GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

JANUARY 5, 2000

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
JERRY H. GILREATH	Board Member
REGINALD W. GRIFFITH	Chancery Member
ROBERT N. SOCKWELL	Board Member

COMMISSION STAFF PRESENT:

Sheri Pruitt, Secretary, BZA
Beverly Bailey, Office of Zoning
Paul Hart, Office of Zoning
John Nyarku, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Mary Vogle, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Marie Sansone, Esq.

C-O-N-T-E-N-T-S

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P R O C E E D I N G S

Time: 9:30 a.m.

CHAIRPERSON REID: Good morning. This hearing will please come to order.

Ladies and gentlemen, this is the January 5th Public Hearing of the Foreign Missions Board of the Board of Zoning Adjustment of the District of Columbia. I am Sheila Cross Reid, the Chairperson. Joining me today are Robert N. Sockwell and Reginald Griffith representing the National Capital Planning Commission, and representing the National Park Service, John G. Parsons.

Copies of today's hearing agenda are available to you. They are located to my left near the door. Please be aware that this proceeding is recorded electronically. So we must ask you to refrain from any disruptive noises or actions in the hearing room.

If you desire to give any information to the Board, do not speak from the audience, but rather come forward to a microphone. State your name and home address, and proceed to make your wish known.

I'm sorry. I'm reading this information for the hearing. This is a meeting. Sorry.

We will open up discussion for deliberation on the Embassy of Benin.

MS. PRUITT: Good morning, Madam Chair. The first case on your agenda to be decided is Application 16519, Adel Partnership on behalf of The Embassy of the Republic of Benin, pursuant to Section 206(b) of the Foreign Missions Act and Subsection 1001.1 of the Zoning Regulations to permit the location of a chancery in a D/R-1-B District at 2124 Kalorama Avenue, N.W. (Square 2527, Lot 835).

The hearing date was December 8th. The Board left the record open until December 16 to allow residents the opportunity to submit, who did not receive -- who believe they were entitled to but did not receive notice to submit information. The applicants' responses were due by December 23, and proposed findings were due by December 30.

Before you, you have testimony from six people who believe that they should have been allowed to submit to the record, a response by applicant for Mr. Kaplan, and a proposed findings of fact and conclusions by the applicant.

CHAIRPERSON REID: Thank you. Yes, with regard to the submissions that came in, because of the ambiguity that occurred when we had the hearing in regard to who could submit materials after the hearing, we have allowed the letters to come in for those who

had standing.

Then there was one letter that was not within 200 feet of the subject property, and that one was not allowed in, but all the other ones became a part of the record.

Okay, Board members, discussion?

BOARD MEMBER GRIFFITH: Madam Chair, let me, at least for the record, state that I was not hear at the last meeting, but I have read every word of the record and considered everything.

CHAIRPERSON REID: Okay. All right, Board members, I would move approval of this application. I'd like to for the record state that in the Foreign Missions BZA the criteria that we use is a bit different from what we use for special exceptions and variances, and in this instance we basically have to use the D.C. Code, Section 4306, in regard to location of foreign missions in the District of Columbia, and there are six criteria that we have to utilize only.

Three of them are Federal, and the other three are local. Just to kind of summarize that for you, they are: the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital, and then historic preservation.

Number 3 is the adequacy of off-street parking or other parking, and extent to which the area will be served by the public transportation to reduce parking requirements.

Number 4, the extent to which the area is capable of being adequately protected as determined by the Secretary of State.

Five is the municipal interest as determined by the Mayor of the District of Columbia, and then in the Federal interest as determined by the Secretary.

I felt that there were several issues that were raised by the community, and those issues were addressed, in my opinion, in an agreement with Ambassador -- excuse my pronunciation -- Tonkouin of the Embassy of the Republic of Benin that was a result of the meeting that they had with the community.

In this meeting they discussed issues. In response to the issues, the embassy proffered that they would then make their best efforts to try to address the issue in regard to the appearance of the premises in the neighborhood, landscaping, maintenance of interior lighting, etcetera.

They also discussed in the agreement that there would be no on-street parking and that they had

not requested diplomatic parking privileges. They would not hold social functions at the premises, and that they would hire a caretaker who would reside at the property at all times to look after the property.

In addition, they were going to hire a property manager who would make sure the property was maintained. There would be no exterior security cameras visible from the outside, and no intrusive telecommunications equipment would be visible.

I felt that, based upon what had been raised as issues from the community, the embassy had demonstrated that they were willing to and, in fact, agreed to promise that they would take necessary steps to mitigate any adverse impact.

They also stipulated that there would only be four cars parked in the driveway, seven staff people, five of which could use public transportation, and that they agreed to relocate the flagpole in the yard.

So based upon that, I felt that this application should not be disapproved. Is there --

BOARD MEMBER PARSONS: Madam Chairman, I would second your motion and concur with all of your remarks; but at the same time, recognizing that we have a community with deep concerns over its future and some

of their existing neighbors, the current regulations give us no other choice in this matter, as I see it, in that this is in a diplomatic overlay area, and there is no cap, as the citizens have suggested that 40 percent is enough.

