GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 7, 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., Robert N. Sockwell, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

ROBERT N. SOCKWELL	Vice Chairperson
RODNEY MOULDEN	Board Member
ANN RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHERI PRUITT	Secretary to the BZA
PAUL HART	Office of Zoning
JOHN NYARKU	Office of Zoning

OTHER STAFF PRESENT:

MARIE SANSONE	Office of Corporation Counsel

APPEARANCES:

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(1:17 p.m.)

VICE CHAIRPERSON SOCKWELL: So we will start the afternoon session Public Hearing of the Board of Zoning Adjustment. The hearing will please come to order. Good afternoon, ladies and gentlemen. This is the June 7 Public Hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Robert Sockwell, Vice Chairperson, sitting in for Sheila Cross Reid, who is not with us today. With me today is Ann Renshaw, Anthony Hood from the Zoning Commission, and Rodney Moulden from the National Capital Planning Commission.

Today's copies of the 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 on each end of the table in front of us. Upon 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 exceptions and variances is 1) statement and witnesses of the applicant; 2) government reports including Office of Planning, Department of Public Works, etc.; 3) report of the Advisory Neighborhood Commission; 4) parties or persons in support; 5) parties or persons in opposition; and 6) closing remarks by the applicant. If an appeal application is on the agenda, which we don't have on -- I won't read that. 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 staff and the staff will specify at the end of the hearing exactly what is expected.

The 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 the Members of the Board in conversation. Please turn off all beepers and cell phones or set them to vibrate 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 at 6:00 p.m. If the afternoon cases are not completed at 6:00 p.m., the Board will access 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 hearing has been given. If you are not prepared to go forward with the case today or if you believe the Board should not proceed, now is the time to raise such a matter. Does the staff have any preliminary matters?

MS. PRUITT: Yes, we do, Mr. Chair. On application 16576, you have a request for a continuance from the applicant and

also from the ANC. They should both be in your package.

VICE CHAIRPERSON SOCKWELL: I mean I have it. I just can't seem to put my hands on it at the moment. I know which ones they are, it is just for some reason they slipped out of my immediate -- oh, that is why. Sometimes one cannot see the things right in front of one's face. Case number 16576, which is the Verstandig. Apparently in that particular case, the Advisory Neighborhood Commission 3-D felt that it did not have sufficient time to review all the information of the applicant and therefore was not able to comfortably come to a decision and has requested that the case be continued. As well, the applicant has requested that the case be continued so that they can work out questions and concerns raised by neighbors and the ANC. One thing I would like to say is that it appears that in this case the Advisory Neighborhood Commission was not approached in a timely manner by the applicant and therefore didn't have information in time to effectively carry out their duties to respond. And things like that should be avoided if at all possible. I don't know if there is a representative of the applicant here today, but I would prefer that such -- and I think the Board would prefer that such requests for continuance be based on a more open relationship between the applicants and the community, as opposed to in this case the appearance that the relationship was not open soon enough.

Does anyone on the Board have any questions or

issues regarding this request for a continuance?

MS. RENSHAW: Mr. Vice Chair, are we setting a date?

VICE CHAIRPERSON SOCKWELL: That would be -- if there is no opposition on the Board to granting this continuance, then I would suggest that we do so and set a date certain.

MS. PRUITT: At this point, the first available date would be October 3, and that would be the third case in the afternoon.

VICE CHAIRPERSON SOCKWELL: Is that a Tuesday or a Wednesday?

MS. PRUITT: That is a Tuesday.

VICE CHAIRPERSON SOCKWELL: If there is no opposition on the Board, then I would suggest that we continue this case, #16575, to October 3. Is that morning or afternoon?

MS. PRUITT: Afternoon.

VICE CHAIRPERSON SOCKWELL: Afternoon.

MS. PRUITT: Could we take a vote on that, please, sir?

VICE CHAIRPERSON SOCKWELL: All right. I move that the case be continued as stated.

MR. HOOD: I'll second the motion.

VICE CHAIRPERSON SOCKWELL: All in favor?

BOARD MEMBERS: Aye.

MS. PRUITT: Staff would record the vote as four to

zero to continue the case to October 3. Motion made by Mr. Sockwell and seconded by Mr. Hood.

VICE CHAIRPERSON SOCKWELL: And that is October 3 in the afternoon.

MS. PRUITT: Correct. And we will not be sending out any additional notices. So if there is anyone in the audience, this is it. The next preliminary item staff has is actually we have two letters dealing with applications 16542 and 16535, both having to do with the Georgetown Flea Market. These cases were slated today. As you can see before you you have two letters requesting withdrawal. I just wanted you to see that and you can make an acknowledgement for the record.

VICE CHAIRPERSON SOCKWELL: Is there anyone here representing the applicant? Then it would be my assumption that we can classify that case as withdrawn -- the two cases. And they are application number 16542 and application number 16535. And we don't have to vote on that. It is just --

MS. PRUITT: Acknowledged.

VICE CHAIRPERSON SOCKWELL: Acknowledged.

MS. PRUITT: That concludes staff's preliminary matters. I don't know if there is any from the audience.

VICE CHAIRPERSON SOCKWELL: All right. Then we would proceed with the first case.

MS. PRUITT: The first case of the afternoon agenda is application number 16575, Application of the Coalition of

Hispanic Health and Human Services Organization, pursuant to 11 DCMR 3104.1, for a special exception to use the site as a nonprofit office and a variance to enclose the entire rooftop for nonresidential use in an SP-2 District at 1501 16th Street, N.W., Square 194, Lot 110. All those planning to testify, could you please stand and raise your right hand?

(Witnesses are sworn.)

MS. GIORDANO: Good afternoon. My name is Giordano. I am with Linows & Blocher Law Firm representing the applicant this afternoon. The applicant, by the way, has changed their name since the filing of this application to the National Alliance For Hispanic Health. And with me today I have two witnesses. To my right is Dr. Jane Delgado. She is the CEO and President of the Alliance. And Brian McCarthy is to my far right. He is with Bennett, Frank & McCarthy Architects, Inc., and he is the architect for the project. And if this is the appropriate time, I would like to ask the Board to accept Mr. McCarthy as an expert in architecture. I don't think he has appeared before the BZA before, but he can summarize his credentials.

VICE CHAIRPERSON SOCKWELL: Has he presented a copy of his resume to --

MS. GIORDANO: No. I forgot to ask him to bring his resume.

VICE CHAIRPERSON SOCKWELL: Would you give us a brief -- you will have to turn your microphone on by pressing the

button.

MR. MCCARTHY: My name is Brian McCarthy. I am a principal in Bennett, Frank & McCarthy Architects in Takoma Park. I have been practicing architecture as a registered architect in the District for 13 years.

VICE CHAIRPERSON SOCKWELL: And if you can give some relevant description of the types of projects that you've worked on.

MR. MCCARTHY: The firm does a wide range of projects, primarily residential, smaller scale. Also institutional and mixed use business type functions. We have done a fair amount in the District, probably about a half dozen or so which have been in historic districts like this one.

VICE CHAIRPERSON SOCKWELL: And how many of those projects have you been project manager or project architect or CA or --

MR. MCCARTHY: I have been the project manager for all of the above-mentioned historic renovations and additions in the District.

VICE CHAIRPERSON SOCKWELL: Does the address 941 North Capitol Street mean anything to you?

MR. MCCARTHY: 941? That is the Permit Office now I assume.

VICE CHAIRPERSON SOCKWELL: Very good.

MS. GIORDANO: That is a good one.

MR. MCCARTHY: I spent about ten years going to Chinatown, and it took me a while to find the new one.

VICE CHAIRPERSON SOCKWELL: Okay. So what was that address?

VICE CHAIRPERSON SOCKWELL: 641 H Street?

VICE CHAIRPERSON SOCKWELL: No, 614. All right, we will accept you as an experienced architect.

MR. HOOD: Mr. Chair, I don't want to step on your grounds.

VICE CHAIRPERSON SOCKWELL: But please.

MR. HOOD: I will ask, though, that he submit a resume.

VICE CHAIRPERSON SOCKWELL: Yes, at your convenience. And I assume that you are licensed to practice.

MR. MCCARTHY: Yes.

VICE CHAIRPERSON SOCKWELL: In which jurisdictions?

MR. MCCARTHY: In the District.

VICE CHAIRPERSON SOCKWELL: All right. I won't ask you what your license number is. That would be going too far. All right, please proceed.

MS. GIORDANO: Thank you very much. The property in question is 1501 16th Street, N.W. We are requesting two forms of relief. The first one is an area variance. We are seeking to enclose what is now a rooftop terrace on the third floor of this existing building. When I say enclose, it has got a portion of a

roof and portions of the wall in place. So it is a fairly enclosed area to begin with and certainly reads that way from the street. The area variance is necessary because to enclose the entire footprint of that terrace, we would slightly exceed the permitted 2.5 nonresidential FAR limitation in the SP District. We would only exceed it, however, by 196 square feet. The total addition is about 400 square feet. So the practical difficulty here is that if we can only enclose up to the 2.5 FAR limitation, we would only be netting about 200 square feet as opposed to 400 square feet, and the project really wouldn't be feasible at that point.

The unique aspect of this building is this rooftop terrace and the fact that it reads as a full floor really from the street. The windows are intact. the roof is there from the view from 16th Street. So in summary, we I think meet the test for the area variance and the variance is de minimis. It really is a very small excess over the FAR limitation.

We also need a special exception to occupy that space for nonprofit office space in the SP District. There is -- the rest of the building is used for office space already, so we need a special exception just to occupy this additional 400 square feet that we are talking about.

With that, I would like to ask Ms. Delgado or Dr. Delgado, excuse me, to just briefly tell you a little bit about the organization and the importance or the purpose of this addition.

DR. DELGADO: The purpose of this addition is to give staff more working space. People are fairly crowded. It is just to improve their quality of work life. We are an organization with membership throughout the country. We operate hotlines for people so they can get information on prenatal care. We develop materials. We do videos. We work a lot in the area of HIV/AIDS, diabetes, prenatal care, all or anything related to Hispanics and how -- we provide support services to some of the organizations in the District who are involved in these issues. And our staff are there. I mean, we are never going to be that big, but we need to have at least people not always sharing so much space.

MS. GIORDANO: Are there any questions for Dr. Delgado?

VICE CHAIRPERSON SOCKWELL: We can wait until --

MS. GIORDANO: Okay. With that, I would like to ask Mr. McCarthy to just walk you through the plans.

MR. MCCARTHY: Ms. Giordano has already mentioned some of the aspects of the building. At the risk of being redundant, the exhibit on the right -- the photographs -- the top two photographs show the view standing on the roof terrace looking out the existing facade and the openings that we would like to install windows in. These two top photographs, again, show the roof terrace. You can see that there is an existing wall facing 16th Street that has the three openings in it that you can see in

this photograph below that occur over the main entrance of the building.

Over to the plan here, this is the existing third floor. It is approximately 1200 square feet. The footprint of the space below is about 1600 square feet. So what we are proposing to do is completely enclose this existing third floor roof terrace to provide that additional 400 square feet for some additional elbow room for the staff. So you can see again in the plan that there is an existing wall on 16th Street with the openings and about 50 percent of the north facade that exists next to this seven story building just north of the subject property on 16th Street. You can see in the photographs that the roof is about half -- half of the area is already under roof. We would be extending that roof to a new wall on the eastern edge overlooking a light well. Again, you can see in the building section here that the building is -- the portion of the building we are talking about is two full stories above a cellar and has the front and half of the roof already in place. Any questions?

VICE CHAIRPERSON SOCKWELL: Yes. My assumption is that that roof that is existing was a reconstruction perhaps after some damage to the building? It has always been like that?

MR. MCCARTHY: As near as we can tell, yes. We are told the building was originally the French Embassy. Perhaps they used this as an outdoor space.

VICE CHAIRPERSON SOCKWELL: Okay. It is a very

unique condition. It is finished on the far side but very unusual in appearance. So you would bring the level of the additional enclosed or roofed-over area up to that -- to the back of the building?

MR. MCCARTHY: That is right.

VICE CHAIRPERSON SOCKWELL: And just over as far as --

MR. MCCARTHY: The existing second floor.

VICE CHAIRPERSON SOCKWELL: And the adjacent windows to what would be the south -- is that looking at your section?

MR. MCCARTHY: The adjacent window -- this is a window into the staircase and that would be enclosed. So it would be bricked in. It would no longer be an opening -- this window here.

VICE CHAIRPERSON SOCKWELL: Okay, I see. Okay. Does -- how does that affect the adjacent building to the opposite side, which in your photograph lower right corner appears to be an apartment building?

MR. MCCARTHY: This building here?

VICE CHAIRPERSON SOCKWELL: Yes.

MS. GIORDANO: It is an office building.

VICE CHAIRPERSON SOCKWELL: Okay. Well --

MR. MCCARTHY: There are no windows on the south side of that building at this level.

VICE CHAIRPERSON SOCKWELL: Okay. So there won't be any effect there. Are there buildings on the south side of that -- are the windows on the south side of that building up above your roof line?

MR. MCCARTHY: There are windows on the south side of that building that are back in here above us, yes.

VICE CHAIRPERSON SOCKWELL: But are they --

MR. MCCARTHY: None here.

VICE CHAIRPERSON SOCKWELL: Okay, none directly above the new roof to be created?

MR. MCCARTHY: No. That is this area right here, and that is all solid.

VICE CHAIRPERSON SOCKWELL: Is that -- that does -- it will present a fire separation distance issue under the building code if they are. I just can't see it from that. Thank you.

MS. RENSHAW: Are you -- in this plan right over here to the top right, I see stairs going up to what I gather is the entrance of your building?

