

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

JANUARY 4, 2005

+ + + + +

The Public Hearing convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001, pursuant to notice, at 1:00 p.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice Chairperson
CURTIS L. ETHERLY, JR.	Board Member
JOHN A. MANN II	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JOHN PARSONS	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY,	Deputy Secretary
BEVERLEY BAILEY,	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

This transcript constitutes the minutes from the public hearing held on January 4, 2005.

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Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W. Suite 100  
Washington, D.C. 20006-6801  
(202) 955-3000

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

Time: 1:08 p.m.

CHAIRPERSON GRIFFIS: Good afternoon, ladies and gentlemen. Let me call to order the 4th of January 2005 afternoon Public Hearing of the Board of Zoning Adjustment for the District of Columbia.

My name is Geoff Griffis, Chairperson. Joining me today is the Vice Chair, Ms. Miller, and also Mr. Etherly. Representing the Zoning Commission with us this afternoon is Mr. Parsons, and representing the National Capital Planning Commission is Mr. Mann.

A very Happy New Year to everyone present today. There are several very important things that I will go through in my opening, and I will do that very quickly.

Copies of today's hearing agenda are available for you. They are located on the wall where you entered into the hearing room. You can pick one up and look at what order our schedule is for the afternoon as we proceed.

All proceedings before the Board of Zoning Adjustment are recorded. They are recorded in two fashions. First, we have a court reporter who sits on the floor to my right who is creating the official

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1 transcript of all proceedings before us. We are also  
2 being broadcast live on the Office of Zoning's  
3 website.

4 Attendant to both of those, there are  
5 several things that we require. First of all, we  
6 request that people turn off cellphones and beepers at  
7 this time so that we don't have a disruption of our  
8 transmission. Secondly, we would request, and  
9 actually require in our regulations, that you don't  
10 make any disruptive noises or actions in the hearing  
11 room while our proceedings progress.

12 Most importantly, before coming forward to  
13 speak to the Board, give any information or testimony,  
14 we ask that you fill out two witness cards. Witness  
15 cards are located at the table you entered into and  
16 also the table in front where you will provide your  
17 testimony.

18 Those two cards are to be filled out and  
19 given to the court reporter prior to sitting down.  
20 That, of course, makes it able for all those things  
21 that you say on the record to be given credit to you,  
22 so the court reporter knows who is speaking. That's  
23 the technicality.

24 The order of procedure for special  
25 exceptions and variances is: First, we hear from the

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1 applicant, the presentation of their case and any  
2 witnesses that they have. Second, we will hear any  
3 government reports and presentation of reports  
4 attendant to the application from the Office of  
5 Planning, Department of Transportation, and anybody  
6 else that has submitted.

7 Third, we will hear from the Advisory  
8 Neighborhood Commission. Fourth, we will hear from  
9 persons or parties in support of the application.  
10 Fifth is persons or parties in opposition to an  
11 application. Sixth, finally, we hear again from the  
12 applicant, any rebuttal witnesses, testimony, and  
13 closing remarks.

14 Cross-examination of witnesses is  
15 permitted by the applicant, the parties, and the ANC  
16 within which the property is located. The ANC within  
17 which the property is located is automatically a party  
18 in a case.

19 Nothing prohibits this Board from placing  
20 time restrictions or material restrictions on cross-  
21 examination, but I will go into greater detail of  
22 that, if that is needed in each particular case.

23 The record will be closed at the  
24 conclusion of the proceedings on each application  
25 except for any materials that is requested by the

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1 Board. We will be very specific on additional  
2 material that should be submitted into the record and  
3 when it should be submitted into the record. After  
4 that material is received, of course, the record would  
5 then be finally closed, and no other information would  
6 be accepted into the record.

7 It is important to understand what this  
8 record is. The record, of course, is what we will  
9 establish today with the testimonies and the  
10 submissions, but that record is exactly what the Board  
11 will be deliberating on.

12 The Sunshine Act requires that this Board  
13 conduct all its proceedings in the open and before the  
14 public. That is, to establish the record in the open  
15 and before the public. The decision of the Board must  
16 be based exclusively on the record that is created  
17 before us, and that is why it is so important to put  
18 it into testimony or written submission for the  
19 Board's understanding.

20 We will make every effort this afternoon  
21 to conclude our proceedings by six o'clock. I don't  
22 see any difficulty in making that. So with that, I  
23 think we can get straight into the heart of the  
24 matters.

25 Let me ask all those individuals that are

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1 wishing to testify today or thinking about testifying  
2 today if you would please stand and give your  
3 attention to Ms. Bailey. Ms. Bailey from the Office  
4 of Zoning is on my very far right, and I will get to  
5 further information after this. She is going to  
6 administer the oath.

7 MS. BAILEY: Do you solemnly swear or  
8 affirm that the testimony you will be giving today  
9 will be the truth, the whole truth, and nothing but  
10 the truth?

11 (Witnesses sworn.)

12 CHAIRPERSON GRIFFIS: Excellent. Thank  
13 you all very much, and thank you, Ms. Bailey, and a  
14 very good afternoon to you. Also, Mr. Moy  
15 representing the Office of Zoning is with us on my  
16 right.

17 At this time, the Board will consider any  
18 preliminary matters. Preliminary matters are those  
19 which relate to whether a case will or should be heard  
20 today. Requests for postponements, continuance or  
21 withdrawals are preliminary matters in each case, also  
22 whether adequate and proper notice has been provided  
23 for each of the applications.

24 If you believe the Board should not hear a  
25 case today or you are not prepared to go forward with

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1 a case today, I would ask that you come forward and  
2 have a seat the table at this time so that we might  
3 entertain those issues.

4 I would also ask Ms. Bailey if she is  
5 aware of any preliminary matters from the staff's  
6 understanding that should be brought to the Board's  
7 attention at this time.

8 MS. BAILEY: Thank you, Mr. Chairman. To  
9 everyone, good afternoon and Happy New Year.

10 Yes, Mr. Chairman, there are preliminary  
11 matters, and it concerns two cases this afternoon,  
12 both of which are requesting postponement. The first  
13 one is ARCH Training Center, Application Number 17262.

14 CHAIRPERSON GRIFFIS: Good. Thank you. I  
15 am going to have the two folks that have come forward  
16 address the Board, and also for everyone else, when  
17 first addressing the Board, I am going to ask that you  
18 state your name and your address for the record. That  
19 way, obviously, we can tie what you are about to say  
20 onto the transcript. If you wouldn't mind, you could  
21 just turn your microphone on. You can do that  
22 afterwards. Just state your name and address for the  
23 record.

24 MR. SANDERS: My name is Andre Sanders  
25 with American Demolition. Address is 1109 Allison

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1 Street, N.W., Washington.

2 CHAIRPERSON GRIFFIS: And you are  
3 representing which case?

4 MR. SANDERS: Brookland Union Baptist,  
5 17261.

6 CHAIRPERSON GRIFFIS: Okay. And you are  
7 here representing the applicant and requesting a  
8 postponement. Is that correct?

