

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

FEBRUARY 6, 2001

+ + + + +

The board met in suite 220, 441 4th St, N.W.  
Washington, D.C. at 9:30 a.m. Robert Sockwell, Chair,  
presiding.

PRESENT:

|                   |                  |
|-------------------|------------------|
| ROBERT SOCKWELL   | Chairperson      |
| SHEILA CROSS REID | Vice Chairperson |
| SUSAN HINTON      | Board Member     |
| ANNE RENSHAW      | Board Member     |

ZONING COMMISSION MEMBERS PRESENT:

|                 |              |
|-----------------|--------------|
| ANTHONY HOOD    | Commissioner |
| CAROL J. MITTEN | Commissioner |
| JOHN G. PARSONS | Commissioner |

COMMISSION STAFF PRESENT:

Sheri Pruitt, Secretary, BZA  
Paul Hart, Office of Zoning

COMMISSION STAFF PRESENT (Continued):

John Nyarku, Office of Zoning  
Beverly Bailey, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.  
Marie Sansone, Esq.  
Mary Nagelhout, Esq.

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P-R-O-C-E-E-D-I-N-G-S

(10:34 a.m.)

CHAIRMAN SOCKWELL: Good morning. We apologize for the protracted delay. The February 6th public hearing of the Board of Zoning Adjustment is now open.

Mr. Hart.

MR. HART: Good morning, Mr. Chair, members of the Board. On the public meeting agenda for this morning, February 6th, 2001 --

CHAIRMAN SOCKWELL: I'm sorry. I said public hearing. I meant public meeting. Excuse me.

MR. HART: Meeting. The first item on the agenda is approval of the following public hearing minutes. The first set of minutes -- I will call each one individually because they're different members for each set of minutes.

The first set of minutes of January 2nd, 2000. Could I have a vote on that from Mr. Sockwell, Ms. Reid, Mr. Parsons.

CHAIRMAN SOCKWELL: Are there any amendments or questions to these minutes?

COMMISSIONER PARSONS: Move approval is written.

CHAIRMAN SOCKWELL: Second.

All in favor?

(Chorus or ayes.)

CHAIRMAN SOCKWELL: Opposed?

1 (No response.)

2 MR. HART: Staff will record vote on these minutes  
3 as three to zero. Mr. Parsons moved and Mr. Sockwell seconded  
4 it.

5 The second set of minutes is January 9th, 2001,  
6 Mr. Sockwell, Ms. Reid, and Ms. Mitten. We could move on and  
7 come back to this if you don't mind. Is that all right with  
8 you?

9 CHAIRMAN SOCKWELL: Yes, that's fine.

10 MR. HART: Third set of minutes, January 23rd, Mr.  
11 Sockwell, Ms. Renshaw, and Mr. Franklin. Before you vote,  
12 there's three members there, needing three for quorum. Mr.  
13 Franklin proxied in his vote.

14 CHAIRMAN SOCKWELL: All right. Any questions or  
15 additions or adjustments to these minutes?

16 VICE CHAIRPERSON CROSS REID: Mr. Chair, I move  
17 approval of minutes.

18 CHAIRMAN SOCKWELL: I will second.

19 All in favor?

20 (Chorus of ayes.)

21 MR. HART: Who moved?

22 MEMBER RENSHAW: Ms. Reid.

23 CHAIRMAN SOCKWELL: Actually, I should have moved.

24 MR. HART: That's right.

25 CHAIRMAN SOCKWELL: I should have moved and Ms.

1 Renshaw should second. I'm sorry. These are the 23rd minutes.

2

3 MR. HART: Correct.

4 CHAIRMAN SOCKWELL: Then I so move.

5 MR. HART: Staff will record the vote is three to  
6 zero to approve, Mr. Sockwell, Ms. Renshaw, and Mr. Franklin by  
7 proxy vote.

8 January 30th, Mr. Sockwell, Ms. Reid, Ms. Renshaw,  
9 and Mr. Parsons.

10 MEMBER RENSHAW: I so move.

11 COMMISSIONER PARSONS: Second.

12 CHAIRMAN SOCKWELL: All in favor?

13 (Chorus of ayes.)

14 CHAIRMAN SOCKWELL: Opposed?

15 (No response.)

16 MR. HART: Staff will record the vote as four to  
17 zero, Ms. Renshaw, Mr. Parsons, Ms. Reid, and Mr. Sockwell.

18 The minutes for January 16th, we weren't able to  
19 provide them. I'm having difficulty in getting some conditions  
20 accurately reported. So staff is requesting that we defer the  
21 decision to the March 6th public meeting agenda. That's for the  
22 minutes of January 16th.

23 CHAIRMAN SOCKWELL: That's fine. Should we bring  
24 Ms. Mitten out for the January 9th?

25 MR. HART: Are we ready?

1 CHAIRMAN SOCKWELL: Mr. Hart.

2 MR. HART: Up before the Board is the minutes for  
3 March -- January 9th, 2001, at which Mr. Sockwell, Ms. Reid,  
4 and Ms. Mitten sat.

5 COMMISSIONER MITTEN: I would like to offer an  
6 amendment before we vote for approval, Mr. Chairman.

7 CHAIRMAN SOCKWELL: Please.

8 COMMISSIONER MITTEN: Under the application 16647  
9 of James and Sylvia Curtis, the first sub-point, a letter of  
10 authorization from the owner for use of the property to be  
11 provided by the applicant. The letter of authorization from the  
12 owner is for Mr. Curtis to represent the owner. That's what the  
13 letter was about.

14 So that's the only modification that I would  
15 suggest, and I would move approval with that modification.

16 MR. HART: Thank you. Do I have a second please?

17 CHAIRMAN SOCKWELL: I'll second that.

18 MR. HART: Staff will record the vote as --

19 CHAIRMAN SOCKWELL: All in favor.

20 (Chorus of ayes.)

21 MR. HART: Thank you.

22 Staff will record the vote as three to zero, Ms.  
23 Mitten, Mr. Sockwell, and Ms. Reid with corrections as indicated  
24 by Ms. Mitten.

25 Next item on the agenda, motions. This is

1 Application Number 16531, Father Flanagan's Boys Town of  
2 Washington, pursuant to 11 DCMR 3104.1, for a special exception  
3 for the construction of four residential care buildings under  
4 Section 303, each housing no more than six persons, and an  
5 addition to an administrative building or in the alternative,  
6 the construction of four residential care building units, each  
7 housing not more than six persons, and the conversion of  
8 existing residential units into administrative use in the R-2  
9 district at premises 4801 Sergeant Road, N.E., Square 3977, Lot  
10 811.

11 The hearing dates on this case were January 19th,  
12 2000; February 23rd, 2000; April 5th, 2000 -- decision dates,  
13 rather -- April 5th, 2000; April 12th, 2000; and October 3rd,  
14 2000.

15 The order was issued on December 21st, 2000. The  
16 board members participating in this case were Ms. Sheila Cross  
17 Reid, Mr. Robert Sockwell, Ms. Anne Renshaw, Mr. Rodney Moore,  
18 and Mr. Kwasi Holman.

19 A motion dated January 16th, 2001, from Ellen  
20 Oppenheimer, Esquire, on behalf of the Concerned Neighbors of  
21 North Michigan Park, requesting party status, nunc pro tunc.  
22 This is before the Board.

23 A letter dated January 26th, 2001, from Shaw  
24 Pittman in opposition to the request for party status for the  
25 Concerned Neighbors of North Michigan Park is also before the



1 Board.

2 A motion dated January 16th, 2001 from ANC 5A  
3 requesting a reconsideration and rehearing of the case.

4 And finally, a letter dated 26 January from Shaw  
5 Pittman in opposition to the request for reconsideration and  
6 rehearing.

7 This is status of the case and these are the  
8 elements before the Board.

9 CHAIRMAN SOCKWELL: All right. Just a second.

10 Let me just find something that has alluded us  
11 here.

12 (The Board conferred.)

13 CHAIRMAN SOCKWELL: The Board has suggested that  
14 as a result of our executive session that certain issues  
15 regarding the Case Number --

16 MR. HART: 1-6-5-3-1.

17 CHAIRPERSON SOCKWELL: Yeah.

18 VICE CHAIRPERSON CROSS REID: 1-6-5-5-3.

19 CHAIRPERSON SOCKWELL: 1-6-5-5-3 should be dealt  
20 with as a change of our agenda because of certain things that,  
21 as I said, transpired -- that we would want to deal with this as  
22 reversing the order.

23 The intention is to -- Ms. Smith -- the intention  
24 of the Board here is to reverse the order or move to the front  
25 of our agenda the George Washington University, Case No. 16553.

1 The Board met this morning in an early and very detailed  
2 oriented session to discuss the very difficult issues of this  
3 case. The Board has decided to defer a decision until the next  
4 meeting.

5 VICE CHAIRPERSON CROSS REID: Uh-uh, next week.

6 CHAIRPERSON SOCKWELL: Until next week, which,  
7 well, will be the --

8 VICE CHAIRPERSON CROSS REID: Sheri has to give us  
9 a day.

10 CHAIRPERSON SOCKWELL: What date is that?

11 SECRETARY PRUITT: It's the --

12 MR. HART: The 13th.

13 SECRETARY PRUITT: No, the 7th. Sorry the 13th.

14 CHAIRPERSON SOCKWELL: The 13th of February.

15 VICE CHAIRPERSON CROSS REID: What time?

16 CHAIRPERSON SOCKWELL: That will be at

17 -- it will be in the a.m., so it will be 9:30.

