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Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 16970 – National Child Research Center
3209 Highland Place, NW

Dear Chairman Griffis and Members of the Board:

Pursuant to your request, the National Child Research Center hereby submits its post-hearing submission regarding its satisfaction of the requirements of 11 DCMR §205.5.

Very truly yours,

Paul Tummonds

cc: See attached Certificate of Service

Document #: 1388889 v.1

BZA
Case No. 16970
Exhibit No. 355

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.355

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BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

BZA Application No. 16970 **Public Meeting: April 13, 2004**
National Child Research Center

NCRC POST–HEARING SUBMISSION

I.
INTRODUCTION

The National Child Research Center is a preschool for children ages 2-5 that has served residents of the District of Columbia for 75 years[1]. NCRC enrolls regularly developing children as well as children with special needs. Children whose conditions include blindness, autism, or Down's Syndrome are part of the normal classroom experience at NCRC. For many of these children, the preschool years at NCRC will be their only experience in a mainstream school. For other children, NCRC helps them overcome their challenges so that they can continue their education in the mainstream school system.

In its more than 70 years on Highland Place, NW, NCRC has never undertaken a significant expansion. While occupying the same two buildings for over seven decades, it has not had the opportunity to make room for modern changes in educational practices. The school needs an indoor space where the children can safely run, play, and develop their gross motor skills. During bouts of bad weather—or during an experience like the recent sniper tragedy—the children have been forced to stay in their classrooms for days and weeks on end. The small space that is currently shared by the library, music, and motor programs is grossly inadequate. The Main House (where all the classrooms are currently located) is built around a central staircase, so there aren't even any hallways where the kids can run up and down during bad weather. Further, the group sizes in classrooms are too large and the student–teacher ratio is too high to properly accommodate the inclusion of children with special needs.

To continue its strong history as a model preschool and better serve its current population, NCRC must make changes to its facilities. Accordingly, NCRC has proposed a construction project that consists of a new building plus renovations to the existing building. These changes all are designed to meet the needs of the school while remaining sensitive to

[1] 75% of the children enrolled in the school are D.C. residents (See testimony of NCRC Trustee Alexa Halaby, May 6, 2003 public hearing transcript, p. 31.)

NCRC's surroundings. Both the Cleveland Park Historical Society and the Historic Preservation Review Board voted to approve the Applicant's project, agreeing that the design is in keeping with the character of the neighborhood.

Boiled down to its essentials, NCRC has asked the BZA to approve a special exception for two things: first, an increase in staff and student enrollment[2]; second, new construction. The governing regulations, which are very familiar to the Board, are found at Section 205. NCRC firmly believes that it has established compliance in full with Section 205. Still, it appears that the Applicant did not overcome the BZA's concerns about the impact of the school's operations on traffic (Section 205.3) in the surrounding neighborhood. Accordingly, the Board turned down NCRC's request for added staff and student enrollment.

It also appears, however, that the BZA was satisfied by NCRC's case when it came to the *non-traffic* portions of Section 205. This statement is not merely an expression of confidence in the strength of the testimony and evidence presented by the Applicant. It is based directly on reading the words of BZA members, set forth in the transcript of the January 6, 2004, public meeting.

Indeed, at its public meeting of January 6, 2004, the Board decided all issues and ruled favorably on all aspects of the application with the exception of Section 205.3. Specifically, the Board decided that no variance relief was required from Section 3202.3 for the new construction since the carriage house was an accessory building and not a new principal structure on a single record lot.[3] The Board also confirmed its earlier ruling in the case that the school was entitled to an exemption from the parking requirements under Section 2100.5.[4] Finally, the Board decided that no variance relief was required from the number of stories requirement finding that the building is an existing three story structure as measured from the front of the building on Highland Place and thus complies with Section 199.1 of the Zoning Regulations.[5]

At that public meeting on January 6, 2004, the Board analyzed the record through the lens of Section 205's requirements. It noted objections and concerns but in each case it found

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[2] Presently, NCRC has 32 FTE staff and a total student enrollment of 171. The requested increase was 38 FTE staff and a total student enrollment of 181, with 2% flexibility.

[3] The Board voted 4-0-1 (Griffis, Etherly, Hood and Zaidain in support, Miller not voting having recused herself from the case) to amend the advertised relief to remove the variance from Section 3202.3. (January 6, 2004 public meeting transcript, p. 43.)

