

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

JUNE 11, 2002

+ + + + +

The Public Meeting convened in Room 220 South, 441  
4th Street, N.W., Washington, D.C. 20001, pursuant to notice at  
2:15 p.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- GEOFFREY H. GRIFFIS, Chairperson
- ANNE MOHNKERN RENSHAW, Vice Chairperson
- CURTIS ETHERLY, JR., Board Member
- DAVID ZAIDAN, Board Member (NCPC)

APPEARANCES (Continued)

COMMISSION STAFF PRESENT:

SHERI M. PRUITT, Secretary, BZA  
BEVERLEY BAILEY, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

MARIE SANSONE, Esquire

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<u>16815 ANC-1C</u>	

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

(2:15 p.m.)

CHAIRPERSON GRIFFIS: As previously stated, I'm going to be a little jumbled with the schedule immediately, but I would ask for the representative for the first case in the afternoon, Endale Terefa, to come to the table, and is there an ANC representative here today on this case? Can you also come up?

Is it pronounced Terefa?

MR. TEREFA: Yes, sir.

CHAIRPERSON GRIFFIS: Good. What I am going to do is have you turn on your microphone in front of you. Just push the button on the base. I'm going to have you turn yours off. Thank you. We get feedback.

Can you just introduce yourself, give me your name and your address, please?

MR. TEREFA: My name is Endale Terefa. My address is 434 Shepherd Street, Northwest, Washington, D.C.

CHAIRPERSON GRIFFIS: Okay. And it's my understanding from the handwritten submission that we have in front of us delivered moments ago, you are requesting a postponement of your hearing?

MR. TEREFA: Yes, sir.

CHAIRPERSON GRIFFIS: And this is because you didn't get a chance to meet with the ANC?

1 MR. TEREFA: Yes, sir.

2 CHAIRPERSON GRIFFIS: Okay.

3 And can you introduce yourself?

4 MR. JONES: Yes. My name is Timothy Jones, Timothy  
5 Allen Jones, Office of Board of Elections and Ethics.

6 CHAIRPERSON GRIFFIS: Okay. And what was your  
7 address?

8 MR. JONES: Seven-three-seven Rock Creek Church  
9 Road, Northwest.

10 CHAIRPERSON GRIFFIS: Okay. Do you have any  
11 statement -- are you in support or do you have a statement of  
12 opposition to the motion for postponement of this hearing?

13 MR. JONES: Well, I am opposed to the motion for  
14 postponement.

15 CHAIRPERSON GRIFFIS: Okay.

16 MR. JONES: Number one, notice of single member  
17 district meeting in which the matter of Mr. Terefa's application  
18 would be brought before the single member district meeting was  
19 left at the store. He did not appear. And also I have been  
20 informed that the regular commission meeting similar notice has  
21 been left as well.

22 CHAIRPERSON GRIFFIS: Okay. So it was on the  
23 schedule --

24 MR. JONES: So Mr. Terefa did not take the  
25 initiative to appear at either of the meetings.

1 CHAIRPERSON GRIFFIS: This was on the schedule for  
2 an ANC meeting?

3 MR. JONES: As well as the single member district  
4 meeting.

5 CHAIRPERSON GRIFFIS: And a single member district  
6 meeting. Okay. And so you would oppose the motion to postpone  
7 this?

8 MR. JONES: That is correct.

9 CHAIRPERSON GRIFFIS: Okay.

10 Mr. Terefa, are you prepared to go forward today to  
11 present your case?

12 MR. TEREFA: No, sir, because I didn't get a chance  
13 to meet them. I make two calls for the ANC office. I didn't  
14 know their address where the offices are, so I didn't get a  
15 chance to talk to them about my case, what I --

16 CHAIRPERSON GRIFFIS: Okay. Establishing that  
17 fact, are you prepared to present your case today?

18 MR. TEREFA: No, sir.

19 CHAIRPERSON GRIFFIS: Why is that?

20 MR. TEREFA: Because as I said, I didn't get a  
21 chance to talk to them about the case, which I want to explain it  
22 to them, what I need.

23 CHAIRPERSON GRIFFIS: Well, in the hearing today,  
24 you can present your case. The ANC is here and represented and  
25 they can hear that case. They also have cross-examination

1 rights. So they wouldn't be prejudiced by any means.

2 MS. BAILEY: Mr. Chairman, this property -- the  
3 affidavit was not --

4 CHAIRPERSON GRIFFIS: Posted.

5 MS. BAILEY: -- indicates that the property was not  
6 posted in a timely day. It was only posted for ten days and, as  
7 you know, Mr. Chair, 15 days are required. So there is a posting  
8 problem with this project as well.

9 CHAIRPERSON GRIFFIS: Do you want to speak more to  
10 why it wouldn't be advantageous for the community to take  
11 additional time to meet with the applicant?

12 MR. JONES: Well, I find that within my single  
13 member district and the voting single member district which is in  
14 another commission, I have come across no support of Mr. Terefa's  
15 application anyway, and opposition to it, because that corner is  
16 considered a hot spot within the area.

17 CHAIRPERSON GRIFFIS: Okay. Let me ask Corporation  
18 Counsel a quick question on this just to get an establishment of  
19 where we are, and I don't want to take any more time on this. We  
20 may have to just bring this back up. But the special exception  
21 -- or the application that we have for this today is for the  
22 expanded use. If this was not granted, that would not stop the  
23 existing use from continuing; is that correct?