18 SECRETARY PRUITT: Right. I'm looking to see  
19 what's on the agenda for the 13th.

20 So would you like to set this on the agenda for  
21 8:30 or 9 o'clock special public meeting?

22 CHAIRPERSON SOCKWELL: Nine o'clock, I think we  
23 can do.

24 SECRETARY PRUITT: And you'll be finished by 9:30?

25 CHAIRPERSON SOCKWELL: Yeah, right.

1 SECRETARY PRUITT: That's why I was asking.

2 CHAIRPERSON SOCKWELL: Yeah.

3 VICE CHAIRPERSON CROSS REID: Are we going to have  
4 a subsequent interim?

5 CHAIRPERSON SOCKWELL: There will be an Executive  
6 Session to continue that which was begun this morning.  
7 Actually, was not begun this morning, but was continued this  
8 morning to complete our development of our deliberations on the  
9 particular case, so if we --

10 Do we want to discuss in any detail?

11 Ms. Mitten may wish to make a statement for the Board with  
12 regard to -- well on her own behalf with regard to issues in the  
13 case.

14 COMMISSIONER MITTEN: Well, I think just in  
15 fairness to everyone, I give a very general status report and  
16 just to follow up on what Mr. Sockwell was saying, this is the  
17 result -- where we are now is the result of several, three I  
18 think, Executive Sessions.

19 So many hours have been spent trying to flesh out  
20 the issues and I think the reason we're not prepared to go  
21 forward today with the final decision is because we have gained  
22 an appreciation for how inter-related all of the components of  
23 the plan are.

24 So with that I would like to just -- in general say the things  
25 that we are giving consideration to, very seriously, are the

1 boundaries of the campus. The land use designations within the  
2 campus.

3 We are very concerned about providing -- that the  
4 University will provide on-campus housing which would be housing  
5 within the campus planned boundaries for a minimum percentage of  
6 the under graduate student population.

7 We are considering what would be an appropriate  
8 method for tying increased enrollment to providing on-campus  
9 housing and devising a method for measuring the -- over time  
10 monitoring the number of students in the Foggy Bottom West End  
11 Neighborhood. And we are continuing to consider as well, how all  
12 of those issues relate to the term of the plan, which is another  
13 area that we are giving consideration to and we will also give  
14 additional consideration to issues related to traffic and  
15 parking.

16 So those are, in general, what we have been  
17 talking about all along, but we have given, I would say, the  
18 greatest level of our time and consideration to the issue of on-  
19 campus housing because that's of greatest concern to the  
20 community and the Office of Planning.

21 CHAIRPERSON SOCKWELL: And that is really on  
22 behalf of the Board itself. That we have not come to a  
23 completion of our analysis of the information that has been  
24 presented in great volumes and over a large number of public  
25 hearings and we will report back with our -- hopefully,

1 completion of deliberations on the date specified.

2 Yes.

3 MR. BERGSTEIN: Just to be clear Mr. Chair. No  
4 vote is being taken in the Executive Sessions and that --

5 CHAIRPERSON SOCKWELL: No.

6 MR. BERGSTEIN: Any vote on the actual plan itself  
7 and any conditions with respect to the plan will be taken in an  
8 open meeting.

9 CHAIRPERSON SOCKWELL: We'll have to be agreed  
10 upon in an open meeting after we have fully dealt with all of  
11 the issues and presented clarity on all of the issues with  
12 regard to each board members understanding of them.

13 So on that note we will proceed with the next case  
14 or the first case on the agenda.

15 VICE CHAIRPERSON CROSS REID: You did announce  
16 Flanagan's?

17 SECRETARY PRUITT: Yes.

18 MR. HART: The motion, it was already read.

19 VICE CHAIRPERSON CROSS REID: Okay then.

20 SECRETARY PRUITT: You have two of them on that  
21 you need to make a decision on.

22 VICE CHAIRPERSON CROSS REID: Okay.

23 (The Board conferred.)

24 CHAIRMAN SOCKWELL: All right. We have with the  
25 Father Flanagan case a motion for party status, nunc pro tunc,

1 and we also have a request for an extension of time from ANC 5A.

2

3 VICE CHAIRPERSON CROSS REID: Mr. Chairman.

4 CHAIRMAN SOCKWELL: Yes.

5 VICE CHAIRPERSON CROSS REID: Before we go into  
6 the discussion, can we please have a clarification on the legal  
7 term nunc pro tunc, by the Corp. Counsel, if you don't mind. A  
8 clarification on that.

9 MS. SANSONE: Yes. Mr. Chairman, the phrase nunc  
10 pro tunc is obviously a Latin phrase, meaning now for then. And  
11 what this motion is asking is that during the hearing on the  
12 Father Flanagan special exception application, the North  
13 Michigan Park Concerned Neighbors did not request party status.

14 That case has now been decided and at that point  
15 they realized they hadn't requested party status and they are  
16 asking for it after the fact, after the hearing has been held  
17 and the decision ordered.

18 Their request is to be granted party status now as  
19 though they had originally been granted party status during the  
20 hearing itself.

21 And their stated reason is that if they were  
22 granted party status they would then like to be able to go ahead  
23 and file a motion for reconsideration or rehearing.

24 But again the phrase nunc pro tunc just means now  
25 for then, as though the Board had entertained a request during

1 the hearing and granted it at that time.

2 CHAIRMAN SOCKWELL: Board members -- yes?

3 VICE CHAIRPERSON CROSS REID: Go ahead.

4 CHAIRMAN SOCKWELL: So basically it is sort of an  
5 after the fact request for party status, I guess, to reactivate  
6 the case for rehearing.

7 VICE CHAIRPERSON CROSS REID: No. No. This one  
8 is just --

9 CHAIRMAN SOCKWELL: No.

10 VICE CHAIRPERSON CROSS REID: -- for the party  
11 status.

12 CHAIRMAN SOCKWELL: Oh, this is strictly for the -  
13 -

14 VICE CHAIRPERSON CROSS REID: After the fact.

15 CHAIRMAN SOCKWELL: Okay. I'm sorry. Strictly  
16 for the -- okay, I'm sorry. Strictly for the party status  
17 piece.

18 I mean it seems that from our records and from all  
19 understanding of this case, the concerned neighbors of North  
20 Michigan Park were duly noticed as relevant and that  
21 representatives within the designated 200 foot radius area,  
22 having been noticed, did participate in the hearing and did not  
23 at that time seek party status.

24 It is not necessary, as I understand it, that a  
25 detailed description of party status requirements be provided to

1 each individual noticed regarding any cases that come before the  
2 Board. If under those circumstances the Board and the Office of  
3 Zoning carried out their responsibilities with regard to this  
4 case, then the decision of party status would rest solely with  
5 the individuals having been noticed coming forward and finding  
6 out through our public calendar what specific rights they may  
7 have and requirements that they may impose upon an applicant as  
8 party.

9 And I don't believe that under the circumstances  
10 it is the responsibility of this Board to grant a party status  
11 this long after a case has been decided or, in fact, at any  
12 other time generally than the normal preliminary matter point in  
13 a case being heard.

14 So it is my feeling that there is not a relevant  
15 reason for entertaining this motion for party status.

16 Board members?

17 VICE CHAIRPERSON CROSS REID: Mr. Chairman, I do  
18 agree with you. I concur with your assessment of the situation.

19 I feel that the Board always attempts to operate in a very fair  
20 and impartial manner. And as such, the requisite information  
21 that was a part of the mail-out to the 200 people -- to people  
22 within 200 yards of the property specified explicitly what in  
23 fact the requirements for party status were.

24 And the opportunity was given to them to have --  
25 apply for party status at that time. And it appears to me that



1 it is rather an anomaly for them to come at this point after the  
2 hearing, after the decision has been made to request party  
3 status.

4 And then of course in so doing, if we were to  
5 grant that that would automatically require that there be  
6 another hearing because party status is so that they can  
7 participate in a hearing.

8 So I would not be inclined to grant the party  
9 status at this point.

10 MR. SANSONE: Mr. Chairman, if I might just offer  
11 a correction. At the time this case -- this is an older case  
12 now. And when it was -- when the notices were sent out to the  
13 people within the 200 feet radius, at that time the Office of  
14 Zoning practices did not include in the notice the advisory  
15 provision about how to obtain party status and didn't include a  
16 copy of the regulations.

17 Nonetheless the regulations were in effect at that  
18 time, and if someone had wanted to become a party, they could  
19 have looked in the regulations and followed those procedures.

20 I did take the time to go back to the transcript  
21 of the February 23rd, 2000 public hearing, and I just wanted to  
22 note for the Board that at that time, after the applicant  
23 concluded presenting its case, Chairperson Reid asked the ANC to  
24 come forward for cross-examination and at that time asked if  
25 there were any other parties in the case. And that appeared at

1 page 114 of the transcript.

2 And no one did come forward at that time and  
3 attempt to indicate an interest in acting as a party or to  
4 conduct cross-examination other than the ANC itself.

5 MEMBER RENSHAW: Mr. Chairman.

6 CHAIRMAN SOCKWELL: Yes.

7 MEMBER RENSHAW: I just want to say that it is  
8 very confusing when you are coming from the neighborhood and  
9 you're appearing before this Board. I can well understand why  
10 there might have been or actually was confusion as to party  
11 status.

12 And the mere fact that at that time we did not  
13 include in the mailing any advance information about party  
14 status, which could then be discussed in civic meetings, that is  
15 -- it is good that has been corrected and we are now doing it.

16 But I just want to put on the record that I  
17 understand the complaint of these people and they are at this  
18 time bringing it to our attention and they should.

19 CHAIRMAN SOCKWELL: Thank you, Ms. Renshaw.

20 The issue of the notifications is one that as I  
21 recall at one time probably did not -- certainly did not include  
22 the information to define party status and certain other more  
23 efficient and effective aspects of our mailings that are  
24 currently the norm.

25 However, because all parties that were noticed on

1 the case would have received an equivalent level of  
2 notification, there was no discrimination intended nor imparted  
3 upon anyone who would have received a notice from the Office of  
4 Zoning, and therefore, all of those notified or noticed would  
5 have received the same limited level of information.