[4] See, January 6, 2004 meeting transcript p. 44. See, also, June 24, 2003 hearing transcript, p. 148 when the Board made its initial ruling on this issue.

[5] This was done by consensus vote. (January 6, 2004 meeting transcript, p. 56.)

compliance—with the exception, as noted, of traffic. Because the Board believed the added staff and students requested by NCRC could worsen the existing traffic situation, it voted to deny that part of the application. But nothing about the proposed new construction, standing apart from new staff or students, has any connection to traffic.

At its public meeting of March 9, 2004, the Board voted to reconsider one category of requested relief, namely, proposed new construction. Accordingly, the record was reopened for all parties to give the Board written submissions, with citation to the existing record, on the issue of whether the proposed new construction meets the special exception requirements of Section 205.5 ("no objectionable impacts on adjacent or nearby properties"). The Board clearly directed the parties not to revisit other aspects of the application and to limit themselves to compliance with Section 205.5.

As described in greater detail below, NCRC believes that it meets the requirements of Section 205.5 for the proposed new construction. To assist the Board in analyzing the merits of its request, NCRC has combed through the record to highlight the evidence and testimony that support the proposed new construction. As set forth below, the record supports the Board's approval of the proposed new construction.

II.
DESCRIPTION OF THE PROPOSED NEW CONSTRUCTION

The ample evidence presented to the Board by the Applicant's witnesses clearly establishes NCRC's need to expand its facilities. Even witnesses in opposition acknowledged this need; one such witness, Dickson Carroll, stated:

> Early on I visited the school at the invitation of Ms. Piggott [the School's Director] and it was clear the school is cramped and does need some remodeling and perhaps some expansion.[6]

As this remark indicates, the need for expanded facilities applies to NCRC's existing student enrollment. Specifically, the testimony and evidence establish the following:

- NCRC's accrediting agency, the National Association for the Education of Young Children ("NAEYC"), has recommended group sizes that require the reduction of one to three students in each classroom, to better accommodate the inclusion of special needs children. The inclusion of special needs children in classrooms alongside typically developing children is a fundamental part of NCRC's mission, providing a

[6] November 4, 2003, hearing transcript, p. 126.

desperately needed service to the Greater Washington, D.C., area. The design of the Carriage House includes two additional classrooms that are critical to the school's ability to address this issue. Thus, the need for this space exists even without any increase in enrollment.[7]

- The school's present indoor motor play space is inadequate to safely serve the needs of existing students. The design of the Carriage House addresses this issue by providing a new room for safe indoor motor play.

- The school has no private meeting space where teachers can have confidential meetings with parents, plan curriculum, or conduct staff meetings.

- The addition to the Main House would remove a classroom from the third floor, enhancing the safety of students (no longer will they face the possibility of having to evacuate the building from the highest floor in an emergency). The Main House addition also would accommodate an elevator that will provide access for students with special needs to all floors with classrooms.[8]

The D.C. Court of Appeals has held that in cases before the BZA, the needs of the institution cannot be discounted. As the Court held in the *Glenbrook Road* case[9], which was a special exception for construction of a new building on a university campus, the Zoning Regulations do not require that the Board treat the school's needs as irrelevant. The court went on to state that, "In general, uses of land for educational purposes are 'highly favored'" and that "the Board's function is to determine whether a reasonable accommodation has been made" between the school and its neighbors. See, also, the *Monaco* and *Black Child* cases, where the Court held that the BZA is allowed to apply a more flexible standard when a public service or non-profit entity is the applicant.

III.

THE PROPOSED NEW CONSTRUCTION COMPLIES WITH THE REQUIREMENTS OF SECTION 205.5

> Section 205.5 of the Zoning Regulations states:
>
> The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions.

[7] See, testimony of A. Halaby (May 6, 2003, hearing transcript, p. 31).

[8] As a design concession, in order to reduce the height of the addition to the Main House, the elevator goes up to only the second floor, where the classrooms are. As a result, staff will continue to have to use the stairs to reach their offices on the third floor.

[9] *Glenbrook Road Association v. DC Board of Zoning Adjustment, 605 A.2d 22 (DC 1992).*

A. The Testimony and Evidence Submitted by the Applicant Indicate Compliance with Section 205.5

The evidence offered by the Applicant on the issue of compliance with Section 205.5 includes the testimony of the school's representatives as well as the expert testimony of its architect, Chuck Anthony, and the materials filed by both the architect and the arborist. All of this testimony and evidence support a finding that the proposed new construction meets the requirements of Section 205.5.