24 MS. SANSONE: That is correct, Mr. Chairman.

25 CHAIRPERSON GRIFFIS: Okay. So by the mere fact

1 that there are some issues in the community, that there is an  
2 existing established corner store, let's call it at this point,  
3 that's looking to expand, the additional time you don't think  
4 would be advantageous to work with some of the problems that you  
5 see in the existing condition and then come back before this  
6 Board for the special exception case?

7 MR. JONES: The residents -- I've been informed the  
8 residents within close proximity to the store have attempted to  
9 meet with Mr. Terefa and he has been reluctant to meet with them  
10 as far as -- we need some kind of middle ground with him. So I  
11 figure if he has been that way up to this point, I don't think  
12 any further changes would be made.

13 CHAIRPERSON GRIFFIS: Okay. So I've pushed your  
14 position as far as I can go. Clearly you don't think there is an  
15 advantage for continuing this, but rather going forward today  
16 because you don't anticipate that there would be any change to  
17 that.

18 Okay. What I am going to do, then, is --

19 MS. PRUITT: Excuse me. Could one of you turn your  
20 microphones off down there, just one. Thank you.

21 CHAIRPERSON GRIFFIS: At this point, I would hear  
22 from the Board. I am of the mind to call this case today. We  
23 will go to our special meeting and do our decisionmaking and call  
24 this as the first in the afternoon unless others feel strongly.  
25 I believe the applicant is and should have been prepared to

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1 present the case today, and I think we can move forward. It  
2 doesn't look as if there's any reasonableness in accommodating  
3 additional time for further communication.

4 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I concur.

5 I think that we should go forward today and hear the case, as  
6 much of the case as possible.

7 CHAIRPERSON GRIFFIS: Good. Okay. And that's what  
8 we will do. I will ask you both to sit back down. I appreciate  
9 you coming up right now. We will call you as soon as we get  
10 through our decisionmaking.

11 In which case let's call the special public meeting  
12 to order and call the first case and only case in that.

13 MS. BAILEY: Mr. Chairman, the announcement is  
14 going to be read as it was amended at the Board's hearing  
15 previously.

16 APPLICATION OF ADAMS ALLEY, LLC

17 16815 ANC-1C

18 MS. BAILEY: Application of Adams Alley, LLC,  
19 pursuant to 11 DCMR 3103.2, for a variance from the floor area  
20 ratio requirements under Section 402, a variance from the  
21 nonconforming structure provisions under Subsection 2001.3 for a  
22 building not meeting the lot occupancy requirements of Section  
23 403, a variance from the off-street-parking requirements under  
24 Subsection 2101.1, and a variance from the restrictions governing  
25 the use of alley lots under Section 2507, to allow the

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1 construction of an addition to an existing structure for use as a  
2 mixed-use residential office and private club. The property is  
3 located in the Reid-Cooke R-5-B District at premises rear, 2412  
4 17th Street, Northwest.

5 Mr. Chairman, there were several hearing dates on  
6 this application, the last of which was May 29th. There are two  
7 parties to this case. At the last hearing, the Board requested a  
8 variety of items. Those items have been received and the  
9 application is now ready to go forward.

10 The Board members today are Mr. Griffis, Mrs.  
11 Renshaw, Mr. Zaidan. Mr. Etherly heard one of the -- was present  
12 at one of the hearings, and also Mr. Hood. Neither heard the  
13 last hearing, which was on May 29th. And the decision is before  
14 the Board at this time.

15 CHAIRPERSON GRIFFIS: Thank you very much.

16 Okay. Let's jump right into this. Obviously there  
17 is an awful lot of variances requested in this, but I think, as  
18 we well know going through the entire hearing in the process of  
19 this, that a substantial amount has been recorded that go to the  
20 variance tests on that.

21 First of all, as we recall, this is an alley lot  
22 which goes to what was established and we proceeded with hearings  
23 as a use variance for that property. It was well established and  
24 I think it's unrefuted that this is a unique alley lot in terms  
25 of its size, in terms of its circumference with the differing

1 alleys, and additional information that I will hopefully touch  
2 upon and hope others do also.

3 I want to just briefly run through my thoughts in  
4 looking at this case, and then I would like to go into a motion  
5 for further discussion, deliberation, if we need.

6 I think it should be noted that this application  
7 came in with an awful lot of background, first of all, with  
8 meetings and discussions with the neighborhood groups, the  
9 Reid-Cooke Overlay, of course, or the Reid-Cooke Association, and  
10 other members as well as the ANC, also the ANC Quality of Life  
11 Committee, which I must say I really like that name. So clearly,  
12 this is to be an adaptive reuse of an existing building.

13 As you know, the history on this, that there was a  
14 zoning change, the overlay change that actually rendered this a  
15 nonconforming. With the addition of the overlay, with the  
16 Reid-Cooke overlay, that is, the whole different aspects and  
17 desires of this area and community changed from a manufacturing  
18 and industrial, which this building was initially built to  
19 provide, to a residential, more urban setting.

