GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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TUESDAY

SEPTEMBER 5, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 1:00 p.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ANNE M. RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

KWASI HOLMAN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress	Director
Sheri Pruitt	Secretary, BZA
Beverly Bailey	Zoning Specialist
Paul Hart	Office of Zoning
John Nyarku	Zoning Specialist

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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(1:02 p.m.)

CHAIRPERSON REID: The hearing will please come to order. Good afternoon, ladies and gentlemen. This is the September 5th public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today is Anne Renshaw, and also representing the Zoning Commission is Mr. Kwasi Holman.

Copies of today's hearing agenda are available to you. They are located to my left near the door. All persons planning to testify either in favor or in opposition are to fill out two witness cards. These cards are located at each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

The order of procedure for special exception variance cases is: (1) statement and witnesses of the applicant; (2) government reports, including Office of Planning, Department of Public Works, etcetera; report of the Advisory Neighborhood Commission (ANC) or other reports; parties or persons in support; parties or persons in opposition; closing remarks by the applicant.

Cross-examination of witnesses is permitted by the applicant or parties. The ANC within which the property is located is automatically a party in the case.

The record will be closed at the conclusion of each case except for any materials specifically requested by the Board, and the staff will specify at the end of the hearing exactly what is expected.

Decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that persons present not engage members of the Board in conversation.

Please turn off all beepers and cell phones at this time so as not to disrupt these proceedings.

The Board will make every effort to conclude the public hearing as near as possible to six o'clock P.M. If the afternoon's cases are not completed at six o'clock P.M., the Board will assess whether it can complete the pending case or cases remaining on the agenda.

At this time, the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today, such as requests for postponement, continuance or withdrawal, or whether proper and adequate notice of the case has been given -- proper notice of the hearing has been given.

If you are not prepared to go forward with the case today or if you believe that the Board should not proceed, now is the time to raise such a matter.

Does staff have any preliminary matters?

MS. BAILEY: Members of the Board, good afternoon. My name is Beverly Bailey with the Office of Zoning. With me this afternoon is John Nyarku, Paul Hart, Sherry Pruitt, and Ms. Jerrilee Kress is the Director. And to our far left is Marie Sansone with the Office of Corporation Counsel.

We do have one preliminary matter, and that is the application of Jemals/Cary Carbarn. The application number is 16592.

Is there anyone in the audience who is here to discuss that case? Please, sir, would you sit? What is your matter?

MR. DePUY: Madam Chair, members of the Board, for the record I am Jacques DePuy, attorney with Greenstein DeLorme & Luchs, appearing for the applicant.

We filed a letter August 10 requesting a continuance in this matter. The grounds for that were that we had not had an opportunity to meet with the ANC, because of its schedule. In fact, the ANC meets tonight, and we are in the process of attempting to work out an agreement with the community and hope that the meeting tonight or subsequent meetings prior to the continued hearing will produce such an agreement.

For those reasons, we requested a continuance. The ANC has also filed a letter. That's Advisory Neighborhood Commission 2-E, dated August 2, requesting a continuance in the case.

CHAIRPERSON REID: Okay. I have no problem with the hearing -- I'm sorry. I have no problem with a continuance unless my colleagues object.

COMMISSIONER HOLMAN: No problem.

CHAIRPERSON REID: Then, Ms. Pruitt, when will be the date?

MS. KRESS: We have tentatively moved it to October 31, 2000.

CHAIRPERSON REID: All right. And the ANC also has concurred with the continuance as well. Hopefully, they -- Is anyone from the ANC here? Hopefully, that will be okay for them as well.

MS. KRESS: They have written a letter in the file.

CHAIRPERSON REID: But in regard to the subsequent date, their being able to -- their scheduling and being able to be here on that particular date as well.

MS. BAILEY: Madam Chair, we can call the ANC and make them aware of the new hearing date.

CHAIRPERSON REID: Okay. All right. Then if there is a problem, then, of course, we will just have to make changes accordingly. Do you want to make a motion?

BOARD MEMBER RENSHAW: Madam Chair, I move that we grant the postponement, the continuance requested, Case Number 16592, until October 31, 2000.

COMMISSIONER HOLMAN: Second.

CHAIRPERSON REID: All in favor?

MS. BAILEY: Staff will record the vote as three to zero to postpone application 16592 until October 31. Motion made by Ms. Renshaw, seconded by Mr. Holman, and approved by all three Board members, including Ms. Reid.

MR. DePUY: Thank you.

CHAIRPERSON REID: Thank you.

MS. BAILEY: The next matter of the afternoon is application Number 16592 of William M. Plante and Robin Smith --

CHAIRPERSON REID: 16591.

MS. BAILEY: 16591, excuse me -- pursuant to 11 DCMR 3104.1 for a special exception under Section 223 for an addition to the rear of an existing non-conforming single family dwelling in an R-3 District at premises 3034 Q Street, N.W. That's Square 1269, Lot 302.

All those wishing to testify, would you please stand to take the oath.

(Witnesses sworn.)

Please have a seat. Madam Chair, members of the Board, we did not receive any requests for party status with this application. We have checked the record, and all postings were done in a timely manner, and this application is ready for you to be heard.

CHAIRPERSON REID: Thank you very much, Ms. Bailey. Mr. Plante? How are you?

While you are doing that, I just wanted to say to you that we have read the record of the submissions for this particular case, and I don't think that there were any letters of opposition.

Is there anyone here that is in opposition to this case? Is there anyone here who is going to testify in support of the case? All right, it's just the two of you, Ms. Prince?

MS. PRINCE: Just the two of us.

CHAIRPERSON REID: Okay. Well, then you certainly may expedite, give us the filling-in points. It's a pretty clear-cut case. It's not very complicated, and we can proceed. We should be able to dispose of it relatively quickly.

MS. PRINCE: Thank you. Good afternoon, members of the Board. Allison Prince with Shaw, Pittman, after 15 years. I can't believe I didn't say Wilkes, Artis, and I'm here today on behalf of the property owners, Bill Plante and Robin Smith.

You really just need to hear Bill Plante talk. So let him talk today. You will recognize this familiar voice, as I did.

This application involves special exception approval pursuant to Section 223 to expand an existing semi-detached dwelling in the R-3 zone. This case is really very minor, especially when we consider that in the R-3 zone 60 percent lot occupancy is permitted for row dwellings.

The only reason we are here is because Mr. Plante's

house does not happen to be a row dwelling. If, in fact, there were no side yards, as is permitted in that zone, he would be permitted the 60 percent, and the 47 percent that's before you today would be a non-issue.

So he didn't want to fill in his side yard and create a row dwelling, and that's why we are here before you today.

Section 223 was created to address precisely this type of situation, to make it easier for homeowners to expand their houses, as long as certain tests are met; and the tests are very clearly laid out. Mr. Plante can go through them briefly, but the standards are simple.

It's an impact test, and visual impacts from adjacent rights of way and effect on light and air to abutting property owners.

The fact that this addition has been approved by the Old Georgetown Board, by ANC-2E and that all of the numerous neighbors that have been consulted express no opposition should show that there really is a lack of adverse impacts associated with the addition.

The addition will be located in the vicinity of an existing porch. So it really is a minor, minor change. There will remain an extremely deep rear yard with the property, well in excess of the 20 foot required in the zone.

With no further delay, I would ask Mr. Plante

simply to summarize his testimony so he can touch on the burden of proof, and we do not have the architect here today, but we are prepared to address any questions about the plans. Thank you.

MR. PLANTE: Madam Chair, members

MR. PLANTE: Madam Chair, members of the Commission, good afternoon. I'm pleased to have the opportunity to appear before you today.

I've been a resident of the District since '76, and my wife, Robin Smith, and I have lived in this house for the past 13 years. We love it very much, but we concluded that we needed a small addition on the rear. It basically replaces the footprint of an existing porch.

Even with the addition, the house far exceeds the rear yard requirements, as you heard from counsel, but it will increase very slightly the existing lot coverage, from approximately 42 to 47 percent, which triggers the need for a special exception.

The addition has received the approval of the Old Georgetown Board. ANC-2E is not opposed. They put it on their consent calendar at the August meeting, and we have made every effort, as you also heard, to contact our neighbors. We have letters of support in the submission which you have, no doubt, seen.

So based on the modest size of the addition and the approval of the Georgetown Board, the lack of opposition, I

believe that the application satisfies the standards set forth in 223.2 of the regulations.

The addition should not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, since the yard remains deeper than required, the side yards are unaffected, and our neighboring properties will not be adversely affected in terms of privacy or enjoyment, as evidenced by the fact that none of the neighbors objected.

The addition will not be visible from any public way and, therefore, should not intrude on the character, scale or pattern of houses along the street frontage.

For these reasons then, I urge your approval of this expedited application. Thank you very much.

CHAIRPERSON REID: Okay. Is that it?

MS. PRINCE: That concludes our presentation. If you have any questions, we would be happy to answer.

BOARD MEMBER RENSHAW: Madam Chair, since the attorney has put up a board, perhaps playing architect she would like to explain what's on the board.

MS. PRINCE: Plats are always helpful. In the prehearing statement at Tab A, there's a plat of the property that shows the existing footprint.

COMMISSIONER HOLMAN: Microphone.

MS. PRINCE: Excuse me. The plat of the property shows the existing footprint and the addition at the back of the

house. It's quite small when compared to the remainder of the house.

The eastern elevation here shows the break between the existing and the addition here. So it's a projecting bay with a lot of windows and a brick and wood treatment.

Beyond the addition, there will be a patio area, and that's the existing north elevation that, as we said, remains unchanged and the south elevation. Basically, the addition achieves a master sitting room on the second level and a breakfast area on the main level with a basement below.

Any questions?

CHAIRPERSON REID: My understanding was that in these cases where the minimum amount that you were talking about, like in this instance two percent, that it was just a matter of the Zoning Administrator signing off on it. I didn't think that you still had to come here.

MS. PRINCE: The Zoning Administrator has flexibility up to two percent. We are going from 42 percent lot occupancy to 47 percent. So we missed the two percent. We have a five percent increase.

CHAIRPERSON REID: Oh, okay. I still think that --

MS. PRINCE: We did meet with the Zoning Administrator.

CHAIRPERSON REID: Yes, I saw the letter. He signed off on it, but I still thought that -- Well, okay. The ANC has

not submitted a report. That's ANC-2E. So we assume that they had no problem, because if they had, they would have certainly let us know.

BOARD MEMBER RENSHAW: Madam Chair, it was part of their consent calendar, a letter dated August 4, 2000, by the Chair Peter Pulsifer of 2E saying --

CHAIRPERSON REID: To who?

BOARD MEMBER RENSHAW: To the members of the BZA concerning this case. It was Exhibit Number 24.

CHAIRPERSON REID: No, I'm sorry. I didn't -- I don't have it. I was saying we hadn't received anything from them.

BOARD MEMBER RENSHAW: And it just stated that at its August 1, 2000, regularly scheduled public meeting, duly noticed and all commissioners present, ANC-2E approved the project as part of its consent calendar.

CHAIRPERSON REID: Okay. Well, they certainly will be given the great weight to which they are entitled. Thank you very much, Ms. Renshaw. I'm sorry I didn't have that in my package.

No other government reports? There are no people here in opposition or in support. So, therefore, closing remarks by the applicant.

MS. PRINCE: We would greatly appreciate your expedited approval of the application. Thank you.

CHAIRPERSON REID: Board members, a motion?

COMMISSIONER HOLMAN: I move approval of Application Number 16591, application of William Plante and Robin Smith for a special exception under Section 223.

CHAIRPERSON REID: Second. All right. Any further discussion? All in favor? Opposed?

MS. BAILEY: Staff would record the vote as three to zero, motion made by Kwasi Holman, seconded by Ms. Reid, Ms. Renshaw to approve.

CHAIRPERSON REID: Okay, so you have a summary order, bench decision, and you should have it in about two weeks.

BOARD MEMBER RENSHAW: And just may I say that it's great to see a very favorite broadcaster in our midst. Bill Plante, thank you.