9 MR. SANDERS: That is correct, sir.

10 CHAIRPERSON GRIFFIS: Excellent. Okay. I  
11 would just have you introduce yourself, please.

12 MS. GOUTIER: Hi. I am Rachel Goutier at  
13 1227 Good Hope Road, S.E., Washington, D.C.

14 CHAIRPERSON GRIFFIS: And you are  
15 representing?

16 MS. GOUTIER: ARCH Training Center, and we  
17 are asking for a postponement as well.

18 CHAIRPERSON GRIFFIS: How are you related  
19 to the case? You are the applicant?

20 MS. GOUTIER: We are the applicant.

21 CHAIRPERSON GRIFFIS: Okay. So Ms.  
22 Giordano or Mr. Gross are not here?

23 MS. GOUTIER: No. They actually are our  
24 pro bono attorneys at Arnold & Porter who sent the  
25 letter.

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1 CHAIRPERSON GRIFFIS: Got ya. Excellent.  
2 Okay. Is there anyone else here today attendant to  
3 application 17262, which is the application of the  
4 ARCH Training Center? Anyone here, opposition,  
5 support, persons, parties requested? None. Very  
6 well. And you are requesting a postponement in order  
7 to modify the design based on the HPRB comments that  
8 need to be inputted, which may in fact change your  
9 application. Is that correct?

10 MS. GOUTIER: That is correct.

11 CHAIRPERSON GRIFFIS: Excellent. Board,  
12 any questions? Okay. You were requesting a time in  
13 2010? I'm sorry, when were you requesting time?

14 MS. GOUTIER: I'm hoping for much sooner  
15 than that, February 22 of 2005.

16 CHAIRPERSON GRIFFIS: Okay. I think we  
17 are going to have something in March. Ms. Bailey, is  
18 that correct?

19 MS. BAILEY: Mr. Chairman, staff will be  
20 recommending March 8 in the morning.

21 CHAIRPERSON GRIFFIS: Very well. Our  
22 schedule has already been announced, and there are  
23 cases that are pending on most of the days, and I  
24 think it would probably be expeditious to do that.  
25 That would be the closest time. Do you have any

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1 difficulty in schedule on the 8th of March, if it was  
2 the first case in the morning at 9:30?

3 MS. GOUTIER: That would be fine.

4 CHAIRPERSON GRIFFIS: Yes?

5 MS. GOUTIER: Yes, thank you.

6 CHAIRPERSON GRIFFIS: Excellent. Then we  
7 will set that. We will postpone this, reschedule to  
8 March 8, 2005, 9:30 in our morning session. Good.  
9 Anything else we can answer at this time?

10 MS. GOUTIER: That's it. Thank you very  
11 much.

12 CHAIRPERSON GRIFFIS: Good. Thank you  
13 very much. Okay. Now going to 17261, you had  
14 requested, Mr. Sanders, a postponement. What was the  
15 reasoning?

16 MR. SANDERS: We had just received further  
17 information about certain designs we need to address  
18 and certain footages of the project, other information  
19 that we didn't have when we submitted the application.

20 CHAIRPERSON GRIFFIS: When you say other  
21 design criteria, is that some of the comments from the  
22 Office of Planning and also DDOT, and you want to  
23 somehow accommodate those?

24 MR. SANDERS: Yes. That's correct.

25 CHAIRPERSON GRIFFIS: Okay. Others that

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1 are here present today regarding 17261, Brookland  
2 Union Baptist Church? Okay. I'm sure you are aware,  
3 you have in this application requests for party status  
4 from eight sources. Were you aware of that?

5 MR. SANDERS: No, I was not.

6 CHAIRPERSON GRIFFIS: Have you seen those  
7 applications?

8 MR. SANDERS: I just read them inside the  
9 room today.

10 CHAIRPERSON GRIFFIS: I'm sorry?

11 MR. SANDERS: I read those in the room.

12 CHAIRPERSON GRIFFIS: So you have seen  
13 them?

14 MR. SANDERS: I have seen them.

15 CHAIRPERSON GRIFFIS: Okay. This is what  
16 I propose we do at this time. I want to call this  
17 case and open it, and we would do this only for the  
18 preliminary matters and processing of the party status  
19 requests. I think it is probably the most efficient  
20 and effective way to do it. Therefore, anything that  
21 you start submitting into the record would be served  
22 on any parties that might be established at this time,  
23 and you would also be served anything that the parties  
24 would put in. It is going to open up a little bit  
25 more communication.

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1           In addition, it is going to be much more  
2 efficient with our time when the case does come. We  
3 won't to do this at that point. We are all  
4 understanding who is involved and what role they are  
5 going to play. Do you have any questions of that or  
6 any opposition to that?

7           MR. SANDERS: No, sir.

8           CHAIRPERSON GRIFFIS: Okay. Why don't we  
9 do that then, Ms. Bailey, if you wouldn't mind.

10          MS. BAILEY: Application Number 17261 of  
11 Brookland Union Baptist Church, pursuant to 11 DCMR  
12 3104.1, for a special exception to build an accessory  
13 parking lot for 24 spaces serving an existing church  
14 under Section 214. The property is located in the R-  
15 1-B District at premises 1419 Jackson Street, N.W.  
16 The property is also known as Square 4015, Lot 30.

17          CHAIRPERSON GRIFFIS: Thank you, Ms.  
18 Bailey. I am going to ask this, and for efficiency of  
19 time I am going to call the names of the requests for  
20 party status, and then I am going to ask you to come  
21 up to the table. So we are going to add some more  
22 chairs here. We are going to get everyone up at one  
23 time.

24           What ends up happening is the Board has  
25 already read and processed this. They may have

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1 questions, and then I am going to speak a little bit  
2 about it. I am going to have you stay where you are,  
3 because you are going to make comments on any of the  
4 processing that we do.

5 Is Chester Porter present? Very well, if  
6 you wouldn't mind, Mr. Porter, coming. Jamie McCay?  
7 Excellent. We have concerned neighbors of Brookland  
8 Union Baptist Church. Also, Mr. McCay, you are  
9 representing them. Correct? I want you center right  
10 next to Mr. Sanders.

11 Percy and Leonora -- I'm going to have a  
12 tough time with this -- Jernigan? Okay. Not present.  
13 Sherice Barsella present? Not present. Cindy King?  
14 Excellent. Francis Patton? Patton not here.  
15 Cedrick? Excellent. If you wouldn't mind coming  
16 forward, and Wilhelm von Fleckinstein. Excellent.

17 Mr. Etherly brings up an excellent point,  
18 a reminder. Is the ANC represented today? Is the ANC  
19 member here?

20 MR. McCAY: He is expected to be here.

21 CHAIRPERSON GRIFFIS: If you wouldn't mind  
22 just turning on your microphone. ANC-5A indicated  
23 that they are expected to be here, but they are not  
24 here now. Why don't we start and have you introduce  
25 yourself with your name and your address for the

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1 record.

2 MR. McCAY: My name is Jamie McCay. I  
3 live at 1400 Jackson Street, N.E. in the District. I  
4 represent myself as a property owner who resides  
5 directly across the street from the proposed site of  
6 the parking lot. I am also representative of the  
7 concerned neighbors of the Brookland Union Baptist  
8 Church.

