

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

SEPTEMBER 23, 2026

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
PAUL GOLDSTEIN, Vice-Chairperson
ROBYN JACKSON WELLS, District Resident Appointee
MELISSA LINDSJO, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

CHRISTINE BRUINS, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
SARA A. BARDIN, Director
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD
PHILIP ISAIAH
MATTHEW JESICK

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
6 from the Regular Public Hearing held on Wednesday,
7 September 23, 2026.
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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:10 a.m.)

3 CHAIRPERSON POURCIAU: Beginning with Case
4 No. 21490 -- and Madam Secretary, would you please read
5 it into the record as the applicants and others are
6 brought into the session?

7 MS. MEHLERT: Yes. This is Application No.
8 21490 of District Line Development, LLC. This is a
9 self-certified application pursuant to Subtitle X,
10 Section 901.2 for special exceptions under Subtitle C,
11 Section 703.2, minimum vehicle parking requirements of
12 Subtitle C, Section 701.5 and under Subtitle G, Section
13 5200.1, the lot occupancy requirements of Subtitle G,
14 Section 210.1.

15 This is a request for the consolidation to
16 existing one-story buildings onto contiguous record
17 lots and a two-story addition above ground floor retail
18 and a three- story attached building. It's located in
19 the MU-4 zone at 827 and 829 Upshur Street Northwest,
20 Square 3024, Lots 71 and 72. And as a preliminary
21 matter, the applicant has submitted a request to waive
22 the filing deadline for a late submission in Exhibits
23 17 and 17A.

24 I believe you are muted if you are speaking,
25 Madam Chair.

1 CHAIRPERSON POURCIAU: Thank you. Did you
2 record me? Can you play it back? Hello, Mr. Williams,
3 is what I kind of said. Good seeing you again. Could
4 you please introduce others who are with you and might
5 be presenting today? And then we would like to hear
6 your presentation. And I was asking that I hope you
7 would remain within 15 minutes, that we try to hold the
8 presentations to a total of 15 minutes. Thank you.

9 MR. WILLIAMS: Good morning, Madam Chair.
10 My name is Zach Williams. I'm a land use attorney with
11 Venable representing the applicant today. With me as
12 well are Matt Medvene, with the applicant, as well as
13 Ryan Petyak, the architect on the project.

14 Mr. Young, could you pull up the presentation,
15 please? Thank you.

16 This is an application for a project at 829-827
17 Upshur Street Northwest. As I mentioned, the
18 applicant, Matt Medvene, with District Line
19 Development, owns the lots and is the applicant in this
20 presentation.

21 Next slide, please. This is the zoning map
22 showing that we are on the MU-4 zone on Upshur Street
23 around the north side of Upshur Street Northwest in the
24 800 block. Folks that may be familiar with this. This
25 is a commercial oriented section of Petworth. Here

1 along Upshur, there are several retail and restaurants
2 along this block, 800 block of Upshur Street Northwest.

3 Next slide, please. Here's an aerial view,
4 just again, showing the vicinity of the building. You
5 know, obviously the street parking there and the other
6 thing to just note here is that these buildings as well
7 as others along the street, essentially to pick up the
8 entirety of the lot, and that is not an unusual situation
9 in this particular area of Upshur Street.

10 Next slide, please. Here's some photographs
11 of the existing buildings. These are single-story
12 retail buildings. There are two of them on two separate
13 lots, adjacent to an alley to the west. And this is
14 looking straight on at these buildings on the left side,
15 and you are looking from the rear of the alley at the
16 rear of the buildings there on the right side.

17 And, again, just to note that it appears as
18 though the building, there is an alley or sort of a rear
19 type yard there behind the building. In fact, that is
20 the property line. The building essentially goes up
21 almost entirely to the property line. It takes up a
22 little over 99 percent of the lot. So you are looking
23 at a full scale of the parcel lot there on the right
24 side.

25 Next slide. The proposed project is to

1 consolidate the two lots with a total of just over 3,000
2 square feet of consolidated lot area. There would then
3 be a two-story addition built above these buildings,
4 which would be consolidated into one building for a total
5 of three stories, just under 34 feet. Seven residential
6 apartment units will be added to those additional two
7 stories. However, the retail space will remain on the
8 street level.

9 Next slide, please. These were our initial
10 elevations that we submitted. And after discussion
11 with Office of Planning and others, there was a request
12 to update these, revise these to update the aesthetics
13 and be harmonious with the street.

14 And so if we go to the next slide, these are
15 the revised elevations, which seem to be -- folks were
16 more receptive to this and so changed the aesthetic a
17 little bit and blended in a little bit more with the
18 surrounding retail and residential in this area.

19 Next slide, please. The relief requested in
20 this application are two special exceptions. The first
21 is a special exception pursuant to Subtitle G, Section
22 5200.1 to allow lot occupancy of 75 percent on the two
23 new stories of floors two and three. As I mentioned,
24 the ground floor already occupies about 99 percent of
25 lot. And that is for both of the parcels.

1 Here for the second or third story, we would
2 not be building out to the full extent of the property
3 line. We would be only building out about 75 percent.

4 And what that allows us to do is to create some more
5 efficient building footprint and allows us to get those
6 seven stories and get that max if they are in the zone
7 without having to go another story up, which we could
8 do in this zone.

9 We think this zone fits better as a three-story
10 building given the footprint of the building is already
11 99 percent of the lot. We don't think there is much
12 impact here, and we are pulling back the second and third
13 stories. Even so, so they are only going to occupy 75
14 percent.

15 That will also maintain, I should say, the
16 rear yard at least from the second and third stories,
17 whereas there is no rear yard on the first story. We
18 do not need that relief for the second and third stories
19 because we are only building up to 75 percent of the
20 footprint.

21 I should mention -- I mentioned this in an
22 earlier slide that nearby properties also occupy the
23 full extent of their lots and do not comply with 60
24 percent lot occupancy. So that 60 percent requirement,
25 there is non-conformities sort of all over the block

1 here with buildings. So this is not out of the ordinary.
2 So that is the first element of relief for a special
3 exception.

4 The second is parking relief. We are required
5 to provide one parking space for these seven units.
6 Because the building occupies essentially the entire
7 lot, we don't have anywhere to put it. And so physically
8 do not have the space to put a parking space. And so
9 we are asking for relief from that single parking space.

10 And I will get into that in a minute here on the
11 justification for that.

12 All of the work here is by right and permitted
13 without further zoning relief.

14 Next slide. Walking through the special
15 exceptions standards for both of these elements of
16 relief, the first is that the relief should be harmony
17 with the general purpose and intent of the zoning
18 regulations here. As I mentioned, this is the MU-4,
19 mixed use 4 zone, which is intended to permit exactly
20 this type of development, mixed use, moderate density
21 development. That is exactly what we are providing
22 here. Again, harmonious with and matches and fits
23 within the surrounding properties. We will be within
24 the FAR and the height permissions of the MU-4 zone and
25 providing a mixed use element with the retail at street

1 level and then residential above.

2 As I already mentioned, other than the lot
3 occupancy and rear yard and parking, which are already
4 non-conforming on this lot, the project will meet all
5 other development standards in the MU-4 zone.

6 For all these reasons, we believe it is in
7 harmony with and the general purpose of the intent of
8 the MU-4 zone and the zoning regulations.

9 Next slide. The next general standard
10 special exception relief is that the relief should not
11 adversely affect neighboring properties. Typically,
12 we look at light, air and privacy in reviewing this
13 relief. Here, we do not believe it would be adversely
14 affecting neighborhood properties. This is because the
15 proposed building, as I mentioned, is generally
16 consistent in its volume, height and density with
17 neighboring properties on the street, which include
18 commercial and residential and mixed use properties just
19 as we are proposing.

20 The lots will be consolidated, the two
21 buildings will be connected. And so we will be
22 maintaining -- while it is a single project, these two
23 buildings will be connected and consolidated to create
24 a more efficient mixed use project.

25 This will add new housing, much needed housing

1 to the community. Housing in the central commercial
2 core of Petworth as well. And so because of that, the
3 parking relief that we are asking for, we believe, is
4 justified in that folks have the opportunity at this
5 location to walk to and from retail and shopping right
6 on the street, right at ground level, as well as close
7 proximity to the Georgia Avenue, Petworth Metro Station.

8 Metro stops along Georgia Avenue and the Capitol Bike
9 Share Station very nearby as well, too, to this
10 particular building. So there is multi-modal access
11 to and from the site, even without that one parking space
12 that we are not able to provide.

13 Next slide, please. As is reflected in the
14 record, we do have community and Office of Planning
15 support. We have met with and presented to ANC 4C on
16 several occasions. And we received a vote of support
17 from the ANC, which is in the record. Office of
18 Planning has also recommended approval of the
19 application. And over the last few days, you may have
20 seen, even as recent as this morning, I believe we now
21 have seven letters of support in the record from
22 businesses and residents that live either on this block
23 or directly adjacent to it that are supporting the
24 project.

25 There is one letter of opposition from folks

1 that live, I believe it's one block to the north on Barnam
2 Street, but other than that, support is in the record
3 for this application of relief that is sought.

4 And with that, I will conclude my remarks.
5 Thank you, Madam Chair.

6 CHAIRPERSON POURCIAU: Thank you for much for
7 that presentation. I will start by asking Board members
8 if they have any questions for the applicant. Vice
9 Chair Goldstein, I would like to start with you, please.

10 VICE CHAIR GOLDSTEIN: Thank you very much
11 for the presentation. That was helpful for getting an
12 understanding of their project and the relief requested.

13 I do have a few questions. And my first one is kind
14 of a technical threshold question I was hoping to ask.

15 You have mentioned the buildings will be
16 consolidated, which in my view, typically means that
17 there will be a subdivision to consolidate the
18 underlying lots. First of all, let me just ask you,
19 is that correct, that it will need a subdivision of the
20 underlying lots?

21 MR. WILLIAMS: It will be a -- yes it will
22 be a consolidation to create one record rather than two.

23 VICE CHAIR GOLDSTEIN: So just help me
24 understand, and maybe this is something you have
25 interpreted or discussed with the ZA in the past. With

1 the non-conforming lot occupancy in the rear yard that
2 exists, why is relief not needed for that as a part of
3 a subdivision?

4 MR. WILLIAMS: Yeah, so I don't believe relief
5 is needed and the reason is that we are not creating
6 any new zoning violations. So this is non-conformity
7 with respect to lot occupancy and rear yard already
8 exists. We are not creating any new lot lines. We are
9 not dividing the lots, if you will, to create new zoning
10 problems. So the zoning regulations, as you know,
11 prohibit that. You can't subdivide land and then create
12 problems with lot occupancy or rear yard or any yards
13 in so doing.

14 And here we would not be doing that. The lot
15 occupancy issue and rear yard issue already exist. And
16 they will not be exacerbated by the consolidation.
17 Further, the way I read the regs is that you can't divide
18 land to create -- or if there are issues such as rear
19 yard non-conformities, here we are not dividing it.
20 We are combining two lots.

21 VICE CHAIR GOLDSTEIN: I haven't heard that
22 distinction before in the way the subdivision regs were
23 interpreted. Subdivision can be division. It can be
24 consolidation. I just want to make sure just because
25 we are here, you know, I want to make sure that we are

1 reviewing in the most efficient way possible. You feel
2 very confident that there is no additional relief needed
3 for the subdivision, is that correct? And is that
4 confidence based on past experience or discussions with
5 the zoning administrator and her team? Or just help
6 me feel confident as well that we are using our time
7 effectively.

8 MR. WILLIAMS: Well, we haven't discussed it
9 specifically with this zoning administrator for this
10 lot. I believe I have had these discussions with the
11 previous zoning administrator for other lots. And we
12 did look into it because this was raised in an email
13 prior to the hearing today. So we didn't find any issues
14 with it. But to answer your question directly, we have
15 not directly discussed it with the zoning administrator
16 for this particular property to date.

17 VICE CHAIR GOLDSTEIN: Okay. I guess, we're
18 all here so I'll continue asking some more questions.

19 I just -- you know, I would have preferred a little
20 bit more buttoned up on that point if possible. But
21 I understand your position on it.

22 Can you help me further to understand, it's
23 a repurposing of the existing 99 percent lot occupancy?

24 Is anything being demolished as far as the footprint
25 itself? Is it all an internal repurposing that is going

1 on to the existing first floor?

2 MR. WILLIAMS: That is my understanding,
3 correct. And then the architect is here, and he can
4 weigh in as well. I believe the first floor footprint
5 is not changing.

