

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING  
RE  
APPLICATION 16739  
OF SCOTT R. STINSON

+ + + + +

TUESDAY

OCTOBER 16, 2001

+ + + + +

The Special Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:00 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS           Chairperson (10-9-01)  
ANNE MOHNKERN RENSHAW      Vice Chairperson  
PATRICIA GALLAGHER          Chancery Member

ZONING COMMISSION MEMBER PRESENT:

JOHN G. PARSONS              Commissioner

COMMISSION STAFF PRESENT:

Sheri M. Pruitt, Secretary, BZA  
Beverly Bailey, Office of Zoning  
Paul O. Hart, Office of Zoning  
John K. A. Nyarku, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

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APPLICATION OF SCOTT R. STINSON FOR  
THE EMBASSY OF LATVIA:

16739 ANC-1D ..... 4

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

2

9:05 a.m.

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1 CHAIRPERSON GRIFFIS: Good morning. Welcome to  
2 the October 16th special public meeting. Mr. Hart,  
3 if you could start.

4 MR. HART: Good morning, Mr. Chairman, members of  
5 the Board. Before you this morning for our decision is  
6 Application No. 16739 of Scott R. Stinson on behalf of the  
7 Embassy of Latvia pursuant to 11 DCMR 1002.1 to permit the  
8 location of a chancery for the Embassy of Latvia under  
9 subsection 1001.1 in the D/R-3 District at premises 2306  
10 Massachusetts Avenue, N.W. (Square 2507, Lots 4 and 5).

11 The case was heard on September 25th and it is  
12 now before the Board for a decision this morning at this special  
13 public meeting.

14 CHAIRPERSON GRIFFIS: Thank you, Mr. Hart.

15 I would just like to run through for perhaps my own  
16 edification, but also for the Board's, the issues that are  
17 before us with the case 16739 for decision.

18 Of course, we have the six criterion that are  
19 laid out, the first being the international obligation. The  
20 second, the historic preservation, and these are very abridged.

21 The third being parking adequacy. The fourth also being the  
22 establishment of adequate protection for the site. Fifth would  
23 be the municipal interest. Sixth is the federal interest.

24 I would open it up for comments or discussion  
25 briefly now if anyone has anything that they would like to bring

1       forth.

2                   COMMISSIONER PARSONS:   I believe they've met the  
3       test that you just outlined.   We could go through that if  
4       desired but I think the older outlines say it pretty well, the  
5       draft order.   Any issues that were brought up during the hearing  
6       have been mitigated, I think, through the proposed conditions in  
7       the order.

8                   I'm also pleased with the new diagram that's  
9       added at the end of this package that shows they have considered  
10      the drainage and where the edge of the parking lot is much  
11      better than it was before.

12                  CHAIRPERSON GRIFFIS:   Yes, Mr. Parsons.   That was  
13      one of the concerns that you brought up in the hearing on the  
14      25th.   So you feel that it is adequately showing how they will  
15      actually deal with the parking and the drainage on that site.

16                  COMMISSIONER PARSONS:   Right.   There's only a few  
17      feet that's going to drain into the park.   You see they've  
18      inserted a drain into the asphalt there.   If it's in order, I'd  
19      like to move that we not disapprove the subject application  
20      which is the term of art for this particular case.

21                  VICE-CHAIRPERSON RENSHAW:   Second.

22                  CHAIRPERSON GRIFFIS:   Very good.   I think we also  
23      had certain conditions that were being discussed and I would  
24      bring that up for the Board's discussion and review.   I will run  
25      through the list unless we want to take them one at a time.

1 What is the preference?

2 VICE-CHAIRPERSON RENSHAW: Why don't you repeat  
3 them.

4 CHAIRPERSON GRIFFIS: I will run through the  
5 list. Very good. The first one was that the Embassy of Latvia  
6 will retain and maintain current features and appearance in the  
7 premises as outlined in the case file. It's fairly explanatory  
8 but it is the exterior lighting. Also the visual impact of the  
9 building itself and landscaping, etc.