The cap is simply one-third nonresidential or diplomatic use to qualify for this zone. At the same time, I'm aware that the Planning Commission is about to undertake another look at the Federal element of the comprehensive plan dealing with foreign missions, and I will propose later that we send a letter to the Planning Commission asking them to take another look at the concept of the 33 percent and percentages in general.

I think that's the only option that this Board may have, is to urge a relook at that. But I would not make that as part of this motion, but rather want to follow this action with that.

CHAIRPERSON REID: Okay, Mr. Sockwell.

BOARD MEMBER SOCKWELL: Recognizing the fact that the community's interests are very important in that the stable community is a very important aspect of any environment, and that is that the neighbors are comfortable with their neighbors, whatever those neighbors are participating in with regard to their own

property, in the case of the country of Benin there's been a lot of dissatisfaction raised with regard to other chanceries within the community along with the fact that chanceries are not the most desirable use as perceived by the neighbors immediately surrounding them.

What I believe has become part of the issue is the fact that the other chanceries may not have properly maintained, improved or operated their facilities, trying to be in concert with or at least not in opposition to the norms of the neighborhood and its lifestyles.

It is very important that any chancery, any neighbor, be very concerned not just about his or her own use of property but about the impacts of that use on everyone surrounding them.

As I stated in the previous hearing, the government of Benin is establishing, as would any government -- the government of Macedonia and others -- have to establish within these outreach locations missions an image of the country itself. It is very important to me that that image be preserved, maintained, improved, transmitted to those of us who are the Americans, in this case, living around this mission.

Such a mission cannot take upon itself the independent stance of not paying attention beyond the inside of the walls. That operation, wherever it may be in any far-flung regions of the world, should be that which -- by which we judge Benin as a government, knowing nothing more about them than that they maintain dignity and quality, preserve the neighborhood environment, and conduct themselves in the absolutely least reproachable manner.

They have to operate beyond reproach. The Department of State is not just a watchdog agency to work with and try to mediate disputes between missions and communities. The Department of State should not even have to be called in to police.

I believe that, if the chancery of Benin becomes a neighbor within this community, that it has the opportunity to take away the negative, dispel some of the preconceived, preestablished and at this point nearly permanent feelings about missions and their position within that community.

We talk about nations, Italy and France and others. We talk about those long established nations, and we think of them with reverence. Sometimes we don't think the same way about the newer nations, the nations that don't have that history, whose

architecture and whose culture is not known to us as well, and we think that -- or I think that Benin can do very well to establish a new standard.

CHAIRPERSON REID: Thank you. Mr. Griffith.

BOARD MEMBER GRIFFITH: Madam Chair, I'd like to especially focus on Mr. Sockwell's last statement with respect to the image of foreign missions.

Very often this Board hears the negative side, but we in the Planning Commission, dealing with them so often, have often heard the positive side, and that was your last point, that there are certainly -- There is a history of foreign missions in this nation's capital that we can also be proud of in terms of them being good neighbors and even uplifting the neighborhood in terms of what they have to offer for intercultural types of exposures as well as added security and things like that.

So there's a positive side to that also that I'd like to focus on.

CHAIRPERSON REID: I would agree with that. Indeed, while a lot of the testimony during the hearing was focusing on some of the embassies that were poorly kept or the missions that were not kept up to

par, we all know that here in the nation's capital some of the embassies and the foreign missions are beautiful, and indeed they are like tourist attractions, and they add to the ambience of our city, and we're proud to have them.

I feel also that, because Embassy of Benin is a developing country, we should look at the -- We should give some deference to what they have proffered to us as to what they are willing to do, and to give them the opportunity to demonstrate to us that they are able to present their embassy and their chancery in a very exemplary manner, which I feel is very possible.

In regard to the ANC, I'd like to address the issues that were raised. Those concerns, I think, were addressed in the agreement with the embassy in regard to parking, traffic, transportation, building maintenance, and the like.

I think that everything that was proffered as a possible problem has been addressed and, I think, addressed appropriately.

I think that also we should point out that in these foreign missions' cases, that the decisions are predicated on being site specific. Even though there was a lot of discussion proffered to us regarding other locations, let me just point out again that this

particular hearing was germane to this instant application, and as such, we cannot take into consideration in any cases or with any other mission any other properties owned by the applicants -- any applicant that comes before us; because, obviously, that's a different case, and that's a whole different situation. Also, we then have to examine circumstance, which was not the case, in all fairness.

So, therefore, we are looking at this particular property and this particular location only.

Another thing that really swayed me was the fact that there was a lot of discussion about intensity of use and oversaturation of the area with embassies and foreign missions. Yes, this is an area that has a proliferation of foreign missions and foreign government properties and the like, but that is part and parcel of what that community is about, and living there in that community, once the election was made to live there, then it is the understanding, I would think, that this is part of the community make-up.