9 CHAIRPERSON GRIFFIS: Excellent.  
10 Excellent. Let me just go through very briefly, and I  
11 will answer any technical questions of what it means  
12 to be a party in the case proceeding.

13 We have two ways. First of all, anyone of  
14 the public is allowed to participate in every  
15 application. That's why we have public hearings, and  
16 there are two fashions in which you can do so. One is  
17 as a person giving testimony.

18 There is a point at which -- If you recall  
19 my very quick scenario of how we process cases, there  
20 is a point at which I will call persons in support or  
21 persons in opposition to an application. You will  
22 come forward, give your testimony, answer questions  
23 that the Board might have, and that is the extent of  
24 participation, essentially.

25 As a party, if granted party status, and

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1 you all saw the application because you've put it in,  
2 if you rise to the level of being granted party  
3 status, you are a full participant in the application  
4 and the proceedings. You are equal to the applicant  
5 themselves, both in your ability to conduct cross-  
6 examination and the ability to present the case. You  
7 are also equal to the obligations that the applicant  
8 is in filings that the Board may require, and they may  
9 go from additional evidence, additional testimony, up  
10 to findings of facts and conclusions of law.

11 With that, hopefully, there is an  
12 understanding of exactly what you are actually  
13 applying to. The second point that I would like to  
14 make is this. In the request for party status, the  
15 last question, number 6, in the application states:  
16 How are you uniquely and distinctly affected if this  
17 is granted?

18 Just generally speaking, if you look at  
19 it, "uniquely and distinctly," if we have eight  
20 requests for party status, there probably ought to be  
21 eight unique and distinct aspects to each of your  
22 applications. In looking through them, there are very  
23 common aspects to each of your applications and common  
24 concerns.

25 So one might say, aren't you all under the

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1 same understanding and of the same concerns? Doesn't  
2 that make one party? Let me continue with that  
3 thought, as you think about it, and go to Mr. McCay as  
4 representing the concerned neighbors of the Brookland  
5 Union Baptist Church.

6 If I am not mistaken, you are all listed  
7 as members. Is that correct? So it is correct.  
8 Everyone that is actually -- So I guess the first  
9 question then, Mr. McCay, to you is: Doesn't your  
10 request for party status under the concerned neighbors  
11 of Brookland -- isn't that the single one that we  
12 ought to bring up and have one party established in  
13 this case that would run through the proceedings?

14 MR. McCAY: No, it's not, for a number of  
15 reasons. Yes, my representation of the concerned  
16 neighbors of the Brookland Union Baptist Church does  
17 reflect a summarization of the issues and concerns of  
18 members, active members, but it also represents the  
19 other neighbors who are not members of our group,  
20 because it reflects -- Our group reflects the ongoing  
21 concerns, the contacts, the negotiations, the meetings  
22 that we have had with the church, starting with the  
23 neighbors before we were organized back in 1996 over  
24 that same property and --

25 CHAIRPERSON GRIFFIS: But I guess this is

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1 a direct question. Doesn't the formation of one  
2 entity -- Isn't that going to address all the issues  
3 that all the neighbors have?

4 MR. McCAY: It is going to address all the  
5 issues, yes.

6 CHAIRPERSON GRIFFIS: Okay. And doesn't  
7 it represent all those that have applied for party  
8 status?

9 MR. McCAY: Yes.

10 CHAIRPERSON GRIFFIS: So how is it not a  
11 proper and efficient way to proceed?

12 MR. McCAY: It would be proper and  
13 efficient, but the need is that each person who are  
14 members who are here prepared to -- who have applied  
15 for party status, that they have an opportunity --

16 CHAIRPERSON GRIFFIS: They want to say  
17 their own piece?

18 MR. McCAY: To say their own piece as  
19 well.

20 CHAIRPERSON GRIFFIS: Excellent point, and  
21 there is nothing that is precluding that. You are  
22 going to put together a case presentation, and in that  
23 case presentation you may want to call as witnesses  
24 these people, and that is a part of the case  
25 presentation.

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1           What we don't want to run into -- First of  
2 all, I'm not sure we could grant party status based on  
3 face of what we have to establish for granting party  
4 status of all of these, because they may not meet the  
5 test.

6           Even beyond that, in terms of the actual  
7 process, what we don't want to do is have eight or  
8 nine people cross-examining the same witnesses that  
9 may be, and often is the case, very redundant. You  
10 know, everything about these proceedings is to get us  
11 the information so we can make a logical and judicial  
12 decision.

13           So I think -- and I will hear from  
14 everyone else at this point, input. I would like to  
15 proceed with establishing and joining all the parties  
16 under the umbrella of Concerned Neighbors of the  
17 Brookland Union Baptist Church, and then as you decide  
18 how to put together this case, that is up to you folks  
19 to put together, and I think it's probably going to be  
20 a much more efficient and effective way to do it.

21           What we would ask is that there's only one  
22 person that represents the party at one time. There  
23 can be numerous people involved, but there is one  
24 person that is in charge or at the table at a single  
25 time, unless you call witnesses. Does that make

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1 sense?

2 MR. McCAY: It makes sense.

3 CHAIRPERSON GRIFFIS: Okay. Let me hear  
4 from others, if there are questions or concerns. Yes,  
5 sir?

6 MR. FLECKINSTEIN: That is acceptable.

7 CHAIRPERSON GRIFFIS: Excellent. Is there  
8 anyone that has concerns, questions, clarifications  
9 that they need on that? Yes, Mr. Etherly?

10 BOARD MEMBER ETHERLY: Mr. Chair, I will  
11 just note this as we are talking, just from the  
12 standpoint of a point of personal disclosure. I am  
13 acquainted with one of -- what could conceivably be  
14 one of the members of this party application, Ms.  
15 Michelle Sedgewick, as a friend, I'm happy to say.  
16 But she would be a member of this party, should they  
17 be granted party status. So I want to make that  
18 disclosure to my colleagues.

19 I would feel comfortable continuing to sit  
20 on the case and adjudicate the case in an impartial  
21 manner, but would want to, of course, once again make  
22 that disclosure to the applicant and to the ANC, if  
23 the ANC representative has joined us, and to my  
24 colleagues for consideration.

25 CHAIRPERSON GRIFFIS: Excellent. Are

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1 there any questions of Mr. Etherly from the Board? I  
2 certainly don't have any concerns, and I am fully  
3 confident that you can proceed with this in an  
4 independent, judicial manner.

5 Mr. Sanders, do you have any objections to  
6 Mr. Etherly continuing in the case? Do you understand  
7 his disclosure?

8 MR. SANDERS: No, sir.

9 CHAIRPERSON GRIFFIS: Okay. Do any of the  
10 other individuals at this point have any questions of  
11 Mr. Etherly before we proceed into establishing party  
12 status? Any questions? Any opposition to Mr. Etherly  
13 continuing? No opposition has been voiced.

14 A very good afternoon to you, sir. You  
15 haven't introduced yourself for the record. If you  
16 wouldn't mind just stating your name and address for  
17 the record.