MR. MCCARTHY: That is the steps up to the front door, yes.

MS. RENSHAW: All right. Do you also take in the building right next door?

VICE CHAIRPERSON SOCKWELL: You see, this is all

one building.

MS. RENSHAW: Oh, that is all one building.

MR. MCCARTHY: It is entirely separate.

VICE CHAIRPERSON SOCKWELL: The building is painted white in one picture and --

MR. MCCARTHY: The seven story building is separate.

DR. DELGADO: Yes, it is the same building. It was -- before it got painted.

MS. RENSHAW: So I will just turn this around. This part -- this is yours?

MR. MCCARTHY: Yes.

DR. DELGADO: That is ours.

MR. MCCARTHY: That entire elevation is our building.

MS. RENSHAW: Oh, I see.

MR. MCCARTHY: And that is the third floor portion.

MS. RENSHAW: Okay, got it.

VICE CHAIRPERSON SOCKWELL: We are talking about that area and that is that area. The building is one color in one picture and one in another.

MS. RENSHAW: Got it.

VICE CHAIRPERSON SOCKWELL: It just looks warmer in the summertime? Is that what it is?

MS. RENSHAW: And do you have to bring up

elevators? Do you have to redesign elevators or anything like that?

MR. MCCARTHY: No. No.

VICE CHAIRPERSON SOCKWELL: They are not creating a story, they are just expanding an existing level. All right, I mean I don't -- I don't have any particular additional questions. Since it was always a walk-out roof, it is not our call as to the structural integrity of things.

MS. GIORDANO: I might add that I think we included in our prehearing submission the Review Board -- the Historic Review Board has reviewed this project and approved it.

VICE CHAIRPERSON SOCKWELL: All right. Then are there any government reports that we would want to discuss?

MS. PRUITT: There is no ANC report.

MS. GIORDANO: Oh, there is an ANC report.

VICE CHAIRPERSON SOCKWELL: Well, there is an ANC. There is an ANC.

MS. PRUITT: Excuse me, I meant no OP report.

VICE CHAIRPERSON SOCKWELL: Yes, no OP report.

MS. PRUITT: ANC 2-B is in support.

VICE CHAIRPERSON SOCKWELL: Yes. Now the Advisory Neighborhood Commission does not have a representative here today? Well, I will just briefly read their report. Which is, "At the duly noticed public meeting of ANC 2-B on May 10, 2000, a quorum present of 67 commissioners, the commission discussed the

referenced request, the Coalition of Hispanic Health and Human Services Organizations, BZA Application No. 16575. Following the discussion, the motion was unanimously approved. ANC 2-B supports the request of application number 16575 by the Coalition of Hispanic Health and Human Services Organizations to enclose the existing roof terrace area. This would add approximately 400 feet and would minimally exceed the FAR for the building. The Commission action took into account that the roof area is already partially enclosed and covered and that the change does not add to the building's footprint and that enclosing the area would not block the adjoining windows and that there are no plans to add staff due to the requested action." Signed Kyle Pitsor, Chair of ANC 2-B, with copies to Don Jackson, Commissioner ANC 2-B-01 single member district and to the Coalition. And we give great weight to the Advisory Neighborhood Commissions and they have responded favorably to your proposal.

There are no new employees to be provided. This is merely additional support space for the current staff?

DR. DELGADO: Right.

VICE CHAIRPERSON SOCKWELL: Are there any questions by any of the Board Members?

MR. HOOD: I just had one question and I may have read this earlier. What are you operating under now? Matter of right or what are you operating? The existing lower -- what are you operating under? Are you operating under a special exception

or what is that?

MS. GIORDANO: I have a copy of the certificate of occupancy, which says office building. It doesn't have a BZA number filled in. So I think probably -- and I think you mentioned to me too that you think this building was originally built for the French Embassy. So I guess this has always been or at least was established before the zoning regulations even as an office use. So I don't think they have a special exception. I think they were grandfathered when the SP came in.

MR. HOOD: So that was before the ordinance?

MS. GIORDANO: Yes.

MR. HOOD: Okay. If I could see that?

VICE CHAIRPERSON SOCKWELL: So basically it has been operated as general office space for as long as --

MS. GIORDANO: It says office building under the certificate of occupancy. And it doesn't say nonprofit. So I guess it preceded SP. And it says, you know, the entire building or office building. And the portion where, you know, you fill in a BZA number if it is a special exception is blank. So I didn't do a lot of research into it, but I did pull it just to make sure that they were legal.

VICE CHAIRPERSON SOCKWELL: If the --

MS. RENSHAW: Mr. Vice Chair, are you going to reference the letter that we have received from Louis M. and is it Louella?

MR. HOOD: It looks like Smalls.

MS. RENSHAW: It is probably Mr. and Mrs. Small.

MR. HOOD: Oh, the first name? Yes, Small.

MS. RENSHAW: Irmella.

MR. HOOD: And that was my concern because I did receive this. But I was trying to see what the direct correlation was between this letter and the project.

VICE CHAIRPERSON SOCKWELL: It looks like Louella.

MS. RENSHAW: It says at the top Irmella.

VICE CHAIRPERSON SOCKWELL: Where?

MS. RENSHAW: And they are the owners of 1510 P Street, N.W. And they have a complaint and feel that "the presence of the Coalition of Health and Human Services we fear will not help the residential area but retrograde the character of the block which has slowly and painfully come a long way." And they are "urging the Board not to authorize the variance, which from our experience would again bring a decline to the neighborhood with ensuing losses and unnecessary hardships for those of us who have worked so diligently to bring to fruition the renaissance of this area with indirect benefits to the city."

MS. GIORDANO: We don't really have any knowledge of who these people are. We haven't had any contact with them. They haven't contacted us. And I just saw the letter when I came in today.

MS. RENSHAW: We just got it.

MS. GIORDANO: But it seems to suggest that maybe they are not aware that the Coalition is already there and has been there for nine years.

VICE CHAIRPERSON SOCKWELL: Well, if -- the Smalls apparently would have to know because they have been residents for quite some time.

MS. GIORDANO: But the address on the letterhead isn't --

MS. RENSHAW: They rent out. It sounds like they rent out.

MS. GIORDANO: Yes, it sounds like they don't live in the block.

MS. PRUITT: I believe they live on Upton -- they live not within the immediate.

MR. HOOD: They live in Bethesda.

MS. PRUITT: Not within the immediate area, but they still would have been noticed. Also just to note that this SP zone is designed to have -- is a transition zone between commercial and residential and office is an appropriate use in SP. And so it is in a correct area.

MS. RENSHAW: Well, perhaps Dr. Delgado might discuss with us, have there been any problems with your health services with the neighbors there?

DR. DELGADO: It is interesting you mention that.

You said 15 P Street?

MS. RENSHAW: 1510 P.

DR. DELGADO: 1510 P. Because all the buildings around us are all nonprofits. And there have been no problems with us except when someone stole the cherry tree we planted in the front of our lawn.

MS. RENSHAW: George?

DR. DELGADO: But we had a cherry tree once.

VICE CHAIRPERSON SOCKWELL: The -- if I might state, taking the letter into little pieces, in one of the later paragraphs it says, "The presence of the Coalition of Health and Human Services we fear will not help the residential area." Which means that they don't list anything that has occurred as a result of your presence. They are just saying that they are afraid that your presence will cause a degrading of the neighborhood. That is not the same as saying that you have been a bad neighbor or a bad tenant in the area or a bad presence. So I think that even though these people own 1510 P Street and have expressed issues, it is not clear that they are relating the issues to your organization, but to the type of organization that as a nonresidential application of property is objectionable to them. So I think that we can understand their feelings about the neighborhood. But you have been there and apparently have been well received because there is no one here personally -- no one here in person to object to your proposal. And if all of the neighbors have been noticed --

all of the relevant neighbors have been noticed -- then there seems to be no active objection. This is what I would consider a passive objection and somewhat less than explicit as to the concerns.

MR. HOOD: Mr. Chairman, if I can just interrupt or interject. Were you speaking of -- I think this letter is in reference to Human Services, something that may have been there prior before you all are there.

VICE CHAIRPERSON SOCKWELL: They have been here since 1994.

DR. DELGADO: No. We bought our building in 1991.

MR. HOOD: Okay. But I am just saying -- I am going by the letter, and again I am trying to understand it. It says, indeed there was a time when the house next to 1510 P Street was a house with Human Services. So I think they are coordinating --

DR. DELGADO: Oh.

MR. HOOD: I think they are giving issues and trying to see that there may be some increased problems and incidents which may have an adverse impact on the community.

DR. DELGADO: Yes.

MR. HOOD: Right. I think that is where this letter is going. But again, Mr. Chair, I just wanted to make sure that we have on the record that we are dealing with this specific application, the Coalition of Hispanic Health and Human Services.

But let me just ask a question. Do you see any increase -- are you going to have increased traffic? Are there going to be more people by the addition?

DR. DELGADO: No. I think -- you know, I just remembered. The building next to us, that tall building?

MR. HOOD: Right.

DR. DELGADO: It is now a nonprofit office. For a long time it was up for sale and eventually ended up in auction. But for a while, the District used it as an educational facility for handicapped people. And they used to come up in the buses all the time. I mean, that never bothered us. That is a service for people. Obviously these people remembered that and it sort of left them uncomfortable with some things.

MR. HOOD: And let me ask you, your hours of operation, are they going to increase or remain the same?

DR. DELGADO: They are not going to -- they are going to remain the same. I don't want to have a mass fire/hire.

MS. RENSHAW: Dr. Delgado, what are your hours?

DR. DELGADO: Technically 9:00 to 6:00.

MS. RENSHAW: 9:00 to 6:00, Monday through Friday?

DR. DELGADO: Yes. An occasional person does come -- our building is also used by the Secret Service because President Clinton goes to church across the street. So on occasion when he does go there, they do ask for permission to enter our building and go on our rooftop.

MS. RENSHAW: Oh, there may be --

VICE CHAIRPERSON SOCKWELL: That is the problem.

MS. RENSHAW: That is it. They are not going to want you to enclose that.

DR. DELGADO: No, no. They go on the real rooftop.

MS. RENSHAW: The real roof? Where?

DR. DELGADO: The very, very roof. Not our -- this little area.

MS. RENSHAW: Oh, okay.

VICE CHAIRPERSON SOCKWELL: I think your use is not clinical, is it?

DR. DELGADO: No. We don't provide direct services. The only service we have is the hotline where people call and we refer them to services. But no one comes to our office, except our employees.

VICE CHAIRPERSON SOCKWELL: Okay. So it is strictly a support office?

DR. DELGADO: Right.

VICE CHAIRPERSON SOCKWELL: Then I would feel that --

MS. GIORDANO: I think the problem is that -- excuse me, their previous title was Coalition of Hispanic Health and Human Services Organization.

VICE CHAIRPERSON SOCKWELL: Organizations that have various titles and various responsibilities are often looked upon

for the things that they support as opposed to the actual functions that they may provide within any given space or building. And that may be part of the basis for the letter of opposition. But the people were well aware of the hearing date and could have presented the letter in person. They chose not to. So we have it in the record and we understand it. We as well have the more important support of the Advisory Neighborhood Commission, which represents the people in the area. And, therefore, with a quorum present and the great weight given to the ANC and its position, I feel that it outweighs this particular single letter of opposition. And if there isn't anyone who on the Board feels differently about it, I think that we can move on this application.

MR. HOOD: Mr. Chair, I make a motion that we approve Application No. 16575, the special exception. I believe there is no adverse impact and I believe the variance issue has been discussed in our submission. So I make a motion that we approve.

MS. RENSHAW: Second.

VICE CHAIRPERSON SOCKWELL: Any further discussion? All in favor?

BOARD MEMBERS: Aye.

VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

MS. PRUITT: Staff would record the vote as four to

zero to approve, motion made by Mr. Hood and seconded by Ms. Renshaw. Is this a summary order?

VICE CHAIRPERSON SOCKWELL: Yes.

MS. GIORDANO: Thank you very much.

VICE CHAIRPERSON SOCKWELL: Thank you for your time.

MS. PRUITT: The next case on the docket is Application 16577, Application of William Birney, pursuant to 11 DCMR 3103.2 for a variance under Section 405 from side yard requirements and from Subsection 2101.1 for a variance from the off-street parking requirements to allow the conversion of an existing garage into a living space in an R-1-B District at 3345 Runnymeade Place, N.W., Square 2008, Lot 27. All those planning to testify, would you please stand and raise your right hand?

(Witnesses are sworn.)

VICE CHAIRPERSON SOCKWELL: While you are standing, would you mind handing me that laser pointer, please?

MR. BIRNEY: Sure. Do you also want that?

VICE CHAIRPERSON SOCKWELL: No, no. You can keep that back there. It might be needed by someone, but thank you. All right, would you please proceed?

MR. BIRNEY: Sure. Good afternoon, ladies and gentlemen of the Board. My name is William Birney. I am the owner of the residence at 3345 Runnymeade Place, N.W. And what I am seeking from you is an approval for a side yard setback variance

and a variance to allow us to convert garage space to living space. I believe you all have -- or at least I did submit the architectural drawing, and I apologize for not having a large one to put in front of you. But basically this is the end of the house. This portion here is the existing garage. This dotted line shows the existing back of the house now. What I intend to do is to build an extension on the kitchen, which is located here, and then convert the garage into living space. One of the reasons I am doing this is my 85-year-old father, when he comes to visit, he has problems going up and down stairs. So I would like to put a bath in what is now the kitchen area, which is a small area in this particular house. In order to do that, that took up basically my existing kitchen. So I am extending the kitchen area outside the back of the house next to the entrance, which is currently the entrance to the garage and then converting the garage space to living space, which will also permit him on occasion when he visits me or if in the future he ends up living with me to in fact sleep in that area.