COMMISSIONER HOLMAN: Indeed.

CHAIRPERSON REID: So, Ms. Prince, is your new law firm indicative of the fact that you now get your cases through in like a matter of a couple of minutes? Is that what we can expect from you now?

MS. PRINCE: I wish.

MS. BAILEY: Madam Chair, the next two matters -- there is a preliminary discussion prior to me calling the case. Mr. Moore, would you like to address that at this point prior to me calling the case? That is concerning the Board hearing both

applications simultaneously.

CHAIRPERSON REID: Ms. Bailey, I'd like for you to go ahead and call the case, and then we will address the preliminary issue or preliminary matter.

MS. BAILEY: Sure. Should I call both of them or just the first one?

CHAIRPERSON REID: Well, you can call --

MS. KRESS: Call the first one.

CHAIRPERSON REID: Yes, call the first one, and you can also just give the case number for the second.

MS. BAILEY: Okay. Application 1693 of St. Luke's Episcopal Church, pursuant to 11 DCMR 3104.1 for a special exception under Section 214 to reestablish and operate an accessory parking lot of 30 parking spaces in an R-5-B District at premises 1514-1520 Church Street, N.W. That's Square 194, Lot 819.

All those wishing to testify, would you please stand to take the oath? Please raise your right hand. Do you swear to tell the truth? Please say I do. You may be seated.

(Witnesses sworn.)

MR. MOORE: Good afternoon, Madam Chairperson, members of the Board. I'm Jerry A. Moore III, law firm of Arter & Hadden, appearing today on behalf of the applicant in cases Number 16593 and 16594.

Madam Chair, I would move the Board to consolidate

these two cases for purposes of public hearing today. They have been historically considered as one case. They are in common ownership, and the relief is very similar. Hearing them in tandem would be duplicative and not worth the Board's time. So we would move the Board to hear both cases at once.

CHAIRPERSON REID: Okay. Hear both cases at once but rule on them separately?

MR. MOORE: Yes.

MS. KRESS: I believe they have been established as two cases, and I would recommend to the Board that they remain two separate cases, and the decisions remain separate, but that hearing them at the same time, I think, could work quite well.

CHAIRPERSON REID: So you're asking us to make the motion to hear them together?

MS. KRESS: I don't think you need to make the motion. I think you can probably hear them at the same time.

CHAIRPERSON REID: Just do it by consensus? Okay. Fine. We'll do so. Thank you.

MR. MOORE: Thank you. Madam Chair, there are two applications before the Board. Application Number 16593 seeks a special exception under Section 214 of the zoning regulations to reestablish and operate an accessory parking lot consisting of 30 parking spaces in an R-5-B zoned district at the vacant property that the church owns at 1514 through 1520 Church Street, N.W.

Similarly, in application Number 16594 a special

exception is sought under Section 214 of the zoning regulations to continue an accessory parking lot use consisting of 38 parking spaces in an R-5-B District at 1505 P Street, N.W.

As the evidence of record and the sworn testimony that will be offered today will show, these lots have a long history of accessory parking and parking lot uses.

For that reason, both of the lots meet the requirements of Chapter 23 of the zoning regulations that pertain to construction and design. Hence, what is essentially at issue today is whether the P Street lot should be continued to be used for accessory parking purposes and whether the Church Street lot merits reopening for accessory parking purposes.

For the reasons that will be presented, which I believe to be good, practical and sufficient, the church seeks also to offer the P Street lot to accommodate the overflow parking needs of nonprofit institutions in the area such as the Studio Theater, the Jewish Community Center, the Carnegie Institution and the Foundry Methodist Church, among others.

These accommodations, which are sought by the institutions themselves, will be made by the church when the church does not require the P Street lot for its own accessory parking purposes.

The message here is that there is a significant competition for parking spaces among area residents and the nonprofit institutions, a daily rivalry which can substantially be

relieved by the supervised use of the P Street parking facility at times when the lot would otherwise lay fallow.

The Church Street lot will be used for accessory parking for the church only. In addition to the practical considerations of finding parking for church and other nonprofit uses in this downtown Washington neighborhood, the proposed accessory parking uses are also consistent with the District of Columbia comprehensive plan's generalized land use maps and the underlying R-5-B zone districts which are mapped over the entire square -- much of the square and much of the neighborhood.

As you know, an accessory parking use is permitted in the R-5 district with a special exception approval of this Board. Our case today consists of five themes which, together, we offer as sufficient bases to merit the approval of the special exception zoning relief that is requested.

First, the proposed uses are consistent with the uses to which the properties have been put since 1959.

Second, the proposed uses are consistent with the zoning regulations and the comprehensive plan.

Third, the proposed uses offer relief which is both practical and essential to the operation of St. Luke's Church, the operation of nearby nonprofit institutions, and to the convenience of neighborhood residents for whom off-street parking is an insistent and a persistent problem.

Fourth, the approval of these uses will not

adversely affect the neighborhood properties because of noise or traffic.

Fifth, being mindful of the previous zoning history of the sites, the church, the new leadership of the church has committed itself not only to maintaining the lots as the Board will direct, but also to establish and maintain a cooperative relationship with its residential neighbors and with the organizations that support -- represent them.

We are hopeful that your decision today will be made easier by the detailed land use and planning discussions that have already been submitted. The written case will be supplemented and highlighted by the testimony that you will hear and see this afternoon.

We have endeavored to organize our presenters in a logical and efficient manner. First, Reverend Virginia Brown-Nolan, the new pastor of St. Luke's Protestant Episcopal Church will speak to the history of the church and its parking uses and to her stewardship and management over the church properties.

Second, Mrs. Ruby Van Croft, the new senior warden at the church, will speak to the proposed operation of both parking lots and to the community relations and participation program and efforts that she has initiated.

We trust that you will find out evidence to be substantial, efficiently presented, and persuasive. First, I will call on Reverend Brown-Nolan to testify. Reverend Brown-Nolan.

Ma'am, would you give your name to the record -- for the record, please.

REV. BROWN-NOLAN: The Reverend Virginia Brown-Nolan.

MR. MOORE: And are you employed, ma'am?

REV. BROWN-NOLAN: Yes, I am.

MR. MOORE: How are you employed, please?

REV. BROWN-NOLAN: I am the pastor of St. Luke's Episcopal Church.

MR. MOORE: Are you familiar with the applications that are now before the Board?

REV. BROWN-NOLAN: Yes, I am.

MR. MOORE: Have you prepared testimony in that regard?

REV. BROWN-NOLAN: Yes, I have.

MR. MOORE: Would you give it, please?

REV. BROWN-NOLAN: Madam Chair, other commissioners, members of the BZA, St. Luke's was established as a separate congregation in 1873, separate congregation in our denomination meant without geographic boundaries. It was established as the first black Episcopal church in this area and established because blacks were not welcome to worship in the white congregations in the Washington area.

Our congregation has always been metropolitan in its residents. I would say about a third of our congregation,

maybe a little bit more than that, live in Washington, D.C., about a third in Maryland, about a third in Virginia.

During the Fifties, as some of the housing around the church itself deteriorated, the rector and vestry at that time began purchasing properties as they became available, recognizing the need for expansion of a congregation which was active and growing in the Fifties.

That consolidation was completed toward the end of the Fifties, and plans were drawn up to begin expansion. With the change of leadership, there was delay on that, and the need for parking, because our members come from all over the Washington metropolitan area, the lots were consolidated and made into parking space available for the church.

I do understand that in the past there has been difficulty with the community about the upkeep of the parking lots as well as the lack of follow-through on the plans which were developed early in the Fifties for the property on what would now be the P Street lot.

I have been at St. Luke's 18 months and am committed, having grown up in the neighborhood at 16th and T Street and my family lived there for 15 years or so, and now that I am back in the area and back at the church still have a fondness for the community, am committed to the welfare of the community. The church has been there 127 years, has been involved more or less at different periods during its history, but I believe can

make a -- continue to be an asset presence in the community.

We are currently working on extending our outreach into the neighborhood, both in welcoming the newer residents to the church community as well as doing outreach to the neighbors in need in the little bit wider geographic distribution.

One of the things that members of the congregation can assure you that I have been very concerned that we be good neighbors, that we reach out and be a vital presence in the community, that I have challenged them continuously, asking what is God's purpose for us in this time, in this place, in this geographic community.

The church is growing. During the past year, we have been steadily getting newer, younger families. We continue to have a number of senior members who travel from distances to come to worship on Sunday mornings and activities during the course of the week. So the need for parking is pressing for us.

We have only been able to use the P Street parking lot. It is full on Sundays. We are double parked on 15th Street. Sometimes people are walking from as far as two or three blocks away to come to worship services after they have parked their cars.

So it would be a great help to us to be able to use both lots for church use, for worship services, for funerals and weddings which have a greater need for parking. We are overflowing the use now for the Sunday usage, just using the P

Street lot.

It would certainly facilitate. We have been aware of difficulties from members. Residents in the community have come to us and found that their cars are blocked in, because of the double parking on 15th Street during worship time services. So we would like to alleviate that.

Also we have had -- Since I have been there, at least once a week one of the neighborhood communities -- one of the neighboring organizations have come in, asking for use of the lot. We have, for the most part, had to say that we were unable to accommodate them on a one-time basis or a two-time basis for their use. Some of those organizations have already been listed by Mr. Moore.

So we would be appreciative of your consideration, being able to use the lots, and we are committed -- I am committed. We have done some considerable upgrading on the properties of the church in the last 18 months, and are committed to continue to do that. Thank you very much for your consideration.

MR. MOORE: Madam Chair, I will offer this witness for any questions that you may have as to the church and to the management of the church.

CHAIRPERSON REID: Ms. Renshaw?

BOARD MEMBER RENSHAW: Yes. I would like to ask the number in the congregation.

REV. BROWN-NOLAN: We have 600 on our mailing list, and I would say on a Sunday we average anywhere from 225 to 400.

BOARD MEMBER RENSHAW: All right. And we're talking here about 68 parking spaces versus 225 to 400 people who come on a Sunday. So where do the remainder park?

REV. BROWN-NOLAN: Some have been using Duron Paint Store's parking lot, which is across the street, which probably can accommodate maybe ten or 12. They have allowed us to use that, and other residents in the community when they are not open.

Then we have been double parking, and we have -- We try to carpool a lot. We have -- A number of our seniors are picked up by other members of the congregation.

BOARD MEMBER RENSHAW: So you double park on 15th Street?

REV. BROWN-NOLAN: Yes, between P and Church Street in front of the church.

BOARD MEMBER RENSHAW: All right. You said that you have been at the church for 18 months?

REV. BROWN-NOLAN: I have.

BOARD MEMBER RENSHAW: In 18 months, what have you done to clean up the problems that the neighbors had collected and given to the Board?

REV. BROWN-NOLAN: The landscaping that the Zoning Board had requested at the last hearing of five percent has been completed. There are fir trees. Twenty fir trees have been

planted on the P Street side and the Church Street side, with landscaping boxes around them.

There has been landscaping on the front of the church as well during that time. We have had -- We are in the process of getting a regular landscaping company. The one that has done the work that has been completed, for us to sign a contract with them for regular maintenance of the landscaping.

We are also having members -- some members of the congregation and our regular cleaning service to pick up trash on the lot, and I do every day that I come. I have my little bag, go around and pick up.

MR. MOORE: That's God's work. Other questions of this witness, members of the Board?

CHAIRPERSON REID: Mr. Holman, do you have any questions?

COMMISSIONER HOLMAN: I just wanted to know how you would characterize your relationship with your neighbors, and did I hear you correctly to say that you don't currently have a current maintenance contract with any company?

REV. BROWN-NOLAN: We do, for the cleaning. They have signed it while I was on vacation last week, but we have certainly talked with a landscaping company that has been out a couple of times to work on the landscaping. They are the ones that put in the trees for us. I don't know if that was completed while I was on vacation.

COMMISSIONER HOLMAN: And what about your relationships with your neighbors?