20 This, I think, is a project that goes to, one,  
21 proving its variance cases on face in the normal regulations, but  
22 I think also goes to the Reid-Cooke overlay and speaks to that  
23 well in terms of fulfilling an awful lot of the objectives of the  
24 overlay. There was community testimony and personal testimony  
25 about this building, how it actually was a piece of importance to

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1 the history; however, the reuse of it was of utmost importance.

2 This, I think, brings together a balance of those  
3 two, and that is, not going to demolition of the old, as it's  
4 known in the community, the Colortone Warehouse, but rather  
5 maintains that, but is adapting it with the addition for  
6 residential use.

7 Clearly we heard testimony also on the other uses  
8 that will go in that are a matter of right, and that is for the  
9 private club, which I think probably, as testified, got some  
10 miscommunication in the neighborhood about what the private club  
11 would be; anticipation, I'm sure, on the basis of common sense,  
12 would be that a nightclub was going in there. Clearly it was the  
13 intention and has been evidenced that they will be putting in a  
14 nonprofit organization, the Sitar Center specifically, and  
15 utilizing that space. Again, a good accommodation in terms of  
16 community use in a community space.

17 I think also of note, we should look to -- with the  
18 change and the writing of the Reid-Cooke Overlay, testimony was  
19 given regarding the Zoning Commission order that actually named  
20 this building specifically in terms of its adaptive reuse and its  
21 importance for it, which I think goes back to substantiating the  
22 community's perspective of somehow facilitating a use and a  
23 re-creation of this building, as odd as it is, for something that  
24 would fulfill the requirements of the Reid-Cooke Overlay.  
25 There's an awful lot of evidence that speaks to that, and I think

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1 hopefully we will continue with that.

2           Clearly the conversion of this building for  
3 residential was laid out to be very difficult, that being on its  
4 existing construction built for an industrial use, a limit and  
5 nonexistence of fenestration. Clearly that could be -- windows  
6 could be cut out of this building, perhaps, but the issue came  
7 down to actually the ceiling heights and the slab depths that  
8 didn't accommodate.

9           Also, there was testimony by the party in  
10 opposition -- I will go to more of that, but that, in fact, the  
11 ground-floor residential is appropriate in that area. I was not  
12 convinced of that, in fact am convinced otherwise that that would  
13 not be a very accommodating or a very prosperous residential use  
14 based on the physical attributes of the building, but also based  
15 on the siting of residential on an alley face. Clearly the  
16 dwellings that surround it are appropriately set back and I think  
17 it would either not be -- not be used, people wouldn't rent or  
18 buy it, or I think it would be more problematic rather than  
19 having the building accommodate parking at that level, which  
20 accommodates the industrial goal. Building the residential  
21 pieces on top of it seems to be I think a fairly creative  
22 opportunity and design for outfitting this building.

23           Don't feel unobliged to interrupt my flow, but I  
24 will keep going.

25           While I'm on parking, there was also -- the

1 original application came in, there were two levels of parking in  
2 this, and I think this goes to numerous issues, one of which is  
3 the importance of this application, and in talking to the  
4 community and actually getting a feel for what the community  
5 wanted, that second level of parking was actually removed.

6 It was removed for several reasons. The most  
7 important, in my mind, came from the issue of vehicular  
8 circulation through the alley route, that being the grade drops  
9 substantially, that you could basically enter each of the levels  
10 of parking from the grade, one being higher, one being lower, of  
11 course, but the second level being removed from the parking  
12 actually accommodates the fact that you will not have vehicular  
13 circulation for this building going around the building, using  
14 this smaller alley system on that side.

15 I think that was an excellent accommodation, but it  
16 also brought up the fact that we are now looking at a variance  
17 from the parking spaces, which I think we need to flesh out a  
18 little bit in terms of how they are calculated.

19 The other issue of the circulation is the  
20 pedestrian circulation in the alley and the design actually  
21 changed again with the comments of the community, which -- and I  
22 keep bringing this up. I don't think the community makes or  
23 breaks a case in front of us, but I think this is evidence of a  
24 case that actually has been well-informed by community input,  
25 meaning community input actually and directly changed the design

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1 of this building.

2 I bring this up -- two things on the entrance of  
3 this building. One, the pedestrian entrance as anticipated for  
4 the Sitar Center was actually brought inside the building, so the  
5 entrance -- as soon as they can get off -- as soon as the  
6 pedestrians can get to the building, they go inside the building  
7 rather than walking on the perimeter continuing the extent of the  
8 alley walking.

9 Secondly, there was a cutback of the building and  
10 an opening up at the grade where the parking entrance is in order  
11 to accommodate small deliveries and, of course, we know as a  
12 Board but certainly as this application has shown in terms of the  
13 residential nature of this, there won't be large truck  
14 deliveries, but rather FedEx, UPS, mail trucks, things of that  
15 nature. There is an opportunity for a pull-off, and probably  
16 will also accommodate residents or guests pulling up quickly to  
17 drop off people, and I think that was well situated and well  
18 designed.

19 Clearly all of this -- most of this goes to  
20 mitigating any sort of adverse impact that may well be  
21 established by using this alley property for the new configured  
22 twelve-unit building.

23 I think it should be noted that Mr. Holms did an  
24 awful lot of testifying regarding the community input and also  
25 the community conversation. I think we will get to some of the

1 issues -- well, let me go to it.