The variance itself, in order to permit -- let me explain one other thing. The garage is located -- I don't know if you know these particular buildings. It was -- I have forgotten the name of the builder, but he built several -- Nicholson -- Nicholson colonials up in this area. And he built several of them. The garage and the space above the garages actually step down from the kitchen area. So this is not the same level. This

-- we want to maintain the kitchen level at the same level and then there will have to be a step down into this area that did not allow any kind of expansion of the kitchen into this area because of the lower level of that garage space. I will be happy to answer any questions you may have.

MS. RENSHAW: Mr. Birney, on this floor plan that you have been referring to, where is the entrance to the house?

MR. BIRNEY: Oh, I am sorry. This is only -- this is only the back portion of the house itself. If you see the dining room there, the dining room extends down here. The entrance to the house is approximately here where my fingers are here if you are looking. And this would be the living room on this side on the left and then there is the hallway in the middle. But the actual drawing does not depict the front portion of the house.

MS. RENSHAW: We have some photographs that you have supplied and I take it that the top one is the back of the house? Is that it?

MR. BIRNEY: That is correct.

MS. RENSHAW: And that is where you are going to be --

MR. BIRNEY: On the left side, exactly.

MS. RENSHAW: Over here where the door is?

MR. BIRNEY: That would be -- exactly.

MS. RENSHAW: And this would stay the same? Where

my finger is?

MR. BIRNEY: Well, it would have -- instead of one window, there would be three windows.

MS. RENSHAW: Three windows.

MR. BIRNEY: I also provided this architectural rendering of what the back of the house would look like after the construction is completed.

MS. RENSHAW: Mr. Birney, you said that you were converting the garage. Is that the space for the garage? Is that where that --

MR. BIRNEY: Yes, exactly. With regard to the garage, once again this is an attached garage, access to which is off the alley. It is -- the house was built in the 1930's. The size of the garage space does not really allow itself or permit itself to be used by current automobiles. In addition, my neighbor, who has the same mirror image configuration as I do has already converted his back space, including the space behind his kitchen area to living space, which would make it impossible for one to enter the garage with a vehicle and then try to back out and turn and leave. So it is impossible to use the garage presently as a garage anyway. Of course, I have a lot of stuff in it, but not a car.

VICE CHAIRPERSON SOCKWELL: Mr. Birney?

MR. BIRNEY: Yes.

VICE CHAIRPERSON SOCKWELL: Just so I understand

this fully, which part of this is actually the former garage?

MR. BIRNEY: The words den are in the area that is the former garage. And the den, if you will look at the picture here, is in the middle of the drawing. To its left is a porch area. And to its right is an area that I hope to construct, with your permission, for the kitchen area that will be taken up now by the bathroom that I am putting in the present kitchen area.

VICE CHAIRPERSON SOCKWELL: What I am trying to do is understand the plat relationship to your larger scale drawing.

MR. BIRNEY: The plat, which I have in my hand now -- this area here that is labeled addition would be the kitchen addition. The area immediately to the left of the kitchen addition is the existing garage.

VICE CHAIRPERSON SOCKWELL: All right. So the garage -- okay. All right, yes. Now it is coming together. Okay. You see, he doesn't -- he shows the patio only in description. The patio is actually coming out here. This is his patio.

MS. RENSHAW: Oh, yes, right here.

VICE CHAIRPERSON SOCKWELL: Okay. So this is his patio. Flip the drawing upside down.

MS. RENSHAW: Flip the drawing.

MS. PRUITT: Excuse me, Mr. Birney. The sun room, is that existing or is that what you are proposing to add also?

MR. BIRNEY: That is existing. All we are

proposing -- it is now just a screened in porch. We are proposing to --

MS. PRUITT: So the footprint is already covered really.

MR. BIRNEY: Exactly.

MS. PRUITT: So you are really only adding -- you are bumping out on the kitchen part. You are adding a small addition there and then you are just converting your existing garage to a habitable space.

MR. BIRNEY: Exactly. Exactly.

VICE CHAIRPERSON SOCKWELL: The existing garage is now the den.

MR. BIRNEY: The existing garage will become the den upon -- yes, it is labeled den, exactly.

VICE CHAIRPERSON SOCKWELL: Right. Okay. And now the question -- there are two questions I would raise here. One, yes, you are no longer able to use your garage based on the fact that you don't have the turnout for it. But you still have enough area to fully locate your car on your property on the concrete apron.

MR. BIRNEY: The concrete apron is shared -- that portion of the concrete apron to the north actually of the end of the garage is shared with my neighbor. The turnout --

VICE CHAIRPERSON SOCKWELL: But you have eight feet of clear width.

MR. BIRNEY: What I am saying is that --

VICE CHAIRPERSON SOCKWELL: Well, let's put it this way, you don't have a full eight feet if that fence is where it is in the other drawing.

MR. BIRNEY: You can place one car there but it would be -- and I have placed a car. We bring cars back there to wash. My neighbor washes his car there. And sometimes you leave it on a permanent basis. But it is a space shared with my neighbor.

VICE CHAIRPERSON SOCKWELL: You see the issue here is that realistically the addition doesn't bother me. And actually we are getting back to the size of cars today that will fit in your former garage quite nicely. In fact, virtually 60 percent of everything that is manufactured today will fit in your garage. 60 percent of everything that was manufactured in 1978 wouldn't.

MR. BIRNEY: Right, except -- except -- I mean, I agree.

VICE CHAIRPERSON SOCKWELL: Yes, I mean you made a statement that I would have taken exception to. I just left it until now.

MR. BIRNEY: There are some small cars, you are right.

VICE CHAIRPERSON SOCKWELL: Most.

MR. BIRNEY: That would fit in the garage. It

would be difficult to make the turn given the fact that my neighbor has already expanded his. So it wouldn't be impossible. I did take a small survey in the neighborhood and out of --

VICE CHAIRPERSON SOCKWELL: When your neighbor expanded -- let me interrupt you. When your neighbor expanded, knowing that he was cutting off common access, did he do that legally?

MR. BIRNEY: I do not --

VICE CHAIRPERSON SOCKWELL: I can't imagine that he did.

MR. BIRNEY: I did not own my house -- the house when that construction was done. In fact, the current owner of that house was not the owner, it is my understanding, who in fact made the addition. But I walked the area last night. Out of 45 houses with similar configurations, only 9 still have garages. And of those 9, I am not sure how many utilize them.

VICE CHAIRPERSON SOCKWELL: Because when you have a common access point, there are easement issues. And to his benefit, he did it without -- perhaps without anything running with the land on your side or his side -- I don't understand that. But it is neither here nor there. There is actually sufficient area on your property to accommodate an automobile with access from the alley. And it may not be within -- just because you remove the existing condition does not mean there is no other way to get access to your property with a vehicle. And that is where

we really may not have the authority to tell you you can't -- you really have no way of providing -- you haven't shown that there is no way to provide access or locate a car on your property. You are just changing what was existing.

MR. BIRNEY: Exactly.

VICE CHAIRPERSON SOCKWELL: You could put a pad anywhere else and open your fence anywhere else within your rear yard and accommodate an automobile there.

MR. BIRNEY: That is true.

VICE CHAIRPERSON SOCKWELL: But as far as the addition is concerned, you are requesting a side yard variance. Currently you have greater than 8 feet and you would reduce it to something greater than 5 feet, which is I think acceptable as a side yard if we are willing to look at the minimum side yard, which would be 5 feet, as a preexisting condition prior to the initiation of this ordinance.

MS. PRUITT: Excuse me, Mr. Sockwell?

VICE CHAIRPERSON SOCKWELL: Yes.

MS. PRUITT: Just for your information, there is a notes and computation chart from the Zoning Administrator Office which indicates the side yard required is 8 x 8 and what is provided is 9 x 6.93, which is a variant of 1.07 or a little bit less than 13 percent.

VICE CHAIRPERSON SOCKWELL: Wait a minute, you -- yes. Okay. So they calculated it to say that there is more than

the 8.82 and 8.93 that is shown on the existing plan?

MS. PRUITT: I am sorry, I missed -- I was just wanted to state for the record that we have calculations from the Zoning Administrator and they meet one requirement and they are shy one requirement by almost just about 13 inches.

VICE CHAIRPERSON SOCKWELL: Yes. Well what he is doing is he is making an adjustment that in fact leaves the side yard on one side of the house intact but reduces the side yard on the other side of the house to less than the required side yard under the ordinance. However, it does not reduce the side yard to less than the minimum allowable side yard in preexisting, preordinance condition.

MS. PRUITT: When this property was originally built, which was probably the 1930's.

VICE CHAIRPERSON SOCKWELL: Yes, but it had a greater than minimum side yard at that time. In the past, this Board has allowed under certain circumstances where no other issues were pending a reduction in side yard to something equal to or greater than the 5 foot minimum, which is acceptable where additions may be made to properties that preexisted the zoning ordinance with side yards less than the 8 foot minimum. And this seems to be a reasonably benign modification that the side yard that you would leave would be just under 7 feet, which is a reasonable variation from the 8 foot requirement and certainly better than the minimum that we might allow under certain

circumstances. However, I don't fee that we have the authority to remove the requirement that you park a vehicle on your property because there is enough frontage to the alley to be able to relocate the vehicle at another location within your lot.

MR. BIRNEY: Okay. That can be done.

VICE CHAIRPERSON SOCKWELL: So unless there is some other discussion, I would be willing to put this request to a final discussion.

MS. PRUITT: Mr. Chair, I would just like to note for the record that we do have a letter from ANC 3G in support.

VICE CHAIRPERSON SOCKWELL: Oh, yes, that is right. I forgot about that. We do.

MS. PRUITT: At ANC-3G's publicly announced meeting of May 8, 2000, the Commission voted four to zero, four being a quorum, to support this application.

MS. RENSHAW: I will state for the record that that is my ANC, and we were very pleased to support Mr. Birney's application. I recuse myself, though, from any discussion or participation.

MR. HOOD: Mr. Chair, I just want to ask Ms. Renshaw, are you recusing yourself from the vote or are you recusing yourself from discussions with the ANC?

MS. RENSHAW: I recused myself at the ANC level, but I will vote today.

MR. HOOD: Okay. Good. Thank you.

VICE CHAIRPERSON SOCKWELL: All right, then, we have the ANC report from 3-G. We have reviewed the proposed addition. And I would put this motion into two parts, taking item 2 first. The variance from the off-street parking requirement, Section 2101, to allow conversion of an existing garage area to living space in an R-1-B zone, Section 3103.2. I do not believe that a variance from the off street parking requirements is necessary. I believe that conversion of the existing garage is acceptable. That the off-street parking can be accomplished by a parking pad open to the elements in the rear yard and that it is not an issue that needs to be before this Board. If anyone objects to that or has reason to disagree, please mention it now.

MS. RENSHAW: So you have so moved?

VICE CHAIRPERSON SOCKWELL: I have so moved.

MS. RENSHAW: I'll second it.

VICE CHAIRPERSON SOCKWELL: All in favor?

BOARD MEMBERS: Aye.

VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions? Element number 2, variance from the side yard requirement, Section 405.9, for a detached dwelling in the R-1-B zone, Section 3103.2. As the side yard variance is for just over one foot from the 8 foot normal side yard, leaving 1.93 feet more than the minimum 5 foot side yard, it seems a reasonable request, and I move that the Board approve the variance.

MS. RENSHAW: Second.

VICE CHAIRPERSON SOCKWELL: And for discussion, I would state that the configuration -- this is a little bit of a question here. The configuration of the house itself is such that the addition, in order to adequately access the garage has to be placed on that side unless the screened porch or in this case patio would be taken out. This is a little bit more of an issue and I have to think about it, if I may, for just a second. Because with a variance, there is the test. And we have to make sure that we are fairly evaluating the variance on the basis of the three prong test. So I will go to Section 3103.2, "Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation would result in particular or exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. To authorize upon appeal relating to the property or variance from its strict application so as to relieve the difficulties or hardship provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan as embodied in the zoning regulations and map."

So the question is hardship. And it is a question of exceptional situation or condition of Mr. Birney's property.

MS. SANSONE: Mr. Chairman, in an area variance, the test would be practical difficulty, not undue hardship.

VICE CHAIRPERSON SOCKWELL: Okay. It will be strictly practical difficulty?

MR. HOOD: Mr. Chair, I also think -- I believe he demonstrated difficulty earlier when he mentioned about his property. So I think he addressed that issue.

VICE CHAIRPERSON SOCKWELL: Just a second. Mr. Birney we are looking at procedural issues with regard to your application, and it is important that we make sure that we resolve this properly. If you will give us a few more minutes.

MS. PRUITT: Mr. Sockwell, based on real quick calculations, it is allowed -- the lot occupancy allowed is 2291 and provided is 1497, which is a little bit more than 50 percent -- it is more than 50 percent of the lot.

VICE CHAIRPERSON SOCKWELL: The Board is going to ask for a slight recess of no more than five minutes while we do some calculations.

(Whereupon, at 2:27 p.m., off the record until 2:36 p.m.