6 And on that basis one cannot hold the North  
7 Michigan Park group out as having been singly denied access to  
8 the appropriate documentation of the time for persons being  
9 notified about pending cases.

10 So on that basis, again, I feel that it is  
11 unfortunate that the documentation sent at that time was less  
12 complete and less explanatory than that which is currently sent.

13  
14 But the noticed organizations and persons have  
15 access to the Office of Zoning and would have had the  
16 opportunity prior to the case coming before this Board to have  
17 determined the status and type of representation that they would  
18 provide.

19 So, again, I do not believe that there is a reason  
20 to honor this.

21 VICE CHAIRPERSON CROSS REID: Are you done?

22 CHAIRMAN SOCKWELL: Uh-huh.

23 VICE CHAIRPERSON CROSS REID: Okay. Mr. Chairman,  
24 I agree with you, but I think that when I looked at the  
25 submission and there was a copy of that notice regarding party

1 status in it, I assumed that it had been, but then Ms. Sansone  
2 pointed out to us that perhaps they didn't see it.

3 Nonetheless, if they were not -- it was not the  
4 new rules, but it was the old rules. And the old rules, the  
5 only difference I see is that with the new rules they're  
6 required to have requested 14 days prior to the hearing and the  
7 old rules was that they come to the hearing and they could  
8 request party status.

9 So certainly the opportunity was there for them to  
10 have done so, notwithstanding the fact that the rules changed  
11 and, you know, still the old rules were operative, and as such  
12 the opportunity was not denied them to have requested party  
13 status. I think that's the bottom line.

14 CHAIRMAN SOCKWELL: Thank you very much.

15 I would agree. Any more discussion on this one?

16 VICE CHAIRPERSON CROSS REID: I have no further  
17 discussion.

18 CHAIRMAN SOCKWELL: May I entertain a motion to --

19 VICE CHAIRPERSON CROSS REID: Mr. Chairman, I  
20 would deny the motion to grant party status to the Concerned  
21 Neighbors of North Michigan Park at this point. I mean party  
22 status, nunc pro tunc.

23 CHAIRMAN SOCKWELL: All right. I will then second  
24 your motion.

25 Any discussion further?

1 (No response.)

2 CHAIRMAN SOCKWELL: All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN SOCKWELL: Opposed?

5 MEMBER RENSHAW: Opposed.

6 SECRETARY PRUITT: Motion fails for lack of a  
7 quorum. Excuse me. I'm sorry.

8 MR. HART: Staff would record the vote as three to  
9 one to zero, Mr. Sockwell -- Ms. Reid, Mr. Sockwell, and Mr.  
10 Holman by proxy vote. And Ms. Renshaw in opposition, and Mr.  
11 Moulden not present, not voting.

12 CHAIRMAN SOCKWELL: All right. The next item  
13 regarding the same case is a request for an extension of time to  
14 permit ANC 5A --

15 SECRETARY PRUITT: Actually --

16 CHAIRMAN SOCKWELL: Oh, excuse me. Is that tied  
17 to the nunc pro tunc?

18 SECRETARY PRUITT: No, that's not tied to the nunc  
19 pro tunc. That was tied to an earlier date which we just put  
20 before you, the sort of order that went out when they asked for  
21 an extension earlier.

22 What they're really asking for right now is also a  
23 reconsideration or rehearing. So if you look at from one  
24 through four the reason's for requesting.

25 CHAIRMAN SOCKWELL: All right. Well, okay. The

1 reconsideration and rehearing.

2           Number one, ANC 5A states they were not given an  
3 opportunity present closing argument at the hearing on February  
4 23rd, which prejudiced their ability to fully present their  
5 case.

6           ANC's generally don't present closing arguments.  
7 The applicant presents closing arguments. The ANC makes its  
8 presentation and has the right to cross-examine witnesses and  
9 parties and the applicant. But the closing remarks are always  
10 the applicant's responsibility alone.

11           So I would say that number one does not apply.

12           Number two, new evidence regarding environmental  
13 impact has been discovered regarding the Anacostia watershed  
14 network requiring additional testimony to be received about the  
15 potentially negative environmental impact of any construction on  
16 the Boys Town property, and perhaps requiring that an  
17 environmental impact study be completed before any construction  
18 on the Boys Town site is begun.

19           With regard to environmental impacts, those are  
20 the responsibility when it comes down to construction. They're  
21 the responsibility of the Department of Consumer and Regulatory  
22 Affairs. Actually the Department of Health and the Department  
23 of Consumer Regulatory Affairs is the responsible agency because  
24 the permits are applied for at that agency.

25           As such, they are not in themselves the

1 responsibility of Zoning, nor this Board. So I feel that if  
2 there is to be an environmental response to any construction  
3 that resulted from this order or that might result from the  
4 order, that would be handled during the permit process and not  
5 something the Board would visit in this case, having already  
6 been disposed of.

7 New evidence was not presented so therefore, it  
8 does not bear upon the results of the case.

9 And number three, apparently a deer was killed by  
10 a motorist. The impact of a dead deer on Michigan Avenue cannot  
11 be defined clearly as being a relevant issue for Boys Town  
12 simply because there are enough wooded areas, both on this side  
13 of the District line and the other side of the District line,  
14 that a ranging mammal, such as a deer, could have wound up in  
15 that neighborhood having come from some distance, through a  
16 string of green areas that are quite prevalent in that  
17 neighborhood.

18 There's no way of being -- of calculating that a  
19 deer came from Point A or Point B. I mean I personally have  
20 seen deer running up 16th Street, and I don't know where they  
21 came from.

22 But the point is that I don't believe that there's  
23 any way, barring a tagged animal from a designated area, that we  
24 can determine that the deer has any relationship directly or  
25 indirectly to the Boys Town proposal and the order that was

1 issued.

2 And number four, in my point of view, they say the  
3 decision was not received by ANC 5A in a timely manner, and not  
4 until January 4th, 2001, and did not appear to have been mailed,  
5 nor was it received in accordance with their regular procedures,  
6 and therefore they have not had sufficient time to respond to  
7 the decision and order.

8 Decision and order don't warrant a response.

9 SECRETARY PRUITT: Actually Mr. Chair --

10 CHAIRMAN SOCKWELL: Yes.

11 SECRETARY PRUITT: Can I respond to that?

12 CHAIRMAN SOCKWELL: Yes.

13 SECRETARY PRUITT: This is true. There was a  
14 problem in mailing. Of course that's the holidays. When we  
15 found out that they did, you know -- an order becomes effective  
16 ten days after the receipt. And so we gave them ten days after  
17 January 4th to either ask for the reconsideration or to do their  
18 appeal right.

19 CHAIRMAN SOCKWELL: I see. So they do get --

20 SECRETARY PRUITT: They did get their ten days.

21 CHAIRMAN SOCKWELL: They did get their full --  
22 they did get the ten days.

23 SECRETARY PRUITT: Correct.

24 CHAIRMAN SOCKWELL: I forgot about that. I  
25 apologize.



1 SECRETARY PRUITT: It's actually in the order that  
2 was passed out, that we gave you.

3 CHAIRMAN SOCKWELL: That's right.

4 SECRETARY PRUITT: We covered that in there.

5 CHAIRMAN SOCKWELL: Okay. So then we can go to  
6 number five.

7 MEMBER RENSHAW: Mr. Chairman, could I just ask a  
8 question right at this point?

9 CHAIRMAN SOCKWELL: Yeah.

10 MEMBER RENSHAW: Did we know -- did you have in  
11 the record when ANC 5A met in January? And would that have any  
12 effect on their ability to respond to the decision and order?

13 CHAIRMAN SOCKWELL: That's a good question. I  
14 don't have the answer to that.

15 Staff?

16 SECRETARY PRUITT: I want to make sure I  
17 understand. You want --

18 MEMBER RENSHAW: They would have to review the  
19 document in a public meeting.

20 SECRETARY PRUITT: Right.

21 MEMBER RENSHAW: And so I'm asking, it might have  
22 been outside the window of ten days.

23 SECRETARY PRUITT: That is very true.  
24 Unfortunately we don't -- we can't gear our issuance of orders  
25 to ANC meetings. When they're finished and complete we get them

1 out. And wherever that date falls it falls.

2 MEMBER RENSHAW: But I mean --

3 SECRETARY PRUITT: That's how its been for the  
4 last 42 years.

5 VICE CHAIRPERSON CROSS REID: But typically the  
6 ANC doesn't respond -- ANCs don't respond to orders?

7 SECRETARY PRUITT: Well, they have the right to  
8 appeal if they would like.

9 VICE CHAIRPERSON CROSS REID: Right, but what I'm  
10 saying is that it's not something that's mandatory.

11 SECRETARY PRUITT: Correct. And this case has  
12 been around for a very long time and we'd been getting calls  
13 daily on when the order was going to be ready. So it wasn't a  
14 matter of --

15 CHAIRMAN SOCKWELL: More than that it would appear  
16 that if the procedures for a ten day window are not designed  
17 specifically around any groups meetings schedule and that would  
18 even include ANC's that are party to the case automatically, and  
19 that that has been the procedure continuously, I don't see that  
20 there is anything that would need to be done with regard to  
21 that.

22 Unless the procedures change, it would just be a  
23 requirement that the Advisory Neighborhood Commission understand  
24 what the limitations are.

25 SECRETARY PRUITT: Correct.

1 CHAIRMAN SOCKWELL: Number five -- number five  
2 states that property owners within the 200 foot range, the  
3 Concerned Neighbors of North Michigan Park wished party status.  
4 We have disposed of that.

5 Number six. A decision and order doesn't  
6 accurately detail specific complaints. Concerns were presented.

7 I don't know whether there's anything to be said there. Is  
8 there a reason for staff to believe that this order contained  
9 less detail than is traditional in orders of this type?

