

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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TUESDAY

JANUARY 10, 2006

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The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:30 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice Chairperson
CURTIS L. ETHERLY, JR.	Board Member
JOHN A. MANN, II	Board Member (NCPD)

ZONING COMMISSION MEMBERS PRESENT:

JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLEY BAILEY	Sr. Zoning Specialist
TRACEY W. ROSE	Sr. Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

This transcript constitutes the minutes from the Public Meeting held on January 10, 2006.

ZONING COMMISSION
District of Columbia

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CASE NO. 04-36
EXHIBIT NO. 85
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1 information to be persuasive on that element, because
2 there's nothing that precludes a commercial office
3 building from being a 24-hour use, or having three
4 shifts from, you know, beginning shift to night shift.
5 And who knows? Maybe it would be a call center, you
6 know, and it was 24 hours, and there are people coming
7 in and out.

8 These kind of things I think -- I think
9 that -- which goes directly back to the uniqueness of
10 the structure, its size -- once utilized, once
11 reanimated, will have that kind of density and use.

12 Okay. Are you ready?

13 VICE CHAIRPERSON MILLER: At this point,
14 I'd like to move to grant approval for the Application
15 Number 17395 of Jemal's Citadel, pursuant to 11 DCMR
16 Section 3103.2, for a variance from the rear yard
17 requirements under Section 774, a variance from the
18 nonconforming structure requirements under Subsection
19 2001.1, a variance from the requirement to provide a
20 loading berth that is 55 feet deep under Subsections
21 2201.1 and 2201.6, to allow the establishment of a
22 mixed use project, including a grocery store and
23 general offices in the RC/C-2-B District, at premises
24 1631 Kalorama Road, N.W., as conditioned at this
25 meeting.

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1 CHAIRPERSON GRIFFIS: Excellent. Is there
2 a second?

3 BOARD MEMBER MANN: Second.

4 CHAIRPERSON GRIFFIS: Thank you, Mr. Mann.
5 Ms. Miller?

6 VICE CHAIRPERSON MILLER: Basically, the
7 applicant has worked with Office of Planning and the
8 ANC and the community and has proposed it looks like
9 18 conditions which -- which are set forth on pages 21
10 through 23 of the proposed findings of fact and
11 conclusions of law, which I think we could work with.

12 I think that basically there is one major
13 point of contention with the ANC, and that involves
14 the number of deliveries per day.

15 CHAIRPERSON GRIFFIS: Okay.

16 VICE CHAIRPERSON MILLER: I don't know if
17 you want to go through each one or --

18 CHAIRPERSON GRIFFIS: Absolutely.

19 VICE CHAIRPERSON MILLER: -- how you want
20 to do it.

21 CHAIRPERSON GRIFFIS: What would you
22 propose for conditions? Mr. Mann?

23 BOARD MEMBER MANN: Well, I was just going
24 to also note that on the previous page, on page 20 of
25 the proposed conditions, under number 6, there was one

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1 BOARD MEMBER ETHERLY: Actually, I'd say
2 that's what I was getting at, but that might also
3 already be captured in proposed condition number 14,
4 which is referred to as ANC 12. So maybe it's already
5 included. Either way, I have no objection with
6 condition number 7, as it's proposed.

7 CHAIRPERSON GRIFFIS: Good. Okay. I
8 think what we're saying, though, in terms of number 3
9 is that it's going to be incorporated. It's either
10 going to be covered in 14, 7, or another one that
11 we're about to get to.

12 BOARD MEMBER ETHERLY: Okay.

13 CHAIRPERSON GRIFFIS: So let's move ahead,
14 then. Proposed condition number 4, Uses, "Receiving
15 goods through the enclosed loading area will be
16 limited, the number of deliveries, to 40 weekdays, 40
17 Saturdays, and 15 on Sundays, along with newspapers."

18 Ms. Miller? Keep it in, reword it, edit?
19 Comments by anyone?

20 BOARD MEMBER ETHERLY: I have no
21 objection, Mr. Chair.

22 CHAIRPERSON GRIFFIS: Yes?

23 VICE CHAIRPERSON MILLER: I just need a
24 minute, because I -- I thought that the -- the point
25 of contention is on the number of deliveries. And in

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1 the cover letter to applicant's proposed findings and
2 conclusions of law, they reference 40 deliveries.

3 So I'm not sure why this says -- well, I'm
4 just not sure why this is identified as ANC 3, because
5 I thought that the ANC wanted fewer deliveries, like
6 20 or something like that. Just so that we're clear
7 what -- whose condition we're looking at.

8 CHAIRPERSON GRIFFIS: Right. I don't
9 think that it should be -- to be clear, I wasn't sure
10 that they were adopting the ANC's conditions. ANC
11 condition number 3 reads --

12 VICE CHAIRPERSON MILLER: 20.

13 CHAIRPERSON GRIFFIS: -- "Harris-Teeter
14 will limit the number of truck deliveries to
15 approximately 20 on weekdays, 10 on Sundays, and
16 newspapers only on -- or newspapers only on Sundays."
17 In fact, in the hearing it was -- if I recall
18 correctly, there was direct testimony saying that they
19 have always said that it would be, you know, 20. It
20 wasn't -- in the hearing it came out it was 40, and I
21 think that's the fact of the matter, and that's what
22 we have presented before us.

23 The issue comes down to whether or not
24 that -- the direct link from the loading dock goes to
25 the adverse impact of the number that it takes to

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1 We're talking about truck generation, trip generation,
2 to this. And that's one of them.

3 I think where the differentiation is, and
4 the reason why it shouldn't be in this condition, is
5 there wasn't enough testimony to decide what that
6 impact is, because, as I said, the hours are probably
7 different, the timing is very different perhaps. I
8 don't think that falls into the specific use in
9 servicing the proposed tenants in this application.

10 BOARD MEMBER ETHERLY: So you would not --

11 CHAIRPERSON GRIFFIS: I would not include
12 it. So we're just -- we are just conditioning the 40
13 deliveries, not including the newspapers.

14 BOARD MEMBER ETHERLY: But you wouldn't --

15 CHAIRPERSON GRIFFIS: So the condition
16 does not cover the newspapers.

17 BOARD MEMBER ETHERLY: But would you
18 include the language of not including newspapers?

19 CHAIRPERSON GRIFFIS: Possibly.

20 VICE CHAIRPERSON MILLER: We know what our
21 intent is.

22 CHAIRPERSON GRIFFIS: Right.

23 VICE CHAIRPERSON MILLER: I think we're in
24 agreement. I don't think we're in disagreement.

25 BOARD MEMBER ETHERLY: Yes, I agree.

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