VICE CHAIRPERSON SOCKWELL: The hearing is hereby reconvened. We were just -- we were going over numbers because we have an option here. Your application was brought to us as a variance. Under the requirements for a variance, you have to meet a more rigid test in order to be approved regardless of the benign

nature of the proposed work. And this Board realized that we could not in good conscience without proper cause approve your application, if we so chose, under the variance provision because the hardship regarding your property is not there. And your discretion to place the addition where you choose to put it is not strong enough a justification under the variance requirements for us to grant such relief. However, we are able in this case to reclassify your application to the special exception for an addition, and we had to make sure that your percentage of lot occupancy would be acceptable. And we are showing approximately 1500 square feet of overall footprint, exclusive of your on-ground patio. And we were confirming it against the lot occupancy as proposed just to make sure. So anyway, we sort of went through a calculation that may not have been absolutely been necessary, but we wanted to make sure where we were. So I think that what we would want to do is -- and we don't think that we have to renotice anyone or send this back. We would make your -- our motion to change your application to a special exception under Section 223 for an addition and grant that -- yes, if we so choose. Now the side yard issue I will ask the staff.

MS. PRUITT: The side yard -- you would -- you would amend the application to do the addition under Section 223. So then the only variance section would actually be a variance form the on-site parking, which you have made a motion that you would deny that particular part.

VICE CHAIRPERSON SOCKWELL: Right.

MS. PRUITT: And you were now getting ready to deal with the addition. So in the addition you can amend the application so that the addition can be constructed under Section 223 of the special exception.

VICE CHAIRPERSON SOCKWELL: So then I would move that we approve this application as a special exception for an addition under Section 223, which addition does not exceed 50 percent of the area of this lot in the R-1 zone.

MR. HOOD: Mr. Chair, I would second that motion and I would also put on record to thank you for your expertise in catching that.

VICE CHAIRPERSON SOCKWELL: I will then ask if there are any questions or any discussion by the Board Members.

MR. MOULDEN: Did you complete your sentence on the variance?

MS. PRUITT: I can read back what we have. The motion was made by Ms. Renshaw and seconded -- I am sorry, made by Mr. Sockwell and seconded by Ms. Renshaw, which was a variance from the side yard to deny the variance from the side yard requirement -- for parking, excuse me. To deny a variance from off-street parking. You believe it is not necessary in the conversion of the existing garage. And you have actually already voted on that.

VICE CHAIRPERSON SOCKWELL: Right.

MS. PRUITT: That was four to zero. So now we are doing the second part, which would be to amend the application for a special exception to allow the addition. And so far I have a motion made by Mr. Sockwell and seconded by Mr. Hood. Now we are calling for the vote.

VICE CHAIRPERSON SOCKWELL: And should I put in to allow the --

MS. PRUITT: Construction of an addition?

VICE CHAIRPERSON SOCKWELL: Well, the side yard issue.

MS. PRUITT: Well, it gets taken up in the special exception.

VICE CHAIRPERSON SOCKWELL: Okay. All right. So do I have to state that specifically?

MS. PRUITT: You can just say to approve -- to amend the application to approve the addition under Section 223.

VICE CHAIRPERSON SOCKWELL: Under Section 223. All right. Okay. Then that is what it is. And if there is no discussion, then I will call for the vote. All in favor?

BOARD MEMBERS: Aye.

VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions? Passed.

MS. PRUITT: Staff would record the vote as four to zero to approve the amended application for a special exception

and to deny the variance from the off-street parking requirement. And this will be a summary order, so we will get it to you as soon as we can.

MR. BIRNEY: Thank you, all.

VICE CHAIRPERSON SOCKWELL: You are welcome. All right, let's call the next case then.

MR. HART: Application Number 16578 of 800 8th Street, N.W., LLC and Chinese Consolidated Benevolent Association, pursuant to 11 DCMR 3107.2 or 3103.2 for a variance from Subsection 2101.1, schedule of requirements for parking, to allow the construction of a retail and office building in a DD/C-3-C District at premises 800 8th Street, N.W. That is in Square 404, Lots 800 and 801. Will those persons planning to testify please stand and raise your right hand for the oath.

(Witnesses are sworn.)

MR. GLASGOW: Mr. Chairman and Members of the Board, for the record my name is Norman M. Glasgow, Jr. of the law firm of Wilkes & Artis. We are appearing here today with respect to a case that was previously before you last year. Also with me today are Mr. Dennis Hughes of the same law firm, Mr. Glenn Golonka, representative of the applicant, Mr. Eric Colbert, architect for the project.

If I may present a brief opening statement to discuss the nature of the request today. We previously were before the Board in Application No. 16498, a copy of which is attached to

the statement of the applicant, which I assume you all have a copy of, where the Board granted unanimously relief to permit an elevator parking garage on the site. It was about a 4000 square foot lot and we were trying to do something unique as a solution to provide parking on a very small site. The site is about 47 feet by 85 feet. It has about a 4,000 square foot lot area. And in the DD/C-3-C zone and in the C-3-C office buildings that I have worked on, I can't remember a smaller building and floor plate that I have worked on in probably two decades. I think I worked on a couple of sliver buildings in the late 1970's. So we -- so the architects came up with a solution to try to see if we could put a car elevator in there. We had told the Board that there was no way we could do a traditional ramping system within this building. But we were going to try a different solution. When the pricing came back for the different solution, we have a severe penalty with respect to the cost of the access to the spaces.

So with respect to how the Board has handled the property before, we had been through the elevator ramps -- I mean the traditional ramping system and we have been through the size of the site. The building will be essentially exactly the same. The only difference to the building would be is that there is no curb cut along 8th Street and the bay on the furthest north side of the building would not have the entrance to the car elevator ramp. Otherwise, the entire building is the same as it was before. I just wanted to give the Board that background with

respect to the case so that we could focus in on the issues. We also have an affidavit of a parking survey that was done and a letter from Eichburg Construction concerning the cost, if we could enter those into the record. The affidavit for the parking survey shows that in the nearby area that there are approximately 528 parking spaces available for daily users during normal business hours. These are parking lots and garages within a two to three-block radius of the subject site. And if there are no preliminary questions of the Board Members -- I think that you all have a copy of the statement of the applicant. If there are any preliminary questions with respect to that, I would be happy to answer them. Otherwise, I would like to call the witnesses.

VICE CHAIRPERSON SOCKWELL: Please proceed.

MR. GLASGOW: Fine. Thank you, Mr. Chairman. The first witness is Mr. Glenn Golonka. Would you please identify yourself for the record and proceed with your testimony?

MR. GOLONKA: Yes, my name is Glenn Golonka. I am with 800 8th Street, N.W., LLC, and we are the owners of the property located at the corner of 8th and H Street, N.W. And this project was originally purchased as a community project to help CCBA to relocate to another location in town where they were more suited for the environment. And CCBA, which owns a little tiny row house at 803 H Street, we acquired the building from them in exchange for property on I Street, which was 510 I Street and 506 I Street across from a small park. We built the building

originally as a joint venture with CCBA in order for them to be part owners with the project. They decided that they wanted their own building in another location in town, and so we continued the project accordingly and then built it as a mixed use hi-rise office building for small users. I believe -- I think it may have been you and Ms. Pruitt who were here last time when I testified.

The niche that this building particularly has is in the District there is a type of user that needs a small floor plate, 4000 square feet or 5,000 square feet or less. In order to get the type of floor space that they would need, they can't go to a larger developer like at 810 7th Street or one of the 200,000 square foot plus office buildings. So what we tried to do was put in a small package something that was suitable for those users that they would still have a class A office building. When we built the building, we didn't realize the premium that we were going to incur by building a building of this scale on such a small footprint. We did everything we could to comply with absolutely every code and requirement that was necessary. The parking below -- there is two levels of underground space that we are constructing and a requirement, I believe, for 18 spaces -- 16 or 18 spaces. In order to try to find room for those spaces, we thought well we would come to an agreement with the city and we would excavate a street vault and we would pay rent on the street vault, do the additional excavation and allow for additional

parking down there. Additionally, there was no way to get access to the parking. It is just impossible. So we tried to find some creative alternatives. We talked with the next-door neighbor, the U.S. Mint, to ask whether or not we could use their garage -- their access and break through the wall into their basement. They said no because of security reasons. We tried to see whether or not we could start a ramp at the curb and then go down, but that didn't work because of the sidewalk and everything. We contacted a company in Boston that does a type of -- it is like a ferris wheel. It is actually quite neat. You drive the car on and then it goes up a click. And then you drive the car on and then it goes up a click. And it goes around like a ferris wheel. That didn't work because you had to go up. You couldn't go down. And the car actually stays in that particular space and then you punch a little button, G-5, and then it brings the car back to where you are. The cost of it was cost prohibitive and also the maintenance of it, and it was also eating up FAR. It was going above the ground, where the most valuable office space was. So we went around town with the assistance of Eric Colbert, and then we came up with the idea of why don't we put a garage elevator in there. So everybody was really happy and we decided we were going to put a garage elevator in there and we were going to get access to the parking spaces down below by garage elevator and we were going to provide as many as we needed or more, whatever it cost. Whatever it cost was considerably more than we had ever anticipated. The

total excavation for the basement was $450,000.00 when we started, $45.00 a square foot, and that was including the excavation of the basement. And then we added onto that a premium because it is a small space, the location of it, and it ended up about $60.00 a square foot. That was just for the excavation. Then we got the reality of what a garage elevator costs, and it is not pretty. It was basically $175,000.00 for the elevator. In addition to the elevator, you have the maintenance on the elevator. You also have the elevator operator and you also have the street vault rental. So what would normally be about a $20,000.00 per space expense for the building ended up being in excess of $35,000.00 per space. In order to break even on those costs and provide the convenience to the users of the building, we would have to charge upwards of $300.00 per space on a monthly basis in order to utilize that. It doesn't make sense. We went back to the drawing board. We tried to find other resolutions and then came back to Chip and just said, you know, it is not going to work.

The other major resistance we had, which was quite a surprise -- we thought when we got the smaller users who were willing to pay a premium for the office space and everything because we were providing to them what nobody else would provide to them, we thought they would have no problem taking the parking spaces because they would want the convenience. It wasn't the case at all. What their concern was mostly was how come you only have one garage elevators. And to put in two garage elevators is

not even a thought. And, you know, their thought was there should be two in case there is a back-up. If something goes wrong, and then what happens when you want 20 cars coming in at 8:00 or 9:00 in the morning all at the same time. And what would happen is they would end up getting backed up along 8th Street and then backed up along H Street, and you would have cars double parked waiting to try to get down to the elevator, because it only carries one car at a time. So it just didn't become feasible, from either a construction standpoint or from a tenancy standpoint. And the users, because they are such small users of a 4000 square foot footprint, they have suggested to us that the better use for the basement space, because we will continue to build the basement space, just not put the elevator in and not the street vault, is for additional document storage. The basement space will go for like $20.00 a square foot, where the rental space for the upstairs space full service is upwards of $40.00 a square foot. So to have document storage and the like and premium office space at the corner of 8th and H Street, it was not feasible at all. So the solution was to rework the thinking on the parking and on the building. Keep the basement so we are able to utilize that space for the users of the upper floors and not offer parking as an alternative.

However, we are -- at 8th and H Street, N.W., we are on the Metro. We are on the major bus lines there. And we also have the taxi service that services that area and we have the

parking garages at Techworld, at Herb Miller's new project that is going in at the MCI Center, and there are a few other street lots that are on there. I guess Dennis did the study as well. So rather than being a benefit to our property by providing the parking, it really became a detriment. And that is why we are back.

MR. GLASGOW: If there are no questions of this witness, I can proceed with the next witness.

VICE CHAIRPERSON SOCKWELL: We will hold. I think we can hold our questions until everyone has testified.

MR. GLASGOW: Sure. Thank you, Mr. Chairman. For the next witness, I would like to call Mr. Eric Colbert. If you would please identify yourself for the record. I believe that Mr. Colbert has been accepted previously as an expert in architecture before this Board and I am offering him as such.

VICE CHAIRPERSON SOCKWELL: That is fine.

MR. COLBERT: Good afternoon, Mr. Chairman and Members of the Board. I am Eric Colbert, and my office is at 71 75th Street here. Glenn did an excellent job of summarizing the issues. So I don't have a lot to add except that I am really happy that Mrs. Wong chose me to help out with this project. Because one thing that a lot of people talk about is kind of the disappearance of Chinatown, and she is probably one of the few Chinese left that is able to do developments there and kind of maintain a Chinese presence in the area. I was fortunate to work

with her on the 7 buildings on the corner of 7th and H Street, historic structures. And one thing they did do there is even though because of the historic nature we weren't required to provide any parking, we did provide as many as we could get in the interior courtyards in that project. And as Glenn mentioned, being a very short block from the Metro is a very mitigating factor. And I think that his issue about cars queuing up on the adjacent streets is a very real possibility. I think that the elevator sounded like a neat idea. But when we started getting to more of the practical reality of the situation, it is something that is kind of a really unknown situation. There is a lot of liability associated with it.

Another thing that happened during the process is that initially we were thinking of only having one passenger elevator in the building in order to offset the cost of the car elevator. And as we got further down when we talked to some of the development consultants that we have been working with they said that to only have one passenger elevator was going to be a real problem -- a potential problem in terms of it may be okay unless you have a maintenance issue, and then it could be a nightmare to try to operate a building under those circumstances if one did need servicing.

We have tried to -- instead of -- the small footprint has really created a lot more expense. The building, as Glenn mentioned, at significantly higher cost and also a lot less

efficiency in the building because of the small floor plates, even though it is 4,000 square foot for the lot and the building occupies -- we are talking about an actual usable square feet of probably somewhere around 3,500 square feet. So it really does limit the potential tenant that can go in there. So there are a lot of complexity and things that we have had to put in here that would have been the same amount of infrastructure for a building many times this size. And that has really factored into our need to look at all the numbers and do some serious value engineering in order to make the project work.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. GLASGOW: That concludes the direct presentation of the witnesses of the applicant. And I would like for Mr. Golonka to affirm that you have reviewed the statement of applicant and also adopt that as your testimony in this case.

MR. GOLONKA: Yes.