It was pointed out that the Egyptian embassy had moved out, and that embassy had 25 staff members and 15 cars. Even though we had approved the Macedonian embassy, it has not moved in yet. But my understanding is that that had ten people and ten cars.

So if you do the math, it appears to me that -- I don't understand. I fail to see how the approval -- not disapproving this particular application would in any way contribute to the oversaturation of that particular community. I just don't see the logic. On the face of it, I just don't see the logic.

I would further recommend, and I think we can condition our order -- recommend that, given the circumstances and situation in regard to the Benin Embassy locating at this particular site, that there perhaps be established a liaison between the embassy and the community with periodic meetings where any concerns can be addressed.

I have a feeling that the Benin Embassy is open to such an establishment of such a liaison, and determine how they could handle any problems that may come up. But on the positive side, if there are no problems, then I think that they could use this entity that they establish to determine how they can work together, both the community and the Benin Embassy work together in a collaborative effort for the better good of that particular neighborhood.

MS. PRUITT: Madam Chair, you have a draft order on page 13 that lists nine conditions. I don't

know if you'd like to adopt them in full or review them, and then make this a tenth condition. Page 13 of the draft order.

CHAIRPERSON REID: Do you have it? Just one second. Let us pull it out.

MS. BAILEY: This is our copy.

CHAIRPERSON REID: The conditions that have been proffered in the draft order in regard to the Benin Embassy -- I have no problem with them being incorporated into the order. It basically just stipulates what we've talked about before, parts of the agreement that had been reached with the embassy and the community with the -- well, what the embassy has agreed to do in regard to -- Number one is with regard to maintaining the appearance of the residential features, and taking care of the landscaping and maintenance, so forth and so on.

Two is the pick-up of equipment and supplies done during working hours in a quiet, orderly manner. The driveway will normally be occupied by up to four cars per day. We talked about that. The Embassy of the Republic of Benin will not hold social functions.

The Embassy of the Republic of Benin will have a caretaker reside, and we talked about that,

security system, no obtrusive telecommunications. Embassy of the Republic of Benin will run their shuttle between the existing chancery. We know about that. And any proposed future exterior alteration to the property must be approved by the Historic Preservation Board, which is a given.

They had already approved the flagpole and the plaque for that specific property. In regard to the Federal interest, the State Department, represented by Mr. Mlotek, made it very clear to us that the State Department was desirous of us not disapproving this application, given the fact that they had a relationship with the country of Benin and, as we well know, the reciprocal aspect of that relationship is very important.

We are also mindful of that in regard to our installations or our missions to other countries, particularly in this instance in Benin.

Now as far as the municipal interest is concerned, we had no position taken by the Office of Planning, if I'm not mistaken. Is there any change?

MS. VOGEL: No change.

CHAIRPERSON REID: Okay. The Office of Planning, through the -- being the representative of the Mayor, did not take any position in regard to this

application.

Any further discussion, comments?

BOARD MEMBER SOCKWELL: Yes, just one. The nine conditions that have been stated here as part of the decision are passive. Those are strictly physical issues with regard to the property, and the active condition that Madam Chairperson stated is your relationship with the community.

That is nonexistent, apparently, with regard to most of the other embassies/chanceries that are located there. So again, it is desirable, recommended, would be greatly appreciated by both the Board and certainly by the community that Benin become an active participant as a neighbor in that community.

It's not going to be easy, because these people don't really want you there now. If you're going to be there, you will have to fight through a level of dislike and indifference to your presence, and that might be a diplomatic mission in itself unlike any that you may have attempted here.

This Board is certainly very interested in seeing you do that.

CHAIRPERSON REID: Mr. Sockwell, just let me add to your statement, that this goes both ways. The fact that there is opposition to this particular

application, does that mean that the Embassy of Benin on its own alone has to be the only entity that will try to reach out and try to live together in harmony or peacefully?

I think that the community also should be alerted that this is a decision that's been made by the Board and to be respected as such, and to give them a chance, give them an opportunity to demonstrate that they do want to, and they will, and I think with all entities working together that that can be achieved.

So it's not one-sided. I want to be very clear on that. This is not a one-sided effort.

Mr. Parsons?

MR. PARSONS: Madam Chairman, I think I might have missed something last time. So I need your help, or the Board's help.

Number 7 talks about antennas. I think in my cursory reading of this the last time, I read no intrusive -- no telecommunications equipment would be installed. At least, that was my impression.

CHAIRPERSON REID: In the agreement?

MR. PARSONS: In the draft -- or not draft conditions -- the conditions that were suggested by the applicant at the hearing. So does Number 7 look to you like it looked at the hearing? Was there any change

here? I'm troubled by it. That's why I bring it up. It is that antennas are not a residential use. They used to be in the Fifties, certainly, and Sixties, but they are no longer an item in use in residential areas.