10 The second is the historic preservation laws of  
11 the District will be upheld and respected. Third is a schedule  
12 for delivery and pickup of supplies will be done during working  
13 hours. Fourth, the parking area on the west side of the  
14 property will be used and occupied by up to eight cars per day.

15 Fifth, there will be no new fluorescent fixtures  
16 installed in the building but any that do remain, and that is in  
17 areas of utility, kitchens, bathrooms, and basement, may remain.

18 No dropped ceilings will be installed on the first and second  
19 floors.

20 Sixth, this is an interesting and important one.

21 In light of the fact that the first and second floors of the  
22 building are, in fact, landmark designated, the embassy will  
23 display art appropriate for their own functioning and will  
24 schedule on a mutually agreed upon time, and that would be to  
25 the ANC, to open the building to the public.

1           Seventh, the embassy will have a caretaker at the  
2 chancery who will look after the premises. Eight, security  
3 systems will be installed and maintained on the premises but no  
4 new security fencing will be placed around the front of the  
5 property. No exterior security cameras.

6           Nine, no entries of telecommunication will be  
7 installed. Of course, we do have regulatory provisions that  
8 deal with those. Ten, the embassy will designate a community  
9 liaison to work collaboratively with the residents of the  
10 Sheraton Calarama neighborhood on matters of neutral concern.

11           Eleven, I believe, would be the issue of events.

12           I would propose for that condition that special events that are  
13 done would require the provision of off-site parking. That  
14 would be with a valet service.

15           Comments or changes, deletions, additions? Let  
16 me then declare in terms of the events I did not put a number on  
17 it. Additionally, we also had a discussion of employees within  
18 the facility. I did not include that either.

19           COMMISSIONER PARSONS: Their proposed draft order  
20 would limit the guest for an event to 150 and there would be two  
21 of those per year.

22           CHAIRPERSON GRIFFIS: Correct. I think -- I  
23 mean, they have in fact put that forward. It was part of the  
24 discussion, I believe, if they are fairly secure and that's what  
25 they do.

1 My issue, perhaps lightly, is that things change  
2 over years. Functions change. I'm not sure what we gain by  
3 setting a number limit on it if the matter of fact of the  
4 problem is the overwhelming of the neighborhood for parking.

5 If we can somehow mitigate that, and that would  
6 be through the valet system with the off-site parking, then I'm  
7 not sure that it would be a problem if, in fact, they had two  
8 events or three events or zero events during the year.

9 With the community liaison I think there is also  
10 an avenue for communication if problems arose that could then be  
11 dealt with, but I am open to hear comments.

12 COMMISSIONER PARSONS: Well, you know, this draft  
13 order says we'll make arrangements for off-site parking for  
14 these functions but you've inserted the word valet and I think  
15 that's a good idea rather than parking at the local high school  
16 and walking up the street. Let's presume that's what they mean  
17 and insert that. There's nothing in this draft order that would  
18 respond to you limit on the number of employees. It's  
19 in the findings of fact and in their testimony to have 12 people  
20 at the new chancery including seven diplomats, three non-  
21 diplomats, and two others who will be caretaker and driver.

22 CHAIRPERSON GRIFFIS: Right. Some of the case  
23 that struck me was, first of all, they've been in an existing  
24 facility in the Dupont area. It has not had problems or  
25 complaints.

1           Again, I think we need to go to the root of what  
2 numbers of employees creates in terms of problems from the  
3 community standpoint. I think it goes to in many respects  
4 parking and gets a very big issue, especially for that area --  
5 most areas.

6           In the fact that they have provision for on-site  
7 parking, additionally they have applied for diplomatic street  
8 parking so they are not removing parking from the block which I  
9 think is a very good idea. I do not then see the reasonableness  
10 for admitting or putting a number to employees.