10 SECRETARY PRUITT: No, sir. The issue with cases  
11 like this is that there are a lot of neighborhood issues that  
12 come in that the Board has no jurisdiction over. And those  
13 issues don't get into the order. But they are in the  
14 discussion. And they rightfully shouldn't be in the order  
15 because you have no jurisdiction over them.

16 CHAIRMAN SOCKWELL: Since those concerns are not  
17 detailed in this letter --

18 SECRETARY PRUITT: It's hard to tell you what they  
19 are.

20 CHAIRMAN SOCKWELL: It's hard to tell exactly what  
21 they may have been and whether they were relevant or not.

22 Number seven, decision and order does not enforce  
23 BZA's own requirements placed upon Boys Town as delineated in  
24 its April 12th order, but instead grants a special exception  
25 even though Boys Town did not fulfill the BZA's specific

1 conditions stated in the order.

2 Is there a specific reason why staff would believe  
3 that --

4 SECRETARY PRUITT: I don't believe we -- the memo  
5 to file is not in order. It is just a memo to the file. The  
6 only thing that really holds weight is the written order once  
7 it's signed.

8 CHAIRMAN SOCKWELL: Right. And they site Boys  
9 Town's previous disregard to issued orders --

10 SECRETARY PRUITT: To conditions in the previous  
11 one.

12 CHAIRMAN SOCKWELL: Yeah. And I think that one of  
13 the things that we dealt with in the Boys Town case was whether  
14 or not they were going to follow through and I believe there had  
15 been a change of leadership with that group.

16 SECRETARY PRUITT: Correct, sir.

17 CHAIRMAN SOCKWELL: And that we were looking at  
18 new people in charge of Boys Town's facility.

19 SECRETARY PRUITT: And that's why the hearing was  
20 ended in February. You gave them until October to correct those  
21 changes.

22 VICE CHAIRPERSON CROSS REID: And in the interim -  
23 -

24 SECRETARY PRUITT: If they couldn't, then you were  
25 --

1 VICE CHAIRPERSON CROSS REID: Yeah, I think they  
2 were in compliance with everything else except the community  
3 liaison piece.

4 SECRETARY PRUITT: Right.

5 VICE CHAIRPERSON CROSS REID: -- and there had  
6 been a change in the directorship, and apparently that had not  
7 been communicated, and I think I'd even suggested to the  
8 attorneys that perhaps as part of his public relations, you  
9 know, that maybe he could kind of like trigger, help them to be  
10 informed as when a date was triggered as to the expiration and  
11 also to see if they were in compliance with the order.

12 But once that was brought to their attention, they  
13 were very much apologetic and then moved to correct that, and  
14 proceeded to have several meetings with the idea that that would  
15 be an ongoing type of thing with the Boys Town and the  
16 community.

17 So I think that what we're looking at, Mr.  
18 Chairman, is the good faith aspect and I'm satisfied that that  
19 has been established.

20 CHAIRMAN SOCKWELL: In number eight, it stated  
21 that finding of fact number 17 was incorrect.

22 SECRETARY PRUITT: I have --

23 CHAIRMAN SOCKWELL: Beg your pardon?

24 SECRETARY PRUITT: I can read it to you right  
25 here.

1 CHAIRMAN SOCKWELL: Yes.

2 SECRETARY PRUITT: It says, "The applicant  
3 requests" -- this is number of youth residents. That's the  
4 subtitle. "The applicant requests a small increase in the  
5 number of youths housed in the previously approved Boys Town  
6 youth residential care home from 15 to 24. A maximum of six  
7 youths will be housed in each of the four proposed youth  
8 residents cares homes on the building units."

9 MS. SANSONE: Mr. Chairman.

10 CHAIRMAN SOCKWELL: And I believe their  
11 certificate of occupancy -- excuse me?

12 MS. SANSONE: I was just going to point out that  
13 the applicant in their testimony did show the Board that they  
14 only had six youths currently housed in the facility, and that  
15 fact is reflected in finding of fact number seven.

16 And there's a reference in there, the subject --  
17 oh, I'll just read it. "The subject property currently consists  
18 of one youth residential care home comprised of one residential  
19 building housing six youths."

20 And then it went on to mention the emergency  
21 shelter houses a maximum of 20 youths. The second sentence,  
22 "Although authorized to house up to 15 persons in the youth  
23 residential care home, the applicant has limited the home to six  
24 youths due to the physical space limitation and the nature of  
25 its program."

1           Then in finding number 17, the reference to the 15  
2 youths and the increase from 15 to 24 goes to the number of  
3 approved -- the number of youth residents that have been  
4 approved for housing in the homes, and the previous order had  
5 approved 15. And the finding of fact number 17 goes -- is  
6 talking about the prior order and not the fact that there are  
7 actually only six of those 15 youths currently housed at the  
8 facility.

9           So the Board's decision did provide, you know, the  
10 correct basis of the decision. There actually are only six  
11 youths there. There's authority to go up to 15 currently, and  
12 now the request in this application that was granted was to go  
13 to 24.

14           And we felt that these findings accurately  
15 reflected that; that the Board did understand there were only  
16 six youths presently at the facility.

17           CHAIRMAN SOCKWELL: Yes, as long as the 15 number  
18 is a relevant number to an approved capacity. If they were not  
19 operating at capacity, it would be consistent to be able to  
20 increase the capacity from a known point of authorization as  
21 opposed to a present point of utilization.

22           I would think that there would be nothing wrong  
23 with having approached it that way. Board members, any --

24           VICE CHAIRPERSON CROSS REID: I concur.

25           CHAIRMAN SOCKWELL: And number nine, which is the

1 last one, careful review of the minutes presented as those of a  
2 community advisory liaison committee do not clearly delineate  
3 which attendees are staff, work on contract for Boys Town or  
4 which attendees are actually the directly affected property  
5 owners within 200 feet of the Boys Town facility.

6 And then they state that none of the community  
7 advisory liaison committee meetings actually had more than a few  
8 attendees who could possibly have been local property owners  
9 based on the minutes submitted to the BZA.

10 And it says that the activity sponsored by Boys  
11 Town appears so far to have been meaningless and ineffective,  
12 and yet, the BZA decision and order implied that the ongoing  
13 dialogue between the community ANC and the Boys Town had been  
14 developed despite all the testimony and complaints which were  
15 received at the February 23rd hearing to the contrary.

16 And they are requesting that additional testimony  
17 is needed in order to properly ascertain the true nature of Boys  
18 Town's efforts to develop a community advisory liaison  
19 committee.

20 I believe that it had been discussed that for a  
21 long period of time the Boys Town had not communicated  
22 effectively. And I don't recall specifically, but I do recall  
23 that at a period, at some period prior to the BZA hearings, a  
24 period of months, there had been some dialogue between Boys Town  
25 and the community, and there was some discussion of whether that



1 had taken place on or around the time that the national  
2 organization had authorized the money for the development.

3 But I'm not sure that we as a Board requested any  
4 detailed attendance records, and in not having done so, and I'm  
5 not sure that we traditionally do so -- perhaps Ms. Reid would  
6 want to clarify on --

7 VICE CHAIRPERSON CROSS REID: What's the question?

8 CHAIRMAN SOCKWELL: Whether or not we have  
9 requested generally detailed attendance records for community  
10 liaison committees.

11 VICE CHAIRPERSON CROSS REID: What we may have  
12 done is to ask that they give us evidence of the communication  
13 where they had invited the community to attend meetings. And  
14 when the record was open I do not, and perhaps I can be  
15 corrected, I do not remember receiving anything that basically  
16 contradicted that position, that which we were informed that  
17 they were still not in compliance.

18 In other words, they were not holding these  
19 meetings.

20 Now, the Boys Town representatives say that they  
21 had had monthly meetings and that they -- sometimes the ANC has  
22 not attended, which we don't have any control over.

23 Nonetheless, at least they have taken -- they have  
24 complied with their responsibilities to hold the meetings, and  
25 if we had been informed prior to a decision that these meetings

1 -- certainly there was ample time to have done so.

2 If this was not being done, then we could perhaps  
3 have raised it or tried to do something about it, but this is  
4 like so far after the fact that, I mean, I don't know what in  
5 fact they would have us to do in this regard.

6 MEMBER RENSHAW: Mr. Chairman, I bring to the  
7 Board's attention the attachment, dated September 19, to Ms.  
8 Broadnax, Chairperson of Commission 5A, from Timothy Thomas,  
9 Commissioner ANC 5A-04, where he outlines various points of  
10 concern, and one of those is that community liaison program that  
11 had been under discussion during our deliberations on the Boys  
12 Town case.

13 And he talks about the fact that the so-called  
14 advisory liaison committee had no rules of operation, did not  
15 have any bylaws, did not follow Robert's Rules, no specific  
16 membership criteria, informal group led by the site director.

17 And there is still the concerns in the community  
18 about water runoff, noise, security, and other problems caused  
19 by the Boys Town program.

20 So I want to make sure that our attention is  
21 turned to this letter. Security is also an issue. And it is  
22 discussed in the letter that the reported head had not  
23 coordinated the development of a security plan with 5A nor the  
24 commander of the Fifth District police precinct, as required by  
25 the BZA.

1 VICE CHAIRPERSON CROSS REID: But this letter, Ms.  
2 Renshaw, was this letter -- are you saying this letter was  
3 contained within the materials that we received?

4 MEMBER RENSHAW: Yes. It was attached to --

5 VICE CHAIRPERSON CROSS REID: No. No. No. Prior  
6 to the submission we got last week. I mean, this was written  
7 September the 19th. Was there any submission to the Board to  
8 make us aware of any concerns they had regarding --

9 MEMBER RENSHAW: Not until we received this  
10 January 16th letter.

11 MS. SANSONE: Mr. Chairman.

12 MEMBER RENSHAW: As far as I know.

13 VICE CHAIRPERSON CROSS REID: The point I was  
14 making was --

15 CHAIRMAN SOCKWELL: Yes.

16 MS. SANSONE: The Board did have this letter.  
17 This was part of -- this letter was submitted to the Board after  
18 the six-month period. It was part of the ANC's report back to  
19 the Board on Father Flanagan's progress over the six months the  
20 case was held in abeyance.