CHAIRPERSON REID: Well, in the agreement they stipulate that there will be no intrusive telecommunications equipment will be installed. No antennas will be installed without obtaining the necessary approvals.

MR. PARSONS: All right. So if I had objection at the time, I should have raised it. I read it the way I wanted to read it, I guess, that -- I mean, we've had some pretty notorious cases of antennas in this city.

CHAIRPERSON REID: Okay. Mr. Griffith wants to respond to that.

BOARD MEMBER GRIFFITH: Well, I think Mr. Parsons has a point, and I think we're both aware of the numbers of times that we've had to deal with antennas.

The way Number 7 is worded, I think, is excellent. It does say no intrusive telecommunications equipment. Obviously, there will have to be some telecommunications equipment, if any chancery is to operate properly. This deals with the intrusiveness

that you're concerned about.

It also deals with the need for necessary approvals to occur prior to that installation. So I'm not concerned about this, and I think it's well written.

BOARD MEMBER SOCKWELL: I agree that I don't see any problem with the way Number 7 is written, because it does cover the fact that none of these things could occur legally without the proper procedures taking place, which means they are not a matter of fact, a matter of right or without control.

CHAIRPERSON REID: All right. Then the vote. All in favor? All Opposed? It would include the nine conditions as -- I'm sorry, the nine conditions as set forth in the proposed order, as well as the tenth condition in regard to the liaison between the Benin Embassy and the community.

MS. PRUITT: Staff would record the vote as four to zero to not to disapprove, motion made by Ms. Reid and seconded by Mr. Parsons, Mr. Griffith and Mr. Sockwell also concurring.

BOARD MEMBER PARSONS: Now, Madam Chair, if you would indulge me a bit, I'd like to kind of engage in a conversation here with Mr. Griffith about the current state of what I understand one of the

Commission staff's next initiatives is a review of the foreign missions element of the comprehensive plan.

I realize I'm putting you on the spot, but I can't recall myself what the status of that is or schedule. I just wanted to make sure it is something that's ongoing.

BOARD MEMBER GRIFFITH: Yes, it is ongoing, and we do anticipate that that element, along with some others, will be done, I'd like to say, within a year's time, but I have to double check the exact timing on that. But it will be done soon.

BOARD MEMBER PARSONS: Well, that's my impression.

BOARD MEMBER GRIFFITH: We also will be coordinating very closely with the District of Columbia on those elements. So there will be no surprises.

BOARD MEMBER PARSONS: Well, I would like to recommend that this Board send a letter to the Chairman of the Planning Commission, and let me make that in the form of a motion and see how it goes.

CHAIRPERSON REID: All right.

BOARD MEMBER PARSONS: I would move that the Board send a letter of request to the Chairman of the National Capital Planning Commission asking that, in their review of the Federal foreign missions element of

the comprehensive plan, they consider the concept of a percentage cap on the number of missions which should be allowed in a diplomatic overlay in a residential zone, and that in this analysis they should include an evaluation of what point is the residential quality of the neighborhood adversely impacted by oversaturation of foreign mission use.

I've written that down so that others can review it, but that is my motion.

BOARD MEMBER SOCKWELL: I'll second that motion.

CHAIRPERSON REID: Okay. All in favor, aye.

BOARD MEMBER GRIFFITH: I have a question.

CHAIRPERSON REID: Question? I'm sorry.

BOARD MEMBER GRIFFITH: That's all right. Certainly, the Planning Commission would do that. I think that relates to a combination of good planning, and good planning includes community participation. I'm sure that there will be many people participating in that process.

Could we look at that wording so that, when we talk about residential areas, we deal with more than chanceries and also deal with nonresidential uses in residential areas?

BOARD MEMBER PARSONS: Oh, absolutely. Thank you.

BOARD MEMBER GRIFFITH: Fine, because that does go beyond the issue of chanceries.

BOARD MEMBER PARSONS: Absolutely. That was a major criterion, that 33 percent. I had forgotten that. Yes.

CHAIRPERSON REID: Okay. Again, all in favor, aye? Opposed?

MS. PRUITT: Staff would record the vote as four to zero to send a motion to NCPC to ask them to review the Federal elements considering the caps in overlay, as Mr. Parsons read. Motion made by Mr. Parsons and seconded by Ms. Reid -- I'm sorry, Mr. Sockwell.

BOARD MEMBER GRIFFITH: Ms. Pruitt, with the understanding that it doesn't just deal with chanceries.

MS. PRUITT: Correct, that it also includes nonresidential.

BOARD MEMBER GRIFFITH: Yes.

CHAIRPERSON REID: Mr. Griffith, could I ask you to just make a statement with regard to your being out of the country for a while, and to introduce for us your designated action director, please.

BOARD MEMBER GRIFFITH: Yes, Madam Chair. I will be out of the country for at least a year. In my absence, the Commission has designated Mr. William Lawson -- William Lawson, please stand -- as the Acting Executive Director. I will be leaving at the end of this month. Mr. Lawson is already on board. So he will be sitting here, and the Commission will forward to you the necessary paperwork for that.