REV. BROWN-NOLAN: I think there is some improvement. It's not where we would like it to be, but certainly we have invited neighbors in to talk about the issues related to the parking lot twice during the last four months.

We have made a commitment and have -- I believe Ms. Van Croft may speak to it -- about establishing a community relations liaison group that would meet probably quarterly during the year to talk about issues and concerns regarding the parking lot.

We have planned this fall a St. Luke's weekend for our paternal festival where we will be sending letters to our neighbors inviting them to come participate, get to know us better.

So we have invited them in. I know that there have been concerns that haven't been addressed. I think we've been much more conscientious during the last year to hear what those are and to act on them.

We offered some things at the two community meetings in terms of what we were preparing ourselves to do that were not part of the requirements that the BZA had given us last time, but which responded to the concerns of the neighbors, such as returning to green space the asphalt on the P Street side between the parking lot and the sidewalk, and we hope to do some

other things that would accommodate.

COMMISSIONER HOLMAN: So you feel that you are basically in conformity with the previous BZA orders that apply to your property?

REV. BROWN-NOLAN: Yes.

COMMISSIONER HOLMAN: Thank you.

CHAIRPERSON REID: Okay. My question is in regard to -- Let's see. You had two lots. Then one lot was used as a commercial lot.

REV. BROWN-NOLAN: Yes.

CHAIRPERSON REID: That was one of the reasons why it was turned down before. So now you are desirous of having the lot be used as an accessory parking lot, period.

REV. BROWN-NOLAN: We are not -- We have no plans for returning it to commercial use at all.

CHAIRPERSON REID: All right.

MR. MOORE: Actually, Ms. Reid, as a matter of law commercial use would require us to file under a different provision of the zoning regulations. It would then be a parking lot, which is different from an accessory parking here.

CHAIRPERSON REID: I understand that, but that was not the situation before. This is why -- That's the reason why you are back here today, because that was not perhaps as clear as it should have been to the church when you came here in 1997, I think it was, and the fact that it had been -- although it was not

supposed to have been, it had been used as a commercial parking lot. That's where you got in trouble.

I just wanted to make sure that we are very clear this time as to what, in fact, we're supposed to do with this lot. Thank you. Next witness?

MR. MOORE: Yes. Thank you, Rev. Brown-Nolan. I call on Ms. Ruby Van Croft, please.

Ma'am, would you identify yourself for the record, and your affiliation with the church and present the testimony that you prepared today, please.

MS. VAN CROFT: I am Ruby Van Croft, and I'm senior warden of St. Luke's Episcopal Church.

I am to speak in terms of how we are going to handle the parking lot, and also our relationship as we have with the community. I've been a member of St. Luke's Church since 1954, and I've been active in the church since that time.

We are appreciative of having this time to speak with you. As had been stated previously, we are asking that we have both lots available for parking for the church and for the community, and there are no plans at all for us to use it in any way as a parking lot or for commuter parking in any way.

As Ms. Reid had indicated, this had been a problem in the past over the last, I guess, 30 years that that happened, that we did use it for that in that period of time.

What we are looking for, as has been noted, is how

can we use this for the church's use in terms of its various activities. The parking lots are an integral part of the church, with one lot directly behind and one to the side of the church.

What we are looking is saying that daily the lots would be open from 8:30 usually, and many times it's open up until 10:00, 10:30 at night, depending on what meetings are there at the church and also during the workday.

What we have also looked at is that the possibility of some community organizations using the lot, if it is permitted by the BZA. If they are using it, then there are -- would be plans set up of how they would use it, be responsible for monitoring it while they have use of the lot, and also to make sure that it is kept clean and proper uses made of that lot.

Also the other thing is the maintenance. What we are looking at is having, as the Reverend Nolan had indicated, a contract for maintenance that would be coming and taking care of the lawn, the trees, pruning back as necessary, taking care of the necessary growth that is around the church.

As you know, with the rains of the last couple of weeks or so, they grow pretty rapidly. The church members, as Reverend Nolan had indicated, also are involved in trying to keep the lots clean and straight.

The lot on P Street -- there had been a request that we had looked at the green space there, which we had considered and decided that the space that's on P Street between

the lot itself and the sidewalk, which is now asphalt, would be taken up and would be re-sodded and taken care of, as the rest of the property around the church.

The other areas that we are looking at is to work with the residents that are within the area. They have asked about parking there and how we could help to maintain that.

We are not quite sure how that will be done, because if we have it open for the residents, we really would prefer it be used for the residents within the area rather than persons coming from out of town and elsewhere.

So this is something we will need to look at and plan. One of the ways we thought we could do that is the use of the Church Liaison Committee. I have about eight or ten people who are interested. We had attempted to have one meeting in July, but because of work schedules and vacations we have not been able to do so.

So we having another meeting being set up, hopefully, toward the middle, toward the end of September, so that we can look at not only the parking situation but also other concerns that the neighbors may have.

We have had two meetings for the community that talked about the parking lot, and several persons had asked that we would continue to send to them letters or memos that update them on what we have been having. So I have, as we had several times sent out information to all of the persons that we had

received their names and addresses that live within proximity of the church, to keep them informed of what we are doing.

As Reverend Nolan said, we are looking at trying to also keep them informed of the various activities at church so that they are available to come, and also to use our building more extensively in terms of meetings.

We do have several groups that come. One is particularly the bridge group that comes weekly at Wednesday that uses it in the evening. So we are trying to look at how we can be more attuned to what's happening in the neighborhood, but at the same time how we as a church and as a Christian community can do more outreach to help other persons as they are -- as the need becomes apparent.

We will also be very careful about how we post signs around so that the neighbors and the community know exactly the times that the church will be using it, and then also if we have usage by organizations, to have advance notices put up so that the neighbors would know about that.

Along with the signs and along with other areas, we will work with keeping them informed of how to use the lot. When we are having weddings, funerals and those other areas, notices up in sufficient time so that there is no problem in terms of the usage at that time.

So, basically, that is where we are in reference to the lot and what we are planing to do.

CHAIRPERSON REID: Okay, thank you very much. Questions?

BOARD MEMBER RENSHAW: Do you have existing agreements with these nonprofit organizations? Do you have a laundry list of organizations that you will, if these lots are approved, deal with?

MS. VAN CROFT: We do not have any agreements, because we did not know how we would proceed with that at that point. We have had requests from the Studio, Carnegie, Foundry, the Jewish, and also the World Politics Organization. Those are the ones principally at this point in time who have requested use of the lot.

BOARD MEMBER RENSHAW: Now if they request use of the lot, are they paying you for use of the lot?

MS. VAN CROFT: No.

BOARD MEMBER RENSHAW: So what is the liability here?

MS. VAN CROFT: Well, we are asking that they have someone who is present, that they must themselves hire who would be there all the time that the lot is being used and to monitor.

The liability -- I'm not sure yet. That was one thing that we were talking with our lawyer about in terms of that, if there is the possibility of them using the lot.

BOARD MEMBER RENSHAW: When you say that there will be someone from these organizations on hand in the parking lots or

parking lot, depending on which one it is, does that mean that there is going to be some king of valet parking where you stack more cars in there than the striped area allows?

MS. VAN CROFT: No. Our understanding is that they would use what is available as striped, and the only lot that we were looking at using for organizations was the P Street lot and not the lot behind the church.

MR. MOORE: Thank you, Mrs. Van Croft.

Madam Chairperson, I would be remiss if I didn't call attention to the number of church members who are here today in support of the application. I believe most of the people in the room are here in support.

CHAIRPERSON REID: All right. Is anyone here who is going to testify in opposition? One? And everyone else here is in support? Okay, thank you.

MR. MOORE: Thank you. I would like to reserve a few minutes at the end of the presentation, please.

CHAIRPERSON REID: Sure.

MR. MOORE: Thank you.

CHAIRPERSON REID: The ANC report?

BOARD MEMBER RENSHAW: Madam Chair, we have an indication that there has been support, the applicant's statement on page 16, but we do not have an official letter as of August 20. I would ask staff, did we receive an official letter from the ANC 2B?

CHAIRPERSON REID: Yes? Is there a representative from ANC here? Well, come forward, please.

BOARD MEMBER RENSHAW: Yes.

CHAIRPERSON REID: I just asked for the ANC report. I didn't know anyone was here. So we would be delighted if you would give us a report, sir.

MS. KRESS: This was FAX'ed to you. That's why you maybe didn't receive it. It was FAX'ed, because it was received late by staff. I don't mean late. I mean late for the packages. Excuse me.

MR. JACKSON: Good afternoon, members of the Board. My name is Don Jackson. I represent 2B-04, the single member district where the church properties are located.

Does everyone have the letter or a copy of it now?

MS. KRESS: We are making copies. They will have them, if they don't have them.

MR. JACKSON: Okay.

CHAIRPERSON REID: You can go ahead and give us the salient points of the letter.

MR. JACKSON: Okay. ANC-2B met on August 9th and discussed this issue. Members of the ANC had been at the two community meetings the church held, and the church had been to our ANC meetings previously to give us updates on what they were planning and improvements made to the property.

I was part of the hearings back in 1997 as well.

So I did have a history with these cases.

In 1997 ANC-2B had the unfortunate situation of opposing the properties because, as was previously stated, they were using them improperly as commercial parking lots as well as their own accessory parking.

The final decision at that time was they could only use P Street for their own accessory uses, and not use the Church Street property at all. Over the two years, we have noticed -- A number of Commissioners commented to me at various times, they had gone by and looked at the properties, and they had noticed that they had indeed been improved and meet most of the requirements from the last order.

Since the last hearing in 1997, as we've stated before, the previous hearing on a similar matter, the Dupont Circle area where these properties are located has been declared a parking crisis within the city, and the Mayor required a task force to be organized to look at parking solutions for both residents and other organizations as well.

In our deliberation of the matters on August 9th, we tried to take all of these considerations into one motion that would try and resolve as many of the issues as possible.

So ANC-2B did support the accessory use of both parking lots with some conditions. On the P Street side, we did -- as the church offered, we accepted their offer and encouraged it to remove the asphalt that is between the common building line on

P Street and the sidewalk and return it to green space.

We did also request that the existing attendant shed which goes back to the commercial usage be removed, that a pay phone that's there right next to the driveways be moved to the corner of 15th Street. There is a little bit of a need for pay phones there, but we don't want to encourage people to drive and park in public space to use it.

We recognize the need for both neighbors and other organizations to use the parking lots. So with the P Street side we requested that, when the church is not using it, that the P Street entrance, the main entrance, be blocked off and that just alley access be made available to residents nearby.

In the previous hearings in 1997, one of the issues that was discussed, and which I believe is a matter for this Board to decide today, is whether the definition of accessory parking applies to the use of other organizations.

When we read the law, it said that the organizations had to be within basically the street boundaries where the parking lots reside, and there are only two organizations that meet that qualification.

The first one would be the Coalition of Hispanic Health Services, which was before you a few months ago to add onto their building, and the other is the National Association for the Education of Young Children.

All other organizations that have approached them -

- people have to cross a public street to get to it. So because of that and because there was some neighborhood opposition to regular organized use of the lots by these organizations, we decided not to endorse that option and to simply have the accessory use for the church and neighbors who realize that the lot is open and use it when it is not in use by the church.

That was the main point on the P Street property.

On the Church Street property, we did endorse church use only on that side. The Church Street neighbors were the ones who were the most opposed to the renewal and who had the strongest complaints in the past.

So we did ask that the current entrance on Church Street be blocked off permanently, that the landscaping that's not across that entrance be continued there, and that the curbs and sidewalks be replaced, primarily because the parking services people.

Even if there are not signs there saying you can't park in front of that driveway, they still issue tickets because of the driveway there. So people have to fight tickets that they shouldn't. So we ask for that reason that the curb and sidewalks be restored.

CHAIRPERSON REID: People have to do what? I'm sorry. What was the last thing you said?

MR. JACKSON: We ask that the driveway be restored to a sidewalk with proper curbs at the driveway.