VICE CHAIRPERSON SOCKWELL: Does anyone want to lead off with questions? I guess -- do we have any questions that anyone wants to ask at this point? While the other Board Members are getting their items together. When you came before the Board on October 13, the 18 cars to be provided included a reduction for proximity to Metro of about -- is that correct?

MR. GLASGOW: There is a 25 percent reduction.

VICE CHAIRPERSON SOCKWELL: 25 percent?

MR. GLASGOW: That is correct.

VICE CHAIRPERSON SOCKWELL: Yes. And we were talking about one below grade level? Two?

MR. GLASGOW: It was always two.

VICE CHAIRPERSON SOCKWELL: It was always two. The issue of parking is always a very critical one for buildings to be located downtown. And I think that I can say that I am quite cognizant of the issues involved when a mechanical solution is provided for parking. Car elevators are certainly not new and there are or have been elevator parking facilities in many locations around town, most of which are no longer in existence. Some have been converted where those large high capacity elevators are being used for other things now with new uses in the existing buildings. In this case, you have associated costs with various aspects of the construction, some of which I do agree with. But it is difficult to resolve zero parking. And yet the building is only 47 feet deep from the 8th Street side. And anything that does help accommodate parking does remove prime rental ground floor space from the property. And the below grade space, once provided, becomes a usable space or usable commodity to any lease tenant that goes into that building in perpetuity. So there is no guarantee it will always -- would always be document storage. It could just as easily become a restaurant. It could just as easily become some higher value use. Because it doesn't have to be anything in particular if it isn't required a parking.

The good thing perhaps is that there is -- there

are buildings coming on line in the general vicinity, interesting that several of them are security facilities and therefore that parking is not available to the general public, I would assume. So that does not reduce the impact of zero parking in your building by allowing overflow into those other buildings, in particular the Secret Service thing down the road on H. And the building next to you is who?

MR. GOLONKA: U.S. Mint.

VICE CHAIRPERSON SOCKWELL: U.S. Mint. They are not going to let the general public into that parking either. And while the predominant -- well, with the exception of 810 7th Street, everything -- and Techworld, of course, and a few other new buildings that have come on line, the older buildings, some of which are four stories, that are existing have no parking -- the existing building stock. But the fact that this is an attempt to utilize the site, which is a very restricted site and a very prominent restricted site, in a manner that would be consistent with the other development around it to the west, and hopefully acceptable to the properties to the north -- property to the north, which is now somewhat surrounded by new construction. An attempt to use the site in an effective manner so that it doesn't wind up like the Italian restaurant that we know of that was an 80 x 20 site left over from Techworld's acquisitions, is commendable. And there have been relatively few Chinese-owned developments in Chinatown of any significance. Wah Luck House probably being the

last major building to be built.

So I am sensitive to the issue and normally it would take a Historic Preservation waiver to limit parking to zero and an addition to a historic structure to do so. And I would like very much to get the perspective on this from the other Board Members.

MR. GLASGOW: Mr. Chairman, if I could add one item. In the regulations in the schedule of parking, the 2101.1, if this site were located in the C-4 zone, and C-4 zoning is across the street from us, in recognition of the difficulties with small sites, if a lot is 10,000 or less or it is less than 10,000 feet, if I recall -- yes, for a building or structure built on a lot having an area of 10,000 square feet or less in C-4, no requirement for parking. And that is in recognition of the issues that the Chairman has discussed and the architect and owner have discussed as is how do you ramp and service a parking structure underneath a building that is that small. And our depth of lot -- either we would not be able to comply with the retail requirements of the downtown development district if we tried to run a ramp along the long side of the site to get in there, or if you run it through the short side, I don't know how you make the turn. The 47 feet I don't think is long enough that you can get in there and make a turn.

So it is sort of because it is a very small site, you need to make trade-offs, and what is the best trade-off with

respect to the site. And we think having the restaurant in the ground level retail is the better trade-off than trying to fit a parking garage on a lot that is less than half the size of what if it were across the street would not have a requirement at all.

VICE CHAIRPERSON SOCKWELL: Thank you.

MS. RENSHAW: Mr. Vice Chair?

VICE CHAIRPERSON SOCKWELL: Ms. Renshaw, please.

MS. RENSHAW: I am very sensitive to buildings downtown with no parking garage. I understand from your submission all about the diminutive size of the property and was rather amused at the language there. And appreciate your affidavit for a parking survey, where you have outlined where tenants might be able to park. But it leads me to ask are you as the owner of the building or as the owner of the property going to interact with these parking facilities to assure that your tenants and the visitors to the property have adequate parking spaces as close to the building as possible? In other words that your tenants would know that for instance at Quick Park of the 20 available, that 5 of them will be set aside for the tenants of your building? Or are you going to throw the tenants of your building on the open market so to speak and they go fend for themselves? Could you address that?

MR. GOLONKA: Well, I will do whatever the tenants want because they are the boss. So I answer to them. However, we have similar property, the 7 or actually 8 buildings on the corner

of 7th and H Street that we have renovated, and we have provided parking there at a premium. And we ask for $250.00 a space for those spaces and they have yet to be filled. And we continue to leave a sign out there. It says, "Call Glenn", and people choose not to take those spaces as well as our tenants choose not to take them. Because one, the cost isn't worth it because there are other alternatives in the area that they choose to fill in. There are several lots in Chinatown behind several of the buildings. MCI Center has a pretty good deal, $8.00 a day if you get in there or if you get out of there actually before a certain time. I live in the area. I walk and I leave my car parked at home. And our tenants that we have now, which are probably -- I would say there is close to 45 tenants in our building, only two of the parking spaces of the 10 we have provided have been taken. Everybody else uses public transportation or another form of transportation.

One other thing I might mention is part of the reason that people are attracted to our particular properties is because of the downtown bid and the increasing safety in the area and the ease of the public facilities in order to get employees back and forth to work, specifically the Metro. You walk out of the building and you are never without eyesight of the Metro. And that is how most of our tenants are getting to our buildings now.

VICE CHAIRPERSON SOCKWELL: If I might say so, once Gallery Place was built and once the retail along 7th Street is

completed and once the hotel in the Tariff Commission Building is completed and once PEPCO is completed and a few other things that are already under construction, you won't have to worry about renting parking spaces. You will just have to worry about finding them. This is a very short-term situation and I am sure that you are fully aware of that or would like to be.

MR. GOLONKA: No, quite seriously that --

VICE CHAIRPERSON SOCKWELL: Well, then you are anti-development.

MR. GOLONKA: The parking spaces, I would love to see them all filled. But I think there does come a point where the cost offsets the price. And my understanding is there is a similar building that has been built at 1808 I Street, and that parking they are asking I believe $400.00 a space for that, and the tenants just choose not to take it.

VICE CHAIRPERSON SOCKWELL: Well, I park at Connecticut and K, and you can't find a parking space in the garage. In fact, you can't find a parking space in the aisles of the garage part of the day.

MR. HOOD: Mr. Chair, I just have a question. Within the area, is there -- there are meters?

VICE CHAIRPERSON SOCKWELL: Yes, there are meters. The parking restrictions changed after MCI was built.

MR. HOOD: I was just asking. I am going somewhere.

VICE CHAIRPERSON SOCKWELL: Oh, I thought you were asking me.

MR. HOOD: No.

VICE CHAIRPERSON SOCKWELL: Oh, I am sorry.

MR. HOOD: What is the parking limit? Is it two hours? Four hours?

MR. GOLONKA: I believe it changed significantly when the MCI Center opened up. It used to be two hours and then I think they changed it to one hour because they didn't want people parking at the meters and going to MCI Center events and then people not being able to use the restaurants.

MR. HOOD: You know, when I was looking at the submission and knowing it came before the Board previously, one of the things I was concerned about in reading the material was that I didn't see the elevator -- and all that was a good faith effort of trying to put the garage and all -- but I just didn't see that happening to begin with. Because I am a tickler for parking. But I just didn't see why that was even presented in the first application the first time. Because I didn't see that as being feasible or something that could take place.

MR. GOLONKA: It was for the benefit of the tenants.

MR. HOOD: Okay. That is where you were trying to go.

MR. GOLONKA: Right.

MR. HOOD: Okay. Let me ask you something about the lot -- even though that is not in this case, but you say you have a lot down the street at 7th?

MR. GOLONKA: Yes, at 711 H Street.

MR. HOOD: And it is $250.00?

MR. GOLONKA: Right, for 10 spaces.

MR. HOOD: And you have no --

MR. GOLONKA: We have two tenants that park at that space.

MR. HOOD: And you have space for how many?

MR. GOLONKA: 10.

MR. HOOD: 10. So you have 8 spots just there vacant right now?

MR. GOLONKA: Right. And --

MR. HOOD: So as opposed to lowering your price for right now, you just leave them open?

MR. GOLONKA: Right. Part of the reason is I don't know if you are familiar with 711 H Street. It is a small sliver lot between 7th and 8th on H, right next to the Subway Sandwich. And Eric actually designed a really beautiful Chinese gate for us to kind of blend into the community. Well, the Chinese gate, it is on an electric opener. So it becomes really cumbersome for people coming in and out of there. Again, even though the spaces are there and wait for the gate very nicely to open, wait in the street for pedestrians to walk by and then pull in there, pull as

tight as you can to the side so another car can get by. It is only a 20 -- I think it is a 22-foot wide opening. But it was our attempt at providing a convenience for our tenants. And they do have other alternatives and they choose to take them.

MR. HOOD: And I think the Chairman -- and I am sure the Chairman will correct me if I misquote him. I believe the Chairman made a good point when he stated that the other facilities are going to be basically for private use to their particular buildings. I guess the only reprieve I see in this situation is I guess you assume that most of your tenants will use the Metro.

MR. GOLONKA: Yes.

MR. HOOD: Okay. Thank you.

MR. COLBERT: Can I bring up one point? One thing that we did intentionally here was we made the floors line up with the U.S. Mint. And even though that is one leasing option that we have available, including the garage floor. So there is a possibility that if they decided they needed some extra space on certain floors including the garage, they could break through and take advantage of that. So even without the elevator, there is still the possibility that through that technique we could create something there. It wouldn't be zoning required parking, but that would be one way to gain access to it.

MR. MOULDEN: I had a question based on transportation. Since you won't have any available parking, are

you going to encourage -- will there be any encouragement for the tenants -- subsidies to use the subway? Any special programs? Many of the new office buildings in that corridor do have parking. For example, where the NCPC is located, we have parking. It is a new building north on 9th Street and E that there is parking. I think there is parking proposed for other buildings there.

MR. GOLONKA: It is a possibility, but the economies of scale in our building are much, much different than somebody who has 200,000 square feet. And the density of our building as far as people occupying it will be very, very small. I anticipate probably 80 to 100 people in that building at any --

MR. MOULDEN: Okay. That is a much smaller building. Okay.

MR. GOLONKA: It looks pretty impressive, but it is just a little thing.

MR. MOULDEN: Okay. Another question I had, your retail will be on the bottom floor with just a couple of shops?

MR. GOLONKA: It is designed for one user.

MR. MOULDEN: One user? Okay. It is small then, okay. Did the design of the building go through any review panels in the area?

MR. COLBERT: Actually, we are outside the Chinatown --

MR. MOULDEN: Okay. So you are probably outside of the former Pennsylvania Avenue Development Corporation area.

MR. COLBERT: Right.

MR. MOULDEN: So you don't have to go through Fine Arts or NCPC.

VICE CHAIRPERSON SOCKWELL: Let me ask a couple of questions here if I may. Mr. Colbert, you will be the most able to answer this. The public space dimension from curb to property line along the 8th Street line is what?

MR. COLBERT: That is probably about 30 feet.

VICE CHAIRPERSON SOCKWELL: To the curb of H Street -- from the curb of 8th Street to your property line on the 8th Street side. Because you are at a specific vista street there and I know it is very wide. I just don't remember what the number is.

MR. COLBERT: Yes, I think here we probably have about 20.

VICE CHAIRPERSON SOCKWELL: Yes, but on the 8th Street side from there to there.

MR. COLBERT: About 25.

VICE CHAIRPERSON SOCKWELL: And how much of that is dedicated to sidewalk by the city's distribution?

MR. COLBERT: The sidewalk extends in about 8 feet -- 8 to 10 feet.

VICE CHAIRPERSON SOCKWELL: So you've got about 20 feet at which you could actually accomplish a ramping if you wanted to have a one-level parking garage, which would be a physical solution rather than a mechanical solution.

MR. COLBERT: I am not aware of -- in my experience, the District has not been very receptive to providing ramps for parking spaces in public space.

VICE CHAIRPERSON SOCKWELL: They have to because every parking garage is accessed -- and of course I have a great deal of experience in this as you well know. Every parking garage is either accessed from a ramp that begins behind the sidewalk or one that begins at the property line. When you have wide sidewalk areas as this one, it is possible to begin your ramp at the back of the required sidewalk. And at that point, you are not compromising anything except public space, which would be dedicated to that which is called parking, but it doesn't mean anything with regard to cars. And it actually is possible that you could have a nonmechanical solution that would allow cars to enter at one level as opposed to a second level, and then the second level below your first cellar could still be devoted to storage. You basically have a garage sandwiched between the ground floor and a truly storage cellar and would probably then be able to accommodate some portion of the number of cars that had originally been requested by this Board.

MR. COLBERT: Yes, I think that if you came --

VICE CHAIRPERSON SOCKWELL: You may use my pointer if you would like to. Is it on? There is a switch on the bottom. Why don't you use my pointer. Well the batteries don't work in

the microphone. No, you just push the little button on the edge.