18 MR. ARTISE: You want me to get on the  
19 mike?

20 CHAIRPERSON GRIFFIS: I think you can  
21 probably be heard if you speak up a little bit.

22 MR. ARTISE: I am the current or the -- I  
23 am the Commissioner for the ANC-5A, and I am the  
24 President of the Brookland Neighborhood Civic  
25 Association, Inc., and I am a resident of the

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1 Brookland area, and I am here supporting the citizens  
2 of the Brookland neighborhood church.

3 CHAIRPERSON GRIFFIS: Excellent. Good.  
4 Do you have any -- Very well then. What we've done is  
5 established that we are looking -- Did you state your  
6 name?

7 MR. ARTISE: I'm sorry. Dr. Robert I.  
8 Artise, Sr.

9 CHAIRPERSON GRIFFIS: Very well. As far  
10 as I understand, unless Board members have any  
11 concerns -- Yes, Mr. Mann, clarifications?

12 BOARD MEMBER MANN: I'm sorry. It wasn't  
13 clear to me whether or not you are representing the  
14 ANC or you just are an ANC member.

15 MR. ARTISE: Yes. I am representing the  
16 ANC as of the filing of this case. I was the one that  
17 brought this to your office here on December 10th,  
18 complied with the letter of the law and filed that in  
19 your office.

20 BOARD MEMBER MANN: Thank you.

21 CHAIRPERSON GRIFFIS: Very well. I think  
22 we are all clear. Board members, any questions at  
23 this time, clarifications? I am going to ask if you  
24 wouldn't mind turning off a few of those mikes,  
25 because we do get feedback. Good.

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1 I would suggest -- I know we have all  
2 reviewed and read the Concerned Neighbors of Brookland  
3 Union Baptist Church submission for the application.  
4 Let me ask finally, Mr. McCay, are you in  
5 communication with Sherice Barcella? You had  
6 indicated that they were not --

7 MR. McCAY: Sherice, yes, we are in  
8 communication.

9 CHAIRPERSON GRIFFIS: Fine. And also  
10 Frances Peyton?

11 MR. McCAY: Yes.

12 CHAIRPERSON GRIFFIS: And they are members  
13 of the group?

14 MR. McCAY: They are members, and the wife  
15 intends to be here later this afternoon about 2:30,  
16 yes. Next-door neighbors.

17 CHAIRPERSON GRIFFIS: Okay. So you do  
18 cover all those? Very well. If there are no other  
19 questions or clarifications, let me ask, Mr. Sanders,  
20 do you have any objection, comments on the granting of  
21 party status to the Concerned Neighbors of the  
22 Brookland Union Baptist Church, as has been clarified  
23 today and as is listed in the members?

24 MR. SANDERS: No, I do not, sir.

25 CHAIRPERSON GRIFFIS: None at all? Does

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1 the ANC have any objection to the granting of party  
2 status of Concerned Neighbors of Brookland Union  
3 Baptist Church?

4 MR. ARTISE: None at all.

5 CHAIRPERSON GRIFFIS: Indeed. Okay. Is  
6 there any other further follow-up? Very well. I  
7 would move approval then of the party status  
8 application of the Concerned Neighbors of Brookland  
9 Union Baptist Church as a consolidation of all those  
10 applications and as listed of the listing of the  
11 members, and that to be represented by Mr. McCay, and  
12 ask for a second.

13 BOARD MEMBER ETHERLY: Second.

14 CHAIRPERSON GRIFFIS: Thank you, Mr.  
15 Etherly. Any discussion, deliberation from the Board?  
16 We have a motion before us. It has been seconded. I  
17 would ask for all those in favor to signify by saying  
18 Aye. Opposed? Abstaining? Excellent. We are  
19 established.

20 Now in terms of the proceedings, we are  
21 going to set a date, because we do have a request for  
22 a postponement. I can take comments, Mr. McCay, on  
23 that, whether you object to the granting of the  
24 postponement. But -- Well, let me do that.

25 MR. McCAY: I do not object to the motion

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1 to postpone, but I am very concerned about the  
2 validity of the request, and it may seem confusing.

3 The proposal, the application, the site  
4 plan -- it went through the various agencies of  
5 District government, including the Office of Planning,  
6 for that matter. The regulation is very clear as to  
7 what the requirements are -- very, very clear.

8 We all have to abide by them, citizens and  
9 employees alike. That the District government  
10 approved the plan -- the design is there. They could  
11 have -- There are some things that we ourselves  
12 recognize that are quite deficient in the plans, very  
13 deficient in the plans. Why did the government  
14 approve --

15 CHAIRPERSON GRIFFIS: When you say  
16 government approve, what are you talking about?

17 MR. McCAY: The site plan. The sign-off  
18 has to go through a sign-off -- a review process. The  
19 application has to go through a review process.

20 CHAIRPERSON GRIFFIS: >From whom?

21 MR. McCAY: Through the Office of  
22 Planning, the agency that deals with health and  
23 environmental. They have to sign off on whether or  
24 not it meets certain requirements.

25 CHAIRPERSON GRIFFIS: Okay. So what is

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1 the point for us today?

2 MR. McCAY: Brookland Union representative  
3 mentioned that they are requesting a postponement,  
4 because they need more time to change some designs  
5 based upon what Office of Planning has come back and  
6 said to them.

7 CHAIRPERSON GRIFFIS: Right.

8 MR. McCAY: Okay. Subsequent to our  
9 submission of comments and objections to this  
10 application. It seems to me that should have been  
11 done before they signed off on it. They should have  
12 counseled with them and told them that these are  
13 requirements, you are not meeting the requirements.

14 That is our concern.

15 CHAIRPERSON GRIFFIS: Okay.

16 MR. McCAY: See, we have had nothing but  
17 difficulty --

18 CHAIRPERSON GRIFFIS: I know, and I don't  
19 want to get too far into any of the substance of the  
20 case in what we are doing. I am actually just trying  
21 to understand what your overall concern is. Ms.  
22 Miller has a comment.

23 VICE CHAIRPERSON MILLER: Well, I have a  
24 question. I am just wondering if there is some  
25 prejudice to you that you can articulate that would be

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1 as a result of the postponement.

2 MR. McCAY: Well, the prejudice is not  
3 that we are in opposition to the church at all. In my  
4 opening statement -- As a matter of fact, there's some  
5 typos in there, and I'll give you a replacement that  
6 would clarify what is meant there.

7 We have not harassed. We are not in  
8 opposition to the church. The church is a friend to  
9 the neighborhood. We recognize that, and in all our  
10 dealings with the church we have stated that quite  
11 clearly.

12 CHAIRPERSON GRIFFIS: Actually, the  
13 question is more of a legal question, and it is a  
14 direct one in terms of the postponement only, not  
15 anything that's happened before, not any of the  
16 filings. If we postpone, does this unfairly imbalance  
17 the situation for you?

18 VICE CHAIRPERSON MILLER: Or harm you in  
19 some way?

20 MR. McCAY: We are just totally opposed to  
21 the parking lot. Okay?

22 CHAIRPERSON GRIFFIS: I know. If we set  
23 this at another date, does that impact your case  
24 presentation?

25 MR. McCAY: Why aren't they ready? They

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1 filed the application. Why aren't they ready? We are  
2 ready.