CHAIRPERSON REID: Thank you very much. I'd like to welcome Mr. Larson and look forward to working with you, on behalf of the Foreign Missions BZA.

BOARD MEMBER SOCKWELL: Madam Chair, may I just say one thing, and this is in regard to this revisiting of the foreign missions and other nonresidential uses in residential neighborhoods.

As I stated in the previous meeting, the hearing on this case, the thing that it changed is the neighborhood's residents and their interests and their very strong need to feel that their environment is to be preserved, and that some of the overlay requirements make it difficult for that to happen.

I do believe very strongly that what we do as a Board which allows us only a certain amount of freedom with regard to the regulations that we are

enforcing is not done without a great deal of concern for those issues, those issues of residents, those issues of neighborhood change, those issues of lost continuity.

I want everyone who participated in this particular hearing to believe fully that this Board does not approve and rubber stamp every embassy or chancery that may come before it without very serious deliberations on the appropriateness within the context of the regulations, and that will not change in the future.

CHAIRPERSON REID: Thank you, Mr. Sockwell. All right. Next?

MS. PRUITT: Madam Chair, you may want to reconvene the normal Board for the other items, which is a motion on Waste Management and election of officers.

CHAIRPERSON REID: All right. This was the ending of the Foreign Missions BZA, and we will now open the meeting for the regular BZA.

(Whereupon, the foregoing matter went off the record at 10:11 a.m. and went back on the record at 10:23 a.m.)

CHAIRPERSON REID: We will now commence for today. On the agenda --

MS. PRUITT: Good morning, Madam Chair. The first item actually -- Is your microphone on?

CHAIRPERSON REID: Did you hear what I said? Just basically that we will now commence the first meeting of the BZA for January 5, Year 2000, the first meeting of the new century, and Ms. Pruitt will give us -- start us off with the agenda.

MS. PRUITT: The first item on your agenda is a motion regarding Application 16453, pursuant to 11 DCMR 802.4 and 3104, the District of Columbia Corporation Counsel requests that the Board schedule a special exception hearing for Waste Management to operate a solid waste handling facility at 2160 Queens Chapel Road, N.E., Square 4259, Lot 3 and Parcels 154/72, 154/87, 154/110 and 154/112.

This was one of the cases that was originally tied up with the appeals, and the Board decided to separate the appeals and then hear the special exception later. Corporation Counsel is just asking that the Board consider giving it an exact date at this particular time.

BOARD MEMBER GILREATH: I have no problem with that.

Madam Chair, I make a motion that we set a specific date for the hearing for the special

exception.

BOARD MEMBER HOOD: And I will second the motion, Madam Chair.

CHAIRPERSON REID: Okay. All in favor?

MS. PRUITT: Madam Chair, I've been in contact with both the --

CHAIRPERSON REID: Opposed?

MS. PRUITT: I'm sorry. -- with the applicant and the District of Columbia, and also Councilman Orange's office where there's been a lot of community input, and we -- Based on conversations with all three of them, it looks like mid-April would allow everybody enough time. It would be more than a 40-day notice, but it would allow the community along with the applicant and the District to truly put together a case that, hopefully, will be inclusive and will allow everyone to participate in a fair manner.

CHAIRPERSON REID: Okay.

MS. PRUITT: So at this point, we can set it for April 19, and that will be the only case on that day.

CHAIRPERSON REID: Okay.

MS. PRUITT: The second item -- Oh, I'm sorry. Staff would report the vote as a motion made by Jerry Gilreath and seconded by Mr. Hood to set it for

April 19, and approved by Mr. Sockwell and Ms. Reid also to approve.

The second item isn't on your agenda. It came in a little late yesterday, which you should have gotten by a FAX. It's regarding Application 16443, request for a variance and appeal from hearing decision.

Let me give you a little background, if you can remember, on this. I was pulling out my notes. On October 6 this case was on the agenda. At that time both the applicant and intervenor spoke with the Board. They were trying to get to some resolution and some type of understanding prior to the hearing.

At that time the Board postponed the hearing until February 2 with the understanding that the applicant and intervenor would tell the Board at the January 5 meeting if they plan to go forward.

CHAIRPERSON REID: Okay, wait a second, Ms. Pruitt. What's the case number?

MS. PRUITT: 16443, Krauss.

CHAIRPERSON REID: All right, I have it. Do you have it, Mr. Sockwell? You don't?

MS. PRUITT: It was FAX'ed. It was FAX'ed last night, I believe.

CHAIRPERSON REID: Did you receive it?

BOARD MEMBER SOCKWELL: I don't think I did.

CHAIRPERSON REID: Okay. Could you read it? It's very short.

MS. PRUITT: Yes. Applicant's counsel, Mr. Gell, and counsel for opponent, Roger Selfe, seek a 60-day continuance from February 2 to the next available date in April for hearing this case. These parties are actively seeking to settle this case with approval from DCRA and DPW, officials working, which is pending.