2 We seemed to be hit in numerous ways and directions  
3 with conditions on this or proposed conditions for this order.  
4 OP had some, if I recall, Reid-Cooke had some, I think the ANC  
5 spoke to some. I can verify that if need be. The applicant  
6 itself came in with conditions.

7 I spent an awful lot of time deliberating and  
8 reading these conditions, some of which I must say I had great  
9 aversion to, which obviously I won't be asking for support on any  
10 of those.

11 I think the more delicate and, frankly, the more  
12 pertinent issue for us is in terms of if we do condition an order  
13 that goes ahead in a positive nature, we need to, as this Board  
14 has established, condition things that go directly to the order  
15 -- that is, to the variance and to the property itself -- and  
16 also, more importantly, condition things that we can actually go  
17 to measure compliance.

18 One of the issues that came up that I would like to  
19 disregard or would not support is the discussion on creating a  
20 one-way alley system in this area or in this block around the  
21 proposed project; and I might say the party -- Mr. Batra -- in  
22 opposition is in favor of the applicant's opinion to not support  
23 the one-way alley.

24 Bottom line: It was brought up and I think it was  
25 asked to be a condition by Department of Transportation to create

1 a one-way alley system and I know we asked the applicant, we had  
2 certain testimony on it. I still see absolutely no justification  
3 for creating a one-way alley system in this. I think, in fact,  
4 the regulation by the neighbors themselves that use this alley is  
5 the most pertinent and appropriate way to deal with it. I think  
6 alleys in this city, first of all, are very narrow. This one has  
7 a larger piece and also the ten-foot standard alley system.

8 One of the concerns that the neighborhood had  
9 brought up in terms of the alley is increased traffic and the  
10 speed of traffic and pedestrians walking through traffic, we  
11 start creating a one-way system, first of all, compliance with  
12 that -- you know, frankly I would rely on my own common sense  
13 there would be no compliance with that. I'm sure MPD would not  
14 be writing tickets for the wrong way on an alley.

15 That being said, what I have found -- what I think  
16 would be found in this particular circumstance for the one-way  
17 alley is to mention it would actually be a calming device if it  
18 was a two-way alley and that if two cars were present in the  
19 alley, they would actually have to slow down to pass each other.

20 I think that just accommodates, in fact, the concern that the  
21 community has of having circulation and people walking the alley  
22 and increased traffic, so therefore obviously I will not be  
23 posing that.

24 There were other things that I believe came up as  
25 more of -- actually presented as negotiation and communication

1 and agreements between the applicant and the community and  
2 different parts of the community, and I think we ought to  
3 acknowledge and applaud that, and I don't think that most of  
4 these actually are appropriate for conditions of an order, one  
5 being, and I think we can take great note and recognize and  
6 clearly state in our findings of facts, that the applicant has  
7 proposed to work with the ANC to establish a construction  
8 management plan and a construction staging plan, and I think that  
9 that is an excellent idea.

10 I think Ms. Renshaw has spoken eloquently on this  
11 in the past and I would just reuse some of her own phrases, but  
12 it's an important piece of communication with the community and  
13 the developer.

14 What we have found in the past, I think that again  
15 we have found that conditioning large management plans within our  
16 orders are not something that we can go out and provide  
17 compliance with. There are also other codes and conditions that  
18 have that compliance.

19 But I think it's important and we underscore and  
20 recognize the fact that this applicant will be working with the  
21 community during the construction, will provide, we would hope,  
22 at a minimum contacts and numbers for the community during  
23 construction if there were problems or in case of an emergency.

24 More importantly, it goes to the alley system,  
25 which had an awful lot of testimony, and that's why I take so

1 much time with it. It's in awful shape, as many are. The issue  
2 for this is even more important, however.

3           There were several that moved -- that were trying  
4 to move us to require that the applicant repave and resurface and  
5 plant and light the alley. Clearly that's beyond our  
6 jurisdiction, although we believe that that is something of  
7 utmost importance, and I believe and recognize, understand and  
8 will add in any order that goes out on this case that we would  
9 encourage the applicant to work with Department of Public Works  
10 and the Ward 1 councilmember, each of which has said that they  
11 will work with the applicant, to repave the alley.

12           An important issue attendant to this application is  
13 the fact of an area on the southern alley going into, towards the  
14 site should be striped or marked in some aspect so that it is  
15 apparent that it is an appropriate area for pedestrians to walk  
16 into the alley and hopefully will be respected by any vehicular  
17 traffic through.

18           The other pieces I think go to that and I would  
19 also recognize and understand that the developer has indicated  
20 that they are in total agreement to work with the community to  
21 rename part of the wider piece of the alley and try and name it  
22 the Reid-Cooke Plaza or something with that nature and give  
23 appropriate signage, signage also on the building, which I think  
24 is an absolutely excellent idea, indicating the past history in  
25 terms of the Colortone Printing and the former use and the

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1 heritage of that building and the history that it has.

2           Again, they don't go directly to the issues before  
3 us and I have caution in making it a condition of the order but  
4 will indeed ask that we give this great attention in any written  
5 order that goes out, and I think no matter what happens, we will  
6 leave with the understanding that these will be pursued by the  
7 applicant.

8           There were a lot of issues that came up in  
9 testimony in terms of the Sitar Center and it was, in fact,  
10 offered by the applicant and numerous others of some sort of  
11 condition.