3 CHAIRPERSON GRIFFIS: Okay. Understood.

4 MR. McCAY: And they have not made any  
5 effort to meet any obligation that the ANC has tried  
6 to --

7 CHAIRPERSON GRIFFIS: Okay. Well, to that  
8 we have given you a little bit more leverage. You are  
9 now a party in this case. So that may open up a  
10 little bit more communication. It certainly will open  
11 up the requirement for them to serve you on anything  
12 that is submitted into the record. So you are going  
13 to get everything that they are about to put in, the  
14 changes.

15 Does the ANC have any objection to the  
16 postponement in this?

17 MR. ARTISE: I do. I surely support the--

18 CHAIRPERSON GRIFFIS: Could you turn that  
19 mike on and just push it toward him.

20 MR. ARTISE: Mr. Chairman, I surely  
21 support. My chairman here has a representative and  
22 the citizens of the area and an elected official. I  
23 surely support what he says.

24 The Brookland Union members have had  
25 adequate time to respond. They have not met with us.

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1       They have not met but one occasion with the ANCs, and  
2       that was a full assembly where they were not fully  
3       represented there. They knew of this situation. They  
4       knew of the opposition of the citizens and the  
5       residents of that area or property owners. Everybody  
6       in that area is a property owner, and they know their  
7       course, and they knew what they had to do.

8               It is an imposition to ask that we  
9       citizens -- I am an elected official. I get no salary  
10      for working for the ANCs, and I feel that they had  
11      adequate time to notify your office and to notify us.

12              If there were sincere about the ANCs and  
13      the function of the ANCs, due process, then they  
14      should have been here and have adequate notice to your  
15      office so that you in turn could have notified the  
16      ANCs and the committee.

17              CHAIRPERSON GRIFFIS: As to the request  
18      for postponement?

19              MR. ARTISE: As to the request for the  
20      postponement, they should not have any postponement.  
21      Of course, I leave that up to the Chairman of the  
22      committee, but I'm here to support them 100 percent in  
23      their position. But I feel that they deserve no  
24      postponement. Thank you, Mr. Chairman.

25              CHAIRPERSON GRIFFIS: Thank you very much.

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1 Other comments from the Board? Questions? Yes, Mr.  
2 Etherly?

3 BOARD MEMBER ETHERLY: Thank you very  
4 much, Mr. Chair. Mr. Sanders, do you feel -- Are you  
5 prepared to go forward today, if the Board were to  
6 decide to go forward?

7 MR. SANDERS: No, I'm not, sir.

8 BOARD MEMBER ETHERLY: So at this  
9 juncture, it would be your position that a  
10 presentation of any plans or designs or anything along  
11 those lines, because of changes that you are  
12 considering in wake of receiving the Office of  
13 Planning report or Department of Transportation report  
14 -- that all of that is in flux, and so you would have  
15 nothing firm to illustrate for the Board?

16 MR. SANDERS: No, sir.

17 BOARD MEMBER ETHERLY: Thank you very  
18 much, Mr. Chair.

19 CHAIRPERSON GRIFFIS: Thank you.

20 MR. McCAY: Mr. Chairman.

21 CHAIRPERSON GRIFFIS: Yes?

22 MR. McCAY: I think we deserve to know  
23 what design changes and what directions would those  
24 plans be.

25 CHAIRPERSON GRIFFIS: We are going to get

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1 to that. At this time, Mr. Etherly's questions were  
2 right on point and, Mr. Sanders, obviously, we are  
3 going to give you a chance to respond to your own  
4 request for postponement.

5 We were just delivered, in fact, this  
6 morning the Department of Transportation's report.  
7 The Office of Planning's report has been in and is an  
8 excellent one, but also raises some concerns.

9 I see, based on the fact that the  
10 applicant actually is not prepared based on the need  
11 to respond to those, and also, quite frankly, based on  
12 Mr. McCay and all those here today -- based on your  
13 filings, I think there is a great deal of concern over  
14 this application, and I think it can only serve all of  
15 you if a little bit more time is provided for a  
16 rethinking of this application and how it might be  
17 implemented or what changes might happen overall to  
18 the application.

19 So at this point, I'd like to set a new  
20 date for this. Now while we get a scheduled date  
21 proposed before us, Mr. McCay, let me answer your  
22 question, which I know is all of your questions of how  
23 and what is going to happen next.

24 Mr. Sanders will be required for any  
25 filings that he puts into the record, anything he

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1 sends down here -- he is now required to serve that on  
2 you, meaning it has to be delivered. So before you  
3 leave, you are going to tell him where it is to be  
4 served and how, and he is going to tell you the same  
5 thing. Anything you put in, and the ANC puts into the  
6 record, has to go to the applicant and the other  
7 parties.

8 So that we have three parties,  
9 participants in this case: The applicant, the  
10 Concerned Citizens, and the ANC. Anything filed, even  
11 if it is a complimentary note of the Board of Zoning  
12 Adjustment and how great we look today, that memo has  
13 to go to everyone else that's involved in this  
14 application.

15 So you are all going to be in great  
16 communication, and it can go beyond that. In terms of  
17 official filing, obviously, if you need to be in  
18 contact to go over things, have meetings, whatever it  
19 is, that's fine. You can do that on your own, and it  
20 would be appropriate to do that.

21 Ms. Bailey, what kind of dates do you have  
22 for -- Let me get a date, and then I will take your  
23 question. Oh, I'm sorry, Mr. Moy.

24 MR. MOY: No, that's fine. We have two  
25 early -- The two earliest dates would be the afternoon

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1 of March 8th or the morning of March 15th.

2 CHAIRPERSON GRIFFIS: Oh, yes. I would  
3 suggest the afternoon of March 8th starting at 1:00  
4 o'clock. Mr. Sanders, are you available?

5 MR. SANDERS: Yes, sir.

6 CHAIRPERSON GRIFFIS: Mr. McCay, any  
7 conflicts? If you need a second, take a second.

8 MR. VON FLECKINSTEIN: Mr. Chairman?

9 CHAIRPERSON GRIFFIS: Yes?

10 MR. VON FLECKINSTEIN: What was the  
11 alternate date?

12 CHAIRPERSON GRIFFIS: The alternate date  
13 would be, Mr. Moy, March 22nd in the afternoon. There  
14 isn't going to be sufficient scheduling time to have  
15 this as a morning case. This is going to be an  
16 afternoon case. Are we clear on the 22nd?

17 MR. MOY: It was the 15th.

18 CHAIRPERSON GRIFFIS: I know. We can't do  
19 it in the morning.

20 MR. MOY: Okay. All right.

21 CHAIRPERSON GRIFFIS: Is there a conflict  
22 with the 8th in the afternoon?

23 MR. McCAY: Well, the concern is --

24 CHAIRPERSON GRIFFIS: Can you just turn  
25 your microphone on?

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1 MR. McCAY: Why so much time?

2 CHAIRPERSON GRIFFIS: Why so much time?

3 MR. McCAY: Yes. Yes.

4 CHAIRPERSON GRIFFIS: Because it is our  
5 schedule. We have already set schedule through  
6 February. The earliest dates I have available is  
7 March.