We do not anticipate a settlement to be finalized before February 2, 2000, because of the need for 30-day notice to the public and the D.C. Register for on-street handicapped parking. Accordingly, more time is needed in the quest to settle this case to avoid time and expense in a hearing. It's from Mr. Aguglia.

CHAIRPERSON REID: All right. I have no problem with it. Is it a motion?

MS. PRUITT: Yes. You can make it a motion. It's not set in a motion. Actually, it's really a follow-up, because this case was opened in October, and they were continued, and the Board instructed them to notify the Board what they wanted to do at the January 5 meeting, and this is what is the

notification.

CHAIRPERSON REID: Okay. Well, then --

BOARD MEMBER HOOD: Can we just do it, Madam Chair, by general consensus?

CHAIRPERSON REID: Okay. All right.

MS. PRUITT: So we can set this for the first hearing in April, which would be April 5 in the afternoon.

CHAIRPERSON REID: Okay.

MS. PRUITT: The final item on the agenda today would be the election of officers.

BOARD MEMBER HOOD: When you say officers, that's the Chairperson. Vice Chair?

BOARD MEMBER SOCKWELL: Well, are we ready to commence on this or not?

BOARD MEMBER GILREATH: In speaking to the Board, I would like to nominate Ms. Sheila King --

CHAIRPERSON REID: No, Sheila Cross Reid.

BOARD MEMBER GILREATH: Sheila Cross Reid, I'm sorry -- Sheila Cross Reid as the -- to serve as Chairman for the next calendar year. I think she's done an excellent job. She has shown patience when patience was needed. She allows reasonable expression of all parties. Nevertheless, she maintains discipline where discipline is needed, and I think she's done a

superb job, and I certainly fully support her being reelected as Chairperson for the next calendar year.

BOARD MEMBER HOOD: I would like to also add for a friendly amendment that Ms. Reid be the Chairman. I would like -- If you would accept it, Mr. Gilreath, that Ms. Reid be the Chairperson, and also Mr. Sockwell be the Vice Chair.

BOARD MEMBER GILREATH: I concur with that fully, yes.

CHAIRPERSON REID: Are you seconding?

BOARD MEMBER HOOD: I'll second that.

CHAIRPERSON REID: Mr. Sockwell, are you--

BOARD MEMBER SOCKWELL: I don't have an objection.

CHAIRPERSON REID: All in favor? Opposed?

MS. PRUITT: Staff will record the vote as four to zero to approve Ms. Reid as Chairperson and Mr. Sockwell as Vice Chair. Congratulations.

BOARD MEMBER GILREATH: Congratulations.

CHAIRPERSON REID: Thank you. I had a couple of other things before we finish for today. That was the status of cases. We really need to have that.

MS. PRUITT: We are working on that. We can have it for you for Monday. I'm actually going

through the computer now and pulling that up.

CHAIRPERSON REID: Okay. We need to know where we are going into the new century.

MS. PRUITT: Right.

CHAIRPERSON REID: Okay. My understanding is that we're doing very well and that we have only a few cases now that are in the backlog.

MS. PRUITT: Correct. In fact, we have already started some of the very old backlogged cases that predate, I believe, everybody on this particular Board, have been starting to be written by Corp. Counsel, the ones that date back like to '72 and '74 -- I mean, excuse me, '92 and '94.

CHAIRPERSON REID: All right. A joint meeting of -- A scheduling of a joint meeting of the BZA and the Zoning Commission -- we haven't had one in a while.

MS. PRUITT: No, I can take that to --

CHAIRPERSON REID: Ms. Kress?

MS. PRUITT: Yes. I guess probably the Director, who could work as a liaison between both.

CHAIRPERSON REID: I think that we probably need to schedule -- to go ahead and schedule it for the year maybe every few months, every quarter, at least quarterly. What do you think, Mr. Hood?

BOARD MEMBER HOOD: One of the things we were supposed to start -- We're running a little behind. The month of January we were supposed to get together and do some procedural -- just kind of do some procedural refreshment for the Zoning Commission and the BZA.

Hopefully, maybe we can set something down in February. I don't know what the BZA has scheduled, but we'll leave that to the Director and also the BZA secretary.

CHAIRPERSON REID: Are you in agreement with our having a joint meeting every quarter or, you know, on a regularly scheduled basis?

BOARD MEMBER HOOD: We need to have one at least quarterly, right. I think that's good.

CHAIRPERSON REID: All right.

BOARD MEMBER SOCKWELL: Good idea.

CHAIRPERSON REID: I also want to raise the issue of the training schedule for the BZA and the Zoning Commission in that we have so many new members, and not only for the Zoning Commission and the BZA but also staff; because we need to make sure that staff is also on the same page with us with regard to our procedures and the regulations and just to kind of tighten up the way that we conduct our affairs here.

