parties and witnesses for their very articulate and
23 compelling testimony. Are there other 3rd floor
24 additions on this block? Is anybody in --

25 MS. BELINSKI: There are none within that

1 whole zone. In this R-2 zone there are no third
2 floor additions.

3 COMMISSIONER MILLER: Okay. Good to know.

4 And I appreciate, again, the training seminar I'm
5 getting on the solar energy regulations, our own
6 solar energy regulations and law that it applies to
7 matter of right and special exceptions. Are there
8 any negations to that solar adverse impact on the
9 panels to the neighboring property that can be
10 mitigated by an alternative proposal, maybe you said
11 that; I might have missed it, other than
12 eliminating the third floor addition?

13 MR. KOVACS: My recollection is that once
14 it's established that there's more than five percent
15 interference they have the option of asking me for
16 an agreement. And, you know, there's various ways
17 we could come at.

18 COMMISSIONER MILLER: Right, right. There
19 have been negotiated agreements like that.

20 MR. KOVACS: Yeah. Or I think they are
21 allowed to ask for relief, but, and this is just off
22 the top of my head, I don't have it in front of me
23 right now, but I think that relief under 204
24 requires them to provide alternative designs, you
25 know, for discussion. That, that they can't just,

1 that the relief request under 204 requires them to
2 provide alternative designs.

3 I'm sorry, one other thing that I'm
4 blanking on at the moment, and I would, I would hold
5 everybody up if I went trying to look it up, but
6 it's alternative designs and one other contingency.

7 So, in order to get BZA relief under 204, the
8 standard's a little different than it is for a side
9 yard exception, for example.

10 COMMISSIONER MILLER: And you might have
11 stated this, and the applicant might have stated
12 this. Are there other exceptions to the five yard
13 setback requirement in this R-2 zone block?

14 MS. BELINSKI: There are, but none of the
15 structures go back as far. They all, I think, go
16 back. There's still a significant yard even in the
17 so there's a significant backyard. Our main issue
18 here is that they're eliminating the entire yard,
19 and not just eliminating it, but digging down a full
20 story in the yard. And so that's, you know, much
21 more significant than any of the other additions
22 that have been added that preserved the backyards.

23 COMMISSIONER MILLER: So you wouldn't even
24 support this project as proposed if there were the
25 elimination of the only relief that is technically

1 requested before us of exemption from the five foot
2 setback? You would not support this project because
3 of its adverse --

4 MS. BELINSKI: Yeah, I'm --

5 COMMISSIONER MILLER: -- impact?

6 MS. BELINSKI: Yeah, I think it has an
7 adverse impact beyond the five-foot side yard issue.

8 MR. RUEDA: Can I make a comment? Is that
9 okay? The idea that the side yard setback can be
10 eliminated here, again, is contrary to the whole
11 idea that you would have a wall on a property line
12 in this zone. And then, understanding that a third
13 story is allowed, that's not been contested, but, of
14 course, the solar interference could be handled
15 different ways, which have not been proposed.
16 There's different ways of solving that. You know,
17 I've had situations where there are people that
18 offer to provide solar on their own property, and
19 then you have to get some sort of easement,
20 covenant, all the different things. So, there are
21 ways of mitigating the solar issue, right? Either
22 by offset of payment, which most people don't want
23 to do because they want to continue the renewable
24 aspect of their property, right?

25 There are different ways of reaching an

1 agreement, but at the end of the day, elimination of
2 the side yard is a separate issue, obviously, right?

3 And that elimination exacerbates, really, this
4 whole idea that this is truly a row building. Now,
5 with the third story addition, really not only
6 destroys the sort of the idea of this triplex,
7 right, as I called it, right? The three properties
8 sort of joined together to make one building. Now,
9 this thing really becomes, you know, two semi-
10 detached houses and a row building, right? So it
11 kind of goes against how this part of R-2 was set
12 aside. I'll stop there.

13 COMMISSIONER MILLER: Yeah. You touched on
14 the next question I was going to ask about is there
15 anything that could be done to mitigate the adverse
16 impact on adjacent neighbors' solar? And you're
17 saying that there might be, but we don't know what
18 that is, and I guess there haven't been any real
19 discussions about that.

20 MR. RUEDA: They can get pretty complicated
21 in how they're structured, and so they don't tend to
22 happen because of that.

23 COMMISSIONER MILLER: Yeah. I don't think
24 I have any more questions, Chair Pourciau, and I
25 don't want to prolong this, and I appreciate Vice

1 Chair Goldstein's questions and the responses he
2 got. But I am struck by the unanimous, unusual
3 opposition of ANC 3F, which is my adjacent ANC, and
4 all the neighbors in that block about the adverse
5 impact of this proposal. So I'll just say that, you
6 know, I'm open and I'm listening to everybody.

7 CHAIRPERSON POURCIAU: Thank you.

8 VICE CHAIR GOLDSTEIN: I'm sorry. Can I
9 just jump in and ask Mr. Rueda to clarify one thing?

10 I thought I heard you say that this zone is not
11 intended for walls along the property line. Is that
12 what you said?

13 MR. RUEDA: The idea being that a row
14 building is not allowed. A row building obviously
15 projects from lot line to lot line. So I
16 paraphrased that, but essentially, you know,
17 eliminating the side yard brings it back to its non-
18 conforming condition as a row building, right?
19 Extending the building -- right now they say, Oh,
20 well, there's a non-conforming side yard because we
21 project three feet beyond the other two buildings.
22 Well, they really have this condition that's side to
23 side, and by extending forward and not providing a
24 side yard, then they have a attached building; they
25 have a row building. But if they use the side yard

1 setback, then they would comply at least with the
2 abridged five-foot setback if, in fact, it were
3 appropriate, which in this case it's not. Like you
4 have many cases where there's a side yard, you have
5 a series of detached houses or semi-detached houses,
6 and somebody's got a four-foot side yard, and you
7 have to increase that to five and not eight when you
8 do an addition. But of course, there's already a
9 compliant building, and there's a non-compliant yard
10 condition.

11 In this case, the two kind of go hand in
12 hand, and one by default prevents the other. And as
13 I stated, the Zoning Commission effectively set that
14 intent by designating these R-2 and not R-3.

15 VICE CHAIR GOLDSTEIN: Okay. But you would
16 acknowledge that if they could build back along a
17 property line just so long as one side of it has the
18 side yard. Is that right?

19 MR. RUEDA: I mean, that's the way that the
20 -- that it's a compliant noncom -- I mean, it's a
21 noncom -- it's a legal non-compliant building at
22 this point, right? As it stands. So the extension
23 would have -- well, yes, you would -- you would have
24 to at least maintain the semi-detached nature of the
25 intent of the zone.

1 VICE CHAIR GOLDSTEIN: Okay. Thank you.
2 I'm sorry, Madam Chair. Thank you for indulging me.

3 MR. RUEDA: I wanted to address Mr.
4 Goldstein on this, if that's okay. You asked my
5 client about the decks, and the submission does not
6 represent any of the features on the adjoining
7 property, so you don't really get a sense of where
8 her garage touches their proposed decks. So I
9 believe that would be an important part of what
10 you're, what you're talking about. But, you know, I
11 think that would be the burden of the applicant, not
12 Ms. Belinski.

13 CHAIRPERSON POURCIAU: Thank you for that.
14 Your presentations were exceptional. They offered
15 lots of detail and clarification.

16 One thing in particular, Mr. Rueda, I was
17 wondering about the width of other lots, and I feel
18 like the site plan you showed helped me understand
19 that somewhat. I want to thank you for that. I
20 want to thank you all for your presentations. I
21 would now like to ask the applicant if they have any
22 questions or rebuttal and then hear their closing
23 statement.

24 MR. SULLIVAN: I will have rebuttal
25 comments when if that's -- I don't have any

1 questions, though. So I don't know if you want me
2 to go into rebuttal right now or if you have
3 anything else to do before that.

4 CHAIRPERSON POURCIAU: I do not believe
5 there is anything else. We have called on all the
6 parties and heard questions and cross-examination
7 from all parties. At this point, I'd like to hear
8 the closing statement from the applicant.

9 MR. SULLIVAN: I was going to do a
10 rebuttal.

11 CHAIRPERSON POURCIAU: Oh, okay. A
12 rebuttal from the applicant.

13 MR. SULLIVAN: First, just rebuttal to the
14 testimony that we had.

15 CHAIRPERSON POURCIAU: Yes. Yes.

16 MR. SULLIVAN: The first thing I want to
17 address, just a blanket reiteration of what I
18 mentioned at self-certification from the order, and
19 this is based on BZA opinion and Court of Appeals,
20 the Board has consistently held that assertions of
21 an erroneous certification are irrelevant to its
22 review of applications.

23 Regarding the first comment made by Ms.
24 Ferster that we didn't comply with 204.1, I'm not
25 sure if she was the one that made this. 204.1(D)(1)

1 is the requirement to file one of three things
2 regarding neighboring solar panels, and we filed an
3 affidavit, so we met that requirement. The
4 neighbor, Mr. Kovacs, says in conclusion that that's
5 a false affidavit, and we disagree. We may not be
6 as overconfident as he is, but that's our position
7 on the affidavit. So that requirement was met. And
8 that requirement to submit the affidavit's a
9 completely different issue from the fact that we
10 haven't asked for the solar energy system relief
11 under 204.1. So, it's not before this board.

12 It was mentioned that there were errors
13 that we corrected in a filing yesterday morning.
14 There were no errors. That filing was rebuttal
15 evidence, which is allowed at any time. It was
16 rebutting a late Sunday night submission from Mr.
17 Kovacs.

18 Regarding Mr. Rueda's discussion, there's
19 no relevance to the two units argument. This is a
20 single family dwelling. There actually is a
21 covenant submitted with the permit application for
22 what's a kitchenette downstairs. But it's not two
23 units, and it's not an accessory apartment. It's
24 just a single family dwelling, and it has no
25 relevance whatsoever to this application anyway.

1 The shadow studies for years have been
2 matter of right versus proposed. I understand that
3 the solar study, which is separate from a shadow
4 study, would require something different. And
5 again, that's why it needs to go to DOB and the
6 Zoning Administrator because they're equipped to
7 handle that and answer all these complicated
8 questions on the solar water heater on Mr. Kovacs's
9 property.

10 The 10-foot rule question, again, it's just
11 erroneous self-cert. I happen to know from past
12 cases that it's measured from the furthest rear wall
13 as the regulations provide, regardless of the story
14 level of that furthest rear wall. Only one side
15 yard is required. There's been a lot of discussion
16 about has this ever been done. We worked on a case,
17 20839, a couple years ago, which is the next triplex
18 over, where the Board approved and the community
19 supported 18 feet gone beyond the rear wall, so 8
20 feet of 10-foot rule relief and a 44 percent lot
21 occupancy. And that was just two stories. So I
22 think the issue is here is the third story is what
23 I'm getting. But that case was sailed through and
24 side yard relief too. There was no side yard on
25 that addition as well. It was a similar lot. It

1 was the middle row of a triplex.

2 Regarding zoning raise, it's not an issue.
3 Even if this was a new building, we could get
4 special exception relief because it's a substandard
5 record lot. But I happen to know that party walls
6 do count in that calculation. And in fact, I would
7 cite a BZA appeal that Mr. Rueda is very familiar
8 with, 19961, where the Board stated that in the
9 appeal order.

10 I don't think that any discussion of the
11 general neighborhood, the triplex development, has
12 anything to do with the specific criteria of asking
13 for the side yard relief.

14 Regarding me not having any interaction
15 with Mr. Kovacs, I was under the impression,
16 mistakenly apparently, that he was represented also
17 by Ms. Ferster, and I did communicate with her
18 mentioning both sides. In fact, I even said in an
19 email that which of your clients would prefer to
20 have a side yard, and I was not disabused of that
21 notion until yesterday in an email. So, I was under
22 the impression I wouldn't have been appropriate to
23 reach out to Mr. Kovacs.

24 Regarding the screens, we're absolutely
25 willing to provide that adjacent to Ms. Belinski's

1 windows to give her some assurance that people would
2 not be looking down on those skylights. Regarding
3 the rear yard setback, we have a 27-foot rear yard,
4 20 feet's required. The lot occupancy, we're
5 meeting that.

6 So, it'd be nice to separate the special
7 exception criteria and how we meet that from all the
8 hyperbole of monstrosities and all the other attacks
9 on the developer himself. I would like to ask the
10 developer to talk briefly about the shadow studies.

11 We filed a rebuttal submission yesterday morning
12 responding to the late night filing regarding the
13 shadow study. The architect has used the program
14 provided by the D.C. Office of Zoning to create that
15 shadow study. And if I can have Mr. Akan add
16 anything else to that -- or anything else he'd like
17 to add in rebuttal. Thank you.

18 MR. AKAN: Thanks, Marty. So I think I'm
19 going to start with just going over all the
20 opposition comments, and there have been some
21 inaccuracies on some of these statements. At least,
22 I'll say my part. So we apply for the building
23 permit with DOB back in November. And when we apply
24 for a permit with DOB, they go through some
25 checklist and, you know, verification. Solar was a

1 part of it. Chimney was a part of it. And we
2 accommodated, you know, chimney in our design. The
3 top level was set back from the chimney. The
4 chimney would not be impacted.

5 There are zoning related checklists that
6 they also go through. They ask the same questions.

7 So, that's where the addendum and the covenant for
8 two units basically came into play. So, we answered
9 those questions to DOB, and I think, if I'm not
10 mistaken, both neighbors received a notification
11 from DOB what we apply for further permit. And they
12 could have, you know, looked at the development and,
13 you know, and we could and, again, we could have had
14 those discussions, but at that moment, the council
15 got involved on both sides, basically, and we
16 stopped direct communication at that point.

17 As far as overgrown, you know, vegetation
18 and things like that, I will take it off the chin
19 and say we will take care of it. But a portion of
20 this was just basically this permit application, you
21 know, turning into a moving target from our permit
22 being approved end of, I think, December to we're in
23 July. And I will express my thought process there
24 and how we came, where we came, so that at least you
25 guys understand that we're not just some ignorant,

1 you know, developer.

2 It's just we thought that we applied with
3 DOB and they said our permit is getting approved
4 within two weeks around December was just a zoning
5 comment about a few things, and then the five feet
6 setback comment came back. That's where they send
7 us back to BZA. And like I said in the, you know,
8 earlier statement, the setback was not required in
9 an identical property on 5018, and it's a side by,
10 you know, side by side addition all the way with no
11 setback. And if I'm not mistaken, oh yeah, Marty
12 actually had mentioned it, 5042 is, you know, 18
13 feet from the neighboring property over lot size
14 occupancy and zero side yard again.

15 So, we made a permit application except the
16 third floor addition, which is matter of right. We
17 made a permit application, and based on the previous
18 Zoning Administrator comment, we thought that we
19 were going to get this approved through DOB until
20 end of November, basically. So far, structural has
21 been approved, and there has been some comments
22 about structural concerns and things like that.
23 These are all DOB related matters which they have
24 addressed already. We obtained a geotech report by
25 a geotech engineer. We redesigned the foundation to

1 actually take off of the party walls. I heard the
2 comment about a lipstick cheap renovation. That is
3 completely wrong because we are going to completely,
4 you know, strengthen the foundation for this
5 property and as well as well as take off of the
6 party wall.

7 So, a lot of these comments are just -- I
8 find it utterly inaccurate and, you know, and I will
9 give you a few of these too. So, there was a
10 comment about front addition. You know, the reason
11 that we didn't necessarily take down the front wall
12 was that whole raze comment and not get stuck with
13 DOB about taking all the walls down. That was the
14 deliberate decision that we have made to push back
15 the property instead of actually adding a front
16 addition because at that point we would be taking
17 both front walls and the rear wall down.

18 Marty answered the solar and the shade
19 study aspect of it. We did use a you know -- this
20 is a tool that Office of Zoning provides. So, it
21 does give you the difference between matter of right
22 and the exemption, the special exemption, exception
23 that we're requesting. So, we did provide that.

24 We talked about the solar panel thermal,
25 you know yes, we did that certification and we

1 provided to DOB and they found that answer to be
2 satisfactory. You know, it's not that you know, we
3 use the best knowledge that was available to us. We
4 provided them. And raze comment, we talked about
5 this. It's not a full raze. Intentionally, we
6 didn't take the front wall down is because we were
7 trying to avoid the raze and we're not doing it.

8 What else? Let me go through. We talked
9 about the two-unit covenant. It's not a two-unit;
10 it's a single family. The reason that we had very
11 poor communication is because we were thinking that
12 we were getting a DOB permit approved and eight
13 months down the road, you know, counsel is getting
14 involved; we dropped direct communication. So,
15 that's basically the whole storyline.

16 MR. SULLIVAN: Thanks, Alper.

17 MR. MATTA: All right.

18 MR. SULLIVAN: Would you like us to give a
19 closing or I believe the party opponents should do
20 that first, I think, right?

21 CHAIRPERSON POURCIAU: I see that the
22 applicant does closing first, and then others go
23 after. I can ask for clarification from --

24 COMMISSIONER MILLER: I think the applicant
25 usually does have the last word, Madam Chair.

1 CHAIRPERSON POURCIAU: Thank you, Mr.
2 Miller. Ms. Mehlert, can you confirm, please?

3 MS. MEHLERT: Correct, yes. The applicant
4 is permitted a closing statement.

5 CHAIRPERSON POURCIAU: Okay, so at this
6 point then --

7 COMMISSIONER MILLER: I did have a question
8 for the applicant just --

9 CHAIRPERSON POURCIAU: Okay.

10 COMMISSIONER MILLER: -- to clarify, I
11 think.

12 CHAIRPERSON POURCIAU: But before you do
13 that, I just want to make sure I have this right.
14 So, I will first ask for closing statements from
15 those with party status and then last from the
16 applicant. Is that correct?

17 MS. MEHLERT: It is up to you if you would
18 like to offer the parties in opposition a closing
19 statement. That's not required per the regulations,
20 but that's up to the chair or Board if you would
21 like to allow that opportunity, and then the
22 applicant will have the final opportunity for a
23 closing statement.

24 CHAIRPERSON POURCIAU: Oh, we have not done
25 that since I've been chair, but I was just reviewing

1 some of the guidance I have been given previously.
2 Okay, thank you for that. I'm sorry. Go ahead,
3 Commissioner Miller.

4 COMMISSIONER MILLER: Oh, yeah, just I
5 think Mr. Sullivan confirmed that, or his team
6 confirmed that there are no other -- even though
7 it's matter of right -- there are no other third
8 floor additions on this block. Is that correct?

9 MR. SULLIVAN: I would have to take their
10 word for it. I have no information that would tell
11 me otherwise, no.

12 COMMISSIONER MILLER: I thought someone on
13 your team did say that. But I think someone on your
14 team also did say that there are some zero side yard
15 setbacks.

16 MR. SULLIVAN: Right. Actually, one was
17 permitted by right, and when we filed originally the
18 application for the next triplex over, we didn't ask
19 for side yard relief based on that, and the
20 interpretation changed in the middle of that case.
21 So, we needed side yard relief in addition to lot
22 occupancy and 10-foot rule relief for 5042. And
23 that's what the applicant in this case was referring
24 to. They originally did not get a zoning comment
25 and were told that they didn't need a side yard, and

1 then that was changed again. So, it's because of
2 the conflicting provisions. I don't have an opinion
3 really on that. We know we need the relief. We've
4 been told that. But that's why it has taken so
5 long.

6 COMMISSIONER MILLER: We, as part of the
7 Zoning Commission, need to clarify any conflicting
8 revision provisions. So I apologize on behalf of
9 the Zoning Commission for that. And I agree, you
10 know, I felt the opposition testimony was very
11 compelling, but I agree with your one comment about
12 the hyperbole used. Somebody's got their audio on,
13 so it's kind of getting feedback. But I agree with
14 your comment that the hyperbole -- even though I
15 thought the opposition testimony was compelling, the
16 hyperbole about monstrosity or towers. You know,
17 only in D.C. would a three-story building be
18 considered a tower, especially when it's matter of
19 right. That's just, it's not helpful to the case to
20 use that kind of hyperbole. So thanks. I'm sorry.

21 That's all I have, Madam Chair.

22 CHAIRPERSON POURCIAU: Thank you. Mr.
23 Sullivan, would you please provide your closing
24 remarks? We will only hear your remarks. We will
25 then take any further questions or discussions from

1 the Board. Thank you.

2 MR. SULLIVAN: Thank you, Madam Chair and
3 Board members. I would just like to reiterate and
4 have the Board focus in on the relief being
5 requested is the five foot of side yard relief. We
6 believe the shadow study shows clearly that there is
7 not undue impact on light and air. We also believe
8 that due to there not being any windows and the
9 location of the balcony, which isn't part of the
10 relief anyway, that privacy is not unduly impacted.

11 For various reasons, as stated, because of
12 the front setback and because of fact that we don't
13 need rear yard relief or 10-foot rule relief, and
14 just filling in the five-foot side yard, that
15 there's no substantial visual intrusion on
16 character, scale, and pattern of houses as viewed
17 from the street or from the alley.

18 I think everything else discussed is a
19 question about erroneous self-certification that is
20 properly before the Zoning Administrator's office as
21 part of the building permit application and may end
22 up back here at the Board with its appellate
23 jurisdiction of those questions. But I think
24 especially with the solar, it's best to leave that
25 consideration to the permitting professionals at DOB

1 in the first instance. And if it were to come back
2 for the Board, then the Board would have all the
3 information it needs. There's been no expert
4 testimony on that law or on the solar panels, and in
5 fact, it, like I said it doesn't align with the
6 special exception criteria or relief that we're
7 asking for.

8 We don't dispute that if that was a solar
9 energy system, then we'd be talking about the matter
10 of right structure, not just five-foot of side yard
11 relief. So it's not even really the same case. And
12 so for that reason, I don't think that or any other
13 question of erroneous self-cert is properly before
14 the Board, and I think the Board can focus on the
15 special exception criteria as they're met with the
16 side yard relief with the information provided.
17 Thank you.

18 CHAIRPERSON POURCIAU: Thank you. Any
19 follow-up questions from the Board for the applicant
20 or others in trying to move this to some type of
21 consensus?

22 VICE CHAIR GOLDSTEIN: I don't have any
23 direct questions for the applicant at the moment.
24 Thank you.

25 CHAIRPERSON POURCIAU: You're welcome. All

1 right, Not hearing any more questions or
2 discussions, I believe we are ready to deliberate.
3 I will ask that we please close the hearing record,
4 close the hearing and the record, and witnesses will
5 be excused.

6 I do want to thank everyone for taking out
7 the time on this application and presenting a very
8 well-prepared package of information and a
9 thoughtful presentation. Once we are closed, we
10 will deliberate and discuss the case and see if
11 we're ready to vote. Thank you again.

12 All right, it looks like we're ready to
13 deliberate. I do want to say on the record that
14 Board Member Lindsjo had to step away for a brief
15 period, and we may need to think about if we'd like
16 to provide time for her to review the record. But I
17 think we should talk about this some, and maybe
18 we'll arrive at a determination if that's needed.
19 I'd like to first call on Vice Chair Goldstein to
20 see where you are at this time.

21 VICE CHAIR GOLDSTEIN: Thank you. I think
22 I'm going to need some more time to think through
23 this case. I've heard a lot of interesting
24 testimony today, but I don't feel ready yet to
25 conclude or to vote on it. That's my view

1 personally. There are some things I'd like put into
2 the record, and I've got a couple suggestions. One
3 is, and I would like to take the applicant at his
4 word, I'd like to see a submission about the
5 condition of the current property being maintained
6 and what's being done. I'd like to get that into
7 the record. I also feel like I would like to see
8 the proposal for a screening for the neighbor, which
9 has been suggested as well. Overall, I think this
10 project could benefit, at least in my view, from
11 some additional discussion with the neighbors. I
12 would like to see a little bit more work done there
13 and for the applicant to think about whether there
14 are some changes that could make it less adverse to
15 their neighbors. I'd like them to review it and
16 explore it a bit more. And if there isn't, if this
17 is the plan, they can just tell us that's the plan.

18 But I think there could be a little bit of benefit
19 here from some additional discussions.

20 Now, I also want to tell the neighbors, in
21 my view, zoning allows more on this property, and I
22 think any of those discussions need to have that as
23 the backdrop. I think it's got to be sober,
24 realistic conversations. That would be my
25 preference. And hoping to hear from other Board

1 members about where they're at.

2 CHAIRPERSON POURCIAU: Board Member
3 Lindsjo, did you want to make any comment now?

4 MEMBER LINDSJO: No, I would just say that,
5 Vice Chair, he pretty much put through everything
6 that I had listed too, really wanting to know if
7 there is a screening and then also additional
8 discussion with the neighbors. I think that the ANC
9 chair really eloquently stated how much they really
10 like to work together, and this one has not been the
11 case. So, I think that needs to be addressed, but
12 that was it. Thank you.

13 CHAIRPERSON POURCIAU: Commissioner Miller,
14 did you want to discuss this further? Are there
15 items you need more clarification on?

16 COMMISSIONER MILLER: Thank you Madam Chair.
17 Yeah, no, I share the comments of Vice Chair
18 Goldstein and Board Member Lindsjo. Although I
19 don't think we're going to -- I mean there's --
20 there's always keep hope alive, you know, but I
21 don't think we're going to get in any kind of a
22 closer meeting of the minds here. But I think the
23 additional information requested by vice chair, if
24 the applicant's willing to give it, would be
25 helpful.

1 If there's an alternative that mitigates,
2 if there's a submission that addresses the past,
3 according to the opposition testimony, bad
4 maintenance of the neighborhood and maybe a
5 construction management agreement going forward, not
6 that that would be part of anything that we would do
7 a condition of approval, but we've seen that in
8 other cases where the applicant has worked that out
9 with the their adjacent neighbors since I think that
10 was addressed by at least one of the adjacent
11 neighbors.

12 I'm keeping an open mind, but at this
13 juncture, I am not inclined to support this project.

14 I think it's got too many problems. Despite the
15 compelling case made by each side for their
16 arguments, I appreciate the articulate arguments
17 made, but that's where I am at this point. But you
18 know, I'll see where I am when we actually
19 deliberate. I can do that.

20 CHAIRPERSON POURCIAU: Okay, so based on
21 what I've heard, I think we're going to move this to
22 a decision hearing. I don't think we need any more
23 testimony from any other parties and request
24 additional information for the record prior to
25 scheduling that decision meeting.

1 Ms. Mehlert, I don't feel that we have time
2 on our agenda for next week. Can you advise us of
3 what you would recommend?

4 MS. MEHLERT: Sure. So the next would be
5 after the August recess. We just put another case
6 on September 9th. You could add another case to
7 that meeting decision on that day if you'd like or
8 the following week on September 16th. If you want
9 to pick one of those, I can give suggested
10 recommended submission deadlines.

11 CHAIRPERSON POURCIAU: I would say the
12 16th.

13 MS. MEHLERT: Okay. So then if the
14 applicant can submit -- sorry, where am I -- their
15 filings by, let's say, August 28th and then give the
16 parties and ANC a week and a half to September 9th
17 since there's a Labor Day holiday in there, and then
18 the Board could return for a decision on the 16th.

19 CHAIRPERSON POURCIAU: I did want to add to
20 the submissions, I wanted to know the width of this
21 property and a few of the adjacent properties.
22 Something that resonated with me in terms of, you
23 know, each individual property and each case
24 standing on its own merit is that it sounded like
25 this property has a particular constraint because

1 it's not quite as wide as some of the adjacent
2 properties. I'd just like to know what the facts
3 are about the width. If you could add that as
4 something we'd like to receive.

5 VICE CHAIR GOLDSTEIN: Can I also just
6 throw in one additional thing? From my point of
7 view, I am convinced about the self-certification
8 argument put forward by the applicant. I just want
9 to put that on the record that the applicant, at
10 their risk, is saying that this is the only relief
11 that they need and that they'll have to, at the time
12 of permitting, they'll have to address any issues
13 related to relief if that were not asked for. And I
14 think that they're correct that the issue of
15 additional relief is not properly for us to
16 determine. That's going to be for permitting time.

17 That's my point of view. I don't think I need any
18 more information on that --

19 COMMISSIONER MILLER: I agree with --

20 VICE CHAIR GOLDSTEIN: -- at this point.

21 COMMISSIONER MILLER: -- I agree with you,
22 Vice Chair Goldstein, and its burden of proof and
23 liability is on them, not us, for any problem with
24 this self-certification.

25 CHAIRPERSON POURCIAU: Excellent.

1 Secretary Mehlert, you got all that, and we'll
2 proceed on the September 16th decision agenda.
3 Thank you.

4 MS. MEHLERT: Mm-hmm.

5 CHAIRPERSON POURCIAU: Thank you all. That
6 was a lengthy one. I would like to take a short
7 break to have a little nourishment. Last week we
8 broke for 20 minutes. Is that enough time today?
9 Yes. Everybody's good with that? All right, so
10 we'll reconvene at 2:00. Thank you.

11 (Whereupon, the above-entitled matter went
12 off the record at 1:40 p.m. and resumed at 2:00
13 p.m.)

14 COMMISSIONER MILLER: Thank you.

15 CHAIRPERSON POURCIAU: We're ready to go to
16 our next case, which is Application No. 21459.

17 Secretary Mehlert, would you read it into
18 the record, please?

19 MS. MEHLERT: Yes, the Board is back from a
20 quick lunch break and returning to its hearing
21 session. The next case is Application No. 21459 of
22 Alexandra and Ahmed Mady. This is a self-certified
23 application pursuant to Subtitle X, Section 901.2
24 for special exceptions under Subtitle D, Section
25 5201 from the rear yard requirements of Subtitle D,

1 Section 207.1 and the lot occupancy requirements of
2 Subtitle D, Section 210.1. This is for a two-story
3 rear addition to an existing two-story detached
4 principal dwelling located in the R-3/GT zone at
5 1413 28th Street Northwest, Score 1260, Lot 810.
6 I'll just note that staff just uploaded a late
7 letter from an adjacent neighbor into the record.

8 CHAIRPERSON POURCIAU: Thank you. I see we
9 have Ms. Wilson. Is the applicant ready to present
10 their case?

11 MS. WILSON: Hi, yes. Alex Wilson from
12 Sullivan and Barros on behalf of the applicant, the
13 Madys, who are the homeowners of the property, and
14 we're also here with the architect, Mr. Rich Markus.
15 We do have a presentation whenever Mr. Young has a
16 chance to pull that up.

17 CHAIRPERSON POURCIAU: Thank you. Please
18 proceed.

19 MS. WILSON: Great. Thank you so much.
20 The property is located in the R-3 zone within the
21 Georgetown Historic District overlay in ANC 2E. If
22 you could please go to the next slide.

23 The property is improved with a two-story
24 detached single family dwelling on 1,800 square foot
25 lot. This is the owner's primary residence although

1 they have been unable to occupy it for some time due
2 to a massive tree falling on the roof a little over
3 a year ago. They have temporary shoring and
4 protection set up now, but they need to replace the
5 roof. And the roof replacement triggered the need
6 for historic review. And so, instead of doing this
7 process twice with Historic while they're out of the
8 house, made sense to tackle some other home
9 renovation projects at the same time.

10 The proposed project focuses on removing
11 two decks at the rear of the property on the first
12 and second floor that are in not so great shape.
13 And then, in the general location and footprints of
14 the existing decks, a modest two-story addition is
15 planned. The addition maintains the existing rear
16 yard depth at the main level and first floor and
17 slightly increases it on the second floor, prompting
18 the rear yard relief. The decks are also being
19 expanded slightly to the south, resulting in 1.4
20 increase in lot occupancy but still requires relief,
21 given the property is already slightly over
22 permitted lot occupancy for the zone, which is not
23 unusual in Georgetown and in this historic district.

24 Next slide, please.

25 Some additional detail about the relief.

1 The R-3 zone requires a 20-foot rear yard, and the
2 existing rear yard depth overall is 10.4 feet, and
3 that depth is not changing. The site plan on the
4 left shows the depth of the decks overall. The
5 second floor deck is currently not as deep as the
6 first floor deck, and so that's the story which
7 requires special exception relief for the rear yard
8 as we are extending a non-conforming condition. For
9 the lot occupancy, the maximum permitted lot
10 occupancy in the zone is 40 percent. The property
11 is already at 46 percent, and the proposal increases
12 lot occupancy overall by only 1.4 percent to 47.4
13 percent, which is a modest overall increase. Next
14 slide, please.

15 This shows the area of the existing decks
16 and therefore the area of the proposed addition.
17 Next slide, please. These elevations show that the
18 addition will match the depth of the existing first
19 floor deck. This is the south elevation, so this
20 won't be really visible from that side as the
21 existing buildings to the south, which also front on
22 28th, have much larger additions and block the view
23 from O Street.

24 Next slide, please. This is the only side
25 that's visible from any street, the north elevation,

1 and this is the side that has a meaningful setback
2 from the property line. Next slide, please. This
3 shows that the addition will slightly expand the
4 width of the decks. It's a very small extension to
5 the south side, and it lines up with the existing
6 building wall on that side and side yard. Again,
7 that side is up against a much larger building, and
8 the view is blocked. The side closest to street
9 view, the north, there's no expansion or extension
10 on that side.

11 Next slide, please. So, this is not
12 related to the relief, but we are proposing a new
13 roof as the falling tree damaged the original, and
14 that has been approved by Historic, as has the
15 proposed addition.

16 Next slide, please. These are the floor
17 plans. The seller doesn't have any envelope changes
18 proposed. Next slide, please. This shows the first
19 floor. The first floor deck is effectively being
20 replaced by a dining room within the same footprint,
21 allowing for some additional living space.

22 Next slide, please. The second floor deck
23 footprint -- the addition is larger than the second
24 floor deck footprint as opposed to the first floor
25 deck. So that is being expanded, and that will be

1 interior space, and it allows for slightly more
2 space in the primary bedroom to include a bathroom
3 instead of both upstairs bedrooms sharing a
4 bathroom. Next slide, please.

5 This is some context for what I was talking
6 about earlier. The house to the south, or to the
7 right in this case, is much larger than the subject
8 house. Next slide, please. Just another view.
9 Next slide, please. Next slide, please. Thank you.

10 This is a view of the side of the house
11 from Poplar Street, the street to the north, showing
12 the location of the decks and therefore the location
13 of the addition and the surrounding buildings.

14 Next slide, please. As you can see, the
15 decks and proposed addition face a blank wall, and
16 that marks the shared property line. So, any
17 impacts from the addition will be limited to the
18 applicant's own yard. And again, you can see the
19 building to the south, which is, I believe, four
20 stories and quite large, already casting some shade
21 in the area. So overall, this area is relatively
22 shaded to begin. Next slide, please. These are
23 photos of the tree that fell. Next slide, please.
24 This is a view of the street, and the addition will
25 not be seen from 28th. Next slide, please. OP

1 recommends approval. Next slide, please.

2 In terms of ANC and community support, ANC
3 2E voted unanimously to support the OGB case for
4 this exact same project. So, when the case came
5 back for BZA, we offered to present multiple times,
6 but it was communicated to us that they had a fairly
7 full agenda. This project had been approved
8 already. There are 11 letters of neighbor support.

9 So, we didn't want to keep pushing for a
10 presentation when the chair deemed it unnecessary
11 for a project they already approved, albeit in a
12 different context. But the chair was not concerned
13 given the extensive neighborhood outreach that was
14 done in the OGB case and again for the BZA case.
15 And we have acknowledgment of that. They did submit
16 a letter of no position, so it was considered, and
17 they just declined to hear it. And so I don't think
18 that's too unusual for this ANC because they do
19 often have OGB and zoning review on the same
20 project. But it was on their agenda, and they just
21 voted to have no position on it, I guess. So it did
22 go in front of the ANC technically. Next slide,
23 please.

24 Finally, given all that context, I'll
25 quickly walk through how we meet the relief. Next

1 slide, please. It is clear from the photos and
2 plans in the record that the proposed minor increase
3 in overall lot occupancy and slight decrease in
4 second floor rear yard by creating indoor space in
5 the general location of the existing decks will not
6 unduly impact the light and air available to
7 neighboring properties, will not have an undue
8 impact on privacy to neighboring properties, and, in
9 fact, may improve privacy to neighboring properties
10 as there is some interior space that used to be
11 exterior and open, and, as approved by OGB and CFA,
12 will be in character with the surrounding
13 neighborhood.

14 Next slide, please. Accordingly, we
15 respectfully request that the Board approve the
16 relief requested, allowing the Madys to pursue their
17 modest addition. Thank you so much for your time,
18 and we look forward to any questions.

19 CHAIRPERSON POURCIAU: Thank you for your
20 presentation. I would like to ask Board members if
21 they have questions now. Vice Chair Goldstein,
22 please.

23 VICE CHAIR GOLDSTEIN: Thank you so much.
24 Could you just help me? What is the footprint of
25 the addition, and how tall are the additions?

1 MS. WILSON: Rich, are you there? Do you
2 want to answer the question?

3 MR. MARKUS: Yes. Yeah, sure. Hello, I'm
4 Rich Markus, architect. Do you want to see it in
5 the plan too? We could bring it back up.

6 VICE CHAIR GOLDSTEIN: Sure.

7 MR. MARKUS: Yeah. If you could bring it
8 back up, we could see it. Just go back to the floor
9 plan. Like Alex was saying, so the footprint is
10 just on the first floor. This is the second floor,
11 so it's a little bit bigger. The decks that are
12 existing -- the one on the first floor is bigger,
13 and we're matching that and extending it over to the
14 right to align with the edge of the existing
15 building. So, right now, the distance from that
16 back wall of the building out towards the end wall
17 of the deck, which is consistent with the end wall
18 of the addition, that's nine -- I think, 9.4 feet.
19 The side-to-side dimension is now from one edge all
20 the way over to the other edge where it's the
21 opposite edge of the house, is 14 feet.

22 MS. WILSON: Okay.

23 MR. MARKUS: So square --

24 MS. WILSON: Oh, go ahead. Sorry. Was
25 there --

1 MR. MARKUS: No, no, I'm sorry. Go ahead.
2 Please keep going.

3 MR. MARKUS: Oh, no, I was just going to
4 give you the square feet difference. It's -- and I
5 had just written that down.

6 MS. WILSON: I also have it in the
7 applicant statement, if that would be easier for
8 everyone. We have this noted on page 1. The
9 existing first floor deck measures 114 square feet
10 currently.

11 MR. MARKUS: Correct.

12 MS. WILSON: And so that will be the same
13 footprint for the first floor enclosure. And the
14 second floor deck is smaller. It's about 50 square
15 feet. So, it's a fairly minor increase in footprint
16 there from 48 square feet to 114 square feet. Is
17 that the measurements you have too, Rich?

18 MR. MARKUS: No, it's a little bit longer.

19 MS. WILSON: Okay.

20 MR. MARKUS: So it's closer to 140 because
21 it does extend to the right --

22 MS. WILSON: The extension, yeah.

23 MR. MARKUS: A little bit. Yeah, about 140
24 square feet on each floor.

25 VICE CHAIR GOLDSTEIN: Okay. And it's

1 about 20 feet high, is that right? Give or take.
2 What is the height of -

3 (Simultaneous speaking.)

4 MR. MARKUS: Yeah.

5 VICE CHAIR GOLDSTEIN: It's existing, I'm
6 guessing, with the floors.

7 MR. MARKUS: Yeah, the existing floors line
8 up, and it's the same height. The floor height's
9 the same as the existing deck. So it's about, it's
10 right on, it's less than 20 feet, the total
11 structure, but it sits up from the basement floor,
12 so it's up on posts.

13 VICE CHAIR GOLDSTEIN: Okay. Not a huge
14 addition here. This is pretty modest. Can you let
15 me know it's gone through HP OGC? I'm sorry. Do
16 you mind just refreshing?

17 MR. MARKUS: Yeah.

18 VICE CHAIR GOLDSTEIN: Yeah.

19 MR. MARKUS: Yeah, sure. This is in
20 Georgetown, so it had to get approved by the Old
21 Georgetown Board. So we went before them several
22 times, had some comments, and just tweaked some
23 design issues and that was approved.

24 VICE CHAIR GOLDSTEIN: Okay. Terrific.
25 The last question I have, there were some late

1 submissions to the record, and I don't know if you
2 all have reviewed those yet. I think including the
3 neighbor to the east raising some concerns. Could
4 you address the concerns, if you've seen it or had a
5 chance to review it? Could you mention to me any
6 discussions you've had with that neighbor and, are
7 you able to address some of the concerns that they
8 raised?

9 MS. WILSON: So, I believe that letter was
10 just submitted like, right at the start of the
11 hearing. I did have a chance to quickly glance at
12 it, and he, that neighbor, has been aware of the
13 project. I think it was communicated to the owners
14 that he was staying neutral, but this project has
15 been in front of the ANC and obviously the Historic
16 Board.

17 So, it's a long-standing project, but it's
18 unfortunate that at the last minute we receive a
19 letter like this. I would say that the plans and
20 the photographs speak for themselves in terms of
21 what's currently there with light and air available,
22 and also the fact that the rear of the subject
23 property faces a blank wall. There are no impacts
24 into privacy or light and air. And then, of course,
25 the character would be in the jurisdiction of the

1 Historic Board and they've also approved that this
2 type of addition is appropriate in this area.

3 VICE CHAIR GOLDSTEIN: I can't tell because
4 I'm looking at it very closely. Did the actual
5 neighbor put in the letter of opposition, one of
6 those, or was it someone on behalf of the neighbor
7 putting in a submission?

8 MS. WILSON: It says he is the next-door
9 neighbor. And so, but we do have support from, you
10 know, the other adjacent neighbors. I don't think
11 it's appropriate to characterize that the support is
12 from blocks away either. I'll just note that.

13 VICE CHAIR GOLDSTEIN: Okay. Thank you.
14 Appreciate it.

15 CHAIRPERSON POURCIAU: Thank you, Vice
16 Chair. Ms. Lindsjo, do you have questions you have
17 for the applicant?

18 MEMBER LINDSJO: Not at this time. But I
19 was reading the letter, and it seems like it's
20 actually not from the adjacent neighbor. It's from,
21 like, six houses down, but it keeps referring to the
22 house that's actually adjacent to it.

23 MS. WILSON: Thank you for the
24 clarification. I -- you know, I'm trying to read
25 through this and answer questions. So, we really

1 appreciate that, and that's very important to note
2 that it's not from the directly affected neighbor.
3 Thank you.

4 CHAIRPERSON POURCIAU: I think there were
5 two late letters. One was signed by -- both on
6 Poplar Street. One indicates their address is 2712,
7 and the other is 2726, which is hard to know the
8 relationship of those addresses to the 28th Street
9 property. But those were the addresses given of the
10 signatories. Chairman Commissioner Miller, I'd like
11 to hear if you have any questions for the applicant.

12 COMMISSIONER MILLER: Thank you, Madam
13 Chair. My family used to live a couple blocks away
14 from this site for 12 years, many, many, many
15 decades ago, so I'm familiar with the neighborhood.

16 It seems like a very modest addition. In fact,
17 their house seems smaller than almost anything
18 nearby, so it seems compatible. Historic
19 Preservation Office says it's compatible. Ms.
20 Wilson, did they go through the Old Georgetown Board
21 also had to say it was compatible? I mean, yeah,
22 that's D.C.; you got to do multiple reviews and
23 approvals to get anything done here.

24 It's a very modest addition, de minimis, it
25 seems, and straightforward. And they're all,

1 despite the opposition from a couple late-breaking
2 news neighbors, there are at least a half a dozen
3 neighbors who submitted comments in our record in
4 support. So, I'm very supportive of this project
5 and think it will be an improvement to their own
6 home, their own family probably who's living there,
7 and the neighborhood.

8 VICE CHAIR GOLDSTEIN: Thank you. Just to
9 clarify, I think the email -- there were two
10 submissions -- and the email actually may have been
11 the adjacent neighbor, just to clarify. Thank you.

12 CHAIRPERSON POURCIAU: Thank you. I was
13 very --

14 MEMBER LINDSJO: I do have another
15 question.

16 CHAIRPERSON POURCIAU: Thank you.

17 MEMBER LINDSJO: Just about the metal
18 siding that was -- could you just expand on the
19 choice on that? I don't really have an issue with
20 it. I was just curious. Only just that was, like,
21 what the neighbors brought up as an issue.

22 MR. MARKUS: Sure. This was, yeah, this
23 was, we've talked about this multiple times with the
24 Board. Since this is an addition to an existing,
25 the main historic mass of the house is very

1 distinct. And this is an addition to the back.
2 It's representative of what would call a sleeping
3 porch in a lot of houses that were enclosed over the
4 years. But the intent and the discussion with the
5 Board was that this was a different, more modern
6 material to show that the addition was built at a
7 different time from the main and accentuated a
8 little bit from the brick of the main house. The
9 windows are still proportional, and we're still
10 referring to proportions and historic nature of the
11 windows in the existing house. Did that answer your
12 question?

13 MEMBER LINDSJO: Yeah. Thank you.

14 MR. MARKUS: Good.

15 CHAIRPERSON POURCIAU: Thank you. If there
16 are no more questions right now, I'd like to proceed
17 to the Office of Planning report. And we have Mr.
18 Bradford with us today.

19 MR. BRADFORD: Good afternoon, Chairperson
20 and Members of the board. Philip Bradford from the
21 Office of Planning. The Office of Planning is
22 recommending approval of the rear yard and lot
23 occupancy special exception requests, and we're
24 happy to stand on the record of the report in
25 Exhibit 19. And I'm available for any questions.

1 Thank you.

2 CHAIRPERSON POURCIAU: Any questions for
3 Office of Planning?

4 COMMISSIONER MILLER: No. Thank you, Mr.
5 Bradford, for your testimony and report.

6 MR. BRADFORD: Thanks.

7 CHAIRPERSON POURCIAU: Mr. Bradford, I did
8 want to ask one question, if Office of Planning
9 looked at this not having these letters of
10 opposition sooner. I did notice on one picture from
11 the applicant, kind of how that Poplar Street is,
12 doesn't really even look like a street, an alley, a
13 throughway -- let's call it a throughway how it
14 relates to this property. Do you have anything you
15 can offer to provide any more clarity on the
16 juxtaposition of the homes on that side of this
17 house and the difference in the terrain?

18 MR. BRADFORD: Yeah, there's definitely a
19 grade change between what is the 28th Street and
20 Poplar, and there's no vehicular access at that side
21 yard from the subject property, so there's stairs
22 going down, and then the houses facing Poplar are
23 also on the smaller side for Georgetown. Now, it's
24 not unique to have the rear yard facing the side
25 yard of another house in D.C., but in this case,

1 what kind of aids the privacy situation is that the
2 sides of the houses that face the subject property,
3 at least from what OP was able to observe, don't
4 have any windows. So, it's really a negligible
5 impact given the exact situation and configuration
6 here on the corner.

7 I guess there was another part to your
8 question, Chair Person. So, I did get to see
9 Exhibit 25 because that was in the record earlier in
10 the morning, but the other Exhibit 26, I was not
11 able to read because that literally just popped up
12 on ISIS for me. So I've not had a chance to look at
13 that one, but I have read the earlier letter of
14 opposition that came in today.

15 CHAIRPERSON POURCIAU: Thank you very much.
16 That was very helpful. Appreciate it. Okay. Did
17 the applicant have any questions for OP?