CHAIRPERSON REID: You discussed that with the church? Who were you talking to when you --

MR. JACKSON: This was a decision made amongst the Commissioners at the meeting after hearing the neighborhood responses.

CHAIRPERSON REID: Okay, but you have not discussed that with the --

MR. JACKSON: We did not have a chance before our meeting to discuss that with the church, no.

CHAIRPERSON REID: All right.

MR. JACKSON: ANC-2B was very appreciative of the church's officer to have the community relations committee that would meet all year long at several intervals. We do feel that would be a plus for us, and would help prevent some of the problems in the past from recurring.

I think that some of the opposition that is still here today is a result of the fact that during the last hearing, a 30-year history was put together, and probably only one or two of those renewals during that 30-year time were not opposed by the neighborhood. So there are some feelings we have to overcome, and show that the church can indeed follow through on its commitments.

So I think that the resolution passed by the ANC is a phased-in approach that does not give full use right now, but allows them to use the lots more than they are, and at a later date, if things are going well, then we can look at more uses at

that time.

At that point, that concludes my offerings.

CHAIRPERSON REID: That's your conclusion?

MR. JACKSON: Yes.

CHAIRPERSON REID: Okay. Any questions of Mr. Jackson?

BOARD MEMBER RENSHAW: Mr. Jackson --

CHAIRPERSON REID: Oh, I see. You are a single member district commissioner representing ANC.

MR. JACKSON: Yes.

CHAIRPERSON REID: Okay, I see now.

BOARD MEMBER RENSHAW: Yes, it states in the ANC's letter that Mr. Jackson would be presenting the ANC's positions.

Mr. Jackson, just for the record, would you state the vote?

MR. JACKSON: Unanimous for both resolutions.

BOARD MEMBER RENSHAW: So seven commissioners?

MR. JACKSON: Yes.

BOARD MEMBER RENSHAW: And that was meeting of August 9, 2000?

MR. JACKSON: Yes.

BOARD MEMBER RENSHAW: At your meeting was there any opposition, any members of the community opposed?

MR. JACKSON: Yes. There were several members at our meeting.

BOARD MEMBER RENSHAW: And several members of the church or any members of the church?

MR. JACKSON: A number of members of the church were there, yes, and there were some neighbors in support of the accessory use as well. I would say the neighborhood this time is divided. I can't say what percentage on each side, but I do get calls on both sides of the issue.

BOARD MEMBER RENSHAW: Are you aware if there have been any criminal activity in those lots?

MR. JACKSON: Not since the last hearing, because they have to keep them chained when they are not -- when there is not an activity in the church buildings. So the lots have been -- are empty outside church hours.

If you recall, back in February this Board approved a use for the National Association for the Education of Young Children. They have a parking lot that adjoins this property on Church Street, and their lot is left open. So far since February, there have been no problems there that I'm aware of.

CHAIRPERSON REID: Is that all, Ms. Renshaw? Thank you very much, Mr. Jackson.

There are no other government reports? Okay. How many people intend to testify in support? All right. Then the one person in opposition, please come forward. Two people in opposition? Okay, I will note for the record that we do have a room full of people, I guess, who are here in support, and I guess

by your presence are in support. Nonetheless, no one else is going to be testifying in support, and we do have letters of support in the record as well.

We don't have any parties. Right? Okay, so how long is your testimony?

MR. HOPP: Just a few minutes.

CHAIRPERSON REID: Okay, go ahead.

MR. HOPP: Good afternoon. My name is Jeff Hopp. I live in the 1500 block of Church Street, N.W., directly opposite the Church Street parking lot that's being talked about today.

I agree with Reverend Brown-Nolan that there certainly have been some improvements in relationships between the church and the community lately. There have been some improvements made to the parking lots. However, as I think you probably all have photographs and such up there that were submitted, you will see that although the leadership has changed for 18 months, the fact of the matter is that the front of the building is maintained very well, and the surrounding property --

CHAIRPERSON REID: Did you give your name? I'm sorry. Did you give your name?

MR. HOPP: Yes, ma'am.

CHAIRPERSON REID: I'm sorry. I was talking. Go ahead. Oh, you are the one who submitted this package?

MR. HOPP: Yes, ma'am. Anyway, the front of the building, the 15th Street side, is maintained very well. It's a

beautiful building. It's the cornerstone of 1876. It's absolutely gorgeous. But the surrounding property that we look at seven days a week, 365 days a year as homeowners and residents of this particular street is simply not maintained on a regular basis, and we look forward to a landscaping contract. But we had hoped that it would have been done by now, being that the new leadership has been in place for 18 months.

Again, the Leyland cypresses were planted, but as you can see from the photographs, the weeds, you know, grow up three or four feet high around the trees, which would indicate they are simply not maintained on a regular basis.

The fine folks from St. Luke's here to support the parking lot certainly wouldn't want that in their neighborhood either. Where they live, they wouldn't want to have to see weeds and a property owner who doesn't maintain the balance -- the majority of their property.

As far as the Church Street lot goes, which is the first application, there is a large gap where there is no screening, where there was a driveway, and the Department of Parking Services changed the signs to allow an additional two on-street parking spaces in front of what was the driveway.

As Mr. Jackson had stated, because it still looks like a driveway, neighbors are still getting tickets parking there, and you will see the photographs also, the NAEYC again Don referred to a minute ago that the case this Board heard earlier

this year -- you know, they took the steps of removing the driveway and planting screening completely across the opening, and the signs were changed there as well.

Ms. Reid, if I could clarify something you stated earlier, back in 1997 it was determined that the lots were being used as commercial parking lots, both lots, not just the P Street lot. I think there was some confusion there, and there are about 150 cars being jigsaw puzzled in every single day, five days a week, making access impossible and causing quite a load of extra traffic and such on the neighborhood.

We strongly feel -- I personally and the folks who couldn't be here today -- that to allow either one of the lots to be used for institutional use in the neighborhood, be it the Carnegie Institute, the Jewish Community Center, etcetera, falls outside of the accessory parking lot regulations, as you obviously are experts on that.

Section 214.3 states that accessory parking spaces shall be located in their entirety within 200 feet of the area to which they are accessory, and 214.4 states that accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

Clearly, all of those organizations fall outside of that definition. To allow it to happen by order or exception to this will, we believe, only lead to another commercial parking situation, valet parked cars, extra traffic, extra noise, extra,

you know, people and potential for crime, etcetera.

So although I understand, certainly, the church has a need for parking, and I'm not opposed to them having parking, it's these other issues that have to be addressed.

I think also something that needs to be stated is there is some -- I don't know how to word it exactly, but the gentleman came up to a neighbor and said, you know, why are you opposed to the church. It has to be clarified that we're not opposed to the church, any member of the church. It's been there for 125 years. I hope it thrives for another 125 years, but the actions are only against these eyesores of parking lots that certainly could be a lot better.

I believe Mr. Jackson stated also that the ANC voted not to support any institutional use. Let's see. There were a couple of other issues.

As far as -- We don't believe that this process should be a permanent zoning change for this land. Remember, this is residentially zoned land, and there used to be houses, and they were bulldozed at one point in time and left us with these big gaping parking lots.

Parking in the neighborhood has become tight. Members do double park, as they stated, but they double parked before they had both lots also. So I mean, I don't really believe that should be an issue. The double parking occurred, and the Duron Paint Store has about probably 30 parking spaces, not ten,

that are available for the neighborhood to use. They closed an alley to build the store, and they let anybody use it.

So I just hope that the maintenance is addressed, and the additional screening. There is no screening provided at all along the 15th Street side of the P Street lot. That's something that could be addressed as well. So if you have any questions --

CHAIRPERSON REID: Thank you. In regard to the issue you raised that you don't feel that either one of those parking lots are qualified to be considered parking lots under the existing regulations 214.3 and .4 --

MR. HOPP: Yes, ma'am?

CHAIRPERSON REID: -- in the previous order it states that the applicant stated that the 76 accessory parking spaces are located in their entirety within 200 feet. You're saying it's not within 200 feet.

MR. HOPP: No, they are. Yes, ma'am. They are to the church. For them to be accessory to the church is fine, but to allow the Studio Theater, which is an entire block away on 14th Street in a different ZIP Code, to use the spaces for their use, institutional use --

CHAIRPERSON REID: Oh, you mean you're referring to the nonprofit use?

MR HOPP: Yes, ma'am. Yes, ma'am.

CHAIRPERSON REID: And that's the only thing you

were referring to? As far as for the church use itself --

MR. HOPP: That perfectly falls within the 200 feet, etcetera. Yes, ma'am.

CHAIRPERSON REID: Okay. Another question: You live where?

MR. HOPP: 1507 Church.

CHAIRPERSON REID: How long have you lived there?

MR. HOPP: Six years.

CHAIRPERSON REID: Thank you. Next, please.

MR. GUILLORY: Hello. My name is Wade Guillory. I live at 1501 Church Street, and my issues are a little different than Mr. Hopp's.

I would like to let the Board know, since I've lived there 14 years -- let the Board know that in the last application we did have issues with, I guess, the management of St. Luke's, the applicant, and I want to go on record.

I felt it important to come down to the Board and participate in a civic duty as a resident of the District, to clarify that it has been very nice to work with the new board and Reverend Nolan, and especially Warden Van Croft -- I want to say Barcroft; I'm sorry, it's Van Croft.

I recognize the need for parking for St. Luke's, and I have no opposition to the application for P Street. For Church Street, I just wanted to hear what St. Luke's was proposing and to rehear what the ANC had proposed.

Having heard that, I am in support of the ANC decision. It took a lot of effort on both the church, the community and the ANC to broker a meeting place.

I guess what I'm opposed to or quasi-opposed on the Church Street application, if we could -- I believe they were asking for five years. I didn't hear that earlier, but it's generally asked for five years. In light of these new negotiations between the church and the community, which seem to be progressing very well and, hopefully, will continue, if the Board could possibly see fit to compromise on a five-year and give us maybe two and a half years or so to continue to work with the church on the Church Street application.

That gives us time to build stronger bonds and remove a skepticism or communication errors that have occurred from the last application in '97. I guess that's what I was here to bring my issue to the table, was that if the Board does approve Church Street, that they consider something less than a full five years to give us time to continue our good works and possibly, if we are up here three years from now for Church Street, we may all be on the same page.

I wanted to bring that out to the Board, and also commend St. Luke's for their efforts in the community these last -- during 2000 and '99 to work with us, and I wanted to get that clear to the community, because it's been wonderful working with you on this.

Unless you have any questions -- I wasn't sure what the application period was.

CHAIRPERSON REID: I do. Thank you, Mr. Hopp. I'm just trying to get clear as to -- Did you say you were in quasi-opposition?

MR. GUILLORY: Well, I'm not opposed to both applications, and --

CHAIRPERSON REID: So not cutting you off, you have no problem with one. The only things you have a problem with is Church Street? So you're saying that you would like to see the P Street for the five years, and Church Street for two and a half?

MR. GUILLORY: Well, as a resident my issue was the -- I guess if we could -- We've mingled the discussion, but the application -- my issues are to the Church Street. I leave to the ANC and Mr. Hopp the P Street application.

CHAIRPERSON REID: Okay. Now what specifically was it about Church Street that gave you pause as to being able to -- gives you pause as far as your being opposed to it?

MR. GUILLORY: Well, I'm opposed to five years, given the history that has taken place between us, the community as a whole.

CHAIRPERSON REID: Right, but given the testimony that you've heard here today in regard to the change in administration and the efforts that you see being put forth to ameliorate the problem --

MR. GUILLORY: I understand. I guess what I'm trying to say, Madam Chair, is if the period of time was less, then we would be back here, say, in three years or two and a half years or whatever the Board deems. I'm opposed to a five-year renewal on Church, and I would like a shorter period so that we can continue to work.

CHAIRPERSON REID: I understand that, but my question was what is the basis?

MR. GUILLORY: The basis? I guess I'm not understanding your question.