MS. PRUITT: I know that Ms. Kress is working -- I have been working with her on part of the BZA, but putting together sort of a training manual/workbook, and I believe, Mr. Hood, she's been working with the Zoning Commission on that, too.

That would serve as a training manual for both the new BZA members and Zoning Commission members. That could be also used for staff. That's in the process.

We are going to be meeting with the ANCs on January 19, just for informational. So we're --

BOARD MEMBER HOOD: 22nd.

MS. PRUITT: 22nd, excuse me. Thank you. Yes. For informational sort of purposes concerning both Zoning Commission and BZA. So it should be very shortly after that.

BOARD MEMBER SOCKWELL: If it doesn't come soon, we'll be old BZA members.

BOARD MEMBER HOOD; But, Madam Chairman, I add that it's going to be in this room. I believe it's going to start at 10:30. If any Commissioners want to come and just sit and listen, they're more than welcome.

CHAIRPERSON REID: Can we just send out a notice?

MS. PRUITT: Sure. I just wanted to let you know, for February there are three meetings this month -- I mean for February. It may appear that we will be going back to three meetings. I've discussed this with Ms. Kress and, based on the number of applications that we're getting and the pressure from the community, if we don't have three meetings, we have a very long wait period from the time you submit to the time you can actually have a hearing.

CHAIRPERSON REID: Well, I'm ambivalent about that, because we're going to be operating without Mr. Gilreath for --

BOARD MEMBER GILREATH: Probably at least three months.

CHAIRPERSON REID: Did you say three months?

BOARD MEMBER GILREATH: The project I'm on is going to run probably into March/April and possibly into May. But Rodney Mulden is -- He's been selected and will be -- his name presented to the Commission this coming Thursday. So he will be the alternate.

MS. PRUITT: But he still then has to go through Boards and Commissions and will not be allowed to sit until he has cleared them. So once the Commission --

CHAIRPERSON REID: That will take three months.

MS. PRUITT: Once NCPC has, you know, approved it, it still has to go through a process here. The only thing that is different than the Mayoral is there's no confirmation hearings. So it will be a time lag, yes.

BOARD MEMBER GILREATH: Well, that probably could be coordinated with our office, because my Director was thinking that he could just pick up in January.

MS. PRUITT: I understand you have been calling -- Excuse me, Mr. Gilreath. I've understood, and I'm trying to contact both Mr. Larson and Ms. Harsar who have been acting, because they are the ones who have to do it. So I've been trying to contact them and clarify that.

BOARD MEMBER GILREATH: It should be made very clear to them what's involved.

CHAIRPERSON REID: That is going to be difficult for us, given the fact that, even if they have an alternate, it will take a while for, one, the alternate to get here and, two, for the alternate to get up to snuff on the conduct of the Board.

MS. PRUITT: Maybe this is something you

should discuss with Ms. -- with me and Ms. Kress so that it can be sort of resolved, and I have to check to see what has gone to the Register. If it's gone to the Register, we probably need to continue on that path, because it has already been published.

CHAIRPERSON REID: Well, I think that it would be good for, prior to scheduling three meetings, that the Board be notified and made aware of it, to make sure that we don't have any scheduling conflicts, as well as the fact that if Mr. Gilreath is not going to be here and we need to always have the Zoning Commission representative here and that depends on their schedule as well.

So I just don't know. We'll just look into it.

BOARD MEMBER SOCKWELL: The three meeting a month schedule makes it very difficult for me to participate in certain organizations that I have heretofore participated in for years, and other things. It's just one of those things. You need us, but we need on the outside to be able to continue our business lives, and it's not quite so easy.

MS. PRUITT: Mr. Sockwell, we understand it. In fact, it makes it very hard on our staff here, too, because we have to turn around a meeting every

week, and it's very difficult with -- I mean, staff works very hard. They do a great job, but it puts a drain on everyone, and we're aware of that.

BOARD MEMBER SOCKWELL: The difference is that you're paid to do that here every day.

MS. PRUITT: Yes. I understand.

BOARD MEMBER SOCKWELL: And our clients pay us to do things other than BZA and don't understand BZA except as it's a nice thing to do as long as it doesn't hurt what they need.

BOARD MEMBER GILREATH: Well, if the workload, cases where we have to split it to two days and so forth -- So if you pull it back to two meetings a month officially, you have to have all these special meetings, you come out at the same place.

CHAIRPERSON REID: I think that -- I'm sorry. You can say it on the record. But before you say that, let me just add that my confirmation hearing -- At my first confirmation hearing, it was brought to my attention that the BZA was having problems with people not showing up for meetings.

I think that that may have had something to do with the overbooking of the meetings and the hearings. Since I've been here, I have not once heard of or known of a situation where no one showed up, and

I'd like to keep it like that. However, I feel that if we try to run too many meetings and hearings during the month, then that's going to maybe cause problems.

