

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING AND ADJUSTMENT

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY,
OCTOBER 14, 2003

+ + + + +

The Public Meeting was 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
RUTHANNE G. MILLER	Board Member
DAVID ZAIDAIN	Board Member (NCPC)

COMMISSION STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLY BAILEY	Office of Zoning
JOHN K. A. NYARKU	Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

SHERRY GLAZER, ESQ.

AGENDA ITEM

2
PAGE

OPENING REMARKS:

Geoffrey Griffis 3

APPLICATION OF MERIDIAN INTERNATIONAL CENTER: 3
17070 ANC-1C:

VOTE: 13

ADJOURN:

Geoffrey Griffis 14

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

9:26 a.m.

CHAIR GRIFFIS: Good morning, ladies and gentlemen. Let me call to order our Special Public Meeting for the 14th of October 2003. We have one decision to get through today and then we will call our morning session public hearing. With that, I will have full openings, but, in the meantime, I just ask if people would turn off cell phones and beepers, so we don't disrupt proceedings, and also say good morning to staff and I will do full introductions in a moment, but if we could call the first case for decision making this morning?

MR. MOY: Yes, sir. Good morning, Mr. Chairman, members of the Board. The first application is number 17070 of the Meridian International Center, pursuant to 11 --

CHAIR GRIFFIS: 3104.1?

MR. MOY: Yes, 3104.1. Thank you. Under subsection 214 to modify Conditions (e) and (f) of BZA Order No. 5802, dated February 24, 1960, to allow accessory parking for the building located at 1630 Crescent Place, N.W. known as Square 2568, Lot 809 to be relocated from the surface to two levels of an underground garage in new development permitted on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 the subject property as a matter-of-right in the R-5-
2 B District at premises located at 17th and Belmont
3 Streets, N.W., that's in Square 2567, Lot 850,
4 formerly Lots 811, 824, 838 and 839.

5 On September 30, 2003, the Board
6 completed testimony on the application and requested
7 additional information for its decision on October
8 14, 2003. The applicant was requested to provide an
9 updated list of conditions based on the Board's
10 hearing on September 30, 2003, and the findings of
11 fact either in full or partial, and the applicant
12 submitted this post-hearing documentation and it is
13 identified in your case folders as Exhibit 32.

14 Parties and the ANC-1C were requested --
15 the record, rather, was open to receive from parties
16 and ANC-1C any proposed findings and conclusions.
17 The Beekman Place Condominium Association, Inc.
18 submitted its comments and that is in your case
19 folders as Exhibit 33. They have also included three
20 letters of further clarification to its own
21 submission and that's in your case folders as
22 Exhibits 34, 35 and 36. And that completes my
23 briefing, Mr. Chairman.

24 CHAIR GRIFFIS: Thank you very much, Mr.
25 Moy. I think that does cover quite a bit. As you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Board members recall, to boil down the issue when we
2 were looking at this case, I think, it was the point
3 of there was an accessory, an approved accessory
4 surface parking lot and it was quite educational to
5 read decade early orders. And there was some
6 questioning of the wording and what it actually meant
7 and that being was it required to have surface
8 parking or was it required to have the parking?

9 All said and done, of course, we were
10 looking at having the surface parking lot moved below
11 grade once development is put on the site.
12 Therefore, there would not be a loss of parking that
13 was originally required, but rather a replacement of
14 it. I think it's not unique to this case in terms of
15 the community input, and, I think, that there was a
16 good amount of communication and, I think, an awful
17 lot with any of these cases that we have with
18 development, an awful lot has to do with, I might
19 say, education of the community and applicant.

20 And I think that this case is an
21 excellent example of showing how people can, with
22 open dialogue, come to an understanding each of their
23 respective positions, but also in establishing a
24 course of action which does not preclude the positive
25 changing of neighborhoods, which I think we would all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 support. There was an awful lot of support in this
2 when we got to the end. I think there was the Ward 1
3 Council member support. Of course, Office of
4 Planning also was in support with conditions.

5 And I would like to really highlight the
6 ANC-1C that did an awful lot of work in putting those
7 vehicles of communication in place and also, I think,
8 took a very positive stance in monitoring and also in
9 their submission, in their case presentation. That
10 being said, we have the original order of which we
11 need to look at and also the proposed amendment
12 modifications and additional conditions on this
13 order.