8 MR. ARTISE: What about our schedule?  
9 Isn't our time important, too, as citizens?

10 CHAIRPERSON GRIFFIS: Your time is very  
11 important, but we have already published our schedule.

12 I can't -- I could put you on a closer date. I could  
13 give you about 25 minutes, and then we will set the  
14 next schedule. And so you can be down here four,  
15 five, six, eight times at 20 minute segments, or I can  
16 give you an entire afternoon. You come in, and we are  
17 out. It's up to you guys.

18 MR. McCAY: Okay, March 8th.

19 CHAIRPERSON GRIFFIS: In the afternoon?

20 MR. McCAY: In the afternoon.

21 CHAIRPERSON GRIFFIS: Excellent. Let's do  
22 that. Let's take up other schedules.

23 The other piece of it today -- You know,  
24 for our schedule we have set this afternoon for this.

25 We are ready to go. It is also our time and our

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1 schedule that's being disrupted on this. But to  
2 proceed today is futile, if we don't have an applicant  
3 to present a case.

4 I mean, at this point it is difficult for  
5 me to require for them to put on a case if they are  
6 not prepared. It would lead to a continuance or  
7 postponement halfway through it, in which case -- I'll  
8 be direct with you -- I think it is more effective for  
9 all of our times for us to get this -- In our case, we  
10 don't often grant two postponements or two  
11 continuances without darn good reason.

12 So I can pretty much guaranty on the 8th  
13 this is a go.

14 MR. McCAY: Yes. Mr. Chairman, again what  
15 about our time, because --

16 CHAIRPERSON GRIFFIS: I thought I just  
17 addressed that.

18 MR. McCAY: What if we were not ready?  
19 What if we were not ready? As a matter of fact --

20 CHAIRPERSON GRIFFIS: Are you saying that  
21 I wouldn't have the same respect for you if you  
22 weren't ready? I would call the case?

23 MR. McCAY: I don't know. I don't know.  
24 But we had to --

25 CHAIRPERSON GRIFFIS: Well, go back in the

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1 transcripts and look at some past cases before you  
2 make an assertion about how the Board operates.

3 MR. McCAY: No, I'm asking a question.  
4 I'm asking a question. You are the expert. I'm not  
5 the expert. Okay? I'm asking a question as a  
6 layperson. What if we were not ready? Would you  
7 grant us the same consideration? And you said yes.  
8 Okay. And you said yes. Okay, you would. But we had  
9 to in very short order prepare our case and the  
10 responses to this application in very short order,  
11 because usually -- Usually, the applicant would have  
12 worked with the community.

13 CHAIRPERSON GRIFFIS: I know.

14 MR. McCAY: And we would have resolved a  
15 lot of issues.

16 CHAIRPERSON GRIFFIS: Let me just state,  
17 because we are going to have to move on for your own  
18 efficiency, and we are going to get to the substance  
19 of this on the 8th.

20 Believe me, I and this Board knows exactly  
21 what you are going through. This is not the first  
22 case of a similar type that we have heard. We  
23 understand.

24 In the respect of postponing it, we are  
25 giving you a good amount of time now to get your case

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1 presentation together. You've got a great group of  
2 folks here. They are going to put together one heck  
3 of a good case for us, and that's what we are going to  
4 expect, and now you have somewhat the leisure of  
5 February to do that.

6 You are going to be looking for some new  
7 information from the applicant. This is going to be  
8 an adequate time for you to have an awful lot of your  
9 issues addressed, either successfully or not, by the  
10 applicant.

11 There is nothing -- I don't know what you  
12 are asking me to do. How else am I supposed to  
13 address your concerns?

14 MR. McCAY: We see no reason why we should  
15 initiate any contact with the --

16 CHAIRPERSON GRIFFIS: Okay. That's up to  
17 you. I'm not going to get involved and tell you how  
18 you are going to communicate then. Then don't  
19 initiate. Have the applicant call you up or wait for  
20 their submissions and then present the case here.

21 VICE CHAIRPERSON MILLER: Mr. Chairman.

22 CHAIRPERSON GRIFFIS: All right. Let me  
23 just say again, because I heard the comment, they  
24 won't communicate with you: They are now required to  
25 serve all their information on you. Anything that we

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1 get, you guys get. You are an equal partner in this  
2 case. Ms. Miller, comment? Then let's move on.

3 VICE CHAIRPERSON MILLER: I just want to  
4 make a couple of comments.

5 One is: At least in my view, the reason  
6 we are granting a postponement is not just because the  
7 applicant is not prepared, but the applicant has  
8 represented that they intend to respond to comments  
9 made by DDOT and OP, and I think that that is very  
10 valuable and a good use of the time between now and  
11 the next date for the hearing, and also the fact that  
12 they will be required to serve everything on you will  
13 actually be an advantage to the community, because  
14 you will have that in time to fully address the  
15 reality of their case.

16 So it is a constructive use of time, in my  
17 view.

18 CHAIRPERSON GRIFFIS: Well said. Okay.  
19 Yes?

20 MR. ARTISE: Mr. Chairman, if I might just  
21 make one additional comment, based on what the  
22 Chairman of this committee has said -- and I've been  
23 in the ANC for 22 years. I've been down here 100  
24 times and seen many Chairs in your seat.

25 My concern is that this committee did put

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1 out fliers to the community, fliers to the church, and  
2 asked them -- A church usually says our doors are  
3 open, come in, and all that. But this committee did  
4 put out fliers to the church and asked that they meet  
5 with us, and certified letters that they didn't even  
6 have the courtesy or the decency to respond to an  
7 elected official. The ANCs are an elected body, a  
8 part of the home rule charter.

9 CHAIRPERSON GRIFFIS: Indeed.

10 MR. ARTISE: They didn't even accept it.  
11 So if you disrespect the established government, if  
12 you don't want to respect local community groups --  
13 I've been President of the Brookland Civic Association  
14 for 25 years, a civic association that's been around  
15 for 65 years. If you don't want to respect any of  
16 those -- any of those -- then how do you come before  
17 an appointed body and say give us some more time,  
18 because we haven't had -- They have had lawyers. They  
19 have had consultation.

20 The minister that they have now is in the  
21 acting consultant capacity, because he's supposed to  
22 be a troubleshooter. And if he is a troubleshooter,  
23 shoot this trouble and resolve it with your committee.

24 That's my only concern. Why should we sacrifice -- I  
25 work part-time. Some of these people work full time.

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1       some of these people work full time. Why should they  
2       have to sacrifice their time?

3                It's atrocious to have the Board of Zoning  
4       down here where the citizens can't get parking  
5       adequately. You've got to ride around and look for  
6       parking. You come down on the Metro. Then you got to  
7       leave at a certain time. You got to pay cab fare.

8                So it's not being fair to these citizens  
9       that are here, based on their concerns. And like the  
10      Chair said, they are not in opposition to the church.

11      Our relationship with the very establishment of the  
12      church -- When Shiloh Baptist Church sent Reverend  
13      Miles there in that community 35 years ago to start  
14      the church, there was opposition in the community that  
15      they didn't want this kind of church, and they didn't  
16      want that kind of church. But they supported the  
17      church. They reached out, because that at that time  
18      was the only black church in that proximity, because  
19      the area was predominantly Irish and Catholic and  
20      Italian.