18 MS. WILSON: No, thank you.

19 CHAIRPERSON POURCIAU: Okay. So we'll go
20 on, there's no other government agency reports or
21 presence. The ANC, as we heard, submitted a
22 document kind of no opinion, but they did state that
23 they had weighed on this and other related matters.

24 There are no parties in support or opposition or
25 individuals in support or opposition to testify

1 today. I'll just ask Mr. Young or Ms. Mehlert to
2 confirm or let me know if I missed anything there.
3 I don't think I have, and so not hearing anything, I
4 think we may be ready for your final presentation,
5 Ms. Wilson.

6 MS. WILSON: Wonderful. Thank you all so
7 much for your time today. Based on the record and
8 the presentation, the applicant would again assert
9 that the modest proposed addition does not impact
10 light and air nor privacy and of course has been
11 approved by all the various historic boards, meaning
12 it is in character with the neighborhood. We
13 respectfully request that you grant the relief.
14 Thank you so much for your time.

15 CHAIRPERSON POURCIAU: Thank you. Are
16 there any final discussion items or questions that
17 we want to engage in with the applicant before we
18 close the public meeting?

19 COMMISSIONER MILLER: I would just note,
20 Madam Chair, that the ANC 2E position of no formal
21 position on this case is kind of their standard
22 default position on non-controversial cases based on
23 my own review of their submissions and Zoning
24 Commission and BZA cases. So, I wouldn't interpret
25 their no formal position as any kind of concern

1 because I think they've stated that many times in
2 the past. If they had a concern, believe me, they
3 would express it.

4 CHAIRPERSON POURCIAU: Thank you,
5 Commissioner Miller. That was very helpful. So, it
6 seems that the Board is ready to deliberate. Please
7 close the hearing, and the record and witnesses can
8 be excused. I want to thank you all for coming in
9 today, and then we will deliberate and discuss the
10 case. All righty, so I actually think I'm ready to
11 make a motion. Is everybody ready? All right. So,
12 I move that --

13 COMMISSIONER MILLER: Just to put on the
14 record, Madam Chair, if you don't mind. I think the
15 applicant has met their burden. It was a little
16 unfortunate to see some things in the record right
17 at the last moment, but there were also a number of
18 letters in support of the project. I think it's a
19 very modest project. I think they meet the
20 standards of review as shown in the record from the
21 OP report and their filings. So, I'm sorry. Please
22 proceed ahead.

23 CHAIRPERSON POURCIAU: No, thank you for
24 that. And I'll add to that that I did go back and
25 look at the pictures that were provided by the

1 applicant and I did find one or two that were very
2 helpful and showing that side street. And it was
3 good that that was there to kind of be able to weigh
4 in further about what we saw from those late letters
5 for the record. I must say that I have allowed
6 those last day of pieces to be placed in the record,
7 but that is definitely beyond the requirements of
8 the Board. I just want everybody to have a sense of
9 what's going on and hopefully not have to delay
10 things if we don't have to.

11 With that, I'd like to move that we approve
12 Application 21459 as read into the record by the
13 secretary.

14 VICE CHAIR GOLDSTEIN: I'll second that.

15 CHAIRPERSON POURCIAU: Thank you.

16 Secretary Mehlert, would you call the vote, please?

17 MS. MEHLERT: Please respond to the Chair's
18 motion to approve the application. Chair Pourciau?

19 CHAIRPERSON POURCIAU: Yes.

20 MS. MEHLERT: Vice Chair Goldstein?

21 VICE CHAIR GOLDSTEIN: Yes.

22 MS. MEHLERT: Board Member Lindsjo?

23 MEMBER LINDSJO: Yes.

24 MS. MEHLERT: And Commissioner Miller?

25 COMMISSIONER MILLER: Yes.

1 MS. MEHLERT: Staff would record the vote
2 as four to zero to one to approve Application Number
3 21459 on the motion made by Chair Pourciau and
4 seconded by Vice Chair Goldstein.

5 CHAIRPERSON POURCIAU: Thank you. And I
6 believe we're ready to proceed to our next
7 application, number 21460.

8 MS. MEHLERT: Yes. Next is Application
9 Number 21460 of Katie Delzell as amended. This is a
10 self-certified application pursuant to Subtitle X,
11 Section 1002 for an area variance from the floor
12 area ratio requirements of Subtitle F, Section 201.1
13 and 5100.2, and pursuant to Subtitle X, Section
14 901.2 for a special exception under Subtitle F,
15 Section 5201.3 from the alley lot height
16 requirements of Subtitle F, Section 5100.2A. This
17 is for a third-floor addition to an existing three-
18 story principal dwelling on an alley lot located in
19 the RA-2/DC zone at 1735 Fraser Court NW, Square
20 110, Lot 69.

21 As a preliminary matter, the applicant has
22 requested to waive the filing deadline to submit an
23 updated Form 135, revised statement, and updated
24 plans in Exhibits 19A through 19C-2.

25 CHAIRPERSON POURCIAU: Oh, got to unmute

1 for you to hear me. I see we have Mr. Williams here
2 for the applicant. If you are ready to make your
3 presentation, we're ready to receive it.

4 MR. WILLIAMS: Good evening, Madam Chair
5 and members of the Board. My name is Zach Williams.

6 I'm a land use attorney with Venable representing
7 the applicant in this case. With me today are the
8 applicant, Katie Delzell, applicant and owner of the
9 property, as well as the architect, Lucia Freeman.

10 Mr. Young, could we pull up in the presentation,
11 please? Thank you.

12 This is an application for a new project at
13 1735 Fraser Court NW, which is an alley lot location
14 located in the RA-2 zone. Next slide, please.

15 Here's an aerial view of the property. As you can
16 see, this is fully alley lot. This is an historic
17 carriage house. It originally was two separate lots
18 that was later combined. It is a just under 2,500
19 square foot alley lot, so fairly large. The
20 carriage house, which is historic, was built in the
21 1890s. It's in the Dupont Circle Historic Zone. As
22 I mentioned, it's zoned RA-2/DC. Next slide,
23 please.

24 Here are some photos of the existing
25 conditions. You can just get a sense from these

1 photographs of the historic architecture design of
2 the building again, dating from the late 1890s, if
3 you can picture this as carriage houses as
4 originally built. They were later combined and
5 turned into a residence that then fell into
6 disrepair. The applicant owner now is working on
7 bringing this property back up to habitable
8 condition and making one change, one addition in
9 particular that needs zoning relief, which we'll be
10 getting into here in a minute. Next slide, please.

11 Some additional photos of that historic
12 property along the alley of Fraser Court. It is a
13 fairly wide alley back there just off the main road.

14 As you can see, this building is fairly prominent
15 on the corner of that alley. Next slide, please.

16 The proposed project which requires BZA
17 relief -- well, let me start with -- the project
18 includes a full interior renovation, as I mentioned.

19 It's not currently a habitable property. It fell
20 into disrepair, and so the project is to renovate
21 the structure on the interior. That does not need
22 zoning relief, but also we'll be building a 208
23 square foot sunroom on the third floor terrace.
24 That does require zoning relief. That zoning relief
25 has changed as of the 17th of July because of the

1 new alley lot text amendment that was just approved,
2 that just became effective, I should say, in the
3 D.C. Register, and that was what caused the late
4 filings that we made at the end of last week. Not
5 because the project has changed, but the relief and
6 the references to the zoning regulations have
7 changed.

8 I should say all the historic facades of
9 this building will remain, and they will be
10 maintained. So none of that will be changing. Next
11 slide, please. Here are some renderings of that
12 third floor sunroom. It will be occupying a portion
13 of the third floor roof, and we'll get into why this
14 is being proposed. Essentially, we looked back and
15 we found that the prior owner of this property, or
16 one of the prior owners, had fully built out this
17 third floor terrace, if you will, with an enclosed
18 terrace almost garden type structure, and there
19 still were certain artifacts of that on the third
20 floor. In talking with the Historic Preservation
21 Office and others, it was determined that the
22 sunroom was a better option than bringing that
23 terrace back. And we'll get into the reasoning as
24 to why. But bottom line, we've already walked
25 through this issue, worked through this issue

1 conceptually with Historic Preservation Office,
2 which has been supportive, also with the L'Enfant
3 Trust, which has a conservation easement on this
4 property. We've worked with both of those entities
5 to ensure that they are supportive of this project
6 as proposed. Next slide, please.

7 Here are some elevations showing, and here
8 you get a sense, particularly in that elevation in
9 the top right corner. This sunroom is only
10 occupying a portion of that terrace, just a portion
11 of it. We're setting it back into that corner of
12 where that third floor is already built out. That
13 will mitigate and minimize any visual impacts of the
14 project. It'll also maintain the rest of that
15 terrace as is. You can see we're building that
16 sunroom to the height of already the existing
17 partial third floor, so it won't be any higher than
18 that building already is. Just to be clear, it's
19 32.5 feet is -- will be the height of that sunroom,
20 as is the existing third floor on a portion of that
21 third floor level. Next slide.

22 The relief that we now need for this, it
23 has changed. Before the 17th, we needed a variance
24 to be able to extend that third floor sunroom up to
25 the 32.5 feet that the rest of the third floor is

1 already at. Interestingly, we did not need any
2 relief for FAR, and that was a zoning determination
3 -- administrative determination that the regs were
4 silent about FAR and so the determination was that
5 that was not something that we needed a relief for.

6 So, what has changed? What has changed
7 under the new zoning regulations is that now the
8 height can be approved as a special exception. And
9 so the burden to get the additional height up to 35
10 feet can now be approved by the Board as a special
11 exception. The burden to get height, additional
12 height, has been lessened. Interestingly enough,
13 and we're not sure yet whether this was intentional;
14 we think it probably wasn't. But there is a line in
15 the new text of the regulations that now suggests
16 that the FAR and the base FAR in the RA-2 zone is
17 applicable to alley lots. We worked with the Zoning
18 Administrator. We exchanged emails with the Zoning
19 Administrator's office last week about this. The
20 determination was it's not really clear why that's
21 there because that would seem to work contrary to
22 making this type of relief a lesser burden on alley
23 lots. But because it's there and because this is
24 the first case that's coming in under the new regs,
25 we have included that area variance for FAR which we

1 didn't need before, just out of an abundance of
2 caution. We do not want to have to come back to the
3 Board.

4 The Zoning Administrator advised that we
5 ought to include the variance for now because there
6 hasn't been an interpretation or any guidance or any
7 precedent that would suggest that that shouldn't be
8 included under the new regulations, which are just a
9 couple days old, that's why we have it in there.

10 The bottom line is we had a variance. We still have
11 a variance. It's just for something different, but
12 the project hasn't changed. That brings me to the
13 application as it stands today: an area variance
14 for FAR to increase from 2.26 to 2.35. The maximum,
15 which is now applicable in the RA zone, is 1.8. So
16 the building as built is already well above that.

17 The other item of relief, again, is a
18 special exception to increase height up to 35 feet.

19 In this case, it's only up to 32.5 feet, which
20 matches the height of the already partially built
21 third level. Go to the next slide, please. Walking
22 through the variance standards, let's start with the
23 variance here. As members of the Board and the
24 Zoning Commission are aware, there is a test that we
25 have to meet for the variance. The first question

1 is that because of a peculiar or exceptional
2 condition on the property, the strict application of
3 a zoning regulation results in a peculiar and
4 exceptional practical difficulties or exceptional
5 undue hardship to the owner of the property. Here
6 we have the confluence of factors that we've heard
7 the Court of Appeals talk about in cases of
8 variances that leads to peculiar and exceptional
9 practical difficulties.

10 Here, we have historic property, as I've
11 mentioned, historic building footprints. We can't
12 change those. Those are what they are. We can't
13 change the facade of the building. It's under a
14 conservation easement from the L'Enfant Trust, as I
15 mentioned. So we're very, very limited in what we
16 can do. That being said, there was a terrace on
17 this third level, and I've got pictures of it, which
18 I'm going to show in a minute. You won't believe
19 what was there which entirely enclosed that third
20 level with fencing and a trellis under prior
21 ownership and that was in existence for a period of
22 time under the prior ownership. In speaking with
23 HPO staff, HPO would much prefer us to build this
24 partial sunroom than restore that fully enclosed
25 terrace. There's a much less visual impact on the

1 neighboring properties. It's more respectful of the
2 historic property, the historic character of the
3 building. And that allows the owner to, again,
4 activate and use that third level but with a lesser
5 impact on the history on the alley and on neighbors
6 than would otherwise be permitted if we were to
7 restore that third floor terrace.

8 The other thing I should mention is a
9 variance was actually approved for this property in
10 2016 that would have allowed a rear addition on the
11 second floor. Now, that was never actually built,
12 and it expired. If we were to go back and pursue
13 that again, that would alter the facade. That would
14 be far more visually impactful. It would change the
15 historic character of the building, and HPO would
16 much rather us do the sunroom, the limited sunroom,
17 than that. And so we had a couple of options we
18 were choosing from. We were trying to choose the
19 least impactful, if you will, for the addition.

20 Next slide, please. As promised, this is
21 that fully enclosed third floor roof under prior
22 ownership, which is almost hard to believe. There
23 were like full mature trees on the roof of this
24 historic carriage house, and a -- you could call it
25 a garden. I mean, it looks like a backyard almost

1 on the third level, fully enclosed with trellising,
2 with fencing. And when the architects went out with
3 the owner to look at that third level to determine
4 what to do, you could the fence posts and anchors
5 were still in the sides of a portion of the roof,
6 and that's what tipped us off to this having existed
7 there previously. So, obviously a pretty odd
8 condition that was there previously. Much more
9 impactful historically than what we're proposing
10 now, and that's why we decided to go away from that.
11 Next slide, please.

12 The next variance standard that we need to
13 satisfy is that the relief sought can be granted
14 without substantial detriment to the public good and
15 without substantially impairing the intent, purpose,
16 and integrity of the zone plan as embodied in the
17 zoning regulations and the map. Here, as I
18 mentioned, the requested relief is not expected to
19 adversely affect neighboring properties. We've
20 designed this so that it would not, and we put it
21 back into that corner of the existing third level.
22 We're not raising it above the existing height of
23 that third level. Should be minimally visible given
24 its placement. We already talked about the other
25 additions that either existed or were approved,

1 which were far more visually impactful. We've
2 chosen not to pursue those. The project will again
3 maintain all historic facades, and the entirety of
4 the inside of the structure will be renovated. It's
5 essentially in a gutted form right now. It's of no
6 use at all. And so this entire project is to bring
7 it into a habitable, livable condition that the
8 applicant will reside in as her primary residence.
9 Next slide, please.

10 Turning to the special exception for
11 height. The primary standards that we need to walk
12 through first: it should be in harmony with the
13 general purpose and intent of the zoning
14 regulations. The Dupont Circle RA zones are in
15 intended to enhance the residential character of the
16 area by maintaining existing residential uses and
17 controlling the scale and density of residential
18 development while protecting the integrity of
19 contributing buildings.

20 So, we've taken that to heart, and I think
21 that's in the spirit of what we're doing here. This
22 will be a residential building. It'll be a primary
23 residence for the owner. And we're building it in
24 such a way that is respectful of that historic
25 character of this property, respectful of the

1 conservation easement, the fact it's an historic
2 district, the fact that it's an historic alley, and
3 we've designed the project with all of that in mind.

4 Next slide, please.

5 Finally, the relief should not adversely
6 affect neighboring properties. Typically, we look
7 at light, air, privacy, or intruding the character,
8 scale, and pattern of houses along the street, or in
9 this case, the alley frontage. I've already
10 mentioned these factors, but I'll just mention them
11 again for the record. The height of the sunroom
12 will match the existing third level height. It's
13 more in character with the historic district than
14 what the prior use of that third floor was, and
15 it'll be minimally visible just given it's set back
16 into that corner of the existing third level. Next
17 slide, please.

18 We're happy to have both community and OP
19 support in this case. We went to ANC 2B, presented
20 to ANC 2B. ANC 2B was very supportive of the
21 project, and they voted to support the project and
22 that is in the record. Office of Planning also
23 wrote a report recommending approval. Now, I will
24 say, just for clarity, that was recommending
25 approval of the prior relief that we were seeking,

1 which has now changed as of the 17th, last Friday.
2 However, that relief included a variance. And so OP
3 found that we met the variance tests for the
4 sunroom, albeit it was for height specifically
5 rather than FAR, although OP found that we had met
6 those factors. As for the special exception for
7 height, that is a lesser burden than the variance.
8 As I already mentioned today, we feel we meet those
9 as well. So we do want to be clear: OP's report
10 was as of the prior relief, but the project hasn't
11 changed. It's the same project that it was
12 previously under the prior zoning regime.

13 With that, we are available for any
14 questions, and we appreciate your time and
15 attention. Thank you.

16 CHAIRPERSON POURCIAU: Thank you, Mr.
17 Williams. Board members, do you have any questions?
18 I'll start with Vice Chair Goldstein.

19 VICE CHAIR GOLDSTEIN: Thank you so much.
20 That was actually a very good presentation, and I
21 really compliment you on being nimble with these new
22 regulations. It's a lot to navigate in a very short
23 period of time, so I really give you some kudos for
24 being flexible on that. Wanted to ask you, and I
25 just want to make sure we're all fully aware of

1 exactly which sections you're getting relief from,
2 if you don't mind. Could you -- do you mind just
3 reciting it for the record which are the right
4 sections now that you're getting relief from and for
5 what area of relief?

6 MR. WILLIAMS: Yes, just pulling up my
7 notes here to make sure that I get it right. So,
8 the area variance is from the floor area ratio
9 requirements of Subtitle F 201.1 and Subtitle F
10 5100.2. So I know there was a question about why do
11 we have 5100.2 in there. The reason is that is the
12 alley lot provision that states now, where it didn't
13 before, that the base development standards in the
14 RA zone are applicable to alley lots in the RA
15 zones. So that's what ties in the FAR requirements
16 of 201.1. It's just again abundance of caution.
17 We're trying to be overly comprehensive in that, so
18 that's why we included that relief. As far as the
19 special exception goes, that goes from the alley lot
20 height requirements of Subtitle F 5100.2A of the new
21 regulations as of last Friday.

22 VICE CHAIR GOLDSTEIN: Okay. And I think,
23 Mr. Jesick, I think you alluded to it, since their
24 report talked about the original standards of relief
25 which applied before the changes I'll be looking for

1 Mr. Jesick to kind of address any new analysis
2 that's needed as far as testimony with the altered
3 relief.

4 One other thing to preview for Mr. Jesick,
5 and I'd like to ask you about it, the special
6 exception has a few notice requirements for
7 different agencies that probably did not apply with
8 the original application, and I'm just curious for
9 your thoughts. Are you asking us to waive any
10 additional notice to those agencies? Do you feel
11 like it's not needed to have additional notice?

12 MR. WILLIAMS: Bear with me for just a
13 moment here. I want to make sure I'm reciting them
14 correctly. Let's see. Subtitle F --

15 VICE CHAIR GOLDSTEIN: And I'm thinking
16 5201.7 in particular.

17 MR. WILLIAMS: So, yeah, typically those
18 notices, you know, that whenever that's required,
19 and we see that in other cases of relief, it's not
20 the applicant that sends that out, it's typically
21 the Office of Zoning that sends those out. You
22 know, DDOT gets notice of all BZA applications, as
23 far as I'm aware. Some of these others do not, as
24 far as I know. So HPO, as I mentioned, already has
25 notice of the application. Yeah, I'm not sure

1 exactly how to handle that issue.

2 VICE CHAIR GOLDSTEIN: Okay.

3 MR. WILLIAMS: Whether that can be waived
4 or what Office of Planning's or Office of Zoning's
5 views on that may be. The reason that we worked so
6 hard to make this change last week is that we, you
7 know, we were cognizant of the fact that if we don't
8 make the change now, we could be looking at, you
9 know, several months of delays for the applicant,
10 and this is to be her primary residence. So that
11 was the concern, and that's why we tried to move so
12 quickly here.

13 VICE CHAIR GOLDSTEIN: Okay. Thank you.
14 It's more of the technical nature, I think, than
15 anything that I would substantively say about the
16 project. I think it looks like a very nice, very
17 modest, roughly 200 square feet of sunroom, that's
18 at least my math. And I think you've convinced me
19 that it's exceptional, relieving a practical
20 difficulty with no impact to adjacent properties or
21 the zone plan. But I just want to make sure we're
22 able to sort of button up any of these technical
23 issues. Thank you.

24 CHAIRPERSON POURCIAU: Thank you. Ms.
25 Lindsjo, do you have any questions for the

1 applicant?

2 MEMBER LINDSJO: Not at this time, thank
3 you.

4 CHAIRPERSON POURCIAU: Thank you.
5 Commissioner Miller, do you have any questions or
6 comments?

7 COMMISSIONER MILLER: Thank you, Madam
8 Chair. I don't think I have any questions. I
9 appreciate the applicant's presentation, and as a
10 member of the Zoning Commission who was part of case
11 25-06, the whole point was to facilitate additional
12 housing and development on alley lots. So, I think
13 you may be correct in your assumption that the
14 change to make it a variance to the FAR requirements
15 was not really what was intended there. I would ask
16 Office of Planning, not today necessarily, but to
17 look at that and come back with us maybe with a
18 technical amendment. It shouldn't be a variance; it
19 should be a special exception. It's so modest and
20 that's a beautiful sunroom addition. I like seeing
21 your exhibits with all that greenery. It shows how
22 the city does, even in densely dense urban areas,
23 has all that greenery around it, and this addition
24 will take advantage of that for whoever's going to
25 be occupying that. So, I'm very supportive of this

1 going forward, and I ask OP to look at the issue of
2 whether the FAR thing, which is so modest, it's
3 hardly anything, should be a variance in this kind
4 of case as opposed to a special exception or
5 something else. Thank you for bringing this
6 forward.

7 CHAIRPERSON POURCIAU: Thank you,
8 Commissioner Miller. I think we're ready to hear
9 the report from Office of Planning. I think Mr.
10 Jesick is with us. Thank you.

11 MR. JESICK: Yes. Thank you, Madam Chair
12 and members of the Board. For the record, my name
13 is Matt Jesick, presenting OP's testimony in this
14 case. And as the applicant noted, we provided a
15 report based on the originally requested relief and
16 that report is at Exhibit 17, and we recommended
17 approval of that relief.

18 Given the very late changes coming in last
19 Friday evening to the requested relief, we have not
20 had a chance to review the new FAR variance or the
21 height special exception. But just referring to our
22 previous analysis, we did recommend approval again,
23 and we found that the project would have no
24 substantial detriment to the public good or the
25 intent of the zone.

1 As the Board has noted, it is a very modest
2 addition. It is set back from the edges of the
3 building and should have no impacts to light or air
4 or privacy of adjacent properties. We really
5 appreciate the applicant restoring this property.
6 We sympathize with them getting caught in this
7 timing with the new regulations. So, while I cannot
8 provide an actual recommendation on the new areas of
9 relief, in general, we do support the project. But
10 that concludes my testimony, and I'm happy to take
11 any questions. Thank you.

12 CHAIRPERSON POURCIAU: Thank you, Mr.
13 Jesick. Any questions for Office of Planning other
14 than what we've already heard?

15 COMMISSIONER MILLER: I would thank Mr.
16 Jesick for his report and presentation, but you
17 heard what I said previously. I would ask your
18 office to go look at and review whether we need to
19 possibly technically change what we've approved in
20 the alley lot case. I don't think should be an area
21 variance personally. I don't know what my fellow
22 commissioners would think or what you all think, but
23 I would appreciate you reviewing that and getting
24 back to us at some point.

25 MR. JESICK: Thank you, Commissioner

1 Miller.

2 CHAIRPERSON POURCIAU: Any other questions
3 for OP?

4 VICE CHAIR GOLDSTEIN: Thank you. Mr.
5 Jesick, terrific report as always. And I understand
6 the challenge of trying to analyze new areas of
7 relief on the spot, so I sympathize with that. I'm
8 just curious, and I'm still trying to figure out
9 whether notice -- this notice issue for the special
10 exception. I mean, we're talking about an existing
11 building that was used residentially. I'm assuming
12 very modest, you know, very modest expansion. Would
13 there be benefit in MPD or FEMS or DOE in having an
14 opportunity to review this type of modest expansion?

15 MR. JESICK: Thank you, Vice Chair
16 Goldstein. Yes, the special exception does require
17 certain referrals, and I believe the Office of
18 Zoning made those referrals at Exhibit 20. The
19 application was previously referred to some of the
20 standard agencies, you could say. And the
21 additional agencies were the application was
22 referred to them after the new relief was requested.
23 You know, if you're asking me on this
24 particular case, does it have any particular
25 benefit? I think you're right to note that it has

1 been used as a residence in the past. This is not
2 necessarily changing that in any way. So if the
3 residence was usable and habitable and safe and
4 accessible in the past, those factors are not
5 changing based on this zoning case. So, I guess
6 it's up to the Board, but I don't know that the
7 comments from those agencies would have any impact
8 on the particular zoning relief.

9 VICE CHAIR GOLDSTEIN: Thank you. Thank
10 you very much. That's my sense is that I'm not even
11 sure their input would be consequential given the
12 limited scope of what we're reviewing and what's
13 there already. Thank you.

14 CHAIRPERSON POURCIAU: Thank you. I think
15 that's it for questions for OP. We don't have any
16 other district agencies present to present. The ANC
17 is not present, I do not believe, but they have
18 approved this application. There were no parties in
19 support or opposition or individuals signed up to
20 testify. I think we'd like to proceed with the
21 applicant's closing statement.

22 MR. WILLIAMS: Thank you, Madam Chair.
23 have one point of clarification about this question
24 about notice. So I can confirm, yes, that those
25 referrals did go out on July 20th. If you read the

1 regs, literally, which is what we need to do, the
2 requirement is that those referrals need to be made
3 within a period of 40 days from the date of the
4 submission, and clearly that happened. The
5 submission for the new relief was filed on Friday.
6 The referrals were made on the 20th, which was the
7 next business day. So, reading the regs literally,
8 the referral, the requirement was met, and so I
9 think, from a technical standpoint, that we can move
10 forward.

11 The other thing I would say is that several
12 of those agencies were notified when we filed our
13 original application, including HPO and DDOT. Those
14 referrals are earlier in the record several months
15 ago. Several of the agencies clearly got notice a
16 while back. The more recent notice provided the
17 additional notice. The regs only state that it must
18 be made within 40 days of the submission of that
19 relief that's sought, and that did in fact happen in
20 this case. So with that, I will close our
21 presentation. Thank you, Madam Chair.

22 CHAIRPERSON POURCIAU: Thank you. Okay.
23 Are there any other questions or any other
24 discussion that the Board would like to embark on
25 before we proceed to deliberation? No, not seeing

1 any. I want to thank the applicant and the
2 presenters today for coming in. At this time, the
3 Board will deliberate and we will close the hearing
4 and the record and the witnesses can be excused.
5 Thank you. All right. Is there any further
6 discussion, or is anyone prepared to offer a motion
7 at this time?

8 COMMISSIONER MILLER: I'll just state I
9 think I agree with the applicant that it sounds
10 like, unless anyone else disagrees, that the notice
11 -- it sounds like it went out, and I don't think we
12 need additional input from these agencies to make a
13 decision today. I think the record's full. I think
14 the addition's modest. It's a very little change to
15 the existing property, it's existing building and
16 use, and I think the applicant has met their burden
17 under the newly revised relief.

18 COMMISSION MILLER: I would agree with Vice
19 Chair Goldstein and just note I think that there are
20 already zoning regulations in existence which
21 require certain access by FEMS to alley lots, and
22 they obviously would have to be complied with before
23 they get a permit in this case. I think that's
24 applicable here, but since he brought that up
25 earlier, I just wanted to note that.

1 CHAIRPERSON POURCIAU: Excellent. So, does
2 anyone want to offer a motion? All right, I guess
3 I'll do it. I move that we approve Application
4 Number 21460 under the new zoning provisions as
5 applied and as entered into the record by the
6 secretary. Is there a second?

7 MEMBER LINDSJO: I'll second.

8 CHAIRPERSON POURCIAU: Thank you. Ms.
9 Mehlert, would you call the vote, please?

10 MS. MEHLERT: Yes, please respond to the
11 Chair's motion to approve the application. Chair
12 Pourciau?

13 CHAIRPERSON 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: Commissioner Miller?

19 COMMISSIONER MILLER: Yes.

20 MS. MEHLERT: Staff will record the vote as
21 four to zero to one to approve Application Number
22 21460 on the motion made by Chair Pourciau and
23 seconded by Board Member Lindsjo.

24 CHAIRPERSON POURCIAU: Secretary Mehlert,
25 would you please introduce the next case, number

1 21462?

2 MS. MEHLERT: Next is Application Number
3 21462 of Thomas Jefferson Real Estate, LLC and
4 Emerald Wings, LLC. This is a self-certified
5 application pursuant to Subtitle X, Section 901.2
6 for a special exception under Subtitle H, Section
7 6007.1E2 and 6009.1C to allow a new eating and
8 drinking fast food establishment use on the first
9 floor of an existing six-story mixed-use building
10 residential with ground floor retail. It's located
11 in the NMU-7B/GA zone at 3831 Georgia Avenue NW,
12 Square 3028, Lot 59.

13 There are two preliminary matters. First,
14 there is a request to postpone submitted by ANC 4C,
15 and then also the applicant has requested to waive
16 the tenant notice requirements of Subtitle Y at
17 Section 300.8G.

18 CHAIRPERSON POURCIAU: Thank you.
19 Postponement requested by the ANC, and is the ANC
20 present? I know the ANC denied this application.
21 When did that postponement request come in,
22 Secretary Mehlert?

23 MS. MEHLERT: I believe it was early last
24 week.

25 CHAIRPERSON POURCIAU: Is the party in

1 opposition present, Mr. Meerpol?

2 MS. MEHLERT: I was just going to say, I
3 believe the ANC had signed up, but we have not been
4 able to get in touch with them, and they're not
5 present on the Webex right now.

6 CHAIRPERSON POURCIAU: Okay. And that's a
7 public witness, Mr. Gregory Meerpol. Are they
8 present?

9 MR. YOUNG: Yes, they are here.

10 CHAIRPERSON POURCIAU: Okay. Thank you
11 very much, Mr. Young. So, let's proceed, and we'll
12 see how this goes. Is the applicant ready to
13 present? Ms. Wilson, are you ready to proceed?

14 MS. WILSON: Yes, with the presentation for
15 the application?

16 CHAIRPERSON POURCIAU: Yes, please.

17 MS. WILSON: Perfect. Wonderful. Yes, we
18 do have a presentation if Mr. Young could please
19 pull that up. Thank you so much. My name is Alex
20 Wilson from Sullivan and Barros on behalf of the
21 applicant for this case. With me today are Saad
22 Uzman, who is the managing member of Emerald Wings,
23 and Jen Francis, the brand manager. The applicants
24 are co-applicants with Thomas Jefferson Real Estate,
25 who is the owner of the subject property, and

1 Emerald Wings.

2 The property is located at 3831 Georgia
3 Avenue Northwest in the NMU-7B Georgia Avenue
4 overlay zone. It's a mixed use commercial zone
5 within ANC 4C. The applicant is requesting a
6 special exception to operate a Wingstop under the
7 fast food requirements and Mr. Uzman was here last
8 month presenting a Wingstop on Capitol Hill, and the
9 Board approved that unanimously. So we took a lot
10 from that and have applied it to this case as well.

11 In this case, the office of planning
12 recommends approval, and DDOT has no objection to
13 the application. Next slide, please. The subject
14 building is the Augusta on Georgia. It's a six-
15 story building with 20 residential units above and
16 ground floor commercial space below. The building
17 was completed in 2023, and the space is about 1,400
18 square feet. It's a ground floor retail bay, and
19 it's at the corner of Georgia Avenue and Randolph
20 Street. This space has never had a tenant since the
21 certificate of occupancy was issued, despite the
22 owner's many attempts. The proposed use is a
23 Wingstop operating as carry out and delivery only
24 with no seating, no alcohol, and no drive-through.
25 The proposed hours are 10:00 to 3:00 with four to

1 eight employees per shift. And this site does sit a
2 tenth of a mile from the Georgia Avenue Petworth
3 Metro and has a walk score of 92. Next slide,
4 please. Thank you.

5 This is the space in question, and you can
6 see the scale as you look towards the metro. Next
7 slide, please. This shows the internal location
8 relative to the building of the proposed Wingstop.
9 Next slide, please. This shows the interior waiting
10 area with a restroom up front near the sales counter
11 and then kitchen space at the rear. Next slide,
12 please. These are sample renderings of what the
13 intended buildout could look like, and obviously the
14 view isn't site specific here. Next slide, please.

15 Next slide, please. This is the site again at
16 Georgia Avenue and Randolph Street in a mixed use
17 area and zone. The sole customer entrance faces
18 Georgia Avenue. Next slide, please.

19 At the intersection today sit a Safeway and
20 a Wendy's, and that Wendy's operates 24 hours with a
21 drive-through until 3:00 a.m. Next slide, please.
22 One thing to note is that a month ago, this board
23 approved the same operator at a different location
24 and obviously a different ANC, but that was at 406
25 8th Street, and that approval was unanimous with the

1 operational conditions negotiated and incorporated
2 into an order. Every condition there was related to
3 operations, hours, storage, trash, pest control,
4 odor control, litter, and delivery and driver
5 instructions. The Office of Planning recommended
6 approval there as well, including a 10-year term
7 limit, which we are also proposing here. The
8 applicant has agreed to all similar requests from
9 this ANC, and there's an agreement that the ANC
10 provided. That agreement is in this record. And so
11 we agreed to most of those items and even added more
12 just based on the other case. The items we did not
13 agree to were related to things like employee wages,
14 revenue sharing, and annual donations. I wasn't the
15 attorney for the Capitol Hill case, but again, I
16 read the record, and the items from the ANC in that
17 case had a tie-in to the operations of the
18 restaurant and were very specific. We did try to
19 address every issue the ANC and community raised. I
20 will go through our proposed conditions later in the
21 presentation. But it's worth noting, just even in
22 the ANC's testimony, they effectively came down to
23 this not being a local business, and they said they
24 would have seen this differently if this were a
25 local business. And unfortunately, we could not

1 overcome that operational concern. Next slide,
2 please.

3 The criteria that govern this application
4 are X901.2 and H6007.1. Next slide, please. So,
5 just going through the legal test for the
6 application, the NMU-7B Georgia zone is intended to
7 permit mixed use development at a medium density,
8 encouraging vertically mixed uses within a quarter
9 mile of the Georgia Avenue Petworth Metro, and
10 that's in the regulations. And so this proposal
11 does exactly that.

12 A special exception is by definition a use
13 that the zone has deemed appropriate with certain
14 oversight and mitigation for reasonably anticipated
15 impacts, and that's typically achieved through
16 conditions. So, the way we've been looking at it is
17 the standard isn't does this create any change or is
18 Wingstop the preferred tenant, but rather how do we
19 mitigate it? How do we mitigate typical impacts
20 that we could see from a restaurant like this? And
21 it's through the conditions. Next slide, please.

22 The Office of Planning recommends approval,
23 noting that all standards are met from a legal
24 perspective. DDOT has reviewed the application, and
25 while it noted that there is a potential for minor

1 increase in activity, it has no objection to the
2 approval, and the applicant is already in
3 discussions with DDOT about driver delivery
4 management and additional delivery spaces to reduce
5 any potential impact even further. I'll just note,
6 minor impacts are just that, minor. Next slide,
7 please.

8 This is the special exception test for fast
9 food relief. This lists out the seven specific
10 findings for a fast food restaurant. Subsection A
11 asks whether we are in the MU4 WP zone. That's not
12 an issue here because we're not in that zone. The
13 lot is separated by a public alley and by Randolph
14 Street, so B is easily met. Subsection C requires a
15 brick wall along the lot line unless the building
16 extends the full width of its lot, so that's the
17 case here. Subsection D often comes up with fast
18 food establishments, and oftentimes people will ask
19 for a variance from this because they cannot fit the
20 dumpster in a three-sided enclosure. Here,
21 dumpsters are inside the building entirely in an
22 internal trash room, and OP found that exceeds the
23 standard. Subsection E prohibits drive-through, and
24 none is proposed here. F prohibits a customer
25 entrance on the side, and we are not doing that, of

1 course. The sole customer entrance is on Georgia
2 Avenue, and so that standard is met. And Subsection
3 G requires that the use be designed and operated so
4 it does not become objectionable to neighboring
5 properties because of noise, odors, lights, or
6 hours. And that is addressed through the proposed
7 conditions I will walk through shortly. Next slide,
8 please. I do want to talk about the ANC report and
9 just note that based on the Court of Appeals case
10 law, great weight extends only to factors that are
11 legally relevant. Next slide, please.

12 Turning to the ANC's report, I'll address
13 some of the concerns that are legally relevant.
14 Just a quick note, there is some concern about the
15 variety that we would not provide enough variety as
16 a wing place. And so the purpose of the provisions
17 for mixed use categories isn't necessarily variety
18 among menus. NMU-7B anticipates this kind of use.
19 Regarding traffic and pedestrian safety, DDOT
20 reviewed the application, has no objections, and we
21 are working with DDOT on additional safety measures
22 alongside their new bus lane. On the concern that
23 this would degrade the shopping area, the three-year
24 vacancy for this space is a greater threat than the
25 existing uses here. The corridor already includes a

1 Wendy's, a Safeway, a Dunkin, two cell phone stores,
2 a Subway, a Caribbean restaurant and a bar, all
3 within one or two tenths of a mile. There was a
4 request for revenue share or wage mandates, and
5 those requests fall outside of the Board's
6 jurisdiction on a special exception. Although, to
7 go to the record, Wingstop will pay the adult
8 minimum wage for everyone. It's a D.C. law, so it
9 felt unnecessary to include in an agreement for BZA
10 specific conditions. Additionally, Wingstop
11 Charities does provide the kind of reinvestment the
12 ANC is asking for, and on the concern that this use
13 would discourage residential development, OP found
14 the opposite. So ground floor commercial use that's
15 beneath 20 units this close to the Metro is actually
16 what the zone intends. So, what is relevant would
17 be lining up with condition G and the special
18 exception fast food regulations, which is how to
19 avoid possible objectionable conditions like noise,
20 lights, et cetera. Next slide, please.

21 The applicant and ANC 4C negotiated
22 directly on operational topics the ANC raised. On
23 delivery and traffic, the applicant committed to
24 written policies, driver training, platform
25 instructions, DDOT coordination, and we already are

1 doing that with DDOT. On pest, to monthly license
2 extermination on its own expense, of course. On
3 grease, to interceptors, licensed oil recycling.
4 There's an internal trash room, collection four
5 times a week. On noise and lighting, 55 decibel
6 standard inside nearby residents and light
7 shielding. On communication to a designated point
8 of contact, at least semi-annual engagement with the
9 ANC. We also added on litter, a customer trash
10 receptacle, anti-littering signage, and so those are
11 conditions we've listed out.

12 The items declined were monetary requests
13 such as 5 percent of gross annual revenue or a
14 20,000 dollar-a-year annual donation to charities of
15 the ANC's choice, as well as wage increase mandates
16 and annual financial reporting to the ANC. Those
17 monetary elements are not tied to the zoning
18 criteria. And both of these agreements are in the
19 record, the ANC agreement and the applicant's
20 agreement, and it's worth comparing those because we
21 did accept the legally relevant conditions. We
22 thought this was going well with the ANC up until a
23 week before. The ANC's position appeared to shift
24 once it became clear that a monetary contribution
25 would not be forthcoming, and at least one

1 commissioner indicated her vote turned on that
2 point. Next slide, please.

3 Delivery and traffic conduct. We just
4 included the same language as the other site on
5 Capitol Hill, but we're doing even more here and
6 we're communicating with DDOT for this specific
7 site. Next slide, please. These images just show
8 what we're working on with DDOT. So what they
9 proposed was to transition the existing pay to park
10 to a 10-minute pickup space and then also exploring
11 one or two scooter spaces where there's currently no
12 parking. Next slide, please. None of this would
13 touch the residential permit parking on the Randolph
14 Street side. The changes are limited to existing
15 pay-to-park spaces on Georgia Avenue. Next slide,
16 please.

17 The next slide is just to walk through the
18 proposed conditions. I won't read these verbatim.
19 I just wanted them written down and in the record so
20 if the Board wished to adopt the conditions as in
21 the other case, they're readily available. So
22 first, we've included the same pest control
23 provisions. Next slide, please. Grease management.
24 Next slide, please. Trash storage. And again, one
25 bonus to this property is that there is internal

1 trash storage on site. There's no outside dumpster.

2 Next slide, please. This just shows the trash

3 room. Next slide, please. This is the same

4 condition adopted in the other Wingstop case. Next

5 slide, please. A community liaison condition. Next

6 slide, please. Consistent with the other locations,

7 approval would be for a 10-year term beginning when

8 the order becomes final, and that also matches the

9 lease terms. Next slide, please. On hours, the

10 applicant is proposing 10:00 a.m. to 3:00 a.m.,

11 which reflects the neighborhood context. The

12 Wendy's across the street is open 24 hours with a

13 drive-thru. The Metro runs until 2:00 a.m. on

14 weekends. One potential positive is: a later

15 closing time means a visible presence in the area

16 during hours when a vacant storefront might

17 otherwise sit dark and unattended. And the

18 applicant has agreed to additional conditions beyond

19 the other location to make sure the later hours do

20 not create any undue impact. Next slide, please.

21 These include noise, lighting, and additional

22 security measures. Next slide, please.

23 I do want to touch on this directly. There

24 was a lot of discussion, and I think the main point

25 of contention with the ANC were the lack of

1 community benefits and what this ANC is calling an
2 extraction of wealth. And so community benefits
3 from a legal perspective belong to a different
4 process entirely, but generally the planned unit
5 development process, PUD process. And that's the
6 Zoning Commission ties that directly to the value of
7 public benefits weighed against the project. So,
8 this is not a PUD. PUDs are typically relatively
9 large projects. I think the land area requirement
10 alone is upwards of 15,000 square feet and more in
11 some zones. So this is a very small retail bay in a
12 mixed-use zone on Georgia Avenue. It's not a PUD;
13 it's a special exception. There's no discussion of
14 benefits and requirement at all. That said, the
15 project does bring real benefits such as job
16 creation, activation of a storefront, and Wingstop's
17 charitable and employee programs. Next slide,
18 please.

19 So, Wingstop Charities awarded \$1.3 million
20 in community grants in 2023 alone to schools, school
21 districts, youth sports, mentoring programs, food
22 security organizations, including some serving this
23 region. The location alone has the potential to
24 create 15 to 20 jobs. And the applicant, yes,
25 declined to make a private payment or a payment for

1 a charity of the ANC's choice, but it's not
2 declining to be a good neighbor. They're going to
3 work with the community to ensure that this grant
4 money comes into this community. Next slide,
5 please. And as a show of good faith, if the Board
6 finds it appropriate, the applicant has proposed a
7 condition committing to work with organizations
8 identified by ANC 4C and to provide information on
9 how community groups can still apply for a Wingstop
10 grant. Next slide, please. Thank you.

11 I just want to close some additional
12 context. Next slide, please. So there has been a
13 lot of trouble renting out this space, and I just
14 kind of want to give some background on the zone and
15 some of the issues. The NMU-7B Georgia overlay zone
16 requires that at least 50 percent of the ground
17 floor be dedicated to what are deemed designated
18 uses. So, eating and drinking establishments are
19 one of those seven categories that qualify. A full
20 service restaurant with alcohol and a Starbucks or a
21 Dunkin with no seating cap, a grocery or drugstore,
22 a fitness center, and a bank, all of these are
23 permitted by right in this zone with no hearing at
24 all. Fast food comes to this board because of its
25 method of cooking. And so it's -- this traces back

1 to, I think, Georgetown in the eighties where they
2 created the restriction on fast foods as things like
3 McDonald's and Burger King were growing in the area.

4 It's not a distinction necessarily between
5 chains and local business. I recently helped a
6 local business apply for this same special exception
7 a little bit further up on Georgia. It's the method
8 of cooking, and the fact that fast food requires a
9 special exception in the zone means that the Zoning
10 Commission deemed the use appropriate here with
11 mitigating conditions. It didn't outright ban fast
12 food, and so the mitigating conditions go to the
13 specific impacts of the use, things like the driver
14 delivery, trash, and ventilation, not whether
15 restaurants belong in the zone. Next slide, please.

16 CHAIRPERSON POURCIAU: Ms. Wilson?

17 MS. WILSON: Yes.

18 CHAIRPERSON POURCIAU: You have exceeded
19 your time. Is there a way you could wrap this up,
20 please?

21 MS. WILSON: Oh, I apologize. I thought I
22 had 60 minutes, which I will absolutely not take,
23 but I have four more slides left.

24 CHAIRPERSON POURCIAU: Thank you.

25 MS. WILSON: Thank you. Just from the

1 owner's own account, several prospective tenants
2 fell through over the years: a personal trainer who
3 could not secure a small business loan, multiple
4 cannabis retailers, a deli operator whose build out
5 would have cost \$100,000 with neither party able to
6 absorb it. Self-storage, but that would have
7 required BZA approval. And so Wingstop is the only
8 tenant that's been willing to invest.

9 Next slide. Just wanting to note that
10 there are multiple vacancies in the area, and this
11 space has sat vacant for three years. Next slide,
12 please. Just noting that delivery will be local,
13 not additive. They're not going to be new DoorDash
14 drivers to sign up for just delivering Wingstop
15 only.

16 Next slide, please. This is my last slide.
17 Just to conclude, every applicable standard is met
18 here based on this record and Office of Planning's
19 own findings. Every operational concern that the
20 ANC raised is and can be resolved through binding
21 conditions. This is the same approach the Board
22 approved for the same operator one month ago. The
23 applicant has agreed to every reasonable operation
24 condition in both cases. And even without the
25 benefit of the ANC and community support as it

1 relates to timing here, it commits to the same
2 conditions this board already found appropriate.
3 And where the ANC's concerns fall outside of the
4 scope of this application, the applicant has still
5 tried to help through a condition connecting
6 community groups to available grant funding. We are
7 happy to take any questions on the presentation and
8 appreciate your time today and letting me go a
9 little over.

10 CHAIRPERSON POURCIAU: Thank you. Are
11 there questions or comments for the applicant? Vice
12 Chair Goldstein?

13 VICE CHAIR GOLDSTEIN: Thank you very much.
14 I apologize if I missed this at the beginning. You
15 all had requested a waiver of tenant notice
16 requirements, and I'm not sure if I just overlooked
17 it. Could you discuss that request and how the
18 tenants have, in your view, had enough notice of
19 this hearing?

20 MS. WILSON: Absolutely. So as when we
21 file, we need to get all of the addresses, I guess
22 in this case, unit numbers and names in order to
23 hand those over to the Board and DCOZ staff so that
24 they can send notice. The landlord felt, and we
25 agreed, it would be inappropriate, and the tenants

1 were concerned with having their names and addresses
2 publicly shared because it does go into the public
3 record. And so instead, we put up multiple posters,
4 I think over a month early, so maybe a month and a
5 half before the hearing, around the building and
6 inside the building. So, all of the tenants in the
7 building could easily see every single poster and
8 were aware, and I do know that the chair also noted
9 he talked to tenants. So, the tenants are fully
10 aware. We just wanted to waive the requirement to
11 actually type out the list of names and hand it in
12 to DCOZ on the record.