6 MR. PETYAK: I'm sorry, Zach. There is
7 currently a walk-in cooler that is attached to the back
8 of the existing building that is not part of the original
9 structure. It is part of the commercial use on the
10 ground floor. So it is essentially a piece of equipment
11 that is attached to the back of the existing building
12 that creates over the existing property line based off
13 of the surveyor -- based off of the survey plat.

14 So what we have done is because it is piece
15 of existing equipment, not part of the building
16 structure, it is literally a metal box for cooling
17 purposes that we've essentially shown as being removed
18 because there is no longer any use for it in that
19 location. So it is not part of the building structure.
20 It is a piece of equipment.

21 VICE CHAIR GOLDSTEIN: Okay. I just want to
22 make sure there is no new need or relief for rear yard
23 being established by the removal of that freezer, is
24 that correct?

25 MR. PETYAK: It is not part of the building

1 envelope. It is just a piece of equipment. So
2 therefore it is not part of what we have as record of
3 as the building footprint, correct.

4 VICE CHAIR GOLDSTEIN: So you will be
5 maintaining the existing building footprint and doing
6 internal repurposing to reconfigure it for the retail
7 space as shown as well as a new residential unit toward
8 the rear of the building, is that correct?

9 MR. PETYAK: That is correct. It is
10 important to note that one of the residential units will
11 also occupy the first floor.

12 VICE CHAIR GOLDSTEIN: Yeah, okay. I was a
13 little bit curious about that unit. It is a little bit
14 of a -- I think typically I think it's -- more housing
15 can be a good thing. It is a bit of an unusual unit
16 in its layout in getting to it toward the back. I am
17 just a little bit curious about why you chose to make
18 that a residential unit as opposed to just having retail
19 occupy the entire first floor.

20 MR. PETYAK: The goal was to -- by the client
21 and the owner was to provide as many residential units
22 as possible within the envelope but also provide a mixed
23 use opportunity for the commercial space that is
24 suitable for commercial use. So by doing so, we were
25 able to use that rear space and provide that residential

1 unit.

2 VICE CHAIR GOLDSTEIN: And is there a view
3 that will be an attractive space for a tenant?

4 MR. PETYAK: Our view is that it will be a
5 space that will be suitable for a family style apartment
6 with one bathroom, three bedrooms, to help sustain the
7 needs for housing in the neighborhood.

8 VICE CHAIR GOLDSTEIN: Okay. Can you
9 describe how garbage is being handled by both the retail
10 and the residential onsite?

11 MR. PETYAK: Sure. The retail has access to
12 the garbage area by way of an alcove adjacent to the
13 alley, by way of alley use. And that the residential
14 tenants would then be able to then take their trash to
15 that same alcove.

16 VICE CHAIR GOLDSTEIN: Just help me
17 understand that. So they have to walk their garbage
18 -- is there an internal connection or you go through
19 the alley to get to the trash bins?

20 MR. PETYAK: There is not an internal alley.
21 You would leave the residential building through the
22 front door and down the alley. There is not an internal
23 connection to the trash room. You would walk through
24 the exterior door, down the alley to the trash area.

25 VICE CHAIR GOLDSTEIN: That seems a little

1 bit unusual to me. I haven't seen that before. Is that
2 something that you have done with other projects that
3 have worked well?

4 MR. PETYAK: We have certainly had access to
5 trash by way of walking to the exterior and dropping
6 your trash off in trash bins for multifamily properties.

7 In this case, we have had situations where we have had
8 internal access to a trash room. We have also had it
9 where you leave the building envelope to walk to the
10 trash.

11 VICE CHAIR GOLDSTEIN: And I think on one of
12 your pictures, it showed dumpsters in the rear alley.

13 Is that a condition that is going away?

14 MR. PETYAK: Dumpsters currently exist on
15 adjacent property.

16 VICE CHAIR GOLDSTEIN: Okay. I would want
17 to ask again, in the presentation, are you representing
18 that those dumpsters are not in that 15 foot wide public
19 alley at the rear of the property? That they are in
20 fact on the neighboring property?

21 MR. PETYAK: One moment as I slide to that
22 slide so that I can confirm. What page were you looking
23 at? I'm sorry.

24 VICE CHAIR GOLDSTEIN: I don't have the
25 presentation up, but I can try to. See, Slide 4.

1 MR. PETYAK: Oh, okay. So it's Mr. Williams'
2 presentation.

3 VICE CHAIR GOLDSTEIN: I'm sorry.

4 MR. PETYAK: So it's important to note that
5 you can see here that those dumpsters that are off the
6 alley are technically in adjacent property. So if you
7 now go back to the site plan -- I believe that would
8 be two slides forward if I remember correctly. I don't
9 have Mr. Williams -- back one, please?

10 MR. WILLIAMS: I don't think I have the site
11 plan in this.

12 MR. PETYAK: Okay. Am I able to share my
13 screen for it to help navigate this discussion?

14 MR. WILLIAMS: No, but we can pull it from
15 the record. It's in the record.

16 MR. PETYAK: Okay. It's in the architectural
17 drawings. And it will help you understand where the
18 property line is relative to the survey received from
19 the land surveyor.

20 MR. WILLIAMS: It's Exhibit 21 in the record.

21 CHAIRPERSON POURCIAU: Mr. Young, will you
22 be able to share Exhibit 21 with us, please?

23 MR. WILLIAMS: That's the plat, Ryan. Is
24 that what you need?

25 MR. PETYAK: This will suffice. So if you

1 are able to zoom in to the plat on the right side, just
2 under the word public alley. We'll navigate for you,
3 but you will see there that your two lot lines,
4 dimensions 19.33 and 18.34, and you will notice that
5 that actually -- there is a note that is a leader line
6 that says property line that actually points just above
7 the number 18.34.

8 As you can see if you can zoom in on that for
9 Mr. Goldstein so he -- sorry. I didn't see you leaning
10 forward there.

11 VICE CHAIR GOLDSTEIN: Yeah, thank you.

12 MR. PETYAK: Yeah, yeah, yeah. I'm leaning
13 forward too. You will notice that in this case it is
14 a very strange building condition. The property line
15 is up against the back side of the existing masonry
16 structure. So what you are seeing in those photos,
17 those dumpsters that are currently being used by folks
18 from all over that area are actually sitting in what
19 is essentially an unimproved public alley that dead ends
20 into the back end of the three properties down from this
21 corner condition. So those dumpsters are essentially
22 just sitting in the public alley.

23 VICE CHAIR GOLDSTEIN: Yeah. And those
24 dumpsters do not belong to the applicant, is that right?

25 MR. PETYAK: Matt, if you could advise? I

1 couldn't tell you.

2 MR. MEDVENE: Good morning. Yeah, our
3 understanding that those -- we would have to find out
4 and track down who those belong to. We are not aware
5 -- you know, they are not being serviced by anything
6 that the applicant is paying for. We would have to track
7 that down and find out.

8 VICE CHAIR GOLDSTEIN: I think the DDOT
9 submission referenced garbage must be fully contained
10 within the property. So I think that would be a good
11 thing to track down to make sure that those dumpsters
12 do not belong to you. And if so, that that condition
13 is rectified.

14 So, Madam Chair, I've got a couple more
15 questions if that's all right, or I am happy to pause
16 here if others would like to ask questions.

17 CHAIRPERSON POURCIAU: Please proceed.
18 Thank you.

19 VICE CHAIR GOLDSTEIN: Okay. Thank you. I
20 want to ask you about IZ. I am just curious. Did you
21 consider a voluntary IZ for this project? And I heard
22 a little bit about maximizing units where a voluntary
23 IZ project could have done that or, you know, that it
24 could have just been an IZ and gotten some bonus density
25 out of this. I am just curious for what the thinking

1 was.

2 MR. PETYAK: Sure. I can go into that a
3 little bit in terms of the zoning analysis that we
4 ultimately did. Currently, the project is obviously
5 is a three-story building. And under current building
6 regulations if you go to four stories, you need to have
7 two stairs. Two stairs would then require more
8 accommodations associated with the layout and
9 challenging associated with the number of units.

10 So actually as you start to increase the number
11 of units to increase the height like we just talked
12 about, so IZ would give us an allowable if we are to
13 go another floor. If we would go another floor, then
14 we actually have essentially a negative impact
15 associated with adding the need for a second stair within
16 a four-story building in a type 5 construction.

17 VICE CHAIR GOLDSTEIN: That's interesting.
18 At what point also do you need to provide an elevator?

19 MR. PETYAK: An elevator, ultimately it comes
20 down to a number of units as well as -- so size of
21 building. So we could go into those regulations, but
22 we are well short of those requirements.

23 VICE CHAIR GOLDSTEIN: Okay. Well, in some
24 ways it's a little unfortunate --

25 MR. WILLIAMS: And another thing I will say

1 --

2 VICE CHAIR GOLDSTEIN: Yeah.

3 MR. WILLIAMS: -- I'll just mention, and this
4 is sort of a broader point. I think there has been
5 plenty of news about, you know, the development
6 challenges in the DMV and throughout the country just
7 with respect to construction prices and interest rates
8 and whatnot.

9 And so, you know, where there is a requirement
10 to do IZ or where there is an incentive to do IZ, which
11 is the case once you are in that 10 unit or above category
12 or you're a PV, for example, obviously, you can make
13 that work. But where it is just purely voluntary and
14 you are competing, obviously, for capital and loans and
15 whatnot, it is just not financially feasible at this
16 time to be able to volunteer that, you know, just given
17 kind of where we are right now in terms of trying to
18 build housing in the city.

19 VICE CHAIR GOLDSTEIN: Okay. Okay. My last
20 question to you involves -- I think you mentioned a
21 letter of opposition. And there were a number of points
22 that it covered. I am just wondering if there is
23 anything in there that you feel that you would like to
24 address at this point? I think there were things about
25 the shadow study. I think a number of things that we

1 have covered. Is there anything that sticks out to you
2 that you would like to respond to at this time?

3 MR. WILLIAMS: I am not sure if those folks
4 are going to testify or if they are here today. But
5 I would wait -- if they are, I would wait and allow them
6 to provide their testimony before I respond. I think
7 otherwise the record speaks for itself. You know, we
8 have met the regulation. We have met the standards.

9 And we have support from the ANC obviously and also
10 from Office of Planning.

11 VICE CHAIR GOLDSTEIN: Okay. Sounds good.
12 Thank you.

13 CHAIRPERSON POURCIAU: Thank you, Vice Chair.
14 Board Member Wells, do you have questions for the
15 applicant?

16 MEMBER WELLS: I do have questions for the
17 applicant. Vice Chair Goldstein brought a number of
18 questions that seems like it might be difficult to
19 respond, especially to the concern or one of the base
20 concerns about, you know, the lot consolidation and
21 whether or not their interpretation is correct, I guess,
22 as far as like the subdivision of lots and whether or
23 not they fall under different -- should there be relief
24 requested for that.

25 MR. WILLIAMS: And I can respond to that.

1 I understand the concern. Obviously, we don't want
2 to have that happen either. And so, you know, I think
3 it would be appropriate, you know, if we want to hold
4 the vote on a public kind of meeting, you know, at some
5 point soon just to give us an opportunity to confirm
6 that with the zoning administrator, that would be
7 appropriate.

8 MEMBER WELLS: Yeah, I would feel better about
9 that if we did have that clarification.

10 The other concern is the trash and, you know,
11 that need to be fully contained within the property and
12 right now it's on a different property. You know, the
13 resolution behind that or how can that be resolved?
14 Is there any consideration when you saw the DDOT report
15 as far as, you know, how to address that concern?

16 MR. WILLIAMS: I will defer to the architect
17 and applicant on that. I mean, obviously, we have
18 limited options since the building takes up the entirety
19 of the lot. And it's just an existing condition out
20 there. But I don't know if there is anything else that
21 we were able to consider or do with respect to that.

22 MR. PETYAK: Yeah, I mean, currently,
23 obviously -- thanks, Zach. Currently, the design calls
24 for the trash to be contained within the property itself.
25 Obviously, as Mr. Medvene stated earlier, he is not

1 sure whose dumpsters those are that are showing up in
2 those photos that are sitting in the dead end alley
3 behind the property. But obviously, it sounds like Mr.
4 Medvene, based off of what he just said, is trying to
5 figure out who those belong to currently.

6 MR. MEDVENE: The anticipation is that for
7 the residential side, we have the internal trash area
8 that would be serviced by a private vendor. And then
9 after that for the commercial space, as we have done
10 in other tight infill areas within the city, the retail
11 tenant is going to be required to have their own trash
12 cleaning space within the footprint of their area right
13 off of that alcove, which is the impetus for creating
14 that alcove.