12           Again, I think we need to be very concerned with  
13 how we phrase this in that this condition in this order runs with  
14 the property. I would ask my other Board members to help me in  
15 some guidance on this.

16           In terms of the only thing that I think might well  
17 be appropriate -- well, I don't know the appropriateness of  
18 whether it's a condition, but clearly we have an issue of whether  
19 we limit the permitted private club on the use to the Sitar  
20 Center or another organization of --

21           VICE CHAIRPERSON RENSHAW: Perhaps we could ask  
22 Corp Counsel for an opinion here, but also to stress that it  
23 could be a like organization.

24           CHAIRPERSON GRIFFIS: Right, and I think -- and  
25 it's an important issue to bring up, is the nomenclature of, you

1 know, what is similar. Again it goes to the fact of who has  
2 control of that or why. I want to be very clear in the fact that  
3 the private club is not in any sort of need of relief under this,  
4 and that's my concern and hesitation in making it a condition of  
5 the order.

6 I think it's a very appropriate use, I think it's  
7 an excellent use. I also believe that the community voicing the  
8 fact that they would not be in support of and actually are  
9 pushing for a prohibition of an ABC, an Alcohol Beverage Control  
10 license on the property I think is a good idea; however, we don't  
11 have the jurisdiction to tell the ABC that they can give a  
12 license or not.

13 I want to put this all out there so we can have it  
14 all to discuss, and Ms. Renshaw, I believe it was on the tip of  
15 your tongue, but also attendant with the Sitar Center or any  
16 organization that brings pedestrians in, especially in this one  
17 in terms of children, that there would be a provision by that  
18 user for some sort of alley crossing guard or some sort of  
19 staging that would accommodate the safe passage into the alley.

20 Going to that also, the applicant has agreed with  
21 the community to provide community office space to be it the ANC  
22 or, who knows, maybe it's the council members has meetings,  
23 whatever it may be. I think that's a great understanding that  
24 the developer and owner should have with the community. I do  
25 think that goes beyond our reach in this case and I think that we

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1 note that and, frankly, support that type of endeavor, but I have  
2 hesitancy in terms of making that a condition upon any order.

3           Again, I would just reiterate I think what I've  
4 just said, but in terms of the Alcohol Beverage Control license,  
5 clearly that would be a detrimental use in this area just in  
6 terms of access if that was envisioned as some sort of larger  
7 nightclub, which is not part of this application at this time.

8           Let's go, then, to specifics of the variances, and  
9 I may hopefully touch on all of them. Let's go to the increase  
10 in FAR, which I believe through my general characterizations all  
11 of these small pieces fit into the bigger picture, and that is,  
12 you can't accommodate a new use to this, and as established --  
13 and I believe it was Mr. Larenco who gave testimony about the  
14 property and its construction and the over-sized concrete slabs  
15 and et cetera in terms of his descriptions of it.

16           The fact of the matter is that in order to  
17 accommodate new uses, there would have to be an increase in the  
18 floor area ratio for the residential addition.

19           Let me also note, in terms of the lot coverage of  
20 this, we're roughly at 90 percent, if I'm correct. Somebody can  
21 correct me if I'm wrong on that, but you know the picture. It's  
22 non-conforming. It was actually conforming at the existing  
23 zoning. With the rezoning of this area, it became non-conforming.

24           Clearly again it goes back to the fact of do you demolish this  
25 building and build entirely new within an alley lot system or do

1 you accommodate the new -- or accommodate a new addition and new  
2 use with the existing structure.

3 The other piece of the use variance which also goes  
4 to the test that I'm evidencing, the fact of the matter is, it  
5 was clear in the regulations that a single-family was an  
6 appropriate use. This goes far beyond any sort of reality in  
7 terms of conversion to single-family based on numerous things  
8 that have already been stated, but I would reemphasize the fact  
9 of the size of the parcel itself within the alley system.

10 There was some testimony in terms of elevated costs  
11 for the demolition of a structure of this -- I'm not that  
12 persuaded that that is one that proves a variance case. I am, as  
13 stated, more convinced with the appropriateness of converting an  
14 existing building, first of all how it fits within the entire  
15 program -- that is, accommodating the parking based on the  
16 industrial nature of the structure itself; also accommodating the  
17 addition on top -- as opposed to making a pure economic  
18 standpoint.

19 Also, additionally, the importance of the building  
20 and its history and its importance to the community, I think that  
21 has a lot to do with any sort of impact of the project on the  
22 surrounding area, and I don't think we can take lightly those  
23 issues, especially when we look at large urban fabrics.

24 Clearly, I think Mr. Larenco also stated that  
25 typical alley lots are smaller and front on one alley,

1 conceivably maybe one -- on two sides. This, as stated, is  
2 entirely surrounded with two accesses to the street.

3 Parking. Always a favorite in this city. We had  
4 some discussion on the count for the parking spaces and the count  
5 required, and that was, was the parking done per use and each was  
6 tabulated per use, or was it done in cumulation.