MR. COLBERT: What I was saying was that if you came off of 8th Street, I think you would actually have to turn the corner in order to get down. Because to go down 8 feet at the maximum 12 percent, you would need about 65 or 70 feet of ramp. And so by the time you turn the corner there, I think that you really wouldn't have a lot of usable space left over for parking. You may be able to get a couple of spaces in there. But the cost of doing all that ramping just --

VICE CHAIRPERSON SOCKWELL: You can look at 801 G Street as an example, which is the building a block away. We designed it.

MR. COLBERT: Okay.

VICE CHAIRPERSON SOCKWELL: That would give you some idea of what might be accomplished there.

MR. COLBERT: The other thing is I think that aesthetically, we were really -- it would be nice to be able to take advantage of that wide sidewalk for a sidewalk cafe, and then we would have the continuity to the church.

VICE CHAIRPERSON SOCKWELL: There is enough sidewalk available along that perimeter, at least enough non-sidewalk area in public space along that perimeter to accommodate a ramp and an excellent sidewalk cafe. Very seldom do sidewalk cafes get the size of space that you have. Most of the ones that are downtown are somewhere between 8 and 10 feet wide by a certain

length. And in this case, because your main entry is along the center point of 8th Street, you would have to divide your sidewalk cafe to provide the required egress from those doors to the public sidewalk. So the likelihood is that the sidewalk cafe that you provide would not be compromised by the location of a ramp.

MR. GOLONKA: May I make a comment?

VICE CHAIRPERSON SOCKWELL: Certainly.

MR. GOLONKA: Part of what the downtown business is trying to do is promote these outdoor cafes and getting people out on the streets. Additionally, we have a very beautiful church next to us.

VICE CHAIRPERSON SOCKWELL: Yes, I am very familiar with that church.

MR. GOLONKA: With pedestrian traffic as well that has a tremendous capacity for occasions there. And they will have cars all lined up and utilizing the small area that is in there. By us providing a ramp and providing parking, we are also adding to the congestion. And just as we tried to find a nicer home for CCBA, where they were more involved in the Chinese community and closer to the Wah Luck House and across the street from the Chinatown Park that they are building, we are trying to create the same kind of atmosphere here. The reason Gallery Court, which is our 7 buildings at 7th and H Street, N.W., works so well is because the buildings were created for the community it serves. And we feel here by eliminating the parking or redirecting the

parking away from the building, we are creating a special place downtown for pedestrians. If you put a driveway across next to the church, that means you are going to have cars with their black tires and whatnot driving across the sidewalk. I argued with Eric considerably when we were doing the elevator that I wanted brick pavers for the ramp -- for whatever ramp going to the garage, not cement. But it was explained to me that it couldn't be done in brick, that it had to be done in whatever it was, cement, in order to have whatever the foundation leading to there. What we are going to have is we are going to have a driveway or a garage next to what we are trying to create as a beautiful outdoor cafe. Whether we have fountains and trees there where people sit around or where people meet. You may be familiar with the Starbucks that was just redesigned by Starbucks. We worked with them intensely on that to provide an environment in there where the people were comfortable. They could look at the Chinatown arch. They could sit on nice sofas. They could have their coffee and they didn't have to worry about the other amenities in the area, as distracting as they are. To provide parking for even a reduction of 20 cars to say 10 cars, it is not benefiting the area. And the few people it will benefit will be at the detriment of what is a beautiful corner.

VICE CHAIRPERSON SOCKWELL: Well, very interestingly, at 1666 K Street, which is an office building at 17th and K, the Wall Street Deli sidewalk cafe is next to the

garage entrance and it doesn't seem to be having any problems. And it is a very wide sidewalk. It is 29 feet wide. Now what I am saying is that there are certainly many desirable amenity relationships, and I believe that Mr. Colbert, who is a very accomplished architect and obviously able to work with sites that are far more difficult to develop good concepts for than the most desirable sites, I am sure that he can find ways to accomplish landscaping that would make the driveway virtually invisible to people who are using the sidewalk cafe. And that the fact that virtually every office building that has a garage crosses the sidewalk somewhere with a ramp means that it is normal to that kind of use. Directly across the street you have a ramp. Around the corner you have ramps. What we are talking about, of course, is something that you may be interested in as an aesthetic issue. What we are dealing with is a parking requirement issue. And I don't think that you have exhausted the opportunity to provide some parking in this building. And what I am requesting is perhaps -- or what I may request is that you revisit the issue of parking on at least one level, since it was stated in your description of the uses of the building that the lower level would be devoted to something akin to storage, and therefore not prime space. So if one level can be provided as parking and the other level can be provided as storage, that might be the way to accomplish part of our mission to provide parking in these buildings. If you can show that that does not work, then of course I think that I would be

satisfied in thinking that you had tried everything and found no alternative that was suitable. But I do believe that there is an opportunity there and I think that it could be explored. Because I am very familiar with public space and the type of permits that are issued for public space construction and what the parameters of DPW's requirements are generally for allowing such. I don't think that a ramp is impossible. For one thing, your floor to floor heights below grade are lower than the ones above grade. So meeting the level for entrance into the garage may not be as difficult as you might think. It just depends on what rate you are dropping and whether or not you can get there. Maybe you can't get there. But it might be worth a try. Because we are losing 18 parking spaces. Now admittedly with the elevator solution, there was a different look to the way one would maneuver into the garage. Using a ramp, it may not work the same way. But I am reluctant, even though I understand the parameter of this constrained site, I am somewhat more reluctant to say, yes, I would accept you not having any parking without seeing a little bit more of what it would take to provide parking and whether or not it would work.

MR. GOLONKA: I think I would ask Eric to respond to that. Because we even came to the elevator and the ferris wheel and before the ferris wheel, we were in ramping mode.

VICE CHAIRPERSON SOCKWELL: You were talking two levels of parking.

MR. GOLONKA: It was always the same. And we continued to look at alternatives from H Street, from 8th Street, from the U.S. Mint going through their garages and did every single thing we could do in order to find a way to get into the garage. The last thing we wanted to do was an elevator because of the mechanical solution.

VICE CHAIRPERSON SOCKWELL: Certainly.

MR. GOLONKA: I wanted something that worked I guess aesthetically and worked with the building rather than having the machines and whatnot and the maintenance that are associated with it. Eric, I think you need to respond. I don't know if you have your drawings with you with all the different solutions that you came up with that said, no, it won't work, you can't have a ramp. Because that is what I wanted. One other thing is there is an alley behind the building. So with the entrance, you will not only have the alley, but then you have another driveway for the parking garage. So you end up with about 40 feet of driveway.

VICE CHAIRPERSON SOCKWELL: There are public space details that cover those situation. There are standard details.

MR. COLBERT: I haven't done a design that is exactly what Mr. Sockwell was describing. But I think one question that you haven't addressed is whether Mrs. Wong would find that acceptable. I mean just aesthetically, I think she probably wouldn't appreciate it. And my guess is just based on my

kind of gut feeling is you would probably only end up with at the most 5 or 6 spaces. Because you have got the core on the left-hand side, so you would have very little maneuvering space. Plus it would significantly reduce the leasable flooring on the first floor, which is the most dollars per square foot that you get in the whole building is the first floor tenant. So I think that is a very complicated equation. We could figure out the exact dimensions of it, but --

MS. RENSHAW: With your picture on the left, where is the loading dock? Is that off the alley or is that on the left of the picture off of -- what street is it? 8th Street? Which way is 8th Street in that picture?

MR. COLBERT: This is 8th Street, but we do not actually have a loading dock for this building.

MS. RENSHAW: No loading dock? How are the businesses to get their furniture in and their supplies? In through the front door?

MR. COLBERT: Exactly. Which is actually very common.

MR. GLASGOW: It is very common to have a loading zone for commercial buildings in the downtown area. They are routinely granted 40 feet in length.

VICE CHAIRPERSON SOCKWELL: What is the square footage of this building proposed?

MR. COLBERT: The gross of each floor is about

4,000, and we have 8.5 FAR.

MS. RENSHAW: If you don't have a loading dock, then are the trucks going to sit out in traffic? There is no cut-in on the sidewalk area for any truck to get out of the traffic.

MR. COLBERT: When the office tenants move in and out, we would probably have trucks that would be parked here. It is the curb lane used for parking right now. We would have a loading zone there just like essentially all the other downtown office buildings have. You will see where the signage is continuously downtown where they take a piece of the parking lane by the curb and say loading zone. We would have the same thing.

MS. RENSHAW: But it is also the case in downtown where trucks double park.

MR. GLASGOW: But this is a very small building. It is unlikely that we would have more than one truck at one time.

MS. RENSHAW: You hope.

VICE CHAIRPERSON SOCKWELL: Just a question. You are a DD/C-3 zone, and you are about 35,000 square feet. And there is no loading berth and no service delivery space provided, and that has been accepted, of course, by somebody.

MR. COLBERT: I think that was part of our original relief.

VICE CHAIRPERSON SOCKWELL: I don't have it in front of me.

MR. GLASGOW: If you look at the order that we had

--

VICE CHAIRPERSON SOCKWELL: I just want it brought up again.

MR. GLASGOW: We have a variance to have less than the one required loading berth. That was granted in order number 16498.

VICE CHAIRPERSON SOCKWELL: I am looking at it. Now there is a requirement for service delivery space. And by the wording of the order -- I don't know whether it responded -- and I don't really know whether it responded to the principle loading berth as well as the service delivery space. I assume that without the principle loading berth, the loading platform would not be required. But I am not sure that the service delivery space was specifically eliminated with the order.

MR. GLASGOW: We will take a look at the record.

VICE CHAIRPERSON SOCKWELL: And the 8th Street west side currently does not have much parking along the frontage that will be your building's frontage, and I assume you are going to even reduce that with a request for no parking signage. Directly the opposite side of the street there are metered spaces along 8th. We are going to take a short break.

(Whereupon, at 3:42 p.m., off the record until 3:54 p.m.)

VICE CHAIRPERSON SOCKWELL: We will reconvene.

MR. GLASGOW: Thank you, Mr. Chairman?

VICE CHAIRPERSON SOCKWELL: Yes.

MR. GLASGOW: Time outs sometimes are very good. It allowed us an opportunity to have some discussion. And what we would like to do, given some of the concerns that the Board Members have, is we want to be able to be in a position where we can move forward on some basis today, very similar to what you had suggested. I know my experience with the public space committee has been mixed. Sometimes you get the approvals that you want and sometimes you don't. They may or may not be inclined to give us the ramp or they very well may grant it. What we would like to be able to do is receive an approval for the variance, but also have an obligation to seek the ramp. And if we can feasibly provide a one-floor of parking, so that there would be an approval in the alternative, so that we could provide that one level of parking. And if we can't provide it, then we want to submit drawings and information to the Board as to why it is that we can't do it or why we don't think that it is feasible.

VICE CHAIRPERSON SOCKWELL: Well, what we are going to do is we are going to move forward and hear all of the reports and take this through so that we have completed basically everything. And then we will make a decision as to how to dispose of today's proceedings at the end. So we are going to move forward. I am not going to ask any more questions at this time. And if my fellow Board Members don't have additional questions at this time, I would move forward to proceed to the next stage. Is

that acceptable?

MS. RENSHAW: Acceptable.

VICE CHAIRPERSON SOCKWELL: So then I think we have concluded the statement and witnesses of the applicant, and it would be now time for government reports, including the Office of Planning, Department of Public Works, et cetera, if there are such. And I don't believe that we have any government reports for this, is that correct? So then there is no Advisory Neighborhood Commission report that I am aware of in the file. Is that correct as well?

MS. RENSHAW: That is correct. They have -- the Zoning Office sent a memo to 2F06, which must be the single member district and also to ANC-2F and ANC-2C, and we do not have anything in the file from that -- from both of those.

VICE CHAIRPERSON SOCKWELL: All right, then. We would like to hear from parties or persons in support. Is there anyone here representing support? In the event that there is no one here, we would be willing to hear parties or persons in opposition. Are there any persons here in opposition? Yes, sir. Have you been sworn in? Then we would need you to be sworn in. Do I need Mr. -- please.

(The witness is sworn.)

VICE CHAIRPERSON SOCKWELL: Be seated, identify yourself, state your name and place of residence. Push the button in the front there. There we go, thank you.

REVEREND BROWN: My name is Reverend Melvin G. Brown. I am the pastor and senior minister of the Greater New Hope Baptist Church located in the historic site 816 H Street, N.W., representing that congregation. The reason I am here is that I am here in opposition because we are not privy of all that will be involved in this new enterprise that is going up on H Street next door to us. And our experience in the past is that we have been deceived by Artis & Hadden as well as deceived by DRI. So we don't want to support this construction until we have all the details -- all the information. I have been in contact with my attorney, the Church's attorney, Arnold & Porter. Scott Helsel is the lead attorney. He is on his way here, and I would like for him to have the opportunity to address this Board, Mr. Chairman, before any decision is rendered in this particular matter.

VICE CHAIRPERSON SOCKWELL: Reverend Brown, you are aware that there is a prior approval on this project to go forward with a building that is essentially what is presented today.

REVEREND BROWN: No, I am not aware.

VICE CHAIRPERSON SOCKWELL: There has been a prior BZA approval. That case was heard October 13 of last year, resulting in BZA Order No. 16498. The decision was rendered October 13, 1999, essentially allowing the building. But the applicant has returned to the Board requesting modifications which are before us now. I would hope that the Greater New Hope Baptist Church was notified properly in the previous BZA application

procedures and I would certainly request that you check the record to see if we showed that proper notice was given. Today we are considering, as you have sat here during the proceedings, a modification to the requirements for parking. And I would wish that you could confine or at least focus your remarks on the issue that is before the Board at this time. Unfortunately, if your concerns have anything to do with the previous order, we cannot hear those here today because that is not the proceeding. But I would be more than willing to hear any concerns that you have regarding the elimination of parking.