13 VICE CHAIR GOLDSTEIN: Okay. Is this
14 typical? I'm just curious from your experience,
15 have you seen this kind of request in other cases or
16 this sensitivity to the privacy of tenants?

17 MS. WILSON: I have seen people get very
18 upset that their names were shared, yes, leading to
19 me feeling comfortable with doing this. And we also
20 consulted with DCOZ staff on how to handle it, and
21 that was the suggestion to inform them another way
22 and do this requested waiver.

23 VICE CHAIR GOLDSTEIN: Okay.

24 COMMISSIONER MILLER: I would note, Vice
25 Chair, that it's a relatively recent requirement,

1 the tenant notice requirement because of concerns
2 raised in previous cases. I think there are
3 multiple ways to inform the tenants, and I think
4 they've tried to do that in this case. Maybe we
5 need to clarify that, but it's a relatively recent
6 requirement.

7 VICE CHAIR GOLDSTEIN: Okay. I appreciate
8 that feedback. I think it sounds like you've taken
9 steps to make sure that people are informed, and I
10 feel satisfied personally that we can waive that
11 requirement so long as my colleagues concur. I just
12 had to get that on the record I do have a few other
13 questions for you, and I'm a little bit curious
14 about these community agreements and condition
15 agreements that are listed as draft that are in the
16 record. Could you just tell me about the origin of
17 these agreements? Did you submit both those copies
18 of the ANC agreements, the draft theirs and the
19 draft yours? And just how did those agreements come
20 to be submitted at that particular time?

21 MS. WILSON: Sure. I submitted those in
22 response to the postponement requests, just noting
23 that the primary gap, like, where the ANC and we
24 couldn't see eye to eye were monetary issues and
25 just to clarify that in the record, meaning I didn't

1 think there was any harm in going forward in this
2 hearing if the primary gap between the ANC's
3 position and our position were related to requests
4 that, in my opinion, are outside the Board's scope,
5 but at least they're in the record.

6 VICE CHAIR GOLDSTEIN: And it's your sense
7 that that version, just to help me understand, that
8 version of the community benefits agreement that you
9 are suggesting is from ANC is representative of
10 their position in this case of what they wanted?

11 MS. WILSON: Yes, certainly at that time,
12 and I think the subsequent filings from the ANC
13 mirror those requests as well.

14 VICE CHAIR GOLDSTEIN: Okay. I want to say
15 I'm really appreciative that you went to look at the
16 conditions in the other Wingstop case. I think that
17 was a really good place to go to because of how
18 thoroughly those conditions were discussed in that
19 case. I'm really happy to hear that you've
20 incorporated or tweaked yours to enhance them based
21 on the other case as well.

22 One thing I would love to see, if possible,
23 and I'll ask my colleagues, I'd love to see just a
24 full list of these conditions kind of written down.

25 And I think some of them, including the 10-year

1 term, I believe, just appeared in your presentation,
2 but I hadn't seen it, and maybe I've overlooked it.

3 I haven't seen it elsewhere in your filings. I'd
4 love to hear the ANC respond to this enhanced list
5 of conditions. I don't know, I can't say because
6 unfortunately, they're not here, and there are
7 reasons for that. I don't know if they've seen this
8 latest list of conditions that you're proposing, and
9 I'd love to hear what their response to this list
10 would be. Maybe you can explain to me if I'm
11 misunderstanding, but it sounds like you've enhanced
12 them at some point after the sort of drafts back and
13 forth.

14 MS. WILSON: Yes, we have. I don't -- I
15 mean, I don't want to speak for the ANC, but I have
16 a feeling of what they will say to the list of
17 conditions. That's all.

18 VICE CHAIR GOLDSTEIN: Okay. Okay. Well,
19 you know --

20 MS. WILSON: No, I understand completely
21 what you're saying, and of course we're going to get
22 them into the record written out so you guys can,
23 yeah, see them. We can do that right now if you
24 like too.

25 VICE CHAIR GOLDSTEIN: Oh, I don't know if

1 it needs to be this second or as a follow-up, and
2 that's something we can sort of decide on.

3 One other issue that was on my mind from
4 the earlier Wingstop's case, and the circumstances
5 may be different here given that where it's located
6 within the building and the like and the garbage is
7 interior. Are there odor concerns when it comes to
8 a ground floor internal -- trash internal as well
9 within the building and how are those being
10 addressed? I understand the owner must feel
11 comfortable that you're proceeding, but what -- odor
12 was a very big deal in our previous case and I'm
13 just hoping you can address issues of odor.

14 MS. WILSON: Sure. So the applicants -- so
15 Wingstop's trash will be located where the current
16 tenant trash is. So, there's already some odor
17 mitigation ideally for the current residents of the
18 building. I assume there's a substantial floor slab
19 or some sort of separation between the commercial
20 space and the upper stories. So, it wouldn't be --
21 I don't think it would be unduly additive to have
22 the trash storage in the same area in which the
23 tenant trash storage already occurs. The
24 ventilation occurs to the roof of the building and
25 is mitigated that way. So the odor should and I

1 think the other case, it was a much smaller
2 building, if I remember correctly. So, I think
3 there were different concerns. It was a much older
4 building too. This is a newer building, so I think
5 they should, you know, as of 2023, have more
6 substantial existing mitigation just how the
7 building is constructed.

8 VICE CHAIR GOLDSTEIN: Okay. Yeah, I mean,
9 there was, I think, a fair amount of work on the
10 type of odor control systems that were even being
11 ventilated out from the property. I would love as,
12 if we're going to be asking for follow-ups, I'd love
13 just a little bit more attention to odor. I just
14 want to make sure that we're not creating any kind
15 of unnecessary problems, not only for the tenants of
16 the building, but if its air is flowing out and
17 odors are flowing out to neighbors, that we're not
18 creating any adverse impacts to them. But that's
19 all I have for now. Thank you, Madam Chair.

20 CHAIRPERSON POURCIAU: Thank you. Board
21 Member Lindsjo, do you have questions for the
22 applicant?

23 MEMBER LINDSJO: Not at this time. Thank
24 you for your presentation.

25 CHAIRPERSON POURCIAU: Thank you.

1 Commissioner Miller, are there questions you have
2 for the applicant?

3 COMMISSIONER MILLER: Thank you, Madam
4 Chair. I don't think I have any questions. I
5 appreciate the questions and comments that Vice
6 Chair Goldstein asked, and I appreciate the
7 presentation, very comprehensive, by Ms. Wilson for
8 this case. I wasn't -- I don't think I was on the
9 previous Wingstop case, and I usually watch all of
10 the BZA hearings, but I think I might have missed
11 that one. But the conditions that you've proposed,
12 including additional conditions beyond those in that
13 case, I think are all appropriate, and I think would
14 address all relevant ANC concerns, even though we
15 have that letter in the record from the ANC opposed,
16 including requests for postponement from today's
17 hearing because the chair was out of town or
18 something. But I support going forward with all of
19 the proposed conditions that you've recommended.
20 They all seem very mitigating of any potential
21 adverse impacts.

22 You mentioned that you thought that it was
23 the monetary request from one or more commissioners
24 that you didn't agree to that led to that
25 opposition. We've had concerns sometimes with the

1 monetary request in other zoning cases. It's a
2 difficult situation. I mean, it's appropriate
3 sometimes. But I think all the conditions you've
4 proposed would address legitimate adverse impacts
5 that ANC 4C would have or the community would have
6 or the tenants would have, the neighbors above would
7 have. I personally, if I was the neighbor above, I
8 would want to get my wings after 3:00 p.m., but I
9 understand that's an hours of operation issue that
10 you agreed to in the other case, and I guess there
11 was a reason for that. But I'm supportive of this
12 application going forward, Madam Chair.

13 CHAIRPERSON POURCIAU: Thank you,
14 Commissioner Miller. With that, I think we'll go to
15 our next presenter. I see we have Mr. Isaiah with
16 us again from the Office of Planning. Would you
17 please share your report?

18 MR. ISIAH: Yes. Thank you, Madam Chair.

19 For the record, this is Philip Isaiah on behalf of
20 the Office of Planning. The Office of Planning
21 recommends approval to permit a fast food
22 establishment in the MNU-7B/GA zone pursuant to
23 Subtitle H, Subsection 6007.1E and Subtitle X,
24 Subsection 901.2 of the zoning regulations.

25 OP finds that neighboring property is

1 unlikely to be unduly adversely impacted by the
2 proposed fast food establishment as the use will
3 function primarily for carryout and delivery and
4 provide no dining area. Mitigations of direct
5 impacts to the use have been provided by the
6 applicant to OP's satisfaction, including that trash
7 and grease would be stored inside the building, and
8 that a ventilation system would be located above the
9 roof line of the six-story mixed-use building. As
10 such, OP staff finds the zoning regulations have
11 been met for this application and otherwise stands
12 on the record of the report contained as Exhibit 20
13 of the record, dated July 10, 2026. Thank you.

14 CHAIRPERSON POURCIAU: Thank you so much
15 for your report. Any questions of the Office of
16 Planning?

17 COMMISSIONER MILLER: No questions, but
18 thank you again, Mr. Isaiah, for your comprehensive
19 report and presentation.

20 CHAIRPERSON POURCIAU: Okay, seeing no
21 other questions from the Board at this point, we
22 don't have any other government witnesses. The ANC
23 was not able to be here, but we do have an ANC
24 report and rejection. There are no parties either
25 in support or opposition, but I do believe we have

1 an individual who is in opposition, a Mr. Meerpol,
2 and I believe that is the only individual witness.
3 Could we please bring that witness forward?

4 MR. YOUNG: Yes, we actually had an
5 additional witness sign up, and it also looks like
6 the ANC just joined.

7 CHAIRPERSON POURCIAU: Okay, very good.
8 Well, let's then take the ANC first. Is that Mr.
9 Warburton from the ANC?

10 MR. WARBURTON: Yes, hello.

11 CHAIRPERSON POURCIAU: Oh, thank you so
12 much for taking out the time.

13 MR. WARBURTON: Yeah, I cut my Metro
14 commute short and hopped off the train so I could
15 join.

16 CHAIRPERSON POURCIAU: Thank you. We
17 appreciate that. Did you have a report you would
18 like to give or comments you would like to make?

19 MR. WARBURTON: Well, I'm less prepared
20 than I would like to be considering the
21 circumstances I outlined in my motion to postpone.
22 But I'd like to reiterate a few of the points in my
23 written testimony, and I also wanted to pose some
24 questions, I guess.

25 So, I'm working from memory here because

1 stuff is at home, not on my phone. But the ANC was
2 primarily concerned about this use for a few
3 reasons. When I joined, I heard you talking about
4 the monetary issues. Those, and I know the
5 applicant discussed some of that in some of their
6 written submissions, but I think I'd like to use
7 some of my time here to clarify that the lack of the
8 monetary conditions that we were discussing in our
9 negotiations, that was not the sole reason that we
10 chose to vote against this case or this application.

11 We had a number of concerns that we felt were not
12 sufficiently addressed, and we thought that the
13 monetary issue might be a way to resolve some of
14 that. We saw it as a solution, but then the
15 applicant was not willing to engage on that. And
16 then we had sufficient concerns from the
17 neighborhood, even after presenting the terms that
18 we had come to so far in the negotiation. And so
19 the neighbors, having heard about the state of the
20 negotiations, still voiced concerns. And so then we
21 thought if the applicant wasn't willing to meet us
22 on the more holistic view of what was going on here,
23 that it was not worth continuing negotiations
24 because we didn't foresee ourselves being able to
25 come to a satisfactory accord.

1 I don't want the existence of a draft
2 community agreement to imply that the ANC 4C was
3 totally satisfied with all the mitigation that the
4 applicant is proposing. It was an ongoing
5 negotiation that failed without resolution. So the
6 draft that we had was not our final draft. It was
7 not -- it should not be taken to say that ANC 4C is
8 totally fine with this except for the monetary
9 aspects because we had written these things out.
10 That was our starting place for negotiations.

11 I'll admit, I am a -- this is my first term
12 as ANC; this is my first BZA hearing, in fact. I
13 was approaching this with an open mind. I had heard
14 some concerns. I brought those into draft language
15 to the applicant and then my hope was that with the
16 presentation at our ANC meeting prior to this
17 hearing, and then the feedback we would get from
18 constituents during that meeting, that we could
19 continue negotiations and get a final draft figured
20 out. But as I said, negotiations failed because
21 concerns were not satisfied with the terms that had
22 been presented by the applicant.

23 As I've noted in my written testimony
24 because we are aware of a high financial cost to the
25 community due to this business model from this fast

1 food establishment, we did not see a way that we
2 could achieve mitigation through the conditions that
3 the applicant was willing to negotiate on. And I've
4 been told by numerous people that, the Board here
5 does not have authority to put conditions on an
6 application regarding monetary aspects which I still
7 actually have not gotten a satisfactory legal
8 explanation for.

9 I had hoped that Isaiah from the Office of
10 Planning might be able to elaborate on that a little
11 bit. But even if the Board is not willing to
12 implement those conditions in an order, I don't see
13 why the Board can't consider them in approving or
14 denying the application as a whole. And so in my
15 written testimony, I make reference to -- well, I'm
16 going to be honest, the regulation names are going
17 to escape me right here because I don't have stuff
18 in front of me. But the primary condition for a
19 special exception of a fast food establishment,
20 well, I think the last one in the regulations state
21 that it must not be objectionable to the neighbors
22 based on various conditions, and it ends with and
23 other conditions. And I could not find anywhere in
24 the regulations that define a limit on what those
25 conditions are.

1 I am, on behalf of ANC 4C, am asking that
2 the Board consider all attendant circumstances,
3 which is the dictionary definition of conditions,
4 and that a number of those attendant circumstances
5 are the manner of employment and the quality of
6 employment, as well as the other things I noted,
7 like the extraction of wealth from our community and
8 the externalization of responsibility onto often
9 exploited delivery drivers and people in that field
10 of work. I would ask that the Board consider both
11 that aspect as well as the intent of the
12 regulations.

13 As I noted in my written testimony, there
14 are many aspects of the intents of this zone that
15 the applicant is applying for that are contrary to
16 the impact this business would have on our
17 neighborhood. And those are the big things. Again,
18 I wish I had been more prepared, and I feel like I
19 had one more item I wanted to mention. I apologize.

20 CHAIRPERSON POURCIAU: That's okay. Thank
21 you for kind of figuring it out and getting here.
22 I'd like to ask the Board members if they have any
23 questions for you.

24 COMMISSIONER MILLER: I think the Vice
25 Chair was going to speak, so I'll let him go first

1 since he usually does.

2 VICE CHAIR GOLDSTEIN: Oh, no, for better
3 or for worse. But thank you, first of all, for
4 participating. Really glad to get your perspective
5 and input on the record today. I know that you feel
6 rushed, and this is your first hearing, but I
7 thought you were very articulate, so I do appreciate
8 that.

9 I had raised with the applicant the idea,
10 and it sounds like their conditions have evolved
11 some, continue to evolve, as far as what they're
12 willing to agree to, and I've suggested that they
13 share those with the ANC again to see what your
14 reaction to those conditions could be. Does that
15 sound like a reasonable thing for the ANC to
16 continue to consider the conditions that are being
17 offered?

18 MR. WARBURTON: Yeah, we are willing to
19 continue negotiating, broadly speaking. The last
20 time I had spoken at length with the applicant, they
21 had remarked that they were on a tight timeline.
22 And so, you know, at the time at the ANC hearing it
23 felt like we had to decide that night if we were
24 going to approve or not because they, you know,
25 wanted to get to this hearing and everything.

1 Again, we are still very interested in the
2 financial impact of the business, not just on the
3 workers, but on the community at large. So I would
4 hope those are part of it. But, you know, trying to
5 bargain in good faith, I would happily look at what
6 they're proposing.

7 VICE CHAIR GOLDSTEIN: Okay. Well, thank
8 you. And I'm not sure I have the full legalistic
9 answer to your monetary question, but I'll at least
10 get started that the realm -- the Board has only
11 certain authority, and our authority involves
12 zoning, and the tests involve the impacts of
13 projects in a zoning context. I don't think that
14 monetary gifts are something that the Board is
15 equipped or able to evaluate as a mitigation for a
16 proposal. So there's probably a better legalistic
17 answer to that, but that has been sort of my working
18 knowledge, and certainly there may be better
19 resources that can be more articulate on that front.

20 I'm happy to let Commissioner Miller, I
21 don't know if you have any good thoughts on how to
22 address that because it's come up before the Zoning
23 Commission as well.

24 COMMISSIONER MILLER: Yeah, it has, but
25 it's only in planned unit development cases where

1 we're able to sometimes condition and include within
2 a condition a monetary contribution to something in
3 the community that could be enforceable that before
4 the C of O is issued. So, there are always those
5 issues, and I don't have the legalistic answer
6 either. I know we're constantly discouraged by
7 counsel even to considering them because of various
8 issues with them. But in this case, I think the
9 applicant said on the monetary item that they would
10 work with the ANC and community on giving from their
11 charitable foundation contributions to the
12 community. I thought that was a good condition.
13 You know, it's just an encouragement. I mean,
14 that's not enforceable either in a BZA order. But -
15 -

16 MR. WARBURTON: Right.

17 COMMISSIONER MILLER: I think it should be
18 acknowledged that that was a commitment that was
19 publicly made, at least before us today. But Mr.
20 Warburton, I appreciate you jumping off Metro and
21 participating today.

22 MR. WARBURTON: Yes, may I respond briefly?

23 VICE CHAIR GOLDSTEIN: Sure.

24 MR. WARBURTON: The applicant did mention
25 the same offer to us, but we found it to be too

1 vague and, like you said, not enforceable. As I
2 noted in my written testimony, there is not a pre-
3 existing relationship that would cause us to have
4 much trust for this applicant. And due to the
5 business model, there is reason against having
6 trust. And so we were really hoping to have
7 something concrete. We also offered that we could
8 find a solution outside of the conditions that would
9 be enforced by the BZA.

10 I floated the idea that we could have a
11 very short term limit on any certificate of
12 occupancy so that, I was thinking in the order of
13 like three years, so that we could see what the
14 impact on the community was, we could see what
15 donations were made, and then we would have a chance
16 to see if that trust had been well placed or not.
17 But the applicant was not willing to consider
18 anything like that so that was part of where the
19 negotiation stalled out. The other thing I was
20 going to say was -- oh yes, just a big part of my
21 written testimony if you looked at it, was just a
22 request for more -- and I don't know what has been
23 presented today, unfortunately since I couldn't see,
24 I only just joined the meeting, but a big part of my
25 written testimony was asking for more evidence. I

1 believe pursuant to, what is it, Section 9, Subtitle
2 X 9013 or something in that area. You know, the
3 burden of proof of no undue impact is on the
4 applicant. And so, we would also just appreciate
5 more evidence that the delivery drivers will not
6 impact this intersection that already has extremely
7 frequent double parking, that the odor will not hit
8 the balconies of the residences above the Safeway
9 that are right across the street. We just found the
10 evidence lacking, and so that was another thing we
11 were asking for.

12 COMMISSIONER MILLER: Okay, well I
13 appreciate your response and appreciate your
14 participation here today. Let me ask you -- I'm
15 sorry about the mistrust, that's always a problem
16 when there's -- I don't know what led to that
17 mistrust. I mean, there's been a vacancy in this
18 space, as I understand it from the applicant
19 testimony, for three years. That seems to be a
20 financial detriment to the community. Don't you
21 think a vacancy for three years and all these other
22 vacancies that are in the neighborhood are
23 detrimental? I have vacancies in my neighborhood,
24 and it's not great.

25 MR. WARBURTON: Yes. None of us like the

1 vacancies. Our working understanding on ANC 4C,
2 though, is that that's primarily an issue of high
3 rents. I saw in the PowerPoint presentation that
4 was submitted by the applicant yesterday that they
5 noted a few of the offers that the property owner
6 had received, and so I would be curious if the
7 property owner would be willing to share what rent
8 they were asking for, as well as if they could
9 enumerate all 10 of the applications they received.

10 Because what we would really prefer to uphold
11 neighborhood character and community wealth and
12 everything else is that we get a locally owned
13 business in here, right? I know that the zoning
14 regulations don't require any locally owned
15 conditions or anything like that. And that if this
16 were a different type of application, we wouldn't
17 even be at a DCA hearing maybe. But since we have
18 this opportunity to push back against an
19 international billionaire-owned chain coming in and
20 extracting at least \$500,000 per year from the
21 community, it felt like I had the responsibility as
22 a representative of the neighborhood to advocate as
23 much as I could with the opportunity available. And
24 so what we would really like to see is property
25 owners do more to seek out and facilitate locally-

1 owned businesses rather than hold their properties
2 vacant until they can secure a high-wealth tenant.

3 CHAIRPERSON POURCIAU: Thank you, Mr.
4 Warburton. I'd like to ask if Ms. Lindsjo has any
5 additional questions.

6 MEMBER LINDSJO: Not sure how to help you
7 with that. I do not, but thank you for joining us
8 today.

9 CHAIRPERSON POURCIAU: Yes. I want to
10 thank you for joining us and then I'd like to
11 proceed to our next presentation, which is we have
12 several people signed up in opposition. I'd like to
13 say first that you, as individuals, you have three
14 minutes to present. If you would start by giving
15 your name and address for the record. And I'll
16 first take Mr. Meerpol. Mr. Greg Meerpol, I see you
17 on our screen. Are you available to present now?
18 Mr. Young, do you know --

19 MR. MEERPOL: Hello. Hello. Can you hear
20 me?

21 CHAIRPERSON POURCIAU: Yes, I hear you now.
22 Thank you.

23 MR. MEERPOL: Sorry about that. This is my
24 first time using this system. I didn't know exactly
25 where all the buttons are.

1 CHAIRPERSON POURCIAU: Yes.

2 MR. MEERPOL: I'll try and get the video,
3 but I'll do that later. Thank you, folks, for
4 allowing me to speak today. My name is Greg
5 Meerpol. I am a property owner and business owner
6 located at 3901 Georgia Avenue, located on the
7 corner of Georgia and Randolph Street. We are
8 directly across from the location that would be
9 directly impacted by this decision. Our business
10 was left off of Ms. Wilson's report of businesses
11 that are on the corner, but I feel that is
12 indicative of their community outreach, which I
13 would describe as lacking over these past several
14 months.

15 In my opinion, the applicant has not
16 demonstrated that this fast food use can operate at
17 this specific site without creating adverse impacts
18 on traffic, sanitation, residential livability as
19 required under the zoning criteria. There were
20 several issues that we had discussed in the
21 community, beginning with traffic. 3831 Georgia
22 Avenue lacks the physical infrastructure to handle
23 delivery-heavy fast food operations. There's no
24 dedicated loading zone at Georgia and Randolph, and
25 the block already experiences frequent double

1 parking at the Safeway that's located there on the
2 corner.

3 Trash was also cited as an issue. The
4 applicant has not addressed how fast food packaging
5 will not end up on the street. You know, the
6 applicant always talks about the fact that the food
7 will be taken away, but the reality is that the
8 majority of food from fast food places gets consumed
9 on the corner in front of the building because
10 there's no seating. And I know this because I'm the
11 one who picks up the trash on the corner of Georgia
12 and Randolph each morning, so it's not in front of
13 our business.

14 There is also a concern about loitering and
15 public safety. This area has significant student
16 foot traffic and other traffic. Fast food locations
17 become gathering points that generate extended
18 loitering, noise and litter. The applicant has not
19 addressed crowd management, security presence, or
20 anti-loitering strategy.

21 There's also concern about over-
22 concentration. Between Georgia and Harvard streets
23 to the south and Georgia and Upshur streets to the
24 north, 19 locations already serve wings. Most of
25 them are locally owned businesses. This

1 application is not a neighborhood serving gap. It's
2 a duplication of an already saturated use, and it's
3 not contributing to a diverse or balanced retail
4 corridor.

5 As far as the neighborhood agreement, there
6 were a number of issues -- we weren't close as it
7 relates, and I had no conversations with the
8 applicant because, as I mentioned, they didn't do
9 any community outreach. Concerns that I had with
10 the ANC was earlier closing time, community
11 investment, and a shorter renewable zoning
12 exception. The bottom line is that any community
13 agreement that was presented was not enforceable.
14 In other words, it lacked the teeth. Once they got
15 in -- once they got into the building, we had no
16 assurances that they would do what they said they
17 were going to do, and they did not start off with
18 the community on a good basis, so we had no reason
19 to believe that they would do that. The applicant,
20 I mentioned, did not --

21 CHAIRPERSON POURCIAU: Mr. Meerpol>

22 MR. MEERPOL: Yes.

23 CHAIRPERSON POURCIAU: Your time is up.
24 Would you be able to summarize now, please?

25 MR. MEERPOL: I will. Just give me 30 more

1 seconds.

2 CHAIRPERSON POURCIAU: Thank you.

3 MR. MEERPOL: As a property business owner
4 across the street, I've been quite vocal about this
5 exception, but I received no calls, texts, emails,
6 drop-in visits to discuss this. I'm a very easy
7 person to find, and the applicant couldn't be
8 bothered to reach out. This application is not
9 about whether or not restaurants belong on Georgia
10 Avenue. They clearly do. The issue is whether or
11 not this specific high-turnover fast food use at
12 this specific constrained site in an already
13 saturated market can operate without creating
14 measurable harm. The applicant has not met that
15 burden. I thank you for your time.

16 CHAIRPERSON POURCIAU: Thank you for taking
17 out the time to come and testify today. What type
18 of business do you have there on Georgia Avenue?

19 MR. MEERPOL: We own a salon. We have a
20 salon business.

21 CHAIRPERSON POURCIAU: Okay. Thank you
22 very much. Are there questions from the Board for
23 this presenter?

24 COMMISSIONER MILLER: No questions.

25 VICE CHAIR GOLDSTEIN: I'm sorry, just one.

1 I may have missed this. Are you on the ANC or just
2 participate actively with the ANC?

3 MR. MEERPOL: I'm not on the ANC.

4 VICE CHAIR GOLDSTEIN: Okay. Are you an
5 active participant at their hearings? I'm just
6 trying to get a sense of-

7 MR. MEERPOL: I started going once I saw
8 this notice.

9 VICE CHAIR GOLDSTEIN: Okay.

10 MR. MEERPOL: Yeah. So, I've been going
11 for just the past few meetings.

12 VICE CHAIR GOLDSTEIN: Okay. Thank you.

13 COMMISSIONER MILLER: And I thank you also,
14 Mr. Meerpol, for your participation here today and
15 for your contribution to the community with your
16 retail establishment.

17 CHAIRPERSON POURCIAU: Yeah. Would you
18 like to add anything, Ms. Lindsjo?

19 MEMBER LINDSJO: No, just also I'd like to
20 thank you for speaking today.

21 CHAIRPERSON POURCIAU: Thank you, Mr.
22 Meerpol. Next, I think we have --

23 MR. WARBURTON: Excuse me. As a party, am
24 I allowed to ask questions?

25 CHAIRPERSON POURCIAU: Yes, you are. Would

1 you like to ask a question of Mr. Meerpol?

2 MR. WARBURTON: Just one or two. I was
3 going to ask, Greg, if you recall what the closing
4 time proposed by the applicant was when you first
5 learned of this?

6 MR. MEERPOL: 3:00 a.m.

7 MR. WARBURTON: 3:00 a.m.?

8 MR. MEERPOL: Yeah.

9 MR. WARBURTON: Okay. I was getting --

10 MR. MEERPOL: And one of the things that,
11 Mike, when you asked me what I could live with as it
12 relates to closing was, you know, something around
13 10:00 or 11:00 because the issues that we have is
14 the Wendy's on the corner is open late, and it is a
15 nightmare after hours. You know, just because
16 something is open doesn't mean it's safe and doesn't
17 mean it's going to provide safety. There's been
18 plenty of incidents that we have directly across the
19 street at that Wendy's because of the late operating
20 hours.

21 MR. WARBURTON: Okay. Thanks. I had
22 thought it was 1:00 a.m., actually at some point, so
23 that's why I asked. But and then you spoke to a
24 number of residents in the building itself, right?
25 Or at least one? What was the sentiment? Have you

1 heard any positive reaction from the neighborhood
2 about this business?

3 MR. MEERPOL: Not one. As a matter of
4 fact, I spoke to, I think, four residents of the
5 building including Ahmed, who lives directly on the
6 floor above the retail location. And all of the
7 residents of the building are not in favor, and they
8 oppose the idea. Mr. Ahmed is particularly
9 concerned about the smell coming through the floor.

10 You know, just because you have a ventilation shaft
11 that goes out the side of the building doesn't mean,
12 you know, that wing grease smell isn't going to seep
13 up through the floor. We all know that's going to
14 happen. So, I have not spoken to one member of the
15 community on that block on, particularly on
16 Randolph, that supports this initiative.

17 MR. WARBURTON: Thanks. And last question,
18 as a small business owner yourself in the corridor,
19 what would you say -- what's your impression of how
20 financially viable it is for a new entrepreneur to
21 open a business along Georgia Avenue right now? And
22 do you think an international brand like this would
23 make it easier or harder for other business owners
24 like yourself -- potential business owners like
25 yourself?

1 MR. MEERPOL: I think it's challenging.
2 You know, the rents that folks are asking are high,
3 and small businesses are, you know, the cost of
4 opening up, paying, you know, a couple of months'
5 rent upfront in addition to you know, building out
6 the space. It's a lot to ask. We discussed with
7 some of the ANC members on, you know, off the record
8 conversations about having some ways that either
9 that space or the space on our corner could be used
10 as sort of a small business incubator to help local
11 businesses and local groups get off the ground. But
12 also, you know, the one thing we do really like
13 about our neighborhood and that business corridor is
14 that folks know each other. They're small
15 businesses, small owners, folks work together.
16 I've talked to another number of people who are
17 interested in opening, and it's challenging. It's
18 challenging for them to do.

19 MR. WARBURTON: Thanks. That was all I
20 had.

21 CHAIRPERSON POURCIAU: Thank you. Next,
22 we'll hear from Ms. Roesner, Kendra Roesner. Are
23 you available to comment?

24 MS. ROESNER: Hello.

25 CHAIRPERSON POURCIAU: Thank you.

1 MS. ROESNER: Yes. Can you hear me?

2 CHAIRPERSON POURCIAU: I can. You have
3 three minutes, and if you'd give your name and
4 address for the record, please.

5 MS. ROESNER: Perfect. Thank you. My name
6 is Kendra Roesner. I am a resident at 3831 Georgia
7 Avenue Northwest, Apartment 603, the same building
8 where the proposed Wingstop would go in. I am here
9 to oppose the Wingstop application because of the
10 direct impacts that I anticipate it would have on my
11 and other residents daily lives. Greg has done a
12 great job of summarizing some of the concerns, and I
13 share many of those, so I will focus primarily on
14 specific aspects of my experience that I think would
15 be impacted.

16 One is the litter and the rodents. I look
17 at this from the angle of a dog owner, and I know
18 there are at least three if not more dogs within the
19 building who are regularly in the space right
20 outside of our building. I walk my dog at least
21 three times per day, and while he is well-trained to
22 leave objects on the ground, food litter is
23 consistently the thing that he will go for despite
24 training. Two months ago, he had experienced
25 stomach problems consistent with foreign object

1 ingestion, and my husband and I had to pay over \$800
2 for X-rays and testing to confirm he didn't need
3 surgery.

4 So there is a significant stress component
5 that I think would be added with having chicken
6 bones on the ground. And I will say that
7 irrespective of a waste bin, especially one that may
8 not be able to be enforced, I am concerned about
9 this because I avoid Georgia currently for the fact
10 that it always has chicken bones due to the many
11 wing locations nearby.

12 I would follow up that with the fact that I
13 don't believe this corridor needs another chain,
14 particularly one that serves wings. Between Upshur
15 and Harvard, there are over a dozen places serving
16 wings and chicken. Many are locally owned. We
17 chose to live in this neighborhood because of its
18 local independent character, and I think that
19 overall we chose to move away from the suburbs
20 because D.C. and cities offer significantly more
21 independent local businesses. I would say a
22 national chain coming into Petworth is not
23 inherently bad, but it definitely makes us consider
24 where we want to live. Petworth's proliferation of
25 local businesses is part of what made us pick the

1 neighborhood originally.

2 Finally, Georgia Avenue is loud, and there
3 are a lot of concerns with loitering, noise, odor.
4 I will note that the residents do have a roof area
5 that they are able to hang out. My husband and I
6 are up there at least once a week reading or just
7 being in the sun. It's a very nice place, and I am
8 concerned about having odor up there while we are
9 trying to read. Our trash area also, I will note,
10 does smell a lot even without additional food waste.

11 So I do think that odor would be a significant
12 concern.

13 Finally, just as a woman, knowing that many
14 of the residents in our apartment are young women, I
15 do think that there is a significant concern around
16 loitering and safety. I already avoid a lot of wing
17 places because of the loitering that occurs around
18 them. Not wing places -- excuse me, chains, places
19 open late at night because of the loitering. And
20 this would put that directly outside of the entrance
21 to my building, knowing that sometimes I need to go
22 outside to let my dog out at very odd hours of the
23 night.

24 Thank you so much for listening. I'm open
25 to sharing more if you have any questions, but I

1 just appreciate you hearing from the perspective of
2 a resident. And I will note as well, I do think
3 that community outreach has been poor. Even the
4 notice that is next to our door is half hidden
5 behind a wall, and that's not necessarily the fault
6 of the Wingstop because that is where the door is,
7 but it is something to note. It's not, like,
8 directly on our door, and I have not seen anything
9 inside of the building. So thank you.

10 CHAIRPERSON POURCIAU: Thank you. I think
11 I'd like to call on the third presenter and then
12 take questions of both or either one once that
13 presenter has given their comments. I think it's
14 Ms. DeMare, Carissa DeMare, I believe is the third -
15 -

16 MR. YOUNG: No, that -- that's all we have.

17 CHAIRPERSON POURCIAU: Oh, that's it? I
18 thought there was a third. Okay. Very good. So
19 we'll take questions of Ms. Roesner now. Are there
20 questions from the Board of this presenter?

21 COMMISSIONER MILLER: I wanted to thank Ms.
22 Roesner for your participation this evening. And
23 just out of curiosity, not that we get involved in
24 these issues, but who is the landlord for this
25 building that allegedly charging too high rents for

1 the three-year-old vacant space that's on the ground
2 floor?

3 MS. ROESNER: I am not -- the entity is
4 Thomas Jefferson, but I am not certain.

5 COMMISSIONER MILLER: Yeah, we have that.
6 We have that in our record. I just don't know who
7 that is. Yeah.

8 MS. ROESNER: I would say I also don't
9 know. There is an individual named Joseph, who we
10 communicate with about tours and all of that, and
11 then there's another individual named Natalie, who
12 I'm under the impression owns the building. It
13 seems currently as though I would say division of
14 responsibilities are divided, so it's hard to know
15 who is ultimate responsibility. We have different
16 people for maintenance who are with an independent
17 company; the people who do the touring and property
18 management seem to be in an independent company, and
19 then the people who own the building seem to be a
20 third independent company. So I would say in that
21 sense I actually don't know who the owner is. Yeah.

22 COMMISSIONER MILLER: You, is there a
23 tenants association that you have or have heard --

24 MS. ROESNER: I do not.

25 COMMISSIONER MILLER: No --

1 MS. ROESNER: No.

2 COMMISSIONER MILLER: So, but -- but and
3 so, there hasn't been a lot of communication with
4 either the property management company or the owner
5 about what would go in that space?

6 MS. ROESNER: There has not been any
7 communication to the residents from either. I will
8 say they don't tend to communicate directly with us
9 about almost anything. So that's to note. But I
10 would say from my perspective as a resident here,
11 the individuals who are running the space tend to
12 seem fairly disconnected from the residents and the
13 people on the ground in day-to-day life. In fact,
14 when I moved in, we were told we were given a steep
15 discount on rent and told that the reason was
16 because developers, who had bought the building,
17 wanted to fill it with tenants so that they could
18 sell it to somebody else so they didn't have to
19 manage it. I don't know. I don't have details on
20 that. That's what I was told. So I don't know if
21 we are now owned by somebody different because we
22 were sold off since we have moved in, but that is
23 also something to note.

24 COMMISSIONER MILLER: Yeah. Yeah, this is
25 obviously way off what the application is before us,

1 but I was just curious what the relationship was.
2 So thank you.

3 CHAIRPERSON POURCIAU: Thank you,
4 Commissioner Miller. Any other questions, Vice
5 Chair Goldstein or Ms. Lindsjo? No? Okay. Thank
6 you.

7 VICE CHAIR GOLDSTEIN: Thank you for your
8 testimony.

9 CHAIRPERSON POURCIAU: Thank you for --

10 MS. ROESNER: Yeah.

11 CHAIRPERSON POURCIAU: Yeah, taking out the
12 time, everybody. And I guess ANC Commissioner, did
13 you have any questions for Ms. Roesner?

14 MR. WARBURTON: Just one on my mind at the
15 moment. As a resident at that corner -- well, so
16 first of all, DDOT issued a report that they thought
17 only there would only be minor impacts on the corner
18 there. ANC submitted in our testimony, we think
19 that's an underestimate. I'm curious what your
20 perspective is. How often do you think there is
21 sufficient parking for a large quantity of delivery
22 drivers to arrive and move through that intersection
23 safely? And what is your impression of the
24 conditions and what they might be with this new
25 business? Thank you.

1 MS. ROESNER: Yeah. Thank you for asking.

2 Well, I will say I'm certainly not the most
3 qualified person to answer that. My impression is
4 that especially during high traffic times, there
5 tends to be very little parking and a lot of fast
6 movement. So, I would definitely have concerns
7 about additional traffic on Georgia. My bet is that
8 people would shift to the less inhabited Randolph
9 Street. If they can park for five minutes in a
10 resident parking spot and then move, I think that
11 there are people who are likely to do that, and I
12 think we would see a lot more traffic on our street,
13 which again, having a dog where bikes going by
14 quickly, et cetera can be somewhat of a hazard and
15 just a little bit unpleasant overall, I do think
16 that there would be notable impact.

17 MR. WARBURTON: Thank you. That was all I
18 was going to ask about.

19 CHAIRPERSON POURCIAU: Thank you so much.
20 I believe we have heard all the testimony and
21 completed the question and answer period. I would
22 like to ask the applicant if they would like to
23 provide closing remarks at this time.

24 MS. WILSON: I do have a number of rebuttal
25 points and closing remarks. First, I would like to

1 ask Ms. Francis to talk through the ventilation
2 system as she is the director of construction.

3 MS. FRANCIS: Sure. Yeah, I know Mr.
4 Goldstein had brought up some questions about, you
5 know, how this compares to our building that we were
6 approved by this board last month. They're very
7 different structures, so there was more involved in
8 the odor mitigation of that building. Specifically
9 because it sits in a low point and is surrounded by
10 a higher U-shaped building. So, there were concerns
11 about the exhaust, you know, building up and being
12 caught in that area. So that was the reason more
13 for that.

14 This building is very different. We, you
15 know, worked with our engineers. We worked with,
16 you know, the building department, and we have
17 figured out a way to go up the chase on the side of
18 the building to take it all the way up to the roof.

19 So much less of an impact there and just, you know,
20 not the same setup. It's just a very different
21 structure. Hopefully that helps clear that up a
22 little bit.

23 MS. WILSON: Thank you so much. So in
24 closing, I would say a lot of the discussion in the
25 record from the ANC has been almost philosophical

1 discussion or a larger discussion on market trends,
2 I guess more macro market trends and local
3 preferences. We heard some mixed opinions too, such
4 as the wing places don't belong there, and it
5 doesn't add variety. However, the wing place is
6 listed, I guess, in Mr. Meerpol's exhibit. Some of
7 them include other restaurants, like a Chinese
8 restaurant, Jamaican restaurant. So I'll just note,
9 I didn't really understand this argument that wing
10 places don't belong on Georgia Avenue.

11 We've discussed some of the more macro
12 concerns in our presentation related to national
13 chains versus local business and where this
14 particular property stands in terms of its inability
15 to make that local business idea work. I heard the
16 ANC commissioner say it wasn't about the monetary
17 contributions. That really was the opposite of what
18 was communicated to us at the meeting. So, I
19 understand there is a sentiment that we may be able
20 to continue discussions, but I would just note in
21 the record, we would not agree to any monetary
22 contributions. That does seem to be one of the
23 sticking points. Now, obviously, there may be other
24 concerns. I'm not saying that. We do have robust
25 conditions, though.

1 In the presentation, we clearly show that
2 we work with DDOT already. They've agreed to make
3 10-minute delivery parking spaces on Georgia.
4 That's directly from DDOT. They're the experts in
5 this matter. Even before we had that discussion,
6 they said the only impacts would be minor. So, that
7 should avoid concerns over taking up resident
8 parking on Randolph, which delivery drivers are not
9 are not legally allowed to use. Every applicable
10 standard here is met based on this record and on the
11 Office of Planning's findings. Every operational
12 concern the ANC raised is resolved through binding
13 conditions. These are sticking conditions. This is
14 the same exact approach this board approved for the
15 same exact operator one month ago. The applicant
16 agreed to every reasonable condition in both cases.

17 In that case, we had, you know, the benefit of ANC
18 and community support on timing here. We commit to
19 all of those same conditions that this board found
20 appropriate, and the ANC in that case had gone
21 through this process with a number of fast food
22 places. I think there was a Chipotle and a Taco
23 Bell on that same street. So they're -- arguably,
24 you know, they have a lot of expertise in this area.

25 And so those were strict conditions from an ANC

1 who's gone through this many times before, and those
2 conditions were adopted. Where this ANC's concerns
3 fell outside of the scope of the application or were
4 extremely restrictive or too restrictive, the
5 applicant has still tried to help and mitigate, for
6 example, through a condition connecting community
7 groups to available grant funding.

8 Again, a macro view on this: Our firm is
9 representing Emerald Wings and the owner as co-
10 applicants. Those interests are aligned. But if
11 this isn't approved, the owner and the community, I
12 would think, ultimately do stand to lose.

13 Obviously, there's quite an investment in this
14 process. The lease for this doesn't start until
15 October 1st, at which point, if Wingstop doesn't
16 have the permits for this which can't be obtained
17 until a final order, which is a separate issue, the
18 agreement terminates, and they no longer have a
19 lease. The owner has been trying to get this space
20 rented for three years. I have an email from the
21 owner I can submit on the record unsuccessfully.
22 And on my presentation, there's a list of tenants.
23 There are 10 different tenants that didn't work out,
24 and it was not just because the rent's too high.
25 It's because this is a blank shell, and there has to

1 be a buildout. For one reason or another, a lot of
2 them being they also had to apply for BZA, and this
3 is a sometimes contentious process, there hasn't
4 been any successful renting here. The owner could
5 be facing foreclosure because of it. So Wingstop
6 may not be everyone's preferred tenant, but they
7 meet the regulations, and this keeps the space alive
8 in an area with a number of vacancies, an area that
9 is clearly not doing well renting out these spaces,
10 and that was even attested to by the members of the
11 community. I think a lot of the framing is, Let's
12 hold out for a better tenant, and this is not a
13 threat, it's just the reality of the situation.
14 There's no tenant B option right now for the
15 landlord. This is going to sit vacant if this
16 doesn't get approved and potentially go into
17 foreclosure. A lot of the arguments put forth by
18 the ANC's position almost relate to a use variance,
19 sort of like, why do you need to have this here?
20 This is a special exception. It's a lower bar. But
21 given the history of vacancy and inability to find a
22 by-right use, it's almost like we could make that
23 harder case. But again, this is a special
24 exception.

25 Every operational issue raised has been

1 addressed. No one needs to prove need, just that
2 the conditions are present to mitigate alleged
3 concerns. Of course, the Board approved a Wingstop
4 last month with the same operator, owner, and
5 substantially similar conditions. For these
6 reasons, we respectfully request that the Board
7 approve the application and would request that no
8 part of the decision be pushed past the August
9 recess for the reasons I stated above. Thank you.

10 CHAIRPERSON POURCIAU: Thank you so much.
11 We've heard a lot here today, and I'm glad that the
12 ANC and the business and neighbors were able to come
13 forward and speak. I think even before they came
14 on, we had expressed some desire to have a more
15 concise and consolidated list for the community
16 agreement, and I think some of those items got
17 better defined with their participation. I don't
18 have any more questions or thoughts other than that.

19 It's been a very full hearing, but I would
20 like to hear and see if any Board members have any
21 other final comments or questions.

22 COMMISSIONER MILLER: Well, I would like to
23 thank everybody for their participation here today.

24 I largely do agree with the applicant's counsel's
25 comments in their closing. I think it would be

1 good, as you've said, Madam Chair and the Vice
2 Chair, is that to have a specific list of those very
3 specific conditions in our record before we vote.
4 I'll just say this is gratuitously, you know, if the
5 Wings place can't locate on Georgia Avenue, I think
6 my neighbors in my ANC in 3C, would welcome you in
7 on Connecticut Avenue or Cleveland Park where we
8 have a lot of vacancies and don't have an over
9 concentration of wings places. So maybe that could
10 be your plan B.

11 VICE CHAIR GOLDSTEIN: I thank you for your
12 presentation and the latest points. You know, my
13 hope had been that you would submit a full list of
14 the conditions, and we'd allow the ANC to respond to
15 that list. And potentially one can hope, but maybe
16 this isn't likely, that they may say, wow, these are
17 far more robust than even an earlier version of
18 these conditions, and maybe, just maybe there's more
19 common ground, although it may not be ultimately
20 what they want.

21 I hear from you that there's a real timing
22 aspect to this, which is a little bit unfortunate as
23 one more hearing date before the August recess. Are
24 you stating that this cannot wait until after
25 August?

1 MS. WILSON: Yes. It really does create a
2 massive impact because we are looking at a full
3 order at this point, and the timeline is already
4 tight. So, if this is delayed to even the first
5 date in September, we're only a month out from that
6 deadline where the lease terminates. I do think if
7 this were voted on -- as of now, it's going to be an
8 extremely tight timeline no matter what. But if
9 this is voted on next week and we can submit the
10 conditions right now, I'm sure my admin has probably
11 already submitted them, just trying to get ahead of
12 this issue so we can submit them today. But yes, if
13 there's not a vote next week, I mean, this falls
14 apart unfortunately. Next week, if there's a vote
15 either way, at least there will be some movement
16 forward.

17 VICE CHAIR GOLDSTEIN: Okay. Thank you.

18 CHAIRPERSON POURCIAU: Ms. Lindsjo, did you
19 have any additional comments or questions?

20 MEMBER LINDSJO: Not at this time. Thank
21 you.

22 CHAIRPERSON POURCIAU: Okay. I think that
23 we have heard a lot of -- well, I know we've heard a
24 lot of testimony. I think the Board is ready to
25 deliberate. I'll one more time, thank everyone for

1 their participation today and ask that we close the
2 hearing and the record and excuse the witnesses.

3 MR. WARBURTON: May I make a request that
4 the record not be closed for maybe one day? Just
5 because I would like to be able to respond to
6 whatever the applicant had presented today since I
7 was not able to ask questions during the hearing. I
8 would like to be able to just perhaps submit one
9 more thing tonight as my form of response. Would
10 that be allowable?