So as such, I think we should look at some alternative as to maybe three meetings every other month or Mr. Sockwell just said to me perhaps making -- having two and a half, which would be a half-day, because for us the preparation time to prepare for coming to the meeting and the hearings and then the actual day, the extra day, is --

MS. PRUITT: A lot.

CHAIRPERSON REID: It is. We all have other positions, other -- I have a business, and it just requires a lot of pressure and burden as far as we are concerned, which I don't think is necessary. There must be some way we can strike a compromise.

MS. PRUITT: Ms. Reid, I was just noticing that there's no one in the audience, and you may want to adjourn and then meet with Ms. Kress, since she's here, and Mr. Holman who is also another Zoning Commission person, to really talk about what is something that could work for everybody.

BOARD MEMBER HOOD: Madam Chair, let me just put this on the record. At the Zoning Commission, we have decided -- and we don't know how this is going

to work -- like I take the first week -- and we just threw that out there among ourselves. I think probably Mr. Holman will take the second week, and Carol Miner take the third week.

CHAIRPERSON REID: And now we're going to then try to --

BOARD MEMBER HOOD: I don't know where Mr. Parsons and Mr. Franklin fall in there. But that's what we were trying to work out. So we will make sure that there's always a presence for the Zoning Commission here on BZA. So you have that commitment from the Zoning Commission, that we will be present.

CHAIRPERSON REID: Well, see, unlike you, you all will be alternating, but we have to be here each time unless we can work it out such that, if we have a quorum, then maybe we don't have to have one member present at all three meetings, as long as we can alternate in such a way that we still have a quorum. You see what I'm saying?

Then we have now a Vice Chair. So --

BOARD MEMBER HOOD: Madam Chairman, my point was simply that --

CHAIRPERSON REID: That means that we can, you know, alternate sometimes.

BOARD MEMBER HOOD: My point was -- Madam

Chair, my point was simply that you have the commitment of the Zoning Commission that we will be here to work and lend a lending hand when we need to. That was my point.

CHAIRPERSON REID: I appreciate that. Okay. Now what about the other issue regarding --

MS. PRUITT: No, we're not doing that on the record.

BOARD MEMBER GILREATH: Is it possible in the coming year to have some person maybe -- primary responsible person, the secretary, to check the mailouts, because during the past year sometimes we get things are missing. I know it's a difficult undertaking but, hopefully, some improvement could be made in that.

Someone needs to have a final look at these before they go out and say, okay, this looks pretty good, looks pretty complete. I think different people are seeing these, and sometimes they don't always catch it.

CHAIRPERSON REID: Is there any quality control?

MS. PRUITT: We are trying very hard to do that, yes.

CHAIRPERSON REID: Right. Because when

bits and pieces are left out of our packages --

MS. PRUITT: I understand it makes it very difficult for everybody.

CHAIRPERSON REID: Right.

MS. PRUITT: Because it also happens on the staff level, that we all get different packages, too. So, you know, you'll get information that you think that I think you have gotten.

CHAIRPERSON REID: Exactly.

MS. PRUITT: And you think that I have gotten. It has come up when you've called to find out something, and I haven't gotten it or I've called you to get some information on that. So, yes, we are working very -- That's one of the main goals this year, is to make sure our packages go out cleaner, clearer and early so that you receive them timely.

CHAIRPERSON REID: Okay.

BOARD MEMBER SOCKWELL; The clean and clear is really important.

CHAIRPERSON REID: Can you tell us about our new timing system, Ms. Pruitt?

MS. PRUITT: We are in the process of still working on it.

CHAIRPERSON REID: Well, I would assume that, since we've been at 8:34 since about 9:30.

MS. PRUITT: No, it's not on. It actually is programmed for -- preprogrammed for four time frames and hours. It can only do two digits. So like for the applicant, since they have two hours, we're going to break them into two 60-minute digits -- I mean 60-minute increments, and then the second one is timed for 15 minutes for parties and ANCs, and it's a timing box over there that we can control.

It goes off. You push it on, and it starts counting down. When it gets to zero, it beeps.

CHAIRPERSON REID: Do we have a clock anymore?

MS. PRUITT: No, not right now.

CHAIRPERSON REID: Then how do we know what time it is?

MS. PRUITT: Well, you set it.

BOARD MEMBER SOCKWELL: No, not that time. We can see if we can get a clock.

CHAIRPERSON REID: Well, what happened to the one we had?

MS. PRUITT: I don't know, to be honest. I have to check. It may have gotten taken away.

CHAIRPERSON REID: That will work. You know, that helps us also.

BOARD MEMBER SOCKWELL: Yes. We have to

have time for the audience as well as for us.

MS. PRUITT: Right. All of this other furniture was surplus. That might have gone with it. So we can just get a new one or look for that one, see if we have it.

CHAIRPERSON REID: Okay. Any other further comments, discussion? Okay.

Next we move to meeting of the BZA for January 5, Year 2000.

(Whereupon, the foregoing matter went off the record at 10:43 a.m.)

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