CHAIRPERSON REID: Okay.

COMMISSIONER HOLMAN: I think I recall. What you said was -- I'm just paraphrasing what I recall. But you were saying that, since the relationship between the church and the community was so new and it had been improved, you kind of wanted to use that period to kind of test the relationship, so to speak, and see how it was working out. That's what I gathered from what you said before.

CHAIRPERSON REID: Thank you.

MR. GUILLORY: To vet, I guess, each other's continued participation so that maybe we would be here in full support of their next application, whether that's five years from now or three years from now.

CHAIRPERSON REID: Okay. But where I'm confused is that the church has been there for how long? All right, and the

lots have been there. So when you speak of renewed relationship with the community, I don't understand what you're referring to, because the church has been there and the lots have been there, and the problem stems from the fact that they were commercial lots, which in 1997 was denied the use as commercial lots anymore, and then they had the accessory lot, the one accessory lot approved and the other one denied. Now they want to get the other one approved, more or less.

In the interim, they were to keep it clean and make efforts to demonstrate that they intended to improve the conditions of the lot, which I thought I heard testimony here today that supported that.

So when you say that you still have some problem with them, I don't understand why you have the problem, if in fact, you know, you're lauding the relationship between the church and the ANC and all the efforts and all of the positive things that have taken place.

MR. GUILLORY: Well, I guess I was just trying to build on what the adjacent lot on Church Street handled by the NYAEC. They had sought a five-year, and they were granted a two-plus-year with the Board's ruling on conditions, and they have met all their conditions.

CHAIRPERSON REID: Oh, you mean the case of -- What was it? What's the acronym for?

MR. GUILLORY: NYAEC, National Association for the

Education of Young Children. They were here in the spring, and they were seeking five. I can't remember. It seemed to me --

CHAIRPERSON REID: I remember that case, and that was the same situation where they were asking for approval of their parking lot.

MR. GUILLORY: They had undergone management changes with new people in charge.

CHAIRPERSON REID: Yes.

MR. GUILLORY: It was very similar to this.

CHAIRPERSON REID: Right. They were similar in the sense that they had an entirely new administration that was not familiar with the Board's order or something like that, and then we had to kind of bring -- refresh their memory as to what was supposed to be done. But in this instance, are you saying that prior to Reverend Nolan coming on, that nothing was done, but you see some improvement starting to take place?

MR. GUILLORY: The outreach to the community is a lot different today than it was prior to Reverend Nolan coming, and instituting a different management structure at the church. I believe that to be true.

CHAIRPERSON REID: So that's made a difference, you're saying, as far as you can see?

MR. GUILLORY: I believe the management of St. Luke's given through their wardens and so forth is different today than it was when we were here in '97, and that is recent. That's

only 18 months.

I guess at the ANC meeting where we were in attendance, it seemed to me that there was a time limit. They talked about supporting a shorter time frame for the Church Street lot. I was just here to overhear that.

So I believe the church should be allowed to use their parking for accessory only on Church Street, and hearing it today from them that that's what they intend to do, and it's before you, the Board, I agree with that. My recommendation was that the Board consider a shorter time frame than what was asked, since I didn't see it printed. That was my major issue I'd like to bring out.

CHAIRPERSON REID: All right. Thank you very much, Mr. Hopp.

MR. MOORE: Mr. Guillory.

CHAIRPERSON REID: Mr. who? Guillory.

MR. GUILLORY: Guillory. Thank you, ma'am.

CHAIRPERSON REID: Excuse me one second.

BOARD MEMBER RENSHAW: Mr. Guillory, just to reiterate, you are in support of the ANC's decision, as you stated?

MR. GUILLORY: Yes, with the conditions the ANC listed that night. They worked very hard to reach that compromise with us and with the property owner. So, yes.

BOARD MEMBER RENSHAW: Thank you.

MR. HOPP: If I can say, Ms. Renshaw, as well: I support those changes as well, and to support the parking lots with those changes, that's what I was referring to earlier. But to put in the public record, the lack of maintenance that has occurred, we look forward to a landscape contract. But again, I don't have a problem with the church using the parking lots for their use only, with those changes that have been recommended, the improvements to make it more aesthetically pleasing to those of us who live in the neighborhood. That's what I would say.

CHAIRPERSON REID: Thank you.

MR. GUILLORY: So that, whether it's two or three or five years from now we all come here in total 100 percent support. We build relationships. Right? So the goal is that, if and when the renewals come up, as they do for special exceptions, we are all together on that.

CHAIRPERSON REID: Thank you. All right.

Mr. Moore, it's been brought to my attention that I had not asked you if you wanted to cross-examine the two witnesses that spoke in opposition. Stay here for closing remarks, please.

MR. MOORE: First of all --

CHAIRPERSON REID: Just one second, Mr. Moore. I understand that there was someone who wanted to testify, and then decided not to testify in support. If in fact, you did want to, then I'll give you an opportunity to do so. If you don't, then I wouldn't. You don't want to? But you're here in support, but you

don't want to testify. Is that correct? Thank you.

MR. MOORE: Before I give a closing statement, I'd just like to address two of the issues that were raised, one by Mr. Jackson and the other by other parties. I'll do the easy one first, and that's the ANC'S position to close and repave the entrance to the Church Street lot.

I'd just like to note that the Church Street lot has had access to Church Street for the entire 41 years that the lot has been there, and it's there now. I don't see a problem in maintaining that entrance there.

If that entrance is closed, the only access to the Church Street lot is through a ten-foot wide alley that not only serves the Church Street lot but it serve the P Street lot as well. It serves NAYEC lot, and it serves all the other property -- or most of the other properties that are in that square, most of which have parking -- have carved out parking in the rear of their facilities.

So you're talking about access through a ten-foot wide alley versus access through a ten-foot wide alley and the existing access on Church Street.

That's point number one.

Point number two: With respect to the use of the lot by nonprofit institutions in the area, I think it's fair to note that at the ANC meeting there were those who were in support of the use of at least the P Street lot for institutional

purposes, the point being that there are a number of new institutions that have taken over buildings that have been left in disrepair over the years, and these institutions have come in, and they need the parking to sustain themselves.

It's a new and vital community there, and the -- not the testimony but the comments at the ANC meeting was that the Studio Theater, the Jewish Community Center, the Carnegie Institution, the Foundry Methodist Church -- you have some of these letters in support in the file as it is -- need this parking to sustain the renovation of this community.

Right now there is a rivalry for parking spaces in that community, and the institutions are saying point blank we could really use the space. The church has nothing to gain by offering the space to the nonprofit institutions, nothing. Nothing, but the church in a gesture of goodwill to not only the residential community but to the institutional community that surrounds it have offered the space available to them, not as a commercial parking lot, not as a commuter parking lot, but as an accommodation to the institutions that are making this neighborhood vibrant as it is.

With respect to the zoning regulations, Mr. Jackson cited Section 214. We are not asking that -- None of these nonprofit institutions are asking for accessory parking for their purposes. They already have their certificates of occupancy.

What we are asking for is merely for the Board to

recognize that the church would like to use the P Street lot and the P Street alone, which is adjacent, I might add, to a C-3A district, to offer that to nonprofit institutions for purposes of overflow parking.

That overflow parking would be managed by the church with a submanagement to the people who would actually be using it. The church did not bring this upon themselves. They have been asked consistently by the institutions that we have named here this morning for -- this afternoon for the ability to use that lot when the lot would otherwise lay fallow.

I will just move on to a closing statement, with the permission of the Board.

Madam Chairperson, members of the Board, we thank you for your time and close attention to our presentation. St. Luke's has tried very hard to put a strong case into the record and to earn each of your votes to approve these applications.

As the record reflects, it's not been an easy journey. Even until today, despite the church's very best efforts, there are a few that are unpersuaded of the merits of using these vacant parcels of land, owned by the church and historically used for parking purposes, to address and to alleviate an existing off-street parking problem in this peripheral downtown Washington neighborhood. But we are pleased, we are fortunate and gratified that those who have been persuaded of the merits of this application, including in part the Advisory

Neighborhood Commission, are in the overwhelming majority.

Indeed, what St. Luke's has found is that when it cooperates with its neighbors, the neighbors respond by cooperating with it. This is the nature of the case before you.

With its new leadership, the church has come to understand its place and its role in the community. It almost goes without saying that people are very much interested in the upkeep and function of their neighborhoods. This includes the use and maintenance of their own property as well as the properties of others.

Fortunately, there are no building or use issues here. Rather, the concerns expressed here are centered around maintenance and mutual respect. I think that the record reflects that both of these issues have been satisfactorily addressed.

There are also no technical zoning issues. There is no dispute that both lots are covered, striped, measured, and designed in accord with the requirements of the zoning regulations. The proposed uses are clearly permitted.

The presence of a myriad of nonprofit institutions, together with the hope and the anticipation for new and exciting retain uses in the C-3A district directly across 15th Street from the church's sites, provide irrefutable evidence of the significant need for off-street parking in this community.

St. Luke's Church can provide that for itself and, on limited occasions, other nonprofit institutions. Such

provisions are not only essential to the revitalizations of this community, but also important to the quality of life of the residents who are competing, even among themselves, for on-street parking, especially in the evening and weekend hours.

Thus, what you have before you is our best judgment that the use of the St. Luke's properties for accessory parking will not have an adverse impact on neighboring properties. To the contrary, any reasonable observer can easily conclude that the approval of these applications are practically and zoning-wise the right thing to do.

Robert Haft once said, convincing yourself only wins half the arguments, and he's probably right. So in an ernest effort to win the other half of the argument, we ask each of you to consider the long history of the parking uses which have occupied these sites, the previous disappointment of the church in the Board's not agreeing to let it use one of its sites for parking, the retooling of the church's leadership, the rebirth of its community relations effort, and the dire need for off-street parking in this community by church, nonprofit institutions, and residential users.

Most of the surrounding property owners have witnesses and examined these factors. So has the Advisory Neighborhood Commission, and each of them individual has said on this record that they have become convinced that these applications have earned zoning approval.

Thus, we have convinced ourselves. We have convinced nearby property owners, and we have convinced the Advisory Neighborhood Commission that these applications merit approval.

Hence, I can sit before you today and honestly say that we've done all we know how to persuade you. It is for these reasons and on this record that St. Luke's Protestant Episcopal Church submits that it has met its burden of proof under the applicable zoning regulations, and that it is entitled to the two special exception relief applications that it has requested.

We thank you for your time.

CHAIRPERSON REID: Mr. Moore, are you requesting a bench decision summary order?

MR. MOORE: Yes.

CHAIRPERSON REID: Okay. In regard to the other issues that were raised by the ANC, the only thing that you are objecting to is that you don't want to be limited to just the church activities, because you do want to have the nonprofit use as well?

MR. MOORE: Yes, on the P Street lot.

CHAIRPERSON REID: On the P Street lot only.

MR. MOORE: Yes.

CHAIRPERSON REID: Okay. And in regard to closing, you said, the alley entrance --

MR. MOORE: The 15th Street entrance --

CHAIRPERSON REID: Is that the one in the alley entrance from Church?

MR. MOORE: I'm sorry, the Church Street entrance. Mr. Jackson indicated that the ANC had discussed after we had left the ANC meeting closing the Church Street entrance to the Church Street lot, an entrance that's been there for 41 years.

CHAIRPERSON REID: Okay. The planting of the tree boxes, was that done on the Church Street entrance?

MR. MOORE: Yes, on both sides, both Church Street and P Street.

CHAIRPERSON REID: Okay. All right. What about the fence on the east side? Has that been removed?

MR. MOORE: No. That fence separates the two lots. There are two lots, the lot that the church is on and the lot that the parking lot is on. The fence separates the two.

CHAIRPERSON REID: So you need that?

MR. MOORE: I wouldn't say it's absolutely necessary. It's there.

CHAIRPERSON REID: I'm just wondering. The part of the problem with it seems that the weeds and like underbrush or whatever you call it was kind --

MR. MOORE: That's a Van Croft question.