No objectionable impacts from noise or activity:[10]

- The outdoor play space is well-removed from neighboring residences.
- No sound amplification equipment would be used outdoors.
- The new indoor spaces would be insulated.
- Mechanical equipment for the proposed new construction would be located within mansard roofs to mitigate any noise.[11]

No special screening is required:[12]

- The size of the property is exceptional for this neighborhood and the property possesses substantial open space and screening.
- Additional landscaping and screening will be part of the HRPB's final approval of the building plans when NCRC files for permit review.
- NCRC filed preliminary plans showing the proposed landscape buffer areas and potential screening and plant species in the areas adjacent to the Little, Beckner, and Badami properties.[13]

The design creates no visual or other objectionable impacts:

- The project's design fits into the existing grade, maximizes light and air to below-grade spaces, retains mature trees on site, preserves playground open space, and meets the HPRB requirements for separate structures on the site in keeping with the existing historic character of the site. This results in a plan that would minimize impacts to the property's open space and topography.[14]

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[10] May 6, 2003, hearing transcript, pp. 104 –112.
[11] This is an improvement over existing conditions. Presently, mechanical equipment is located in the side yard next to the Badami residence.
[12] May 6, 2003, hearing transcript, pp. 104–112.
[13] Exhibit 302 of the record.
[14] The proposed new space consists of 3,615 s.f. of classroom space, 2,307 s.f. of administrative space, and 4,275 s.f. of service/support space. (Exhibit 191 of the record.)

- The side yard setback of the Carriage House from the adjacent Little house would exceed the distance required by the Zoning Regulations.[15]

- The HPRB determined that the Carriage House would be in keeping with both the character and the density of the houses on Ordway Street.

- The distance from the adjacent Beckner house to NCRC's buildings is significant—approximately 100 feet to the Carriage House and 150 feet to the Main House.[16]

- The height of the Carriage House— approximately 27 feet—would be similar to the height of the Little house.[17] This 27–foot height also would be lower than the 40–foot height permitted by the Zoning Regulations as a matter of right.

- NCRC's addition to the Main House would be only one story high. The Badami house is two stories high at its corresponding location.[18]

- NCRC has a side yard of 17 feet on its east side, whereas the corresponding Badami side yard is only 6 feet, 4 inches.[19] Thus, the setback of NCRC's addition would be approximately three times the setback of the Badami structures.

- The finished grade of NCRC's property along Ordway Street would not be changed.[20] As with any zoning case involving new construction, issues of grading and drainage will be addressed by District of Columbia reviewing agencies during the permit approval process.

***No objectionable impact from loss of trees*:**

- A minimal number of trees would be removed. Many trees would be relocated on site. No mature or historic trees would be affected by construction.[21]

- Of the 21 trees to be removed, nine are trees that were planted by NCRC in 1994; none of these trees are deemed to be significant.[22]

- NCRC's construction plans would include measures to avoid impacts inside the drip lines of the remaining trees and to maximize tree retention on the site.

- NCRC filed its preliminary landscape plan showing the species of trees to be planted along the adjacent Little and Badami property lines. This plan is subject to

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[15] NCRC provides a side yard of ten feet adjacent to Mr. Little's property, while the Zoning Regulations require only an eight–foot side yard. Indeed, Mr. Little testified that his side yard is only five feet. (November 4, 2003, hearing transcript, p.80.)

[16] May 6, 2003, hearing transcript, p. 197.

[17] June 24, 2003, hearing transcript, p. 158.

[18] Ms. Badami testified that, even with a peaked roof, the addition to NCRC's Main House would be lower than the top of her house. November 4, 2003, hearing transcript, p. 64.

[19] June 24, 2003, hearing transcript, p. 159.

[20] June 24, 2003, hearing transcript, p.175.

[21] June 24, 2003, hearing transcript, p. 163. See also Exhibits 218–221 of the record (materials submitted by the Applicant at the June 24, 2003, public hearing), including a letter from the arborist.