11 VICE CHAIR GOLDSTEIN: Maybe we can
12 deliberate on that, Madam Chair.

13 CHAIRPERSON POURCIAU: Okay. All right.
14 Thank you, Vice Chair. We will deliberate on that.

15 MR. WARBURTON: Thank you.

16 CHAIRPERSON POURCIAU: Thank you, Mr.
17 Warburton. Okay. I believe the record is closed.
18 I think there is significant documentation that
19 needs to be presented. There were substantial
20 documents in the record, but I was not clear on who
21 had presented those. I think, Vice Chair Goldstein,
22 with your questions, it added some clarity that
23 there were couple versions of things submitted by
24 the applicant and not by the ANC itself.

25 I am concerned about rushing this too much,

1 you know, as timing can be unfortunate. But I don't
2 think we can change our process because of that.
3 You know, we've been saddled with a lot of timing
4 issues that have been caused, you know, by this
5 board as well as by other things. I'm not as
6 concerned about the time as maybe others might be in
7 order to give this the time that it needs to be
8 properly vetted. Because of the urgency of time, we
9 did not postpone this case today.

10 And, luckily, the ANC commissioner found a
11 way to, even though it, you know, seemed like
12 somewhat of a hardship, but he went out of his way
13 to be here. I think the last thing I want to say at
14 this point is just that many of the items that I
15 hear the ANC and the opponents present on the
16 record, unfortunately, are beyond our purview. And
17 so I am also concerned about how those requests will
18 play out in their deliberations. But, you know, I
19 feel that they should be given time to deliberate
20 again on a list that might be more clear and
21 comprehensive. I feel initially, before the
22 commissioner asked for the record to remain open, I
23 felt like I wanted to move this to a decision
24 hearing for a decision. I felt like that should
25 happen in September because next week is already

1 pretty full, and that would be a very quick
2 turnaround for such an extensive amount of
3 information to be collaborated upon. So that's what
4 I'm thinking. Other thoughts?

5 VICE CHAIR GOLDSTEIN: Well, I think, you
6 know, ideally we'd have more time. I'm just taking
7 the applicant's statement as true that they are
8 under time pressure. One, just a thought
9 experiment, I mean, what if we said we'd set it for
10 a decision next week? The applicant is given a date
11 tomorrow, let's say by close of business, to get
12 that list of conditions and address any items. Then
13 we leave it open to the ANC representative to react
14 to it by a certain date prior to next week's
15 hearing. Not ideal. And if we do not feel
16 satisfied with how it turns out, we don't have to
17 decide it next week for whatever reason we don't
18 feel satisfied. Maybe we will feel satisfied that
19 it's been properly discussed that's one path. I
20 think that yeah, I'd love to just talk to you a
21 little bit more potentially about what our options
22 are.

23 COMMISSIONER MILLER: I think that's a good
24 suggestion, Vice Chair, as you usually do provide.
25 So I appreciate that option.

1 MS. MEHLERT: If I may interrupt, I just
2 wanted to note that the applicant did submit that
3 list of conditions just now.

4 COMMISSIONER MILLER: Oh. I didn't know
5 that. Okay.

6 MS. MEHLERT: That is in the record. I'm
7 not sure if there was additional information that
8 the Board wanted.

9 COMMISSIONER MILLER: Well, we obviously
10 haven't had time to read them but --

11 VICE CHAIR GOLDSTEIN: Well, I think that's
12 a start. We can certainly discuss whether there's
13 any additional items we want. But I wonder if now
14 we could give the ANC representative, or if we want
15 to open it up further, we can, a date to react to it
16 and put a filing in, if they so desire. Then we can
17 see where we land next Wednesday.

18 CHAIRPERSON POURCIAU: Yes. I mean, I
19 think we could ask the ANC to respond, you know, by
20 Friday, I think maybe Monday at the latest. So we
21 would have it in advance of our closed session to
22 review what's on the agenda for Wednesday. Ms.
23 Mehlert, do you have any scheduling concerns about
24 that?

25 MS. MEHLERT: No, I mean, you can certainly

1 request that the ANC's response come in by COB next
2 Monday or just next Monday. Again, if there was
3 anything else that that you wanted from the
4 applicant, you could ask them -- they could submit
5 that by tomorrow. So it's up to the Board, but
6 yeah.

7 CHAIRPERSON POURCIAU: Is there any thought
8 about -- which I really don't want to do -- but
9 about reopening the record and having the hearing as
10 a continuance? Okay, just thought I'd put it out
11 there. Thank you. Thank you.

12 VICE CHAIR GOLDSTEIN: Yeah. And I also
13 wouldn't want to preclude the applicant engaging
14 more directly with the ANC representative if there
15 could be some benefit in -- they've submitted their
16 conditions today, we're asking the ANC, and if we
17 want to open it up further, you know, others to be
18 able to submit if we want, but I wouldn't want to
19 preclude the applicant from also engaging the ANC
20 representative and see if there's any additional
21 common ground that can be reached. I'd love to
22 leave the record open for that as well.

23 CHAIRPERSON POURCIAU: Yes. All right, I
24 think we have a decision. Ms. Lindsjo, what do you
25 think?

1 MEMBER LINDSJØ: That seems like a good
2 step.

3 CHAIRPERSON POURCIAU: Great. All right,
4 so we will move this to a decision meeting next week
5 with the request that we have received a follow-up
6 concise community agreement proposal from the
7 applicant. Hopefully, it takes into account the
8 list of items of concern, which I'm going to state
9 as I heard them: drop off/pick up, a clearer
10 definition or mitigation of hardship, trash from
11 walkouts, litter and rodents, loitering and public
12 safety, over-concentration, odor, smells, and
13 ventilation, closing time. Those are all the things
14 I had listed that I heard from the ANC and the
15 opposition.

16 VICE CHAIR GOLDSTEIN: And I think that the
17 applicant's list of conditions is even longer on
18 some other topics, such as the length of time for an
19 order and the like. So I think you're absolutely
20 right, Madam Chair. We'll ask the applicant for a
21 very robust set of conditions, and if the list
22 they've submitted isn't as robust as it should be
23 given some of the additional points you've raised,
24 they can supplement it.

25 COMMISSIONER MILLER: I don't know if you

1 mentioned this, but the, I think, the opposition did
2 mention the whole delivery, pickup, traffic --

3 CHAIRPERSON POURCIAU: Yeah.

4 COMMISSIONER MILLER: -- impact. Even
5 though we have a DDOT no objection.

6 CHAIRPERSON POURCIAU: Yeah.

7 COMMISSIONER MILLER: Letter or record, but
8 if they could just respond to that as well.

9 COMMISSIONER MILLER: Again, I think they
10 have that in the record, but just --

11 CHAIRPERSON POURCIAU: Very good. I have
12 that. Thank you. And I did not list the items that
13 I felt were beyond our purview, so we'll see how
14 that plays out as well. I guess, you know, that is
15 a negotiating point if the ANC wants to include
16 those items. I do have a question about the drop-
17 off/pickup. The applicant said they had met with
18 DDOT, and they talked about changing the use of the
19 curb space. Is that something we can condition on
20 this application?

21 COMMISSIONER MILLER: I think we can. I
22 know there's been disagreement amongst me and other
23 BZA Board members in the past about that issue,
24 about conditioning on DDOT condition, but I think we
25 can.

1 CHAIRPERSON POURCIAU: Yeah. All right. I
2 think we're done with that application for now.

3 MS. MEHLERT: So just to -- just to --

4 CHAIRPERSON POURCIAU: I just want to --

5 MS. MEHLERT: Oh, sorry.

6 CHAIRPERSON POURCIAU: -- make sure that
7 you understood the dates and -- and the like, Ms.
8 Mehlert, if you want to recap.

9 MS. MEHLERT: I was --

10 CHAIRPERSON POURCIAU: Yeah.

11 MS. MEHLERT: -- yeah, I was going to just
12 kind of recap and just since it sounds like you want
13 to give the applicant maybe an additional
14 opportunity to submit other supplemental things,
15 maybe I was going to suggest by tomorrow, have the
16 applicants submit whatever they want to submit by
17 tomorrow, and then the ANC's response to that due
18 by, again, next Monday, and then come back for a
19 decision on Wednesday.

20 CHAIRPERSON POURCIAU: Yes, that sounds
21 perfect. Thank you, Madam Secretary. I'd like to
22 take a five-minute break, and we've got two more
23 cases. I'm hoping we can plow through those. All
24 righty. I'll see you all back here -- well, let's
25 just say at 5:00. Thank you.

1 (Whereupon, the above-entitled matter went
2 off the record at 4:55 p.m. and resumed at 5:00
3 p.m.)

4 CHAIRPERSON POURCIAU: All right, we've got
5 two more cases. The next one is Number 21463. Ms.
6 Mehlert, would you please read it into the record?

7 MS. MEHLERT: Yes. Next is Application
8 Number 21463 of Adam Finkel and Megan Crowe. As
9 amended, this is a self-certified application
10 pursuant to Subtitle X, Section 901.2 for special
11 exceptions under Subtitle E, Section 207.5 to allow
12 the rear wall of a row building to extend farther
13 than 10 feet beyond the farthest rear wall of any
14 adjoining principal residential building on any
15 adjacent property, and under Subtitle E, Section
16 204.4 to allow removal or significant alteration of
17 a rooftop architectural element original to a
18 principal building. This is for a new third story
19 and three-story rear addition on an existing two-
20 story attached principal dwelling. It's located in
21 the RF-1 zone at 443 17th Street Southeast, Square
22 1090, Lot 42.

23 CHAIRPERSON POURCIAU: Thank you. I see we
24 have the agent, Mr. Gordon, here and I'm hoping we
25 can begin. Do you have a presentation for us, Mr.

1 Gordon?

2 MR. GORDON: I do indeed. I believe I sent
3 that to Mr. Young.

4 CHAIRPERSON POURCIAU: Yes. Mr. Young, if
5 you can load it up. You can proceed at any time.
6 Thank you.

7 MR. GORDON: Okay, thank you. Good evening
8 to you all. My name is Damarr Gordon. I am
9 representing Busar and our clients Adam Finkel and
10 Megan Crowe, who are the homeowners at 443 17th
11 Street, SE, which is an existing two-story row home
12 that's attached on both sides and we are proposing a
13 project with the scope of work of an interior
14 remodel as well as a third story addition and a rear
15 yard addition.

16 Specifically, we are pursuing two special
17 exceptions. The first being an exception to
18 Subtitle E Section 204.1 due to our desire to remove
19 the existing rooftop element, which in this case is
20 a cornice. And also a special exception to Subtitle
21 E, Section 207.5, which is due to our desire to
22 extend the rear yard addition back 16 feet, which is
23 6 feet over the allowable 10 feet. We've already
24 presented this project to the ANC and the Capitol
25 Hill Restoration Society and they have both approved

1 our project and our pursuance of these special
2 exceptions. We've also received a letter from the
3 Office of Planning that also approved this project.

4 Lastly, we've also received two support letters
5 from both adjacent neighbors to the property in
6 support of our pursuance of these special
7 exceptions.

8 To get started, I will start with some site
9 photos, the first three of which pertain to the
10 first special exception for the removal of the
11 cornice and the rest which pertain to the rear yard
12 addition. I think we can zoom into these specific
13 pictures as I talk about them. I'm assuming we're
14 in some sort of like a full display mode. Okay.
15 Awesome. In this first photo, you can see the
16 existing facade of our proposed property, and you
17 can see the existing cornice condition. Our
18 property is in the middle. It's the lighter brick
19 building. And you can see the existing cornice that
20 we are proposing to remove. You can also see that
21 on either side of the property, the adjacent
22 buildings -- so to the south and to the north, which
23 in this case are the buildings to the left and to
24 the right -- they do not share that same cornice
25 condition. We will explore that more in photo

1 number 2. Photo number 2, this is looking to the
2 left of the house, which is to the south of the
3 block. So our existing house is seen in the sort of
4 white brick that is the rightmost building in this
5 photo. If you look further down the block, you can
6 see some uniformity with the cornice conditions in
7 the row homes. There are four of them, but that
8 uniformity is broken by the adjacent house to our
9 subject property, which is that house that has that
10 purplish siding that goes directly up to the roof
11 and has no prominent cornice condition to speak of,
12 which creates the start of the disharmony on this
13 block. Can we scroll down to the third photo?

14 Okay, continuing on that theme of the
15 disharmony of the block. Now we are looking to the
16 right of the existing house, so up north up the
17 block. There you can see that there are some three-
18 story buildings that are made of brick and feature
19 completely different cornice types and also have
20 some differentiations as far as the verticality of
21 the rooftop elements. Having said all of this, we
22 don't think that removing the cornice of the
23 existing property will result in any significant
24 changes to the harmony or rhythm or character of the
25 block, as there is not a high level of uniformity to

1 begin with due to the variety of rooftop elements
2 and building types that exist on this block.

3 Now we can go to the next photo, photo 4,
4 which is in the rear yard. Again, this pertains to
5 the second special exception that we are seeking to
6 extend the rear yard addition that we're proposing
7 16 feet into the rear yard. So it's 6 feet more
8 than what is allowed. In this photo, you can see
9 the existing property, which is that white row home
10 with the white siding and you can see that it is
11 flush with the property to the south, which is the
12 property to the right in this photo. We are
13 proposing to go 16 feet from the face of this
14 property into the rear yard. We can go to the next
15 page.

16 Okay, so now in photo 3 in the top left,
17 you can see the existing property to the north of
18 our subject property. This property is already
19 extended 10 feet into the rear, so it is 10 feet
20 from the face of our property. And so we are
21 proposing to go 6 feet past this property, so 16
22 feet in total and 6 feet past the existing property
23 to the north, which is that brown brick building to
24 the left of our property in photo number 3. Photo
25 number 4 is just another photo of the existing

1 conditions in the rear yard.

2 Photo number 5 is significant because this
3 is the photo looking into the rear yard, so you can
4 see how big the lot is. So even with our proposal
5 to extend the rear yard 16 feet into the rear of the
6 property, we are only increasing our lot occupancy
7 from 36 percent to 50 percent. So still well below
8 the 60 percent mark that we are allowed in an RF-1
9 zone. We can go to the next slide.

10 Now, I'll get into some of the
11 architectural plans and sections and elevations.
12 And again, even with the 16-foot proposal we are
13 still well below the 60 percent mark at only 50
14 percent lot occupancy. You can go to the next
15 slide. Okay. Here is a site plan just showing the
16 proposed rear yard and third story addition in
17 context to the rest of the block. You can go to the
18 next slide, please.

19 Here's the floor plan of the first level.
20 If you look to the rear which is plan left in this
21 case, you can see the setback in context to the
22 adjacent building. You see that rear yard addition
23 that's going 16 feet past that southern property and
24 then 6 feet past that northern property. And you
25 can just see the extent of the interior remodel that

1 is proposed. Next slide, please. Here, more of the
2 same. You can see the footprint of the rear
3 addition, so 16 feet past that southern property and
4 6 feet past the northern property, and the extent of
5 the bedrooms on the second floor. Next slide,
6 please.

7 Here is the new third story edition which
8 consists of the primary suite and a rear yard deck.

9 Next slide, please. This is the roof plan with the
10 roof slopes. Next slide, please. Here are the
11 proposed elevations. Here you can see the east
12 elevation with the removal of the cornice that was
13 at what is now level 3 and the addition of a new
14 cornice at the new rooftop level, which is now 10
15 feet above where it used to be. Then also you can
16 see the west elevation which has the facade of the
17 proposed rear yard addition. Next slide, please.

18 Here we have the south elevation, and you
19 can see the extent of the rear yard addition, so 16
20 feet past the southern elevation as well as the
21 third story edition above. Next slide, please.

22 Here we have the north elevation, so it's 6 feet
23 past that existing row home, and you can see the
24 extent of the third story edition here as well.

25 Next slide, please.

1 Here's a section showing the extent of the
2 interior remodel as well as the extent of the
3 proposed additions. Next slide, please. Here's a
4 section just cut the other way showing the extent of
5 the interior remodel. Next slide, please. This is
6 just the demolition work that is proposed. Next
7 slide, please.

8 We did some sun studies. We took these at
9 both the summer and winter solstice at 9:00 a.m., at
10 noon, and at 3:00 p.m. We compared the matter of
11 right, so that's what's seen on the left. So that
12 is just going back the allowed 10 feet which matches
13 the property to the north. We compared that to the
14 proposed 16 feet rear yard edition, which is the
15 image that can be seen to the right of this image.
16 And so at 9:00 a.m. during the summer solstice,
17 there's no additional shadows to the adjacent
18 properties. Next slide, please. We did the same
19 thing for noon, and at noon, you can see there's
20 only a slight bit of solar increase as delineated by
21 that red shadow box that you can see in the proposed
22 side of this exhibit. Next slide, please. At 3:00
23 p.m., same deal, a very tiny bit of shadow increase
24 seen on the northern property. Next slide, please.
25 Then we have the winter solstice. This is the

1 winter solstice at 9:00 a.m., and as you can see,
2 there's no additional shadows to the adjacent
3 property. Next slide, please. Here we have the
4 summer solstice at noon, and the shadow increase can
5 be seen on the northern property as delineated by
6 that red shadow figure on the proposed side of the
7 exhibit. Next slide, please. Then at 3:00 p.m.,
8 there's no additional shadows to the adjacent
9 property. Next slide, please. Lastly, we have some
10 3D images of the proposed design. Here in the first
11 image, you can see the removal of that existing
12 cornice that was on that second story line and the
13 new cornice that is at that new rooftop. And then
14 on the second image, you can see the elevation of
15 the proposed rear yard addition. Then in images 3
16 and 4, you can see an aerial view of the proposed
17 rear yard addition in context to the existing row
18 homes that are adjacent. I think we went back to
19 the first floor plan somehow. Okay, there we go.
20 And this is the last slide anyway. That is all I
21 have. Thank you for your time, and I'd be happy to
22 answer any questions that you may have.

23 CHAIRPERSON POURCIAU: Thank you for a
24 clear, concise presentation. We appreciate Mr.
25 Gordon at this late hour. Are there any questions

1 from the Board members? I'll ask Vice Chair
2 Goldstein to go first, please.

3 VICE CHAIR GOLDSTEIN: Thank you very much.
4 Kind of two areas of questions. The first: I'm
5 really pleased to see that your neighbor,
6 particularly both neighbors but the neighbor to the
7 south, put in a letter of support. I'm guessing you
8 all have been in communications about this. I feel
9 like although the shadow study didn't seem to reveal
10 it, I feel like the massing of this project could be
11 more impactful to the neighbor to the south just
12 visually. That neighbor has put in a letter of
13 support, so I'm guessing you all have had some good
14 relations in exploring this project together?

15 MR. GORDON: Yep, that's correct. The
16 homeowners have been in frequent communication with
17 both neighbors. The neighbor on the south did
18 support a -- did submit a letter of support. She
19 did have one sort of like a stipulation, which is
20 that she wanted some sort of a contingency plan just
21 for the construction as far as protecting her
22 property should anything be damaged, which is just a
23 sort of general construction area of expertise and
24 not so much BZA. But we are taking that very
25 seriously, and we plan to work with her very closely

1 once construction gets started. We'll do our
2 absolute best to not inconvenience her, and
3 obviously we'll ease any concerns that she may have
4 once construction starts.

5 VICE CHAIR GOLDSTEIN: And the neighbor to
6 the north, I didn't see -- I don't recall any
7 additional stipulations. They were just supportive
8 of the project as presented. Is that right?

9 MR. GORDON: They were indeed. They both
10 sent. There are two homeowners to the north, and
11 they both sent in letters of support.

12 VICE CHAIR GOLDSTEIN: Great. The Office
13 of Planning and I think the Capitol Hill Restoration
14 Society kind of raised this false cornice idea, and
15 I surmise that you all are not interested in that --
16 that you feel like the cornice at the top should be
17 where the cornice is. Can you explain? I mean,
18 both of them have recommended it, so I'm just kind
19 of curious why that is not something you want to do.

20 MR. GORDON: Well, I think the Office of
21 Planning, and I could be wrong, but when I read the
22 OP review, they suggested that they wanted to see a
23 cornice at the new roof peak --

24 VICE CHAIR GOLDSTEIN: Oh, I think you're
25 right.

1 MR. GORDON: -- in order to maintain
2 consistency -

3 VICE CHAIR GOLDSTEIN: Yep.

4 MR. GORDON: -- with the general character
5 of the house. So, that was something that we
6 explored and, you know, we talked to the homeowners
7 and also the construction managers that will be
8 constructing this project about the idea, and they
9 felt that it was an undue economic cost for the
10 owners, especially considering that the block is not
11 the most uniform as shown in the site photos.
12 There's a wide variety of rooftop elements. I think
13 it'd be one thing if there was a consistent sort of
14 language throughout the entire block, but with this
15 particular block, there's already so much variety
16 that we don't think that a false cornice where the
17 existing cornice used to be would be all that
18 necessary.

19 VICE CHAIR GOLDSTEIN: And you have
20 introduced a new cornice at the roof peak, which is
21 consistent with the Office of Planning's suggestion.
22 Is that right?

23 MR. GORDON: Correct. Correct. There's a
24 new cornice --

25 VICE CHAIR GOLDSTEIN: Okay.

1 MR. GORDON: -- at the roof peak on the new
2 third level.

3 VICE CHAIR GOLDSTEIN: Okay. Thank you.
4 Those are all the questions I have for now.

5 MR. GORDON: Thank you.

6 CHAIRPERSON POURCIAU: Thank you. Board
7 Member Lindsjo, any questions or comments?

8 MEMBER LINDSJ0: Yes. Thank you. The only
9 thing I just wanted you to go over if you could, how
10 many feet is off from both neighbors. I couldn't
11 see that in any of the elevation.

12 MR. GORDON: You mean the rear yard
13 setback?

14 MEMBER LINDSJ0: Yeah. So like, because
15 from the --

16 MR. GORDON: Yeah, so --

17 MEMBER LINDSJ0: -- neighbors to the south,
18 you're jutting out.

19 MR. GORDON: Mm-hmm. Yeah, so --

20 MEMBER LINDSJ0: Yeah.

21 MR. GORDON: -- those were shown in the
22 floor plans as well as some of the elevations. I
23 don't know if we can pull those back up, but I'd be
24 glad to show you. Maybe we can't pull them up.

25 CHAIRPERSON POURCIAU: Mr. Young, can you

1 bring the presentation back up, please?

2 MR. GORDON: If we could just go back to
3 any of the floor plans or the elevations. Actually,
4 the floor plans might be a bit better. Any of the
5 floor plans would work. So back a few more.
6 Perhaps the page, maybe page -- maybe 9 or 8 or 7 or
7 6. I think it's going to be 6 is the one I want.
8 Can we go back one more? Okay, here we go. So in
9 this floor plan, you can see the setback that we
10 were proposing from the existing adjacent
11 properties. So if you look at the bottom of the
12 plan, you can see that 16-foot dimension marker, so
13 that the new face of the rear yard addition will be
14 16 feet from the face of the existing adjacent
15 property to the south and then 6 feet from the face
16 of the existing adjacent property to the north.

17 VICE CHAIR GOLDSTEIN: And that's the
18 second floor that's being represented here? Is that
19 right?

20 MR. GORDON: Yes, this is the second floor
21 plan.

22 VICE CHAIR GOLDSTEIN: And the third floor
23 is a little bit different. Is that --

24 MR. GORDON: It's a little different, yeah.
25 The third floor plan is the next floor plan. So if

1 you go to number 7 in the file. Yes, so this is the
2 next floor, the third floor. This is the brand-new
3 third story addition, and this is where the primary
4 suite is as well as a rear yard deck.

5 CHAIRPERSON POURCIAU: Thank you.

6 MR. GORDON: You're welcome.

7 CHAIRPERSON POURCIAU: Thank you.

8 Commissioner Miller, any questions for the applicant
9 or agent?

10 COMMISSIONER MILLER: I have no questions
11 or comments. Thank you.

12 CHAIRPERSON POURCIAU: Okay, thank you. I
13 think we'd like to hear the Office of Planning
14 report at this time.

15 COMMISSIONER MILLER: It looks like Vice
16 Chair Goldstein has something to say.

17 CHAIRPERSON POURCIAU: Oh.

18 VICE CHAIR GOLDSTEIN: I'm so sorry. I
19 just saw my notes, a reference to a late submission
20 by the applicant that was not submitted within 30
21 days of the motion to waive for issues of
22 timeliness. I have no objection to us waiving it.
23 I saw that in my notes, something that we should
24 remark upon.

25 CHAIRPERSON POURCIAU: Thank you for that,

1 Vice Chair. We'd like to hear from the Office of
2 Planning now. Mr. Mitchum, are you available?

3 MR. MITCHUM: Yes, I am. Sorry, I don't
4 know what's going on with my camera. Let's see.
5 Switch share. Okay, there we go. All right. Good
6 afternoon, Madame Chair, members of the Board. My
7 name is Joshua Mitchum with the Office of Planning.

8 We want to reiterate that we are in support of the
9 subject application and are willing to rest on our
10 staff report in the record. And also, I just want
11 to clarify just to confirm, Vice Chair Goldstein,
12 that we did update our recommendation to
13 recommending the cornice on the new spec. So that
14 is consistent and correct with our recommendation.

15 CHAIRPERSON POURCIAU: Excellent. Any --

16 MR. MITCHUM: And --

17 CHAIRPERSON POURCIAU: Go ahead. Sorry.

18 MR. MITCHUM: Oh, no, I was going to say,
19 and that concludes my report. Thank you very much.

20 CHAIRPERSON POURCIAU: Okay. Thank you.
21 Any questions from Board members for OP? No? Okay.

22 Thank you again, Mr. Mitchum. We will go on to
23 there are no other government agencies to report.
24 The ANC is not present, I do not believe. No, no
25 ANC. There were no parties or individuals signed up

1 in support or in opposition. With that, I'd like to
2 ask the applicant if they would like to give us any
3 closing remarks.

4 MR. GORDON: No closing remarks from me.
5 But thank you all for your time.

6 CHAIRPERSON POURCIAU: Any additional
7 questions for the applicant?

8 COMMISSIONER MILLER: No, but I would just
9 comment that even though ANC 7D, is not here, we do
10 have their letter in unanimous support, I believe,
11 at Exhibit No. 35 for this application.

12 CHAIRPERSON POURCIAU: Thank you for
13 putting that in the record. With that, I believe
14 the Board is ready to deliberate. We will close the
15 hearing and the record. Thank you for your
16 participation from both Mr. Gordon and Office of
17 Planning, and we will proceed to deliberate and
18 discuss the case. Cut him off right as he was
19 talking, but that's okay. All right, this one looks
20 pretty good. Everything seems in place. Good
21 comments from the ANC and from OP. Good
22 presentation. Lots of good support and
23 collaboration. Any other comments on this
24 application? So, if there's nothing else, I think
25 I'll enter a motion to approve Application No. 21463

1 as read by the secretary. Is there a second?

2 MEMBER LINDSJO: I second it.

3 CHAIRPERSON POURCIAU: Madam Secretary,
4 would you call the vote, please?

5 MS. MEHLERT: Please respond to the Chair's
6 motion to approve the application. Chair Pourciau?

7 CHAIRPERSON POURCIAU: Yes.

8 MS. MEHLERT: Vice Chair Goldstein?

9 VICE CHAIR GOLDSTEIN: Yes.

10 MS. MEHLERT: Board Member Lindsjo?

11 MEMBER LINDSJO: Yes.

12 MS. MEHLERT: And Commissioner Miller?

13 COMMISSIONER MILLER: Yes.

14 MS. MEHLERT: Staff will record the vote as
15 four to zero to one to approve Application Number
16 21463 on the motion made by Chair Pourciau and
17 seconded by Board Member Lindsjo.

18 CHAIRPERSON POURCIAU: And would you read
19 our last case into the record, number 21465?

20 MS. MEHLERT: The last case is Application
21 Number 21465 of Jesse and Kristen Connell. As
22 amended, this is a self-certified application
23 pursuant to Subtitle X, Section 901.2 for a special
24 exception under Subtitle E, Section 5201 from the
25 side yard requirements of Subtitle E, Section 208.5.

1 This is for a two-story rear addition to an
2 existing two-story semi-detached principal dwelling
3 and a new two-story accessory structure in the rear
4 yard to be used as a second principal dwelling.
5 Property is located in the RF-1 zone at 1724 Potomac
6 Avenue SE, Square 1102, Lot 92.

7 CHAIRPERSON POURCIAU: Thank you. I think
8 that Ms. Wilson is a Board member because I feel
9 like she's been with us here all day. Thank you for
10 your patience.

11 VICE CHAIR GOLDSTEIN: She's going to need
12 the August recess more than us, it seems.

13 CHAIRPERSON POURCIAU: Yes.

14 MS. WILSON: Yes. I'm looking forward to
15 it. And I will try to make this quick because the
16 case is pretty straightforward, and I'm sure
17 everybody, including me, is sick of hearing me talk
18 today.

19 CHAIRPERSON POURCIAU: Thank you, Ms.
20 Wilson. Please proceed.

21 MS. WILSON: Wonderful. Thank you so much.
22 For the record, my name is Alex Wilson from
23 Sullivan and Barros. I am here with the homeowner,
24 Jesse Connell. He and his wife, Kristen, are the
25 homeowners of this house at 1724 Potomac Avenue SE.

1 The property is located in the RF-1 zone.

2 The applicant is requesting special
3 exception relief to eliminate an existing non-
4 conforming side yard pursuant to Subtitle E Section
5 208.5. And we saved the best for last here because
6 we have everyone supporting, we have the Office of
7 Planning recommending approval. ANC 7D voted
8 unanimously to support. The Capitol Hill
9 Restoration Society is supporting, and both adjacent
10 neighbors have submitted letters of support.

11 Next slide, please. Thank you. The
12 principal building has two stories used as a single
13 family dwelling. The project consists of a rear
14 addition to that principal dwelling, and that rear
15 addition will also be extending the building and
16 closing the side yard. Then there's a new accessory
17 building at the rear of the lot, and that will be
18 used as a second principal dwelling unit, which is
19 permitted as a matter of right. The relief relates
20 to the rear addition. As I noted, we are
21 eliminating an existing non-conforming side yard
22 there.

23 Just for some background, because we're
24 going to show photos of the completed project, this
25 isn't really part of the special exception test, but

1 the owners obtained a building permit from DOB to do
2 this exact project, and the construction was nearly
3 complete by the time that DOB came back to the
4 Connell's and said their permit was determined to
5 have been issued in error by DOB. So DOB told them
6 they'll allow the owners to close out the project
7 and resolve the issue if they apply for special
8 exception relief. We didn't feel that it would be
9 particularly risky to do so, so this is the path
10 we've taken instead of applying for an appeal or
11 anything like that. It is a minor amount of relief.

12 For better or worse, we actually have
13 photos of the project that we are requesting to have
14 approved that does help demonstrate what is being
15 requested.

16 Next slide, please. Thank you. As I
17 mentioned, we have broad support. Next slide,
18 please. This is the site plan. That arrow is
19 pointing to the location of where the side yard is
20 being closed. As you can see, this lot and the lots
21 adjacent to the right begin to angle away from the
22 street. And what's unique and interesting about
23 this property is that it has some frontage on E
24 Street as well, where it turns into Potomac Avenue.

25 So, the front of this lot is extremely wide, and

1 the building sits at an angle on its lot. This is
2 the RF zone, which is a rowhouse zone, and the
3 original house was the only semi-detached house. As
4 you can see in the site plan on the right where the
5 red rectangle is located, that's the part that's
6 being infilled. That wide open area to the left of
7 the house will remain.

8 Next slide, please. This is the before and
9 after really demonstrating what the primary change
10 is from the front. That yard remains open, and the
11 only visible change from the front is closing that
12 gap between the buildings and creating a rowhouse in
13 a rowhouse neighborhood. There are also some window
14 wells added to the side yard, but those are
15 permitted by right.

16 Next slide, please. This shows the before
17 with a straight-on view. Next slide, please. This
18 shows the after with a straight-on view. So, from
19 this angle there are no visible changes. Next
20 slide, please. This is the rear prior to any
21 construction. The addition is located in
22 approximately the location of the deck, and the
23 depth itself is permitted by right. It's not
24 against the 10-foot rule or anything like that. And
25 so the relief is just to extend the new addition, a

1 two-story addition, to the shared lot line on the
2 right just as the neighbors have done. And again,
3 both neighbors support.

4 Next slide, please. This is the end result
5 facing the rear of the building, a modest addition.

6 Next slide, please. This shows another angle of
7 the completed addition. As you can see, it
8 minimally extends beyond the adjacent neighbors.

9 Those regulations are met, and the new accessory
10 building is comparable to the accessory building on
11 the adjacent property. Next slide, please. Another
12 view. Next slide, please. This is the internal
13 view facing the accessory building and the alley.

14 Next slide, please. Thank you.

15 Next slide, please. In terms of meeting
16 the criteria for approval, the front façade and
17 streetscape remain mostly unchanged, and the
18 proposal is compatible with the surrounding
19 residential development. There will be no undue
20 impacts to neighbors as the existing side yard is
21 already narrow at two feet, one inch, and the
22 addition extends to the lot line only along a
23 limited interior portion. The building maintains
24 approximately 19.5 feet of open setback along the
25 front of the property, and there is no material

1 reduction of rear yard depth.

2 On privacy, there are no new windows or
3 balconies that would create direct views into
4 neighboring dwellings. The property and project is
5 oriented towards the rear and the alley, and it
6 maintains that same privacy that currently exists
7 between the properties on the block. On visual
8 character, there are no material alterations or
9 changes proposed to the front façade, and the
10 building will appear substantially unchanged from
11 Potomac Avenue. The rear addition is consistent in
12 scale and massing with nearby rear additions and
13 accessory structures.

14 Next slide, please. These are the
15 elevations. Next slide, please. Thank you. Next
16 slide, please. Thought it would be helpful again to
17 show the site plan now that the photos have been
18 shown. Next slide, please. Again the side-by-side
19 comparison of the before and after on the
20 potentially greatest impact, demonstrating that the
21 proposed relief meets the criteria and this will
22 allow the homeowners to close out the project and
23 issues with DOB as DOB reversed its permit issuance.

24 In conclusion, the requested relief
25 satisfies the special exception criteria. The

1 Office of Planning recommends approval. The
2 application has the unanimous support of ANC 7D.
3 Both adjacent neighbors support and the Capitol Hill
4 Restoration Society supports, and the applicant
5 respectfully requests that the Board grant the
6 relief requested, and we are happy to answer any
7 questions. Thank you.

8 CHAIRPERSON POURCIAU: Thank you. Vice
9 Chair Goldstein, do you have questions for the
10 applicant?

11 VICE CHAIR GOLDSTEIN: Just a couple.
12 Thank you very much for the presentation. I am also
13 very heartened to see all the support that's out
14 there. It's encouraging. I do want to ask, what
15 precipitated the stop work order? I just don't
16 understand how the project got that complete before
17 this zoning issue was identified. Can you help me
18 understand this?

19 MS. WILSON: I don't know. I've had
20 projects that are, like, fully complete that are at
21 the period where they're supposed to be issued a C
22 of O, and then DOB comes back, My partner, Marty
23 Sullivan, pursued those projects. I can't think of
24 the addresses off the top of my head, but it does
25 happen.

1 VICE CHAIR GOLDSTEIN: Okay. Usually you
2 would think this would be like a wall check time or
3 something like that. Not quite where it got to.
4 Can you talk a little bit about the revised relief?

5 I saw -

6 MS. WILSON: Yes.

7 VICE CHAIR GOLDSTEIN: -- there was, I
8 think, perhaps some misunderstanding of whether it
9 was a conforming side yard or it wasn't a conforming
10 side yard, which may have precipitated some of the
11 change and then also some relief related to the
12 accessory building that went away. Could you just
13 discuss that briefly?

14 MS. WILSON: Yes, absolutely. Thank you
15 for raising both those points. The first one for
16 the side yard: DOB initially mentioned relief would
17 be needed for a conforming side yard, but we were
18 appreciative that the Office of Planning pointed out
19 that this is in fact a non-conforming existing side
20 yard, and so the section we needed was 208.5, not
21 208.4. So, we updated that in the record to have
22 that complete. And then the other question, oh,
23 for the accessory building, originally there was a
24 provision before the most recent changes, and I
25 don't know which text amendment it was, probably the

1 omnibus, where originally if you were constructing
2 an accessory building, it needed to be in existence
3 for five years before you could locate a principal
4 dwelling unit in the accessory structure. And that
5 recently changed with the adoption of, I believe,
6 the omnibus text amendment, so we were able to
7 remove that relief.

8 VICE CHAIR GOLDSTEIN: I'm not sure that
9 went away, and I just would -- I'm just looking at
10 the OZ version, and I still see that provision in
11 there, and that's been --

12 MS. WILSON: Okay, let me --

13 VICE CHAIR GOLDSTEIN: -- updated post
14 omnibus.

15 MS. WILSON: Okay. Let me look at the
16 official zoning regulations, I guess, for that,
17 because obviously we would want that on the record.

18 We needed to still seek that. But that's what I
19 saw on the latest draft of the omnibus. So I know
20 the DCOZ regulations are kept up to date, but there
21 are discrepancies, so I just want to double check
22 with you.

23 VICE CHAIR GOLDSTEIN: Okay. Thank you. I
24 just want to make sure that's vetted while you're
25 here.

1 MS. WILSON: Yeah, we're here. Absolutely.
2 Yes.

3 VICE CHAIR GOLDSTEIN: Thank you.

4 CHAIRPERSON POURCIAU: Okay. Ms. Lindsjo,
5 do you have any questions, comments?

6 MEMBER LINDSJO: None at this time.

7 CHAIRPERSON POURCIAU: Thanks.

8 MEMBER LINDSJO: Thank you for the
9 presentation.

10 CHAIRPERSON POURCIAU: Thank you.
11 Commissioner Miller, do you have questions or
12 comments?

13 COMMISSIONER MILLER: No, I think it's a
14 pretty straightforward case, and you got the support
15 of the Capitol Hill ANC and Capitol Hill Restoration
16 Society and OP. That's all pretty great.

17 I don't know the specifics on the Omnibus
18 zoning provision that applies or doesn't apply here,
19 but the whole point of that Omnibus was to simplify
20 and make it easier to do stuff. So that wasn't, in
21 BZA cases, objected to in the overwhelming majority
22 of BZA cases, so we were trying to just get rid of
23 burdensome regulations. But I don't remember right
24 now off the top of my head the specifics. Maybe OP.

25 CHAIRPERSON POURCIAU: And speaking of OP,

1 I think we are ready to hear their presentation.

2 Mr. Jurkovic?

3 MR. JURKOVIC: Perfect, Madam Chair. Yes.

4 CHAIRPERSON POURCIAU: Oh, thank you.

5 MR. JURKOVIC: Yes, for the record, this is
6 Mike Jurkovic with the Office of Planning. I'll
7 keep it short. OP stands on the record in our
8 report, and we recommend approval of the applicant's
9 relief. As Vice Chair Goldstein already mentioned,
10 we did work with the applicant to clarify the side
11 yard relief required for this application. And that
12 is all I have.

13 CHAIRPERSON POURCIAU: Thank you. Any
14 questions for OP? No. All right, thank you. There
15 are no other agencies that are here to present. We
16 have received the ANC report in support, which is
17 great. They are not here though. There are no
18 parties either in support or opposition, and no
19 individuals in support of or opposition. And so
20 we're ready to go back to you, Ms. Wilson. I don't
21 know if you've found the answer, but we'd love to
22 hear that, as well as any closing statement you'd
23 like to make.

24 MS. WILSON: Thank you so much. I did find
25 the answer, and my assumption is that perhaps the

1 unofficial regs on DCOZ's website have not been
2 updated. I see in ZC notice of final rulemaking
3 2512, page 47, use permissions for residential flat
4 zones is amended as follows. And then subsection
5 301.1 has the matter of right uses there, and it's a
6 permitted principal dwelling unit with an accessory
7 building subject to the following conditions. And
8 none of the conditions lists the five-foot or five-
9 year requirement. So I am comfortable based on the
10 final rulemaking that's been published following
11 these regs versus the ones that are online and
12 perhaps haven't been updated, as this is self-
13 certified.

14 CHAIRPERSON POURCIAU: Great. Anything
15 else you want to add?

16 MS. WILSON: Just that the record is clear
17 that the proposed addition will not impact the
18 light, air, privacy, or character of this block, and
19 we respectfully request the relief granted. Thank
20 you so much.

21 CHAIRPERSON POURCIAU: You're welcome. I
22 don't believe there are any additional questions or
23 comments from the Board. Seeing none, I would like
24 to thank you for your participation today as well as
25 the participation of the Office of Planning. I ask

1 that the Board proceed to deliberation. We can
2 close. Please close the hearing and the record, and
3 then we'll deliberate on this case. Excellent.
4 Does anyone want to make a motion, or is there any
5 further deliberation that you would like to have?

6 VICE CHAIR GOLDSTEIN: I think the record
7 is full. I think the applicant has satisfied the
8 standards, and I'd be ready to move to approve it.

9 CHAIRPERSON POURCIAU: Please proceed.

10 VICE CHAIR GOLDSTEIN: Sorry, let me pull
11 up the case caption for the -- I would move to
12 approve Application Number 21465 at 1724 Potomac
13 Avenue SE as read and captioned by the secretary.
14 Thank you.

15 CHAIRPERSON POURCIAU: I second. Madam
16 Secretary, would you call the vote, please?

17 MS. MEHLERT: Please respond to the Chair
18 or to the Vice Chair's motion to approve the
19 application. Chair Pourciau?

20 CHAIRPERSON POURCIAU: Yes.

21 MS. MEHLERT: Vice Chair Goldstein?

22 VICE CHAIR GOLDSTEIN: Yes.

23 MS. MEHLERT: Board Member Lindsjo?

24 MEMBER LINDSJO: Yes.

25 MS. MEHLERT: Commissioner Miller?

1 COMMISSIONER MILLER: Yes.

2 MS. MEHLERT: Staff will report the vote as
3 four-to-zero-to-one to approve Application Number
4 21465 on the motion made by Vice Chair Goldstein and
5 seconded by Chair Pourciau.

6 CHAIRPERSON POURCIAU: I want to thank
7 everybody for a very productive day. Staff in
8 particular, we couldn't do it without your support.
9 And thank you to the Board members. It's nice to
10 have four of us here.

11 COMMISSIONER MILLER: Thank you.

12 CHAIRPERSON POURCIAU: Wishing everybody a
13 nice evening.

14 COMMISSIONER MILLER: Thank you, Chair, for
15 your leadership.

16 VICE CHAIR GOLDSTEIN: Thank you.

17 COMMISSIONER MILLER: And patience with
18 everybody. It was a longer day, I think, than
19 anybody anticipated.

20 MEMBER LINDSJO: Yes, for sure. All right.
21 See you all next week.

22 VICE CHAIR GOLDSTEIN: Thank you.

23 (Whereupon, the above-entitled matter went
24 off the record at 5:47 p.m.)
25

C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.