21 And so this letter was in front of the Board at  
22 the time it made its decision and the Board had gone through all  
23 of these items to -- and compared them with the applicant's  
24 report to ascertain whether the Board's conditions had been  
25 approved of.

1           Then as part of the conditions in the Board's  
2 order, in order to address the ANC's September 19th letter the  
3 order did include condition number eight for the applicant prior  
4 to finalizing the plan to actually consult with the ANC 5A, the  
5 full commission, the community advisory liaison committee, and  
6 the commander of the Fifth District, and to the greatest extent  
7 possible to incorporate those recommendations into the final  
8 plan.

9           So that aspect of the ANC's September 19th letter  
10 was addressed. Then as to the -- there was a response also to  
11 the concerns about the community liaison committee, and the  
12 Board in condition number 13 ordered the applicant to continue  
13 to convene the committee on a not less than quarterly basis.  
14 And that was to provide a dialogue with the members of the  
15 community, the ANC, and Boys Town, and then to report back to  
16 the ANC annually.

17           That kind of followed up on the old order that  
18 Father Flanagan's had been operating under. But then in number  
19 14 to address the concern that there might not be -- the  
20 community advisory liaison committee might not have proper  
21 procedures in place for the committee, there is a condition that  
22 no later than the first regularly scheduled meeting of the  
23 advisory community liaison committee after the issuance of the  
24 decision and order, which was in December of 2000.

25           The applicant shall bring before the committee,

1 for discussion and action, a proposal relating to community  
2 representation on the committee and a proposal for rules of  
3 procedure.

4 So there was a condition put on the applicant to  
5 try to address these concerns that the committee needed to  
6 function in a more procedurally proper manner and, you know,  
7 take the role in bringing this to the committee's attention.

8 And then of course, the committee is the group  
9 that would have to decide whether the proposal was adequate, or  
10 what they wanted modifications, but at least the Board's order  
11 did place in the applicant's court the responsibility for  
12 getting this task going and addressing the ANC's concerns.

13 So those -- so, I guess in summary the Board did  
14 have the September 19th, 2000 letter before it when it made its  
15 decision and did address all of these concerns in its decision  
16 and in writing.

17 CHAIRMAN SOCKWELL: Under that it would seem that  
18 the issue of the advisory liaison committee may still be  
19 unresolved depending upon whether or not they have had a meeting  
20 since the actual order's effective date.

21 So it may be premature, certainly, to respond to  
22 this issue since it would not have had to be resolved prior to  
23 quite recently, if even then, based on the fact that we would  
24 only have required them to meet quarterly.

25 In the security plan issue --

1 MEMBER RENSCHAW: The security plan issue was with  
2 the September 19th.

3 CHAIRMAN SOCKWELL: Right.

4 MEMBER RENSCHAW: I just --

5 CHAIRMAN SOCKWELL: I'm sorry. It's right there.

6 MEMBER RENSCHAW: I just want to say, Mr. Chairman,  
7 that I wish the order had been sent to the Board members as a  
8 review. We're kind of operating here without a reminder of what  
9 was sent out in December of 2000.

10 CHAIRMAN SOCKWELL: I would agree that it would  
11 have been advantageous to have the order attached to the  
12 package. But I think in general the bulk of the items that are  
13 listed in the request are items that either we feel are not  
14 relevant to the consideration of such a request or may not have  
15 been given time to take effect per se.

16 But I think that most of them have been handled by  
17 either corporation Counsel's responses or staff's responses or  
18 Board member responses as to their validity.

19 I am always hopeful that these orders that are  
20 issued on cases where there is some controversy do result in a  
21 positive rather than a negative result with regard to what  
22 happens to have been the case in the past, and what hopefully  
23 will be the circumstance of the future.

24 And we do hope that the ANC will monitor very  
25 carefully. We hope that the North -- Concerned Neighbors of

1 North Michigan Park will do their utmost to make sure that the  
2 Boys Town staff and management are on top of that issue, all the  
3 issues that were discussed.

4 Runoff issues, etc. were all part of the order and  
5 part of the proposed response by Boys Town. And I don't know  
6 how it's going to come out, but I certainly hope that it is in a  
7 favorable way that these things are resolved and that they don't  
8 have to wind up as continued bones of contention.

9 So I would move that we not grant the extension or  
10 the reconsideration request in that the reasons are not  
11 substantial to the extent that such a request would be  
12 desirable.

13 VICE CHAIRPERSON CROSS REID: Second.

14 CHAIRMAN SOCKWELL: All in favor?

15 (Chorus of ayes.)

16 MEMBER RENSHAW: Opposed.

17 CHAIRMAN SOCKWELL: Opposed.

18 MR. HART: Staff would record the vote as three to  
19 one to zero, Mr. Sockwell, Ms. Reid, Mr. Holman not to grant  
20 request; Ms. Renshaw opposed. And Mr. Moulden not present, not  
21 voting.

22 CHAIRMAN SOCKWELL: All right. What's the next  
23 issue?

24 MR. HART: The next, we're going to cases to be  
25 decided section, Section III of the agenda. Application 16639

1 of Larry Origlio.

2 Pursuant to 11 DCMR 3103.2 for a variance from the  
3 requirements of Subsection 2001.3(a), (b), and (c) to allow an  
4 enlargement on an existing non-conforming structure, and under  
5 Section 3104.1 for a special exception to allow a nonconforming  
6 rear yard -- something's missing here -- and width of an open  
7 court under Subsection 223.1 for a proposed deck addition for a  
8 single-family dwelling in the R-5-B District at premises 1927  
9 Biltmore Street, N.W., Square 2546, Lot 82.

10 The hearing date for this case was January 2nd,  
11 2001. Board members participating was Ms. Reid, Mr. Sockwell,  
12 and Mr. Parsons.

13 The Board deferred the decision to this meeting  
14 and requested the following submissions be made by February 2nd  
15 of this year. The Board requested dimension drawings include  
16 dimension on the plat, and sectional drawings as requested by  
17 the Board. These drawings are submitted in a timely manner.

18 COMMISSIONER PARSONS: Mr. Chairman, if I might  
19 jump in here.

20 CHAIRMAN SOCKWELL: Please.

21 COMMISSIONER PARSONS: I want to pass down to you  
22 what is called Document B, which are photographs of the alley,  
23 are not of the subject property, but of other similar treatments  
24 that Mr. Origlio showed us last time.

25 You may recall that the sketches that he produced



1 last time were unsatisfactory. So we asked him for some new  
2 plans.

3 Last time the plans showed a total height of the  
4 I'll call it the enclosure, the fence on the top. You may  
5 remember it had lattice work around it, of 15 feet, which I felt  
6 was too high in the context of the photographs I've just showed  
7 you, which shows a garage with a deck immediately on the roof.

8 Unfortunately these new drawings show the  
9 situation worsening. What he has done, and I'm not sure why,  
10 and maybe another hearing is in order, but you can see on his  
11 sketch there that there's a sloped roof to his garage, rather  
12 than building the deck directly on the flat roof, which is more  
13 customary, certainly here in this alley, which gives him a lift  
14 of about four feet to get this up into what I consider to be out  
15 of scale with the rest of the community.

16 So what isn't evident because there's nothing in  
17 writing is why he chose a sloped roof. It may be that he's  
18 trying to get out a window that will be converted to a door or  
19 something.

20 But I would think the stairs down from that second  
21 floor to the deck would preclude this elevation that's shown in  
22 the lower left corner.

23 CHAIRMAN SOCKWELL: It appears that his lower deck  
24 and a stair to the garage are establishing a height above grade  
25 from which he would have to get headroom to step off into -- if

1 you look at the lower right hand corner -- where he would have  
2 to step off to the level of his garage floor.

3 Apparently what he has done is raised the roof so  
4 that he could get headroom clearance, and that forces his deck  
5 to be higher perhaps, although the dimension is not given.  
6 Well, yeah it is. It's given as 13 feet from grade to what  
7 appears to be the underside of his edge beam on the deck, if  
8 that can be assumed.

9 Maybe it can. Is he here in the --

10 COMMISSIONER PARSONS: For reference this  
11 photograph shows the existing deck that I thought could be  
12 pushed back into the court, if you will.

13 Anyway I think we either have to bring him forward  
14 or ask him -- I'm prepared to vote against this just to let you  
15 know how strongly I feel about it, unless this can be reduced to  
16 the scale of the existing decks in the neighborhood.

17 We either conduct another hearing or ask for more  
18 information or whatever.

19 CHAIRMAN SOCKWELL: See, one of the issues is the,  
20 for example, 1918, which is on the west side of the alley,  
21 certainly has a very high floor above. It's this one. I'm  
22 assuming that this is seven or eight feet.

23 COMMISSIONER PARSONS: Seven or eight.

24 CHAIRMAN SOCKWELL: Yeah.

25 COMMISSIONER PARSONS: Plus a four foot wall.

1 CHAIRMAN SOCKWELL: Plus a --

2 COMMISSIONER PARSONS: Five foot wall. That's  
3 what I expected he'd come back with, is that kind of a  
4 treatment.

5 CHAIRMAN SOCKWELL: So, you know, it's probably  
6 one, two, three, four, five, six, seven -- yeah, it's probably  
7 11 feet maybe to the floor of that, maybe less depending upon  
8 exactly whether or not this -- I think this notch is above, but  
9 may not be above the level of deck. I just don't really know at  
10 the moment.