11           COMMISSIONER PARSONS: Okay.

12           VICE-CHAIRPERSON RENSHAW: Mr. Chairman, if I may  
13 go back to the matter of the functions that we had talked about  
14 that you were leaving it open-ended. In this draft order,  
15 again, it says up to two large functions up to 150 guests.  
16 That's page 14 of the draft order. I would leave that it as  
17 stated. That had been discussed and the embassy is agreeable.

18           CHAIRPERSON GRIFFIS: Any other comments on that?

19           COMMISSIONER PARSONS: Having been in the house  
20 once or twice, I think the 150 would bust it seems frankly. I  
21 think that's a good --

22           VICE-CHAIRPERSON RENSHAW: No more than.

23           COMMISSIONER PARSONS: -- cap and they've agreed  
24 to do it.

25

1 CHAIRPERSON GRIFFIS: Actually, Ms. Renshaw, if  
2 you would just read that passage so that we have that.

3 VICE-CHAIRPERSON RENSHAW: It's page 14, No. 8 of  
4 the proposed order. "There may be up to two large functions per  
5 year at the chancery up to 150 guests and the embassy will make  
6 arrangements for off-site parking for these functions."

7 CHAIRPERSON GRIFFIS: I mean, in the verbiage  
8 there is actually some flexibility. First of all, we don't  
9 define large functions. We cap the number of guests that they  
10 would have to 150.

11 I guess what I'm saying is I do see some  
12 flexibility in that, but I also see some -- well, I think the  
13 flexibility comes in its ambiguity and, that is, what is a party  
14 of 50? Is that a large function?

15 VICE-CHAIRPERSON RENSHAW: Are we debating  
16 numbers here?

17 CHAIRPERSON GRIFFIS: Somewhat. Somewhat.

18 VICE-CHAIRPERSON RENSHAW: Well, I --

19 COMMISSIONER PARSONS: What's small?

20 VICE-CHAIRPERSON RENSHAW: What's small. We  
21 don't define small and we don't define medium. The only  
22 definition is two large functions equals 150 guests -- up to 150  
23 guests. I would state that we leave it at that. Again, the  
24 embassy is in agreement. The community does not seem to have  
25 any problems with it. I would leave it as is in the conditions.

1 CHAIRPERSON GRIFFIS: Very well.

2 MS. GALLAGHER: Mr. Chairman, do you anticipate  
3 some confusion about (a) an event of 25 or 50 and the community  
4 considering those large, so if they have two dinner parties or  
5 two parties with 50, they will have maxed out on their large  
6 events? Is that your point?

7 CHAIRPERSON GRIFFIS: Yes. I mean, how do we  
8 define two large functions which is why my point was that we  
9 just remove a number of events and just indicate -- how we want  
10 to word it I'm not sure but perhaps large public functions valet  
11 off-site parking is provided. It seems like it's a service they  
12 would want to do anyway to get their guests in in a timely  
13 manner.

14 VICE-CHAIRPERSON RENSHAW: But, Mr. Chairman, if  
15 you remove the number, then it could read that they could have  
16 four or five functions up to 150 guests, whereas the embassy has  
17 said it would limit itself to two functions up to 150 guests.

18 That does not say that they could not have 25  
19 functions of 25 to 50 people, or even up to 100 people. We've  
20 got at least two large functions up to 150 and I'd leave it as  
21 it is.

22 CHAIRPERSON GRIFFIS: Okay.

23 MS. PRUITT: Excuse me, Mr. Chairman. Let me  
24 just state for clarification you might want to break it out and  
25 really be exact because we've had problems in the past where

1 it's been a little bit ambiguous and another board a few more  
2 years from now somebody could contest it saying, "Well, they are  
3 over their limit. They're not adhering to the order."