15 So there is the access for both that resident
16 in the rear as well as for the commercial tenants to
17 be able to wheel out their trash to whoever their trash
18 vendor will be. So that's something that will be
19 maintained through the lease and regulation compliance
20 that they will have to adhere to.

21 MEMBER WELLS: Okay. Is that slightly
22 different from what was seen here earlier as far as the
23 residents having to walk out and around to the alley
24 to that dumpster?

25 MEMBER WELLS: No, that's the same logic.

1 So you will see on the floor plan, it says residential
2 trash sits in the alcove. What Mr. Medvene is stating
3 is that the commercial tenant will have a trash from
4 internal to their demised wall area within the rated
5 walls with a direct access to Door 100. It's in my
6 drawings as 100. I don't know if it shows up in Mr.
7 Williams' presentation. But there is a door that swings
8 into that alcove off of the alley so that then the
9 commercial tenant will have their trash room and they
10 will be able to get that to the alley by way of that
11 alcove.

12 MEMBER WELLS: Okay. And so that trash
13 dumpster that was seen in the photos is not the dumpster
14 that is going to be used for this?

15 MR. PETYAK: That is not.

16 MEMBER WELLS: Okay. Thank you.

17 MR. PETYAK: And I apologize for going on and
18 off camera as I'm fighting a cold. So I apologize.

19 MEMBER WELLS: No problem. Thank you.

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

23 MEMBER LINDSJO: Yes. Thank you for your
24 presentation. Just one other item. I appreciate you
25 answer the questions from Vice Chairman Goldstein and

1 Board Member Wells. But I just wanted you to walk me
2 through again the proposed elevation and then the
3 revised elevation. Like, how did you determine that
4 was the best route to go forward?

5 Because you are definitely -- you are losing
6 a lot of harmony within the block and with the whole
7 Upshur Street in itself with this proposed new
8 rendering. So I really would like you to walk through
9 that again for me. I am not quite connecting the dots
10 on that.

11 MR. PETYAK: I'm sorry. If we could pull up
12 the slides again of the presentations to show the initial
13 and then the revised elevation.

14 So within the initial elevation set, we had
15 provided a vertical element of the -- I guess that would
16 be the east side of the property in essentially a
17 vertical module to provide some verticality to what is
18 ultimately a square. As we develop the parcel, the
19 proportions of the facade will be almost squared in
20 regards to the width versus the height.

21 So originally what we had done was provided
22 a vertical element associated with where the entry to
23 the residential units are. I'm sorry. Could you slide
24 -- I guess it would be the next slide -- I apologize
25 -- from the presentation. One more to the right.

1 And so ultimately what we did was we tried
2 to provide that vertical element related to -- adjacent
3 to the bay window. But then we had a large flat facade
4 as we wrapped the cornering down the alley. It did not
5 have any proportional relationship to the existing bay
6 window, which by the regulations the bay window, this
7 is common in Upshur Street. And we also wanted to
8 potentially utilize that as a vertical element.

9 We received some feedback from OP that we
10 needed to make some considerations, so if you go to the
11 next slide. Ultimately, what we did, was we essentially
12 decided that we could take the bay window and treat it
13 as a vertical element to create a break within
14 essentially the larger volume of the flat facade
15 adjacent to the alley.

16 Essentially, what we are trying to do is pull
17 the typical residential module of the bay windows so
18 that we are able to have essentially an ABB volume rather
19 than essentially what sits now a three part facade rather
20 than a two part facade to try to break up the scale a
21 little bit in relation to the verticality of the
22 building. So by doing so, taking the bay window and
23 extending it vertically as we are allowed to based off
24 the DDOT regulations and treated the facade accordingly.

25 MEMBER LINDSJ0: And you changed the colors

1 why?

2 MR. PETYAK: We received a comment from OP
3 that they did not like how dark the facade was. And
4 so I preferred personally to not have the color palette
5 which we are showing here, but that was a comment that
6 we received in terms of the degree of dark colors on
7 the facade, even though the existing building itself
8 is a brick facade.

9 MEMBER LINDSJO: Thank you.

10 CHAIRPERSON POURCIAU: Thank you, Board
11 Member Lindsjo. Commissioner Bruins, do you have
12 questions for the applicant at this time?

13 COMMISSIONER BRUINS: I think that what I
14 would like to know -- so it sounds like you are familiar
15 with the opposition letter. And in that letter, they
16 had stated they will not be able to be here today. And
17 I think you have addressed many of their comments.

18 But they had several questions about the units
19 for residential use and what the plan was for those.

20 And I am wondering if you could address that for the
21 record, please?

22 MR. PETYAK: I'm sorry. I am not familiar
23 with that specific comment.

24 COMMISSIONER BRUINS: Okay.

25 MR. PETYAK: My apologies.

1 COMMISSIONER BRUINS: So they have questions
2 just whether or not the plan is to rent or sell these
3 units, why you are proposing three bedroom units versus
4 two bedroom units for similar properties in the area.

5 They are wondering -- you know, I think you have already
6 addressed why you didn't seek affordable units for the
7 building. But they just raised a number of questions
8 on what the style of housing is intended to be.

9 MR. PETYAK: I can answer the first. The
10 first is Mr. Medvene is looking to rent these units.

11 They are not to be sold.

12 As for the style of the units, obviously, we
13 want to create as many opportunities for bedrooms within
14 it. As we all know, sometimes it could be a two bedroom
15 configuration with a small office, but the client asked
16 us to provide essentially a design that would be able
17 to be flexible in that regard so somebody could work
18 from home or it could be a three bedroom unit with
19 a single bath and a bedroom -- or, I'm sorry, two baths
20 and a bedroom and a living room. I'm sorry. So that
21 was the configuration in which we were tasked with to
22 provide an opportunity for a three individual room unit
23 with a living space and two bathrooms. And the
24 footprint and configuration was able to do so by way
25 of having a single stair as we spoke with earlier with

1 Mr. Goldstein to minimize the loss of square footage
2 relative to circulation and corridors.

3 MR. MEDVENE: To reiterate that, our approach
4 holistically for almost every project we work on is
5 focusing on maximizing family size units. We strongly
6 believe in not only the long-term benefit but also just
7 the general higher performance and higher quality tenant
8 that comes with family size units. It checks the boxes
9 and fills a need.

10 These, as Ryan said, these units are going
11 to be for rent, not for sale. We understand what the
12 letter of opposition wrote, but these are not going to
13 be co-living spaces. These are focused to be family
14 size and family style units.

15 COMMISSIONER BRUINS: Okay. Thank you.
16 Most of my questions have been addressed through the
17 comments and questions of my colleagues here. So I am
18 finished. Thank you.

19 CHAIRPERSON POURCIAU: Thank you, members,
20 for a very comprehensive slate of questions and to the
21 applicant for your answers.

22 I remain -- I want to hear a little more about
23 just the adverse impact question in general, kind of
24 specifically what Commissioner Bruins read from the
25 opposition letter. But I would just like for you to

1 know that I may come back to that later.

2 And so at this point, I don't think there are
3 any more questions right now. I think we are ready to
4 hear from the Office of Planning, and we have Mr. Isaiah
5 with us. Thank you.

6 MR. ISAIAH: Thank you, Madam Chair. For the
7 record, this is Philip Isaiah on behalf of the Office
8 of Planning.

9 The Office of Planning recommends approval
10 of the subject application and stands on the record,
11 the report contained as Exhibit 18 of the record, dated
12 September 11, 2026. Thank you.

13 CHAIRPERSON POURCIAU: Thank you, Mr. Isaiah.
14 There were -- could you respond -- tell us a little
15 bit about the facade discussion with the applicant that
16 they alluded to? We'd like to hear your thoughts on
17 how they presented it.

18 MR. ISAIAH: Certainly, Madam Chair. For the
19 first iteration of the project that was presented to
20 OP, the design as presented to the Urban Design Division
21 of the Office of Planning for comment, in which they
22 drew two concerns, the first of which was the color,
23 considering that it would be all black while OP
24 acknowledges that the existing facade of the one-story
25 building is black. That the continuation of black for

1 the residential units may cause environmental issues
2 in terms of energy consumption.

3 The darker color of the facade, in OP's view,
4 had the risk of attracting significantly more heat and
5 therefore requiring significantly more air
6 conditioning, especially in the summer, to be able to
7 regulate the temperatures of the units inside. And so
8 OP asked that the color be reconsidered to that which
9 is lighter in nature than black.

10 OP was also concerned from the Urban Design
11 Division in terms of the fenestration peers. We asked
12 the applicant if they could provide more even peer
13 measurements between the existing fenestration along
14 the facades. And Exhibit 17A was that which was
15 provided, which the Urban Design Division also reviewed
16 and found to be satisfactory.

17 CHAIRPERSON POURCIAU: Thank you for that.
18 And I thought I saw in the applicant's pictures in the
19 file that within the area of this application, there
20 are maybe row houses or other buildings that have that
21 kind of facade that gives you the impression of separate
22 vertical units. Did you see that in the file? Does
23 that exist nearby?

24 MR. ISIAH: In addition to the file, OP paid
25 a visit to the site and found that the architectural

1 designs along Upshur Street vary greatly in nature.
2 And so while there is -- especially across the street
3 is what OP found a bit similar in nature to that which
4 was presented by the applicant in terms of the facade.

5 CHAIRPERSON POURCIAU: Thank you for that.
6 Did you want to make any remarks right now about the
7 comments about inclusionary zoning?

8 MR. ISAIAH: OP was not asked for -- I mean,
9 I will note that if the applicant did involve -- did
10 include a voluntary inclusionary zoning unit, that it
11 appears that they would be able to go up 75 percent lot
12 occupancy by right in the zoning regulations. And so
13 the difference in practicum for this hearing is that
14 the applicant is here because they are asking for the
15 special exception since they are not volunteering that,
16 since the residential maximum in the MU-4 for non-IZ
17 is 60 percent for lot occupancy.

18 CHAIRPERSON POURCIAU: Okay. That was very
19 helpful. Vice Chair Goldstein, do you have questions
20 for Office of Planning?

21 VICE CHAIR GOLDSTEIN: Just some brief
22 things. If you wouldn't mind, I think it may be in the
23 report, but it would be terrific if you could just
24 expound on it a little bit.

25 As far as impacts of this development, we are

1 really talking about an extra -- for the massing, an
2 extra 15 percent of lot occupancy on the second and third
3 floor. And it is not close to the maximum height
4 permitted in the zone. It is your opinion that there
5 is no undue adverse impact based on that 15 percent
6 additional lot occupancy, is that right?

7 MR. ISIAIAH: That's correct.

8 VICE CHAIR GOLDSTEIN: And the reason for that
9 is that it just -- it is not out of character with its
10 surroundings. You found light and air -- do you mind
11 explaining it just one more time for the record?

12 MR. ISIAIAH: Sure. OP finds, in terms of the
13 lot occupancy request, that while there is -- as provided
14 in the additional shadow study that was offered by the
15 applicant, a little bit of extra shadow that would be
16 cast to the northeast and the northwest, OP finds that
17 one, because a rear yard is going to be provided for
18 the second and third floors in addition to the presence
19 of the circumvential nature of Lot 18 that undue aspects
20 in terms of light and air are unlikely for the additional
21 lot occupancy that is requested.

22 Other than that, the subject property also
23 adjoins two other 15 foot alleys. And so, as such, OP
24 found in terms of lot occupancy that no undue impacts
25 on neighboring properties is anticipated under the

1 subject application.

2 VICE CHAIR GOLDSTEIN: Thank you. And just
3 regarding the one -- I think they are only required one
4 parking space after a number of the reductions. So in
5 your view of the reduction of not providing one parking
6 space given the constraints of the site and the location
7 is appropriate in this circumstance?

8 MR. ISAIAH: The vice chairman is correct.
9 The special exception is asked for really from one
10 parking space as otherwise required by the zoning
11 regulations. OP did find that the -- in accordance with
12 the required intent for a parking reduction that it
13 should be granted if it is impractical and/or
14 unnecessary to provide such parking. OP did find that
15 considering the walkability of the surrounding area,
16 the prevalence of other modes of public and active
17 transportation as well as the existing 99 percent lot
18 occupancy for the subject property on the commercial
19 -- for its commercial use that is current today, that
20 intent is met and therefore finds that the test is
21 satisfied for a parking reduction of one space.