14 I think in reviewing the entire record
15 again and, obviously, participating in the hearing
16 itself, I believe that a special exception has been
17 made for this case, and I would like to proceed with
18 a motion, and I believe we can get through this
19 fairly quickly, and that would be for an approval of
20 Application 17070, the Meridian International Center,
21 and that is, as Mr. Moy has said, pursuant to 3104.1
22 under section 214, and would ask for a second. The
23 motion will be with additional conditions and
24 modifications to the original order and we can get
25 through that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 BOARD MEMBER MILLER: I'll second.

2 CHAIR GRIFFIS: Thank you. The motion is
3 first and seconded. I would propose that we do
4 reaffirm Conditions (a) through (d) of the original
5 order with one modification to Condition (a), which I
6 had just in front of me, but possibly don't. There
7 it is. I think we need to strike the end paragraph
8 of that and so Condition (a) would read "The number
9 of dances to be held at the subject property shall be
10 limited to the number normally scheduled by colleges
11 and universities." The rest of that condition goes
12 to after a year, they would come back to the Board
13 and we would reflect on whether there were adverse
14 conditions.

15 I think logically, in my deliberation on
16 this, that condition has expired as the original
17 order was from 1960. That means within 1961 they
18 would have been back to the Board. We also had no
19 evidence, of course, in this special exception
20 hearing regarding any sort of detrimental impact that
21 the functioning of this facility had had on the
22 surrounding neighborhood.

23 So in terms of the dances and how they
24 compare to universities and colleges, I don't believe
25 again that we had enough evidence in the record to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 delve into that. It is a fascinating condition to
2 put on there. I'm not sure how you actually rate
3 that. I guess my point being, I don't believe that
4 this current Board would write a condition of that
5 nature. But as it is original, I think we can hold
6 it.

7 Going to the added and modified
8 conditions, I do believe that there is sufficient
9 evidence in the record and also agreement among those
10 participants with the proposed conditions. It was
11 clear that the utilization of an underground parking
12 was a large issue that the provision of the spaces
13 that are now provided would not be lost. And then
14 there was a temporary concern in terms of during
15 construction whether they would lose the parking or
16 not.

17 I think to address those, the proposed
18 conditions should be taken and those proposed
19 conditions were submitted by Mr. Collins from Holland
20 and Knight representing the applicant. It was
21 Conditions (e) through (h), and we can read them
22 through if it's important. One of the conditions
23 that OP had suggested is that the brick wall be
24 maintained or replaced if it wasn't screened for the
25 development. I think that makes some sense.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 F talks about parking spaces authorized
2 under the terms of this order are required parking
3 spaces which will require the owner to provide them,
4 too, and obviously it will run with the land. The
5 (g) Condition, I think, needs to be crafted and is as
6 proposed to mitigate the temporary construction
7 period provision of parking spaces and sufficient
8 evidence has been presented that that will happen.
9 And Condition (g) makes sure that it will.

10 H goes to the use or rather the
11 programming of the parking and there are three
12 subconditions under H, which I am perfectly in
13 agreement with. The first being for all events that
14 Meridian or guests were expected to utilize the new
15 parking garage. An attendant will be stationed near
16 the garage entrance to direct guests to the Meridian
17 parking spaces in the garage and to provide access
18 through the security gate.

19 There was questions in the case about
20 backing up and trying to get into the parking garage.

21 I don't think there was sufficient evidence
22 presented that proved that as opposed to the surface
23 parking that had fairly narrow entrance and egress.
24 However, this seems to begin to mitigate and also to
25 announce the fact that there's a parking garage

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there, as I think would be important.

2 Condition 2 I would like to modify that,
3 which was submitted to us, and have it read as
4 follows, 2 under (h) would be, "For all events of 150
5 or more guests, attendants will also be stationed in
6 the parking garage adjacent to the Meridian parking
7 spaces and in the Meridian parking lot at 1630
8 Crescent Place, N.W. to assist the efficient
9 utilization of the parking area including the use of
10 the stacked parking."

11 The point being, once we state our, you
12 know, number of guests that are expected, it seems to
13 be a bit uncontrollable and unmeasurable. And the
14 third, "For all events where 200 or more guests are
15 expected, Meridian will use valet parking." I think
16 that's perfectly appropriate. And as is being
17 proffered by the applicant, I believe we can take
18 that into the condition.

19 Further discussion? If there's nothing,
20 Ms. Miller?

21 BOARD MEMBER MILLER: Well, I just want
22 to note that we received later in the day on October
23 7th some modified conditions for H, and I just want to
24 make sure that the parties agree, too, and I want to
25 make sure that we're using those conditions in our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 final modifications here. They are not major
2 changes, but I understand like in number 1 of H they
3 wanted to add "where any guests are expected." And I
4 believe you were reading from a previous H where that
5 wording wasn't there. These are fairly technical
6 proposals.