7 I think there is some issue with that and I would  
8 have others speak to that if they might, but I think the  
9 testimony is strong in terms of substantiating the variance for  
10 the parking spaces. One is already touched about the applicant  
11 actually removed a space based on the impacts, but also in terms  
12 of the uniqueness of the site in terms of the site slope, the  
13 alley size, the accommodation, and also the testimony of the fact  
14 of the expert transfer traffic engineer indicating that the  
15 spaces provided in the twelve additional units would not have  
16 great impact on the street and the alley system.

17 We do know that the Community Center is drawing, as  
18 testimony was given, drawing from the community and anticipated  
19 that, in large measure, most would walk into the facility.

20 I think we have some discrepancy about what the  
21 variance for parking actually will be in terms of count, whether  
22 it's four or whether it's eight. Do others have ideas on this?

23 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I think  
24 it's four. That's what I seem to remember.

25 CHAIRPERSON GRIFFIS: All those in favor of four --

1 no, wait a minute. That's not what we want to do.

2 All right. OP had stated that a variance of four  
3 spaces was required. We had the discussion based on the  
4 residential requirements, which was going to be six spaces; the  
5 private club, which I recall being 20; and the office as two.

6 Okay. Be that as it may, I think what we need to  
7 do is pursue -- I mean, the test clearly for a variance of the  
8 parking is the same based on eight, four, twelve, whatever it may  
9 be, and my point would be just a clarification that in our  
10 deliberations, and correct me if I'm wrong, Board members, the  
11 way I was looking at this was each use was individually  
12 calculated for parking requirements, and therefore those parkings  
13 would have to be directly accommodated for. In that sense -- of  
14 course, it's all one parking garage. How are you supposed to --  
15 anyway, Ms. Sansone, you had, in fact, an opinion, if I'm not  
16 mistaken, on this issue.

17 MS. SANSONE: Mr. Chairman, there is a regulation  
18 specifically on point for mixed-use buildings, and I think we  
19 covered this in --

20 CHAIRPERSON GRIFFIS: Right.

21 MS. SANSONE: -- the last hearing. For a mixed-use  
22 building, you calculate each use separately and then you add that  
23 up, and there's a little confusion because potentially some of  
24 the office spaces are grandfathered in, so that may account for  
25 some of the lack of precision in the numbers. But parking spaces

1 for one use shall not be considered as providing the required  
2 parking spaces for any other use.

3 The issue here is the applicant is providing twice  
4 the required numbers of parking spaces for the residential units,  
5 but technically they shouldn't be counted as meeting the office  
6 space -- or the private club space. The rationale for the  
7 variance for the private club I think you articulated clearly.  
8 It was drawing traffic from the -- pedestrian traffic from the  
9 community not likely to require those parking spaces.

10 So that would be the issue, is, are the parking --  
11 is the variance attributed to the private club -- are you sort of  
12 accumulating all these uses and not allowing for the residential  
13 -- the allocation of what would have been a private club to the  
14 residential to sort of eliminate those private club spaces. The  
15 regulation wouldn't seem to say they -- it seems it should be the  
16 variance for the larger number that clearly provides the  
17 applicant the most flexibility and alleviates any issue about  
18 whether they have the proper relief or whether they have complete  
19 relief. It's more comprehensive, in any event.

20 CHAIRPERSON GRIFFIS: Right. And I think that is  
21 absolutely the correct way to go in order for full assurances  
22 that we don't get caught in anything. So I think that we would  
23 be looking at a parking variance of eight at this time and  
24 proceed accordingly in that manner.

25 It was -- I just had it in front of me. What is

1 the total parking provided? I think it was 24 on the top of my  
2 head in terms of parking. Okay.

3 Continuing on, clearly we had testimony also on  
4 this in support, Office of Planning, which had recommended  
5 approval and they had evidenced large communication, also  
6 deliberation of their own in terms of putting together their  
7 reports and they had worked with Transportation on that and we  
8 have discussed a lot of those issues.

9 Again, to reiterate, ANC and the Quality of Life  
10 Committee of ANC-1C had put in recommendations of approval of the  
11 application and spoke to quite a bit of the pieces of this. The  
12 support from the Reid-Cooke Neighborhood Association also came in  
13 and we had excellent testimony from that organization.

14 Also the councilmember from Ward 1, Councilmember  
15 Jim Graham, also wrote in a letter of support for this  
16 application and went beyond, I think, and really laid out the  
17 significant benefits of this project and also the significant  
18 benefits to the Reid-Cooke area and the overlay itself. I think  
19 that he spoke to, without substance, but obviously communication  
20 that he had had with the applicant in terms of developing this  
21 and dealing with the community and their issues, and we had, if  
22 I'm not mistaken, over half a dozen letters of support from the  
23 surrounding neighborhood.

24 Yes.

25 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I have a

1 feeling you're leading up to a motion?

2 (Laughter.)

3 CHAIRPERSON GRIFFIS: I hope it's going somewhere.

4 VICE CHAIRPERSON RENSHAW: And I'm not going to  
5 discourage you making a motion at this point, but I would just  
6 like to take one moment, and I really mean one moment, to speak  
7 on behalf of the abutter, Mr. Simi Batra, who I feel gave the  
8 Board a very sensitive discussion of the issues from his  
9 perspective having to do with the pollution and deliveries and  
10 potential damages to his deck which sits on stilts. He also  
11 mentioned emergency vehicles in the alley system. He talked  
12 about density, increased density. And fortunately or  
13 unfortunately, these issues will or may impact on him and other  
14 abutters, but we also note that there are avenues of recourse  
15 such as the Advisory Neighborhood Commission where various  
16 complaints or issues can be brought to the public at a public  
17 forum, and, of course, in regard to pollution, there is the  
18 Department of Health that can be contacted. So we have areas of  
19 the government which can be utilized by abutters if, indeed,  
20 there is a problem, and we hope not, of course.