22 VICE CHAIR GOLDSTEIN: Okay. Thank you very
23 much. I appreciate it.

24 MR. ISAIAH: Thank you.

25 CHAIRPERSON POURCIAU: Thank you, Vice Chair,

1 and Mr. Isaiah for your comprehensive answers.

2 Board Member Wells, do you have questions for
3 Office of Planning?

4 MEMBER WELLS: I do not. I don't have any
5 questions for Office of Planning. Thank you.

6 CHAIRPERSON POURCIAU: Thank you. Board
7 Member Lindsjo, anything for OP?

8 MEMBER LINDSJ0: I don't have anything else.
9 Thank you.

10 CHAIRPERSON POURCIAU: You feel comfortable
11 with the questions that were asked of the applicant about
12 the scale and the design features of the building?

13 MEMBER LINDSJ0: No, I think I agree to
14 disagree. I think the new massing, it really makes it
15 much uglier in harmony because it used to keep the same
16 facade because that whole block right there, there is
17 about five buildings that look identical. And so now
18 you are going to make it completely mismatched to
19 something that was very cheap development across the
20 street is what you are comparing it to. So I think I
21 would have to, like, strongly disagree with that
22 analysis.

23 CHAIRPERSON POURCIAU: Okay. Next,
24 Commissioner Bruins?

25 COMMISSIONER BRUINS: I have no questions for

1 OP.

2 CHAIRPERSON POURCIAU: Okay. Mr. Isaiah,
3 did you want to respond at all to Board Member Lindsjo's
4 comments?

5 MR. ISAIAH: I will note that the -- my
6 understanding -- the comments from OP in terms of the
7 facade were solely about fenestration and color.
8 Massing was not necessarily brought forward. And so
9 while OP does acknowledge that such similar massing does
10 exist on the subject block, that was not necessarily
11 -- the subject of massing was not brought forward as
12 a comment by OP on the subject application between the
13 original submission and this submission.

14 CHAIRPERSON POURCIAU: Thank you. Mr.
15 Williams, does the applicant have any questions or
16 rebuttal for OP?

17 MR. WILLIAMS: We do not. Thank you, Madam
18 Chair.

19 CHAIRPERSON POURCIAU: Thank you so much.
20 All right. So I don't think we have any other district
21 agencies present. And the ANC is not here today. But
22 stop me if I missed anything along the way. There were
23 no parties -- I believe we have one individual in support
24 who is here to testify. Let me just look back here.

25 Yes, Ms. Dart-Padover. Yes, thank you. I

1 did get -- all right. Thank you for coming here and
2 taking out the time to be here. I would like to remind
3 you that we provide three minutes for testimony. If
4 you could start by giving your name and address for the
5 record. Again, thank you for being here.

6 MS. DART-PADOVER: Thank you. My name is
7 Maggie Dart-Padover. I live at 4125 8th Street
8 Northwest. I think I just looked up -- I'm at 4125 8th
9 Street Northwest, so about a block from the site. And
10 I am speaking in support.

11 I think we need a lot more homes in Petworth.
12 The family size units are -- we have tons of people
13 with kids in this neighborhood. So it would be great
14 to have more -- that block on Upshur is mixed use. There
15 is a lot of retail. So this project would fit in with
16 the existing buildings right on that block and like
17 people mentioned already, we are under half a mile from
18 the Metro Station. And there are really frequent buses
19 on Georgia. So it is totally unnecessary to require
20 parking for everyone there.

21 I would love to have more neighbors here.
22 I would love to have more patrons for the businesses
23 on Upshur that have seen a lot of turnover recently.
24 And I think -- I would like to see more businesses there.
25 So I hope this is approved. Thank you.

1 CHAIRPERSON POURCIAU: Thank you so much for
2 coming today. I wonder if any Board members have any
3 questions for the presenter. Vice Chair Goldstein, any
4 questions?

5 VICE CHAIR GOLDSTEIN: I don't have any
6 questions. Thank you very much for coming here and
7 testifying today.

8 CHAIRPERSON POURCIAU: Any Board members have
9 questions? No? All right. Thank you again for
10 coming. At this point, I would like to ask the applicant
11 if they have any rebuttal as well as proceeding with
12 your closing remarks.

13 MR. WILLIAMS: We do not have any rebuttal
14 or any other closing remarks. We thank you for your
15 consideration. And we will stand on the record. Thank
16 you.

17 CHAIRPERSON POURCIAU: Thank you so much.
18 I would like a little discussion with Board
19 members before we close out while the applicant is still
20 here. I am concerned about the subdivision questions.
21 And I would like to ask Vice Chair Goldstein your
22 thoughts on that in particular and other items with the
23 applicant on. What are your thoughts on us proceeding
24 or waiting in terms of clarifying that item?

25 VICE CHAIR GOLDSTEIN: Thank you. Yeah.

1 You know, there are different ways of thinking about
2 it. I mean, one it's the applicant. You know, they
3 bear the risk that they proceed and then get to DOB and
4 are approved or not. On the other hand, the applicant
5 could just confirm it for us to the best of their ability
6 to and just submit something to the record that give
7 us confidence that we are efficiently handling the case
8 that is before us.

9 I think I lean toward the latter. And I would
10 like to ask, you know, Mr. Williams, how much time he
11 thinks -- let me -- I want one other thing in the record
12 as well, but, you know, we can discuss with him how long
13 he thinks he needs to make his best effort to confirm
14 it and put it into the record.

15 I do want to say overall, I think it is a very
16 good project. So these are kind of
17 technical/procedural from my point of view, but I think
18 it would be helpful to make sure we are all clear on
19 the relief that is needed.

20 The second thing I would love to see a little
21 bit more on is discussion of the trash. First to the
22 extent the applicant can confirm that those dumpsters
23 do not belong to them, I don't know why they are sitting
24 back there and who they belong to. It seems like they
25 shouldn't be in that alley. So I would love to hear

1 the applicant address that.

2 I additionally just want to make sure, and
3 maybe the applicant can talk about it now, is the alcove
4 going to be sufficient for all of the garbage needs of
5 residents and the commercial unit? I am guessing they
6 will state that it is, but I would love to hear them
7 discuss that because I really don't want the garbage
8 to be pushed into public space unnecessarily. So those
9 are the things that are on my mind.

10 I don't know, Madam Chair, if you want them
11 to respond to any of this now or kind of go around first
12 and then have the applicant respond.

13 CHAIRPERSON POURCIAU: I think that's a good
14 idea. Mr. Williams, would you mind if we do that and
15 then you could respond in total?

16 MR. WILLIAMS: Yes, that sounds great. Thank
17 you, Madam Chair.

18 CHAIRPERSON POURCIAU: Thank you. Ms.
19 Wells, do you have any questions you would like to add
20 on to that?

21 MEMBER WELLS: Not entirely, but I would like
22 to hear more discussion regarding Board Member Lindsjo's
23 concerns as well. I'm not sure if it's, you know,
24 germane to the exceptions or the relief that is being
25 requested. But I think it is important to address

1 thoughtfully those concerns and, you know, being in the
2 character of the existing buildings, which, you know,
3 that side of the block.

4 CHAIRPERSON POURCIAU: Thank you. Member
5 Lindsjo, do you have anything to add?

6 MEMBER LINDSJO: No, I don't have anything
7 else to add. Thank you.

8 CHAIRPERSON POURCIAU: Thank you.
9 Commissioner Bruins, is there anything else you would
10 like the applicant to respond to in total?

11 COMMISSIONER BRUINS: No, thank you.

12 CHAIRPERSON POURCIAU: Thank you. All
13 right. Mr. Williams?

14 MR. WILLIAMS: Yes, thank you. Let me hit
15 these real quick.

16 On the subdivision question, I have already
17 sent a note off to the zoning administrator, and I think
18 I can confirm that within a week or two typically. So
19 I anticipate that it shouldn't take longer than that.

20 As far as the dumpster scenario and the alcove,
21 you know, we can follow up with that information as well.

22 I mean, we think that the alcove is sufficient as far
23 as the dumpster. We can include that in our follow-up
24 supplemental filing, you know, if indeed the Board
25 decides to hold a public meeting on another date.

1 As far as the character of the building and
2 the facades go, I think, here, this is a little bit my
3 concern. You know, we are a little bit into the sort
4 of subjective, aesthetic nature of architecture, which
5 is certainly not my field of expertise.

6 But from my standpoint, from a process
7 standpoint, we have already made this change at the
8 request of Office of Planning, and we have already
9 presented it to the ANC, which voted to support the
10 application in reliance on that elevation and that
11 architecture.

12 We have seven letters of support in the record
13 that have come in just the last few days from businesses
14 and residents on the street that have either seen that
15 elevation or have not opposed that elevation. So I
16 would not want to go back to all of those folks and say,
17 okay, we are now changing the elevation again, not
18 because of a regulation or any other reason but because
19 there is an opinion that perhaps it is not
20 architecturally conforming or in character, which I
21 think is -- it's a valid opinion, but it's not something
22 that I think they may agree with because everyone has
23 their own opinion about these things.

24 And so my concern would be while it may not
25 be -- everyone may think it is appropriate and that is

1 certainly reasonable and valid, we already have the
2 support from the ANC and the community at that elevation.

3 So I would prefer not to go back and reopen that
4 discussion.

5 CHAIRPERSON POURCIAU: I really want to see
6 more about how residents and the commercial use access
7 the trash area. So if that could be -- if we could see
8 a focus on that. You know, we didn't have all of the
9 drawings shown today in the hearing. And maybe there
10 is a little more Mr. Petyak can do to kind of demonstrate
11 how that occurs.

12 Then I am also concerned about if I have to
13 go out, go around, throw some stuff in a dumpster
14 somewhere, you know, having equipment that is easy to
15 use for all of these individuals in order to ensure that
16 we are keeping trash in its place and not in the public
17 space or around and about. You know, we have rodent
18 issues in the city and if we don't design that properly,
19 you know, that problem will worsen so.

20 I am wondering if we want to -- I feel like
21 we are not ready to make a decision today. I am feeling
22 like it might be fine to have this as a decision meeting
23 versus to continue it as a public hearing. I would like
24 to hear from the Board about your thoughts on that,
25 whoever would like to speak.

1 VICE CHAIR GOLDSTEIN: Sure. I think I would
2 be fine setting it for a meeting and doing it in the
3 near term. I think overall in my view, the project meets
4 the standards, but we are just down to some sort of relief
5 details and garbage and the like. But I think
6 otherwise, it is a very good project.

7 If it turns out you need additional relief,
8 then we might have to change course. But hopefully,
9 you will be able to confirm the subdivision and address
10 the points that have been raised. So I think I would,
11 at least at this point, be fine if we continue to a public
12 -- to proceed with a public meeting to decide it.

13 CHAIRPERSON POURCIAU: A public meeting or
14 a --

15 VICE CHAIR GOLDSTEIN: I'm sorry. A decision
16 meeting.

17 CHAIRPERSON POURCIAU: -- closed -- decision
18 meeting.

19 VICE CHAIR GOLDSTEIN: Decision meeting.

20 CHAIRPERSON POURCIAU: That's okay.

21 VICE CHAIR GOLDSTEIN: Thank you. I didn't
22 mean to mix the words, decision meeting.

23 CHAIRPERSON POURCIAU: Very good. Thank
24 you. Are there others that want to weigh in or are you
25 good with where we are now? I'm looking at your faces,

1 your body language, yeah, no? Okay.

2 MEMBER LINDSJO: I'm good.

3 MEMBER WELLS: I agree with Vice Chair
4 Goldstein.

5 CHAIRPERSON POURCIAU: Very good. All
6 right. I assume no one objects. So Ms. Mehlert, is
7 there a time frame you can offer for us for this?

8 MS. MEHLERT: I would recommend the October
9 21st meeting date for a decision. The applicant could
10 have two weeks to submit the supplemental information,
11 get a response, hopefully, from the zone administrator.
12 Submit that by October 7th. And then leave a week for
13 an optional response from the ANC or OP.

14 CHAIRPERSON POURCIAU: Thank you. That
15 sounds good. Is the applicant okay with that? Mr.
16 Williams?

17 MR. WILLIAMS: Yes, sir. Apologies, Madam
18 Chair.

19 CHAIRPERSON POURCIAU: Are you good with that
20 timing?

21 MR. WILLIAMS: I think ideally we would have
22 liked to have it heard sooner, you know, if it's
23 possible. We are certainly going to submit our
24 information as soon as we have it, which the only thing
25 that we would be waiting on is the zoning administrator.