4 I would suggest you actually spell out exactly  
5 what you mean. If you are going to limit the number of  
6 functions, indicate they are going to be limited for groups of  
7 up to X. If you're not going to limit them for a smaller group  
8 --

9 VICE-CHAIRPERSON RENSHAW: You are recommending  
10 that, Ms. Pruitt?

11 MS. PRUITT: Unfortunately so that we can keep it  
12 straight.

13 CHAIRPERSON GRIFFIS: Well, I would propose that  
14 we then define large functions. Remove the number of two and  
15 indicate that large functions -- I'll throw this out for  
16 discussion -- 50 people or more per year at the chancery for up  
17 to 150 guests. I'm not sure we need that but the embassy will  
18 make arrangements for off-site valet parting.

19 VICE-CHAIRPERSON RENSHAW: So, your definition of  
20 large is 50 to 150 people and no more than 150 at any one time?

21 CHAIRPERSON GRIFFIS: Yeah. I think that would  
22 be clearer.

23 VICE-CHAIRPERSON RENSHAW: But I would go back to  
24 putting in how many of these functions the order is going to say  
25 control and, again, going back to the two which is in the

1 language of the order -- proposed order.

2 CHAIRPERSON GRIFFIS: Any other comments? Again,  
3 I think we need to mitigate the problem and not limit the  
4 function and limit the use and that's where I'm going with that  
5 because I don't want to set us up with a situation where the  
6 community is having a hard time monitoring and enforcing these  
7 things. But I also don't want to limit the  
8 embassy from actually doing functions that are perhaps a very  
9 important function in their own definition.

10 I would say if we could mitigate the problem of  
11 the parking and the congestion, I think those are the major  
12 problems dealing with a special event and do that by  
13 conditioning the parking provision that that would cover the  
14 issue that we're dealing with in condition 8.

15 VICE-CHAIRPERSON RENSHAW: I feel that is  
16 reasonable to adhere to this condition that, again, was an  
17 agreement of the embassy and the embassy seems to be very  
18 sensitive to the community's wish to bracket, you might say, the  
19 large functions.

20 Now we're defining those as from 50 to 150  
21 guests. But the embassy is willing to say two is fine and I  
22 would subscribe to that and urge that we be very definite and  
23 put two large functions per year at the chancery between 50 and  
24 up to 150 guests.

25 COMMISSIONER PARSONS: I would agree with that

1 because there's also the noise factor, the set-up and take-down.

2 They could put a tent over the parking lot. I mean, it could  
3 get every weekend. I'm sure they wouldn't do this but it could  
4 get too far in the other direction.

5 VICE-CHAIRPERSON RENSHAW: It's also the  
6 deliveries, food service, catering, staff people, flowers  
7 delivered, all of that which makes an impact on the community.  
8 The order, again, seems to feel that two is fine. The embassy  
9 seems to feel two is fine so I would leave it at that.

10 MR. CARUS: Excuse me, Mr. Chair. Concerning the  
11 fact this is a rulemaking and not a adjudicatory case, is it  
12 appropriate to address the Board on that particular issue?

13 CHAIRPERSON GRIFFIS: You know, I was thinking  
14 that and I would probably ask for some advice on that.

15 MS. PRUITT: We haven't in the past but you could  
16 certainly -- I don't see why you shouldn't be able to.

17 CHAIRPERSON GRIFFIS: I would ask you obviously  
18 to be brief and then speak to the point of what they were  
19 talking about in terms of the events and in terms of the number.

20 MR. CARUS: The point was the number of people  
21 that defines a large event. I think there is information in the  
22 record that indicated that there would be -- the embassy  
23 intended to have two large events of up to 150 people and other  
24 events during the year.