MS. VAN CROFT: The fence will be removed, because we will be completing our handicap ramp to come in there, but also as we had indicated, the maintenance contract we have will take

care of the weeds, the cutting of the grass, and also any weeds that grow within the pavement itself or the asphalt.

So those areas we are well aware, and we are working on to have those handled and taken care of in an appropriate manner. Hopefully, as the Rector had indicated, that contract has been signed or will be signed shortly.

CHAIRPERSON REID: So you're saying that it's not removed but maintained properly?

MS. VAN CROFT: The fence -- are you talking about that?

CHAIRPERSON REID: The fence.

MS. VAN CROFT: The fence will be removed.

CHAIRPERSON REID: Oh, it will be removed?

MS. VAN CROFT: Yes, with approval of the use for the parking it will be removed.

CHAIRPERSON REID: All right. Now that's for the Church Street property.

MS. VAN CROFT: Church Street, yes.

CHAIRPERSON REID: Now for the P Street property, what about the attendant's shed? They asked that that be removed.

MS. VAN CROFT: Yes. Well, we were asked -- We would prefer to leave that there, but we would remove -- take the telephone and move it, and we would put the green space back between the parking lot and the sidewalk there.

CHAIRPERSON REID: Okay. So you're saying that the

attendant's shed, you would rather keep that? You use that?

BOARD MEMBER RENSHAW: Why?

MS. VAN CROFT: We would like to keep that. One of the reasons we were talking about having that for use was as, if we are permitted to have some of the organizations use it, that would be a place for a person to stay to monitor and to watch the lot closely.

BOARD MEMBER RENSHAW: The pictures that we have been given -- are we looking out on Church Street? Is this Church Street along here?

REV. BROWN-NOLAN: That's Church Street.

BOARD MEMBER RENSHAW: That's Church Street. Just to ask, what is going to happen with this? That has been paved?

CHAIRPERSON REID: Is that the asphalt, the P Street?

REV. BROWN-NOLAN: No. That's the alley.

CHAIRPERSON REID: The church will remove the asphalt on the P Street public space and restore it to green space.

MS. VAN CROFT: On the P Street, yes.

CHAIRPERSON REID: Will do or you have done?

MS. VAN CROFT: Beg your pardon?

CHAIRPERSON REID: You've done that?

MS. VAN CROFT: We will do that.

CHAIRPERSON REID: Relocate existing paved -- you

will do that. P Street entrance will be roped off and not used by the church. The church may leave the alley for individual use outside of church use now -- wait a minute. My understanding was that it would not be used for anything other than church use, and maybe the nonprofit use. Is it also going to be -- Did you indicate that you would like to allow the neighbors to use it?

MS. VAN CROFT: Both lots, we would have no problem with the neighbors using it when we are not in use. The P Street lot would be the only one that would be used for the organizations, if that's allowable.

CHAIRPERSON REID: Okay. And you would -- Will you post signs that would explicitly indicate the times of the church usage?

MS. VAN CROFT: Yes.

CHAIRPERSON REID: Okay. All right.

COMMISSIONER HOLMAN: I just want to clarify what Mr. Moore said in his closing statement regarding the definition of accessory uses. You are saying that the definition does not apply to the joint use of the lot by the nonprofits, because they already have their certificates of occupancy. So, therefore, it's not -- the regulations, as written, don't apply to --

MR. MOORE: The 200 foot perimeter and not separated by a street or alley provision does not apply to this.

CHAIRPERSON REID: In other words, it's not an application for accessory use for The Studio.

MR. MOORE: That's correct.

COMMISSIONER HOLMAN: Correct. Okay, that's what I wanted to clarify. Does Corporation Counsel concur with that?

MS. SANSONE: Mr. Holman, I had some questions about that, too. I was wondering if it wouldn't be more appropriately considered a parking lot in that case under Section 213, even though the intent is to make the spaces available for free. That is another type of special exception that is available, parking lot use as opposed to accessory parking spaces.

I guess I should add to that. It would seem that the use that they have described meets the conditions that are set out in Section 213 for that type of special exception.

MR. MOORE: I believe in the zoning regulations a parking lot is described as a tract of land used for the temporary parking of motor vehicles when the use is not accessory to any other use.

What we are looking at here is we are not looking -- If it were a parking lot, it is my view that it would have to be open to the public, be open to anyone at anytime or during the times that it was open, it would have to be open to the public on a nondiscriminatory basis. That's not what we're looking at here.

Usually, a parking lot is something that is where fees are charged, and there has to be signs up posted as to the fees, and there has to be attendants there at all times. That's not what we're asking here.

This is something that we are asking -- The church is responding to a request made by some of the institutional, nonprofit institutions in the community, just the same as it's responded to the requests made by residents in the community, can we use your lot.

If this could not be used for nonprofit institutions, I don't see how it could be used by residents of the community either. So what we are saying here: The application seeks accessory parking for the church -- for the church use.

Within that accessory parking, the church, as a goodwill gesture -- as a goodwill gesture, not for remuneration from any party -- they would allow nonprofit institutions to enter into an arrangement with the church whereby the church would let them use that lot, just the same as they would let the community residents use the lot.

This would not be a parking lot.

BOARD MEMBER RENSHAW: But, Mr. Moore, would you address the question of liability, please, because there is a -- what shall I say? There's kind of like a shadow on the church.

MR. MOORE: Yes, I would. The church is ultimately responsible for all thing that happen on its land, and I would counsel the church to have -- either have an arrangement with its insurance company where its insurance company would cover the church, hold the church harmless for any liability that were to occur on its land, or if we are able to work with the community

organizations so that they could provide the appropriate insurance coverage for any damages that are accrued on that land. But ultimately, the church is going to be responsible for torts that occur on its land.

BOARD MEMBER RENSHAW: And I'm curious as to why the church or how the church can absorb the maintenance of these lots. It sounds like there is going to be a very regular, very heavy use of these two pieces of property or the P Street property, and you are going to be absorbing the cost of repaving, because this is not just for church use. How are you going to handle that?

MR. MOORE: Well, I hope it's heavily used. I hope it's heavily used, and I anticipate that it would be. This is land on a periphery of downtown Washington, Ms. Renshaw, and to the extent that it is used by the church and it's used by nonprofit institutions in the community, that's good. That's good, because if it weren't being used full time, it wouldn't be necessary for the church to offer it. That's point number one.

Point number two is I don't anticipate that there will be a high level of cost involved in maintenance here, perhaps some of the flowers and that sort of thing, but the asphalt has been there for 41 years.

BOARD MEMBER RENSHAW: But yet the neighbors through the ANC and the community are reluctant to give overall approval to this use.

MR. MOORE: Acknowledged.

BOARD MEMBER RENSHAW: So there is the tension there that you are stepping beyond what the community feels you should do.

MR. MOORE: Yes. That part of the community that has been represented here today, but I also point out that there were other points of view among the residential community, and certainly in the record we have demonstrated by way of letter that there have been other points of view with respect to the nonprofit institutional community in that area.

BOARD MEMBER RENSHAW: Well, just to point out that this was a unanimous vote of the Commissioners who represent all of the residents in that particular ANC area.

MR. MOORE: I don't question the ANC, no. I just point out that there were other points of view.

BOARD MEMBER RENSHAW: Understood.

CHAIRPERSON REID: Another thing, too, is that it says that there shall be no organizational contracts. So I don't know if that's what their reservation is, regarding a contract or if it's just a permission kind of thing, that that would not be something that they would be opposed to.

Then the next item that they mention is that you leave it open for the neighbors to use. So, you know, I think that the issue also goes to the fact that, having been duly sworn as representing the Board of Zoning Adjustment for the city, that

we try to look to what would be in the best interest of the citizens, and we know that one of the problems that we do have now is the parking problem with the churches and the cars parking all over the place, and major churches leaving the city.

I think that this will be something that would go a long way in providing parking for the church as well as for -- as a goodwill gesture to other entities that may want to use it from time to time, and also I'm sure that the neighbors, in that that is an area that has a horrible parking problem, would love to be able to have a place to park their vehicles as well.

Anyway, with that I would like to move that we approve this application with certain conditions that we will work on, and that it be for a five-year period of time.

MS. PRUITT: Excuse me, Madam Chair. For clarification, we are voting on these separately.

CHAIRPERSON REID: Well, what I said was -- Well, okay. That's the motion. Now here's the thing. I said approve these applications, and I noted that in the previous order they took both of them together, which I thought was kind of strange, because one is granted, one is denied. Seemingly, they would have done it individually.

MS. PRUITT: Right. I guess it was my understanding that we were going to hear them together, but we would have two separate orders.

CHAIRPERSON REID: I did say that, but do you think

that's necessary?

MS. PRUITT: I think it just would be clearer, because they have two separate numbers, and we have done this in other cases.

CHAIRPERSON REID: Okay. First, I would move that we approve the P Street application and that with conditions. The conditions -- now we can -- Whatever conditions we come up with would probably be for both of the lots.

MS. PRUITT: That's your choice. I mean, that's for you all to decide.

CHAIRPERSON REID: Well, pretty much so. But nonetheless, if we have to, then we will so designate if it's for P Street or Church Street.

MS. PRUITT: Correct. That's right.

CHAIRPERSON REID: Okay. Is there a second?

COMMISSIONER HOLMAN: I will second.

BOARD MEMBER RENSHAW: An amendment.

COMMISSIONER HOLMAN: Did you mention a time period?

CHAIRPERSON REID: I said five years.

BOARD MEMBER RENSHAW: Yes, I'd like to move an amendment to that, that the time limit be three years. I recognize the fact that the ANC has asked for a period of two years, but I feel that to go to five years when they have -- the church has some catch-up work to do with the community, three

years would be an adequate period of time.

CHAIRPERSON REID: Well, the other thing, too, is that what I was looking at, Ms. Renshaw, is the fact that this church had -- albeit, it was not appropriate that they had the income from the commercial parking lot, and that posed a hardship on them to, number one, lose that. Then number two, to have to go to the expense to come back to this Board as a nonprofit organization.

So I felt that, if there was not anything major that was glaringly -- a glaring violation that had occurred over these years, that they should not be further penalized and that it appears that they were moving to correct whatever the problems were they had before.

BOARD MEMBER RENSHAW: Madam Chair, I would like to know in a shorter span of time how it goes for the community. I think that this is not a huge expense to come back in three years versus five years, but I would just like to have that reassurance within a shorter time period that the church has moved forward with the maintenance that the neighbors and the ANC have requested, and especially since we are under a new administration with the church, and I would like to know that the landscaping company has been maintained for that period of time.

I think that five years is a little too long a period.

CHAIRPERSON REID: Okay. Well, then why don't we

just compromise on four? You know, it's --

BOARD MEMBER RENSHAW: I'm not going to belabor the point. I would prefer three. You have backed to four. I'll move to four.

CHAIRPERSON REID: All right. All in favor? Opposed? Now the conditions. I'm sorry, would you call the vote first?

MS. BAILEY: Certainly. Approval of application Number 16593, St. Luke's Episcopal Church, for the P Street lot, the motion was made by Ms. Reid, seconded by Mr. Kwasi Holman, Ms. Renshaw, and the Board is approving it for four years with additional conditions to follow.

MS. KRESS: And they voted on both of them.

CHAIRPERSON REID: All right. The fence on the east side of the property to be removed.

BOARD MEMBER RENSHAW: We're on P Street.

CHAIRPERSON REID: P Street. This is P Street.

MS. PRUITT: Madam Chair, I was just going to say, you might want to start with the conditions set out by the ANC and see if you want to adopt them or amend them in any way.

CHAIRPERSON REID: I'm working from the ANC. I'm working from the ANC page. I was extracting from it, and that is for the fence on the east side of the property to be removed.

BOARD MEMBER RENSHAW: That's on the Church Street property.

CHAIRPERSON REID: Oh, I'm sorry. I'm sorry, P Street. All right.

BOARD MEMBER RENSHAW: They are going to relocate the existing pay phone to the corner of 15th and P.