[22] November 18, 2003, hearing transcript, p. 16.

final review and approval by the HPRB—a process that would include the opportunity for input by the neighbors.[23]

***No other objectionable impacts*:**

- Pictures from the rear of the adjacent Badami property show that the proposed addition would have minimal impact.[24]

- NCRC's addition to the main building would be only one story in height whereas the Zoning Regulations permit an addition that is 40 feet in height.

- The Carriage House would be 27 feet in height with a ten foot side yard, whereas the Zoning Regulations permit a structure that is 40 feet high with a side yard of only eight feet.

- NCRC has proposed conditions on its hours of operation, a prohibition on the use of sound amplification equipment outdoors, and a limitation on activities—all of which would address any perceived objectionable impacts.

- Opponents raised objections based on an assertion that the Carriage House would be used as a "conference center." NCRC's testimony rebutted this allegation, pointing out the confusion over the difference between two types of "conference" use. One kind, which is long-established using only NCRC's existing facilities[25], involves inviting D.C.–area teachers to the site for exchanges of views on current trends in education and similar topics. NCRC has proposed a condition limiting this conference use to a maximum of three times per year, coupled with a requirement that NCRC provide substantial off-site parking. The second type of conference is parent/teacher conferences, which the existing buildings have no private rooms to accommodate.

B. Testimony by the Office of Planning Further Supports Compliance with Section 205.5

The Office of Planning ("OP") submitted three reports in this case; never did it so much as suggest that the proposed new construction would not comply with Section 205.5. In each report, OP noted that "Playground operation and activities during school hours have not been a major concern expressed by the neighborhood. The proposed new construction will reduce the size of the existing playground but not relocate it." Indeed, in its final report, OP stated that the only outstanding issue under Section 205 was "the present and future transportation impacts of NCRC and the proposed expansion."[26] No other issues were raised by OP regarding the

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[23] November 18, 2003, hearing transcript, pp. 17–18.
[24] Exhibit 191 of the record.
[25] The meeting room space increases the capacity for meetings on the site from 50 people (107 people with only chairs provided) to only 83 persons (177 people with only chairs provided), which is intended to accommodate Back–to–School Night and other parent meetings. (Exhibit 191 of the record.)
[26] Supplement II Report, dated April 29, 2003, p. 3. Note that this would be an issue under Section 205.3 of the Zoning Regulations, not Section 205.5.

Applicant's compliance with the special exception requirements of Section 205. This was confirmed by the testimony of OP's Arthur Jackson at the September 16, 2003, public hearing, when he directly testified that the application complied with the requirements of Section 205.5.[27]

OP also noted that on January 28, 2003, the HPRB reviewed and approved NCRC's conceptual plans for consistency with the goals of the Cleveland Park Historic District. It added that HRPB staff will work with the Applicant on landscaping and erosion plans as part of that board's final approval process.

C. The Findings of the BZA Itself Indicate that the Proposed New Construction Complies with Section 205.5

At its January 6, 2004 public meeting, the Board discussed the proposed new construction and reached a consensus that NCRC had met the requirements of Section 205.5. The analysis that follows will refer to pages 109 through 114 of the transcript of that public meeting, which excerpt accompanies this submission as Exhibit A.

Commissioner Hood began the discussion by referring to Exhibit 319 in the record, filed by the party–opponent Linda Badami and alleging that the proposed addition to the Main House would block her light and view. Commissioner Hood stated that this was the only issue he could recall and he asked for discussion by the other board members. [Exhibit A, Page 109, line 24; Page 110, lines 1–12.]

Chairman Griffis pointed out that Ms. Badami's concerns related to her "cellar and basement level windows" and that she also mentioned "noise in terms of going to and from the maintenance shed" [the Bike Shed] and a generalized concern about loss of trees and soil erosion. Chairman Griffis also noted that the party–opponent Henry Little alleged that the Carriage House would have an impact on the views from his property. [Exhibit A, Page 110, lines 13–22.]

Commissioner Zaidain also mentioned "issues raised by the opposition" about "the outdoor party." [Exhibit A, Page 110, lines 24-25; Page 111, lines 1-4.]

After some discussion, the Board made the following findings:

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[27] Indeed, OP also supported the requested variance relief from Section 3202.3, finding that the site was unusual and that there were practical difficulties in complying with the zoning requirements.

- They were not swayed by the opposition's assertion that the design of the new construction would have a negative impact.

- The tree survey information filed by the Applicant addressed any concerns about the loss of trees.