Evan Weatherby

\$	100 59:22	15,000 182:10	1st 227:15
\$1.3 182:19	1002 146:11	16 241:22 244:7,13,21 245:5,23 246:3,19 247:14 253:14	2 79:23 80:16 243:1
\$100,000 185:5	101.6 88:21	16-foot 245:12 253:12	2,500 147:18
\$500,000 206:20	101.7 88:19	16th 123:8,12,18 125:2	2,932 12:22
\$800 217:1	1090 240:22	17 66:7 163:16	2.26 152:14
0	10:00 172:25 181:10 213:13	1724 258:5,25 270:12	2.3 62:7
0 45:4	10th 61:21	1735 146:19 147:13	2.35 152:14
1	11 131:8	17th 148:25 150:23 158:1 240:21 241:10	20 56:20 69:21 78:3 81:18 84:13 109:4 125:8 135:1,10 165:18 172:15 178:15 182:24 195:12
1 9:9 12:15 134:8	110 146:20	18 107:19 111:12	20,000 179:14
1,400 172:17	1102 258:6	18263B 6:22	20-foot 128:1
1,800 126:24	114 134:9,16	1890s 147:21 148:2	200 161:17
1.4 127:19 128:12	11:00 213:13	19 140:25 209:24	2008 61:21
1.8 152:15	11:51 55:17	19-foot 33:7	201.1 146:12 159:9,16
10 10:16 12:7 15:24 16:12 17:3 19:4 45:23 72:22 80:15,17 93:12,24 195:13 206:9 227:23 240:13 241:23 244:19 246:14 247:12	11:55 55:15,17	19.5 262:24	2011 6:23
10- 10:25	12 67:2 138:14	1923 80:12	2016 154:10
10-foot 21:24 45:12 73:4 93:1 107:10,20 115:22 117:13 261:24	1260 126:5	1925 80:11	2019 36:24,25
10-minute 180:10 226:3	135 146:23	19961 108:8	2019-003 83:2
10-year 174:6 181:7 189:25	14 34:6 133:21	19A 146:24	2020 83:15
10.4 128:2	14-foot 33:9	19C-2 146:24	2023 172:17 182:20 192:5
	140 134:20,23	1:00 213:22	2026 45:23 195:13
	1413 126:5	1:40 125:12	
	15 70:13 182:24		

204 23:5 59:22 61:1,7,17 63:18,25 64:2,11 68:11 98:23 99:1,7	210.1 126:2	3	40 128:10 167:3,18
204's 62:9	21459 125:16,21 145:12 146:3	3 66:5 244:16,24 246:13 248:15	406 173:24
204-1© 68:23 69:1	21460 146:7,9 169:4,22	30 51:13 210:25 254:20	41 45:22
204.1 105:24 106:11 241:18	21462 170:1,3	300.8G 170:17	42 68:9 240:22
204.1(D) 60:10,24 62:24 68:13	21463 240:5,8 256:25 257:16	301.1 269:5	44 61:8,24 62:6,19 68:10 107:20
204.1(D)(1) 105:25	21465 257:19,21 270:12 271:4	3028 170:12	443 240:21 241:10
204.1B 59:16	22 66:1	32.5 150:19,25 152:19	44A 61:11 66:21
204.1C 64:5	220 83:17	34 80:15	44B 61:11 66:24
204.2 63:11	23rd 85:5	35 151:9 152:18 256:11	45 8:21
204.4 240:16	24 66:1 173:20 181:12	36 245:7	46 128:11
2041(A) 60:14	25 142:9	3831 170:11 172:2 208:21 216:6	47 269:3
204D 57:13	25-06 162:11	39 73:9	47.4 128:12
207.1 126:1	2512 269:3	3901 208:6	48 134:16
207.5 240:11 241:21	26 142:10	3:00 66:12 85:5 172:25 173:21 181:10 194:8 213:6,7 247:10,22 248:7	4:55 240:2
208 148:22	27-foot 21:22 109:3	3C 230:6	4C 170:14 172:5 178:21 183:8 194:5 198:2,7 200:1 206:1
208.4 265:21	2712 138:6	3D 248:10	5
208.5 30:18,25 81:25 82:5 257:25 259:5 265:20	2726 138:7	3F 42:21 102:3	5 15:24 45:5 66:5 83:23 84:1 179:13 245:2
208.7 13:2 88:6	28th 123:15 126:5 128:22 130:25 138:8 141:19	3rd 97:23	50 67:6 134:14 183:16 245:7,13
20839 107:17	2:00 125:10,12 181:13	4	5000 71:18 73:20
20A 62:13 65:9	2B 157:19,20	4 244:3,25 248:16	5018 111:9
20th 166:25 167:6	2E 126:21 131:3 143:20		
	2nd 62:15		

5032 69:22,25 79:13	6009.1C 170:7	9:00 66:12 247:9,16 248:1	abutting 16:7,25 17:10 62:22 63:2
5034 12:20 71:3	603 216:7	9th 123:6,16	accentuated 140:7
5036 58:19 85:16	69 146:20	A	accept 85:1 179:21
5042 111:12 115:22	7	A-G-B- 37:13	acceptable 63:4
5100.2 146:13 159:10,11	7 9:9 67:2 87:24 253:6 254:1	A-G-B-I-M 37:12,13	accepted 60:21
5100.2A 146:16 159:20	7D 256:9 259:7 264:2	A-K-A-N 25:13	accepting 60:16,17
5201 27:19 45:7 125:25 257:24	7th 62:13	a.m. 55:17,18 66:12 173:21 181:10,13 213:6,7,22 247:9,16 248:1	access 141:20 168:21
5201.3 146:15	8	abandoned 74:17	accessible 166:4
5201.4(A) 68:15	8 89:2 107:19 253:6	Abebe 14:18,21 16:2,19,22 22:7 35:16,18,20,22 36:1,2,8,11,19,24 37:3, 9,12,15,21 38:4	accessory 9:23 10:2 83:7,9 106:23 258:3 259:16 262:9,10, 13 263:13 265:12,23 266:2,4 269:6
5201.4(D) 67:25	810 126:5	ability 10:13 21:7	accommodated 110:2
5201.7 160:16	85 19:23	above-entitled 55:16 125:11 240:1 271:23	accord 197:25
55 179:5	8th 173:25	9	account 67:19 185:1 237:7
59 170:12	9 7:5 89:9 205:1 253:6	abridged 103:2	achieve 199:2
5:00 239:25 240:2	9.4 133:18	absence 68:8	achieved 175:15
5:47 271:24	901 45:8	absent 67:2	acknowledge 72:18 103:16
6	901.2 125:23 146:14 170:5 194:24 240:10 257:23	absolute 250:2	acknowledged 203:18
6 87:2 241:23 244:7,21, 22 245:24 246:4,22 253:7,15	901.2B 20:3	absolutely 70:2 108:24 184:22 186:20 237:19 265:14 267:1	acknowledgment 131:15
60 19:14 67:4 82:18 184:22 245:8,13	901.3 69:5	absorb 185:6	activate 154:4
6007.1E 194:23	9013 205:2	abstract 64:12	activation 182:16
6007.1E2 170:7	92 173:3 258:6	abundance 152:1 159:16	active 212:5
			actively

212:2	12,21 45:13,16 46:7	22 139:11 161:20 164:4	101:15 102:4 120:14
activity	79:21 81:16,18 90:8	240:15 242:5,21 243:8	192:18 193:21 194:4
74:15,22 176:1	92:13,14 93:25 120:11,	245:22 247:17 248:2,8,	208:17
actual	19 121:7,23 122:24	18 253:10,14,16 259:9	adversely
5:23 84:20 85:2,12 86:6	124:6,15 127:25 129:21	260:21 262:8,11 264:3	20:6 90:11 155:19
137:4 164:8	148:11 151:9,11	adjoining	157:5 195:1
Adam	160:10,11 162:11	10:17 33:10 49:11	advise
240:8 241:9	165:21 167:17 168:12	50:14 51:21 70:14	123:2
add	176:4 177:21 181:18,21	77:20 78:12 90:11	advised
8:22 25:11 109:15,17	183:11 193:12 196:5	104:6 240:14	152:4
123:6,19 124:3 144:24	207:5 218:10 223:7	admin	advocacy
212:18 225:5 269:15	231:19 235:7,13 236:20	231:10	49:22
added	237:23 239:13 247:17	administrative	advocate
99:22 174:11 179:9	248:2,8 250:7 256:6	151:3	48:20 206:22
217:5 232:22 261:14	269:22	administratively	aerial
addendum	Additionally	9:4	73:11 147:15 248:16
26:1 110:7	178:10	Administrator	affect
adding	additions	7:15 9:3,14,25 10:9,12,	20:6 68:16 155:19
17:3 94:6 112:15	78:2,3,18 97:24 98:2	18 11:9 12:6 23:7,21,24	157:6
addition	99:21 115:8 128:22	24:10,12 29:23 30:16	affected
9:13,24 10:16 13:3,7,	132:25 155:25 247:3	39:17 63:5 83:4 89:4,	48:13 76:11 138:2
15,19,24 14:14 16:7,11,	263:12	14,20 107:6 111:18	affects
12,13 17:4,18,20 18:11,	additive	151:18 152:4	57:7 90:11
13 19:3,9 27:25 31:3,24	185:13 191:21	Administrator's	affidavit
32:7,9 33:9 45:2,10	address	83:1 117:20 151:19	22:21,23 57:17 63:2,6
46:10 50:7 58:11 62:15	5:14 12:19 29:19 32:22	admit	68:25 106:3,5,7
63:17,20 64:17 65:15	35:15 41:17 54:8 56:19	198:11	affidavit's
68:2 70:13 73:2,19	57:25 58:1,22 59:12	admitted	106:8
77:14 81:13 88:8 90:1	60:2,7 79:25 81:21	77:22	affirming
91:6 92:11 98:12 101:5	82:17 90:16 95:1 104:3	admonished	7:17
103:8 107:25 111:10,16	105:17 124:12 136:4,7	75:1	afternoon
112:10,16 115:21 126:3	138:6 160:1 174:19	admonition	69:18 79:9 86:2 96:13
127:14,15 128:16,18	177:12 191:13 193:14	8:1	140:19 255:6
129:3,15,23 130:13,15,	194:4 202:22 207:15	adopt	Agbim
17,24 132:17,25 133:18	216:4 234:12	61:9,11 180:20	37:9,16
135:14 137:2 138:16,24	addressed	adopted	agencies
139:24 140:1,6 143:9	52:4 57:14 65:21 85:8	181:4 227:2	160:7,10 165:20,21
146:17 148:8 154:10,19	111:24 121:11 122:10	adoption	166:7,16 167:12,15
162:20,23 164:2 215:5	177:6 191:10 197:12	266:5	168:12 255:23 268:15
240:19 241:14,15,22	209:4,19 229:1	adult	agency
242:12 244:6 245:22	addresses	178:7	47:22 142:20
246:3,13,17,19 248:15,	122:2 138:8,9 186:21	advance	agenda
17 253:13 254:3 258:1	187:1 264:24	69:19 235:21	34:24 55:10 123:2
259:14,15,20 261:21,25	addressing	advantage	125:2 131:7,20 235:22
262:1,5,7,22 263:11	27:17 40:21	162:24	agent
269:17	adjacent	adverse	5:3 35:3 240:24 254:9
addition's	13:19 18:17 19:5 45:14	45:18 98:8 100:3,7	
14:6 168:14	68:3 74:5 76:11 79:12		
additional	88:12 101:16 102:3		
9:18 11:11 18:17 20:9,	108:25 122:9,10 123:21		
	124:1 126:7 137:10,20,		

agree 9:14 22:13 53:10,12,18 76:3 116:9,11,13 124:19,21 168:9,18 174:13 193:24 201:12 225:21 229:24	Alexandra 125:22	63:20 240:16	203:10 206:1 210:10 212:1,2,3 215:7 222:12, 18 224:25 225:16 226:12,17,20,25 229:12 230:6,14 232:24 233:10,15 234:13 235:14,19 236:14,16,19 237:14 238:15 241:24 255:24,25 256:9,21 259:7 264:2 267:15 268:16
agreed 174:8,11 181:18 185:23 186:25 194:10 226:2,16	align 27:22 118:5 133:14	alterations 43:10 44:5 263:8	ANC's 174:22 177:12 179:15, 23 183:1 186:3 189:2 227:2 228:18 236:1 239:17
agreement 14:16 57:20 63:5,9 82:13 98:16 101:1 122:5 174:9,10 178:9 179:19,20 189:8 198:2 210:5,13 227:18 229:16 237:6	aligned 45:3 227:10	altered 160:2	anchors 155:4
agreements 98:19 179:18 188:14, 15,17,18,19	aligning 28:3	alternative 63:13 98:10,24 99:2,6 122:1	ANCS 34:13
agrees 10:12 89:15	alive 121:20 228:7	alternatives 94:11	Andrea 35:4 94:15,18
ahead 38:9 115:2 133:24 134:1 144:22 231:11 255:17	alleged 229:2	ambiguous 30:2	angle 216:17 260:21 261:1,19 262:6
Ahmed 125:22 214:5,8	allegedly 219:25	amended 146:9 240:9 257:22 269:4	annual 62:2 174:14 179:13,14, 16
aids 142:1	alley 19:3 22:1 71:21 117:17 141:12 146:15,18 147:13,16,19 148:12, 13,15 149:1 151:17,22 154:5 157:2,9 159:12, 14,19 162:12 164:20 168:21 176:13 262:13 263:5	amendment 149:1 162:18 265:25 266:6	answers 34:1 67:6
air 6:11 18:8 28:4 61:10 68:16 71:6 73:9,24 74:4 77:20 78:7 117:7 132:6 136:21,24 143:10 157:7 164:3 192:16 269:18	allotted 56:21	amount 6:5 18:17 20:20 78:6 192:9 234:2 260:11	Anthony 53:15
airflow 71:17 73:13,20 74:3	allowable 86:15 232:10 241:23	ample 17:8	anti-littering 179:10
Akan 25:13,14,17,24 29:4,6,8 30:13 31:15,17 38:7,8, 9,14 39:6 40:18 109:15, 18	allowed 82:3,8 83:14 84:19 88:16 89:9,25 92:13,14, 15,22 98:21 100:13 102:14 106:15 145:5 154:10 212:24 226:9 244:8 245:8 247:12	analysis 27:20 46:5,8,12,15,23 61:14 65:20 66:23 85:1 160:1 163:22	anti-loitering 209:20
albeit 131:11 158:4	allowing 129:21 132:16 208:4	analyze 165:6	anticipate 216:10
alcohol 172:24 183:20	alluded 159:23	ANC 42:20,21,23 43:7,12,13 44:6 47:23,24 48:1,4,12 49:19 50:5 54:3,14,21, 25 55:6 68:5 74:25 77:15,22 96:12 102:3 121:8 123:16 126:21 131:2,18,22 136:15 142:21 143:20 157:19, 20 166:16 170:14,19,20 171:3 172:5 173:24 174:9,16,19 177:8 178:12,21,22 179:9,16, 19,22 181:25 182:1 183:8 185:20,25 188:18,23 189:9,12 190:4,15 193:14,15 194:5 195:22,23 196:6, 8,9 197:1 198:2,7,12,16 200:1 201:13,15,22	anticipated 175:14 271:19
Alex 126:11 133:9 171:19 258:22	alongside 177:22		anticipates 177:18
	Alper 24:20,22,23 25:14,15 29:2 30:12 31:10,14 32:18 113:16		apartment 9:24 10:2 83:7,9 89:7 106:23 216:7 218:14
	alter 92:10 154:13		apologize 43:16 44:9 91:12 116:8 184:21 186:14 200:19
	alteration		

app 8:16	200:15 201:9,20 203:9, 24 204:4,17 205:4,18 206:4 208:15 209:4,6, 18 210:8,19 211:7,14 213:4 223:22 226:15 227:5 232:6,24 234:10 235:2 236:4,13,19 237:7,20 238:17 239:13 254:8,20 256:2,7 259:2 264:4,10 268:10 270:7	159:25 169:5 172:10	199:13
apparently 76:3 108:16		applies 23:17 27:24 58:10 63:19 98:6 267:18	approximately 19:23 36:22 62:7 261:22 262:24
appeal 10:13 108:7,9 260:10		apply 29:18 60:15 82:13 109:22,23 110:11 160:7 183:9 184:6 228:2 260:7 267:18	April 71:8
Appeals 7:25 8:1 105:19 153:7 177:9		applying 7:11 9:23 25:25 200:15 260:10	architect 7:7 14:18 15:1 22:5 35:20,22,24 36:12 37:2, 4,5,7,17,22 41:21 42:3 54:17 109:13 126:14 133:4 147:9
appearance 86:24	applicant's 18:12 20:23 22:24 34:2 62:16 63:6,22 66:22 75:24 76:14 86:11 121:24 130:18 162:9 166:21 179:19 229:24 234:7 237:17 268:8	appreciative 189:15 265:18	architects 36:13 155:2
appeared 179:23 190:1		approach 185:21 226:14	architectural 36:5 37:19 240:17 245:11
appears 45:10,17 74:16 86:15	applicants 51:16 69:4 171:23 191:14 227:10 239:16	approaching 198:13	architecture 148:1
appellate 12:12 117:22	application 6:16 7:6,14 10:10 11:13,16 18:9 21:20 30:1,24 45:21 57:14,21 60:15,17,18,19,25 61:1, 5 62:20,25 68:7,13 70:18 75:8 79:14,16 81:6,8,12 82:24 84:22 86:17 90:3,14 106:21, 25 110:20 111:15,17 115:18 117:21 119:7 125:16,21,23 145:12,18 146:2,7,8,10 147:12 152:13 153:2 160:8,25 165:19,21 166:18 167:13 169:3,11,21 170:2,5,20 171:15 172:13 175:3,6,24 177:20 186:4 194:12 195:11 197:10 199:6,14 206:16 210:1 211:8 216:9 221:25 227:3 229:7 238:20 239:2 240:7,9 255:9 256:11, 24,25 257:6,15,20,22 264:2 268:11 270:12,19 271:3	appropriately 90:15	area 12:22,24 21:10 43:8 65:14,15 80:18 128:15, 16 130:21 137:2 146:11,12 151:25 152:13 156:16 159:5,8 164:20 173:10,17 177:23 181:15 182:9 184:3 185:10 191:22 195:4 205:2 209:15 218:4,9 224:12 226:24 228:8 249:23 261:6
applicable 88:15 151:17 152:15 159:14 168:24 185:17 226:9		approval 10:1 13:5 44:25 122:7 131:1 140:22 157:23,25 163:17,22 172:12 173:25 174:6 175:22 176:2 181:7 185:7 194:21 259:7 262:16 264:1 268:8	areas 10:23 88:17,20 162:22 164:8 165:6 249:4
applicant 5:4,8 8:4 11:14 13:6 15:20 19:21 20:3 22:5, 9,20,22 23:2,16 24:1,8, 19 28:23 32:24 33:6,17 36:10,18 42:4,6,10,12, 15 43:1 45:2 46:13 47:16 52:4 54:8 57:18 60:23 62:11 63:10 65:20,24 67:5,21 68:19 70:2 72:13,17 75:1,3,6 76:2 77:22 91:15 92:2, 16 94:25 95:24 96:18 99:11 104:11,21 105:8, 12 113:22,24 114:3,8, 16,22 115:23 118:19,23 120:3,13 122:8 123:14 124:8,9 126:9,12 134:7 137:17 138:11 141:11 142:17 143:8,17 144:15 145:1 146:21 147:2,7,8 148:6 156:8 160:20 161:9 162:1 163:14 164:5 168:1,9,16 170:15 171:12,21 172:5 174:8 176:2 178:21,23 181:10,18 182:24 183:6 185:23 186:4,11 192:22 193:2 195:6 197:5,15, 21 198:4,15,22 199:3	applications 7:23 11:10 43:10 57:15 60:11 105:22 160:22 206:9	approvals 138:23	arguable 21:4
	applied 6:21 11:7 70:22 111:2	approve 8:13 24:11 66:10 132:15 145:11,18 146:2 169:3,11,21 201:24 229:7 256:25 257:6,15 270:8,12,18 271:3	arguably 226:23
		approved 20:18 24:12 83:8 107:18 110:22 111:3, 19,21 113:12 129:14 131:7,11 132:11 135:20,23 137:1 143:11 149:1 151:8,10 154:9 155:25 164:19 166:18 172:9 173:23 185:22 224:6 226:14 227:11 228:16 229:3 241:25 242:3 260:14	arguing 23:6
		approving	argument 5:23 11:23 19:20 22:3 23:2,5 28:5 40:21 86:19 106:19 124:8 225:9
			arguments 6:2,13,14 12:2 122:16 228:17
			arranged

80:9	attachment 62:6,19	71:21 75:21 80:6 82:18 88:25 170:11 172:3,19 173:2,16,18 175:9 177:2 180:15 182:12 208:6,22 211:10,18 214:21 216:7 218:2 225:10 230:5,7 258:6, 25 260:24 263:11 270:13	backs 50:11
arrangements 80:16,21	attachments 61:8,23		backyard 16:15 64:15 70:11 71:2 72:6,10 75:17 78:6,22 99:17 154:25
arrive 119:18 222:22	attacks 109:8		backyards 65:8 99:22
arrow 73:10 260:18	attempt 70:20 76:18	avoid 83:19 86:24 113:7 178:19 217:9 218:16 226:7	bad 74:11 122:3 217:23
articulate 97:22 122:16 201:7 202:19	attempts 172:22	awarded 182:19	balanced 210:3
artifacts 149:19	attendant 200:2,4	aware 136:12 152:24 158:25 160:23 187:8,10 198:24	balconies 19:7 205:8 263:3
asks 176:11	attendee 25:11	Awesome 242:15	balcony 117:9
aspect 100:24 112:19 200:11 230:22	attendees 24:25		ban 184:11
aspects 198:9 199:6 200:14 216:14	attention 69:20 79:24 89:12 158:15 192:13	B	bank 183:22
assert 83:7 143:8	attested 228:10	back 12:11,15 13:7 17:4 18:2 19:13 20:14 21:17,25 26:1 27:1 31:20 32:6 36:20 37:24 47:20 50:6 52:6 54:9 55:22 65:10, 13 66:17 70:9,25 72:14, 16,22 78:19 80:2 81:17 86:9 89:7 90:15 94:4,5, 6 95:14 96:14 99:15,16 102:17 103:16 109:23 110:3 111:6,7 112:14 117:22 118:1 125:19 131:5 133:5,8,16 140:1 144:24 148:7,13 149:14,23 150:11 152:2 154:12 155:21 157:15 162:17 164:2,24 167:16 183:25 190:12 206:18 239:18,24 241:22 247:12 248:18 252:23 253:1,2,5,8 260:3 264:22 268:20	bar 178:2 228:20
assertions 7:21 105:20	attitude 76:15		bargain 202:5
assignment 94:17	attorney 7:7 37:23 57:22 61:15 62:17 147:6 174:15		Barros 126:12 171:20 258:23
association 220:23	audacity 70:2		base 57:8 93:12 151:16 159:13
assume 35:12 191:18	audio 116:12		based 22:21 23:16 29:1 30:18 32:10,15 43:6 72:16 85:22 86:14 105:19 111:17 115:19 122:20 143:7,22 163:15 166:5 174:12 177:9 185:18 189:20 199:22 226:10 269:9
assuming 165:11 242:13	August 123:5,15 229:8 230:23, 25 258:12		baseline 58:4 63:22
assumption 162:13 268:25	Augusta 172:14		basement 16:9 17:6 71:25 75:15 95:16 135:11
assurance 109:1	authority 89:21 199:5 202:11		basically 17:14 26:3 29:20 32:5 110:8,15,20 111:20 113:15
assurances 76:4 210:16	authorized 89:3		
attach 60:24	authors 67:10,23		
attached 63:21 66:2,5 102:24 240:20 241:12	autumnal 85:23		
attaches 60:11	Avenue 12:20 58:20 65:1 70:16		

basing 22:25	178:15	48:6,10 49:15 51:17,19, 20 52:12,20,21,24 53:1, 4 64:25 65:3,8 67:14 70:4 71:19 72:2 73:15, 19,20 76:13 78:2,12 79:2 80:6 93:9 95:6,8 97:11,12,24 99:13 102:4 115:8 128:22 208:25 214:15 243:3,5, 13,15,17,25 244:2 245:17 251:10,14,15 263:7 269:18	143:11
basis 8:17,18 23:19 210:18	benefit 92:19 120:10,18 165:13,25 185:25 226:17 236:15	body 60:19	bones 217:6,10
bathroom 130:2,4	benefits 182:1,2,7,14,15 189:8	bonus 180:25	bothered 211:8
bathrooms 74:2,7	bet 223:7	bottom 71:25 80:11 149:24 152:10 210:12 253:11	bought 92:20 221:16
bay 172:18 182:11	big 10:4 51:7 65:4,18 95:6 191:12 200:17 204:20, 24 245:4	blocked 64:16 129:8	box 247:21
bear 24:9 160:12	bigger 133:11,12	blocks 137:12 138:13	bracketed 94:8
bearing 57:11	bikes 223:13	board 5:1 7:1,17,20,23 8:12, 13,15,19,23 9:2 10:20 11:12,15,18 12:2,5,9,15 22:4,8 23:21 24:11 25:20 31:13 33:15 39:1 45:15 46:20 49:19 53:3 56:11 58:18 60:10 61:2 63:17 66:7 68:7,11 69:19 79:10 81:11 85:9 89:13 90:14,23 105:20 106:11 107:18 108:8 114:20 117:1,3,4,22 118:2,14,19 119:14 120:25 121:2,18 123:18 125:19 132:15,20 135:21 136:16 137:1 138:20 139:24 140:5,20 144:6 145:8,22 147:5 151:10 152:3,23 158:17 163:12 164:1 166:6 167:24 168:3 169:16,23 172:9 173:22 180:20 183:5,24 185:21 186:2, 23 192:20 195:21 199:4,11,13 200:2,10, 22 202:10,14 211:22 219:20 224:6 226:14,19 229:3,6,20 231:24 233:5 235:8 236:5 238:23 249:1 252:6 255:6,21 256:14 257:10,17 258:8 264:5 269:23 270:1,23 271:9	Bradford 140:18,19,20 141:5,6,7, 18
beautiful 162:20	billionaire-owned 206:19	board's 7:13 68:17 178:5 189:4	brand 171:23 214:22
bedroom 32:7 64:21 130:2	bin 217:7	boards	brand-new 254:2
bedrooms 17:7 130:3 246:5	binding 185:20 226:12		break 47:20 55:13 125:7,20 239:22
begin 12:14 47:21 130:22 240:25 244:1 260:21	bit 19:19 22:14 28:8,24 31:11 32:1 33:12 49:7 81:19 91:14 94:4 95:3 120:12,16,18 133:11 134:18,23 140:8 184:7 188:13 192:13 199:11 223:15 224:22 230:22 234:21 247:20,23 253:4,23 265:4		breezes 71:6
beginning 181:7 186:14 208:21	bit--you 29:16		brick 140:8 176:15 242:18 243:4,18 244:23
behalf 35:12 44:24 49:22 55:5 79:12 116:8 126:12 137:6 171:20 194:19 200:1	black 85:24		briefly 56:15 57:3 64:20 109:10 203:22 265:13
belief 72:20,24	blank 130:15 136:23 227:25		bring 51:11 89:12 133:5,7 156:6 182:15 196:3 253:1
Belinski 14:17 21:3 35:3 69:10, 12,15,18,21 77:1,4,9,11 79:12 91:13,22 95:2,9 96:2,4,8,23 97:3,25 99:14 100:4,6 104:12	blanket 105:17		bringing 15:11 85:10 89:22 148:7 149:22 163:5
Belinski's 56:25 80:6 108:25	blanking 99:4		brings 102:17 152:12
Bell 226:23	blatant 76:15		
belong 182:3 184:15 211:9 225:4,10	block 29:13,20 43:11 44:5		
beneath			

broad 260:17	220:12,19 221:16 224:5,8,10,11,14,16,18 240:12,14,18 242:19 243:4 244:2,23 245:22 259:12,15,17 260:1 261:1 262:5,10,13,23 263:10 265:12,23 266:2 269:7	167:7 174:23,25 184:5, 6 185:3 198:25 200:16 202:2 204:5 206:13 208:5,9 209:13 211:3, 18,20 214:2,18,21,23, 24 215:10,13 222:25 225:13,15 229:12 234:11	calls 53:15 211:5
broader 43:24			camera 255:4
broadly 201:19			cancels 67:18
broke 125:8	building's 13:12	businesses 207:1 208:10 209:25 215:3,11,15 217:21,25	cannabis 185:4
broken 243:8	buildings 10:17 13:10 19:11 30:19 49:12 66:9 68:3 80:20,23 82:1,2 87:16 102:21 128:21 130:13 156:19 242:22,23 243:18 261:12	busy 65:2	cap 183:21
brought 139:21 168:24 198:14 224:4		button 161:22	Capitol 172:8 174:15 180:5 241:24 250:13 259:8 264:3 267:15
brown 244:23		buttons 207:25	caption 270:11
brunt 24:9	buildout 173:13 228:1	by-right 228:22	captioned 270:13
BTUS 41:13	built 13:11 18:19 140:6 147:20 148:4 149:16 150:12 152:16,20 154:11	BZA 5:18 6:22 7:24 8:3 11:25 12:12 18:19 28:16,21 29:15,18,24 30:1,6 43:10 48:5,21 53:13 62:16 92:4 99:7 105:19 108:7 111:7 131:5,14 143:24 148:16 160:22 178:9 185:7 193:10 198:12 203:14 204:9 228:2 238:23 249:24 267:21,22	car 76:9
build 70:3,7,21 89:25 91:2 103:16 153:23 185:4		BZAS 48:22 52:20	care 48:18 51:1,15,16 110:19
building 7:12,16 9:11,23 10:10 11:10,16 13:8,9,14 14:22 17:7,13 18:21 19:12,13,15 20:22 21:6, 12 30:21 46:9 57:16 58:6 60:11,16 63:1,16, 20 66:3 70:10,11 72:4 73:6,21 81:14,15,18 82:3,7 83:11,13,25 86:25 87:9 88:7,9,16 89:14,16,24 90:1,2 95:15 101:4,8,10 102:14,18,19,24,25 103:9,21 108:3 109:22 116:17 117:21 129:6,7 130:19 133:15,16 148:2,14,22 149:9 150:15,18 152:16 153:11,13 154:3,15 156:22,23 164:3 165:11 168:15 170:9 172:14, 15,16 173:8 176:15,21 187:5,6,7 191:6,9,18,24 192:2,4,7,16 195:7,9 209:9 210:15 213:24 214:5,7,11 215:5 216:7, 19,20 218:21 219:9,25	bulk 45:10		cared 48:15
	bump 72:16,21		cares 49:1 51:17
	bump-out 72:18 93:15,21		Caribbean 178:2
	bump-outs 93:10,12		Carissa 219:14
	bumped 78:20		Carlson 42:23,24 43:3,18,21,25 44:2,13 47:24 48:2 49:17,21 50:11 51:25 52:17 53:21 55:1,4 73:16
	burden 69:4 104:11 124:22 144:15 151:9,11,22 158:7 168:16 205:3 211:15	C	carriage 147:17,20 148:3 154:24
	burdensome 267:23	calculate 89:17	carried 69:5
	Burger 184:3	calculation 108:6	carries 62:5 66:25
	bus 177:22	call 15:19 35:3 44:11 119:19 140:2 141:13 145:16 154:24 169:9 219:11 257:4 270:16	carry 9:3 12:10 172:23
	Busar 241:9	called 101:7 105:5	
	business	calling 182:1	

carryout 195:3	149:3 233:4	17 97:2,15,16 101:24 102:1,8 103:15 104:1,2 113:25 114:20,25 116:21 117:2 118:22 119:19,21 121:5,9,16, 17,23 124:5,20,22 131:10,12 132:21,23 133:6 134:25 135:5,13, 18,24 137:3,13,16 138:13 139:8 142:8 143:20 144:14 145:14, 18,20,21 146:3,4 147:4 158:18,19 159:22 160:15 161:2,13 162:8 163:11 165:4,15 166:9, 22 167:21 168:19 169:11,14,15,22 186:12,13 187:8,13,23, 25 188:7 189:6,14 190:18,25 192:8,19 193:4,6,17 194:12,18 200:25 201:2 202:7 203:23 211:25 212:4,9, 12 222:5,7 230:1,2,11 231:17 232:11,12,14,21 234:5,24 235:11 236:12 237:16,20 249:1,3 250:5,12,24 251:3,19, 25 252:3 253:17,22 254:16,18 255:1,6,11 257:6,8,9,16 258:11 264:9,11 265:1,7 266:8, 13,23 267:3 268:3,9 270:6,10,17,19,21,22 271:4,5,14,16,22	15 113:21 114:1,5,9,12, 24 116:22 118:18,25 121:2,13 122:20 123:11,19 124:25 125:5,15 126:8,17 132:19 137:15 138:4 139:12,16 140:15,19 141:2,7 142:15,19 143:15 144:4,23 145:15,19 146:5,25 158:16 161:24 162:4 163:7 164:12 165:2 166:14 167:22 169:1,8, 13,24 170:18,25 171:6, 10,16 184:16,18,24 186:10 192:20,25 194:13 195:14,20 196:7,11,16 200:20 207:3,9,21 208:1 210:21,23 211:2,16,21 212:17,21,25 215:21,25 216:2 219:10,17 222:3, 9,11 223:19 229:10 231:18,22 232:13,16 235:18 236:7,23 237:3 238:3,6,11 239:1,4,6, 10,20 240:4,23 241:4 248:23 252:6,25 254:5, 7,12,17,25 255:15,17, 20 256:6,12 257:3,7,18 258:7,13,19 264:8 267:4,7,10,25 268:4,13 269:14,21 270:9,15,20 271:6,12
case 6:22 7:23 8:5,23 9:6 11:19 13:14 23:22 28:20 30:2 35:15 37:20 41:18 48:23 56:12,14, 15 57:8,25 58:13 60:21 61:16 62:12 65:23 72:4 86:16 103:3,11 107:16, 23 115:20,23 116:19 118:11 119:10,23 121:11 122:15 123:5,6, 23 125:16,21 126:10 130:7 131:3,4,14 141:25 143:21 144:10 147:7 151:24 152:19 157:9,19 162:10 163:4, 14 164:20 165:24 166:5 167:20 168:23 169:25 171:21 172:10,11 174:12,15,17 176:17 177:9 180:21 181:4 186:22 188:4 189:10, 16,19,21 191:4,12 192:1 193:8,9,13 194:10 197:10 203:8 226:17,20 228:23 233:9 241:19 242:23 245:21 256:18 257:19,20 258:16 267:14 270:3,11	caution 152:2 159:16		
cases 18:15 52:10 103:4 107:12 122:8 143:22,24 153:7 160:19 185:24 187:15 188:2 194:1 202:25 226:16 239:23 240:5 267:21,22	cavalier 76:14		
cast 45:14,16	ceilings 74:1		
casting 130:20	cell 178:1		
casts 67:14	cellar 9:19		
catch 36:16	center 183:22		
categories 177:17 183:19	certificate 172:21 204:11		
caught 164:6 224:12	certificate's 59:7		
caused	certification 5:19 6:15 7:2,22 8:12 12:17 23:19 37:22 57:11 62:5,21,22 105:21 112:25		
	certified 11:3 57:22 269:13		
	certify 7:8		
	certifying 6:16 24:7		
	cetera 178:20 223:14	chair's 68:6 145:17 169:11 257:5 270:18	challenge 10:13 165:6
	CFA 132:11	Chairman 80:1 85:7 138:10	challengeable 12:11
	chain 206:19 217:13,22	Chairperson 5:2 12:18 15:9,13,18,25 22:6 25:3,7 33:15,20 34:19 35:6,8 39:21 40:3,5,10,12 41:16,20 42:1,7,13,19,22,25 44:10,14,18,20 45:24 46:19,24 47:5,10,13,16, 19 49:16,18 53:8,11,23 54:12,16,20,24 55:9,19 56:8,18 69:7,13,16 76:23 77:2,5,10 79:4,8 84:4,8,15 90:21 97:18 102:7 104:13 105:4,11,	challenged 26:11 30:3
	chains 184:5 218:18 225:13		challenging 215:1,17,18
	chair 5:6 15:12,24 22:8,10 23:23 24:14 27:10 28:7, 8 32:10 33:11,14,24 34:18 35:7 42:17 43:15, 19,23 44:1,23 45:25 46:2,17,20 47:18 48:5 49:21 53:15 54:4,11 56:11 58:17 79:10 90:23,25 91:21 92:10 94:22,24 95:21 96:3,7,		chance 15:14 126:16 136:5,11 142:12 163:20 204:15
			change 21:25 31:22 33:1 141:19 148:8 153:12,13 154:14 161:6,8 162:14 164:19 168:14 175:17 233:2 261:9,11 265:11
			changed

50:8 83:23,24 115:20 116:1 148:25 149:5,7 150:23 151:6 152:12 158:1,11 266:5	217:5,10,16	claims 7:1 9:17 67:12 87:13	129:8
changing 70:12 78:11 128:3 149:10 166:2,5 238:18	chief 58:1	clarification 104:15 113:23 121:15 137:24 166:23	closing 104:22 105:8 113:19,22 114:4,14,18,23 116:23 166:21 181:15 210:10 213:3,12 223:23,25 224:24 229:25 237:13 256:3,4 259:16 261:11 268:22
character 6:11 19:2,17 21:16 28:5 31:6 70:4 76:7 78:4,11 117:16 132:12 136:25 143:12 154:2,15 156:15,25 157:7,13 206:11 217:18 243:24 251:4 263:8 269:18	chimney 31:5 86:11 97:5 110:1, 2,3,4	clarify 35:10 83:15 102:9 114:10 116:7 139:9,11 188:5,25 197:7 255:11 268:10	clothing 90:20
characteristic 80:21 87:18	chimneys 17:9 82:11,15	clarity 141:15 157:24 232:22	co- 227:9
characterization 81:12 88:4 96:18	chin 110:18	classification 81:23	co-applicants 171:24
characterize 60:3 137:11	Chinese 225:7	clean 75:4	COB 236:1
characters 17:13	Chipotle 226:22	clear 30:7 58:9 64:10 72:5 74:1 80:24 85:23 132:1 150:18 151:20 158:9 179:24 224:21 232:20 233:20 248:24 269:16	coexist 53:5
charged 11:12	choice 139:19 179:15 183:1	clearer 237:9	cognizant 161:7
charging 219:25	choose 59:11 154:18	Cleveland 230:7	collaborated 234:3
charitable 182:17 203:11	chooses 45:15	client 24:3,15 104:5	collaboration 256:23
charities 178:11 179:14 182:19	choosing 154:18	client's 24:2	colleagues 188:11 189:23
charity 183:1	chose 197:10 217:17,19	clients 108:19 241:9	collection 179:4
chase 224:17	chosen 156:2	close 28:12 51:8 119:3,4 143:18 144:7 167:20 168:3 178:15 183:11 210:6 232:1 234:11 256:14 260:6 263:22 270:2	collector 62:5,7,9 66:18
cheap 77:18 112:2	Circle 147:21 156:14	closed 67:4 119:9 232:4,17 235:21 260:20	collector's 59:5
check 265:2 266:21	circumstances 191:4 196:21 200:2,4	closely 52:24 137:4 249:25	collectors 61:19
checked 75:11	cite 39:7 74:20 108:7	closer 93:23 121:22 134:20	color 85:4
checklist 109:25	cited 209:3	closest	Columbia 39:4 40:16
checklists 110:5	cities 217:20		combined 56:12 147:18 148:4
chicken	citing 68:7		comfortable 187:19 191:11 269:9
	city 75:2 162:22		comment 100:8 105:23 111:5,6, 18 112:2,10,12 113:4

115:24 116:11,14 121:3 215:23 256:9	commits 186:1	compares 18:13 66:10 224:5	computation 9:2
comments 18:7,25 33:25 80:1 104:25 109:20 111:21 112:7 121:17 135:22 139:3 162:6 166:7 186:11 193:5 196:18 219:13 229:21,25 231:19 252:7 254:11 256:21,23 267:5,12 269:23	committed 178:23	comparing 20:15,16 179:20	concedes 67:16
commercial 172:4,16 178:14 191:19	committing 183:7	comparison 263:19	concentration 209:22 230:9
commission 34:6 36:6 53:14,15 68:6 103:13 116:7,9 143:24 152:24 162:10 168:18 182:6 184:10 202:23	common 230:19 236:21	compatible 138:18,19,21 262:18	conceptually 93:23 150:1
commissioner 33:21,22 42:21,23 43:8, 12,13 46:24 47:1,24 48:1 49:19,20 51:24 52:2 53:9,10,12 54:25 55:23 91:3 97:19,20 98:3,18 99:10,23 100:5 101:13,23 113:24 114:7,10 115:3,4,12 116:6 121:13,16 124:19,21 125:14 138:10,12 141:4 143:19 144:5,13 145:24,25 162:5,7 163:8 164:15, 25 168:8 169:18,19 180:1 187:24 193:1,3 194:14 195:17 200:24 202:20,24 203:17 205:12 211:24 212:13 219:21 220:5,22,25 221:2,24 222:4,12 225:16 229:22 233:10, 22 234:23 235:4,9 237:25 238:4,7,9,21 254:8,10,15 256:8 257:12,13 267:11,13 270:25 271:1,11,14,17	communicate 96:11 108:17 220:10 221:8	compelling 34:3 97:23 116:11,15 122:15	concern 21:3 48:18 143:25 144:2 161:11 175:1 177:14,22 178:12 185:19 209:14,21 218:12,15 226:12 237:8
	communicated 14:7,10,11 131:6 136:13 225:18	compensated 34:9	concerned 71:12 74:9 92:18 131:12 187:1 197:2 214:9 217:8 218:8 232:25 233:6,17
	communicating 180:6	complaint 14:13	concerns 18:24 21:1 26:6 32:23 33:5 68:8 75:17,24 82:17 91:16 92:23 111:22 136:3,4,7 177:13 186:3 188:1 191:7 192:3 193:14,25 197:11,16,20 198:14,21 210:9 216:12 218:3 223:6 224:10 225:12,24 226:7 227:2 229:3 235:23 250:3
	communication 92:2 110:16 113:11,14 179:7 221:3,7 249:16	complete 69:8 70:7 87:1 260:3 264:16,20 265:22	
	communications 14:12 249:8	completed 172:17 223:21 259:24 262:7	
	community 49:22,23 59:21 107:18 131:2 157:18 174:19 181:5 182:1,2,20 183:3, 4,9 185:25 186:6 188:14 189:8 194:5 198:2,25 200:7 202:3 203:3,10,12 204:14 205:20 206:11,21 208:12,21 210:9,10,12, 18 212:15 214:15 219:3 226:18 227:6,11 228:11 229:15 237:6	completely 29:18 30:6 74:12,14,16 78:25 89:17 106:9 112:3 190:20 243:19	
	commute 196:14	compliance 11:17 57:12	
	commuter 65:2	compliant 69:1 103:9,20	concessions 67:6
	company 36:12 220:17,18,20 221:4	complicated 17:24 101:20 107:7	concise 47:4 229:15 237:6 248:24
commissioners 164:22 193:23	comparable 262:10	complied 168:22	conclude 8:17 119:25 185:17
commit 226:18	comparative 57:19 63:3 68:8,20	complies 18:9 31:6	concludes 164:10 255:19
commitment 203:18	compared 18:19 247:10,13	compliment 158:21	conclusion 90:3 106:4 263:24
		comply 103:1 105:24	concrete 76:9 204:7
		complying 49:6	concur 188:11
		component 217:4	condition 13:22 16:5,10 48:14
		comprehensive 34:2 159:17 193:7 195:18 233:21	

54:9 81:3,23 84:19,20 85:15,17,24 87:1 102:18,22 103:10 120:5 122:7 128:8 148:8 153:2 155:8 156:7 174:2 178:17 181:4,5 183:7 185:24 186:5 188:14 199:18 203:1,2, 12 226:16 227:6 238:19,24 242:17,25 243:11	conforming 13:15 31:2 45:3 63:9 87:5,10 88:5,8 93:13 102:18 259:4 265:9,17	constitutes 26:3,10	continued 92:23
conditioning 238:24	conformities 90:11	constrained 211:12	continuing 197:23 243:14
conditions 64:7 68:23 87:7 90:7 147:25 174:1,20 175:16,21 177:7 178:10,19 179:11,21 180:18,20 181:18 184:11,12 185:21 186:2 189:16,18,24 190:5,8, 17 193:11,12,19 194:3 197:8 199:2,5,12,22,23, 25 200:3 201:10,14,16 204:8 206:15 222:24 225:25 226:13,19,25 227:2 229:2,5 230:3,14, 18 231:10 234:12 235:3 236:16 237:17,21 243:6 245:1 269:7,8	conjunction 16:18	constraint 123:25	continuity 97:12
	Connecticut 71:20 80:5 230:7	construct 13:6	continuous 72:1
	connecting 186:5 227:6	constructed 18:11 192:7	continuously 61:25
	Connell 257:21 258:24	constructing 251:8 266:1	contrary 100:10 151:21 200:15
	Connell's 260:4	construction 57:16 64:3 74:10,21 75:22 76:3 83:10 86:14 90:9 122:5 224:2 249:21,23 250:1,4 251:7 260:2 261:21	contributing 156:19 210:3
	consensus 118:21	consulted 187:20	contribution 179:24 203:2 212:15
	consequential 166:11	consumed 209:8	contributions 203:11 225:17,22
	conservation 150:3 153:14 157:1	contact 179:8	control 174:3,4 180:22 192:10
	consideration 117:25	contained 45:22 195:12	controlling 156:17
	considered 20:10 45:18 79:14 87:8 89:20 116:18 131:16	contemplated 82:4	conversations 91:17 120:24 210:7 215:8
	consistency 251:2	contention 181:25	convinced 124:7 161:18
	consistent 8:1 19:24 97:11 133:17 181:6 216:25 251:13,21 255:14 263:11	contentious 228:3	cooking 89:5 183:25 184:8
conduct 180:3	consistently 7:21 105:20 216:23	contested 100:13	coordination 178:25
confident 22:17,19 27:16	consists 246:8 259:13	context 9:21 68:4 130:5 131:12, 24 181:11 183:12 202:13 245:17,21 248:17	copies 188:17
configuration 142:5	consolidated 229:15	contingency 99:6 249:20	copy 61:22
confirm 114:2 143:2 166:24 217:2 255:11	constantly 203:6	continuance 236:10	corner 64:15,19,22 142:6 148:15 150:9,11 155:21 157:16 172:19 208:7,11 209:2,9,11 213:14 215:9 222:15,17
confirmed 115:5,6	constituents 198:18	continue 100:23 198:19 201:11, 16,19 225:20	cornice 241:20 242:11,17,19,24 243:6,11,19,22 246:12, 14 248:12,13 250:14, 16,17,23 251:16,17,20,
conflict 30:22	constitute 27:3		
conflicting 31:1 116:2,7			
conflicts 90:12			
confluence 153:6			

24 255:13	coverage 91:7	curious 24:4,17 28:8,14,19,22, 24 32:17 91:18 92:12 94:25 95:3,25 139:20 160:8 165:8 187:14 188:13 206:6 222:1,19 250:19	75:22
correct 6:5 11:14 24:9 36:1,7,8 37:15 39:5,6 40:17 41:1 46:9 58:7 76:18 77:4 93:2 114:3,16 115:8 124:14 134:11 162:13 249:15 251:23 255:14	covering 75:16		damaged 129:13 249:22
corrected 76:19 106:13	create 18:16,24 21:1 109:14 175:17 181:20 182:24 231:1 263:3	current 16:5 54:8 62:5 67:23 70:11 93:8 120:5 191:15,17	Damarr 241:8
correction 35:22 81:9	created 184:2	custom 20:16	dark 181:17
correctly 160:14 192:2	creates 243:12	customary 18:14	date 36:17 167:3 230:23 231:5 234:10,14 235:15 266:20
correspond 84:22	creating 78:12 132:4 192:14,18 208:17 211:13 261:12	customer 173:17 176:24 177:1 179:9	dated 45:23 195:13
corridor 177:25 210:4 214:18 215:13 217:13	creation 182:16	cut 196:13 247:4 256:18	dates 239:7
cost 185:5 198:24 215:3 251:9	criteria 6:12 18:3,8 19:21 20:5 108:12 109:7 118:6,15 175:3 179:18 208:19 262:16 263:21,25	CV 38:20	dating 148:2
couch 71:9	Cromwell's 51:12	D	daughter 69:24 71:11
council 110:14	cross 66:15 71:6	D-101.7. 80:23	daughter's 64:21
counsel 5:7 40:18 75:24 96:9 113:13 203:7	cross- 35:13	D-204 10:6,21	day 71:8 101:1 123:7,17 145:6 167:7 216:21 232:4 258:9 271:7,18
counsel's 229:24	cross-examination 15:17 34:12,20 41:25 105:6	D-207.4 10:15	day-to-day 221:13
count 108:6	crossed 79:9	D-208.7 13:14	days 71:16 152:9 167:3,18 254:21
counter 173:10	crossstown 65:2	D.C. 26:4,17 27:4,7 37:1,2,4, 7 41:2 109:14 116:17 138:22 141:25 149:3 178:8 217:20	DCA 206:17
couple 58:22 92:3 107:17 120:2 138:13 139:1 152:9 154:17 215:4 232:23 264:11	crowd 209:19	D208 6:8	DCOZ 186:23 187:12,20 266:20
Court 7:24 8:1 105:19 146:19 147:13 148:12 153:7 177:9	Crowe 240:8 241:10	D5201.4. 6:10	DCOZ's 269:1
covenant 83:5 100:20 106:21 110:7 113:9	cued 56:16	Dag 14:19 16:17 18:1 31:11	DCRA 61:21
	curb 238:19	daily 216:11	DDOT 13:5 47:22 160:22 167:13 172:12 175:24 176:3 177:19,21 178:25 179:1 180:6,8 222:16 226:2,4 238:5,18,24
	curiosity 219:23	damage	de