11 So the question is apparently what he attempted to  
12 do in this more definitive solution is to develop a three level  
13 deck system with his probable porch dropping down to a raised  
14 deck, dropping down again to the level of his garage, and then  
15 at that same second drop position going toward the rear of the  
16 lot, creating a stair to what is now a roof-top level large  
17 deck.

18 And it appears that there's a 13 foot dimension  
19 here which probably could have been -- could have been probably  
20 ten, six if he had brought the deck -- if he had removed the  
21 lower deck and come across a paved yard and then gone up to his  
22 proposed deck. It would have kept everything pretty much in  
23 line.

24 But as it is now it seems to be pushing the  
25 envelope. It may have been done that way in part to create a

1 level of additional privacy by being above the level of the  
2 adjacent properties. I don't know.

3 But it does seem to make more obvious the  
4 character of his rear as related to the character of the  
5 photographed rears of other properties within that section of  
6 the alley. So I'm not sure that that's a good thing.

7 COMMISSIONER PARSONS: Right. I agree, but I  
8 certainly don't feel it's productive to deny this if we can --

9 VICE CHAIRPERSON CROSS REID: If we can get  
10 further clarification.

11 COMMISSIONER PARSONS: If we can get further  
12 clarification.

13 CHAIRMAN SOCKWELL: Yeah.

14 VICE CHAIRPERSON CROSS REID: That's what I want.

15

16 COMMISSIONER PARSONS: As to why this deck can't  
17 be lowered at least four more feet.

18 VICE CHAIRPERSON CROSS REID: Can't we just Paul  
19 Hart to ask him?

20 CHAIRMAN SOCKWELL: I don't see why we can't.

21 Mr. Origlio?

22 MR. ORIGLIO: Yes.

23 MS. BAILEY: Mr. Chairman, generally this is a  
24 meeting. So you would need to waive your rules to accept Mr.  
25 Origlio's statement at this time because this is a public --

1 CHAIRMAN SOCKWELL: For clarification, I would  
2 request that we waive the rules in order to more fully  
3 understand the drawings and the meaning of them.

4 VICE CHAIRPERSON CROSS REID: You can ask him  
5 directly.

6 CHAIRMAN SOCKWELL: Mr. Origlio.

7 MR. ORIGLIO: Yes.

8 CHAIRMAN SOCKWELL: Come forward please.

9 VICE CHAIRPERSON CROSS REID: Does he have to be  
10 sworn or anything?

11 CHAIRMAN SOCKWELL: I guess that continues from --

12 VICE CHAIRPERSON CROSS REID: Does he have to be  
13 sworn?

14 MS. BAILEY: Let's do it just to be on the safe  
15 side.

16 Please raise your right hand.

17 (The Witness was duly sworn.)

18 MS. BAILEY: Thank you.

19 CHAIRMAN SOCKWELL: The question is with regard to  
20 the plans that you have provided for this submission, what is  
21 the -- it appears to me that what I stated is the fact of what  
22 you've provided, which is a raised lower deck leading to a drop  
23 down to the level of the actual grade, and from that point a  
24 rise up to the height of your proposed large deck in the rear.

25 But by the same token having created this

1 intermediate lower deck, you're forcing the roof line of the  
2 garage, which of course is water protected, to slope upward for  
3 headroom purposes.

4 MR. ORIGLIO: If I could just first start, the  
5 architect recommended that the deck be at the height of the back  
6 building, which is 13 feet. From the ground to where you would  
7 walk out of the second floor is 13 feet.

8 And he stated that I would lose at least one third  
9 of the deck space if we had a deck that stepped down and was  
10 only, say, 10 foot, five off the ground.

11 With that he recommended a membrane roof, and  
12 again I'm not wedded to the membrane roof. He said that would  
13 bring the water off the top deck more efficiently.

14 Where he has listed lower deck, that's really not  
15 true. That's only a walkway. It's about 30 inches in width.  
16 So it's really not a lower deck. It's just a carport.

17 CHAIRMAN SOCKWELL: I see what you're saying.  
18 What was the reasoning for providing this lower deck?

19 MR. ORIGLIO: Oh, okay. It --

20 COMMISSIONER PARSONS.: It exists, right?

21 MR. ORIGLIO: He said he thought it might be more  
22 pleasing to the eye. So we could just add some more stairs and  
23 just do away with that walkway. It's just like a 30 inch  
24 walkway. It's really not a lower deck to do anything.

25 CHAIRMAN SOCKWELL: That lower walkway, why was it

1 created as a raised --

2 MR. ORIGLIO: He thought it would be more pleasing  
3 to the eye, and that it would connect the back yard more  
4 efficiently. But again --

5 COMMISSIONER PARSONS: The real reason you're up  
6 for 13 is so that you can come out of the second floor?

7 MR. ORIGLIO: Yeah. I --

8 COMMISSIONER PARSONS: Whereas your previous  
9 sketch had stairs coming out of the second floor.

10 MR. ORIGLIO: That's correct. That's correct.

11 COMMISSIONER PARSONS: And he's suggesting that  
12 you do this simply to maximize the deck space?

13 MR. ORIGLIO: That's correct. He's drawn a lot of  
14 decks in the neighborhoods, and he --

15 COMMISSIONER PARSONS: It would make -- yeah.

16 MR. ORIGLIO: He said I would probably lose about  
17 30 percent.

18 (The Board conferred.)

19 CHAIRMAN SOCKWELL: Mr. Origlio, it is being  
20 suggested by the Board that you modify the design to reduce the  
21 overall height of the wall as it will protrude. It will be  
22 vertically a much more imposing element than we feel is  
23 appropriate with most of the adjacent -- and that includes  
24 across the alley and down the alley -- with most of the adjacent  
25 yard developments.

1           In the color photographs that you provided, I see  
2           but one that looks like it exceeds reason. And it's down at a  
3           corner of the alley where there's a --

4           MR. ORIGLIO: Right.

5           CHAIRMAN SOCKWELL: -- latticed, very high walled  
6           construction. But that particular one isn't before us today.  
7           It appears that the norm would be something lower.

8           And were you to -- first of all, if you come down  
9           the steps to the level of the yard it allows you to have either  
10          one level of steps down and I assume that you're going to not  
11          lose any risers on the other side.

12          So you got 15 risers going up. You'll have 15  
13          risers going up either way. I don't see any reason personally  
14          why this intermediate raised deck, raised pathway, with a  
15          limited utility to get you from point A to point B, needs to be  
16          there. It has a railing around it. Railing and all of that is  
17          really to keep you from falling off of it because now you're 30  
18          inches, or so off the ground.

19          I don't see why you can't just come down to the  
20          ground and then go up to the deck and take away all of that  
21          complexity, and keep this thing at a more reasonable scale.

22          MR. ORIGLIO: Okay. Again he --

23          CHAIRMAN SOCKWELL: And the other thing is because  
24          you've put this thing up in the air, you've actually lost a use  
25          of part of that rear yard between the stairs going up to the new



1 deck and the original porch because you can't walk across there.  
2 You're going to have to sweep out from under it and all that.

3 But that's not really my issue. My issue is that  
4 it forces a height increase in your deck that is not something  
5 that was previously presented and is not something the Board  
6 really wants to entertain.

7 MR. ORIGLIO: Okay. The main reason why the  
8 architect did entertain it and suggest it is, again, because of  
9 the height requirement of 13 feet to step out of my building.  
10 It wasn't specifically for all this other small walkways and  
11 decking. So again if you suggest that --

12 CHAIRMAN SOCKWELL: I mean I -- and there's logic  
13 to having that that way.

14 MR. ORIGLIO: Sure.

15 CHAIRMAN SOCKWELL: While across the alley I know  
16 at least one building the deck does open directly out.

17 MR. ORIGLIO: Right.

18 CHAIRMAN SOCKWELL: The only thing that I would  
19 suggest is that if other Board members would concur, if you used  
20 an open -- like that -- an open lattice railing as opposed to a  
21 solid railing, it would certainly take away a lot of the  
22 perception of height. It would make more transparent the  
23 relationship. And --

24 COMMISSIONER PARSONS: I'm not going to agree to  
25 this. I'll tell you what he's asking us to do is he doesn't

1 want to lose a little bit of open space in his own property.  
2 And the result is he's intruding on the open space of the alley,  
3 and I just don't think it's right.

4 We've got a standard way we do these throughout  
5 the city. They're flat roofs with decks on them. And if they  
6 have to make up a difference in elevation they ought to do it  
7 within the context of the deck and not force the deck up in the  
8 air because they don't want to go down a set of stairs when they  
9 come out of the living room.

10 CHAIRMAN SOCKWELL: I mean, his options -- I don't  
11 know what his options -- he's got 23 feet in full dimension, I  
12 guess, length-wise from the rear of his house to the alley line.

13 And he can certainly accommodate the difference in levels,  
14 either at an intermediate point within the deck or probably less  
15 acceptable to him would be coming out and then stepping down  
16 from, say, a three foot extension.

17 You could bring the deck out the first ten feet  
18 and then step it down so that the rear of the deck would be  
19 lower and then bring the stairs up to the lower portion of the  
20 deck and then you'd have -- and then catch the steps at that  
21 intermediate point.

22 And that's an opportunity that you have because  
23 you do have 23 feet to deal with, which would give you a very  
24 good, deep, ten foot deck and then a somewhat less deep  
25 additional deck area, and I think that that probably in itself

1 gives you an efficient use of the immediate area outside of your  
2 room, your bedroom.

3 And the additional area has a slightly separated  
4 but certainly adequate area, and it would seem that if you did  
5 that you wouldn't lose any usable height in the garage.

6 MR. ORIGLIO: Okay. So then the garage would be -  
7 - I guess if we could go back to the height, looking at the  
8 garage, the openings, where should the deck, I guess start, the  
9 flooring from the ground up? Eleven feet? Ten feet?

10 What would you prefer?

11 CHAIRMAN SOCKWELL: From the ground up if you  
12 eliminate the -- well, let's put it this way. At the point  
13 where the garage -- where the deck attaches to your house, you  
14 can establish that point as your point of level transition from  
15 inside to out. You come out ten feet.