1 Everything else we can submit, you know, within a matter
2 of days. I don't know if it is possible to move it up
3 at all, Ms. Mehlert.

4 MS. MEHLERT: So the Board doesn't meet on
5 October 14. So the next date would be October 7. So
6 if you are able to get the submission in by next
7 Wednesday, the 30th, and then the record be left open
8 prior to your response, again --

9 MR. WILLIAMS: We can commit to that. We'll
10 commit to that.

11 CHAIRPERSON POURCIAU: All right. Mr.
12 Williams, if it comes in late, we will postpone.

13 MR. WILLIAMS: Understood.

14 CHAIRPERSON POURCIAU: Okay.

15 MR. WILLIAMS: We've got our deadline.

16 CHAIRPERSON POURCIAU: Okay. Great. Thank
17 you. All right. We will move on to the next
18 application. Thank you all for being here and being
19 very comprehensive with your answers to the many
20 questions we have raised. And thank you to OP as well.

21 I would like to take just a five minute break
22 if we can reconvene here at let's say 11:23. That's
23 six minutes. Let's see what happens.

24 (Whereupon, the above-entitled matter went
25 off the record at 11:17 a.m. and resumed at 11:26 a.m.)

1 CHAIRPERSON POURCIAU: All right, thank you.
2 We'll reconvene at 11:26, and proceed to Case Number
3 21488. Ms. Mehlert, would you please read it into the
4 record?

5 MS. MEHLERT: Next in the Board's hearing
6 session is Application No. 21488 of Juleanna Glover.
7 It's a self-certified application pursuant to Subtitle
8 X, Section 901.2, for special exceptions under Subtitle
9 U, Section 253.8(f), to allow an accessory apartment
10 not meeting the permanent access requirements of
11 Subtitle U, Section 253.8(c), and under Subtitle D,
12 Section 5201 from the lot occupancy requirements of
13 Subtitle D, Section 210.1, and the rear yard
14 requirements of Subtitle D, Section 5004.1(b), to allow
15 an accessory building occupying more than 30 percent
16 of the land area of a required rear yard.

17 This is for a new two-story accessory building
18 and an accessory apartment on the second story, above
19 two vehicle parking spaces on the first floor, located
20 in the rear yard of an existing three-story,
21 semi-detached principle dwelling.
22 Located in the RF-3 zone at 2146 Wyoming Avenue NW,
23 Square 2528, Lot 201.

24 CHAIRPERSON POURCIAU: Thank you very much.
25 I see we're joined by the applicant, Mr. -- the

1 applicant's agent, Mr. Sullivan. Are you ready to
2 present your -- make your presentation for the record?

3 MR. SULLIVAN: Yes, we are. Thank you, Madam
4 Chair. My name is Marty Sullivan, with Sullivan &
5 Barros, here on behalf of the applicant. And Dave
6 Bloom, the applicant's architect, is with me as well.

7 I was going to do the entire presentation myself, but
8 Mr. Bloom is here to answer any questions.

9 CHAIRPERSON POURCIAU: And just if you can
10 keep it within 15 minutes, we would really appreciate
11 that.

12 MR. SULLIVAN: That, I can do. Thank you.

13 CHAIRPERSON POURCIAU: Thank you.

14 MR. SULLIVAN: If we could load the
15 PowerPoint, please. Thank you. The property is 2146
16 Wyoming Avenue NW, in the Kalorama area. Next slide,
17 please. Zone is R-3. The property is currently a
18 three-story single-family semi-detached dwelling in the
19 R3 zone, and the applicant is proposing a two-story
20 accessory building at the rear of the property, with
21 a garage on the first floor and accessory apartment on
22 the second floor.

23 The accessory building is fully compliant with
24 the height and other building area standards for
25 accessory structures in the R3 zone, and HPRB has granted

1 concept approval for the design. Next slide, please.

2 So this is going to need three areas of relief.

3 One is the accessory building occupies a little more
4 than the 30 percent maximum of the required rear yard.

5 So we're asking special exception relief for that.

6 Regarding lot occupancy, the lot occupancy
7 is limited to 40 percent, and it's limited to 50 percent
8 by special exception because this is a semi-detached
9 building.

10 If it was a row building, it would be matter
11 of right, up to 60 percent. And we're asking for a 50
12 percent lot occupancy.

13 And then access for the accessory apartment.

14 The accessory apartment requires access if not through
15 an 8-foot side yard to the front street, then it requires
16 it by a minimum 15-foot wide alley out to the public
17 street if it's within 300 feet.

18 And, we're about 500 feet away and while the
19 alley is 16 feet where the accessory building is, it
20 narrows to 10 feet at one point. Next slide, please.

21 There's an overhead photo of the building.
22 There, you can see the alley in the back. Next slide,
23 please.

24 So subject property is on the right of these
25 two buildings. Next slide, please.

1 It's the photo of the alley showing this is
2 what's on the other side of the alley. There are tall
3 buildings.

4 The property is directly across from this
5 closest white building on the left slide, and a little
6 bit of the 4-story building. Next slide, please.

7 The special exception criteria. Property
8 remains semi-detached single-family dwelling in the R3
9 zone, and the relief requested is available by special
10 exception and does not change the permitted use.

11 As detailed below, the accessory building will
12 not adversely affect the use of neighboring properties.

13 The accessory building meets all height and story
14 limits.

15 Office of Planning noted the impact was not
16 undue, and noted that the applicant's shadow study
17 overstates the effect, since it excluded the tall
18 building south of the alley based on the recent photos,
19 and the photos before these previous photos.

20 It's located at the rear of the property.
21 It's adjacent to existing parking in the alley, and the
22 windows face internally on three sides, with a solid
23 wall on the west lot line.

24 So the relationship between accessory
25 building and the principle dwelling is internal to the

1 property, and does not create adverse overlook or
2 visibility concerns for neighboring lots.

3 Visual character. It's not visible from
4 Wyoming Avenue, and the alley does include several
5 two-story accessory buildings, and many one-story
6 accessory buildings as well. And, HPRB has approve the
7 design as well.

8 Regarding the third special exception for the
9 access to the accessory apartment because of the special
10 exception criteria.

11 Residential use with a ground floor garage,
12 which negates traffic and parking impacts. There's no
13 noise generating use proposed.

14 And the property is already served by public
15 water and sewer, so the accessory parking will connect
16 to those existing systems.

17 Next slide, please. These are more photos
18 showing the accessory buildings in the back. There's
19 a two-story building there a couple doors down from the
20 subject property.

21 Next slide, please. Next slide, please. And
22 then, these are some of the other accessory buildings
23 on the alley. There's quite a few accessory buildings
24 already in the alley.

25 Next slide, please. Next slide, please. And

1 regarding the shadow study. As noted, so all of this
2 would be it's the existing versus proposed because the
3 lot's at 43 percent lot occupancy, and we're asking for
4 50 percent.

5 And so, there is some shade impact mostly
6 interior to the property. There's a little bit to the
7 property to the left in the morning in the winter. Next
8 slide, please.

9 And again, as OP noted the buildings across
10 the street, some of which are, the one directly behind
11 is five stories, and the one right next to that is a
12 seven-story building.

13 But these, the shadow is overstated as well.
14 Next slide, please. And you see limited shadow there
15 in the equinox, which would be March and September.
16 Next slide, please.

17 And same in the summer, very little shadow
18 even without noting the tall buildings behind. Next
19 slide, please.

20 And next slide, please. So again, regarding
21 the specific special exception criteria, light and the
22 air, OP found the rear yard and lot occupancy relief
23 would not unduly impact light or air.

24 And any added shadows you saw was minor, given
25 the existing shadow patterns from surrounding

1 buildings. And, OP also noted that the sun study likely
2 overstated the impact.

3 Discuss privacy. There's no windows on the
4 west wall. All the other windows are interior to the
5 property. And visual character and access, it fits in.
6 It's compatible with the number of accessory buildings
7 in the rear alley, and it is approved by HPRB as well.

8 Next slide, please. Community support and
9 the ANC support. We do have the unanimous support from
10 ANC 2D. DDOT has no objection. HPRB has granted
11 concept approval.

12 We don't have any objections from the two
13 abutting neighbors. We didn't receive any response
14 from them. The neighbors are the Barbados and Sri
15 Lankan embassies.

16 Next slide, please. That's a site plan
17 showing this, and then the next slide will be an
18 elevation. Next slide, please.

19 This is a floor plan with an elevation. And,
20 that should be it. Thank you. So if you have any
21 questions for myself or for Mr. Bloom, thank you.

22 CHAIRPERSON POURCIAU: Very good. I'd like
23 to start with Vice Chair Goldstein. Do you have any
24 questions?

25 VICE CHAIR GOLDSTEIN: Thank you. Just a

1 couple questions. Appreciate the presentation. Can
2 you quantify, I mean how much square footage over in
3 the required rear yard are you?

4 It must be pretty small, but I'm curious if
5 you know.

6 MR. BLOOMS: It was 3 percent.

7 VICE CHAIR GOLDSTEIN: Which equates to, was
8 it 20 square feet, or any sense of how much?

9 MR. SULLIVAN: We could figure that Dave, if
10 you want to calculate that. I don't know if we have
11 it handy, but we could --

12 VICE CHAIR GOLDSTEIN: Okay.

13 MR. SULLIVAN: -- find out.

14 VICE CHAIR GOLDSTEIN: Well maybe I'll come
15 back to that if a member of your team. My guess is it's
16 pretty small, so I was just curious about how small we
17 were talking here.

18 One thing I kind of would have liked in the
19 presentation, is a little bit more of a rendering of
20 the alley network at play here.

21 You've mentioned that it's about 500 feet from
22 the street. At one end I believe, it reduces the 10
23 feet from the 16-foot width adjacent to it.

24 Can you just help orient me like where this
25 property is, relative to the continuous 16 feet going

1 to the street?

2 MR. SULLIVAN: Yes, it's in the, I'll give
3 you an exhibit number. Sorry it's not in the
4 PowerPoint.

5 VICE CHAIR GOLDSTEIN: Well that's all right.

6 MR. SULLIVAN: If you look at, well exhibit
7 5 shows it a little bit, but it doesn't show the entire
8 block. And, that would be the first page in exhibit
9 5.

10 That's something else. It's 5 feet from
11 Connecticut Avenue, and it's 5 feet from the other street
12 -- 500 from the other streets.

13 VICE CHAIR GOLDSTEIN: So it's about
14 mid-block and on one end it reduces to 10, but on the
15 other does it make it to Connecticut at 16 feet width?

16 MR. SULLIVAN: Yes, the reduction is on the
17 way to Connecticut. It's a few feet from the, from
18 Connecticut Avenue.

19 VICE CHAIR GOLDSTEIN: Okay.

20 MR. SULLIVAN: And again, it doesn't, none
21 of that has any impact on the special exception criteria
22 for that. That only relates to access for the accessory
23 apartment use.

24 VICE CHAIR GOLDSTEIN: Right.

25 MR. SULLIVAN: And there's sometimes it, one

1 of the reasons they have that provision is for utilities,
2 but utilities is already covered because it's on the
3 property.

4 And it's 16 feet wide in the area where the
5 building exists.

6 VICE CHAIR GOLDSTEIN: Okay, and I think did
7 you testify or was it the Office of Planning that, or
8 maybe in your submission the trash trucks actually go
9 down this alley? Is that correct?

10 MR. SULLIVAN: I don't know. Actually, I
11 don't know the answer to the question. I can look at
12 that. I'm sure they would just because --

13 (Simultaneous speaking.)

14 VICE CHAIR GOLDSTEIN: I see a lot of
15 Dumpsters in those spots, so --

16 MR. SULLIVAN: There's a lot of homes.

17 VICE CHAIR GOLDSTEIN: -- assuming the answer
18 is yes.

19 MR. SULLIVAN: Yes, I mean there's 1000 feet
20 of alley here, and so and the front streets are yes,
21 in the middle of Kalorama. So I'm assuming that all
22 that collection is in the rear.

23 I don't know if Mr. Bloom knows the answer
24 to that question or not, or if it was in the OP report.

25 MR. BLOOMS: Yes, I don't, but to get to your

1 previous question, it is about 20 square feet. Three
2 percent is about 20 square feet.

3 VICE CHAIR GOLDSTEIN: Okay, it's really
4 minor the amount of intrusion. Did you have any luck
5 reaching out to FEMS? Have you heard anything from
6 them?