- Issues about noise from use of the outdoor play area for school events did not rise to the level of being objectionable. Further, the restrictions proffered by the school in the proposed order that it submitted to the BZA would help to ensure that noise levels would not become objectionable.[28]

- Any traffic to and from the Bike Shed would be pedestrian traffic, not vehicular traffic, and it would have minimal impact.[29]

- The impact on light and air would be minimal, given the substantial amount of open space on the site.[30]

- The proposed new construction would be less detrimental to the neighbors in terms of design and building massing than what could be developed on the subject property as a matter of right.

Following this discussion, Chairman Griffis asked the following question of the other Commissioners: "Okay, so is it my understanding that the Applicant has satisfied 205.5?"[31] [Exhibit A, Page 113, lines 13–15.] The transcript reveals that there was no contrary reply from any other Commissioner, so it is clear that the BZA had reached a unanimous consensus that the Applicant had satisfied the requirements of Section 205.5.

IV.
CONCLUSION

The substantial record in this case demonstrates that the Applicant has met the requirements of Section 205.5. This analysis is heavily supported by the Office of Planning's reports and testimony, and by the testimony of NCRC's architect and expert witness, Chuck Anthony. Further, NCRC has submitted to the BZA a proposed order that volunteers conditions to address any possible lingering concerns—for example, noise impacts or the use of NCRC's facilities for conferences—even if (as the Applicant believes) those concerns are not factually

[28] The conditions proffered by NCRC include an agreement to not use any sound amplification equipment on the playground.
[29] In fact, the adjacent landowner Badami has constructed a skateboard ramp along the shared property line, which creates more visual and noise impacts than either the current or proposed uses of the Bike Shed.
[30] Indeed, Chairman Griffis noted evidence showing that "over 80 percent" of the playground will remain after construction. (Exhibit A, Page 112, lines 13-15.)
[31] The transcript contains a typo, corrected here, referring to the regulation as "2005.5". See, p. 113 of Exhibit A at line 15.

supported by the record. NCRC thus has demonstrated that it meets the requirements of Section 205.5 and that the proposed new construction merits approval by the Board.

In conclusion, NCRC meets the requirements for a special exception under Section 205.5 of the Zoning Regulations and under the prior decisions of this Board in a number of cases that involve child development centers, including *Washington Hebrew Center*, *St. Columba's*, and *Barbara Allen Preschool.* NCRC also meets the legal test for the special exception as applied by the D.C. Court of Appeals. For all of these reasons, NCRC requests a prompt and favorable decision by the Board approving the proposed new construction, subject to the limitations contained in the Applicant's proposed order (which include an enrollment cap of 171 students and a staffing cap of 32 FTEs).

Respectfully submitted by,

Maureen Dwyer/PAT

Maureen Dwyer

Paul A. Tummonds, Jr.

SHAW PITTMAN, LLP
Counsel for the Applicant

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2004 a copy of the foregoing letter was hand-delivered to the following parties:

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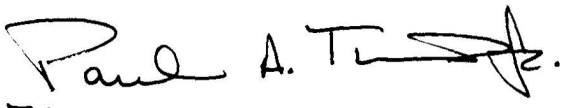
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FOR Maureen E. Dwyer

Document #: 1388643 v.2

does and if this were to be approved, would there be a finding of facts in 205.4 because -- does not apply because of the historic preservation issue? It was just somewhat confusing reviewing that.

MS. MONROE: do you want me to address that?

MEMBER ZAIDAIN: If you can.

MS. MONROE: I think your analysis is correct. I think the Board is interpreting 2100.5 as a waiver of parking for the entire site, so therefore you don't have to really look at 205.4 because it says "The Center shall provide sufficient off-street parking spaces to meet the reasonable needs" and they're exempted from that requirement.

MEMBER ZAIDAIN: All right, thank you.

MS. MONROE: And that's the interpretation of the Board of different regulation, so that's what would stand.

CHAIRMAN GRIFFIS: Right, I would agree. Any questions on that?

2005.5, objectional impacts due to noise, activity, etcetera. Would anyone like to pick that one up?

COMMISSIONER HOOD: Mr. Chairman, I think we have an exhibit 319 that was by Ms. Badami and one

of the concerns that came, I think it was block her light and her view. I don't know if I'm moving --

CHAIRMAN GRIFFIS: No, that's perfect.