REVEREND BROWN: Yes, that is what I am concerned about. How the elimination would effect us. Because we are not aware -- we were never told that parking would be eliminated or restricted.

VICE CHAIRPERSON SOCKWELL: If I might just update you. The original order was to provide 18 parking spaces on site, which would have been provided in two cellars or below grade levels accessed by a parking elevator. And that approval stands now, but the applicant has returned requesting the elimination of parking based upon the facts that they have presented in their case. Did you -- as representative -- would he have the opportunity to have had party status in this had he so chosen? Mr. Nyarku?

MR. NYARKU: There are no parties, sir.

VICE CHAIRPERSON SOCKWELL: No, but he would have

had the opportunity to seek party status. We did not grant party status, nor did I request if there were any parties or any individuals seeking party status. And since it was not handled at that time, I feel it only fair to make that opportunity available to Reverend Brown.

MR. HOOD: Mr. Chair, we did not call for that earlier?

VICE CHAIRPERSON SOCKWELL: No, we did not. We didn't call for parties.

MR. HOOD: Well, let me just ask Reverend Brown. What church?

REVEREND BROWN: Greater New Hope Baptist Church?

VICE CHAIRPERSON SOCKWELL: That is the next-door church.

MR. HOOD: New Hope? They were notified within the 200 rule.

VICE CHAIRPERSON SOCKWELL: Okay. They were notified each time.

MS. RENSHAW: Each time?

MR. HOOD: It is in the record.

VICE CHAIRPERSON SOCKWELL: So it is possible that these notifications are not getting to the proper desk?

REVEREND BROWN: That is possible.

MR. HOOD: There also was proper posting.

VICE CHAIRPERSON SOCKWELL: And did you see the

posting? Is that how you became aware of this?

REVEREND BROWN: I received a letter.

VICE CHAIRPERSON SOCKWELL: Oh, you received a letter.

REVEREND BROWN: This time I received a letter.

VICE CHAIRPERSON SOCKWELL: Okay. But the last time you were not aware of it?

REVEREND BROWN: I have the letter before me.

VICE CHAIRPERSON SOCKWELL: I see. I believe that it might require us to -- would we have to waive a rule in order to give Reverend Brown the opportunity, if he chose to seek party status?

MS. SANSONE: Mr. Chairman, our rules require that a party seeking party status apply -- I believe it is 10 or 14 days prior to the hearing.

VICE CHAIRPERSON SOCKWELL: Okay, so it is past that time and we would have to waive the rules in order to let him seek party status?

MS. SANSONE: That is correct.

VICE CHAIRPERSON SOCKWELL: Do you wish party status at this time?

REVEREND BROWN: I would like to talk to the attorney first.

VICE CHAIRPERSON SOCKWELL: All right. I believe that if you -- even if you can't seek party status at this time

because you would need legal counsel and we may not be able to revisit that issue, you can testify as an individual and that would be acceptable at this time and I would wish for you to testify as you have spent your time to come. So in the absence of your attorney, I would hope that you feel free to testify with your concerns.

REVEREND BROWN: I am concerned about parking. As I sit here, I heard that you had put signs restricting parking in front of this particular new structure.

VICE CHAIRPERSON SOCKWELL: And I suggested that such signs might be the case. I am not sure whether the applicant specifically stated that he would seek restricted parking in front of the building. I don't believe that was the applicant's statement. That was a statement that I made in reference to what might occur. I realize that parking is a premium, especially when the church is in session.

REVEREND BROWN: Right. And we have sessions all the time constantly with funerals. We have about 700 members, so there is constantly something going on.

MR. HOOD: Are we open to questions or are we just listening to his testimony?

VICE CHAIRPERSON SOCKWELL: We are listening to his testimony at this point.

REVEREND BROWN: Well, you see I want to know how it would affect our operation. I have heard several things about

restricting the parking and someone talking about loading docks and someone talking about alleyways. That is in dispute now in the courts whether that is a public alleyway or that is the Church's property. That is in court now. The Church is in court with DRI and the U.S. Mint over that very issue.

VICE CHAIRPERSON SOCKWELL: And that is the alley on the south side?

REVEREND BROWN: Right.

VICE CHAIRPERSON SOCKWELL: On the -- yes, south side.

REVEREND BROWN: The south side. Which historically has been the Church's fenced in property -- historically.

MS. RENSHAW: That was never closed by an order of City Council?

REVEREND BROWN: No, it was always -- well, it could have been closed -- it always has been the exclusive use of the church.

VICE CHAIRPERSON SOCKWELL: While it is not part of what we are discussing, Mr. Renshaw. Many alleys in the District date back to the 1800's as private alleys that have been separated from existing lots during early subdivisions, primarily for the use of the adjacent properties but were never public alleys. And are sort of owned or not owned or made accessible primarily to specific adjacent property owners and not always to all adjacent

property owners. Anyway, continuing. You have had no communication or have you had communication with the applicant at all? Have there been any discussions with regard to the applicant's project? Are those things that you would want to discuss with us today?

REVEREND BROWN: No, I refused to talk to them because of who the applicants is dealing with. Because we have a problem -- we have a court case now involving some of the same people that the applicants are dealing with that is going to do construction for the applicants. Those are the ones --

MR. HOOD: Are you speaking in terms -- I don't really want to get into it. I am trying to make sure I understand. Are you talking in terms of the counsel that the applicant has retained or obtained or the contractors?

REVEREND BROWN: It is two entities. The contractor, DRI, as well as the counsel.

MR. HOOD: So it is both that you have some other issues that you are dealing with?

REVEREND BROWN: Right. We are dealing with both of them in court now.

VICE CHAIRPERSON SOCKWELL: Would you just discuss briefly the salient issues with regard to parking and your own congregation's needs for parking and parking problems?

REVEREND BROWN: Well, the congregation needs to have access, as they have in the past, to the total street. It

would severely encumber and hurt and inconvenience the church to restrict parking in any of that public space on H Street.

MR. HOOD: Reverend Brown, does the church -- and this is not what we are here for today, but I am just trying to get a sense of the whole picture. Does the church have a parking lot?

REVEREND BROWN: No.

MR. HOOD: I guess this is rather unusual for me, Mr. Chair. I usually hear it the other way around. But I guess due to the location of the church and where it is, I think most of the time in front of this Board we hear things the other way. The church taking up all the parking. So I guess this is kind of an unusual situation here that I am hearing.

VICE CHAIRPERSON SOCKWELL: Well, the church in this case is located basically in a neighborhood that grew up around it over the last 10 to 12 years. The first major project was 810 7th Street. Well, actually the first major project was Techworld and then 810 7th Street grew up. Then 650 Massachusetts Avenue somewhat to the northeast. And then as the U.S. Mint and other projects are coming out of the ground, PEPCO and the Secret Service Building, they have found themselves virtually surrounded by large scale development. And where the number of parking spaces available on the street was virtually unrestricted at certain times, now with hotels and other things in the neighborhood, it is much more difficult for the members of Reverend Brown's church to

find parking, especially during the hours when anyone would normally be utilizing the church for any functions or activities. So it is just the nature of the growth.

In this situation, Reverend Brown, we are talking about no more than 18 parking spaces that would be provided within the building under the existing issued order and the disposition of those parking spaces. While that would put only 18 cars back on the street, it is the issue of 18 cars, not an issue of parking that would greatly enhance or greatly detract from the available parking spaces to your church body.

REVEREND BROWN: Well, what I am interested in is not their internal parking. But we are interested in their restricting the use of public parking on H Street.

VICE CHAIRPERSON SOCKWELL: All right, let me --

REVEREND BROWN: This is our attorney, Scott Helsel that just -- from Arnold and Porter.

VICE CHAIRPERSON SOCKWELL: Would you fill out a witness card and pass it through, please, if you are going to speak on behalf of your client? If you are not --

MR. HELSEL: I am not sure that that is necessary.

VICE CHAIRPERSON SOCKWELL: Turn your microphone on, please.

MR. HELSEL: I apologize for getting here late, and I am not sure if testifying is necessary, although I would like --

VICE CHAIRPERSON SOCKWELL: If you would like, I will give you and Reverend Brown a few minutes to confer. Since you just arrived and he was very concerned about any testimony and any positions that he took without your presence.

MR. HELSEL: That would be much appreciated.

VICE CHAIRPERSON SOCKWELL: Then please take a few minutes to do that.

MR. HELSEL: Thank you.

VICE CHAIRPERSON SOCKWELL: Turn your microphones off and you can step over in the corner or out in the hall or however you want to do that.

MR. HELSEL: Thank you very much.

MR. HOOD: Mr. Chair, also can we take three minutes right here?

VICE CHAIRPERSON SOCKWELL: Yes.

(Whereupon, at 4:14 p.m., off the record until 4:33 p.m.)

VICE CHAIRPERSON SOCKWELL: Okay, we reconvene. Reverend Brown, do you have additional statements and have we decided whether or not Mr. Helsel will actually speak? Did you fill out the witness card, sir?

MR. HELSEL: Mr. Chairman, I did.

VICE CHAIRPERSON SOCKWELL: All right.

MR. HELSEL: And I would like to make just a very brief 30-second statement.

VICE CHAIRPERSON SOCKWELL: Will you identify yourself for the record and state your address, please?

MR. HELSEL: Yes. My name is Scott Helsel. I am an attorney with Arnold and Porter --

VICE CHAIRPERSON SOCKWELL: How do you spell that?

MR. HELSEL: H E L S E L.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. HELSEL: My address at Arnold and Porter is 555 12th Street, N.W.

VICE CHAIRPERSON SOCKWELL: Actually home address was preferred.

MR. HELSEL: Oh, I am sorry, my home address is 4911 35th Street North in Arlington, Virginia 22207.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. HELSEL: Mr. Chairman and Members of the Board, I represent the Greater New Hope Baptist Church in litigation presently pending in the Superior Court of the District of Columbia regarding an alleyway on the southern portion of the church's property that shares a common boundary with the property that you are considering today. I have talked with counsel for Riverdale International, who tells me that that issue is not being considered by the Board today. And specifically the issue that the church is concerned about and why I am here is there is -- the Riverdale International intends to locate a fire exit emptying directly into the alleyway that is the church contends its private

property, and that issue is presently being litigated. I am told and I appreciate the candor and cooperation of the Riverdale International and its counsel that that issue is not being considered today but rather what is being considered is an application to change an approved plan with regard to parking underneath the building that is depicted on those pictures to my right. If that is the case, and I believe it is, Pastor Brown has told me that the church has no opposition to that petition by the other side. If everything I have just said is correct as regards to my understanding, I think the church has nothing more that it needs to say today.

VICE CHAIRPERSON SOCKWELL: Let me clarify one thing within the record. As I thought back to my statements and the statements of the applicant with regard to this property, there was an assertion by the applicant that a loading zone would be provided, I believe, on the H Street side of the property. And that was what I didn't quite remember at the time that you brought the issue up. So I had made an assertion with regard to parking on the 8th Street side, but it was only the loading on the H Street side that the applicant had mentioned.

REVEREND BROWN: We have no objection to that.

VICE CHAIRPERSON SOCKWELL: Okay. So I can remove you as an opponent to this?

REVEREND BROWN: Yes.

VICE CHAIRPERSON SOCKWELL: We appreciate your

presence here today and thank you for your comments.

MR. HELSEL: Thank you very much.

REVEREND BROWN: Thank you, Mr. Chairman of the Board.

VICE CHAIRPERSON SOCKWELL: All right. Then I think it is time for closing remarks by the applicant at this time, having taken care of parties in opposition.

MR. GLASGOW: Mr. Chairman, just a couple of things to clarify the record. And I believe the pastor said it correctly. The law firm that he was concerned about was Arter & Hadden, not Wilkes & Artis. Because there is not --

VICE CHAIRPERSON SOCKWELL: There is an A in there, you know.

MR. GLASGOW: I know. I am making sure there is no confusion about that. I think we had an opportunity -- a good opportunity to make sure that everybody was clarified on another couple of issues. I think we also discussed with the pastor that with respect to the utilization of 8th Street, that our utilization of 8th Street would be far less intensive if the Board granted the variance request. And we -- so I wanted to leave that with you all too. Because they have some serious needs that they have for 8th Street. And as the Chairman pointed out, the neighborhood did grow up around the church. That is clear. The neighborhood was much less intensively developed. So the church's needs for parking in the area I assume have stayed essentially the

same, but now there are other competitors, if you will, for utilization of the street and other things. And we recognize that with respect to proceeding forward with this application.

We do have an application that is already approved. If there is some way that we can utilize that, obviously we have got that application approved. But we also wanted to be in a position, given the issues that were raised by Mr. Golonka and given the issues that were raised by the pastor with respect to the utilization of 8th Street, that we think it is also appropriate that the Board grant this application. This is for a small piece of property. This is a very complicated situation. And we have been trying to deal with it as best we can. And there is not an easy solution. There are trade-offs of solutions. And we believe that what it is that we are proposing today is an appropriate trade-off for the Board to consider. We believe that we have met the burden of proof that we have given the size of the property. The Board has already found in the prior case and in the testimony with respect to -- there is a serious issue with respect to ramping within the structure and those type of things.

Our burden of proof is a practical difficulty. We believe that we have shown that there is a practical difficulty. We do not have an undue hardship burden in this particular case, and we do not believe that we adversely affect the neighborhood with respect to the granting of this application. We believe that

in some ways that this has helped bring the property owners closer together with respect to understanding their respective needs and desires with respect to the utilization of 8th Street. And if the Board sees fit, we would request the Board grant the application.