CHAIRPERSON REID: Was that -- Did we talk about the P Street entrance being roped off when not in use by the church? It already is? Okay, that can be put in. And that the church will be open to individual neighbor use when not -- How can we best put that? How can we word that? The church may leave the alley entrance open for individual neighbor use outside of church use, provided explicit signs are posted stating the standard times of church use, and also that there will be nonprofit us of the lot. I don't know how we could word that.

There will be occasional nonprofit use of the lot?

MR. MOORE: Yes.

COMMISSIONER HOLMAN: Madam Chair, could I just ask you a question. I think that the issue that the ANC dealt with in number 7 kind of relates back to that idea of closing or roping off the P Street entrance, does it not?

CHAIRPERSON REID: I heard the people in the audience say that had already been taken care of.

COMMISSIONER HOLMAN: Say it already is?

CHAIRPERSON REID: Mr. Moore, has that been taken care of?

MR. MOORE: Yes.

COMMISSIONER HOLMAN: Okay. Just want to be clear.

CHAIRPERSON REID: All right. There is no lighting for the --

MR. MOORE: Madam Chair, let me amend what--

CHAIRPERSON REID: Excuse me one second. It should be -- I'm looking at the previous order, but there is -- It says no lighting, but I thought that -- Ms. Pruitt, I thought that they had to have lighting as it pertained to a parking lot, but does it pertain to accessory parking lots?

MS. PRUITT: Actually, the lighting usually deals with the casting of light on other properties, that if there is lighting that it should not cast onto other properties but be directed --

CHAIRPERSON REID: So there doesn't have to be any lighting?

MS. PRUITT: No, but I mean, I don't know if the church is going to have any evening things. So I would assume that they probably will light the lot, because of just --

CHAIRPERSON REID: That's what I'm asking. So if there is lighting, then it would have to be in compliance with the --

MS. PRUITT: So that it does not cast with over light onto other properties.

CHAIRPERSON REID: The standard conditions -- All parts of the lot should be kept free of refuse and debris and

shall be paved or landscaped. Landscaping shall be maintained in a healthy, growing condition. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all of the rays of such lighting are confined to the surface of the parking lot.

MS. PRUITT: That's it.

CHAIRPERSON REID: Okay.

MS. MOORE: Madam Chair, I have misspoken. With respect to the P Street entrance to the P Street lot, that, in my judgment, is still open. What the church does is it closes it during the times that the church does not use it, but it is -- In fact, the curb cuts and the driveway across public space is still there. It's not closed.

CHAIRPERSON REID: Well, what it says is the P Street entrance would be roped off when not in use by the church.

MR. MOORE: We're prepared to do that, but I just wanted it clear that it's not closed.

CHAIRPERSON REID: No, no. I did not think that. All right. So those are the conditions. Do you have any other ones, Ms. Renshaw or Mr. Holman?

BOARD MEMBER RENSHAW: This business about the shed, the attendant's shed, I would vote to remove that. The community -- The ANC has asked that that be removed.

CHAIRPERSON REID: What do you think?

COMMISSIONER HOLMAN: Well, I guess -- My problem

with that is I'm trying to see how the use of the lot can be managed without someplace to manage it. That's the problem, because if we were going to say no use by nonprofits at all, then my mind would go there. But since we haven't gotten to that point, that's where the confusion is.

If anything, I would prefer to have it -- I don't know -- well maintained. I saw some graffiti in one of the pictures. I guess there's nothing to do but paint that, but that would be my initial thought. But I'm certainly open to talk about it, but --

CHAIRPERSON REID: It seems to me that the problem is the unsightliness of that particular attendant's shed. I think that, if we stipulate that it be painted and well maintained, that it would not be objectionable. I don't think that the --

BOARD MEMBER RENSHAW: And secured when not in use.

CHAIRPERSON REID: And secured -- They would not be opposed to it as long as it was not an eyesore there. So I would have no problem with it, just that it be fixed up or --

COMMISSIONER HOLMAN: Well maintained.

MS. PRUITT: We can write it as "shall be well maintained and secured when not used" as a condition.

CHAIRPERSON REID: Okay. All right. Now as to the Church Street --

MS. PRUITT: Just for clarification, Madam Chair, would you like to go through these conditions for this one, so we

make sure we have it straight?

CHAIRPERSON REID: Sure.

MS. PRUITT: Ms. Bailey, do you --

MS. BAILEY: I can try.

MS. PRUITT: I'll help you. So you start, and I'll fill in.

MS. BAILEY: Okay. I need to be clear that this is for the P Street lot, which is application 16594.

MS. PRUITT: Correct.

MS. BAILEY: Okay. The primary use should be for church activities. We just discussed --

CHAIRPERSON REID: We didn't say that.

MS. PRUITT: That's an ANC condition.

CHAIRPERSON REID: I know, but I didn't put that as a condition.

MS. PRUITT: That's why we wanted to --

CHAIRPERSON REID: But it doesn't matter that the primary use, obviously, will be for church activities. So I didn't say that, but you can put it.

MS. PRUITT: So we will strike that condition.

MS. BAILEY: Okay.

CHAIRPERSON REID: No, the point I'm making, Ms. Pruitt, is that I didn't say that. Nonetheless, what I did was extract from the ANC conditions those that I thought were pertinent. However, I have no problem with that one.

MS. PRUITT: That's why I wanted to go over them, too.

MS. BAILEY: Okay. Relocate the existing pay phone to the corner of 15th and P Street rather than by the P Street entrance.

The P Street entrance would be roped off when not in use by the church.

The time limit is four years.

The standard conditions that usually accompany such parking lots, such as lighting and so forth.

Those were the basic ones that I have are the standard conditions and the ones I've just mentioned.

MS. PRUITT: Then also, the attendant's shed will be well maintained and secured when not in use.

I did have one other question. The church will remove the asphalt on P Street in the public space and restore that to green. That's been done or will be done? Is that also a condition that you wanted to leave in?

CHAIRPERSON REID: Leave that in.

BOARD MEMBER RENSHAW: And also the lighting not spilling over to other --

MS. PRUITT: That was part of the standard conditions.

MS. BAILEY: The only one that I had that wasn't mentioned is perhaps -- and this is just for the Board's

consideration -- the hours of operation.

CHAIRPERSON REID: Well, there isn't anything that pertains to that. But what we did not mention was that the church may leave the alley entrance open for individual neighbor use. You didn't stipulate that, Ms. Bailey or Ms. Pruitt.

MS. PRUITT: That should be number 7. That's number 7 in the ANC. Yes.

BOARD MEMBER RENSHAW: And that there be appropriate signs.

MS. PRUITT: Correct. The whole thing would read as the ANC has it. I don't believe that we need to worry about hours, since this is not really a commercial parking lot.

CHAIRPERSON REID: Right.

COMMISSIONER HOLMAN: Correct.

MS. PRUITT: But if it were, that would have been appropriate.

CHAIRPERSON REID: Okay. Let's go now to the last one, and that's Church Street. The motion?

BOARD MEMBER RENSHAW: I move the approval of the special exception request for St. Luke's Episcopal Church, Church Street property, application 16593, for a period of three years. Back to three years.

CHAIRPERSON REID: Okay. Well, I would amend that to five years again. Mr. Holman?

COMMISSIONER HOLMAN: I'm a little procedurally

confused now.

BOARD MEMBER RENSHAW: You can't amend it until we have a second.

COMMISSIONER HOLMAN: All right.

CHAIRPERSON REID: All right. Then -- Well, how can I -- Second a motion and then amend it after you've seconded?

MS. KRESS: The motion will die for lack of a second.

COMMISSIONER HOLMAN: No. If there is no second, then the motion dies. Yes.

MS. KRESS: I was just saying what Commissioner --

CHAIRPERSON REID: No, but I'm saying, we're asking at what point do you amend it? After the second or prior to the second?

MS. KRESS: After the second, but if you don't second it, then it will just die. The motion will die, and you start with a new motion.

CHAIRPERSON REID: Okay, then I won't second it.

MS. PRUITT: Now we need a new motion.

CHAIRPERSON REID: Okay. I would then move that the special exception for 16593, St. Luke's Episcopal Church, Church Street property, be approved for a term of five years.

COMMISSIONER HOLMAN: I second it.

BOARD MEMBER RENSHAW: Amendment, that the application be approved to be consistent with the P Street

property for four years.

CHAIRPERSON REID: I have no problem with that. All right.

COMMISSIONER HOLMAN: That's fine.

CHAIRPERSON REID: Okay. Conditions? The lot would be for -- Let's see. The primary use will be for church activities.

MS. KRESS: Did you want to vote as you did last time, and then do the conditions?

CHAIRPERSON REID: Okay. All in favor? Opposed?

MS. BAILEY: Staff will record the vote as three to zero to approve application Number 16593. That is for the Church Street lot. Motion made by Ms. Reid, second by Mr. Holman, approved by Ms. Renshaw, and this is for four years to be consistent with the previous application.

CHAIRPERSON REID: Okay. Now the church lot will be primarily for church activities. Additional trees will be planted in the Church Street entry to complete the screening. Has that been done? That was the boxed trees that we talked about earlier. Has that been done?

MS. VAN CROFT: No, that was the trees, the boxed trees that we would say, instead of removing the driveway, we would put box trees across there.

CHAIRPERSON REID: Okay. Now additional trees to be planted? All right, clarification.

MR. MOORE: Clarification. We want to keep the existing Church Street entrance open.

CHAIRPERSON REID: This is Number 3, additional trees be planted in the Church Street entrance to complete the screening.

BOARD MEMBER RENSHAW: Because they want the access from the alley, the ANC.

COMMISSIONER HOLMAN: But, Madam Chair, yes, that was the issue I was trying to get to before. If you do either of those two, then you -- As I recall Mr. Moore's testimony, then you block the access not only for the church but for other organizations that use that.

CHAIRPERSON REID: Oh, so you don't want to do that. Okay, I don't want to do that.

COMMISSIONER HOLMAN: I mean, we can, but I mean, that was the issue that stuck in my mind, and that's what would happen if we approve that.

MS. PRUITT: Two and three run together.

CHAIRPERSON REID: Okay. Just number one with primary use for the church activities, and the issue in regard to the nonprofit use and the neighbor use was not germane to this particular lot?

MR. MOORE: Correct.

CHAIRPERSON REID: Then all the other things --

BOARD MEMBER RENSHAW: The fence here, the fence on

the east side of the property be removed.

CHAIRPERSON REID: I think that they agreed to do that.

BOARD MEMBER RENSHAW: It should be in there. Just to go back about the access, the community felt very strongly, the ANC felt very strongly that the access should be closed and the sidewalk and the curbs restored. We're just dismissing this. This has been a vote of the community.

CHAIRPERSON REID: Well, no. We talked about that, and that -- Mr. Holman raised that issue in that, when you do that, then you negate what you've already given in the other order, because that would not allow the access.

BOARD MEMBER RENSHAW: But you can get through the alley to this Church Street lot, can't you? Can't you? Yes.

COMMISSIONER HOLMAN: Yes, but I --

BOARD MEMBER RENSHAW: What's the matter with that?

COMMISSIONER HOLMAN: Well, I guess my issue there is that this not only affects the church, but it affects other properties, and I mean, I think what we're required to do is to give great weight to the ANC and to address the issues that they've raised.

I think that we are addressing the issues that they've raised, issue by issue. On this particular issue I would just think that this has been a longstanding issue -- I mean entrance to the parking lot for the church, and it's been the

primary entrance for not only the church but for other organizations, and I think that we can achieve the spirit of what we're trying to do without closing that entrance, is all I'm saying.

BOARD MEMBER RENSHAW: Mr. Holman, you said that this affects the church and other properties, and we have to be mindful that Church Street, at least by the pictures that I've seen, looks to be pretty residential, and this lot has troubled those who live on Church Street.

I would just like to reflect the seriousness that it seems the ANC brought to bear on the discussion of the Church Street lot. If there is another access, what the community is saying is use that other access, and kind of return a more residential feeling to Church Street.