16 MR. ORIGLIO: And that can be 13 feet in height?

17 CHAIRMAN SOCKWELL: Yeah.

18 MR. ORIGLIO: And about ten feet --

19 CHAIRMAN SOCKWELL: Then you come down and you  
20 step down to the next level and that will continue out. And  
21 then you can -- you'll still be able to have a minimal slope for  
22 run-off on the roof below. It doesn't have to be an extreme  
23 slope.

24 MR. ORIGLIO: Right.

25 CHAIRMAN SOCKWELL: It can be essentially a flat

1 roof but not really, and the water will still run off of it.

2 MR. ORIGLIO: Yep.

3 COMMISSIONER PARSONS: So we end up with an eight  
4 foot opening or so for the garage door?

5 CHAIRMAN SOCKWELL: Yeah, you'll still have--

6 COMMISSIONER PARSONS: And then no more than a  
7 foot of space between that and the floor of the deck.

8 CHAIRMAN SOCKWELL: Unless you're driving a truck  
9 you can still get away with a seven foot garage door height.  
10 I'm saying unless you're driving a GMC truck.

11 MR. ORIGLIO: No.

12 CHAIRMAN SOCKWELL: So and you're going to have a  
13 two car capable opening.

14 MR. ORIGLIO: It's going to roughed in two  
15 openings. That's correct.

16 CHAIRMAN SOCKWELL: I believe that that will  
17 satisfy some of the concerns of the Board with regard to  
18 allowing this extreme height.

19 MR. ORIGLIO: Okay.

20 CHAIRMAN SOCKWELL: And if you can get that much  
21 height back out of it, I think that it sill allows you to have  
22 your solid railings for privacy and -- because that wasn't  
23 considered an issue.

24 MR. ORIGLIO: Sure.

25 CHAIRMAN SOCKWELL: It's the height that's

1 considered the issue.

2 MR. ORIGLIO: Okay. Just for some clarity, that  
3 13 down by the garage, that may end up being, say, ten feet?

4 CHAIRMAN SOCKWELL: Yeah.

5 MR. ORIGLIO: Something like that.

6 COMMISSIONER PARSONS: Absolute maximum ten feet.

7 CHAIRMAN SOCKWELL: Yeah. I mean you're going to  
8 use the same size members, which are apparently you're going to  
9 use a two-by-12.

10 MR. ORIGLIO: Correct.

11 CHAIRMAN SOCKWELL: And then that looks like it's  
12 attaching to a two-by-six or eight for the long run of the roof  
13 rafters. So the operative word is seven or eight feet plus one  
14 is nine. You're going to be somewhere under ten feet to the top  
15 of you garage roof.

16 COMMISSIONER PARSONS: And a 42 inch rail.

17 CHAIRMAN SOCKWELL: And a what?

18 COMMISSIONER PARSONS: A 42 inch railing or wall.

19 CHAIRMAN SOCKWELL: Yeah. Well, what he's going  
20 to do is he's actually going to have a double roof because he's  
21 chosen to -- he's having a garage under there. So he's really  
22 go this dual thing. So he's going to have probably 24 inches of  
23 structure above the garage door.

24 So if it's an eight foot garage door he should be  
25 able to accomplish everything in ten, six. And that's including

1 the membrane roof.

2 The only problem that I see to this solution is in  
3 the long term if he has to replace the roof, he doesn't have a  
4 crawl space to get up in there. And that's -- and he doesn't  
5 have a crawl space at all to get up in there.

6 COMMISSIONER PARSONS: How do the rest of these  
7 people accomplish that?

8 CHAIRMAN SOCKWELL: Basically --

9 COMMISSIONER PARSONS: Maybe what we should do is  
10 let his architect work this out.

11 CHAIRMAN SOCKWELL: Yeah.

12 COMMISSIONER PARSONS: And send us another set of  
13 drawings and make sure we understand what's going on.

14 CHAIRMAN SOCKWELL: Yeah. Get with your architect  
15 and see if you can.

16 MR. ORIGLIO: Another suggestion is that there's  
17 metal that they just put under the deck. It's just flat right  
18 out. He just suggested a membrane roof as an option. I  
19 probably won't go that option because most of my neighbors I've  
20 spoken to have just this metal that goes under the wood that is  
21 just flat right out.

22 MR. ORIGLIO: I mean, you could do a standing  
23 seam.

24 MR. ORIGLIO: Yeah.

25 CHAIRMAN SOCKWELL: You could do a standing seam

1 or a flat seem metal roof on there. It's never going to see the  
2 light of day. You're going to have a little trouble clearing  
3 leaves off of it, and it really isn't supposed to run off into  
4 the alley. It's supposed to run off to a drain.

5 MR. ORIGLIO: Right. Right. Drain pipe.

6 CHAIRMAN SOCKWELL: Yeah. So you'll have to work  
7 that out. But that's a building code issue and not a zoning  
8 ordinance issue.

9 But I think that if you can present us with a  
10 drawing that brings this back down, your architect can modify  
11 some of the drawings that you have here easily enough.

12 MR. ORIGLIO: Can I just --

13 CHAIRMAN SOCKWELL: Yes.

14 MR. ORIGLIO: -- ink it in, you know, what you  
15 suggest at this point and that would remedy my going back to the  
16 architect.

17 CHAIRMAN SOCKWELL: To ink it in means that you'll  
18 have to -- your section one and your alley elevation are the two  
19 drawings that are the ones that are going to be a slight  
20 problem. The way that you're going to have to handle that is to  
21 either erase what's on the drawing and raise the base, which is  
22 not as easy as doing the other.

23 I mean these are not really sophisticated  
24 drawings. I mean you're looking at maybe two hours of drawing  
25 time.

1 MR. ORIGLIO: Whatever you're comfortable with. I  
2 have some more originals with me.

3 CHAIRMAN SOCKWELL: Any way that you can modify --

4 COMMISSIONER PARSONS: The stairs you're going to  
5 change?

6 CHAIRMAN SOCKWELL: The stairs are going to  
7 change. You're going to have your original stairs coming back  
8 off the porch from the house again because that won't move.  
9 Then you're going to have a new stair going up to a new height.

10  
11 You're going to have a much flatter garage roof or  
12 maybe your architect's going to suggest another solution which  
13 would be to put a metal construction underneath the deck support  
14 so you don't have, as you have here, two separate and unrelated  
15 supporting systems, one carrying only its own weight, and the  
16 other carrying the deck.

17 COMMISSIONER PARSONS: I don't know if this would  
18 be helpful, but we could, and you may regret this, but we could  
19 say that the alley elevation, alley facing elevation could be no  
20 higher than 13 feet including the parapet. I mean that would  
21 get there. That would accomplish the same thing, and then you  
22 go design it according to code. But that's the zoning issue, is  
23 the light and air in the alley.

24 MR. ORIGLIO: And you said what that would be from  
25 the ground to the top of the fence is 13 feet?



1 COMMISSIONER PARSONS: It may be 14, but I mean  
2 that's -- rather than doing drawings we could do it by the  
3 written word.

4 CHAIRMAN SOCKWELL: It's going to be 13, eight if  
5 you have --

6 COMMISSIONER PARSONS: I will go to 14.

7 CHAIRMAN SOCKWELL: -- if you allow a 44 inch --

8 COMMISSIONER PARSONS: Well, let's go to 14.

9 CHAIRMAN SOCKWELL: -- guard.

10 COMMISSIONER PARSONS: Because I think that's  
11 what's in the rest of the alley.

12 CHAIRMAN SOCKWELL: Yeah. Fourteen foot overall  
13 height to top of railing.

14 MR. ORIGLIO: Of railing.

15 CHAIRMAN SOCKWELL: Of railing, right.

16 MR. ORIGLIO: Right.

17 CHAIRMAN SOCKWELL: The vertical posts --

18 COMMISSIONER PARSONS: Okay.

19 CHAIRMAN SOCKWELL: -- are embellishments and they  
20 can go up higher.

21 COMMISSIONER PARSONS: Okay. I'll move approval  
22 on that basis then.

23 CHAIRMAN SOCKWELL: All right. Ms. Reid, do you  
24 have any problems with that?

25 VICE CHAIRPERSON CROSS REID: No, I think that's a

1 resolution of it rather than having him come back. We can take  
2 care of it.

3 CHAIRMAN SOCKWELL: Then do that as a motion.

4 VICE CHAIRPERSON CROSS REID: I second.

5 CHAIRMAN SOCKWELL: And you're understanding that  
6 14 feet will be your top of railing?

7 MR. ORIGLIO: Yes, of railing.

8 CHAIRMAN SOCKWELL: Yes, from the alley elevation.

9 MR. ORIGLIO: Right.

10 CHAIRMAN SOCKWELL: Okay. No more discussion.

11 All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN SOCKWELL: Opposed?

14 (No response.)

15 VICE CHAIRPERSON CROSS REID: Was Anne in that?

16 CHAIRMAN SOCKWELL: No.

17 MEMBER RENSHAW: Just for the record, I did not  
18 participate in this case. So therefore I'm not voting.

19 MR. HART: Mr. Chair, please bear with me while I  
20 read this. The vote is three to zero to approve adjusted plans  
21 to reflect the concerns of the Board, because --

22 CHAIRMAN SOCKWELL: To approve modified plans  
23 providing an alley elevation of the deck of no greater than 14  
24 feet above grade to the top of the parapet railing.