VICE CHAIRPERSON SOCKWELL: I would like to make my comments fairly straightforward. It is to the benefit of all that parking be made available wherever possible in the downtown area. It is quite often difficult to remove metered parking spaces without a commensurate loss of available parking for everyone concerned. In providing the 18 spaces, which was a 25 percent reduction based on proximity to a Metro station, we felt, I believe, in the previous order that we had accomplished a goal of reducing the on-street parking impact. And I believe that the applicant made a very positive effort and a yeoman's effort, in fact, to accommodate parking within the building on two levels. And what I would like to do is propose that we not act upon this application today, but to request that the applicant either study the application of parking at the first cellar level and return to us with a statement that it cannot be effectively accomplished to provide in my belief one-half of the required spaces or probably based on the lack of an elevator, I would be willing to accept the provision of five to six spaces, or to provide the full 18 spaces through an agreement for off-site parking, which could be -- I mean, if we look at Section 2116.1, which requires parking to be on the same lot as the building that the parking is intended to

serve, an exception is provided in 743.2D in a C-3-C zone and would allow the applicant to apply for a special exception to provide parking elsewhere than on that same lot as the principle use. And if you can't provide parking within the same square as the building, then a variance could be sought to meet the parking requirements off-site. The fact that there is probably excess parking based on the applicant's own statements in other buildings in the general neighborhood, it would be my belief that one can gain access to those spaces as required by your tenants up to the limit of 18 spaces. And that an agreement to make such spaces available for the tenants use as required up to a maximum of 18 spaces would not be unreasonable. At least we would know that for this building and its tenants, there would always be the availability of off-site parking. And its garage is going to be operated as a private garage anyway. So it wouldn't be public parking for the visitors to the building. It would strictly be the parking required under the ordinance. And I think that would be a fair way of looking at the circumstance of making sure that the impact on street parking, which is very important to such neighbors as the Greater New Hope Baptist Church, would be minimized during the business hours of this building, which is going to be an excellent and in fact a very much needed addition to that corner, especially with all of the other development taking place. That site is currently very much underutilized and I think that that would meet the goal of this Board in achieving

the off-street parking requirement.

MR. GLASGOW: Mr. Chairman, may I make a suggestion?

VICE CHAIRPERSON SOCKWELL: I am willing to listen.

MR. GLASGOW: With respect to that, those two alternatives that you suggested, I think that those are very well taken. And what I would suggest is that if the variance could be granted with a condition that either we supply evidence to the Board of the provision of the 18 spaces off-site, rather than having us come back for a new hearing and whatever. That the variance is granted and two of the conditions would be, one, we either provide appropriate proof or letters of documentation to the Board that we are able to provide the parking spaces off-site, or we submit a plan that shows the five to six spaces on site.

MR. HOOD: Mr. Chairman, as opposed to getting into a situation like that today -- because I am not prepared to move forward -- I think that the way we can handle it is before -- if we vote on it up or down or however we are going to do it at our BZA meeting, that those documents that Mr. Glasgow is saying that they would present, let's obtain them. Leave the record open to receive that before this Board makes their decision. I guess what I am saying is I don't want to do it -- I am not in favor of doing it now without seeing anything in front of me.

VICE CHAIRPERSON SOCKWELL: Well, I think the issue could be handled if there is stated specifically that one or the

other would be provided. And I will ask corporation counsel to give me a little advice on that.

MS. SANSONE: Mr. Chairman, the provision of off-site parking spaces requires either a special exception approval or variance approval, depending on the way in which and the location in which it is being provided. So I think we probably would need to have more evidence in the record to support that type of relief. I don't know -- possibly you would have to have additional public notice to accomplish that.

MR. GLASGOW: Mr. Chairman, we have asked for a parking variance for all parking.

VICE CHAIRPERSON SOCKWELL: I beg your pardon?

MR. GLASGOW: We have asked for a variance requirement not to have any off-street parking.

VICE CHAIRPERSON SOCKWELL: I understand that.

MR. GLASGOW: So it would seem to me that with respect to the scope of notice and the authority of the Board -- I am not saying whether the Board wants to do it or not, but I think it is within the scope of a proceeding where there has been a request that we don't need to provide any parking on site, that as a condition to that approval, which is a variance approval and an area variance, not a use variance, that the Board could state that if they have evidence of the provision of the 18 spaces and they accept that provision of the 18 spaces that they could act on that basis.

VICE CHAIRPERSON SOCKWELL: The question is whether or not that can be accomplished as a condition of the approval as opposed to leaving -- as opposed to bringing a new application before the Board. And if we condition an approval of zeroing out the spaces, then we are in fact stating that the applicant would not have to return with evidence that the spaces cannot be provided. I think that we would be actually approving zero spaces and then requesting that as a condition of such approval the spaces be provided -- that spaces be provided off-site. And the method by which such spaces would be provided would have to be some kind of covenant that would run with the land. Otherwise, the agreement to provide spaces could be with building A or building B or building C or building D, but the covenant would require that an agreement be in existence at all times.

MS. SANSONE: Mr. Chairman, I would also be concerned that the regulations do require certain findings be made for special exception relief for providing off-site parking. And I think the applicant would need to submit documentation to show those requirements have been met. The record would have to be left open and the Board would have to be prepared to adopt those as findings. I don't know that we could approve the application subject to meeting it either way. We wouldn't be in a position -- we wouldn't have the facts before the Board to make the requisite finding to support providing the parking off-site.

VICE CHAIRPERSON SOCKWELL: You see, one of the

issues is that this is not a particularly difficult matter to resolve one way or the other. So it could be -- I mean, we wouldn't have to put you off for six months and bring you back in with drawings by Mr. Colbert showing parking spaces rubber-stamped all over the cellar level or something like that. I believe that we could probably handle this fairly quickly if Mr. Colbert can produce a study that shows the ability to provide parking or lack thereof based upon the current design of the building at the below grade levels. And that is to reduce his parking requirement, I think we would have to move first to reduce the parking requirement for the purpose of the study or at least we would have to set a parking requirement for the purpose of the study.

MR. HOOD: Mr. Chair?

VICE CHAIRPERSON SOCKWELL: Yes?

MR. HOOD: Mr. Chair, I think that we need to -- from what I am hearing --

VICE CHAIRPERSON SOCKWELL: I will defer to my Board Members to give me --

MR. HOOD: Again, I don't know about my other Board Members, but I am not prepared to move on this action today.

VICE CHAIRPERSON SOCKWELL: Okay.

MR. HOOD: So we have put some -- I think you have made some suggestions that they can come back with. We can leave the record open and then I think we can deal with it at that point in time. We can go on for 30 minutes more an just keep on

elaborating.

VICE CHAIRPERSON SOCKWELL: Ms. Renshaw, what is your pleasure in this?

MS. RENSHAW: Yes. I was wanting to know if Mr. Hood is going to make that into a motion, his suggestion to leave the record open.

MR. HOOD: Right. But I wanted to make sure that we had closed -- that we were all on the same page before we did that.

MS. RENSHAW: I think that you can.

VICE CHAIRPERSON SOCKWELL: So we basically -- basically what we need to do is determine what it is we are asking the applicant to do.

MR. HOOD: Right.

VICE CHAIRPERSON SOCKWELL: Once we give him a time period for producing it.

MR. HOOD: We need to confer with them on the time period. We want to be fair to them.

MS. RENSHAW: And, Mr. Sockwell, you had articulated what you wanted of the applicant, and that is the parking study below grade level, correct?

VICE CHAIRPERSON SOCKWELL: Yes. Parking on the first cellar.

MS. RENSHAW: The first cellar level, 5 or 6 spaces, or to provide full 18 spaces for off-site parking. All

right? So that is what we are asking the applicant to provide. And we are asking that the record be left open in order for the applicant to provide that information, and we can set a time and vote on it.

VICE CHAIRPERSON SOCKWELL: Actually, I guess they don't need to do a covenant if it is in the order that they would provide 18 off-site spaces. If that can be handled, then that is all that is necessary.

MR. HOOD: Now my question is do we need a motion or can we just do that with general consensus?

MS. RENSHAW: I think we need a motion.

VICE CHAIRPERSON SOCKWELL: We probably need a motion.

MR. HOOD: So I will make a motion then on case number 16578 that the record be left open for the additional information -- Ms. Renshaw, if you want to repeat that?

MS. RENSHAW: Yes, well I am repeating what Mr. Sockwell had said. So we will go through it again. That there be a parking study below grade level. We are looking at applicable parking on the first cellar level of 5 to 6 spaces or to provide full 18 spaces for off-site parking.

MR. MOULDEN: And I second that motion.

VICE CHAIRPERSON SOCKWELL: All right. Take a vote. All in favor?

BOARD MEMBERS: Aye.

VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

MR. HOOD: Now did we come up with a timeline or something that the applicant can get the response back to us?

VICE CHAIRPERSON SOCKWELL: I believe that this could be handled in a week or two. I don't see where it is --

MR. HOOD: It is going to have to be scheduled.

VICE CHAIRPERSON SOCKWELL: We would have to put them on a schedule.

MS. RENSHAW: Could we ask about how long they would like to have to produce this information?

MR. HOOD: Well, I better not say that.

VICE CHAIRPERSON SOCKWELL: Do we have -- first of all, I don't think this is a long-term issue or could not be accommodated in a hearing schedule other than a campus plan. We wouldn't want to put it into the campus plan schedule. But any other date that might be available.

MS. SANSONE: Mr. Chairman, we have a public meeting scheduled for July 5, which would be a decision meeting in the morning.

VICE CHAIRPERSON SOCKWELL: Okay. Would July 5 be reasonable for you?

MR. GLASGOW: If there is a way that we could do it almost as a preliminary matter at one of the other Board hearing dates in June, we would prefer that if we could.

VICE CHAIRPERSON SOCKWELL: The June meeting

schedule currently -- let's see. We might be able to get it in on Tuesday, June 20th Public Hearing.

MR. HOOD: Mr. Chair, I will ask though if you do put it on June 20th, so I can participate, that it be the first -- and we can work with staff -- that that will be the first staff? Because I don't think I am sitting that day and I don't --

VICE CHAIRPERSON SOCKWELL: We could possibly do that.

MR. HOOD: Okay.

VICE CHAIRPERSON SOCKWELL: Mr. Hart, what is --

MR. HART: Mr. Chair, let me just say this. You are -- whatever hearing date that you put it on right now, I can tell you they are all packed to the maximum. I was strictly cautioned not to add anything to any of the hearing dates. Ms. Sansone gave you the July meeting date, and procedurally this would be a meeting item.

VICE CHAIRPERSON SOCKWELL: So you feel that July 5 is the most appropriate --

MR. HART: At this point, yes.

VICE CHAIRPERSON SOCKWELL: Then I will defer to you. Because we have been discussing the overloading of meeting dates and the fact that unfortunately one can never tell whether something is going to drop off a schedule or not. But we either put too few meetings or too few cases on sometimes or we have a loaded date and suddenly everybody wants to go away. So we get

stuck with three hours of down time when we thought we were going to have four hours of hot and heavily contested cases. So I am going to establish that July 5 is the date certain for this. Because it is the day after July 4, you can believe I don't want to be here. But unfortunately, I will. And we will go forward with that date if you are willing to accept that.

MR. HART: Now the next question is when will these --

VICE CHAIRPERSON SOCKWELL: Exhibits be required?

MR. HART: That is right.

MR. GLASGOW: When do you want them.

VICE CHAIRPERSON SOCKWELL: I believe that Mr. Colbert can best tell me how long it will take him to produce that, and I am sure that it won't take very long. Why don't we have that -- today is the 7th?

MR. GLASGOW: Mr. Chairman, do you want to just tell us when it is that you all need them by to get them in your packet? Because the time frame is not ours.

VICE CHAIRPERSON SOCKWELL: We need them a week in advance.

MR. GLASGOW: A week in advance?

VICE CHAIRPERSON SOCKWELL: So why don't we make them available June 20th -- not June 20th. What would we ask for? The Friday the 23rd?

MR. HART: It would be not the Friday -- the 29th

of --

MS. RENSHAW: I would suggest that you back up a little because of the holidays. Maybe some of us are going away prior to July 4.

VICE CHAIRPERSON SOCKWELL: All right. Let's get the exhibits available as soon as possible. So why don't we say two weeks?

MR. HART: Let's do it another way. Mr. Colbert, how soon can you get it to us?

MR. GLASGOW: You want 10 days?

MR. COLBERT: Yes, 10 days.

MR. HART: That is way within -- yes, that is fine.

VICE CHAIRPERSON SOCKWELL: Okay. So give me a date, Mr. Hart.

MR. HART: Okay.

VICE CHAIRPERSON SOCKWELL: Friday, the 16th?

MR. HART: Is Friday the 16th good?

VICE CHAIRPERSON SOCKWELL: Fine. Is that fine with you, Mr. Colbert?

MR. COLBERT: Sure.

VICE CHAIRPERSON SOCKWELL: All right.

MR. GLASGOW: Mr. Chairman, only one last thing in talking with the applicant. Because of the cost of the spaces, the alternative for providing the one level on the site would probably not be a five or six space. Either we can provide 8 or 9

spaces, or we will be saying that we have got a real issue there.

VICE CHAIRPERSON SOCKWELL: Right. And I understand the issues involved in trying to do it one way or another, especially from an income standpoint. But we have to go this way. All right. So then we will expect exhibits on the 16th and exhibitors on the 5th.

MR. GLASGOW: Yes, sir.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. GLASGOW: Thank you.

VICE CHAIRPERSON SOCKWELL: So this concludes the Public Hearing afternoon session.

(Whereupon, at 5:01 p.m., the Public Hearing was concluded.)