COMMISSIONER HOOD: That was the only issue that I could recall and I'm still, I have her submission right here in front of me and I'm still wondering exactly what percentage and I think I may have asked that and maybe someone can recall for me the percentage of the view that was blocked. But she obviously, her testimony was that her kitchen window and her son's room would be blocked with that additional as proposed.

CHAIRMAN GRIFFIS: Yes, as I recall, it was more of the cellar and basement level windows that would be impacted, also the noise in terms of getting in and out of the maintenance shed. Also, specifically, Ms. Badami brought up the fact of the loss of trees, the potential loss of trees and that impact and soil erosion.

I think Mr. Little also brought up some of the impact of the Carriage House and how that would diminish his views from his property.

Deliberation on those?

MEMBER ZAIDAIN: Well, I think there were some issues raised to put it generally, some issues

raised by the opposition that I thought were of some concern including the outdoor party. I think we saw some information on that. It might have been a video. I don't recall. However, I do think in the application that was submitted to us and from the testimony of the architect, not regarding the party, he's not in charge of the parties, I don't think, but I was not swayed by the opposition that this would have a negative impact in terms of the design of the building and I think that the tree submittal I'll call it, I can't recall it in my mountain of paper here, allayed my fears about the tree concern. The party issue and the sound was somewhat of a concern, but I don't think it was raised to a level in my mind that it would become objectionable, what we could determine as being objectionable in the record. I just would remind NCRC and the concerned neighbors that there are noise ordinances in the District of Columbia and I do know that in the submitted conditions there was some restrictions provided by the Applicant, so if this case were decided in favor of the application, they've proffered some additional restrictions.

CHAIRMAN GRIFFIS: Right, I think it's an important point to bring up, all the ones that you

have. In fact, one, there's an existing shed there. One of the complaints was the amount of traffic coming to and from the pedestrian traffic or whatever, well, people walking to and from the shed.

I don't see that above and beyond what is actually or I don't find that to be that objectionable. I can't imagine that there are troops or marching bands going back to that shed.

The amount of open space of the entire light I think affords us the position that any sort of visual light and air impact is minimal at best. Not making comparisons, looking at the proposed siting, height massing of all the structures. It's still and the evidence is over 80 percent of open space. That's quite a substantial amount.

MEMBER ZAIDAIN: And just to cap off my point, I don't want to break your thought pattern there, but just to say when it comes to these types of designs and building massing and structural issues, I think we have to look at what can be built there, matter of right and I think this shows a less restrictive type of project and what could be developed there without any review of the Board. So I don't think that's the only analysis that should be applied. I think that's something that should be

weighed. I think something much more detrimental -- well, something that could be determined to be detrimental to the neighbors could be built matter of right in that zone and that's something we have to keep in mind.

CHAIRMAN GRIFFIS: Okay, and I absolutely agree that the noise is monitored elsewhere and I didn't find -- Mr. Hood, did you have further --

COMMISSIONER HOOD: I was thinking and I agree with Mr. Zaidain, what could actually go there as a matter of right, so I just want to make sure we raise the issue.

CHAIRMAN GRIFFIS: Okay, so is it my understanding that there is a consensus that the Applicant has satisfied 2005.5?

Then going on to 6. In terms of special treatment and design, actually, you touched on some of the landscape plan. I also looked at that. I think going into where or what we might try and redesign, I actually did some sketches last night. I think it also, I think the architect ought to be actually accommodated and that's probably not the word, but I need lunch, complimented on first of all, I thought the clarify of the elevations and the renderings was excellent in terms of relating one, to

what was proposed, the street scape elevations that were done, also put it into context and I think the diminished discussion on the architecture, I think, comes from the clarify that was presented to this and I think an important aspect of the addition to the main building which gets into a couple of other things, but I think overall to the special exception is the fact of how to reconfigure this large structure to become elevator accessible which obviously goes to handicapped accessibility, also to update and modernize it.

In terms of -- well, I think it can be reasonably said nor do I find any comments or discussion coming up that the Board would need to or require any sort of special treatment in terms of design unless others have differing opinions.

MEMBER ZAIDAIN: Just kind of following up on my previous statement, I was satisfied with what was offered by the Applicant and I found the testimony provided by the architect regarding kind of the design thought process and what the site, how the site will work once the design is complete should it be approved, satisfied my concerns.

CHAIRMAN GRIFFIS: Okay, thank you. And if there is nothing else on that, I think we go to