21              So these citizens built homes, bought  
22      homes, bought homes that were built in 1934 by Sears  
23      and Roebucks, and refurbished them and improved them,  
24      and they want to be able to enjoy. Many of them have  
25      lived there for 50 years or more. Some of them

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1 haven't. Mr. McCay built his house.

2 Why should these people in the twilights  
3 of their life be denied the comfort, and rather than  
4 to have pollution and toxic chemicals brought into  
5 their neighborhood, and endanger the safety of the  
6 children with cars, things like that. It just doesn't  
7 seem fair --

8 CHAIRPERSON GRIFFIS: Very well said.

9 MR. ARTISE: -- what we are trying to do  
10 here that you have extended your hand to us, but you  
11 haven't grabbed hold of our hand.

12 CHAIRPERSON GRIFFIS: Right.

13 MR. ARTISE: Thank you.

14 CHAIRPERSON GRIFFIS: Thank you very much.  
15 Very well said, and you bring up quite a lot of  
16 issues, some of which will be of great pertinence to  
17 the application on the 8th, all of which are of great  
18 interest to this Board.

19 With that, we will make great contact on  
20 the 8th, starting at one o'clock. Mr. Sanders,  
21 questions?

22 MR. SANDERS: I just want to give him a  
23 rebuttal, if I could.

24 CHAIRPERSON GRIFFIS: No.

25 MR. SANDERS: Okay.

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1                   CHAIRPERSON GRIFFIS:     We're done.     We  
2 brought up a preliminary matter, because we are going  
3 to get into the substance, and I understand. I let  
4 it go a little bit into the substance of that. You  
5 are going to have ample time as we call the case on  
6 the 8th of March.

7                   Last then, any clarification in terms of  
8 process, schedule, what is now required and what we  
9 are doing? Everybody clear? Excellent. Okay.

10                  If I could pick a place to have our  
11 meetings, believe me, I'd pick a very much better  
12 place.

13                  MR. ARTISE:     Is there anything that we  
14 have to do so that we will be in compliance with the  
15 letter of the law?

16                  CHAIRPERSON GRIFFIS:     I'm going to have  
17 you turn your microphone on if you are talking again.

18                  MR. ARTISE:     I'm sorry. Is there anything  
19 that we as a collective body have to do in order to be  
20 in compliance with the letter of the law at this time?

21                  CHAIRPERSON GRIFFIS:     Right now, any  
22 further questions that might have, if you have  
23 questions, you call the Office of Zoning, and the  
24 staff there will give you clarification as this is  
25 ongoing.

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1           For your purposes now, it should just be  
2 known that, as you submit things into the record, you  
3 obviously have to serve everyone involved. So before  
4 you leave, make sure that you have -- If it is better  
5 for you to get things by a FAX or hand delivered, you  
6 ought to get that understood by Mr. Sanders so he can  
7 deliver it properly and correctly. Other than that,  
8 that is your obligation at this point.

9           Good. I thank you all very much, and I do  
10 apologize for having to get through this and then call  
11 it again on the 8th, but I think that will also give  
12 us ample time. We will keep that afternoon fairly  
13 clear in terms of our schedule so that we have the  
14 sufficient time to fill this out.

15           I'm sorry, you are going to just hand that  
16 to staff down at the end. Is that something submitted  
17 into the record? Oh, that's the correction that you  
18 have. If you wouldn't mind, just make sure Mr.  
19 Sanders has that on his way out. That way, you don't  
20 have to -- I'm saving you postage, if you hand it to  
21 him right now. Okay.

22           If there is nothing else on this case,  
23 then let's move on to the next case in the afternoon.  
24 Ms. Bailey, when you are ready.

25           MS. BAILEY: Application Number 17260 of

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1 2224 R Street, LLC, pursuant to 11 DCMR 3104.1, for a  
2 special exception to establish a 10-room bed and  
3 breakfast as a home occupation under Subsection  
4 203.10, and modifications under Subsection 203.10(b),  
5 to allow 10 sleeping rooms -- that is Subsection  
6 203.8(c)(1) -- and to allow more than eight  
7 clients/customers on the premises in any one hour  
8 period (Subsection 203.4(m)). The property is located  
9 in the D/R-3 District at premises 2224 R Street, N.W.,  
10 Square 2512, Lot 13.

11 CHAIRPERSON GRIFFIS: Thank you, Ms.  
12 Bailey. Are we ready to proceed? If you wouldn't  
13 mind just introducing yourself.

14 MR. COLLINS: Good afternoon, Mr. Chair  
15 and members of the Board. My name is Christopher  
16 Collins with the law firm of Holland and Knight. To  
17 my right is -- To my left, excuse me, is Jill Cooper  
18 of our office; to my right, Laura and Raymond Saba who  
19 are the applicants in this case.

20 This is a special exception application to  
21 establish a 10-room bed and breakfast as a home  
22 occupation, with waivers to allow 10 sleeping rooms  
23 and to allow more than eight customers or clients on  
24 the premises in any one-hour period.

25 CHAIRPERSON GRIFFIS: Good. Before you go

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1 further than that, we don't have any requests for  
2 party status in this case. But is the ANC here? Is  
3 the ANC represented?

4 MR. COLLINS: I did not see the ANC  
5 representative here.

6 CHAIRPERSON GRIFFIS: Who else is here  
7 with regard to this case that might anticipate giving  
8 testimony? Excellent. One, two, three, four, five.  
9 Okay. So we have a bit. Okay. Then let's move  
10 ahead.

11 MR. COLLINS: I mentioned the special  
12 exception application. The subject of this  
13 application is a building that is vacant and has been  
14 vacant for about 10 to 15 years. It has been owned  
15 and occupied by the Taiwanese Military Mission as a  
16 chancery annex and dormitory for 26 officers for about  
17 a 45 to 50-year period.

18 The prehearing statement exhibits were  
19 submitted to the record. I hope that you all have had  
20 a chance to take a look at those.

21 CHAIRPERSON GRIFFIS: Not only looked, but  
22 we have read them completely.

23 MR. COLLINS: That is terrific.

24 CHAIRPERSON GRIFFIS: Exhibit Number 25,  
25 of course.

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1 MR. COLLINS: Good. The site is on  
2 Embassy Row. In the Embassy Row area, as you know, the  
3 square is predominantly occupied by chanceries with  
4 several private residences and several office  
5 buildings. Across R Street to the north is mostly  
6 chanceries with one embassy, and then with several  
7 embassy residences and combination embassy/chanceries  
8 further to the west on R Street toward Massachusetts  
9 Avenue.

10 Mr. and Mrs. Saba own and operate the  
11 Woodley Park Guest House, together with several other  
12 co-owners. So they are well experienced in the  
13 hospitality industry. This will be their home. This  
14 site will be their home, which they wish to use as a  
15 bed and breakfast.

16 Unlike many other bed and breakfasts, the  
17 Sabas will not host any special events on this  
18 premises nor will they allow their guests to do so.  
19 There will be no liquor license. The only thing that  
20 will happen here is overnight accommodations for  
21 guests and breakfast in a home setting.