21 I think the applicant has been very forthcoming  
22 with sensitivity to the community and the Chair has discussed  
23 this at -- should I say at length this afternoon, and we are  
24 pleased to see that the applicant is willing and has put into its  
25 findings of fact the fact that there will be worked out a

1 construction management agreement with ANC-1C, and I might  
2 suggest that the applicant might consider adding Mr. Batra to the  
3 discussions as he is an abutter and would have a great  
4 sensitivity to this, also, and I see some heads nodding in the  
5 front row of the audience and that's good to see from the  
6 applicant.

7           There are other points that I would like to  
8 recommend to the Board that we take issue with or take note of,  
9 and that's the landscaping issue which, again, Mr. Batra pointed  
10 out because he's concerned about having some pleasant area to  
11 look out upon, not just a block, a building block, and he made  
12 reference in his paper to a heat-producing alley system, and I'm  
13 paraphrasing his words, of course, but landscaping can do much to  
14 soften that visual impact. I would hope that there would be  
15 great attention to that, along with lighting, which is very  
16 important, and I would recommend some photo-sensor type of lights  
17 with lights pointed down.

18           He made a point about some crime in the alley  
19 system and he, of course, recommended some lower-level  
20 residential units. Of course, that's not going to be done in  
21 this proposal, but perhaps lighting would aid a great deal to  
22 enhance the look of the building and also to address the security  
23 concern.

24           We know that the applicant will be keeping an eye  
25 on, or at least we hope the applicant will be keeping an eye on

1 the whole traffic issue in the alley and the delivery system, but  
2 I am sure that, with the presentation of the applicant before the  
3 Board, that that is also a sensitive point with the applicant.

4 CHAIRPERSON GRIFFIS: Good. Thank you very much,  
5 Ms. Renshaw. I was going to go to Mr. Batra's letter, which I  
6 think you've touched upon well, and I will pick up some of your  
7 issues in terms of the lighting and landscaping.

8 But I wanted to go back to Batra's letter, some of  
9 the issues that you didn't bring up, and that is, one, he  
10 misstates, I would say for the record, that the process didn't  
11 offer him any opportunity to suggest changes that would help him  
12 support the project.

13 Clearly, in his testimony, he could have brought up  
14 issues, not that we get into negotiation pieces, but I think  
15 there is room for him to evidence in terms of the problems and  
16 evidence as what would make him support it, so it was difficult  
17 to read that.

18 Secondly, he states in his letter that this parcel  
19 is a unique one, which actually goes to support the tests before  
20 us today, but, as you stated, looks to some difficulties with it.

21 But he does state the Colortone is a rare property in the midst  
22 of a residential block which lends to its uniqueness.

23 He did, as you said, talk about the physical nature  
24 and the unsightliness of the building but also the unsafeness of  
25 the alley, and I think there was adequate testimony and I think

1 common sense would tell us that if we add people to that, that  
2 security will increase.

3 I will -- well, we will pick up lighting and  
4 landscaping. Another issue I wanted just to speak briefly on is  
5 that this -- the price of this came up in his letter, the cost of  
6 the property.

7 VICE CHAIRPERSON RENSHAW: It's irrelevant.

8 CHAIRPERSON GRIFFIS: Clearly that doesn't go to  
9 anything that we're looking at, but I wanted to make clear for  
10 the record, in his submission, and he is a party and we do need  
11 to take the time to address his issues, but he brought it up as  
12 if the Board was aware of what the sale of this property actually  
13 was. This was the first I had known. In fact, the dollar amount  
14 he gave is the only one I've seen.

15 Again, it doesn't go to really how or why or which  
16 direction this should go to and we have what we have in front of  
17 us. And just also to underscore, as a party, he did not support  
18 the one-way position of the alley.

19 With that, I think you did anticipate, Ms. Renshaw,  
20 but I think with that deliberation, let me make a motion and we  
21 can continue discussion if required, but I would move that we  
22 approve Application 16815 of Adams Alley, LLC.

23 VICE CHAIRPERSON RENSHAW: Second.

24 CHAIRPERSON GRIFFIS: Oh, thank you very much. I  
25 was just going to say, as noted, so I don't read the entire

1 paragraph of variances required, I want to make two, I think, two  
2 conditions on this. One is going to be, as you've evidenced, in  
3 terms of lighting. I would think that we would condition that  
4 adequate lighting be -- adequate exterior lighting be mounted on  
5 the building that would be perhaps of a sconce variety, but  
6 obviously a down direction, down-direction focused, so that it  
7 would not have direct light across to the -- wouldn't have any  
8 sort of adverse lighting of the neighboring properties. It  
9 would, I think, be appropriate clearly that it would be some sort  
10 of dust-to-dawn lighting.

11 That does go directly to the testimony given by the  
12 applicant himself and also the surrounding neighbors and parties,  
13 that this has been an unsafe area. I think it also goes to  
14 helping the visual aspect of the alley that will be used by  
15 pedestrians and also vehicular passenger vehicles.