138:24	decrease 132:3	80:14 112:14 119:2,10, 13 122:19 144:6,9	denial 7:17
deadline 146:22 231:6	dedicated 183:17 208:24	168:3 231:25 232:12,14 233:19 256:14,17 270:3	denied 68:25 79:16 170:20
deadlines 123:10	deemed 131:10 175:13 183:17 184:10	deliberation 167:25 270:1,5	dense 162:22
deal 75:25 191:12 247:23	deep 38:17 64:25 65:17 128:5	deliberations 233:18	densely 162:22
dealing 89:24	deeply 27:11	delineated 247:20 248:5	denser 81:1 88:21
debris 74:21	default 103:12 143:22	delivering 185:14	density 20:1 50:4 87:21,22 156:17 175:7
decades 78:14 138:15	defeat 8:7	delivery 172:23 174:4 176:3,4 178:23 180:3 184:14 185:12 195:3 200:9 205:5 222:21 226:3,8 238:2	deny 26:9 68:7,12,18 90:14
December 110:22 111:4	defeats 8:11	delivery-heavy 208:23	denying 7:15 199:14
decibel 179:5	defer 40:18 68:18	delve 5:22	department 224:16
decide 61:2 191:2 201:23 234:17	deferral 68:25	delving 27:11	depends 81:23
decided 30:9 155:10	deficiencies 90:4	Delzell 146:9 147:8	depict 66:1,4
decision 10:13 39:19 68:18 112:14 122:22,25 123:7,18 125:2 168:13 208:9 229:8 233:23,24 234:10 236:24 237:4 239:19	define 38:14 199:24	demand 32:21 62:3	depicted 66:3 87:24
decisions 12:13 29:12	defined 59:4 78:13 89:3,19 229:17	demarcations 67:2	depicting 67:3
deck 19:10 65:13 66:17 74:5, 6 96:16 128:5,6,19 129:19,22,24,25 133:17 134:9,14 135:9 246:8 254:4 261:22	defines 60:13 64:5	Demare 219:14	depicts 66:9 82:25
decks 18:22 19:7 73:22 95:7, 9,10,11,13,18 104:5,8 127:11,14,18 128:4,15 129:4 130:12,15 132:5 133:11	definition 41:1,10 175:12 200:3 237:10	demolished 81:15	depth 64:25 92:15 127:16 128:2,3,4,18 261:23 263:1
declined 131:17 179:12 182:25	degrade 177:23	demolishes 83:10	describe 9:9 208:13
declining 183:2	delay 145:9	demolishing 70:9	describes 38:20
	delayed 231:4	demolition 247:6	design 17:23,25 18:16 28:23, 25 31:11 32:1,3,15,16 35:22,24 36:12 37:4 43:6 52:8 63:13,24 64:8 66:6 67:3 72:19 93:11 110:2 135:23 148:1 248:10
	delays 161:9	demonstrate 260:14	designated
	deli 185:4	demonstrated 66:24 208:16	
	deliberate	demonstrating 261:9 263:20	

179:7 183:17	developer 74:22 77:18 109:9,10 111:1	dimensions 67:8,11 92:25	discussed 20:5 21:17 32:25 61:18 117:18 189:18 197:5 208:20 215:6 225:11 234:19
designating 103:14	developer's 74:11,20	diminishes 78:13	discussing 5:18 53:2 197:8
designation 80:24	developers 221:16	dining 71:9 129:20 195:4	discussion 22:13 24:15 39:13 50:4 52:23 89:11 98:25 106:18 107:15 108:10 120:11 121:8 140:4 143:16 167:24 168:6 181:24 182:13 224:24 225:1 226:5
designed 16:14 29:25 30:4 59:9 155:20 157:3 177:3	development 50:2 70:23 80:5 81:2 88:21 91:19 108:11 110:12 156:18 159:13 162:12 175:7 178:13 182:5 202:25 262:19	direct 64:18 92:2 110:16 113:14 118:23 195:4 216:10 263:3	discussions 23:24 24:4 25:19,22 32:11,20 91:8,15 96:19 101:19 110:14 116:25 119:2 120:19,22 136:6 176:3 225:20
designs 98:24 99:2,6	developments 58:10 93:6	directly 74:5,7 138:2 178:22 181:23 182:6 208:8,9 213:18 214:5 218:20 219:8 221:8 226:4 236:14 243:10	disharmony 243:12,15
desire 82:16 229:14 235:16 241:18,21	dictionary 200:3	director 224:2	disingenuous 89:15,16
destroyed 72:3	difference 18:18 31:17 58:5 78:24 85:15 112:21 134:4 141:17	disabused 108:20	dismiss 8:16,23
destroys 101:6	difference-only 67:18	disagree 106:5	display 76:16 242:14
detached 80:22 87:16 88:19 93:20 101:10 103:5 126:3,24	differences 66:1	disagreement 238:22	displayed 67:21
detail 9:9 38:20 104:15 127:25	differentiations 243:20	disagrees 168:10	disproportionate 93:6,10 97:6
detailed 11:23	differently 174:24	disappointed 76:2	dispute 118:8
details 221:19	difficult 194:2	disclose 9:18	disregard 75:6
determination 8:3 85:21 119:18 151:2, 3,4,20	difficulties 153:4,9	disclosed 62:13	disrepair 75:2 148:6,20
determine 11:11,13 85:1 124:16 155:3	difficulty 161:20	disconnected 221:12	disruptive 48:8
determined 27:23 30:16 83:1 149:21 260:4	dig 75:15	discount 221:15	distance 133:15
determining 86:13	digging 99:19	discourage 178:13	distinct 140:1
detriment 155:14 163:24 205:20	diligently 50:20	discouraged 203:6	distinction 26:14,20 184:4
detrimental 205:23	dimension 133:19 253:12	discrepancies 266:21	
develop 21:7	dimensional 84:21	discuss 6:20 119:10 121:14 144:9 186:17 211:6 235:12 256:18 265:13	

distinguish 30:20	179:14	drop- 238:16	E
district 39:4 40:16 79:19 81:4 88:17 126:21 127:23 157:2,13 166:16	donations 174:14 204:15	drop-in 211:6	earlier 37:3 60:16 78:16 111:8 130:6 142:9,13 167:14 168:25 191:4 210:10 230:17
districts 182:21	door 69:23 71:3 219:4,6,8	dropped 113:14	early 170:23 187:4
diverges 93:2	Doordash 185:13	drugstore 183:21	ease 250:3
diverse 210:3	double 62:11 205:7 208:25 266:21	due 60:20 117:8 127:1 198:25 204:4 217:10 239:17 241:18,21 244:1	easement 100:19 150:3 153:14 157:1
divided 220:14	downplay 89:13	dump 71:24	easier 134:7 214:23 267:20
division 81:5 220:13	downstairs 106:22	dumpster 176:20 181:1	easily 176:14 187:7
DOB 11:8 17:11 24:16 25:22 26:2,7 27:8,14 60:16 107:5 109:23,24 110:9, 11 111:3,19,23 112:13 113:1,12 117:25 260:1, 3,5 263:23 264:22 265:16	dozen 139:2 217:15	dumpsters 176:21	east 136:3 246:11
DOB's 61:23	draft 188:15,18,19 198:1,6, 14,19 266:19	Dunkin 178:1 183:21	easy 211:6
document 37:24,25 67:10 142:22	drafted 66:21	duplex 80:16	eating 170:7 183:18
documentation 232:18	drafts 190:12	duplexes 80:12	echo 54:6
documents 11:20 232:20	drain 71:21,24	duplication 210:2	economic 251:9
DOE 165:13	drainage 71:17,23 75:18	duplicative 19:19	edge 21:12 95:18 133:14,19, 20,21
dog 216:17,20 218:22 223:13	dramatically 70:12	Dupont 147:21 156:14	edges 164:2
dogs 216:18	draw 79:23	duty 60:20	edition 68:22 245:16 246:7,21, 24 247:14
dollar-a-year 179:14	drinking 170:8 183:18	dwelling 9:18 12:25 13:9 16:4 18:23 45:3,4 86:22 87:5 89:3 106:20,24 126:4, 24 146:18 240:20 258:2,4 259:13,14,18 266:4 269:6	effective 149:2
domain 5:18	drive-through 172:24 173:21 176:23	dwelling 263:4	effectively 8:11 28:3 85:25 89:23 103:13 129:19 174:22
dominance 78:12	drive-thru 181:13	dysfunctional 31:24	efforts 63:13
donation	driver 174:4 176:3 178:24 184:13		eight-foot 13:11
	drivers 185:14 200:9 205:5 222:22 226:8		
	drop 7:12 50:5 237:9		

eighties 184:1	embark 167:24	enforced 204:9 217:8	220:3
elaborate 199:10	embodied 155:16	engage 143:17 197:15	entrance 16:8 173:17 176:25 177:1 218:20
electric 41:11 83:20	Emerald 170:4 171:22 172:1 227:9	engaged 27:13	entrances 9:20
electrical 23:11,13 36:14	employee 174:13 182:17	engagement 179:8	entrepreneur 214:20
electricity 26:15,21 41:3,7 58:25 59:20	employees 173:1	engaging 236:13,19	entry 83:9,12,13 89:7,8
element 87:15 240:17 241:19	employment 200:5,6	engineer 22:25 26:12 38:13,15 111:25	enumerate 206:9
elements 19:8 81:7 89:4 90:8 179:17 243:21 244:1 251:12	empowered 61:2	engineers 36:13,14 224:15	envelope 129:17
elevation 17:16 128:19,25 150:8 246:12,16,18,20,22 248:14 252:11	empty 93:17,18,20	enhance 156:15 189:20	equinoxes 85:24
elevations 128:17 150:7 245:11 246:11 252:22 253:3 263:15	enclosed 140:3 149:17 153:19,24 154:21 155:1	enhanced 190:4,11	equipment 62:9
eligibile 87:8	enclosure 89:18 134:13 176:20	enjoy 71:5 79:2	equipped 107:6 202:15
eliminate 85:25 259:3	encourage 53:14	enjoyment 70:24	erode 76:6
eliminated 13:17 83:18 88:11 100:10	encouragement 203:13	enormous 93:9	erroneous 6:3,14 7:1,21 12:3 57:6 105:21 107:11 117:19 118:13
eliminating 87:6,19 98:12 99:18,19 102:17 259:21	encouraging 175:8 264:14	enrichment 77:19	error 82:25 260:5
elimination 99:25 101:1,3	end 5:10,11 12:7 71:21 72:2,11 90:18 95:18,20 101:1 110:22 111:20 117:21 133:16,17 149:4 209:5 262:4	ensure 150:5 183:3	errors 76:19 79:17 84:16 106:12,14
eloquently 121:9	ends 65:17 199:22	enter 256:25	escape 199:17
email 62:19 108:19,21 139:9, 10 227:20	energy 10:22 23:8,15 26:15,19, 20,21 27:7,24 34:8 40:15 41:2,4,11 57:11, 18,23 58:2,5,9 59:2,4, 14,17 60:1 61:18 62:21 63:3 64:1 68:24 81:24 82:20,21 83:18 92:21 98:5,6 106:10 118:9	entered 169:5	essentially 31:8 102:16 149:14 156:5
emailed 62:16	enforceable 203:3,14 204:1 210:13	entire 8:8,14 11:16,17 64:4 70:9,11,15 72:5 73:7 81:14 83:10 99:18 156:6 251:14	establish 66:22
emails 92:3 96:13 151:18 211:5		entirety 11:11 75:16 156:3	established 98:14
		entities 150:4	establishment 170:8 194:22 195:2 199:1,19 212:16
		entitled 72:21	establishments 176:18 183:18
		entity	

Estate 170:3 171:24	5:23 6:7 8:5,6,9,10 9:22 10:15,21,25 18:3,7,15 19:21 20:2 28:1 39:14 58:7 63:11 68:15 70:18 73:3,4 79:18,20 82:13 85:18 86:5 88:1,14 90:5 99:9 108:4 109:7 112:22 118:6,15 128:7 140:23 146:14 151:8,11 152:18 156:10 158:6 159:19 160:6 162:19 163:4,21 165:10,16 170:6 172:6 175:12 176:8 178:6,18 182:13 184:6,9 199:19 210:12 211:5 228:20,24 241:17,20 242:10 244:5 257:24 259:3,25 260:8 263:25	142:9,10 163:16 165:18 195:12 225:6 247:22 248:7 256:11	expected 155:18
evaluate 8:13 11:21 202:15		expense 179:2	
evaluated 6:9 66:16		experience 11:9 43:7 75:19 187:14 216:14	
evaluating 8:2 86:4		experienced 216:24	
evening 66:20 147:4 163:19 219:22 241:7 271:13		experiences 208:25	
event 32:21		experiment 234:9	
Everybody's 125:9		expert 5:1 6:1,12 9:6 15:1,4,6, 8,10 22:24 38:3,5,12, 15,17,24 70:5 79:12 118:3	
everyone's 228:6	exceptional 104:14 153:1,4,8 161:19	expertise 226:24 249:23	
evidence 66:18 67:9 86:14 106:15 204:25 205:5,10	exceptions 8:3 58:11 79:21 86:12 98:7 99:12 125:24 240:11 241:17 242:2,7	experts 39:17 226:4	
evolve 201:11	excess 84:1	expired 154:12	
evolved 201:10	exchanged 151:18	explain 30:14 190:10 250:17	
exacerbates 87:20 101:3	excited 92:20	explained 26:13 30:7	
exact 93:4 131:4 142:5 226:14,15 260:2	exclude 59:10	explaining 11:25 40:22	
examination 35:14	excuse 15:9,13 16:16 53:23 212:23 218:18 232:2	explanation 6:24 199:8	
examines 66:19	excused 119:5 144:8 168:4	exploited 200:9	
excavating 70:10	executed 57:20	explore 120:16 242:25	
exceed 86:15	exemption 100:1 112:22	explored 94:12 251:6	
exceeded 184:18	exhaust 224:11	exploring 180:10 249:14	
exceeds 62:9 176:22	exhibit 9:8 45:22 61:8,24 62:6, 13,19 65:9 66:21,24 67:6 68:9,10 140:25	express 110:23 144:3	
excellent 6:24 124:25 169:1 255:15 270:3		expressed 91:16 92:23 229:14	
exception		extend	
	existing 13:1,9,16,22 16:3,5,8, 10 17:2 19:9,15,22 20:21 64:7 66:3,4,6 68:23 70:8 75:15,16 87:1 88:10 90:10 126:3 127:14,15 128:2,15,18, 21 129:5 132:5 133:12, 14 134:9 135:5,7,9 139:24 140:11 146:17 147:24 150:16,20 155:21,22 156:16 157:12,16 165:10 168:15 170:9 177:25 180:9,14 192:6 204:3 240:19 241:11,19 242:16,17,19 243:3,16, 23 244:9,17,22,25 246:23 248:11,17 251:17 253:10,14,16 258:2 259:3,21 262:20 265:19		
	exists 62:22 63:3,7 67:19 263:6		
	expand 19:22 129:3 139:18		
	expanded 83:17 89:1 127:19 129:25		
	expansion 81:2 86:25 129:9 165:12,14		
	expect 15:20 21:6		
	expectations 91:2		

19:4 72:14 73:7 134:21 150:24 240:12 241:22 244:6 245:5 261:25	242:16 246:16	fall 74:4 178:5 186:3	feedback 29:1 116:13 188:8 198:17
extended 31:2 82:15 209:17 244:19	facades 149:8 156:3	fallback 30:1	feel 22:16,19 27:16 92:25 104:17 119:24 120:7 123:1 158:8 160:10 188:10 191:10 200:18 201:5 208:11 233:19,21 234:15,18 249:8,10 250:16 258:8 260:8
extending 31:25 71:13 78:10 81:17 102:19,23 128:8 133:13 259:15	face 59:7 67:15 130:15 142:2 244:13,20 253:13,14,15	falling 127:2 129:13	feeling 28:10 50:16 187:19 190:16
extends 83:11 86:22 87:19 176:16 177:10 262:8,22	faces 64:13,22 136:23 173:17	falls 231:13	feet 8:21 10:16 12:23 13:20 16:12 19:4,14 20:15 21:23 28:2 31:3,9,12 45:4,5,15,17 46:7,11,14 66:5,7 70:13 72:22 73:9 81:18 82:18 88:13 93:12,17,18,24 94:7,9 102:21 107:19,20 111:5,13 128:2 133:18, 21 134:4,9,15,16,24 135:1,10 150:19,25 151:10 152:18,19 161:17 172:18 182:10 240:13 241:22,23 244:7,13,19,21,22 245:5,23,24 246:3,4,15, 20,22 247:12,14 252:10 253:14,15 262:21,24
extension 13:15,19 45:12 64:18 70:7 72:9 82:3 88:8,12 92:15 103:22 129:4,9 134:22	facilitate 162:11 206:25	false 62:23 63:7 106:5 250:14 251:16	feet's 109:4
extensive 131:13 234:2	facilities 9:20 89:5,6	familiar 39:8 40:25 96:21 108:7 138:15	fell 130:23 148:5,19 185:2 227:3
extent 89:18 245:25 246:4,19, 24 247:1,2,4	facility 59:21	familiarity 39:3	fellow 50:20 164:21
exterior 132:11	facing 33:6 65:1 141:22,24 228:5 262:5,13	families 53:6 87:23	felt 34:6 116:10 178:9 186:24 197:11 201:23 206:21 233:23,24 238:13 251:9
extermination 179:2	fact 23:1 27:21 70:20 75:5, 8,14 78:1 81:22 82:2 87:14 94:12 103:2 106:9 108:6,18 117:12 118:5 132:9 136:22 138:16 157:1,2 161:7 167:19 184:8 198:12 209:6 214:4 217:9,12 221:13 265:19	family 9:24 12:25 16:4 45:3 65:7,12 66:13 71:7 72:1 73:16 77:24 106:20,24 113:10 126:24 138:13 139:6 259:13	FEMS 165:13 168:21
externalization 200:8	factor 24:3 77:15	family's 77:17	fence 155:4
extracting 206:20	factors 153:6 157:10 158:6 166:4 177:10	farther 240:12	fencing
extraction 182:2 200:7	facts 61:12 124:2	farthest 240:13	
extremely 71:12 205:6 227:4 231:8 260:25	failed 9:17 10:14,20 198:5,20	fast 170:8 172:7 176:8,10, 17 178:18 183:24 184:2,8,11 194:21 195:2 198:25 199:19 208:16,23 209:4,8,16 211:11 223:5 226:21	
extremes 97:13	fails 72:17	fault 219:5	
eye 188:24	fair 69:3 192:9	favor 214:7	
eyesore 72:4	fairly 131:6 134:15 147:19 148:13,14 221:12	façade 262:16 263:9	
F	faith 183:5 202:5	feature 95:23 243:18	
facade 17:15 153:13 154:13		features 18:23 19:6 104:6	

153:20 155:2	205:20	flexible 158:24	118:19 191:1 237:5
Ferster 14:9,12,24 15:5,12,16 21:9 32:20 35:4,5,7,9, 19,24 36:4,9,16,22,25 37:6,10,13,16 38:1,6, 10,19 39:2,7,21,25 40:3,4,5,8,11,13,23 41:8,10,15,17,23 47:7,9 54:13,15 56:5,6,7,10,23 60:7,10 77:3 96:9 105:24 108:17	financially 214:20	flip 77:18	follow-ups 192:12
Fessenden 70:17	find 12:5 23:20 53:17 112:8 145:1 199:23 204:8 211:7 228:21 268:24	floated 204:10	food 170:8 172:7 176:9,10, 18 178:18 182:21 183:24 184:8,12 194:21 195:2 199:1,19 208:16, 23 209:4,6,8,16 211:11 216:22 218:10 226:21
field 200:9	finding 68:14	floor 17:8 31:11,12 50:7 59:9 60:2 67:12 72:20,24 74:2 81:16 86:6 91:6 96:21 97:1,23 98:2,12 111:16 115:8 127:12, 16,17 128:5,6,19 129:16,19,22,24 132:4 133:8,10,12 134:9,13, 14,24 135:8,11 146:11 148:23 149:12,13,17,20 150:12,17,20,21,24,25 154:7,11,21 157:14 159:8 170:9,10 172:16, 18 178:14 183:17 191:8,18 214:6,9,13 220:2 245:19 246:5 248:19 252:22 253:3,4, 5,9,18,20,22,25 254:2	foods 184:2
figure 50:20 165:8 248:6	findings 90:5 176:10 185:19 226:11	floors 10:16,17,25 72:23,25 135:6,7	foot 11:1 17:4 20:20 72:10 73:8 95:14 100:1 117:5 126:24 147:19 148:23 209:16
figured 198:19 224:17	finds 45:19 183:6 194:25 195:10	flow 95:16	footage 93:25
figuring 200:21	fine 96:2 198:8	flowing 192:16,17	footprint 19:9 20:12 66:4,6,8 83:11 87:21 129:20,23, 24 132:24 133:9 134:13,15 246:2
file 25:25 65:24 106:1 186:21 254:1	fingertips 91:13	flows 71:18,20,22	footprints 127:13 153:11
filed 22:21,23 23:3 36:6 63:6 66:21 67:1 68:21 106:2 109:11 115:17 167:5,12	finish 56:20	flush 244:11	foreclosure 228:5,17
filing 65:9 106:13,14 109:12 146:22 235:16	Finkel 240:8 241:9	focus 5:25 34:25 81:7 117:4 118:14 216:13	foreign 216:25
filings 123:15 144:21 149:4 189:12 190:3	fire 65:6	focuses 127:10	foresee 197:24
fill 66:23 221:17	firm 57:23 62:16 227:8	folks 208:3 215:2,14,15	form 86:23 146:23 156:5 232:9
filling 31:9 65:17 117:14	fit 77:17 176:19	follow 217:12	formal 143:20,25
final 60:6 68:4 114:22 143:4, 16 181:8 198:6,19 227:17 229:21 269:2,10	fitness 183:22	follow- 40:23	forthcoming 179:25
finally 21:15 88:24 131:24 157:5 218:2,13	five- 269:8	follow-up	forward 33:12 34:11 56:17 86:8 87:11 102:23 122:5 124:8 132:18 163:1,6 167:10 189:1 193:18 194:12 196:3 229:13 231:16 258:14
financial 179:16 198:24 202:2	five-foot 13:2,24 14:5,6 18:11 20:14 28:15 70:19 100:7 103:2 117:14 118:10 269:8		found 6:8 29:22 113:1 149:15
	five-minute 239:22		
	five-yard 52:5,12		
	five-year-old 69:24		
	flat 61:19 83:6 269:3		

158:3,5 163:23 176:22 178:13 186:2 203:25 205:9 226:19 233:10 268:21	209:9,12 260:25 261:10,11 262:16,25 263:9	14:14 19:20 88:1 108:11 127:13 132:5 156:13 164:9 249:23 251:4	22:8,10 23:23 24:14 25:21 27:10 28:7 32:10 33:11 43:15,19,23 44:1 45:25 46:2,17 54:4 90:23,25 91:21 92:10 94:22,24 95:21 96:3,7, 17 97:2,15 102:8 103:15 104:1,4 118:22 119:19,21 121:18 124:5,20,22 132:21,23 133:6 134:25 135:5,13, 18,24 137:3,13 139:8 145:14,20,21 146:4 158:18,19 159:22 160:15 161:2,13 165:4, 16 166:9 168:19 169:14,15 186:12,13 187:13,23 188:7 189:6, 14 190:18,25 192:8 193:6 201:2 202:7 203:23 211:25 212:4,9, 12 222:5,7 224:4 230:11 231:17 232:11, 21 234:5 235:11 236:12 237:16 249:2,3 250:5, 12,24 251:3,19,25 252:3 253:17,22 254:16,18 255:11 257:8,9 258:11 264:9, 11 265:1,7 266:8,13,23 267:3 268:9 270:6,10, 21,22 271:4,16,22
foundation 75:18 111:25 112:4 203:11	frontage 157:9 260:23	generally 182:4	
four-foot 103:6	FSEC 59:5 62:5	generate 209:17	
four-minute 55:13	full 68:21 99:19 113:5 131:7 148:18 154:23 168:13 176:16 183:19 189:24 202:8 229:19 230:13 231:2 234:1 242:14 270:7	generated 59:3	
four-to-zero-to-one 271:3		Georgetown 126:21 127:23 135:20, 21 138:20 141:23 184:1	
fourth 43:7	fully 147:16 149:16 153:24 154:21 155:1 158:25 187:9 264:20	Georgia 170:11 172:2,3,14,19 173:2,16,18 175:6,9 177:1 180:15 182:12 183:15 184:7 208:6,7, 21,24 209:11,22,23 211:9,18 214:21 216:6 217:9 218:2 223:7 225:10 226:3 230:5	
frame 66:8 69:2 72:8	function 9:4 12:10 195:3		
frames 66:1,4,25 67:3	funding 186:6 227:7	geotech 111:24,25	
framing 228:11	furthest 19:5 107:12,14	get all 186:21	
Francis 171:23 224:1,3	future 49:2 60:21	giant 93:20	
frank 29:18		gifts 202:14	Goldstein's 31:14 33:24 85:7 102:1
Fraser 146:19 147:13 148:12	G	give 55:20,23 56:19 61:13 76:4 84:10 87:16 109:1 112:9,21 113:18 121:24 123:9,15 134:4 135:1 158:23 183:14 196:18 210:25 216:3 233:7 235:14 239:13 256:2	good 15:18 25:17,24 41:20 42:5,11,24 52:21 53:15 55:23,24,25 58:17 69:18 79:9 92:6 98:3 125:9 140:14,19 145:3 147:4 155:14 158:20 163:24 183:2,5 189:17 196:7 202:5,21 203:12 210:18 219:18 230:1 234:23 237:1 238:11 241:7 249:13 255:5 256:20,21,22
Freeman 147:9	gap 66:23 188:23 189:2 210:1 261:12	giving 203:10 207:14	Gordon 240:24 241:1,2,7,8 248:25 249:15 250:9,20 251:1,4,23 252:1,5,12, 16,19,21 253:2,20,24 254:6 256:4,16
frequent 205:7 208:25 249:16	garage 72:11 73:8 104:8	glad 27:13 69:6 201:4 229:11 252:24	
fresh 74:3	garbage 191:6	glance 136:11	
Friday 158:1 159:21 163:19 167:5 235:20	garden 59:10 60:5 65:13 71:7, 10,14,15,16 72:3 149:18 154:25	glass 74:1	
friends 52:21 71:11	gardens 72:2 78:9	Goldstein	
front 13:7 17:9,14 19:10,13, 14 20:13 21:18 31:3 45:13 65:1,4,6 82:9,19 83:13 89:7,8 94:1,6,8 95:2 98:22 112:10,11, 15,17 113:6 117:12 128:21 131:22 136:15 173:10 199:18 202:19	gathering 209:17		
	gave 26:2		
	general		

govern 175:3	71:10	habitable 148:7,19 156:7 166:3	hazard 223:14
governing 39:4	grills 65:6	half 72:10 73:8 93:18 94:9 123:16 139:2 187:5 219:4	head 36:21 52:19 98:22 264:24 267:24
government 47:22 142:20 195:22 255:23	grocery 183:21	hand 86:16 103:11,12 186:23 187:11	hear 27:12 31:15 44:15 47:25 54:7 55:10,24 104:22 105:7 116:24 120:25 131:17 138:11 147:1 163:8 189:19 190:4,9 207:19,21 215:22 216:1 229:20 230:21 233:15 254:13 255:1 268:1,22
governs 39:8	gross 179:13	handle 107:7 161:1 187:20 208:22	heard 27:14 32:16 49:24 50:1 76:16,21 94:20 95:21 96:17 102:10 105:6 112:1 119:23 122:21 142:21 153:6 164:14,17 197:3,19 198:13 214:1 220:23 223:20 225:3,15 229:11 231:23 237:9,14
grade 141:19	grossly 93:6,9	handled 100:14	
grant 7:13 45:15 143:13 183:3,10 186:6 227:7 264:5	ground 170:10 172:16,18 178:14 183:16 191:8 215:11 216:22 217:6 220:1 221:13 230:19 236:21	hang 218:5	
granted 155:13 269:19	grouping 88:25	happen 10:17 20:17 101:22 107:11 108:5 167:19 214:14 233:25 264:25	
grants 182:20	groups 183:9 186:6 215:11 227:7	happened 167:4	
graphic 68:1 95:5	growing 184:3	happening 97:14	
gratuitously 230:4	guess 42:14 43:3 44:7 49:24 51:7 55:19 78:15 83:16 92:17 101:18 131:21 142:7 166:5 169:2 186:21 194:10 196:24 222:12 225:2,6 238:14 266:16	happily 202:5	
grease 179:3 180:23 195:7 214:12	guessing 135:6 249:7,13	happy 40:1 61:13 90:16 140:24 157:18 164:10 186:7 189:19 202:20 248:21 264:6	
great 35:19 54:13 56:23 71:5 74:8 126:19 127:12 177:10 205:24 216:12 237:3 250:12 267:16 268:17 269:14	guidance 115:1 152:6	hard 49:5 138:7 154:22 161:6 220:14	
greater 177:24	guideline 88:6	harder 214:23 228:23	
greatest 263:20	Guillermo 79:11	hardship 87:13 153:5 233:12 237:10	
green 76:8	gutted 156:5	harm 64:10 189:1 211:14	
greenery 162:21,23	guys 110:25 190:22	harming 77:21	
Greg 207:16 208:4 213:3 216:11	H	harmony 51:9 156:12 243:24	
Gregory 171:7	H6007.1. 175:4	Harvard 209:22 217:15	
grilling			

8:21,22 14:4 20:12,22 21:19 45:11 50:2,4 70:15 81:17 135:2,8 146:15 150:16,19 151:8,9,11,12 152:18, 20 155:22 156:11 157:11,12 158:4,7 159:20 163:21	historic 126:21 127:6,7,23 129:14 136:15 137:1 138:18 139:25 140:10 143:11 147:16,20,21 148:1,11 149:8,20 150:1 153:10,11 154:2, 15,24 156:3,24 157:1,2, 13	hoping 73:1 120:25 191:13 204:6 239:23 240:24	64:8 66:11
height's 135:8	historically 155:9	hopped 196:14	I
held 7:21 105:20	history 154:5 228:21	hot 59:13 62:3	I-M 37:14
helped 104:18 184:5	hit 60:8 205:7	hour 96:12 248:25	idea 89:11,13 92:6 96:20 100:9,11 101:4,6 102:13 201:9 204:10 214:8 225:15 250:14 251:8
helpful 5:19 25:2 27:11 43:16 46:3 54:7 94:24 116:19 121:25 142:16 144:5 145:2 263:16	hold 99:4 207:1 228:12	hours 59:6 66:12,20 85:15 172:25 173:20 174:3 177:6 181:9,12,16,19 194:9 213:15,20 218:22	ideal 234:15
helping 48:20	holdings 7:25	house 50:15 70:12 72:7 92:20, 21 93:11 94:3,4 127:8 130:6,8,10 133:21 137:22 138:17 139:25 140:8,11 141:17,25 147:17,20 154:24 243:2,3,8,9,16 251:5 258:25 261:3,7	ideally 191:17 234:6
helps 27:9 224:21	holiday 123:17	household's 61:20	identical 29:13 67:17 70:15 111:9
herring 70:19	holistic 197:22	houses 19:17 51:8,9 52:5,11 65:14 67:15 71:20 88:19 94:2 101:10 103:5 117:16 137:21 140:3 141:22 142:2 148:3 157:8	identified 183:8 264:17
Hey 29:11,14	home 46:10 61:5,17 62:1 69:22 70:5,8 72:16,17 74:10,16 75:15,18,23 127:8 139:6 197:1 241:11 244:9 246:23	housing 162:12	identifies 68:10
hidden 219:4	homeowner 77:16 258:23	HP 135:15	ignorant 110:25
hideous 76:11	homeowners 126:13 241:10 249:16 250:10 251:6 258:25 263:22	HPO 153:23 154:15 160:24 167:13	lkechukwu 37:9
high 135:1 198:24 206:2 215:2 219:25 223:4 227:24 243:25	homes 65:3 72:19 75:19 77:20, 25 78:13,14 141:16 243:7 248:18	huge 135:13	image 85:4,5,11 247:15 248:11,14
high-turnover 211:11	honest 199:16	hulking 72:4 76:12	images 85:4,10 180:7 248:10, 15
high-wealth 207:2	Hood 53:15	husband 69:24 217:1 218:5	impact 16:24 21:9 28:2,4 31:11 33:4 50:8 64:1 65:16 71:13 73:13,15 85:1,2 86:4 88:1 98:8 100:5,7 101:16 102:5 117:7 132:6,8 142:5 143:9 153:25 154:5 161:20 166:7 176:5 181:20 200:16 202:2 204:14 205:3,6 223:16 224:19 231:2 238:4 263:20 269:17
higher 81:16 150:17 224:10	hope 27:9 55:1 121:20 198:15 202:4 230:13,15	hyperbole 109:8 116:12,14,16,20	impacted 110:4 117:10 195:1 208:9 216:15
highlight 18:6	hoped 199:9	hypothetical	
hill 71:19 172:8 174:15 180:5 241:25 250:13 259:8 264:3 267:15			

impactful 154:14,19 155:9 156:1 249:11	inability 225:14 228:21	increase 20:1 64:6,7 87:6 103:7 127:20 128:13 132:2 134:15 152:14,18 176:1 179:15 247:20,23 248:4	informed 75:25 188:9
impacts 20:25 58:16 74:10 85:22 130:17 136:23 150:13 164:3 175:15,19 176:6 184:13 192:18 193:21 194:4 195:5 202:12 208:17 216:10 222:17 226:6 262:20	inaccuracies 81:8 109:21	increased 87:21	infrastructure 208:22
impairing 155:15	inaccurate 112:8	increases 87:22 90:10 127:17 128:11	ingestion 217:1
impairment 70:24 73:18	inappropriate 186:25	increasing 245:6	inhabited 223:8
impede 71:17	inch 262:21	increment 63:23	inherently 217:23
implement 199:12	inches 72:15	incremental 46:10	initially 233:21 265:16
implications 85:20	incidence 64:6	incubator 215:10	initiative 214:16
implied 41:12	incident 66:19	independent 9:19 217:18,21 220:16, 18,20	input 166:11 168:12 201:5
imply 198:2	incidents 213:18	indicative 208:12	inside 51:14 64:15 70:10 156:4 176:21 179:6 187:6 195:7 219:9
important 6:19 7:19 14:1 20:10 50:12,18 51:1 53:7,13, 19 57:10 77:15 78:23 84:24 85:16 86:21 87:25 104:9 138:1	inclined 122:13	individual 80:9 123:23 196:1,2 220:9,11	inspected 75:3
impossible 71:16	include 57:17 63:1 95:7 130:2 152:5 178:9 181:21 203:1 225:7 238:15	individuals 56:3 142:25 166:19 207:13 221:11 255:25 268:19	installed 61:20 62:10
impression 14:8 108:15,22 214:19 220:12 222:23 223:3	included 65:3 95:9,10 151:25 152:8 158:2 159:18 180:4,22	indoor 132:4	instance 11:22 118:1
improve 33:3 77:16 132:9	includes 5:17 68:24 73:21 148:18 177:25	indulging 104:2	instructions 174:5 178:25
improved 126:23	including 45:11 48:25 68:21 136:2 167:13 174:6 182:22 189:25 193:12, 16 195:6 214:5 258:17	inevitable 75:21	insufficiency 66:22
improvement 139:5	incomplete 67:2 82:24	infilled 261:6	integrity 76:5 155:16 156:18
improvements 19:24 77:25	inconvenience 250:2	inform 187:21 188:3	intend 83:8
in- 17:5	inconveniencing 94:10	information 5:17 22:21 34:16 57:8 115:10 118:3,16 119:8 121:23 122:24 124:18 183:8 234:3 235:7	intended 67:7 88:17 102:11 156:15 162:15 173:13 175:6
	incorporated 174:1 189:20	informative 33:25 34:1	intends 178:16
	incorrect 58:3		intensity 86:24
			intent 19:25 88:2 90:13 93:3,5 103:14,25 140:4 155:15 156:13 163:25 200:11

intention 77:23	interpretive 83:2	irreparably 77:21	I'll 109:22 268:6
intentional 151:13	interprets 10:19	irrespective 217:7	I'm 94:23 102:8
intentionally 80:18 83:18 86:23 113:5	interrupt 14:25 30:11 42:18 235:1	irrevocably 72:3	J
intents 200:14	interrupted 50:24	Isaiah 44:17,18,19,22,24 46:12,18 194:15,18,19 195:18 199:9	Jamaican 225:8
interaction 108:14	intersection 173:19 205:6 222:22	ISIS 142:12	January 32:12,13 62:13 65:9
interceptors 179:3	introduce 20:2 25:19 56:15 57:2 169:25	issuance 263:23	Jason 58:14,18
interest 8:24	introduced 251:20	issue 9:1 12:8 23:25 27:12, 14,15 31:5 33:13 57:4, 12 58:24 60:9 61:1,17 73:25 75:25 82:10,16 97:5 99:17 100:7,21 101:2 106:9 107:22 108:2 124:14 139:19,21 149:25 161:1 163:1 165:9 174:19 176:12 191:3 194:9 197:13 206:2 209:3 211:10 227:17 228:25 231:12 238:23 260:7 264:17	Jefferson 170:3 171:24 220:4
interested 202:1 215:17 250:15	introduction 12:22 58:12	issued 61:21 172:21 203:4 222:16 260:5 264:21	Jen 171:23
interesting 34:8 95:5,23 119:23 260:22	intrude 19:16 22:1	issues 26:7 57:14 58:1 70:22 74:21 124:12 135:23 161:23 183:15 188:24 191:13 197:4 203:5,8 208:20 210:6 213:13 219:24 233:4 254:21 263:23	Jesick 159:23 160:1,4 163:10, 11,13 164:13,16,25 165:5,15
Interestingly 151:1,12	intruding 73:23 157:7	item 9:17 10:4 152:17 200:19 203:9	Jesse 257:21 258:24
interests 227:10	intrusion 21:16 117:15	items 121:15 143:16 174:11, 12,16 179:12 229:16 233:14 234:12 235:13 237:8 238:12,16	Joan 51:11
interfere 82:14	invasion 81:1 88:20	It's 51:3 94:1 159:16 215:17	job 182:15 216:12
interference 58:4 63:10 64:3,5 83:22 86:13 98:15 100:14	inverse 80:12		jobs 182:24
interior 130:1 132:10 148:18,21 173:9 191:7 241:13 245:25 247:2,5 262:23	invest 185:8		join 196:15
internal 173:7 176:22 179:4 180:25 191:8 262:12	investment 210:11 227:13		joined 101:8 196:6 197:3 204:24
international 59:1 206:19 214:22	involve 202:12		joining 207:7,10
interpret 143:24	involved 110:15 113:14 219:23 224:7		Joseph 220:9
interpretation 9:2 12:9 22:17 27:16 83:19 93:1 115:20 152:6	involves 202:11		Joshua 255:7
interpreting 9:4 12:10	involving 36:14		joule 59:4
	irradiance 62:8		July 45:23 110:23 148:25 166:25 195:13
	irrelevant 7:22 12:5 90:7 105:21		

jump 102:9	141:11 142:1,22 143:21,25 145:3 160:1 163:3 177:18 178:11 183:14 187:15 189:24 192:14 200:21 239:12 249:4 250:14,18	34:9 147:6 182:9 235:17	leading 187:18
jumping 203:20		landlocked 76:12	leads 153:8
juncture 122:13		landlord 186:24 219:24 228:15	leans 63:23
June 62:15	King 184:3	lane 177:22	learn 27:5 34:10
jurisdiction 12:12 117:23 136:25 178:6	kitchen 9:20 81:13 173:11	language 23:8 58:8 83:22,24 180:4 198:14 251:14	learned 213:5
Jurkovic 268:2,3,5,6	kitchenette 106:22	large 48:7 71:22 75:20 79:25 130:20 147:19 182:9 202:3 222:21	learning 34:15
justification 26:6	knowing 92:12 218:13,21	largely 229:24	lease 181:9 227:14,19 231:6
jutting 252:18	knowledge 113:3 202:18	larger 128:22 129:7,23 130:7 225:1	leave 39:16 74:3 117:24 216:22 234:13 236:22
juxtaposition 141:16	Kovacs 10:5,7,12 14:8,11 35:10 41:23,24 42:8,9,11 47:14,15 54:21,22 58:14,17,18 69:8 72:17 73:16 75:23 77:14 82:22 85:6 91:9,20,22, 23 92:17 94:23 98:13, 20 106:4,17 108:15,23	last-minute 76:18	leaving 78:22 94:8
K			
Kate 35:3 56:25 69:21 79:12 91:20 94:17	Kovacs's 86:1 107:8	lastly 242:4 248:9	led 193:24 205:16
Kate's 94:3	Kristen 257:21 258:24	late 96:13 106:16 109:12 126:6 135:25 138:5 145:4 148:2 149:3 163:18 213:14,19 218:19 248:25 254:19	left 72:6 73:12 80:8 128:4 184:23 208:10 242:23 243:2 244:16,24 245:20 247:11 261:6
Katie 146:9 147:8	kudos 158:23	late-breaking 139:1	legal 40:24 61:14 103:21 175:5,23 182:3 199:7
keeping 78:4 79:1 122:12	L		
Kendra 215:22 216:6	L'ENFANT 150:2 153:14	latest 190:8 230:12 235:20 266:19	legalistic 202:8,16 203:5
key 8:25 22:15	Labor 123:17	laundry 89:6	legally 45:2 177:11,13 179:21 226:9
kilowatt 26:12 27:2 58:25 59:6,9 60:2 62:10	lack 51:6 181:25 197:7	law 11:5 17:6 26:4,11,17 27:4,6,7 34:8 39:3,8 40:16,25 62:16 98:6 118:4 177:10 178:8	legislative 59:22
kilowatts 23:9,10,11 26:3 41:6,13 58:24 62:7 82:21	lacked 210:14	lawyer 48:17 75:23	legitimate 194:4
kind 25:10 27:12 30:10 32:25 50:8 52:23 77:6 88:5 89:15,16 94:2,14 95:25 101:11 103:11 116:13,20 121:21	lacking 205:10 208:13	leadership 271:15	length 13:2 71:14 73:7 201:20 237:18
	lacks 208:22		lengthy 125:6
	land		lessened 151:12

lesser 151:22 154:4 158:7	59:10 60:5 61:10 68:16 73:13,24 74:2 77:20 78:7 117:7 132:6 136:21,24 143:10 157:7 164:3 179:6 269:18	189:24 190:4,8,9,16 227:22 229:15 230:2, 13,15 233:20 234:12 235:3 237:8,17,21 238:12	174:23,25 184:5,6 185:12 215:10,11 217:18,21,25 225:2,13, 15
Lester 12:1 23:22			locally 206:12,14 209:25 217:16
letter 29:22 50:23 51:12 63:23 67:6,7,11 83:2 94:17 126:7 131:16 136:9,19 137:5,19 142:13 193:15 238:7 242:2 249:7,12,18 256:10	lighter 242:18	listed 121:6 179:11 188:15 225:6 237:14	locally- 206:25
letters 74:19 78:1 131:8 138:5 141:9 144:18 145:4 242:4 250:11 259:10	lighting 179:5 181:21	listen 34:10	locate 230:5 266:3
letting 186:8	lights 177:5 178:20	listening 34:15 102:6 218:24	located 18:22 45:4 126:4,20 146:18 147:14 170:10 172:2 191:5,15 195:8 208:6 209:1 240:20 258:5 259:1 261:5,21
level 9:19 107:14 110:3 127:16 150:21 152:21 153:17,20 154:4 155:1, 3,21,23 157:12,16 243:25 245:19 246:13, 14 252:2	Likewise 61:9	lists 176:9 269:8	location 117:9 127:13 130:12 132:5 147:13 173:7,23 181:19 182:23 208:8 214:6 260:19 261:22
levels 17:7 81:16	limit 12:3 174:7 199:24 204:11	literally 142:11 167:1,7	locations 181:6 209:16,24 217:11
liability 124:23	limitations 45:12	litter 174:4 179:9 209:18 216:16,22 237:11	logical 11:5 18:24
liable 24:8	limited 8:3 18:18 20:9,20 31:19 32:6 43:5 45:17 46:12, 15 67:10 79:20 130:17 153:15 154:16 166:12 180:14 262:23	livability 208:18	loitering 209:14,18 218:3,16,17, 19 237:11
liaison 181:5	limiting 32:1	livable 156:7	long 103:17 116:5 188:11
library 44:3 50:24 52:16,18	limits 21:6 23:9 59:16 97:13	live 52:21 53:16 58:19 61:1 65:18 87:23 138:13 213:11 217:17,24	long-standing 136:17
license 179:1	Lindsjo 33:16,18 46:20,22 53:24 119:14 121:3,4, 18 137:16,18 139:14,17 140:13 145:22,23 161:25 162:2 169:7,16, 17,23 192:21,23 207:4, 6 212:18,19 222:5 231:18,20 236:24 237:1 252:7,8,14,17,20 257:2, 10,11,17 267:4,6,8 270:23,24 271:20	lived 43:8 50:14	long-term 74:10 75:17
licensed 37:2,4,5 179:3	lines 129:5	lives 52:24 53:7 214:5 216:11	longer 15:20 67:23 134:18 227:18 237:17 271:18
lie 88:13	lining 178:17	living 17:6 53:17 77:23 129:21 139:6	longing 47:25
lieu 45:5	lipstick 112:2	LLC 170:3,4	longtime 48:25
life 43:9 65:7 79:2 221:13	list 25:11 42:2,8 187:11	load 5:8,16 241:5	looked 9:25 29:14 110:12 141:9 149:14 204:21
light 6:10 18:8 28:4 49:10		loaded 5:21	lose 227:12
		loading 208:24	
		loan 185:3	
		local	

loss 73:14	luckily 233:10	120:5 149:10	map 79:24 155:17
lost 24:13 31:7 94:21	lunch 125:20	maintaining 156:16	maps 88:3
lot 5:25 11:23 12:22,23,24 19:23 22:16 31:9 32:2 33:8 45:5,11 64:13 65:17 80:2 87:12,14 88:5 92:13,19 97:3 102:15 107:15,20,25 108:5 109:4 111:13 112:7 115:21 119:23 126:1,5,25 127:20,22 128:9,12 132:3 140:3, 22 146:15,18,20 147:13,16,19 149:1 158:22 159:12,19 164:20 170:12 172:9 176:13,15,16 181:24 183:13 215:6 218:3,10, 16 221:3 223:5,12 224:24 226:24 228:1, 11,17 229:11 230:8 231:23,24 233:3 240:22 245:4,6,14 258:6 259:17 260:20,25 261:1 262:1,22	M	maintains 127:15 262:23 263:6	March 61:21
lot's 33:10	macro 225:2,11 227:8	maintenance 75:8 122:4 220:16	mark 245:8,13
lots 33:10 64:24 80:9,15 88:19 104:15,17 147:17 151:17,23 159:14 162:12 168:21 256:22 260:20	Madam 5:6 15:12,23 28:8 33:13 34:17 35:7 42:17 43:15 44:22 47:18 54:11 56:11 58:17 79:10 97:16 104:2 113:25 116:21 117:2 121:16 138:12 143:20 144:14 147:4 162:7 163:11 166:22 167:21 192:19 193:3 194:12,18 230:1 232:12 237:20 239:21 257:3 268:3 270:15	major 70:8	marker 253:12
loud 218:2	Madame 255:6	majority 6:2 209:8 267:21	market 211:13 225:1,2
love 47:25 189:22,23 190:4, 9 192:11,12 234:20 236:21 268:21	made 6:13 13:16 28:25 32:15, 19 39:18 44:5,8 53:6 63:14 76:17 80:25 88:9 90:19 105:23,25 111:15,17 112:14 122:15,17 127:8 146:3 149:4 165:18 167:2,6, 18 169:22 203:19 204:15 217:25 243:18 257:16 271:4	make 18:4 31:5 34:23 50:21 53:1,24 56:9,16 57:1,10 93:24 100:8 101:8 114:13 120:14 121:3 144:11 147:2 158:25 159:7 160:13 161:6,8, 21 162:14 168:12 181:19 182:25 188:9 192:14 196:18 199:15 214:23 225:15 226:2 228:22 232:3 239:6 258:15 266:24 267:20 268:23 270:4	marks 130:16
lovely 76:8	Mady 125:22	makes 58:9 217:23	Markus 126:14 133:3,4,7,23 134:1,3,11,18,20,23 135:4,7,17,19 139:22 140:14
low 224:9	Madys 126:13 132:16	making 71:15 148:8 151:22	Marty 5:7 26:13 30:7 109:18 111:11 112:18 264:22
lower 228:20	magical 86:10	manage 221:19	mass 86:6 97:6 139:25
Lucia 147:9	main 5:20 6:20 12:14 14:13 67:14 78:23 99:17 127:16 139:25 140:7,8 148:13 181:24	management 76:4 122:5 176:4 180:23 209:19 220:18 221:4	masses 65:15
	maintain 13:21 103:24 150:14 156:3 251:1	manager 171:23	massing 64:14 66:3,6,7 67:12,17 68:21 70:12 82:17 85:12,14 249:10 263:12
	maintained	managers 251:7	massings 60:22 66:11,25
		managing 171:22	massive 71:13 97:6 127:2 231:2
		mandates 178:4 179:15	master 32:7 81:13
		mandatory 62:24	match 67:1 128:18 157:12
		manner 200:5	matches 152:20 181:8 247:12
			matching 133:13
			material 79:17 140:6 262:25 263:8

math 161:18	23:11 41:7,13,14	23 171:2 235:1,6,23,25 239:3,5,8,9,11 240:6,7 257:5,8,10,12,14,20 270:17,21,23,25 271:2	7 118:15 144:15 158:3, 5 167:8 168:16 175:23 176:14 177:2 185:17 195:11 211:14 226:10 238:17 262:9
Matt 163:13	measurements 72:13 134:17		metal 139:17
Matta 24:22 25:5,13 48:15 113:17	measures 59:2 68:22 134:9 177:21 181:22	member 25:20 31:13 33:16,18 46:20,22 119:14 121:2, 4,18 137:18 139:14,17 140:13 145:22,23 162:2,10 169:7,16,17, 23 171:22 192:21,23 207:6 212:19 214:14 231:20 237:1 252:7,8, 14,17,20 257:2,10,11, 17 258:8 267:6,8 270:23,24 271:20	method 41:14 183:25 184:7
matter 10:2,3 14:2 18:10,20 20:11,17,22 27:24 28:2, 13 50:1 51:5 55:16 58:6,10,21 63:24 64:3 69:20 76:21 81:22 84:17,18 85:19 86:7 97:8,9 98:7 107:2 111:16 112:21 115:7 116:18 118:9 125:11 146:21 214:3 226:5 231:8 240:1 247:10 259:19 269:5 271:23	measuring 58:4 63:23		metro 173:3,6 175:9 178:15 181:13 196:13 203:20
matters 51:11 61:3 111:23 142:23 170:13	meat 5:15	members 56:11 58:18 69:18 79:10 117:3 121:1 132:20 140:20 147:5 152:23 158:17 163:12 200:22 215:7 228:10 229:20 238:23 249:1 255:6,21 271:9	middle 7:4 12:7 14:23 29:14,21 70:3 76:13 108:1 115:20 242:18
mature 154:23	mechanical 22:25 26:12 36:13 38:13,15		Mike 213:11 268:6
maximum 86:23 128:9 152:14	medium 175:7	memorandum 30:3	mile 173:2 175:9 178:3
Mcdonald's 184:3	Meerpol 171:1,7 196:1 207:16, 19,23 208:2,5 210:21, 22,25 211:3,19 212:3,7, 10,14,22 213:1,6,8,10 214:3 215:1	memory 196:25	Miller 33:21,22 46:25 47:1 49:20 51:24 52:2 53:10, 12 55:23 91:3 97:19,20 98:3,18 99:10,23 100:5 101:13,23 113:24 114:2,7,10 115:3,4,12 116:6 121:13,16 124:19,21 125:14 138:10,12 141:4 143:19 144:5,13 145:24,25 162:5,7 163:8 164:15 165:1 168:8,18 169:18, 19 187:24 193:1,3 194:14 195:17 200:24 202:20,24 203:17 205:12 211:24 212:13 219:21 220:5,22,25 221:2,24 222:4 229:22 234:23 235:4,9 237:25 238:4,7,9,21 254:8,10, 15 256:8 257:12,13 267:11,13 270:25 271:1,11,14,17
meaning 8:11 45:12 59:14 60:15, 22 62:18 74:6 143:11 188:25	Meerpol's 225:6	mention 73:14 95:22 136:5 154:8 157:10 200:19 203:24 238:2	million 182:19
meaningful 129:1	meet 18:3 52:6 109:7 131:25 144:19 152:25 158:8 197:21 228:7	mentioned 51:1 73:17,25 75:19 94:15 105:18 106:12 111:12 147:22 148:18 153:11,15 155:18 157:10 158:8 160:24 193:22 210:8,20 238:1 260:17 265:16 268:9	mind 28:9 92:12 96:22
means 6:21,25 9:5 80:16 181:15 184:9	meet all 45:10	mentioning 108:18	
meant 89:1	meeting 48:12 50:5 77:23 96:12 109:5 121:22 122:25 123:7 143:18 198:16,18 204:24 225:18 237:4 262:15	mentoring 182:21	
measurable 67:8,11 211:14	meetings 212:11	menus 177:18	
measure 63:25	meets 8:4,14 68:4 263:21	merit 123:24	
measured 64:8 66:16 67:20 84:20 107:12	Megan 240:8 241:10	met 45:20 63:21 90:6 106:3,	
measurement	Mehlert 25:7,9 42:17,20 43:2 56:1 114:2,3,17 123:1, 4,13 125:1,4,17,19 143:1 145:16,17,20,22, 24 146:1,8 169:9,10,14, 16,18,20,24 170:2,22,		