So we're not denying the use of the lot. We're just saying that, for the residential character of the neighborhood, to cut off visually an access to the lot and just route the traffic through the alley, which is, I don't think, a huge ordeal, and it would maintain the character and the quality of life of the neighborhood.

COMMISSIONER HOLMAN: Well, what about, with all due respect, the quality of the life of the people on P Street who have to deal with all that additional alley traffic? I mean, that's a concern as well.

I think we can balance these issues and be fair

without adopting each and every recommendation that's presented to us, and that's all I'm saying.

CHAIRPERSON REID: I would agree. Let me jump in here real quick. I agree, because we have to be very careful. It makes no sense to approve an application and then, additionally to the point, that it is to the detriment of being able to carry out the affairs or whatever the intention of the application was for -- presented to us, in the first place.

I didn't see but two people who had quasi-opposition to this application, as well as the fact that the ANC seemed to really champion the spirit of the cooperation that they received from the church, and if we are -- Give them great weight, which we are doing, but it does not mean necessarily agree with Mr. Holman that we have to basically give them any and everything they ask for. We have to temper that with what would be in the best interest of everyone concerned.

If, in fact, you cut off one entrance and that's going to put an adverse impact on some other people, then you cut off your nose to spite your face, and I don't think that's what we intended to do here.

BOARD MEMBER RENSHAW: Well, it looks to be from the drawing that is in our packet that the access to the alley is off of 15th Street. That's what it looks --

CHAIRPERSON REID: In which package?

BOARD MEMBER RENSHAW: Right here, the black book.

Isn't that right, or wrong?

MR. MOORE: Ms. Renshaw, since you asked the question, the answer to that is yes, but I'll also point out that that alley is used for access by most of the property owners in that square. You're talking about a ten-foot wide alley being used by the P Street lot, the Church Street lot, the NAYEC, and the other property owners as well, who each have parking in the rear of their properties.

BOARD MEMBER RENSHAW: It happens in Washington. I know lots of places where the only access is off the alley anyway. So --

COMMISSIONER HOLMAN: But I think that, since this property is to be used primarily -- only for church purposes --

BOARD MEMBER RENSHAW: I don't feel that that's an enormous handicap, and if the neighbors and the ANC have suggested to us that they would recommend that that Church Street lot have no access off of Church Street, it's not denying the use of the lot by just coming around the corner and going in through 15th Street. That's my point.

CHAIRPERSON REID: That poses a hardship -- Ms. Pruitt was just pointing out to me that it poses a hardship for these people over here to only have one way in.

MS. PRUITT: Well, it's a two-way alley. Excuse me. I'm sorry.

CHAIRPERSON REID: So why would you impose that

kind of hardship -- I mean, what would be the point in imposing that?

BOARD MEMBER RENSHAW: Well, what's the hardship? I don't see the hardship.

CHAIRPERSON REID: All right. In my alley I have three ways to get out. If all of a sudden, I only have one way, that means that --

BOARD MEMBER RENSHAW: They have two ways, two ways out the alley.

CHAIRPERSON REID: No, no. I'm saying that in my particular neighborhood, in my alley I have three ways of egress and ingress in my alley. Now if two of those ways are cut off, I only have one way. Then that would impose a hardship. That means that I would have to do some maneuvering to get back and forth and up and down the alley coming in, not to mention the fact that it would also back up traffic in that alley, because everyone will be trying to get in and out the same way. Why do that?

BOARD MEMBER RENSHAW: In my alley, let me say I've only got one way in, and that's it. It's a one-way alley, and there's no hardship. We just note the times, and we are free to move accordingly. We often have backed-up cars. We just say move the car. That's all. But I don't think this is a big deal. This looks like an alley that stretches from 15th, where, over to 16th Street?

It's a through alley from 15th to 16th?

MR. MOORE: Yes, ma'am.

BOARD MEMBER RENSHAW: All right. So that's -- It's not a big ordeal, I don't think, and I would recommend that the access off of Church Street be closed. That's it.

CHAIRPERSON REID: So we are -- What did you say, Ms. Pruitt?

MS. PRUITT: I was just going to say, this particular lot is only used for church use. So there won't be any institutional use. So it would predominantly be Sundays and probably whatever days in the evening they have their ministries may meet or something.

So it would not be as heavily used as the P Street lot. That would be my understanding.

CHAIRPERSON REID: Okay. Then let's leave this one for one second, and then go to the conditions, the standing conditions for parking lots, as we said in the other application. That is no -- No. All parking lots kept free of debris or refuse and shall be paved or landscaped. Landscaping shall be maintained in a healthy, growing condition, and also in regard to the lighting, if in fact there is lighting, that it would be illuminated in such a way as not to -- should be confined to the surface of the parking lot so as not to disrupt or to cause an adverse impact on neighbors.

Now we are in accord with everything except for this issue of this alley. Now we have to try to come to some

resolution so that we can move forward with this.

I do not believe that the alley needs to be closed. I don't --

BOARD MEMBER RENSHAW: The alley isn't being closed. It's the Church Street access that would be closed.

CHAIRPERSON REID: Okay, the access to the alley being closed.

BOARD MEMBER RENSHAW: From the street.

CHAIRPERSON REID: I don't see why we have to do that. I would have a problem with that, personally, and I don't know what we can do to compromise that unless you close half of it.

BOARD MEMBER RENSHAW: Only for motorcycles.

CHAIRPERSON REID: Or something, but we need to try to come to some kind of resolution on this issue. Do you have any suggestions, Mr. Holman?

COMMISSIONER HOLMAN: Aside from leaving access open? Well, this is hard to compromise, because it's either open or closed, and I listened to the ANC testimony carefully, and I just -- If this were going to be something that was used almost like a thoroughfare or if we were talking about the other lot, I might have a different position. But this is the primary access that the church uses to access the lot.

It's not used on a day to day basis. Aside form the esthetics -- and I'm not minimizing the esthetics of it -- the

only other practical effect is the potential loss of an additional on-street parking space from time to time. That's the only impact that I see.

If I saw a more severe impact, I think I would vote another way, but that's kind of my feeling.

BOARD MEMBER RENSHAW: It looks like from this picture the loss of possibly two parking spaces in the street -- two parking spaces.

CHAIRPERSON REID: Let me see that.

BOARD MEMBER RENSHAW: Right there.

MS. PRUITT: Actually, you won't be losing it. You would be gaining it. If you close the Church Street entrance, you would gaining. But it would be one if the entrance is only ten foot wide, because parking spaces are 20 feet.

COMMISSIONER HOLMAN: Right. But that wasn't even explicitly addressed by the ANC.

MS. PRUITT: Correct. I just wanted to at least give you some information.

COMMISSIONER HOLMAN: So that's what I'm saying. Aside from the esthetics of it, that's the only practical effect. To me, that's a minimal effect, given the importance that it has for the church a being its primary entrance to its parking lot that it's had for many years. That's the issue that I have.

CHAIRPERSON REID: If I could understand why the ANC wants the access to be eliminated -- I don't understand why.

Then also, when you say access from the alley be closed and the sidewalk and curbs restored, then that's another expense, too. I don't think that that's something that has to be imposed upon the church, if we don't have to.

I don't want to belabor this any further. So why don't we do this. Why don't we take a ten-minute recess and come back.

(Whereupon, the foregoing matter went off the record at 3:10 p.m. and went back on the record at 3:23 p.m.)

CHAIRPERSON REID: The meeting will please come back to order. You can speak to staff, ma'am, but you can't speak to the Board members.

Okay. Now where were we?

COMMISSIONER HOLMAN: Somewhere on Church Street, in the eleventh round.

BOARD MEMBER RENSHAW: Church Street lot vote.

MS. PRUITT: Madam Chair, I believe -- Because there's some questions, you wanted to vote on each condition individually.

CHAIRPERSON REID: We will do that. The motion regarding Church Street was from the floor to approve with a second, and we did not vote on that.

MS. PRUITT: For four years.

CHAIRPERSON REID: For four years, right.

MS. PRUITT: You've got the term. Now you need to

do your conditions.

BOARD MEMBER RENSHAW: We did vote on four years.

CHAIRPERSON REID: So now we are going to vote on the conditions. Since there was some dispute, then we will vote on the conditions individually.

The first one was in regard to --

MS. PRUITT: The lot being used for church activities only.

BOARD MEMBER RENSHAW: Primarily.

CHAIRPERSON REID: Primarily church activities, not only.

MS. PRUITT: No. For church activities. On Church Street it's church activities only.

CHAIRPERSON REID: That's not what I said. I said primarily church activities.

MS. PRUITT: I'm sorry. But the applicant is requesting that it only be for church. The applicant has requested --

CHAIRPERSON REID: The ANC or the applicant?

MS. PRUITT: The applicant and the ANC.

CHAIRPERSON REID: All right. Okay. Well, then I move that we accept that as a condition.

COMMISSIONER HOLMAN: Second.

CHAIRPERSON REID: All in favor? Opposed? All right. Then the one about additional trees be planted in the

Church Street entrance to complete the screening.

COMMISSIONER HOLMAN: WE have to do number two.

MS. PRUITT: Number two includes closing the alley.

BOARD MEMBER RENSHAW: Closing the alley.

MS. PRUITT: How about if we deal with the fence as the next one, the fence on the east side of the property be removed.

CHAIRPERSON REID: Take the easy ones first. The fence on the east side of the property be removed. I move that we accept that as a condition.

COMMISSIONER HOLMAN: Second.

BOARD MEMBER RENSHAW: Aye.

CHAIRPERSON REID: All right. All in favor? Opposed?

All right. Then the additional trees to be planted on the --

MS. PRUITT: Excuse me. I'm sorry, Madam Chair. Do you want to do like the landscaping and the maintenance.

CHAIRPERSON REID: All the other -- The conditions that are germane to a parking lot be the ones, particularly, that refer to all parts of the lot shall be kept free and clear of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy, growing condition, and the lighting -- Any lighting used to illuminate the parking lot or accessibility shall be so arranged that all the direct rays of

such lighting are confined to the surface of the parking lot.

All in favor? I need a second on that.

COMMISSIONER HOLMAN: Second.

CHAIRPERSON REID: Then all in favor? Opposed?

Okay. Then the last one -- Is that the last one? All access shall be from the alley, and the entrance on Church Street shall be closed and the sidewalk and curbs restored.

BOARD MEMBER RENSHAW: And additional trees be planted to complete the screening.

MS. PRUITT: You can merge 2 and 3 together.

CHAIRPERSON REID: -- and additional trees be planted to complete the screening. Is there a second?

BOARD MEMBER RENSHAW: Second.

MS. PRUITT: There was not -- Was there a motion?

CHAIRPERSON REID: No.

BOARD MEMBER RENSHAW: I so move.

CHAIRPERSON REID: Okay. Anne Renshaw moves that particular motion. Is there a second? Okay, again is there a second? All right.

MS. PRUITT: Because there is no second, this particular condition fails for not having enough votes. So it would not.

CHAIRPERSON REID: Okay. Thank you. All right. This concludes this particular case.

MS. PRUITT: Could we just run over, just to be

clear?

CHAIRPERSON REID: Sure.

MS. PRUITT: It's approved for four years. The lot would be used for church use only. The fence on the east side would be removed. The typical conditions concerning landscaping and lighting, and motion 2 and 3 that were proposed by the ANC -- that particular motion failed for lack of a second.

MR. MOORE: Thank you, Madam Chairman.

MS. PRUITT: That's a summary order.

CHAIRPERSON REID: Summary order. Bench decision. Mr. Moore, you'll have the order in about two -- I said earlier two weeks, but it's two to three weeks, because we've got to have the transcripts back and all of that. So in two or three weeks, you'll have your order.

MR. MOORE: That will be fine. Thank you, members of the Board, very much.

CHAIRPERSON REID: Good luck. Okay, that concludes the day's session. Thank you very much.

(Whereupon, the foregoing matter went off the record at 3:28 p.m.)