7 I'm just so it's both health and safety, and
8 I'm just curious if you had any input from FEMS for this
9 project.

10 MR. SULLIVAN: No.

11 VICE CHAIR GOLDSTEIN: I'm sorry?

12 MR. SULLIVAN: No, no, we have not. And I
13 don't believe they -- we have not reached out to FEMS
14 and let them know that there is called for their
15 participation.

16 VICE CHAIR GOLDSTEIN: Okay. I'll just ask
17 the Office of Planning if they've had any, any
18 communications with them. Okay, thank you. I think
19 generally, it looks like an attractive project. Looks
20 like a nice improvement. Thank you.

21 CHAIRPERSON POURCIAU: Thank you. Board
22 Member Wells, any questions for the applicant?

23 MEMBER WELLS: I don't have any questions for
24 the applicant, thank you.

25 CHAIRPERSON POURCIAU: Thank you. Board

1 Member Lindsjo, any questions?

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

3 CHAIRPERSON POURCIAU: Okay, and
4 Commissioner Bruins, any questions right now?

5 COMMISSIONER BRUINS: I do not, thank you.

6 CHAIRPERSON POURCIAU: Thank you. We will
7 go on to the Office of Planning report. Is Mr. Jesick
8 here? Is Office of Planning on? Yes, okay, thank you.
9 Hello Mr. Jesick, how are you?

10 MR. JESICK: Good, thank you, Madam Chair and
11 members of the Board. For the record, my name is Matt
12 Jesick, presenting OP's testimony in this case.

13 And, the Office of Planning reviewed the
14 requested special exceptions against the relevant
15 criteria in the zoning regulations, and found that the
16 application met the, met the conditions for approval.

17 So, we are recommending that the Board approve
18 the application.

19 In response to Vice Chair Goldstein's
20 question, we did not reach out to FEMS. Sometimes FEMS
21 is referred applications by the Office of Zoning. I
22 don't know if that happened in this case, however.

23 CHAIRPERSON POURCIAU: Thank you. Vice
24 Chair Goldstein, any questions for Office of Planning?

25 VICE CHAIR GOLDSTEIN: I think your report

1 was really terrific, Mr. Jesick. I did want to just
2 ask. One of the criteria is evidence that there are
3 adequate public utilities for health and safety of
4 residents.

5 I just want to make sure that from the Office
6 of Planning's point of view, you feel that this standard
7 has been fulfilled?

8 MR. JESICK: Yes. Based on the evidence
9 available to the Office of Planning, we did feel that
10 this, that criteria was met.

11 The accessory building would have access to
12 standard utilities such as water, electric, and sewer.

13 And as the Board was discussing earlier, the alley is
14 used for trash truck access today.

15 So, it should provide, continue to provide
16 adequate access for services in the future.

17 VICE CHAIR GOLDSTEIN: Thank you.

18 CHAIRPERSON POURCIAU: Thank you, Board
19 Member Wells?

20 MEMBER WELLS: I have no additional
21 questions, thank you.

22 CHAIRPERSON POURCIAU: Thank you. Board
23 Member Lindsjo, any questions for OP?

24 MEMBER LINDSJO: No, not at this time, thank
25 you.

1 CHAIRPERSON POURCIAU: Thank you, and
2 Commissioner Bruins, do you have any questions?

3 COMMISSIONER BRUINS: I do not, thank you.

4 CHAIRPERSON POURCIAU: Thank you. I do not
5 believe we have any other District agencies present.

6 We will, the ANC is not present but has provided support
7 for this application. There were no parties but I do
8 believe there is an individual that would like to testify
9 in support.

10 MR. YOUNG: Yes, they have actually let staff
11 know that they will not be testifying today.

12 CHAIRPERSON POURCIAU: Okay, thank you very
13 much. And so with that, there are no other presenters
14 for the record. Mr. Sullivan, would you like to provide
15 a summary at this point?

16 MR. SULLIVAN: Well thank you Madam Chair and
17 Board members. We would just like to respectfully
18 request that the Board approve the application. We
19 believe it meets all the special exception criteria,
20 and that's it. Thank you.

21 (No audible response.)

22 VICE CHAIR GOLDSTEIN: I think you may be on
23 mute, Madam Chair.

24 CHAIRPERSON POURCIAU: Sorry, I'm having
25 problems with that mute button today. Okay, are there

1 any other questions? If there are no other questions,
2 I think we are ready to deliberate on this matter.

3 So, we'll close the hearing record at this
4 time. Thank you, Mr. Sullivan and others for presenting
5 today, and close the record.

6 All right, thank you all. Are there
7 additional discussion matters, Vice Chair Goldstein?
8 I'd like to start with you.

9 VICE CHAIR GOLDSTEIN: Sure. I think the
10 applicant has met their burden, and I'm also going to
11 credit the Office of Planning with showing how the
12 standards have been met, including the access standards.
13 So I'd be willing to support the application.

14 CHAIRPERSON POURCIAU: Thank you for that.
15 Board Member Wells, anything to add?

16 MEMBER WELLS: Nothing additional to add.
17 I'm in agreement with Vice Chair Goldstein's comments.

18 CHAIRPERSON POURCIAU: And, Board Member
19 Lindsjo?

20 MEMBER LINDSJO: Nothing else to add as well,
21 I'm in agreement with Vice Chair Goldstein's comments.

22 CHAIRPERSON POURCIAU: Excellent.
23 Commissioner Bruins?

24 MEMBER WELLS: Nothing to add; in agreement.
25 Thank you.

1 CHAIRPERSON POURCIAU: Thank you. I, too,
2 have not much to add. I'm in agreement. I do want to
3 say I appreciate the additional questions about the
4 alley and ensuring the, feeling more comfortable with
5 access for trash trucks and circulation through the
6 alley.

7 And, I did appreciate all the images that
8 showed the development along the alley, which I think
9 shows that it's in character, and the other types of
10 facilities exist and operate well.

11 So with that, I think I'll make a motion that
12 we approve Application 21488 as read into the record
13 by the secretary. Is there a second?

14 MEMBER WELLS: I'll second.

15 CHAIRPERSON POURCIAU: Madam Secretary, did
16 you get that second and the, would you please take the
17 vote?

18 MS. MEHLERT: Sure, we can give that to I guess
19 Board Member Wells. So, please respond to the Chair's
20 motion to approve the application.

21 Chair Pourciau?

22 CHAIRPERSON POURCIAU: Yes.

23 MS. MEHLERT: Vice Chair Goldstein?

24 VICE CHAIR GOLDSTEIN: Yes.

25 MS. MEHLERT: Board Member Wells?

1 MEMBER WELLS: Yes.

2 MS. MEHLERT: Board Member Lindsjo?

3 MEMBER LINDSJO: Yes.

4 MS. MEHLERT: And, Commissioner Bruins?

5 COMMISSIONER BRUINS: Yes.

6 MS. MEHLERT: Staff would record the vote as
7 5:0:0 to approve Application Number 21488, on the motion
8 made by Chair Pourciau, and seconded by Board Members
9 Wells.

10 CHAIRPERSON POURCIAU: Thank you for that,
11 and we're on our last case. Would you please introduce
12 case number 21492?

13 MS. MEHLERT: Yes, Application No. 21492 of
14 Chadi Mouwad. This is an as amended, a self-certified
15 application pursuant to Subtitle X, Section 901.2 for
16 special exceptions under Subtitle E, Section 204.4 from
17 a rooftop architectural element requirements of
18 Subtitle E, Section 204.1, to allow removal or
19 significant alteration of a rooftop architectural
20 element original to a principle building.

21 And under Subtitle E, Section 5201 from the
22 lot occupancy requirements of Subtitle E, Section 210.1.

23 This is for a new third floor and three-story
24 rear addition to an existing two-story attached
25 principal dwelling for use as a two-unit flat, located

1 in the RF1 zone at 1625 6th Street NW, square 477, lot
2 806.

3 CHAIRPERSON POURCIAU: Thank you. I see
4 we're joined by Adam Crain, the agent for the applicant.
5 Hello, Mr. Crain. Just want to ask that you keep your
6 comments to within 15 minutes, if possible.

7 If you have any others that are joining you,
8 I don't see any others, but please introduce them first.
9 Thank you for being here today.

10 MR. CRAIN: I appreciate it. Sorry if my
11 voice is a little off today. I inherited a cold from
12 my child's daycare, so I'm doing my best to get through.

13 CHAIRPERSON POURCIAU: Okay, thank you.

14 MR. CRAIN: Also don't need 15 minutes. I'm
15 not particularly long winded.

16 Are we able to, do you want me to go ahead
17 and present? Do you want to have someone pull up the,
18 I guess I can pull up the slides. Am I able to share?

19 CHAIRPERSON POURCIAU: Mr. Young will, is
20 there a presentation that, did you, that's in the record?

21 MR. CRAIN: Yes, the latest architectural
22 plans would be fine.

23 CHAIRPERSON POURCIAU: Okay, Mr. Young, can
24 you bring up the, do you know what number that is in
25 the file?

1 MR. CRAIN: Yes, give me one second.

2 (Pause.)

3 MR. CRAIN: It's 18, exhibit 18. There we
4 go. We can go ahead and move forward to the next page
5 introductions. My name is Adam Crain, I'm the architect
6 with 2PLYS, representing the owner here.

7 This project is in the RF1 zone, which we are
8 requesting two special exceptions for. One for an
9 increase in lot occupancy from the by-right 60 percent,
10 increasing to 70 percent.

11 And then also, relief from the rooftop
12 architectural elements. There's a slight modification
13 we're proposing here with the third-floor addition.

14 If we can move forward one slide, I can explain
15 those. In security of use here, you can see that I guess
16 regarding the rooftop elements toward the front where
17 we kind of have got that in the bottom left, the porch
18 and the bay there.

19 The existing two level massing and detailing,
20 and cornices, thereby rooftop elements are all actually
21 going to remain.

22 There is an existing gable that you can kind
23 of see in detail 1, the front perspective how we've got
24 that kind of outlined and ghosted there on the side of
25 the facade.

1 We're modifying that but we are still
2 providing a 6-foot setback from the front facade for
3 the third-floor addition.

4 So, we feel this kind of maintains the
5 character of the street here with the two adjacent
6 properties to the right when you're looking at it, by
7 keeping that third floor setback.

8 I think it is worth mentioning that there's
9 an apartment building to the north, and plus feet away
10 that's already three levels. So, I don't think it's
11 out of character adding a third floor here with that
12 guy next door.

13 If we can move forward one slide, this will
14 bring up the site plan. And so, as you can see on the
15 left hand side there, we've got a total of 6 feet setback
16 for that third floor addition.

17 We're trying to retain as much of that cornice
18 and the rooftop elements at the top of the second floor,
19 as possible.

20 And on the right hand side where we're looking
21 at the rear addition going in to the backyard, that's
22 where we're I guess allocating the 10 percent variance,
23 or special exception going from 60 to 70 percent.

24 That's a total of 178 square feet is what that
25 10 percent works out to.

1 I do want to point out that 83 square feet
2 of that 178 is allocated to balconies and a spiral stair,
3 to access the rear yard.

4 So it's not a big full three-level building
5 mass, it's actually only about 6 and a half feet of an
6 addition, plus that 5-foot stacked deck to provide
7 outdoor space for these units. So we show there's a
8 bit of a mitigation there.

9 We can move forward with the next slide.
10 These are just kind of zoning calculations for clarity.

11 Moving forward to the next slide has a little more
12 detail on the layouts.

13 Obviously the RF1 zone allows for two units
14 by-right. We are providing those two units here. So
15 the cellar and the first floor would occupy one unit;
16 and, the second and third floor would occupy the second.

17 And on that detail 4, third floor, you can
18 see that setback at the front that we're maintaining
19 with that rooftop element in mind.

20 The next slide will show some of the
21 elevations, which would also kind of highlight that
22 gable that's introduced there, or I guess exists, that
23 we're modifying at the third floor.

24 You can see the stack decks and the spiral
25 at the rear elevation.

1 The next slide is just a section drawing.
2 We show a parapet at the top but as of now, we're not
3 aiming, we're providing an occupied roof deck. It would
4 just be I guess an unoccupied deck there.

5 So it's brief, but that's our presentation.
6 Happy to go over any questions that the Board may have.

7 CHAIRPERSON POURCIAU: Thank you, Mr. Crain.
8 I'd like to start with Vice Chair Goldstein. Do you
9 have questions? Could you please ask any questions you
10 have for the applicant?

11 VICE CHAIR GOLDSTEIN: Sure. I do have a few
12 questions. First of all, I'm sorry that you're
13 suffering from a cold. Thank you for pushing through.