7 CHAIR GRIFFIS: I think that's fine. I
8 mean I can't imagine an event that don't have guests.

9 BOARD MEMBER ZAIDAIN: So you're talking
10 about amending H-1 to incorporate the word any
11 guests?

12 CHAIR GRIFFIS: Incorporating for all
13 events at Meridian where any guests are expected to
14 utilize the new parking garage, an attendant will be
15 stationed near the garage entrance.

16 BOARD MEMBER ZAIDAIN: Right.

17 CHAIR GRIFFIS: To direct guests to the
18 Meridian parking spaces in the garage and provide
19 access through those security gates. So if they have
20 a satellite event where no one attends, they don't
21 need to have the attendant in the parking garage.
22 That would be the expectation, right?

23 BOARD MEMBER ZAIDAIN: Well, as far as H-
24 2 and H-3, it was my understanding from the
25 submissions that there was just concern. There was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 concern about, you know, just locking down the number
2 of attendees in terms of expectations of how many
3 people will be there, then how many people actually
4 show up, and I think your language, as proposed,
5 would cover all the basis there.

6 CHAIR GRIFFIS: Okay. So we will include
7 H-1 as mitigated.

8 BOARD MEMBER ZAIDAIN: Yes.

9 CHAIR GRIFFIS: Okay. Anything else?
10 And H-2 what you said.

11 BOARD MEMBER ZAIDAIN: Well, I'm sorry,
12 what did you just say about H-2?

13 CHAIR GRIFFIS: H-2 as I stated it.

14 BOARD MEMBER ZAIDAIN: Right. Right.
15 Okay.

16 BOARD MEMBER MILLER: Okay. Then the
17 last one is which wording we're going to use. The
18 newer wording said "Whenever 200 or more people are
19 expected to be present simultaneously, Meridian will
20 use valet parking." The wording is similar.

21 CHAIR GRIFFIS: I would suggest that 3
22 reflects the same wording as 2.

23 BOARD MEMBER MILLER: Yes.

24 CHAIR GRIFFIS: And it says "For all
25 events of 200 or more guests, Meridian will use valet

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 parking."

2 BOARD MEMBER MILLER: I think that's
3 cleaner. I think that's fine.

4 CHAIR GRIFFIS: Excellent. Anything
5 else? Very well. If there's nothing further, then
6 let me ask for all those in favor, please, respond by
7 saying aye.

8 ALL: Aye.

9 CHAIR GRIFFIS: And opposed? Mr. Moy?

10 MR. MOY: Staff would record the vote as
11 3-0-1. We do have a proxy vote from Mr. Parsons to
12 approve the application, which would give a final
13 tally as 4-0-1 with a mayoral appointee not present,
14 not voting on the motion by the Chairman, seconded by
15 Ms. Miller to reaffirm Conditions (a) through (d) and
16 to amend the language under H of numbers 1, 2 and 3,
17 as discussed by the Board.

18 CHAIR GRIFFIS: Good. Thank you, Mr.
19 Moy. Let me just also include, we did abbreviate a
20 lot of the deliberation that is happening here, but I
21 think it was important that the Board did go through
22 the entire record and as I was stating in terms of
23 the dialogue that was happening, the Board did find
24 as a fact in this case that there was a Memorandum of
25 Understanding that was signed between the community

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and the applicant.

2 The Board reviewed all of that in its
3 deliberation for a correction in conditions in
4 reviewing the proposed conditions, and it was found
5 that that is an important aspect of the continuing
6 relationship in the community. And I think the
7 conditions reflect those that this Board has
8 jurisdiction over and so our order will reflect that.

9 There are other aspects of the MOU which are equally
10 important, however, beyond our jurisdiction to
11 enforce or to measure or to be involved in, and I
12 would certainly encourage, of course, all working
13 together for the same common goals.

14 There are others, but I think that's the
15 most important piece of it. With that, thank you,
16 Mr. Moy. The motion has passed. And I think we
17 would do a full order on this in order to
18 substantiate the findings of fact and we can ask the
19 applicant's representative if they want to draft an
20 order in which we might be able to expedite this more
21 so than a regular full order. All right. Anything
22 else?

23 MR. MOY: No, that's it from staff, sir.

24 CHAIR GRIFFIS: Excellent. Thank you
25 very much.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(Whereupon, at 9:43 a.m. the Special
Public Meeting was adjourned.)