25 SECRETARY PRUITT: Mr. Sockwell --

1 CHAIRMAN SOCKWELL: Yes?

2 SECRETARY PRUITT: -- I think we could make that a  
3 condition since there were no persons or parties in opposition.

4 CHAIRMAN SOCKWELL: Okay.

5 SECRETARY PRUITT: And make it a summery order and  
6 then with the condition as you stated.

7 MR. HART: Thank you.

8 CHAIRMAN SOCKWELL: Thank you.

9 MR. ORIGLIO: One more clarification. Do you  
10 still want some --

11 CHAIRMAN SOCKWELL: You're going to need to  
12 present your adjusted plans to the permit office. We would  
13 suggest -- we would require a set of your final plans to be  
14 submitted to the record.

15 MR. ORIGLIO: Okay. To this office.

16 CHAIRMAN SOCKWELL: To this office.

17 MR. ORIGLIO: Okay. Very good. Thank you.

18 CHAIRMAN SOCKWELL: Thank you.

19 All right. Will you call the next item please.

20 MR. HART: Appeal number 16646 of Daniel Serwer  
21 and James W. McBride, pursuant to 11 DCMR 3100 and 3101, from  
22 the administrative decision of Michael D. Johnson, Zoning  
23 Administrator, Building and Land Regulation Administrator,  
24 Department of Consumer and Regulatory Affairs, made  
25 approximately April 18, 2000, Building Permit No. B426044, for a

1 two-story garage addition, and on August 8, 2000 with Building  
2 Permit No. B428648, to add a covered walk connection.

3 Appellant alleges that the construction of the  
4 garage addition and covered walk connection and unauthorized  
5 commercial use does not conform to the zoning regulations in an  
6 R-1-A District at premises 5655 Moreland Street, N.W. That's in  
7 Square 2307, Lots 801 and 802.

8 The hearing date was December the 19th. The Board  
9 members participating were and are Ms. Sheila Cross-Reid, Mr.  
10 Robert Sockwell, Ms. Renshaw, and Ms. Mitten.

11 The Board deferred the decision to this public  
12 meeting and requested that the following submissions be made by  
13 January 16th, 2001, and a response to the submission by February  
14 1, 2000.

15 The submission was additional information by the  
16 appellant concerning the Department of Public Works' approval on  
17 the building permit application. This was submitted on January  
18 16th, 2001.

19 The intervenor's response to appellant's  
20 submission was submitted February 1, 2001.

21 MEMBER RENSHAW: Mr. Chairman, I'd like to state  
22 for the record that I was on this case. First of all, I want to  
23 say that this case is of particular concern to me because it is  
24 in my single-member -- not my single-member district, but within  
25 my ANC area, Chevy Chase ANC 3G.

1                   And I'll state again for the record that I recused  
2 myself when the matter came before the ANC, and it did so on  
3 several occasions.

4                   But when it came before the Board on December  
5 19th, I had to leave early at a time when I believe there was  
6 some testimony being received by the Board. And I asked twice  
7 for the record to be sent to me and I did not receive the  
8 hearing record in my packet.

9                   So I want to say for the record that that has been  
10 an omission from my packet and bring it to the Chair's attention  
11 and the Board's attention.

12                  CHAIRMAN SOCKWELL: Thank you.

13                  Now, so you were unable to read the transcript.

14                  MEMBER RENSHAW: Yes, that's correct.

15                  CHAIRMAN SOCKWELL: Was the transcript prepared  
16 for that?

17                  SECRETARY PRUITT: I'll have to check. They're  
18 coming in every day so we'd have to check.

19                  MEMBER RENSHAW: And I believe I'm supposed to  
20 receive that seven days in advance, aren't I? Or at least with  
21 my packet.

22                  SECRETARY PRUITT: We can find out for you.

23                  CHAIRMAN SOCKWELL: Because of the fact that Ms.  
24 Renshaw did not receive documentation that would be necessary  
25 for her to effectively discharge her duties as a Board member

1 with regard to this case, it may be appropriate to continue the  
2 case.

3 SECRETARY PRUITT: And, see, you also have a  
4 request for deferral from the applicant -- from the appellant.  
5 Excuse me. I'm so used to do cases.

6 CHAIRMAN SOCKWELL: And in looking at that--

7 SECRETARY PRUITT: And there's also a motion to  
8 strike. So there's several things but -- and then there's also  
9 a letter from the intervenor indicating that they do not think  
10 that the motion should be deferred. This all came in this  
11 morning.

12 CHAIRMAN SOCKWELL: Well, we like for our Board  
13 members to be able to complete their hearing of any case once  
14 started. It maintains a continuity of the Board with regard to  
15 these proceedings, and with this other request for postponement,  
16 I'd like to get some feedback from my fellow Board members.

17 VICE CHAIRPERSON CROSS REID: Mr. Chairman, I do  
18 concur with your position, given the fact that one of the Board  
19 members has not had the necessary information that she needs in  
20 order to be able to participate, and I would have no problem  
21 with considering the continuation of the case to allow her time  
22 to do so.

23 CHAIRMAN SOCKWELL: I feel that Ms. Renshaw  
24 requested in a timely manner the documentation that she would  
25 need, and it was not available to her, and the transcript is the

1 principle document by which we complete our understanding of  
2 cases when we cannot participate for the full period of a  
3 hearing or series of hearings.

4 So I would, having --

5 SECRETARY PRUITT: We'll make sure that never  
6 happens. We'll correct it and make sure it never happens again.

7 CHAIRMAN SOCKWELL: Thank you.

8 COMMISSIONER MITTEN: Mr. Chairman.

9 CHAIRMAN SOCKWELL: Yes.

10 COMMISSIONER MITTEN: I would just like to  
11 interject that if we are going to postpone our decision today,  
12 that we make it clear that whether or not we are responding to  
13 the appellant's request that the case be postponed in order to  
14 gain more information from the Department of Public Works -- is  
15 that the reason or is the reason because Ms. Renshaw has not  
16 been provided the record in a timely manner or -- I mean we need  
17 to be clear about what's the basis for the postponement.

18 CHAIRMAN SOCKWELL: I believe that we can chose as  
19 a Board to move on the postponement either for the sake of  
20 documentation not provided to Ms. Renshaw or for the sake of the  
21 request by the applicant for a postponement. One will moot the  
22 other.

23 COMMISSIONER MITTEN: Well, I guess I'm just  
24 urging clarity because if we are postponing in order to --  
25 pending further action by DPW, that implies that we want the

1 information, that the record is open to receive the information,  
2 that it's relevant to our decision.

3 So that's why I'm suggesting that we need some  
4 level of clarity about the basis for the postponement.

5 MS. GIORDANO: Mr. Chairman, I wonder if I might  
6 be able to just address that for a moment because obviously  
7 we've been sitting down here all morning, and if Ms. Mitten is  
8 correct, if we don't clarify what the reason is the DPW -- if  
9 we're waiting for that, that could go on, you know, for months,  
10 and we won't be able to defer it to a time certain.

11 And we have submitted a letter indicating that we  
12 don't think the DPW information is relevant. I'm really  
13 concerned that DPW might not act on this for six months or more.  
14 It's really impossible to tell.

15 MEMBER RENSHAW: Mr. Chairman.

16 CHAIRMAN SOCKWELL: Yeah.

17 MEMBER RENSHAW: I would suggest under the  
18 circumstances that you consider this postponement because I did  
19 not receive adequate documentation and vote on that at this  
20 meeting.

21 CHAIRMAN SOCKWELL: I'd be willing to do that.

22 COMMISSIONER MITTEN: Which would mean that we  
23 could postpone it to a date certain.

24 MEMBER RENSHAW: Definitely

25 CHAIRMAN SOCKWELL: Right. Then I move that we



1 continue this case to a date certain, allowing time for Ms.  
2 Renshaw to receive and review the record.

3 SECRETARY PRUITT: In light of that, you already  
4 have a special public meeting next week for Georgetown, GW.  
5 Would you like it the week after? We can do a special public  
6 meeting the following week.

7 COMMISSIONER MITTEN: We definitely don't need  
8 anything else on the 13th.

9 SECRETARY PRUITT: Correct.

10 COMMISSIONER MITTEN: So --

11 CHAIRMAN SOCKWELL: If we can do that, that's  
12 assuming that the documentation will be available.

13 SECRETARY PRUITT: We're checking right now.

14 VICE CHAIRPERSON CROSS REID: You mean another  
15 special meeting?

16 SECRETARY PRUITT: Yes.

17 VICE CHAIRPERSON CROSS REID: It cannot be done at  
18 a regular meeting?

19 SECRETARY PRUITT: It would be on the same day as  
20 a hearing.

21 MEMBER RENSHAW: You're looking at the 20th of  
22 February?

23 VICE CHAIRPERSON CROSS REID: Correct. It  
24 wouldn't be another day.

25 SECRETARY PRUITT: No, it would not be another

1 day. It would just be prior to the hearing.

2 VICE CHAIRPERSON CROSS REID: That's fine.

3 CHAIRMAN SOCKWELL: All right.

4 SECRETARY PRUITT: We'll confirm this once we get  
5 the transcripts, but I believe they're here.

6 COMMISSIONER MITTEN: Mr. Chairman, if the date in  
7 your motion would be February 20th, I would second that motion.

8 CHAIRMAN SOCKWELL: On February 20th, if the  
9 documentation can be made available to Ms. Renshaw by the Friday  
10 prior.

11 SECRETARY PRUITT: That's fine.

12 MEMBER RENSHAW: That's fine.

13 CHAIRMAN SOCKWELL: Then I move February 20th. Do  
14 we have to do a vote on that?

15 VICE CHAIRPERSON CROSS REID: Un-huh.

16 CHAIRMAN SOCKWELL: She seconded it. So all in  
17 favor?

18 (Chorus of ayes).

19 CHAIRMAN SOCKWELL: Ms. Giordano, I apologize to  
20 you for the time that you've had to spend here.

21 Does that complete the morning agenda?

22 (No response.)

23 CHAIRMAN SOCKWELL: Then this meeting is  
24 adjourned.

25 (Whereupon, at 12:18 p.m., the public meeting was

1 concluded.)

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