14 Looking at the floor plans, do you mind
15 bringing up let's say slide 5, Mr. Young again? And,
16 I just want to ask you a couple questions about it.

17 (Pause.)

18 Thank you. Sir, my first question is could
19 you just kind of show me where the addition begins in
20 this? Or if you're able to sort of describe it in a
21 way that would --

22 (Simultaneous speaking.)

23 MR. CRAIN: Yes, it's actually probably best
24 seen if you're looking on the far right, well, I'm not
25 sure if you can zoom in.

1 But we've kind of got the addition toward the
2 top is a darker shaded gray area. And you can see the
3 existing wall is like a lighter shaded gray.

4 Is that visible to you there where you can
5 kind of see the existing wall light gray?

6 VICE CHAIR GOLDSTEIN: Yes, I --

7 (Simultaneous speaking.)

8 MR. CRAIN: The site plan is probably a good
9 place to look for it.

10 VICE CHAIR GOLDSTEIN: -- think so. Okay.

11 MR. CRAIN: So, slide 3 would make that a
12 little more visible.

13 VICE CHAIR GOLDSTEIN: Okay, so it looks like
14 on, looks like a small portion on one side of the dogleg,
15 and then also an extension --

16 (Simultaneous speaking.)

17 MR. CRAIN: Oh -- yes.

18 VICE CHAIR GOLDSTEIN: -- and then also an
19 extension on the other side. Is that right?

20 MR. CRAIN: It is, so yes, --

21 VICE CHAIR GOLDSTEIN: Okay.

22 MR. CRAIN: -- see right here, 6 and a half
23 feet at the dogleg, and 12 feet at the rear.

24 VICE CHAIR GOLDSTEIN: Okay. Could you go
25 back, Mr. Young, to that floor plan slide? Thank you.

1 I've got to say, Mr. Crain, I haven't seen
2 seven or eight bedrooms in an apartment before. Could
3 you, this is one of those things that I'm sure the ZA's
4 office is going to ask you about at the time of
5 permitting.

6 I think it was also raised by the Office of
7 Planning, in the context of what a household consists
8 of in the regulations.

9 Could you talk a little bit about your thinking
10 with this many bedrooms?

11 MR. CRAIN: Yes, and we were made aware last
12 week and had a discussion about the number of bedrooms.

13 The owner does intend to move and live in here, and
14 I believe rent the other rooms out.

15 And, we realize that this is likely two
16 bedrooms beyond what is inferred in the code you
17 mentioned. So, he's conceded that during the
18 permitting process, we'll be changing some of these
19 bedrooms here to reduce that down to increase the living
20 space, or provide a work-from-home office, or enlarge
21 the bedrooms to capture that space.

22 So, we anticipate there will be a change to
23 these layouts to accommodate that.

24 VICE CHAIR GOLDSTEIN: Okay. That will
25 probably help you along the way in permitting, I suspect.

1 MR. CRAIN: Yes.

2 VICE CHAIR GOLDSTEIN: Particularly that
3 cellar unit has that external door in the front, into
4 a bedroom, which I'm guessing may lend itself more to
5 some, some living space instead of a bedroom in that
6 spot?

7 MR. CRAIN: Yes, I can see what you're saying
8 as a direct entry down on the cellar level.

9 VICE CHAIR GOLDSTEIN: Okay.

10 MR. CRAIN: Right.

11 VICE CHAIR GOLDSTEIN: To that end, in your,
12 I just want to clarify a couple things. In your
13 self-certification I was looking at it.

14 It was a relatively recent exhibit and I just
15 want to make sure for the record. It lists the number
16 of principle dwelling units as eight.

17 And I just want to, I don't know if you have
18 that in front of you --

19 (Simultaneous speaking.)

20 MR. CRAIN: No, let me pull that up.

21 VICE CHAIR GOLDSTEIN: -- it was exhibit, yes.

22 MR. CRAIN: That's a typo. We're just at two.

23 VICE CHAIR GOLDSTEIN: Yes, I suspected it
24 was and this discussion kind of brought it out just to
25 clarify.

1 But I just want to make sure for the record
2 that you're correcting that to be two dwelling units,
3 is that correct?

4 MR. CRAIN: Absolutely, yes.

5 VICE CHAIR GOLDSTEIN: Okay. And, I think
6 there may have been one other, at least one other typo
7 right above it on pervious surface, if you're looking
8 at it.

9 I suspect that that's probably also a typo,
10 too. I just don't want there to be any
11 misinterpretation that you somehow need pervious
12 surface relief in this case.

13 MR. CRAIN: No, no.

14 VICE CHAIR GOLDSTEIN: Is that correct?

15 MR. CRAIN: Do not.

16 VICE CHAIR GOLDSTEIN: Okay.

17 MR. CRAIN: Do not.

18 VICE CHAIR GOLDSTEIN: Okay. Could you
19 explain a little bit more about that gable? I kind of
20 like the idea a little bit of keeping it.

21 I think one thing that struck me as I was
22 reviewing your plans, is I didn't really see what the
23 existing roof looked like in your plans.

24 So, it made it a little bit more difficult
25 to understand what you're preserving.

1 MR. CRAIN: Yes.

2 VICE CHAIR GOLDSTEIN: I don't know if maybe
3 it's in your submission that can better clarify what's
4 there now.

5 MR. CRAIN: Yes, I think it's probably best
6 seen from the elevation, which is the second to last
7 slide, or .PDF page 6.

8 VICE CHAIR GOLDSTEIN: Okay.

9 MR. CRAIN: And we'd be looking at that side
10 elevation where we've got that outline. If we can --

11 CHAIRPERSON POURCIAU: Mr. Young, can you
12 take us to page 6, please?

13 MR. CRAIN: Go forward one slide. Go forward
14 one.

15 CHAIRPERSON POURCIAU: Thank you.

16 MR. CRAIN: There we go. And so, right there
17 on the bottom, yes, you can see how we've got that
18 outlined with the gable.

19 VICE CHAIR GOLDSTEIN: Did that gable go all
20 the way across, is that right? And you're just kind
21 of keeping, or was that just only on the edge of the
22 -- and you're keeping the edge?

23 MR. CRAIN: No, no, no, it goes all the way
24 across. It goes all the way across.

25 VICE CHAIR GOLDSTEIN: Okay, okay. So it's,

1 you're somehow incorporating that into the addition,
2 but just on the one side, which has the setback from
3 the property to the north, is that right?

4 MR. CRAIN: Yes, because we're up against the
5 party wall on the other side.

6 VICE CHAIR GOLDSTEIN: Okay.

7 MR. CRAIN: So honestly, we could, this was
8 an attempt to try and retain it, or a portion of it,
9 in compliance with the rooftop elements.

10 Which in looking that definition of that, I
11 think it's more geared toward nicer looking mansard
12 roof, cornices, things like that.

13 This is a gable that was added at some point,
14 that is not original to the building, I don't believe.

15 Even if you look at some of the adjacent row homes,
16 this is the only one that has that.

17 VICE CHAIR GOLDSTEIN: Hmm.

18 MR. CRAIN: It would be unique, so I --

19 VICE CHAIR GOLDSTEIN: I don't really have
20 an opinion about it. I think it's interesting that
21 you're trying to incorporate it.

22 It's more that I was having a little bit of
23 trouble visualizing what it was that you were retaining.

24 MR. CRAIN: Yes. Well, what we're, I guess
25 what we're retaining is I guess we'll call it a party

1 wall, but it's not a shared wall on, is that side
2 elevation.

3 We basically need to be cutting down the angle
4 portion of the roof, to make it flat. Otherwise, it's
5 kind of, the addition's being built a bit up in the back,
6 you know what I mean?

7 So, that could modified to make that
8 disappear.

9 VICE CHAIR GOLDSTEIN: Yes, I don't know that
10 I would recommend that or not. It just, I think for
11 future ones, it would have been helpful for me at least,
12 to have seen what the existing roof looked like.

13 MR. CRAIN: Okay.

14 VICE CHAIR GOLDSTEIN: And, just to be able
15 to compare it.

16 MR. CRAIN: Right.

17 VICE CHAIR GOLDSTEIN: I think otherwise,
18 you're saying that the front facade is essentially being
19 retained, is that right?

20 MR. CRAIN: Right.

21 VICE CHAIR GOLDSTEIN: And you're setting
22 back the addition from it. That includes, is that the
23 roof deck, you're also going to be retaining the roof
24 deck as is, or are you going to be rebuilding that?

25 MR. CRAIN: There is no roof deck being

1 retained.

2 VICE CHAIR GOLDSTEIN: I'm sorry, the porch
3 roof is what I meant to say.

4 MR. CRAIN: The porch roof is, yes, that's
5 staying. Really everything is existing. The only
6 thing that's being modified would be at the cellar level,
7 with kind of the area way being proposed below grade.

8 So, the porch is the first floor. The bay
9 window at the second floor, and all the cornices above
10 that are all staying.

11 VICE CHAIR GOLDSTEIN: Okay. I think my last
12 question is, just want to double check. Your neighbor
13 doesn't have a chimney, does it? Or did your, does your
14 project have a chimney? Is there anything that needs
15 to be extended up?

16 MR. CRAIN: We actually have an approved
17 permit for that chimney extension, so the neighbor
18 agreed. It's been submitted and we have approval for
19 that.

20 VICE CHAIR GOLDSTEIN: Okay, great. Okay,
21 thank you very much.

22 MR. CRAIN: Sure.

23 CHAIRPERSON POURCIAU: Thank you, Vice Chair.
24 Board Member Wells, do you have questions for the
25 applicant?

1 MEMBER WELLS: Yes, I think I have a couple
2 follow up questions for the applicant. One, based on
3 that, well the first one that just came to mind was based
4 on that drawing that we were looking at.

5 It's really only like, it doesn't seem like
6 it's very wide as far as with the gable that you're
7 preserving, right? It's just whatever is touching the
8 adjacent structure.

9 MR. CRAIN: Yes, it's a portion of it. It's
10 like the first 6 feet or so.

11 MEMBER WELLS: First 6 feet or so, okay.

12 MR. CRAIN: Yes.

13 MEMBER WELLS: And then, it was mentioned
14 that, well maybe this is more for Office of Planning.

15 But because the addition is set back, that you shouldn't
16 see, it shouldn't be much of an impact as far as like
17 seeing that gable roof or not.

18 Do you know or have a sense as far as like
19 I guess, the height of roof which you see from the street
20 level? Yes.

21 MR. CRAIN: Not exactly. We could do some
22 kind of cross-section from across the street, which is
23 kind of something we typically provide for like
24 historical view.

25 MEMBER WELLS: Uh huh.

1 MR. CRAIN: Sight lines. But yes, I mean I
2 guess the only other option here is a third floor
3 addition will be visible I think, no matter what.

4 MEMBER WELLS: Yes.

5 MR. CRAIN: I think it's unavoidable.

6 MEMBER WELLS: Uh huh.

7 MR. CRAIN: And, if we were trying to avoid
8 this relief of the rooftop elements, we need to bring
9 it back another 4-6 feet or so from the peak of the gable,
10 because I don't believe the rear of the gable is
11 protected.

12 So, it's kind of a minimal change that we're
13 requesting from that, so. And also keep in mind that
14 the property to the north, that's three levels existing,
15 right?

16 So it's we've got something tall over here,
17 and this is, this being set back kind of softens the
18 terrace down to the two-level row houses that this is
19 attached to.

20 MEMBER WELLS: Okay. One thing I did see I
21 guess maybe I was expecting to see as it you kind of
22 address light and air, was a shadow study.

23 MR. CRAIN: Uh huh.

24 MEMBER WELLS: Do you have any discussion
25 about what those, what that impact would be with the

1 addition to the adjacent properties?

2 MR. CRAIN: Yes, so there were really we've
3 got a number of trees around the property that I think
4 are going to take precedent in terms of shadow.

5 So, the third floor addition, the larger part
6 of building will be entirely unaffected, right, because
7 all of the shadows are going to occur mostly to the north.

8 So it's that northern property, 1623, that
9 would be having shadows incurred on it.

10 And this one, their property already sits,
11 it sits further back into the rear yard than the subject
12 property. But we're going 8 and a half feet past that
13 with the rear wall.

14 So there would be a little bit more shadow
15 into the rear yard, but this is also kind of our plan
16 with mitigating that is we do have a 5-foot side yard
17 setback.

18 So we're pulling off that property line for
19 the rear half of the building, to give them a bit of
20 a buffer.

21 There's also I think a tree on the property
22 line towards the rear of the property, that's going to
23 provide some natural screening there.