122:12 135:16 144:14 157:3 159:2 191:3 198:13 222:14	20:15 52:25 68:20 79:21	moderately 88:18	motion 8:16 144:11 145:18 146:3 168:6 169:2,11, 22 196:21 254:21 256:25 257:6,16 270:4, 18 271:4
mindful 27:11	mistaken 14:9 110:10 111:11	modern 140:5	move 16:17 56:17 71:1 76:7 94:1 118:20 122:21 144:12 145:11 161:11 167:9 169:3 217:19 222:22 223:10 233:23 237:4 270:8,11
minds 121:22	mistakenly 108:16	modest 70:7 78:3,18 127:14 128:13 132:17 135:14 138:16,24 143:9 144:19 161:17 162:19 163:2 164:1 165:12,14 168:14 262:5	moved 74:17 221:14,22
mine 61:13	mistrust 205:15,17	modify 39:25 40:1,2,11	movement 223:6 231:15
minimal 16:24 21:24	misunderstanding 190:11 265:8	moment 55:23 97:17 99:4 110:14 118:23 144:17 160:13 222:15	moving 55:2 73:24 110:21
minimally 155:23 157:15 262:8	Mitchum 255:2,3,7,16,18,22	Monday 235:20 236:2 239:18	MPD 165:13
minimis 138:24	mitigate 101:15 150:13 175:19 227:5 229:2	monetary 179:12,17,24 188:24 193:23 194:1 197:4,8, 13 198:8 199:6 202:9, 14 203:2,9 225:16,21	MU4 176:11
minimize 19:11 150:13	mitigated 98:10 191:25	money 183:4	multiple 73:22 131:5 138:22 139:23 185:3,10 187:3 188:3
minimizes 20:25	mitigates 122:1	monstrosities 109:8	muted 31:14 36:1
minimum 13:20 88:13 178:8	mitigating 100:21 184:11,12 193:20	monstrosity 70:3 78:25 116:16	N
minor 132:2 134:15 175:25 176:6 222:17 226:6 260:11	mitigation 175:14 191:17 192:6 198:3 199:2 202:15 224:8 237:10	month 172:8 173:22 185:22 187:4 224:6 226:15 229:4 231:5	name's 69:21
minute 14:25 25:10 76:24 136:18 148:10 153:18	Mitigations 195:4	monthly 179:1	named 220:9,11
minutes 15:24 35:2 55:19,21 56:20 67:4 84:9,13 125:8 184:22 207:14 216:3 223:9	mixed 172:4 173:16 175:7,8 177:17 225:3	months 30:8 113:13 161:9 167:14 208:14 216:24	names 186:22 187:1,11,18 199:16
mirror 189:13	mixed-use 170:9 182:12 195:9	months' 215:4	narrow 31:9 32:2 33:8 262:21
misleading 64:24 85:8	Mm-hmm 40:4 125:4 252:19	morning 25:17,24 42:5,11,24 58:17 62:20 67:4 75:12 81:21 91:25 106:13 109:11 142:10 209:12	narrower 33:10
mismatch 91:2	MNU-7B/GA 194:22	mornings 64:21	Natalie 220:11
missed 54:1 83:16 90:17 98:11 143:2 186:14 193:10 212:1	mode 242:14		national 217:22 225:12
misses 88:6	model 66:25 86:6 198:25 204:5		
missing	modeling 85:6		
	models 68:21		

natural 74:2	neighbor 14:16 16:13 48:10 51:20 62:17 74:11 82:14 91:11 93:20 106:4 120:8 126:7 131:8 136:3,6,12 137:5, 6,9,20 138:2 139:11 183:2 194:7 249:5,6,11, 12,17 250:5	neutral 136:14	non-controversial 143:22
naturally 71:18		newer 192:4	non-electrical 41:14
nature 45:17 84:25 92:4 103:24 140:10 161:14		newly 168:17	noncom 103:20,21
navigate 158:22	neighbor's 17:18,20 21:7 62:17 92:11	news 139:2	nonetheless 28:11
nearby 138:18 179:6 217:11 263:12	neighborhood 17:13 48:19 49:1 51:14 70:5 75:7 76:7,8 77:12, 21,25 78:5 79:1 108:11 122:4 131:13 132:13 138:15 139:7 143:12 181:11 197:17 200:17 205:22,23 206:11,22 210:1,5 214:1 215:13 217:17 218:1 261:13	next-door 137:8	noon 247:10,19 248:4
nearest 65:14		nice 52:18 109:6 161:16 218:7 271:9,13	north 128:25 129:9 130:11 209:24 242:22 243:16 244:17,23 246:22 247:13 250:6,10 253:16
Nebraska 12:20 58:19 65:1 69:22 70:16 73:21 75:21 82:17 83:12 88:25		night 106:16 109:12 201:23 218:19,23	north-facing 20:24
necessarily 83:3 112:11 162:16 166:2 177:17 184:4 219:5	neighboring 18:25 19:6 20:7 21:2 26:24 29:1 90:12 98:9 106:2 111:13 132:7,8,9 154:1 155:19 157:6 177:4 194:25 263:4	nightmare 213:15	northeast 64:20
needed 7:8,11,16 28:21 89:6 115:21 119:18 150:23 151:5 160:2,11 265:17, 20 266:2,18		nimble 158:21	northern 245:24 246:4 247:24 248:5
negations 98:8	neighborliness 51:7	NMU-7B 172:3 175:6 177:18 183:15	Northwest 126:5 172:3 216:7
negative 73:15 74:21	neighborly 97:10	NMU-7B/GA 170:11	notable 223:16
neglecting 74:12	neighbors 14:7 33:13 34:11 48:8, 12,13,20,22,23 49:11, 13 50:9,18,20 53:16 73:17 74:19 75:6 77:13 78:7,17,22 79:2 87:17 90:12 101:16 102:4 110:10 120:11,15,20 121:8 122:9,11 137:10 139:2,3,21 154:5 192:17 194:6 197:19 199:21 229:12 230:6 242:5 249:6,17 252:10, 17 259:10 262:2,3,8,20 264:3	nobody's 92:5	Notably 72:12
negligible 142:4		noise 74:21 177:5 178:19 179:5 181:21 209:18 218:3	note 11:4 14:1 18:5 20:10 33:7 42:20 61:15 126:6 137:12 138:1 143:19 165:25 168:19,25 173:22 176:5 177:9,14 185:9 187:24 218:4,9 219:2,7 221:9,23 225:8, 20 235:2
negotiate 199:3		non-adjacent 73:18	noted 18:8 73:16 134:8 163:14 164:1 175:25 187:8 198:23 200:6,13 204:2 206:5 259:20
negotiated 98:19 174:1 178:21	nerd 34:9	non-compliant 103:9,21	notes 23:9 159:7 254:19,23
negotiating 201:19 238:15	nervous 91:25	non-conforming 12:23 13:12 19:22 30:23 45:6 80:17 81:2, 17 86:22 87:8 89:24 102:20 128:8 259:21 265:19	notice 73:2 75:3 141:10 160:6, 10,11,22,25 165:9 166:24 167:15,16,17
negotiation 197:18 198:5 204:19		non-conformity 87:6	
negotiations 197:9,20,23 198:10,19, 20			

168:10 170:16 186:15, 18,24 188:1 212:8 219:4 269:2	objecting 50:9 77:13	odor 174:4 191:7,11,13,16, 25 192:10,13 205:7 218:3,8,11 224:8 237:12	131:3,14,19 132:11
notices 160:18	objection 13:5 49:9 78:17 172:12 176:1 238:5 254:22	odors 177:5 192:17	OGC 135:15
notification 110:10	objectionable 177:4 178:19 199:21	of- 212:6	oil 179:3
notified 167:12	objections 32:12,14 81:11 177:20	off/pick 237:9	older 192:3
noting 174:21 175:23 185:12 188:22	objects 216:22	off/pickup 238:17	omissions 81:9
notion 108:21	obligation 63:21	offer 15:5 96:1 100:18 114:18 141:15 168:6 169:2 203:25 217:20	omnibus 266:1,6,14,19 267:17, 19
nourishment 125:7	obligations 60:14	offered 21:9 67:9 96:5 104:14 131:5 201:17 204:7	ongoing 198:4
November 109:23 111:20	observations 79:25	offering 38:24	online 61:23 269:11
number 62:18 86:10 144:17 146:2,7,9 169:4,21,25 170:2 197:11 200:4 210:6 213:24 215:16 223:24 226:21 228:8 240:5,8 243:1 244:24, 25 245:2 254:1 257:15, 19,21 270:12 271:3	observe 142:3	offers 96:14 206:5	OP 45:19,25 46:21 47:14, 17 52:14 81:11 130:25 142:3,17 144:21 157:18 158:2,5 163:1 165:3 166:15 176:22 178:13 194:25 195:10 250:22 255:21 256:21 267:16, 24,25 268:7,14
numbers 186:22	obtained 111:24 227:16 260:1	office 11:8 13:4 18:6 19:1 42:16 44:15,24,25 47:2, 8,11 57:9 60:17,20 65:22 67:22 69:3 88:3 93:16 109:14 112:20 117:20 138:19 140:17, 21 141:3,8 149:21 150:1 151:19 157:22 160:21 161:4 162:16 163:9 164:13,18 165:17 172:11 174:5 175:22 185:18 194:16,20 195:15 199:9 226:11 242:3 250:12,20 251:21 254:13 255:1,7 256:16 259:6 264:1 265:18 268:6 269:25	OP's 46:12,14 59:24 158:9 163:13 195:6
numerous 6:13 23:3 199:4	obvious 8:25	official 266:16	open 18:21 21:13 34:14 74:3 102:6 122:12 132:11 181:12 198:13 213:14, 16 214:21 218:19,24 233:22 234:13 235:15 236:17,22 261:6,10 262:24
nutshell 23:16	occasions 96:10	offset 100:22	opening 215:4,17
NW 12:20 58:20 146:19 147:13 170:11	occupancy 45:11 92:14 107:21 109:4 111:14 115:22 126:1 127:20,22 128:9, 10,12 132:3 140:23 172:21 204:12 245:6,14	oftentimes 176:18	openness 78:13
O	occupied 19:23	OGB	operate 172:6 208:16 211:13
obfuscate 70:20	occupies 19:9		operated 61:24 83:6 177:3
obfuscation 73:1	occupy 127:1		operates 173:20
object 39:11 48:5 216:25	occupying 149:12 150:10 162:25		operating
objected 44:6 48:11 267:21	occurs 191:23,24 218:17		
	October 71:8 227:15		
	odd 155:7 218:22		

62:1 172:23 213:19	207:12 237:15 238:1 256:1 268:18,19	over-concentration 237:12	OZA 25:22 27:14 30:24
operation 185:23 194:9	option 14:3 20:11,17 32:24 50:1 98:15 149:22 228:14 234:25	overcome 175:1	P
operational 174:1 175:1 178:22 185:19 226:11 228:25	options 31:19 32:1,4 154:17 234:21	overconfident 106:6	p.m. 66:12 125:12,13 194:8 240:2,3 247:10,23 248:7 271:24
operations 174:3,17 208:23	order 5:18 6:22,23 7:5 12:1 24:6 63:25 81:10 91:24 99:7 105:18 108:9 174:2 181:8 186:22 199:12 203:14 204:12 227:17 231:3 233:7 237:19 251:1 264:15	overgrown 74:14,16 110:17	package 119:8
operator 173:23 185:4,22 226:15 229:4	organizations 56:4 182:22 183:7	overlay 126:21 172:4 183:15	packaging 209:4
opinion 6:16 10:7 23:17 30:3 33:1 39:18 79:15 84:1 105:19 116:2 142:22 189:4 208:15	orientation 31:23	overlooked 186:16 190:2	pad 65:12 72:7 73:12 76:9
opinions 7:24 48:18 225:3	oriented 263:5	overly 159:17	panel 14:19 23:14 59:11 112:24
opponent 23:3	origin 188:16	oversight 175:14	panel's 26:23
opponent's 9:6 12:4	original 61:22 67:14 72:19 93:11 129:13 159:24 160:8 167:13 240:17 261:3	overturn 24:12	panelist 25:1
opponents 6:1,12 33:2,7 56:21 113:19 233:15	originally 29:9,12,17,25 30:24 115:17,24 147:17 148:4 163:15 218:1 265:23 266:1	overview 79:23	panels 10:22 11:1,22,24 22:24 25:23 26:23 27:3 28:2 39:4,9,14 60:4 62:18 64:13 67:13 76:17,20 84:1 98:9 106:2 118:4
opportunity 54:1,10 55:5 69:3 114:21,22 165:14 206:18,23 239:14	outlined 196:21	overwhelming 267:21	panoply 11:17
oppose 214:8 216:9	output 59:6 62:6	owned 48:14 51:3 61:25 206:12,14 207:1 209:25 217:16 221:21	paper 64:25
opposed 48:24 129:24 163:4 193:15	outreach 131:13 208:12 210:9 219:3	owner 57:20 63:6 147:8 148:6 149:15 153:5 154:3 155:3 156:23 171:25 191:10 206:5,7 208:5 211:3 214:18 216:17 220:21 221:4 227:9,11, 19,21 228:4 229:4	paragraph 7:4,13,19 12:7
opposing 56:12	outright 68:18 184:11	owner's 126:25 172:22 185:1	paraphrased 102:16
opposite 133:21 178:14 225:17	outset 70:1 76:14	owners 7:10 51:15 136:13 149:16 206:25 214:23, 24 215:15 251:10 260:1,6	park 180:9 223:9 230:7
opposition 34:11,20,23 35:15 41:18 47:7 54:2 55:7, 11,12 56:5,14 61:6 69:8 77:12 90:24 97:21 102:3 109:20 114:18 116:10,15 122:3 137:5 139:1 141:10 142:14, 24,25 166:19 171:1 193:25 195:25 196:1	over- 209:21	ownership 153:21,22 154:22	parking 65:11 72:7 73:12 180:12,13 205:7 209:1 222:21 223:5,10 226:3, 8
		owns 220:12	part 16:10 21:20 31:8 35:1 36:15 43:9 45:2 50:22 51:7 61:9,11 65:12 79:25 82:5 93:11
		OZ 266:10	

101:11 104:9 109:22 110:1 116:6 117:9,21 122:6 142:7 162:10 202:4 204:18,20,24 217:25 229:8 259:25 261:5	pattern 6:11 19:2,17 21:16 28:5 31:6 78:9 117:16 157:8	permit 7:12,16 9:23 10:10 11:10,16 23:13,14,15 57:16 60:16,21 61:21, 22 62:18 63:1 81:14 106:21 109:23,24 110:11,20,21 111:3,15, 17 113:12 117:21 168:23 175:7 180:13 194:21 260:1,4 263:23	philosophical 224:25
partial 150:17 153:24	pay 178:7 180:9 217:1		phone 24:21 178:1 197:1
partially 19:5 152:20	pay-to-park 180:15		photo 73:10 74:14 75:10,11 242:15,25 243:1,5,13 244:3,8,12,16,24,25 245:2,3
participant 212:5	paying 215:4	permits 25:25 60:12 227:16	photograph 70:25
participate 212:2	payment 100:22 182:25	permitted 14:5,6 20:1 114:4 115:17 127:22 128:9 154:6 183:23 259:19 261:15,23 269:6	photographs 74:13 136:20 148:1
participating 54:6 201:4 203:21	peak 250:23 251:20 252:1		photos 14:20 130:23 132:1 147:24 148:11 242:9 251:11 259:24 260:13 263:17
participation 205:14 212:14 219:22 229:17,23 232:1 256:16 269:24,25	peculiar 153:1,3,8	permitting 11:7 26:7 76:1 117:25 124:12,16	photovoltaic 59:18 83:21
parties 34:21,22 55:11,12 56:4 61:6 90:24 97:22 105:6, 7 114:18 122:23 123:16 142:24 166:18 195:24 255:25 268:18	pedestrian 177:19	person 48:24 142:8 211:7 223:3	photovoltaics 59:17
partner 264:22	people 21:11 44:5 49:4 53:6 55:22 76:7 91:2 97:13 100:17,22 109:1 176:18 187:17 188:9 199:4 200:9 207:12 215:16 220:16,17,19 221:13 223:8,11	personal 77:19 185:2	physical 208:22
party 6:1,12 9:6 12:4 23:2 32:23 33:2,7 34:25 56:13 61:5 62:12 65:9 108:5 112:1,6 113:19 114:15 170:25 185:5 212:23	perceive 85:9	personally 120:1 164:21 188:10 194:7	pick 123:9 217:25
past 10:16 69:21 78:3 107:11 122:2 144:2 166:1,4 208:13 212:11 229:8 238:23 244:21,22 245:23,24 246:3,4,20, 23	percent 83:23 84:2 86:15 98:14 107:20 128:10,11,12,13 179:13 183:16 245:7,8, 13,14	perspective 17:25 46:6 175:24 182:3 201:4 219:1 221:10 222:20	picks 209:11
path 234:19 260:9	percentage 65:18	perspectives 93:8	pickup 180:10 238:2
patience 258:10 271:17	percentages 64:24 65:17	pertain 242:9,11	picnic 65:6
patio 65:13 71:9	perfect 171:17 216:5 239:21 268:3	pertains 244:4	picture 141:10 148:3
	period 119:15 153:21 158:23 167:3 223:21 264:21	pest 174:3 179:1 180:22	pictures 74:24 144:25 153:17 242:13
	permanently 73:19	Petworth 173:2 175:9 217:22	piece 50:17
	permissions 269:3	Petworth's 217:24	pieces 145:6
		Philip 44:23 140:20 194:19	pits 65:6
		Phillips 44:16	place 31:20 177:16 189:17 198:10 218:7 225:5

230:5 256:20	play 65:13 110:8 233:18	popped 142:11	Pourciau 5:2 12:18 15:9,13,18,25 22:6 25:3,7 33:15,20 34:19 35:6,8 39:21 40:3,5,10,12 41:16,20 42:1,7,13,19,22,25 44:10,14,18,20 45:24 46:19,24 47:5,10,13,16, 19 49:16,18 53:8,11,23 54:12,16,20,24 55:9,19 56:8,18 69:7,13,16 76:23 77:2,5,10 79:4,8 84:4,8,15 90:21 97:18 101:24 102:7 104:13 105:4,11,15 113:21 114:1,5,9,12,24 116:22 118:18,25 121:2,13 122:20 123:11,19 124:25 125:5,15 126:8, 17 132:19 137:15 138:4 139:12,16 140:15 141:2,7 142:15,19 143:15 144:4,23 145:15,18,19 146:3,5, 25 158:16 161:24 162:4 163:7 164:12 165:2 166:14 167:22 169:1,8, 12,13,22,24 170:18,25 171:6,10,16 184:16,18, 24 186:10 192:20,25 194:13 195:14,20 196:7,11,16 200:20 207:3,9,21 208:1 210:21,23 211:2,16,21 212:17,21,25 215:21,25 216:2 219:10,17 222:3, 9,11 223:19 229:10 231:18,22 232:13,16 235:18 236:7,23 237:3 238:3,6,11 239:1,4,6, 10,20 240:4,23 241:4 248:23 252:6,25 254:5, 7,12,17,25 255:15,17, 20 256:6,12 257:3,6,7, 16,18 258:7,13,19 264:8 267:4,7,10,25 268:4,13 269:14,21 270:9,15,19,20 271:5,6, 12
placement 18:23 20:25 155:24	playing 71:10	porch 140:3	power 59:1
places 209:8 217:15 218:17,18 225:4,10 226:22 230:9	plays 30:10 238:14	portion 87:11 110:19 149:12 150:10,20 155:5 262:23	powered 74:1
plain 58:7	pleased 249:5	pose 196:23	Powerpoint
plan 11:16 17:2 31:11,12 35:15 76:4 80:24 87:15 104:18 120:17 128:3 133:5,9 155:16 161:21 230:10 245:15,19,20 246:9 248:19 249:20,25 253:9,12,21,25 260:18 261:4 263:17	plenty 43:14 213:18	position 11:15 21:13 27:17 34:10 40:20 106:6 131:16,21 143:20,21, 22,25 179:23 189:3,10 228:18	
planned 127:15 182:4 202:25	plow 239:23	positive 181:14 214:1	
planning 13:4 18:6 19:1 42:16 44:24,25 47:2,3,8,11 57:9 65:22 67:22 69:3 140:17,21 141:3,8 157:22 162:16 163:9 164:13 172:11 174:5 175:22 194:16,20 195:16 199:10 242:3 250:13,21 254:13 255:2,7 256:17 259:7 264:1 265:18 268:6 269:25	plumbing 23:14 61:21	possibly 5:24 164:19	
Planning's 44:15 88:3 161:4 185:18 226:11 251:21	point 9:9,15 12:13,17 24:5,8, 16 30:7,9 31:22 33:5,9, 17 40:6 41:19 43:17 46:4 47:4 57:10 58:3 59:5 63:15,22 64:4 68:4 77:11 79:6 80:7,13 81:8,24 83:16,22 85:10 87:12,25 88:6 89:22 90:18 103:22 105:7 110:16 112:16 114:6 122:17 124:6,17,20 162:11 164:24 166:23 179:7 180:2 181:24 190:12 195:21 213:22 224:9 227:15 231:3 233:14 238:15 267:19	post 266:13	
plans 9:25 14:20 36:6 37:19 65:24 67:1 70:8 87:21 129:17 132:2 136:19 146:24 245:11 252:22 253:3,4,5	pointed 79:21 265:18	posted 75:3,9	
planters 21:11	pointing 260:19	poster 187:7	
plate 61:19	points 9:7 57:1 85:7 196:22 209:17 223:25 225:23 230:12 237:23 265:15	posters 187:3	
platform 178:24	policies 178:24	posting 75:9	
plausible 8:17,18 23:19	policy 53:16	postpone 170:14 196:21 233:9	
	poor 113:11 219:3	postponement 170:19,21 188:22 193:16	
	Poplar 130:11 138:6 141:11, 20,22	posts 135:12 155:4	
		potential 20:25 89:2 175:25 176:5 181:14 182:23 193:20 214:24	
		potentially 28:21 228:16 230:15 234:21 263:20	
		Potomac 258:5,25 260:24 263:11 270:12	

5:8,10,13,16 56:25 206:3	presence 27:18 142:21 181:15 209:19	46:5 85:23 101:20 121:5 135:14 155:7 234:1 256:20 258:16 267:14,16	problem 67:16 97:4 124:23 205:15
Powerpoints 56:16	present 47:22 56:12 67:12 126:9 131:5 166:16,17 170:20 171:1,5,8,13 207:14,17 229:2 233:15 255:24 268:15	prevent 7:15 21:11 93:6	problematic 24:3
practical 153:4,9 161:19	presentation 5:5,9,10,16,21 6:20 12:15 15:15,21 22:12 34:3,24 47:3 48:11 56:9 69:9 76:24 79:5 119:9 126:15 131:10 132:20 143:4,8 147:3,10 158:20 162:9 164:16 167:21 171:14,18 174:21 186:7 190:1 192:24 193:7 195:19 198:16 206:3 207:11 225:12 226:1 227:22 230:12 240:25 248:24 253:1 256:22 264:12 267:9 268:1	prevents 103:12	problems 84:21,22 97:4 122:14 192:15 216:25
practice 18:19	presentations 55:10 90:22 104:14,20	preview 160:4	procedural 90:4
pragmatic 11:5	presented 15:8 17:10 24:6 157:19 198:22 204:23 210:13 232:6,19,21 241:24 250:8	previous 18:4 29:22 30:15 111:17 163:22 188:2 191:12 193:9	proceed 5:4 12:18 15:21 16:1 39:19 69:16 125:2 126:18 140:16 144:22 146:6 166:20 167:25 171:11,13 207:11 241:5 256:17 258:20 270:1,9
pre- 204:2	presenters 168:2	previously 49:8 73:6 115:1 155:7,8 158:12 164:17 165:19	proceeding 48:17 191:11
precedent 152:7	presenter 16:17 194:15 211:23 219:11,13,20	primarily 195:3 197:2 206:2 216:13	process 8:8 11:6 25:6 26:8 27:4 28:16,22 29:9 32:11 33:23 94:13 110:23 127:7 182:4,5 226:21 227:14 228:3 233:2
precipitated 264:15 265:10	presenting 15:3 69:11 119:7 163:13 172:8 197:17	primary 55:22 126:25 130:2 156:8,11,22 161:10 188:23 189:2 199:18 246:8 254:3 261:9	produce 27:2
precise 84:17	Preservation 138:19 149:20 150:1	principal 126:4 146:18 240:14, 18,20 258:2,4 259:12, 14,18 266:3 269:6	produces 26:15,16 68:19
preclude 236:13,19	preserved 78:5 89:1 99:22	printout 61:22	producing 26:21
predominantly 88:18	preserving 78:22	prior 7:11 122:24 149:15,16 153:20,22 154:21 157:14,25 158:10,12 198:16 234:14 261:20	production 83:19,20,21 86:1
preexisting 52:9	pressure 234:8	privacy 6:11 18:20,24 20:23,25 21:1 28:4 33:4 49:10 73:23,24 77:20 78:7 117:10 132:8,9 136:24 142:1 143:10 157:7 164:4 187:16 263:2,6 269:18	productive 271:7
preface 91:1	pretty	private 182:25	professionals 11:8 117:25
prefer 108:19 153:23 206:10		pro 61:16	program 109:13
preference 120:25			programs 182:17,21
preferences 225:3			prohibited 20:2
preferred 175:18 228:6			prohibits 176:23,24
preliminary 58:21 95:4 146:21 170:13			project 6:18 17:24 28:12,15
prepared 23:4 61:4 68:17 168:6 196:19 200:18			
preparers 36:7			
prescribe 89:18			

30:4 33:4 36:14 63:16 65:25 69:23 76:6,15 77:13 78:25 83:25 86:20,21 99:24 100:2 102:21 120:10 122:13 127:10 131:4,7,11,20 136:13,14,17 139:4 144:18,19 147:12 148:16,17,20 149:5 150:5,14 152:12 156:2, 6 157:3,21 158:10,11 161:16 163:23 164:9 182:7,15 241:13,24 242:1,3 249:10,14 250:8 251:8 259:13,24 260:2,6,13 263:4,22 264:16	164:4 177:5 207:1 247:18 253:11 263:7	16,21 19:7,24 28:15 57:16 64:14 65:15 66:19 67:3 68:2 69:23 70:22 73:6,21 74:4 79:17 86:7,20,21 90:9 92:11 99:24 100:15 104:8 107:2 127:10 128:16 129:15,18 130:15 132:2 143:9 148:16 149:14 150:6 172:22,25 173:8 174:20 176:24 177:6 180:9,18 183:6 193:11,19 194:4 195:2 213:4 216:8 242:16 245:16 246:1, 11,17 247:3,6,14,21 248:6,10,15,16 263:9, 21 269:17	178:11 183:8 195:4 213:17 223:23 234:24
projected 95:8	property 7:10 12:22 17:18,21 18:25 19:14 20:7 21:7 26:24 31:19,25 44:6 45:14 48:14 49:1 50:13 51:2,18 54:9 61:6 62:22 66:14,15 68:17 70:24 71:3 74:25 75:4 76:5,10 77:17,24 78:11,20 79:13,15 83:3,5 84:21 85:2,3 86:1 88:4 91:7 93:17 95:6,23 98:9 100:11,18,24 102:11 103:17 104:7 107:9 111:9,13 112:5,15 120:5,21 123:21,23,25 126:13,20,23 127:11,21 128:10 129:2 130:16 136:23 138:9 141:14,21 142:2 147:9,15 148:7, 12,19 149:15 150:4 153:2,5,10 154:2,9 156:25 164:5 168:15 171:25 172:2 180:25 192:11 194:25 206:5,7, 24 208:5 211:3 220:17 221:4 225:14 240:15 242:5,16,18,21 243:9, 23 244:9,11,12,14,17, 18,20,21,22,24 245:6, 23,24 246:3,4 247:13, 24 248:3,5,9 249:22 253:15,16 258:5 259:1 260:23 262:11,25 263:4	proposes 19:21	provided 13:16,18 23:13 34:16 38:19 69:2 82:11 85:4,6 86:14 88:9,11 109:14 113:1,4 118:16 144:25 163:14 167:16 174:10 195:5
projects 74:20 102:15 127:9 182:9 202:13 264:20,23		proposing 13:6 16:3 72:14 75:14 85:13 129:12 155:9 174:7 181:10 190:8 198:4 202:6 241:12 242:20 244:6,13,21 253:10	providing 6:23 20:23 28:19 32:25 102:23
proliferation 217:24		prospective 185:1	province 12:6
prolong 33:23 101:25		protect 60:1 80:25 82:19 88:20	provision 6:8 7:7 30:22 31:1 63:18 64:4 159:12 265:24 266:10 267:18
prolonged 33:23		protected 76:6 82:12	provisions 68:10 116:2,8 169:4 177:16 180:23
prominent 148:14 243:11		protecting 156:18 249:21	public 5:18 19:3 44:3 50:24 52:15,18 143:18 155:14 163:24 171:7 176:13 182:7 187:2 209:15 237:11
promised 154:20		protection 58:9 127:4	publicly 187:2 203:19
prompting 127:17	property's 16:25	protects 64:2	published 269:10
proof 124:22 205:3	proportional 140:9	prove 8:10,12 67:9 229:1	PUD 182:5,8,12
proper 72:13	proportions 140:10	proven 74:11	PUDS 182:8
properly 60:9 63:16 70:21 75:9 81:10 117:20 118:13 124:15 233:8 234:19	proposal 8:14 13:21 19:16 20:5 63:24 78:8 90:10 98:10 102:5 120:8 128:11 175:10 202:16 237:6 245:4,12 262:18	provide 5:25 13:23 21:10 26:4 57:13 67:8 74:2 83:12 87:10 88:17 98:24 99:2 100:18 107:13 108:25 112:23 116:23 119:16 141:15 164:8 177:15	pull 126:16 147:10 171:19 252:23,24 270:10
properties 16:7 17:10 18:18 21:2 43:10 50:14 51:22 73:18 80:8,25 90:12 91:3 101:7 123:21 124:2 132:7,8,9 154:1 155:19 157:6 161:20	propose 16:12 20:4 70:3		pulling 159:6
	proposed 6:18 13:1 17:3 18:13,		purchasing 51:18
			purplish 243:10
			purpose 6:20 8:8,11 19:25 59:24 88:2,19 155:15 156:13 177:16

purposes 9:12 63:18 89:11 95:11, 18	quantify 64:1	quick 55:13 125:20 177:14 234:1 258:15	rated 82:23
pursuance 242:1,6	quantity 222:21	quickly 54:5 131:25 136:11 161:12 223:14	rates 59:5
pursuant 6:10 13:13 45:6 125:23 146:10,13 170:5 194:22 205:1 240:10 257:23 259:4	quarter 175:8		rating 62:6
pursue 132:16 154:12 156:2	question 5:14 6:3 23:18 24:13,14 25:16,21 28:1,9 29:5,7 38:2 40:1,9,24 49:25 52:1 59:13,15 60:8 62:4 78:16 92:8,9 95:4 96:6 101:14 107:10 114:7 117:19 118:13 133:2 135:25 139:15 140:12 141:8 142:8 152:25 159:10 166:23 173:5 202:9 213:1 214:17 223:21 238:16 265:22	R	ratio 146:12 159:8
pursued 264:23	questioning 39:12	R-1B 80:4	rationale 86:12
pursuing 241:16	questions 12:16 15:17 17:22 22:4, 8,9,11 26:6 33:16,21,24 34:17,25 35:11,14,16 38:7 40:6 41:25 42:3,6, 9,12 43:1,4,17 45:25 46:21 47:1,6,7,9,11,14, 17 49:19 53:25 54:2,14, 15,18,21,22 61:14 69:6, 9,10 90:17,23,24 91:24 94:21 97:16,19,21 101:24 102:1 104:22 105:1,6 107:8 110:6,9 116:25 117:23 118:19, 23 119:1 132:18,21 137:16,25 138:11 140:16,25 141:2 142:17 143:16 158:14,17 161:25 162:5,8 164:11, 13 165:2 166:15 167:23 186:7,11 188:13 192:21 193:1,4,5 195:15,17,21 196:24 200:23 207:5 211:22,24 212:24 218:25 219:12,19,20 222:4,13 224:4 229:18, 21 231:19 232:7,22 248:22,25 249:4 252:4, 7 254:8,10 255:21 256:7 264:7,9 267:5,11 268:14 269:22	R-2 13:10 18:9 30:16 45:11 70:16 80:3,14,18,20,22, 24 82:7 83:14 86:24 87:18 88:16,20 90:1,13, 16 92:13,14,15 98:1 99:13 101:11 103:14	raze 70:7,21 75:15 108:2 112:12 113:4,5,7
purview 233:16 238:13		R-3 80:19,20 103:14 126:20 128:1	reach 64:18 108:23 211:8
push 97:13 112:14 206:18		R-3/GT 126:4	reached 94:13 96:9,10,11,12 236:21
pushback 27:8		RA 152:15 156:14 159:14	reaching 100:25
pushed 229:8		RA-2 147:14 151:16	react 234:13 235:15
pushing 95:1 131:9		RA-2/DC 146:19 147:22	reaction 201:14 214:1
put 30:1 31:21 32:7 91:4 120:1 121:5 123:5 124:8,9 137:5 144:13 155:20 187:3 199:5 218:20 228:17 235:16 236:10 249:7,12		rains 71:22	read 34:12,13 58:8 74:19 125:17 137:24 142:11, 13 145:12 166:25 174:16 180:18 218:9 235:10 240:6 250:21 257:1,18 270:13
putting 71:23 137:7 256:13		raise 10:24 87:2 89:12,19,23	readily 180:21
Q		raised 57:4 58:2 75:23 78:16 136:8 174:19 178:22 185:20 188:2 201:9 226:12 228:25 237:23 250:14	reading 137:19 167:7 218:6
qualified 15:1,10 38:24,25 223:3		raising 9:11 54:10 136:3 155:22 265:15	ready 5:4 55:25 56:1 119:2, 11,12,24 125:15 126:9 143:4 144:6,10,11 146:6 147:2,3 163:8 171:12,13 231:24 256:14 268:1,20 270:8
qualifies 38:16		Randolph 172:19 173:16 176:13 180:13 208:7,24 209:12 214:16 223:8 226:8	real 67:16 101:18 170:3 171:24 182:15 230:21
qualify 183:19		rate 59:2 62:8	realistic 91:17 120:24
quality 79:1 200:5			

reality 209:7 228:13	recall 213:3 250:6	record 34:4,14 44:23 45:21,22 49:22 55:17 56:19 59:22 61:8,10,23 63:8 66:18 67:4,21 68:14,19 94:17 108:5 119:3,4,13, 16 120:2,7 122:24 124:9 125:12,18 126:7 132:2 136:1 139:3 140:24 142:9 143:7 144:7,14,16,20 145:5,6, 12 146:1 157:11,22 159:3 163:12 167:14 168:4 169:5,20 174:10, 16 178:7 179:19 180:19 185:18 187:3,12 188:12,16,25 189:5 190:22 193:15 194:19 195:12,13 201:5 207:15 215:7 216:4 220:6 224:25 225:21 226:10 227:21 230:3 232:2,4, 17,20 233:16,22 235:6 236:9,22 238:7,10 240:2,6 255:10 256:13, 15 257:14,19 258:22 265:21 266:17 268:5,7 269:16 270:2,6 271:24	91:4
realm 49:14 51:5 202:10	recap 86:3 239:8,12		references 149:6
realtor 48:25 51:12,13	receive 124:4 136:18 147:3		referral 167:8
rear 13:7 16:3,5,10,12,25 17:4,15 18:22 19:5 21:22 31:18,24 32:7,9 45:12,13 64:18 66:2 70:13,14 74:15 78:9,10 83:12 87:20 91:6 107:12,14,19 109:3 112:17 117:13 125:25 126:3 127:11,15,18 128:1,2,7 132:4 136:22 140:22 141:24 154:10 173:11 240:12,13,19 241:14,22 242:11 244:4,6,7,14,19 245:1, 3,5,16,20,22 246:2,8, 17,19 247:14 248:15,17 252:12 253:13 254:4 258:1,3 259:13,14,17, 20 261:20 262:5 263:1, 5,11,12	received 110:10 206:6,9 211:5 237:5 242:2,4 268:16		referrals 165:17,18 166:25 167:2,6,14
	recent 167:16 187:25 188:5 265:24		referred 165:19,22
	recently 184:5 266:5		referring 30:15 115:23 137:21 140:10 163:21
	receptacle 179:10		refers 81:25
	recess 123:5 229:9 230:23 258:12		reflect 65:24 71:15
	recessed 94:5		reflects 181:11
	reciting 159:3 160:13		refreshing 135:16
reason 6:23 7:20 11:5 28:16 30:7 50:22 80:13 112:10 113:10 118:12 159:11 161:5 194:11 197:9 204:5 210:18 221:15 224:12 228:1 234:17	recognized 5:1	record's 168:13	refused 8:22
	recollection 36:23 93:5 98:13	rectangle 85:12 261:5	regime 158:12
	recommend 90:13 123:3 163:22 268:8	recycling 179:3	region 182:23
	recommendation 18:6 65:23 96:23 164:8 255:12,14	red 70:19 247:21 248:6 261:5	Register 149:3
reasonable 77:24 91:18 93:24 185:23 201:15 226:16	recommended 123:10 163:16 174:5 193:19 250:18	redesigned 111:25	registered 37:1,7,17
reasoning 149:23	recommending 13:4 44:25 140:22 157:23,24 255:13 259:7	reduce 176:4	regs 151:3,24 167:1,7,17 269:1,11
reasons 19:15 20:4 21:17 78:15 92:20 117:11 190:7 197:3 229:6,9	recommends 131:1 172:12 175:22 194:21 264:1	reduced 13:17 88:10	regularly 216:19
rebuttal 15:14 61:3 63:22 104:22,24 105:2,10,12, 13 106:14 109:11,17 223:24	reconstructed 81:15	reduction 263:1	regulation 8:14 39:7 45:20 58:8 59:8,9,15,21,25 60:13 88:6 153:3 199:16
rebutting 106:16	reconvene 55:14 56:2 125:10	refer 82:7	regulations 9:5 11:18 12:11 19:25 41:2 45:8 52:9 57:12 59:19 79:19 81:1,22 82:19 83:14 88:2 90:10 98:5,6 107:13 114:19
		reference 82:9 199:15 254:19	
		referenced	

149:6 151:7,15 152:8 155:17 156:14 158:22 159:21 164:7 168:20 175:10 178:18 194:24 195:10 199:20,24 200:12 206:14 228:7 262:9 266:16,20 267:23	relief 6:5,6,8,17,18 7:8,9,10, 11,16 8:17 9:10 10:6, 15,21,25 11:3,11,14,22, 24 13:1,23 14:2,4 21:8, 19,24 23:5 28:6 29:15, 24 30:17 39:14,19 40:22 45:1,15 46:11,14 49:7,8 50:6 60:12,18,23 63:1,11,12 64:12 79:18 85:18 86:5,18 87:5 88:14 90:5,9 95:2 98:21,23 99:1,7,25 106:10 107:20,24 108:4,13 115:19,21,22 116:3 117:4,5,10,13 118:6,11,16 124:10,13, 15 127:18,20,25 128:7 129:12 131:25 132:16 143:13 148:9,17,22,24 149:5 150:22 151:2,5, 22 152:17 155:13,18 157:5,25 158:2,10 159:1,4,5,18,24 160:3, 19 163:15,17,19 164:9 165:7,22 166:8 167:5, 19 168:17 176:9 259:3, 19 260:8,11 261:25 263:21,24 264:6 265:4, 11,16 266:7 268:9,11 269:19	remember 36:20 56:18 93:4 96:19 192:2 267:23 remind 55:6 91:23 remodel 241:14 245:25 247:2,5 removal 240:16 242:10 246:12 248:11 remove 32:21,23 241:18 242:20 266:7 removing 14:14 127:10 243:22 render 65:22 rendering 93:7 renderings 149:11 173:12 renewable 92:21 100:23 210:11 Reno 71:19 renovate 148:20 renovated 156:4 renovation 112:2 127:9 148:18 renovations 49:5 rent 206:7 215:5 221:15 rent's 227:24 rental 51:18 rentals 49:2 rented 227:20 renting 183:13 228:4,9	rents 206:3 215:2 219:25 reopening 236:9 replace 127:4 replaced 129:20 replacement 127:5 replaces 78:8 replacing 72:3 report 5:5 42:16 44:15 45:22 47:3,23 48:1 49:21 111:24 140:17,24 141:5 144:21 157:23 158:9 159:24 163:9,15,16 164:16 165:5 177:8,12 194:17 195:12,15,19,24 196:17 208:10 222:16 254:14 255:10,19,23 268:8,16 271:2 reporting 179:16 reports 57:9 142:20 represent 35:10 36:11 41:24 68:1 104:6 representations 68:1 representative 14:22 37:23 140:2 189:9 206:22 234:13 235:14 236:14,20 represented 14:8 108:16 253:18 representing 94:16 147:6 227:9 241:9 request 6:9 8:23 10:14,21 12:21 27:22 39:20 50:6 68:12 99:1 122:23 132:15 143:13 170:14,21 178:4
reinvestment 178:11 reiterate 46:3,4 117:3 196:22 255:8 reiteration 105:17 rejection 195:24 relate 49:12,13 228:18 related 110:5 111:23 124:13 129:12 142:23 174:2,13 189:3 225:12 265:11 relates 21:21 96:19 141:14 186:1 210:7 213:12 259:19 relating 12:2 relations 249:14 relationship 68:2 138:8 204:3 222:1 relative 173:8 relaxing 71:9 relayed 14:13 relevance 106:19,25 relevant 9:21 27:19 48:16 57:6,7 177:11,13 178:16 179:21 193:14 relied 7:23,24 67:23	relieving 161:19 relying 9:13 remain 149:9 233:22 261:7 262:17 remaining 58:1 remains 261:10 remand 6:22 remark 254:24 remarked 201:21 remarks 116:24 223:23,25 256:3,4		