25 The issue that you identified, Mr. Chair, is the

1 parking issue and the valet issue. We have just spoken about  
2 that, Mr. Griffis and I, about the number of guests that might  
3 trigger a requirement for valet. I think that's what you were  
4 going to as 50. In terms of the lower number when  
5 we're getting into a discussion about what defines a large  
6 event, 50 is troublesome for the embassy as a lower number. If  
7 the idea is more than 50 would trigger valet, I think that would  
8 address the Board's concern. Mr. Griffis, would you like --

9 CHAIRPERSON GRIFFIS: Yeah. I think that speaks  
10 to my issue of putting the number on the event rather than  
11 triggering the parking and that's where I was going with that.  
12 Is that information clear to everybody?

13 VICE-CHAIRPERSON RENSHAW: No. Define it.

14 CHAIRPERSON GRIFFIS: My statement?

15 VICE-CHAIRPERSON RENSHAW: Yeah.

16 CHAIRPERSON GRIFFIS: I think what we're doing,  
17 and we just got clarification, but if we define a large event  
18 that speaks to 50 to 150, then what we're looking to is trigger  
19 -- that that triggers the provision of off-site parking, valet.

20  
21 The issue being that it's just been brought up  
22 that I think we were talking about is the fact that there will  
23 be other events, more than two, during the year but what is  
24 being stated by the embassy is that there are only two large  
25 events that might go over 100 people.

1 VICE-CHAIRPERSON RENSHAW: I thought that was  
2 going to be from 50 to 150.

3 CHAIRPERSON GRIFFIS: Well, that's the point.  
4 The point is I think we've now put a bottom number on it which  
5 the embassy wasn't necessarily going that low on. Therefore, we  
6 are adding to -- let's just say we're adding to the scheduled  
7 events that the embassy does during the year by broadening that  
8 definition.

9 COMMISSIONER PARSONS: I think we need one of two  
10 things from the embassy, either how many or what's large. It's  
11 either 100 to 150 or it's four a year or something because the  
12 issue is much -- little bit more than parking, I think.

13 MR. VINRETIC: We would propose either to define  
14 a large party as a function that has more than 100 people and  
15 limit ourselves to two functions of that size a year. Or  
16 alternatively, as you just suggested, remove the two-party limit  
17 but, of course, commit to providing valet parking at every event  
18 that exceeds 50 persons in attendance.

19 Actually, we can commit to both. We can provide  
20 valet parking at every event that exceeds 50 persons in  
21 attendance, but would ask you to raise the threshold for a large  
22 party to 100. Otherwise --

23 CHAIRPERSON GRIFFIS: Let me propose for  
24 condition 8 that during the year for events that have 50  
25 attendance or more valet off-site parking would be provided and

1 that two large functions from 100 to 150 per year would be  
2 allowed. Does that make sense? Is that clear to everybody?

3 MR. VINRETIC: Good.

4 CHAIRPERSON GRIFFIS: Yes, Mr. Hart?

5 MR. HART: I'm sorry. I didn't quite get that.

6 CHAIRPERSON GRIFFIS: We are actually melting the  
7 two, and that is for events that have attendees of 50 people or  
8 more, that the valet off-site parking would be provided, and  
9 that during the year two large functions from 100 to 150 would  
10 take place.

11 Very well. Any other comments or discussion?  
12 All those in favor?

13 ALL: Aye.

14 CHAIRPERSON GRIFFIS: Opposed? Thank you.

15 MR. HART: Staff would record the vote as four to  
16 zero to one not to disapprove this application. The motion was  
17 made by Mr. Parsons, seconded by Ms. Renshaw. Mr. Griffis and  
18 Ms. Gallagher voted in the affirmative. The third appointee was  
19 not present and not voted.

20 CHAIRPERSON GRIFFIS: Thank you, Mr. Hart. I  
21 also want to thank the Executive Director, NCPC, Ms. Gallagher  
22 for being here. I appreciate your participation.

23 MS. GALLAGHER: Thank you.

24 CHAIRPERSON GRIFFIS: This then ends the special  
25 public meeting of October 16. Ten minutes. We will be back at

1 9:45 to start the morning meeting.

2 (Whereupon, at 9:34 p.m. the special public  
3 meeting was adjourned.)

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