24 MEMBER WELLS: Okay. And so, you don't
25 anticipate any impacts to the properties to the south,

1 just mostly in the north and --

2 (Simultaneous speaking.)

3 MR. CRAIN: Yes, and --

4 MEMBER WELLS: -- the rear?

5 MR. CRAIN: -- they're to the south, they're
6 what, 12, 12 plus feet off the property line already.

7 And, the rear wall of their property is further
8 than what we're proposing.

9 MEMBER WELLS: Okay.

10 MR. CRAIN: So, they're if anything, their
11 existing set up disturbs the light and air of the subject
12 property.

13 MEMBER WELLS: Okay. Thank you, that's my,
14 those are my follow up questions, thank you.

15 CHAIRPERSON POURCIAU: Thank you. Board
16 Member Lindsjo, do you have questions for the applicant?

17 MEMBER LINDSJO: I think my only other
18 question was did you go to the ANC with this project?

19 MR. CRAIN: I reached out to the ANC and I
20 never got a response. I'm happy to reach out again,
21 but yes, I, it's not the first time I haven't gotten
22 a response for a BZA case, but yes, no, crickets.

23 MEMBER LINDSJO: Thank you.

24 CHAIRPERSON POURCIAU: Thank you.

25 Commissioner Bruins, any questions for the applicant?

1 COMMISSIONER BRUINS: Not at this time, thank
2 you.

3 CHAIRPERSON POURCIAU: Thank you. And so,
4 I think now we'll go on to a report from the Office of
5 Planning. We have Mr. Bradford with us. Mr. Bradford,
6 would you please present?

7 MR. BRADFORD: Good afternoon, Chair
8 Pourciau, members of the Board. For the record, Philip
9 Bradford, with the Office of Planning.

10 OP is recommending approval of the requested
11 special exception relief for lot occupancy, and the
12 rooftop and upper floor elements.

13 And, I will stand on the record of the report
14 in exhibit 22. Thank you and I'm available for any
15 questions.

16 CHAIRPERSON POURCIAU: Thank you. Vice
17 Chair Goldstein, any questions for Office of Planning?

18 VICE CHAIR GOLDSTEIN: Thank you, two brief
19 questions. One is as one of my Board members mentioned,
20 I think I'm somewhat used to seeing shadow studies in
21 projects although I don't believe it's a requirement
22 that a shadow study be submitted.

23 I was just hoping to ask you about why it was
24 that you feel confident that there's no undue adverse
25 impact related to shadow?

1 MR. BRADFORD: This block has very large
2 mature trees, and it's adjacent to a taller apartment
3 building. And, I felt that with the existing vegetation
4 and the height, and the building typologies, shadows
5 shouldn't really be posing a undue impact to adjacent
6 properties.

7 VICE CHAIR GOLDSTEIN: Okay. So, you felt
8 comfortable even proceeding to make that judgment
9 without any additional information submitted regarding
10 shadows, is that correct?

11 MR. BRADFORD: Yes, that's correct.

12 VICE CHAIR GOLDSTEIN: For the gable, I'm
13 assuming that you've got sort of the front cornice line
14 I think of the building.

15 But the gable behind it, is that what triggered
16 the need for the relief was that, that portion of the
17 gable sort of behind the front cornice line, is that
18 right?

19 MR. BRADFORD: Yes, they had --

20 (Simultaneous speaking.)

21 VICE CHAIR GOLDSTEIN: Is that what triggered
22 the relief?

23 MR. BRADFORD: They had a pitched roof, which
24 you could kind of see during that discussion of the roof
25 that is going away.

1 So that would be, that is how I viewed the
2 rooftop and upper floor elements being triggered here
3 through the third floor addition, and the changing of
4 the type of roof that this had.

5 This wasn't initially requested by the
6 applicant, but OP recommended that that be added to avoid
7 any potential issues going into the building permitting
8 phase because if DOB viewed that that be necessary, then
9 they would have to come back to the BZA.

10 So better to have it, than not, but the roof
11 of this row home is a bit unusual in that it looks like
12 a flat roof from one side, but then you look at it, it
13 does have a pitched roof beyond the initial like second
14 floor bay window-type thing, plus the flat roof.

15 So there was a little bit of a debate whether
16 it was necessary, but just based on the reading of the
17 code in past cases, it seems like this would, it would
18 be consistent with past cases to require it here.

19 VICE CHAIR GOLDSTEIN: Okay, so out of an
20 abundance of caution, the applicant requested it and
21 you all evaluated it?

22 MR. BRADFORD: We recommended that they add
23 it to their relief after reviewing it internally. And,
24 they agreed because they revised the application to
25 request that additional relief.

1 VICE CHAIR GOLDSTEIN: Okay. Well thank you,
2 that's helpful. And I just want to get your reaction.
3 I think the applicant has said that they're planning
4 to revise the number of bedrooms in the units.

5 I think that you raised that as an issue as
6 well, in your report. Hearing them say that, does that,
7 what's your reaction to hearing that they are indeed,
8 planning to revise the layout? Just curious for your
9 thoughts on that.

10 MR. BRADFORD: I was already aware of that,
11 given discussions with the applicant. So, it wasn't
12 my first time hearing that.

13 And I think that that's a viable solution if
14 the ZA's office raises that in permit review, given that
15 whatever interior changes may happen, as long as the
16 building form stays the same, the relief wouldn't
17 change.

18 So if they can revise bedrooms and convert
19 them to dens or additional living space, or walk-in
20 closets, larger bathrooms.

21 Whatever works is fine by OP's view in this
22 case, as long as it would also meet the ZA's
23 interpretation of meeting households.

24 VICE CHAIR GOLDSTEIN: Okay, thank you very
25 much.

1 CHAIRPERSON POURCIAU: Board Member Wells,
2 do you have questions for Mr. Bradford?

3 MEMBER WELLS: I do not at this time, thank
4 you.

5 CHAIRPERSON POURCIAU: Thank you. Board
6 Member Lindsjo, any questions for OP?

7 MEMBER LINDSJO: Not at this time, thank you.

8 CHAIRPERSON POURCIAU: Thank you.
9 Commissioner Bruins, do you have any questions for Mr.
10 Bradford?

11 COMMISSIONER BRUINS: I do not, thank you.

12 CHAIRPERSON POURCIAU: Thank you. Thank
13 you, Mr. Bradford.

14 At this point, I do not believe we have any
15 other District agencies present. The ANC is not present
16 and unfortunately, has not made a submission to the
17 record.

18 There were no parties established for this
19 case, and there are no individuals who have signed up
20 to testify.

21 And so, Mr. Crain, at this point we'd like
22 to ask if you have any closing statements, closing
23 remarks you'd like make for the record?

24 MR. CRAIN: Sure. We're just, I guess we're
25 looking with the relief it's really 6 and a half feet

1 that we're asking for on the rear addition in an
2 increase. So we think that's pretty minimal.

3 Also, highlighting that a fair portion, almost
4 half of the relief we're asking for, the 70 percent,
5 is outdoor space with balconies. So it's like we're
6 making an effort to mitigate District design in terms
7 of the massing in the backyard.

8 And as far as the roof relief, for the rooftop
9 architectural elements, I don't think the gable really
10 contributes much to the original character of the
11 building.

12 So, I don't place a lot of value on the
13 retention of that. We are making an effort to retain
14 the more attractive features in terms of the cornices
15 and trim at the front.

16 We respectfully request your approval. Thank
17 you.

18 CHAIRPERSON POURCIAU: Thank you. I'd like
19 to ask Vice Chair Goldstein about the amendments that
20 you referenced needing to be made in the application.

21 Are we clear on that, and are we comfortable
22 with that, and ready to deliberate and vote?

23 VICE CHAIR GOLDSTEIN: I believe so, that the
24 applicant has corrected them on the record. I think
25 that's sufficient, but I'm open to discussion if others

1 think that something more needs to be done.

2 CHAIRPERSON POURCIAU: Anybody have any
3 comments on that? I'm looking at your faces and not
4 seeing anything. Perhaps we can make sure that is
5 included in the motion, just so that it's the record
6 is very clear on that change.

7 And at this point, I am supportive of the
8 application with that clarification. Is there any more
9 discussion we need to have now, while the applicant is
10 available to answer anything?

11 (No audible response.)

12 CHAIRPERSON POURCIAU: No, I'm not seeing
13 that anyone wants to ask anything else. So once again,
14 I want to thank you Mr. Crain, for your application and
15 the development that you're proposing.

16 And at this point, we will close the hearing
17 record so that the Board can deliberate and vote on this
18 application.

19 Okay, I, as I stated, I'm supportive of this
20 application. I believe the applicant was very clear
21 in his responses to the questions.

22 It seems they are trying to develop a property
23 that is livable unit. I did want to ask him about all
24 the bedrooms, but I forgot to ask that, so we won't go
25 back to it.

1 Vice Chair Goldstein, what are your thoughts?

2 VICE CHAIR GOLDSTEIN: Yes, I'm supportive
3 of the relief. I credit particularly the Office of
4 Planning's report.

5 I do think and hopefully this would work, that
6 we in the drafting of an order, it can just have a
7 footnote to discuss the clarifications of the
8 self-certification that were made into the record.

9 And otherwise, I think they've met their
10 burden.

11 CHAIRPERSON POURCIAU: Thank you. Board
12 Member Wells, what are your thoughts?

13 MEMBER WELLS: I also agree that they met
14 their burden. I believe the applicant did talk about
15 the number of bedrooms, and reducing them based on
16 discussions with the OP.

17 And, making sure that I guess they can get
18 a permit, or a certificate of occupancy for this, this
19 building.

20 So, sounds like he addressed it somewhat.
21 I think my concerns were more about the gable, and
22 keeping that, but the applicant's testimony was
23 sufficient to justify their drawings, and proving their
24 relief.

25 As well as the comments that I had about the

1 shadows and particularly, the adjacent properties and
2 make sure there were no impacts to those properties,
3 as well, so.

4 I am in support. I think that the applicant
5 made, met their burden of proof.

6 CHAIRPERSON POURCIAU: Thank you so much, Ms.
7 Wells. Board Member Lindsjo, are there additional
8 items you'd like to add to the record in this discussion?

9 MEMBER LINDSJO: Not at this time. I also
10 agree that I feel like they met their burden. Thank
11 you.

12 CHAIRPERSON POURCIAU: Thank you. And,
13 Commissioner Bruins, it's been so nice having you with
14 us today. Do you have any additional comments that you
15 would like to offer for the record?

16 COMMISSIONER BRUINS: I do not. I agree with
17 the idea to add a footnote in the official report, and
18 I'm in support of this application.

19 CHAIRPERSON POURCIAU: Excellent. Vice
20 Chair Goldstein, would you like to offer a motion?

21 VICE CHAIR GOLDSTEIN: Sure, I will make a
22 motion to approve Application Number 21492, at 1625 6th
23 Street NW, as captioned and read by the secretary.

24 MEMBER WELLS: I'll second.

25 CHAIRPERSON POURCIAU: Madam Secretary,

1 would you please call the vote?

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

5 CHAIRPERSON POURCIAU: Yes.

6 MS. MEHLERT: Vice Chair Goldstein?

7 VICE CHAIR GOLDSTEIN: Yes.

8 MS. MEHLERT: Member Wells?

9 MEMBER WELLS: Yes.

10 MS. MEHLERT: Member Lindsjo?

11 MEMBER LINDSJ0: Yes.

12 MS. MEHLERT: And, Commissioner Bruins?

13 CHAIRPERSON POURCIAU: Yes.

14 MS. MEHLERT: Staff would record the vote at
15 5:0:0 to approve Application No. 21492, on the motion
16 made by Vice Chair Goldstein, and seconded by Board
17 Member Wells.

18 CHAIRPERSON POURCIAU: Thank you. Thank you
19 all for coming today. It's good seeing everyone. Have
20 a great afternoon. The meeting is now closed.

21 (Whereupon, the above-entitled matter went
22 off the record at 12:25 p.m.)

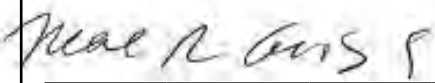
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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript was
3 duly recorded and accurately transcribed under my
4 direction; further, that said transcript is a true and
5 accurate record of the proceedings; and that I am neither
6 counsel for, related to, nor employed by any of the
7 parties to this action in which this matter was taken;
8 and further that I am not a relative nor an employee
9 of any of the parties nor counsel employed by the
10 parties, and I am not financially or otherwise
11 interested in the outcome of the action.

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18 Eric Carpenter
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