16 The second would be -- actually, I'm going to make  
17 a note of it, and not a condition of the motion -- landscaping.  
18 I think it is difficult to landscape an alley. Oftentimes the  
19 residential alleys will obviously have rear yards that are  
20 landscaped and mitigate that. This is a different situation.

21 There is showing on the submitted document, and I  
22 anticipate that that, in fact, as submitted will be built, there  
23 are two areas on the north and on the south side that can  
24 accommodate some sort of planting of vegetation. I think by the  
25 submission itself, the applicant is realizing that there is an

1 amenity to offer in terms of softening that building for the  
2 potential residents, but also for the surrounding areas, and I  
3 would certainly direct them to continue with that as submitted.

4 VICE CHAIRPERSON RENSHAW: Mr. Chairman, just to  
5 note, Mr. Batra pointed out in the papers submitted to the Board  
6 that there is one tree in the alley.

7 CHAIRPERSON GRIFFIS: Yes.

8 VICE CHAIRPERSON RENSHAW: He does not mention the  
9 size of the tree, whether it's a mature tree, but just to take  
10 note that he has asked that if it has to be cut, that there be a  
11 requirement of a replacement tree. But I hope that the applicant  
12 takes note of this and incorporates that tree into its grand  
13 scheme in some way or another.

14 CHAIRPERSON GRIFFIS: Based on the lot coverage of  
15 this building, I would doubt the tree is on the applicant's  
16 property, and it seems to me that there was --

17 VICE CHAIRPERSON RENSHAW: Who knows?

18 CHAIRPERSON GRIFFIS: -- there was a picture that  
19 it actually was in the alley. But I think the point you're  
20 making, I think the point is well taken, is the fact that, as you  
21 know, part of the alley is dirt, I mean literally dirt, it's not  
22 paved at all is my recollection. It may not be correct. But  
23 your point being if a tree is removed that has actually provided  
24 some sort of shading, that there should be some accommodation to  
25 add that if not more where it can be, I think that's well taken

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1 and I think that should go into any written finding of fact and  
2 order that we produce on this.

3 Others? Anything else?

4 MEMBER ZAIDAN: Mr. Chair, I had a question on your  
5 motion. The landscaping is not a condition; it's more of a  
6 suggestion in the findings of fact? Just to make sure I'm clear.

7 VICE CHAIRPERSON RENSHAW: Could we say appropriate  
8 landscaping where possible?

9 CHAIRPERSON GRIFFIS: Yes, that's about as strong  
10 as we get.

11 VICE CHAIRPERSON RENSHAW: In the alley lot. And  
12 that it be maintained. Hopefully there is a guarantee with any  
13 plantings.

14 CHAIRPERSON GRIFFIS: Yes. I think that's fine.  
15 In the exact wording, we can smith this, but clearly the  
16 intention of the condition will be that in available areas for  
17 landscaping, that it will be landscaped with greenery,  
18 vegetation, and be maintained through its existence, and I think  
19 that's excellent.

20 Okay. I think it has been appropriate, the amount  
21 of time for this. This was a very -- although it was presented  
22 very well in terms of its simplicity, it was very complex and  
23 there were numerous areas to explore, investigate and deliberate  
24 on. So I will gladly take a minute or so more if there are other  
25 issues for discussion.

1 VICE CHAIRPERSON RENSHAW: I call the vote.

2 CHAIRPERSON GRIFFIS: Oh. Well, that --

3 VICE CHAIRPERSON RENSHAW: Do I have a second?

4 MEMBER ZAIDAN: I'll second the call of the vote.

5 CHAIRPERSON GRIFFIS: All in favor of calling the  
6 vote, signify by saying aye.

7 (Chorus of ayes.)

8 CHAIRPERSON GRIFFIS: Okay. So the motion is  
9 carried to call the vote.

10 The motion before us is for the approval of  
11 Application 16815. I would ask for all those in favor to signify  
12 by saying aye.

13 (Chorus of ayes.)

14 CHAIRPERSON GRIFFIS: And opposed.

15 (No response.)

16 CHAIRPERSON GRIFFIS: And we shall record the vote  
17 and move on.

18 MS. BAILEY: The vote is recorded as three-zero-two  
19 to approve the application. The motion was made by Mr. Griffis.

20 Mrs. Renshaw is in agreement. Mr. Zaidan supports. And we have  
21 one condition, Mr. Chairman, and that is adequate exterior sensor  
22 lighting shall be provided or shall be mounted on the exterior of  
23 the building in a down direction, and the lighting shall be  
24 provided from dusk to dawn.

25 CHAIRPERSON GRIFFIS: Good. And I think

1 landscaping was the other condition.

2 MS. BAILEY: You want to add landscaping as the  
3 other one?

4 CHAIRPERSON GRIFFIS: Yes. I know, I was flipping  
5 and flopping on that one; however --

6 MS. BAILEY: Okay.

7 VICE CHAIRPERSON RENSHAW: You've been persuaded.

8 CHAIRPERSON GRIFFIS: Right. Good. So stated.

9 Thank you all very much. Appreciate you coming  
10 down here today, and have a great day.

11 (Whereupon, the public meeting adjourned at 3:15  
12 p.m.)

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