186:17 187:15 193:23 194:1 204:22 229:6,7 232:3 236:1 237:5 269:19	requires 63:25 67:25 68:15,23 98:24 99:1 127:20 128:1,7 148:16 176:14 177:3 183:16 184:8	respond 57:3 69:3 145:17 169:10 190:4 203:22 230:14 232:5 235:19 238:8 257:5 270:17	81:10
requested 5:24 8:18 11:22 13:23 18:10 21:8 45:1,16,20 46:13,16 49:8 50:19 52:20 60:24 63:12 64:12 86:18 87:5 100:1 117:5 121:23 132:16 146:22 155:18 163:15, 19 165:22 170:15,19 186:15 187:22 260:15 263:24 264:6	reside 69:25 156:8	responding 109:12	result 70:23 88:15 243:23 262:4
requesting 10:8 13:21 14:2 84:18 112:23 172:5 259:2 260:13	resided 69:22	response 52:3 57:1 188:22 190:9 205:13 232:9 236:1 239:17	resulting 127:19
requests 8:2 81:14 140:23 174:8 178:5 179:12 188:22 189:3,13 193:16 233:17 264:5	residence 126:25 148:5 156:8,23 161:10 166:1,3	responses 102:1	results 153:3
require 29:24 30:17 68:10 83:3, 5 90:9 95:2 107:4 148:24 165:16 168:21 206:14	residences 205:8	responsibilities 220:14	resume 38:20
required 6:18 7:9 11:12,19,21 13:4,11 21:14,23 23:6 28:5 30:19,22 31:4 39:13 45:5 68:8 87:7,15 90:5 107:15 109:4 111:8 114:19 160:18 185:7 208:19 268:11	resident 216:6 219:2 221:10 222:15 223:10 226:7	responsibility 24:10 200:8 206:21 220:15	resumed 55:17 125:12 240:2
requirement 13:23 14:15 18:10 20:14 21:19 41:6 45:9 52:6 70:19 99:13 106:1, 3,7,8 167:2,8 182:9,14 187:10,25 188:1,6,11 269:9	residential 19:8 81:1 88:21 156:15, 16,17,22 170:10 172:15 178:13 180:13 208:18 240:14 262:19 269:3	responsive 31:13	retail 170:10 172:18 182:11 210:3 212:16 214:6
requirements 8:4,9 11:18 13:13 60:24 64:11 79:18 82:1,6 125:25 126:1 145:7 146:12,16 159:9,15,20 160:6 162:14 170:16 172:7 186:16 257:25	residentially 165:11	rest 45:4 97:11 150:14,25 242:11 245:17 255:9	retailers 185:4
	residents 179:6 191:17 213:24 214:4,7 216:11 218:4, 14 221:7,12	restaurant 174:18 175:20 176:10 178:2 183:20 225:8	retained 36:10,18
	resolution 198:5	restaurants 184:15 211:9 225:7	return 123:18
	resolve 63:18 197:13 260:7	Restoration 241:25 250:13 259:9 264:4 267:15	returning 125:20
	resolved 185:20 226:12	restore 153:24 154:7	reveal 249:9
	resonated 123:22	restoring 164:5	revenue 174:14 178:4 179:13
	resources 202:19	restrict 71:17	reversed 263:23
	respect 13:13 81:3	restriction 184:2	review 7:22 11:10 85:9 105:22 119:16 120:15 127:6 131:19 136:5 143:23 144:20 163:20 164:18 165:14 235:22 250:22
	respected 78:6	restrictive 227:4	reviewed 65:22 67:22 81:10 136:2 175:24 177:20
	respectful 78:21 154:1 156:24,25	restroom 173:10	reviewers 57:7
	respectfully 132:15 143:13 229:6 264:5 269:19	rests 62:20	reviewing 11:15 114:25 164:23 166:12
		resubmission	reviews 138:22

revised 67:5,13,24 146:23 168:17 265:4	96:15 127:2,5 129:13 149:13 154:21,23 155:5 191:24 195:9 218:4 224:18 243:10 246:9,10 250:23 251:20 252:1	runoff 73:20 95:19	satisfy 79:17 155:13
revision 90:15 116:8		runs 181:13	saturated 210:2 211:13
RF 261:2	rooftop 61:18 240:17 241:19 243:21 244:1 246:14 248:13 251:12	rushed 201:6	save 5:25 39:15 45:9
RF-1 240:21 245:8 258:5 259:1	room 17:6 32:6 94:1 129:20 176:22 179:4 181:3	rushing 232:25	saved 259:5
rhythm 73:14 243:24		S	scale 6:11 19:2,17 21:16 28:5 31:6 64:23 66:25 117:16 156:17 157:8 173:6 263:12
Rich 126:14 133:1,4 134:17	rooms 31:21,22 72:18	Saad 171:21	scenario 18:13
rid 32:2 267:22	roughly 62:2 161:17	saddled 233:3	scenarios 67:13,17
rightmost 243:4	row 12:25 13:9 14:22 30:19, 21 45:3 63:19 65:3 72:1 78:14 80:11,20 81:18 82:1,2,3,7 86:22,25 87:5 89:24 101:4,10 102:13,14,18,25 108:1 240:12 241:11 243:7 244:9 246:23 248:17	safe 166:3 213:16	scheduling 122:25 235:23
righty 144:10 239:24		safely 222:23	school 66:13 182:20
risk 27:15 124:10		safety 177:19,21 209:15 213:17 218:16 237:12	schools 182:20
risky 260:9	rowhouse 29:15 30:16 87:20 261:2,12,13	Safeway 173:19 178:1 205:8 209:1	scooter 180:11
Ritesh 24:20,23 31:10	rowhouses 29:21 80:17	sailed 107:23	scope 46:15 49:10 60:23 166:12 186:4 189:4 227:3 241:13
road 65:2 71:20 113:13 148:13	Rueda 10:5,14 41:21 42:3,5 47:11,12 54:17,18 63:15 70:6 76:25 79:5, 7,9,11 84:6,10,16 100:8 101:20 102:9,13 103:19 104:3,16 108:7	sales 49:3 173:10	score 126:5 173:3
Rob 55:23		salon 211:19,20	screen 35:17 85:10 207:17
robust 225:24 230:17 237:21, 22	Rueda's 106:18	sample 173:12	screened 19:6
rodent 74:15	rule 11:1 21:24 45:13 73:3,4 93:1 107:10,20 115:22 117:13 261:24	sanitation 208:18	screening 21:10 95:25 96:15 120:8 121:7
rodents 216:16 237:11	rulemaking 59:25 83:15 269:2,10	sat 185:11	screens 59:8 108:24
Roesner 215:22,24 216:1,5,6 219:19,22 220:3,8,24 221:1,6 222:10,13 223:1	rules 83:17	satisfaction 195:6	scroll 243:13
roof 10:7 60:4,22 65:13 66:17 70:10 74:5,6	running 221:11	satisfactory 113:2 197:25 199:7	season 71:7
		satisfied 68:13 188:10 198:3,21 234:16,18 270:7	seasons 16:24
		satisfies 263:25	

seating 172:24 183:21 209:10	self-certified 6:15 7:6,14 9:12,22 125:22 146:10 170:4 240:9 257:22	103:5	66:19 67:10,19 68:22 83:24 90:6
seconded 146:4 169:23 257:17 271:5	Self-storage 185:6	serve 209:24	shadow 16:23 17:1 18:12,17 20:8,9,16,20 45:14,16 65:21 67:1,14 76:17 85:16 107:1,3 109:10, 13,15 117:6 247:21,23 248:4,6 249:9
seconds 211:1	sell 221:18	serves 217:14	shadows 66:14 247:17 248:2,8
secretary 43:1 125:1,17 145:13, 16 169:6,24 170:22 239:21 257:1,3 270:13, 16	seller 129:17	service 183:20	shaft 214:10
section 59:22 62:24 64:2,5 67:25 68:13 79:24 80:3 82:5 125:23,24 126:1,2 146:11,12,13,15,16 170:5,6,17 205:1 240:10,11,15 241:18,21 247:1,4 257:23,24,25 259:4 265:20	semi- 87:15 93:19 101:9	serving 182:22 210:1 217:15	share 70:25 121:17 178:4 194:17 201:13 206:7 216:13 242:24 255:5
sections 159:1,4 245:11	semi-annual 179:8	session 125:21 235:21	shared 130:16 187:2,18 262:1
secure 185:3 207:2	semi-detached 63:19 80:23 88:18 103:5,24 258:2 261:3	set 11:16 13:7 19:12 20:13 21:17,25 49:12 52:6 86:9 94:2,4,18 101:11 103:13 110:3 127:4 157:15 164:2 234:9 237:21	shares 61:5
security 181:22 182:22 209:19	seminar 34:7 98:4	set-back 50:6	sharing 130:3 174:14 218:25
seek 7:11 206:25 266:18	send 111:6 186:24	setback 18:12 19:10 20:14 21:18,22 28:13,15,17, 20 31:4,18 32:5,8 45:1, 15 46:14 50:3 52:6,12 82:10,16,18 84:18 85:20 99:13 100:2,9 103:1,2 109:3 111:6,8, 11 117:12 129:1 245:21 252:13 253:9 262:24	sheep's 90:19
seeking 73:2,4 157:25 244:5	sends 160:20,21	setbacks 17:9 50:12 115:15	shell 227:25
seep 214:12	sense 91:18 93:24 104:7 127:8 145:8 147:25 150:8 166:10 189:6 212:6 220:21	sets 64:20	shielding 179:7
segment 80:13 81:5	sensitivity 187:16	setting 150:11	shift 173:1 179:23 223:8
Selene 61:19	sentence 8:25	setup 224:20	shopping 177:23
self- 5:18 6:14 7:1 8:11 12:16 23:18 37:21 57:10 269:12	sentiment 213:25 225:19	shade 62:15 93:22 112:18 130:20	shoring 127:3
self-cert 107:11 118:13	separate 34:22 83:13 101:2 107:3 109:6 147:17 227:17	shaded 130:22	short 47:20 73:8 74:9 125:6 158:22 196:14 204:11 268:7
self-certification 6:3,21,25 7:9 8:8 11:6 12:3 22:13 34:7 35:25 37:18 57:3,5,6,25 105:18 117:19 124:7,24	separated 176:13	shades 85:14	shorter 210:11
	separation 191:19	shading 57:19 63:4,7 64:6 65:16	shortly 44:11 177:7
	September 85:5 123:6,8,16 125:2 231:5 233:25		show
	series		

11:21 17:12,19 83:9 85:11,12,19 87:21 89:5 128:17 140:6 153:18 180:7 183:5 226:1 252:24 259:24 263:17	side-facing 20:4	126:24 187:7 259:12	sleeping 9:20 89:5 140:2
showed 63:10 95:4 104:18	side-to-side 133:19	single- 12:24	slide 5:11 7:3,17,20 12:20 13:8,24 14:17 16:2,4,8, 9,11,19,22,25 17:1,4, 11,15,16,19,21 18:3,5 19:18 22:2 71:1,5 79:23 81:4 84:2,16,23,24 87:2,24 89:2,9 126:22 127:24 128:14,17,24 129:2,11,16,18,22 130:4,8,9,14,22,23,25 131:1,22 132:1,14 147:14,22 148:10,15 149:11 150:6,21 152:21 154:20 155:11 156:9 157:4,17 172:13 173:3, 7,9,11,14,15,18,21 175:1,4,21 176:6 177:7, 11 178:20 180:2,7,12, 15,17,23,24 181:2,3,5, 6,9,20,22 182:17 183:4, 10,12 184:15 185:9,11, 16 245:9,15,18 246:1,5, 9,10,17,21,25 247:3,5, 7,18,22,24 248:3,7,9,20 259:11 260:16,17 261:8,16,17,20 262:4,6, 11,12,14,15 263:14,15, 16,18
showing 73:10 130:11 145:2 150:7 245:15 247:1,4	sides 16:7 18:21 108:18 110:15 142:2 155:5 241:12	single-family 12:25 17:5,24	
showings 63:13	siding 139:18 243:10 244:10	sir 94:21	
shown 66:14 82:22 144:20 251:11 252:21 263:18	sign 25:9 35:25 36:2,3 37:18 185:14 196:5	sit 53:5 173:1,19 181:17 228:15	
shows 72:8 84:16 117:6 128:4, 15 129:3,18 162:21 173:7,9 181:2 261:16, 18 262:6	signage 179:10	site 19:6 43:6 90:8 104:18 128:3 138:14 173:1,14, 15 180:4,7 181:1 208:17 211:12 242:8 245:15 251:11 260:18 261:4 263:17	
sick 258:17	signatories 138:10	sited 65:4	
side 6:8,17 11:2 13:2,3,10, 11,13,15,17,18,22,24 14:5,6 17:20 18:10,12 21:21,25 26:23 28:6 30:17,18,21,23,25 31:2 32:3 33:1 39:19 45:1,5, 6,9 46:7,14 50:3,5,11, 12,14 64:12 70:19 73:3 80:4,5 81:25 85:18,20 87:7,9,11,19 88:8,10,12 90:6 91:11 93:19 95:6 99:8 100:7,9 101:2 102:17,20,22,23,24,25 103:4,6,17,18 107:14, 24 108:13,20 111:9,10, 14 115:14,19,21,25 117:5,14 118:10,16 122:15 128:20,24 129:1,5,6,7,8,10 130:10 141:16,20,23,24 145:2 176:25 180:14 214:11 224:17 242:21 247:22 248:6 257:25 259:4,16, 21 260:19 261:14 262:20 265:9,10,16,17, 19 268:10	signed 37:22,24 55:11 75:7 138:5 166:19 171:3 207:12 255:25	sits 135:11 224:9 261:1	
	significant 14:3 63:10 64:2,5 73:13 74:15 75:20,22 77:12 78:6 90:4 99:16,17,21 209:15 217:4 218:11,15 232:18 240:16 243:23 245:2	situations 100:17	
	significantly 19:13 71:17 217:20	six- 172:14	slides 16:18 18:2 84:4,6 184:23
	silent 151:4	six-story 170:9 195:9	slight 132:3 247:20
	similar 43:11 50:19 91:11 107:25 174:8 229:5	size 23:10 59:8 60:2 62:4 82:21 111:13	slightly 127:17,19,21 129:3 130:1
	simple 17:23	sized 88:18	slopes 246:10
	simplify 267:19	skip 88:23	small 18:17 49:7 65:14,17,25 71:24 129:4 182:11 185:3 214:18 215:3,10, 14,15
	simply 88:4	sky 71:4	smaller 134:14 138:17 141:23 192:1
	simultaneous 38:22 39:10,22 53:20 135:3	skylight 21:4,5,13	SMD 48:4
side-by-side 263:18	single 9:24 16:4,6 45:3 48:9 93:21 106:20,24 113:10	skylights 74:1,3,5 95:22 109:2	
		slab 191:18	

smell 214:9,12 218:10	100:16	spaces 65:11 176:4 180:11,15 226:3 228:9	267:17,24
smells 237:12	somebody's 103:6 116:12	span 70:16	specifies 66:7
smoothly 56:17	something's 97:8	speak 15:14 24:20,24 41:3 55:5 81:11 82:16 87:14 136:20 190:15 200:25 208:4 229:13 243:11	spell 37:10
snapshots 66:11	sooner 141:10	speaking 38:22 39:10,22 53:20 135:3 153:22 201:19 212:20 267:25	spends 65:5
sober 120:23	sort 21:10 58:12 85:1 100:19 101:6,8 161:22 190:12 191:2,19 202:17 215:10 228:19 242:14 243:3 249:19,20,23 251:13	speaks 75:5 84:25	spent 12:4
social 65:7	sought 8:5,9 13:1 155:13 167:19	spec 255:13	spirit 156:21
Society 241:25 250:14 259:9 264:4 267:16	sound 27:16 96:21 201:15	special 5:23 6:7 8:2 9:21 10:14, 21,24 18:3,7,14 19:21 20:2 28:1 39:14 58:6,11 63:11 79:18 82:13 85:18 86:5,12 88:1,14 90:5 98:7 108:4 109:6 112:22 118:6,15 125:24 128:7 140:23 146:14 151:8,10 152:18 156:10 158:6 159:19 160:5 162:19 163:4,21 165:9, 16 170:6 172:6 175:12 176:8 178:6,17 182:13 184:6,9 199:19 228:20, 23 240:10 241:16,20 242:1,6,10 244:5 257:23 259:2,25 260:7 263:25	spoke 49:4 213:23 214:4
solar 10:4,6,22 11:1,22,24 22:15,24 23:8,12,14,15 25:23 26:4,10,14,18,19 27:3,7,22,23 34:8 38:3, 4,12,15,16,21 39:4,9,14 40:15 41:2,10 57:11,14, 18,19,23 58:2,5,9,16 59:13,14,17,21 60:1,9 61:18 62:8,21 63:3 64:1 66:17 68:9,24 76:16,20 81:24 82:20,21 83:16, 17 85:7,21,22,25 86:13 92:4,18 97:4 98:5,6,8 100:14,18,21 101:16 106:2,10 107:3,8 109:25 112:18,24 117:24 118:4,8 247:20	sounded 123:24	speakings 75:5 84:25	spoken 201:20 214:14
solar- 73:25	sounds 95:22 168:9,11 188:8 190:11 201:10 239:12, 20	spec 255:13	sports 182:21
sold 221:22	south 64:16 127:19 128:19,21 129:5 130:6,19 209:23 242:22 243:2 244:11 246:18 249:7,11,17 252:17 253:15	special 5:23 6:7 8:2 9:21 10:14, 21,24 18:3,7,14 19:21 20:2 28:1 39:14 58:6,11 63:11 79:18 82:13 85:18 86:5,12 88:1,14 90:5 98:7 108:4 109:6 112:22 118:6,15 125:24 128:7 140:23 146:14 151:8,10 152:18 156:10 158:6 159:19 160:5 162:19 163:4,21 165:9, 16 170:6 172:6 175:12 176:8 178:6,17 182:13 184:6,9 199:19 228:20, 23 240:10 241:16,20 242:1,6,10 244:5 257:23 259:2,25 260:7 263:25	spot 165:7 223:10
sole 173:17 177:1 197:9	south-facing 20:24	specialist 62:16 92:4	spring 74:4
solely 26:20 83:20	southeast 64:14 240:21	specific 20:5 108:12 173:14 174:18 176:9 178:10 180:6 184:13 208:17 211:11,12 216:14 230:2,3 242:12	square 12:23 93:25 126:24 133:23 134:4,9,14,16, 24 146:19 147:19 148:23 161:17 170:12 172:18 182:10 240:21 258:6
solstice 247:9,16,25 248:1,4	southern 64:15 245:23 246:3,20	specifically 36:17 40:13 57:13,15 68:11 82:7 158:4 224:8 241:16	squatter 74:17
solution 96:20,25 197:14 204:8	space 31:7 65:13,18 71:8 76:8 78:6,23 87:15,17 93:17, 18,21 94:8,9 95:13,15 129:21 130:1,2 132:4, 10 172:16,17,20 173:5, 11 177:24 180:10 183:13 185:11 191:20 205:18 215:6,9 216:19 220:1 221:5,11 227:19 228:7 238:19	specifics	stab 29:8
solve 97:3,4,5			staff 126:6 146:1 153:23 169:20 186:23 187:20 195:10 255:10 257:14 271:2,7
solving			stage 9:3 60:22 76:1
			stairs 71:25 141:21
			stalled 204:19
			stand 140:24 227:12

standard 18:14 59:1 62:8 68:4 83:21 143:21 155:12 165:20 175:17 176:23 177:2 179:6 185:17 226:10	23 134:7 146:23 166:21 234:7 268:22	stored 195:7	77:13
standard's 99:8	statements 109:21 114:14	storefront 181:16 182:16	stress 217:4
standards 18:9 45:10,20 50:3 144:20 152:22 156:11 159:13,24 175:23 270:8	states 57:15 159:12	stores 178:1	strict 153:2 226:25
standing 123:24	stating 57:18 230:24	stories 14:4 70:15 73:5 81:16 92:13 107:21 130:20 191:20 259:12	strike 12:2
standpoint 167:9	status 62:12 65:9 114:15	story 14:4,14,15 16:6 19:9 32:21,24 33:2 64:17 68:22 78:10,21 92:17 93:21 99:20 100:13 101:5 107:13,22 128:6 146:18 172:15 240:18, 20 241:14 243:18 245:16 246:7,21,24 248:12 254:3	struck 102:2
stands 45:21 103:22 152:13 195:11 225:14 268:7	stay 55:1 69:10	storyline 113:15	structural 36:13 70:9 75:17 76:5 111:20,22
Starbucks 183:20	staying 136:14	straight 94:19	structure 19:22 66:20 72:11,12, 14 78:10 88:5 93:8 118:10 135:11 148:21 149:18 156:4 224:21 258:3 266:4
start 5:20,22 6:19 7:4 35:17 56:5,14,24 61:4 68:20 70:25 91:9,21,24 92:1 109:19 136:10 148:17 152:22 158:18 207:14 210:17 227:14 235:12 242:8 243:12	steep 221:14	straight-on 261:17,18	structured 101:21
started 29:12,24 30:4 202:10 212:7 242:8 250:1	step 76:23 119:14 237:2	straightforward 138:25 258:16 267:14	structures 19:7 99:15 224:7 263:13
starting 7:5 198:10	steps 188:9	strategy 209:20	stuck 32:17 112:12
starts 250:4	stick 94:5	street 19:12,18 22:2 70:17 117:17 126:5 128:23,25 129:8 130:11,24 138:6, 8 141:11,12,19 145:2 157:8 172:20 173:16,25 176:14 180:14 181:12 205:9 208:7 209:5 211:4 213:19 223:9,12 226:23 240:21 241:11 260:22,24	student 209:15
state 74:25 75:2 142:22 167:17 168:8 197:19 199:20 237:8	sticking 94:7 225:23 226:13	streets 209:22,23	studies 10:4 16:23 20:8,16 65:11 68:9 85:7 90:7 107:1 109:10 247:8
stated 7:25 12:6,16 14:22 59:24 73:6 80:2 81:17 86:9 89:8 99:11 103:13 108:8 117:11 121:9 144:1 229:9	sticks 76:12 87:11	streetscape 262:17	study 17:1 18:12 57:19 63:4, 7,9 65:21 66:1,8,10,23, 25 67:5,7,18,22 68:3, 19,20 69:1 76:17 86:3 107:3,4 109:13,15 112:19 117:6 249:9
statement 44:8 57:22 104:23 105:8 111:8 114:4,19,	stipulate 38:23 69:1	strengthen 112:4	stuff 197:1 199:17 267:20
	stipulates 88:7	strenuously	stunned 70:2
	stipulation 249:19		subject 45:9 79:20 130:7 136:22 141:21 142:2 171:25 172:13 243:9 244:18 255:9 269:7
	stipulations 250:7		
	stomach 216:25		
	stop 71:23 101:12 264:15		
	stopped 110:16		
	stopping 73:8		
	storage 174:3 180:24 181:1 191:22,23		

submission 61:7,24 62:13 68:9 104:5 106:16 109:11 120:4 122:2 123:10 137:7 167:4,5,18 254:19	217:19 Subway 178:2 successful 228:4 suffice 8:10 sufficiency 60:25 sufficient 8:18 68:1 197:16 222:21 sufficiently 197:12 suggest 83:5 152:7 239:15 suggested 120:9 123:9 201:12 250:22 suggesting 95:24 189:9 suggestion 35:13 187:21 234:24 251:21 suggestions 120:2 suggests 151:15 suitability 86:17,20 suitable 86:4 suite 17:6 81:13 246:8 254:4 Sullivan 5:3,6,7 12:19 14:25 15:3,7,21,23 16:16,21 18:1 22:7,11,20 24:5,18 27:13,18,21 29:2,5,7 30:11,14 31:16 32:18 38:23 39:11,23 40:19 41:5,9,12 47:18 52:4 57:4 58:3,23 73:25 81:25 94:15 96:8,11 104:24 105:9,13,16 113:16,18 115:5,9,16 116:23 117:2 126:12	171:20 258:23 264:23 Sullivan's 57:22 sum 79:5 summarize 210:24 summarizing 216:12 summary 9:7 summer 64:20 247:9,16 248:4 sun 64:18,20 218:7 247:8 Sunday 106:16 sunlit 65:10 sunroom 148:23 149:12,22 150:9,16,19,24 153:24 154:16 157:11 158:4 161:17 162:20 super 25:1 supplement 66:20 237:24 supplemental 239:14 supplies 62:2 support 34:21 48:22,24 55:12 56:4 68:14 77:24 78:1 99:24 100:2 122:13 131:2,3,8 137:9,11 139:4 142:24,25 144:18 157:19,21 164:9 166:19 185:25 193:18 195:25 226:18 242:4,6 249:7, 13,18 250:11 255:8 256:1,10,22 259:8,10 260:17 262:3 264:2,3, 13 267:14 268:16,18,19 271:8 supported	63:12 107:19 supporting 259:6,9 supportive 139:4 150:2,5 157:20 162:25 194:11 250:7 supports 59:23 214:16 264:4 supposed 264:21 surgery 217:3 surmise 250:15 surprise 74:24 surprises 74:23 surprising 75:13 surrounded 80:4 224:9 surrounding 19:11 130:13 132:12 262:18 Switch 255:5 switched 30:25 sworn 25:3 62:21 sympathize 164:6 165:7 system 23:8,9,12,13,15 26:4, 10,14,15,18,19,21 27:1, 3,5,7,19,23,24 40:15,16 41:2,11 57:19 58:2,5,16 59:2,13,14,17 61:18,20, 24 62:2,4,10,12,14,21 63:3,7 64:1,2,6 68:24 81:24 82:22 85:22 92:5, 18,24 106:10 118:9 195:8 207:24 224:2 system's 63:6
submissions 23:3 61:10,14 68:12 123:20 136:1 139:10 143:23 197:6 submit 76:17 106:8 123:14 131:15 146:22 188:17 227:21 230:13 231:9,12 232:8 235:2 236:4,18 239:14,16 249:18 submitted 5:13 27:8 37:19 75:7 82:5 106:21 136:10 139:3 142:21 170:14 188:20,21 206:4 222:18 231:11 232:23 236:15 237:22 254:20 259:10 subsection 45:7,8 176:10,14,17,23 177:2 194:23,24 269:4 subsequent 189:12 substandard 108:4 substantial 19:10 21:15 70:23 117:15 155:14 163:24 191:18 192:6 232:19 substantially 19:16 22:1 45:18 155:15 229:5 263:10 substantively 161:15 subtitle 45:7 57:13 59:16,19,21 61:7 67:25 68:15 69:4 80:23 88:22 125:23,24, 25 126:2 146:10,12,13, 14,16 159:9,20 160:14 170:5,6,16 194:23 205:1 240:10,11,15 241:18,20 257:23,24,25 259:4 suburbs			

systems 26:18 38:16,18 58:10 60:1 82:19,20 83:18 86:13 192:10	90:4 161:14,22 162:18 167:9	150:10,15 153:16,25 154:7	112:24
technicality 11:4	technically 93:2 99:25 131:22 164:19	terrain 141:17	They're 215:14
technologically 27:1	technology 38:3,5,12 59:8	terrific 135:24 165:5	thing 54:5 59:12 60:6 64:23 72:6 73:12 96:4 97:9 99:3 101:9 102:9 104:16 105:16 124:6 154:8 160:4 163:2 167:11 173:22 189:22 201:15 204:19 205:10 215:12 216:23 232:9 233:13 247:19 251:13 252:9
teeth 210:14	temporarily 127:3	test 152:24 175:5 176:8 259:25	things 58:23 63:2 80:2 90:17 95:19 97:7 100:20 106:1 110:18 111:5,22 120:1 144:16 145:10 174:13 184:2,13 198:9 200:6,17 213:10 232:23 233:5 237:13 239:14
tenant 170:16 172:20 175:18 185:8 186:15 188:1 191:16,23 207:2 228:6, 12,14	tenants 81:3 185:1 186:18,25 187:6,9,16 188:3 192:15 194:6 220:23 221:17 227:22,23	testified 40:14	thinking 28:19 30:5 53:2,4 113:11 160:15 204:12 234:4
tend 20:6 101:21 221:8,11	tending 71:9	testify 39:3 50:25 58:15 63:15 70:6 142:25 166:20 211:17	third- 19:8
tenth 173:2	tenth 173:2	testimony 34:12 40:17 43:24 44:11 49:21 54:7 58:22 61:4,9,12 84:11 86:11 88:23 91:10 97:23 105:14 116:10,15 118:4 119:24 122:3,23 141:5 160:2 163:13 164:10 174:22 196:23 198:23 199:15 200:13 204:2, 21,25 205:19 222:8,18 223:20 231:24	third-floor 62:14 146:17
tenth 178:3	term 48:4,6,7 52:21 59:17 174:6 181:7 190:1 198:11 204:11	testing 86:12 217:2	Thomas 170:3 171:24 220:4
terminates 227:18 231:6	terms 41:3 49:2 63:19 64:11 77:20 81:20 95:11,16 96:5 123:22 131:2 136:20 181:9 197:17 198:21 225:14 262:15	tests 158:3 202:12	thought 28:22 84:11 94:15 95:5 102:10 110:23 111:2,18 115:12 116:15 179:22 184:21 193:22 197:12, 21 201:7 203:12 213:22 219:18 222:16 234:8 236:7,10 263:16
terms 41:3 49:2 63:19 64:11 77:20 81:20 95:11,16 96:5 123:22 131:2 136:20 181:9 197:17 198:21 225:14 262:15	terrace 148:23 149:17,18,23	text 60:10 149:1 151:15 265:25 266:6	thoughtful 119:9
thermal 23:12 26:14,18,25 27:5, 19 40:15 59:6,18 62:7		texts 211:5	thoughtfulness 69:20
		that'll 25:1	thoughts 96:1 160:9 202:21 229:18 234:4
		that's 51:1 56:21 124:16,17 166:10	threat 177:24 228:13
		theme 91:1 243:14	
		there've 43:13	
		thermal 23:12 26:14,18,25 27:5, 19 40:15 59:6,18 62:7	

three- 78:9 146:17 243:17	153:22 158:14,23 162:2 168:2,7 181:15 184:19 186:8 188:20 189:11 192:23 196:12 197:7 201:20,22 207:24 210:10,23 211:15,17 213:4 222:12 223:23 231:20,25 233:6,7,8,19 234:6,8 235:10 237:13, 18 241:5 248:21 254:14 256:5 260:3 265:2 267:6	tonight 232:9	train 196:14
three-dimensional 93:7		tool 112:20	trainer 185:2
three-quarters 62:2		top 18:22 29:9 36:21 52:19 98:22 110:3 150:9 244:16 250:16 264:24 267:24	training 11:9 34:7 98:4 178:24 216:24
three-sided 176:20		topics 178:22 237:18	transferred 59:3
three-story 13:6 64:16 66:2,5 116:17 240:19	timeline 201:21 231:3,8	tops 15:24	transition 180:9
three-year 177:23	timeliness 254:22	total 19:14 56:13 87:1 135:10 244:22	trash 174:3 176:22 179:4,9 180:24 181:1,2 184:14 191:8,15,16,22,23 195:6 209:3,11 218:9 237:10
three-year-old 220:1	times 131:5 135:22 139:23 144:1 179:5 216:21 223:4 227:1	totally 198:3,8	treats 66:13
threshold 59:7 62:10 79:10 82:23 83:24 84:2 86:16	timing 164:7 186:1 226:18 230:21 233:1,3	touch 171:4 180:13 181:23	tree 127:2 129:13 130:23
throughway 141:13	tiny 247:23	touched 60:7 101:13	trees 154:23
throw 124:6	tipped 155:6	touches 104:8	trellis 153:20
thrown 81:20	today 34:7 47:3 54:6 67:19 119:24 125:8 140:18 142:14 143:1,7 144:9 147:7 152:13 158:8 162:16 168:2,13 171:21 173:19 186:8 201:5 203:19,21 204:23 205:14 207:8 208:4 211:17 212:14,20 229:11,23 231:12 232:1,6 233:9 236:16 258:18 269:24	touring 220:17	trellising 155:1
thunder 75:20		tours 220:10	trends 225:1,2
Thursday 75:10		tower 66:2,5 70:13 116:18	triangular 80:10
tie-in 174:17		towering 73:9	trigger 60:14,20
tied 179:17		towers 116:16	triggered 127:5
ties 159:15 182:6	today's 193:16	town 193:17	triplex 80:15,21 101:6 107:17 108:1,11 115:18
tight 201:21 231:4,8	told 25:6 36:11 37:3 115:25 116:4 199:4 221:14,15, 20 260:5	traces 183:25	triplexes 80:9,11,14 88:25
time 5:25 8:20,24 12:4 24:1, 2 33:18 34:23 39:16 42:12 44:21 46:22 49:5 51:2 55:20,21 56:2,21 60:15 61:12 65:5 68:5 69:2 77:3,7 84:11,12 94:19 106:15 119:7,16, 20,22 123:1 124:11,16 125:8 127:1,9 132:17 137:18 140:7 143:7,14	Tom 69:24	traditional 78:9	Trish 58:19
	tomorrow 234:11 236:5 239:15,17	traffic 177:19 178:23 180:3 208:18,21 209:16 223:4,7,12 238:2	trouble 183:13
			trucks 75:20

true 76:25 234:7	224:10	45:18 117:7 132:7 153:5 181:20 205:3 251:9 262:19	upfront 215:5
trust 150:3 153:14 204:4,6, 16	U253.7C. 89:9		upgraded 17:14 24:25
turn 14:17 24:19 49:4	ultimate 89:21 220:15	unduly 68:16 117:10 132:6 191:21 195:1	uphold 206:10
turnaround 234:2	ultimately 227:12 230:19	unfortunate 136:18 144:16 230:22 233:1	upkeep 74:12
turned 148:5 180:1	unable 127:1	uniform 251:11	uploaded 126:6
turning 110:21 156:10 177:12	unaddressed 64:11	uniformity 243:6,8,25	upper 10:15,17,25 17:7 72:22, 25 73:4 80:7 85:11 191:20
turns 234:16 260:24	unanimous 55:7 102:2 173:25 256:10 264:2	unique 141:24 260:22	upset 187:18
tweaked 135:22 189:20	unanimously 68:5 131:3 172:9 259:8	unit 9:19 16:4 17:5 58:25 59:1 76:12 82:25 89:3 182:4 186:22 202:25 259:18 266:4 269:6	Upshur 209:23 217:14
two- 240:19	unattended 181:17		upstairs 130:3
two-dwelling 82:25 83:6	unchanged 262:17 263:10	units 59:2 106:19,23 110:8 172:15 178:15	upwards 182:10
two-inch 59:10 60:4	underestimate 222:19	unmodified 67:15	urban 162:22
two-story 12:24 126:2,3,23 127:14 241:11 258:1,2, 3 262:1	underlying 93:3	unmute 146:25	urgency 233:8
two-unit 113:9	undersized 87:13,14 88:5	unnecessary 131:10 178:9 192:15	usable 166:3
type 7:8 26:19 60:3 87:9 88:16 118:20 137:2 149:18 151:22 165:14 187:11 192:10 206:16 211:17	understand 22:18 38:12 49:6 50:15 51:5 89:21 97:7,12 104:18 107:2 110:25 165:5 189:7 190:20 191:10 194:9 205:18 225:9,19 264:16,18	unofficial 269:1	utility 92:24
types 59:11 81:1 88:21 243:19 244:2	understanding 38:17 41:6 83:17 100:12 206:1	unpleasant 223:15	utterly 112:8
typical 19:8 175:19 187:14	understands 51:14,23	unprecedented 48:3 55:7	Uzman 171:22 172:7
typically 157:6 160:17,20 175:15 182:8	understood 239:7	unsuccessfully 227:21	V
U	undertaken 78:2	unusual 102:2 127:23 131:18	vacancies 185:10 205:22,23 206:1 228:8 230:8
U-SHAPED	undisputed 8:20	unwilling 76:3	vacancy 177:24 205:17,21 228:21
	undue 18:18,24 20:10 21:1	update 255:12	vacant 75:3 181:16 185:11 207:2 220:1 228:15
		updated 5:12,13 146:23 265:21 266:13 269:2,12	

vacation 44:2 50:24 52:15 54:7 74:18	verticality 243:20	173:14 186:18 197:22 227:8 248:16 261:17,18 262:12,13	wages 174:13
vague 204:1	vertically 175:8	viewed 63:16 117:16	wait 30:10 230:24
variables 63:25	vetted 233:8 266:24	views 71:5 73:19 161:5 263:3	waiting 173:9
variance 8:22 9:10,16 146:11 150:23 151:25 152:5, 10,11,13,22,23,25 154:9 155:12 158:2,3,7 159:8 162:14,18 163:3, 20 164:21 176:19 228:18	viable 214:20	violation 8:21	waive 146:22 160:9 170:15 187:10 188:10 254:21
variances 50:19 153:8	vibrations 75:20	visibility 19:12	waived 161:3
variety 177:15,17 225:5 244:1 251:12,15	vice 22:8,10 23:23 24:14 27:10 28:7 32:10 33:11, 24 43:15,19,23 44:1 45:25 46:2,17,19 54:4 85:6 90:23,25 91:21 92:10 94:22,24 95:21 96:3,7,17 97:2,15 101:25 102:8 103:15 104:1 118:22 119:19,21 121:5,17,23 124:5,20, 22 132:21,23 133:6 134:25 135:5,13,18,24 137:3,13,15 139:8 145:14,20,21 146:4 158:18,19 159:22 160:15 161:2,13 165:4, 15 166:9 168:18 169:14,15 186:11,13 187:13,23,24 188:7 189:6,14 190:18,25 192:8 193:5 200:24 201:2 202:7 203:23 211:25 212:4,9,12 222:4,7 230:1,11 231:17 232:11,14,21 234:5,24 235:11 236:12 237:16 249:1,3 250:5, 12,24 251:3,19,25 252:3 253:17,22 254:15,18 255:1,11 257:8,9 258:11 264:8, 11 265:1,7 266:8,13,23 267:3 268:9 270:6,10, 18,21,22 271:4,16,22	visible 19:3 128:20,25 155:23 157:15 181:15 261:11, 19	waiver 186:15 187:22
vegetation 19:11 110:17	video 24:23 208:2	visited 79:15	waiving 254:22
vehicular 141:20	view 28:12 73:11 95:8 119:25 120:10,21 124:7,17 128:22 129:8, 9 130:8,10,24 147:15	visits 211:6	walk 131:25 156:11 173:3 177:7 180:17 216:20
Venable 147:6		visual 21:15 71:13 73:14,17 78:12 95:11 117:15 150:13 153:25 263:7	walked 149:24
ventilated 192:11		visually 19:16 22:1 154:14 156:1 249:12	Walking 152:21
ventilation 184:14 191:24 195:8 214:10 224:1 237:13		vocal 211:4	walkouts 237:11
verbatim 180:18		voiced 197:20	wall 61:5 64:16 70:9 71:13, 15,23 72:22 82:19 93:16 95:8,10 100:11 107:12,14,19 112:6,11, 17 113:6 129:6 130:15 133:16,17 136:23 176:15 219:5 240:12,13 265:2
verbiage 93:4		volumes 75:5	walls 19:5 70:14 102:11 108:5 112:1,13,17
verification 109:25		volunteer 48:19	wanted 5:14 28:17 32:8 44:4 58:22,23 59:12 60:6,8 78:18 93:25 104:3 123:20 158:24 168:25 180:19 187:10 189:10 196:23 200:19 201:25 219:21 221:17 233:23 235:2,8 236:3 249:20 250:22 252:9
vernal 85:23		vote 119:11,25 145:16 146:1 169:9,20 180:1 197:10 230:3 231:13,14 257:4, 14 270:16 271:2	wanting 121:6 185:9
version 68:3 189:7,8 230:17 266:10		voted 131:3,21 157:21 231:7, 9 259:7	
versions 232:23		W	
versus 17:2 85:20 107:2 225:13 269:11		wage 178:4,8 179:15	

wanton 75:6	week's 234:14	wife 58:19 258:24	56:13 57:2 58:13 97:22 119:4 144:7 168:4 195:22 232:2
Warburton 196:9,10,13,19 201:18 203:16,20,22,24 205:25 207:4 212:23 213:2,7,9, 21 214:17 215:19 222:14 223:17 232:3, 15,17	weekends 181:14	Williams 147:1,4,5 158:17 159:6 160:12,17 161:3 166:22	wolf 90:19
warm 71:16	weeks 74:18 75:1 111:4	Wilson 126:9,11,19 133:1,22, 24 134:6,12,19,22 136:9 137:8,23 138:20 142:18 143:5,6 171:13, 14,17,20 184:16,17,21, 25 186:20 187:17 188:21 189:11 190:14, 20 191:14 193:7 223:24 224:23 231:1 258:8,14, 20,21,22 264:19 265:6, 14 266:12,15 267:1 268:20,24 269:16	woman 218:13
warrant 81:9	weigh 145:3	Wilson's 208:10	women 218:14
waste 8:20 23:25 24:1 217:7 218:10	weighed 48:10 142:23 182:7	window 64:22 261:13	Wonderful 143:6 171:17 258:21
wasted 30:8	weight 177:10	windows 16:13,14 18:21 20:4,24 33:6 66:17 109:1 117:8 140:9,11 142:4 263:2	wondering 104:17
wasting 8:24	weird 94:2,14	wing 177:16 214:12 217:11 218:16,18 225:4,5,9	word 41:11 83:19 113:25 115:10 120:4
watch 193:9	well-prepared 119:8	wings 170:4 171:22 172:1 194:8 209:24 217:14,16 227:9 230:5,9	words 6:4 59:18 67:8 210:14
water 10:7 23:12 59:13 61:20 62:3 71:19,22 73:20 95:16,19 107:8	well-trained 216:21	Wingstop 172:6,8,23 173:8 175:18 178:7,10 181:4 182:19 183:9 185:7,14 189:16 193:9 216:8,9 219:6 227:15 228:5 229:3	work 37:5,7,17 38:18 50:21 51:9,21,22 53:1,18 61:16 66:13 70:9 120:12 121:10 151:21 183:3,7 192:9 200:10 203:10 215:15 225:15 226:2 227:23 241:13 247:6 249:25 253:5 264:15 268:10
Watkins 69:24	wells 261:14	Wingstop's 182:16 191:4,15	worked 50:19 51:4 107:16 122:8 149:25 150:4 151:17 161:5 224:15
watt 58:25	Wendy's 173:20 178:1 181:12 213:14,19	winter 247:9,25 248:1	workers 202:3
ways 98:16 100:15,16,21,25 188:3 215:8	west 64:17 246:16	wished 180:20	working 52:25 148:6 177:21 180:8 196:25 202:17 206:1
wealth 182:2 200:7 206:11	we'd 124:4	witnesses	works 6:25 51:19
Webex 171:5	We'll 55:22		worse 201:3 260:12
website 269:1	whatsoever 106:25		worth 53:2 57:5 174:21 179:20 197:23
Wednesday 235:17,22 239:19	white 85:25 95:6,8 243:4 244:9,10		wow 230:16
week 23:4 123:2,8,16 125:7 149:4 151:19 161:6 170:24 179:5,23 218:6 231:9,13,14 233:25 234:10,17 237:4 271:21	who've 44:5 48:22 52:22 53:6		
	whoever's 162:24		
	wide 33:8,9 124:1 148:13 251:12 260:25 261:6		
	width 12:24 13:16,18 88:9,11 104:17 123:20 124:3 129:4 176:16		

WP 176:11	117:5,13,14 118:10,16 125:25 127:16,18 128:1,2,7 129:6 130:18 132:4 140:22 141:21, 24,25 241:15,22 242:11 244:4,6,7,14 245:1,3,5, 16,22 246:8,17,19 247:14 248:15,17 252:12 253:13 254:4 257:25 258:4 259:4,16, 21 260:19 261:10,14 262:20 263:1 265:9,10, 16,17,20 268:11	82:4 83:14 86:23 88:16, 20 90:1,13,16 92:13,14, 15 98:1 99:13 100:12 102:10 103:25 126:4,20 127:22 128:1,10 146:19 147:14,21 151:16 152:15 155:16 159:14 161:21 163:25 170:11 172:4 173:17 175:6,13 176:11,12 178:16 182:12 183:14,15,23 184:9,15 194:22 200:14 208:24 240:21 245:9 258:5 259:1 261:2
wrap 77:6 84:8 184:19		
wraps 64:14		
writing 62:14 67:17		
written 6:23 26:17 27:6 48:22 50:23 57:20 61:7,10 63:5 91:12 134:5 178:24 180:19 189:24 190:22 196:23 197:6 198:9,23 199:15 200:13 204:2,21,25	yards 13:10,22 30:18 65:1,4,7 71:18,22 73:14 76:9,12 87:19 95:17	zoned 80:18 86:23 147:22
wrong 10:11 24:2 112:3 250:21	year 43:7 74:17 127:3 206:20 269:9	zones 82:6 156:14 159:15 182:11 269:4
wrote 78:1 157:23	years 19:23 34:6 49:23 51:13 61:25 68:6 69:21 78:3 107:1,17 138:14 140:4 185:2,11 204:13 205:19,21 227:20 266:3	zoning 5:7 7:8,10,15 8:14 9:3, 5,11,13,25 10:9,11,18, 24 11:8,17 12:6,10 19:25 23:7,20,24 24:10, 12 29:22 30:15 34:5 35:25 36:6 37:18,21 39:17,23 41:2 45:8,19 52:9 53:13,14 57:12,17 60:12,17,18,21 63:1,4 79:11,19,24 80:1,24 81:3,22 83:1,4 87:1,15 88:2,3 89:3,12,14,19, 20,23 91:5 103:13 107:6 108:2 109:14 110:5 111:4,18 112:20 115:24 116:7,9 117:20 120:21 131:19 143:23 148:9,22,24 149:6 151:2,7,17,18 152:4,24 153:3 155:17 156:13 158:12 160:21 162:10 165:18 166:5,8 168:20 169:4 179:17 182:6 184:9 194:1,24 195:10 202:12,13,22 206:13 208:19 210:11 264:17 266:16 267:18
X	yesterday 67:3,24 76:18 96:13 106:13 108:21 109:11 206:4	
X-901(A) 88:3	young 25:11,12,15,18 56:24 126:15 143:1 147:10 171:9,11,18 196:4 207:18 218:14 219:16 241:3,4 252:25	
X-RAYS 217:2	youth 182:21	
X901.2 175:4	Z	
Y	ZA 12:9	
yard 6:8,17 11:3 13:2,3,11, 13,15,17,18,24 14:5,6 16:3,6,10,25 18:10 19:10 21:21,22 28:6 30:17,21,23 31:2 32:3 33:1 39:19 45:6,9,13 46:7 52:11 64:12 65:10 66:15,16 70:19 71:1 73:3,7,23 74:12,15 76:9 82:1 85:18,20 87:7,9, 11,20 88:8,10,12 90:6 99:9,12,16,18,20 100:7, 9 101:2 102:17,20,24, 25 103:4,6,9,18 107:15, 24 108:13,20 109:3 111:14 115:14,19,21,25	Zach 147:5	
	ZC 269:2	Zoning's 161:4
	zone 13:10 30:17,20 45:11 50:8 70:16 80:14,22	zoom 242:12