22 It is important for the Board to note that  
23 this application is patterned on the most recent bed  
24 and breakfast case that was heard by this Board back  
25 in the summertime, the application of Monique

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1 Greenwood, Application 17194.

2 I have attached the order and portions of  
3 the transcript to our prehearing statement. In that  
4 case, the Board found and concluded that the proper  
5 form of relief was a special exception to establish a  
6 bed and breakfast with eight guest rooms -- that's  
7 what they requested in that case -- with waivers to  
8 allow eight sleeping rooms instead of six, and to  
9 allow more than eight clients or customers on the  
10 premises in any one-hour period.

11 You can see that in pages 105, 106, and  
12 again at pages 109 and 110 of the transcript, which I  
13 will refer to in a second in more detail.

14 It is important to note this fact, because  
15 in that case the Office of Planning in that case, and  
16 in this case, said that a variance was required in  
17 addition to a special exception. Well, this Board in  
18 that case --

19 CHAIRPERSON GRIFFIS: A use variance.  
20 Right?

21 MR. COLLINS: A use variance indeed. IN  
22 this case -- In that case, I'm sorry, the Greenwood  
23 case, the Board ruled that indeed it was a special  
24 exception application.

25 I go into this level of detail only to let

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1 you know that what we did, we followed the roadmap  
2 that this Board laid out last summer. That is the  
3 application. We are patterned almost exactly on the  
4 Monique Greenwood case, and we ask for exactly the  
5 same relief that they did in that case.

6 Pages 5 through 13 of the statement, our  
7 prehearing statement, sets forth in detail how we meet  
8 the test for special exception approval, and we will  
9 have the witnesses go over that in more detail.

10 The exhibits to the booklet you have seen.

11 Tab A is the maps which show the location of the  
12 site.

13 Tab B is the zoning map which shows the  
14 site squarely in the D/R-3 zone.

15 C is the historic certification for the  
16 property.

17 D is a letter from the Administrative  
18 Officer of the Taiwanese Defense Mission dated  
19 November 18, 2003, in which he details the history of  
20 prior use of that property.

21 Tab E is a colored map showing the various  
22 uses in close proximity to the site. On that map, the  
23 subject site is not colored in. It is Lot 13 on the  
24 south side of R Street, just east of Sheridan Circle.

25 Just a little bit of nomenclature for

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1 these different colors: The pink represents chancery.  
2 That is office. The green is embassy residence.  
3 That is ambassador's residence. The yellow is  
4 combination embassy and chancery, so office and  
5 residence of the ambassador. D is private offices,  
6 not diplomatic offices; and of course, the slashed  
7 green are the private residences in the area.

8 Tab F is the list of those uses, by  
9 address, by owner, and by use. You will notice that  
10 some of those are vacant. The map is intended to --  
11 It is color coded to show either the existing or the  
12 most recent use.

13 Tab G are photos of the 2200 block of R  
14 Street, which we will walk through with you in a  
15 little more detail during the testimony.

16 H is an article from the Northwest Current  
17 that was written last summer before the applicant had  
18 received final approval from the ANC. This case was  
19 the subject of much discussion at two ANC meetings, a  
20 lot of discussion in the community.

21 Tab I is the outline of testimony, and as  
22 I said, J is the order in the Monique Greenwood case  
23 which we are patterning ourselves on; and K is  
24 portions of the testimony which I would like to call  
25 your attention on page 54 and 55 of that transcript.

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1           You will see at the bottom, Mr. Chairman,  
2 your statement that there is some -- has been  
3 complication in terms of the bed and breakfast  
4 legislation and there's some confusion, but on page 55  
5 you do say that the Board has looked at the  
6 legislative history of the bed and breakfast  
7 legislation and to get a full understanding of it.  
8 Then page 82 and 83 is where the Board determined that  
9 the relief would be properly as a special exception.

10           Eight-four is where Mr. McGettigan -- and  
11 not to put him on the spot, but just to indicate why  
12 Office of Planning felt that a use variance is  
13 appropriate is because, in the case prior to the  
14 Monique Greenwood case, that's what the Zoning  
15 Administrator indicated, that a use variance would be  
16 appropriate.

17           CHAIRPERSON GRIFFIS: Right. From that  
18 case and the transcripts which you are citing, Mr.  
19 McGettigan indicated that there was a case referred by  
20 the Zoning Administrator to the Board.

21           MR. COLLINS: Yes.

22           CHAIRPERSON GRIFFIS: And then after that,  
23 there was another case which we have the transcripts  
24 attendant to. But let's go to the specifics of it.  
25 This roadmap that you say that we created -- it is a

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1 fact that it is 208 -- rather 203.8, which starts off  
2 to -- which establishes the number of rooms in the  
3 historic structures. That section starts with  
4 "Pursuant to 203.10(b)." (b)?

5 MR. COLLINS: 203.10.

6 CHAIRPERSON GRIFFIS: (b). Good. And  
7 203.10(b) indicates that two conditions can be waived  
8 under the special exception, and that is why you are  
9 asking a waiver or a modification of two of those  
10 conditions. Is that correct?

11 MR. COLLINS: That is absolutely correct.

12 CHAIRPERSON GRIFFIS: Okay. So that is  
13 what you are indicating, in your legal opinion, Mr.  
14 Collins, as the proper reading of the regulations that  
15 makes this a special exception?

16 MR. COLLINS: That is correct. I am  
17 agreeing with the Board's ruling.

18 CHAIRPERSON GRIFFIS: Okay. Any questions  
19 on that, clarification from the Board? We will get to  
20 you. He didn't want to put you on the spot. So we  
21 will put you on the spot. Okay. I think we are clear  
22 on that, and I don't think we need anything further,  
23 unless Board members feel -- Let's move ahead with the  
24 substance.

25 MR. COLLINS: All right. Then again at

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1 pages 105 and 106, and again pages 109 and 110, you  
2 can see where the Board made a motion and approved the  
3 application as a special exception with a waiver of  
4 those two provisions.

5 So unless there are any particular  
6 questions, at this time I'd like to go to our  
7 witnesses whose outline is at Tab I, Raymond and Laura  
8 Saba, and ask that you please turn on your microphones  
9 at the appropriate time and identify yourself for the  
10 record and state your address.

11 WHEREUPON,

12 LAURA SABA

13 were called as witnesses by the Applicant and, having  
14 previously been duly sworn, were examined and  
15 testified as follows:

16 MS. SABA: My name is Laura Saba, and my  
17 current address is 7528 Morningside Drive, N.W.,  
18 Washington, D.C. When we have finished the renovation  
19 of the property located at 2224 R Street, our address  
20 will be 2224 R Street, N.W., Washington, D.C.

21 DIRECT EXAMINATION

22 BY MR. COLLINS:

23 Q Would you please describe the location of  
24 the property and its present condition?

25 A Well, the location of the property is on R

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1 Street. It is in the midst of a number of embassies,  
2 and -- Which tab am I looking at?

3 Q You are looking at Tab A or E.

4 A Okay. All right. On Tab E, the colored  
5 page, we are next to the big blue building. We are  
6 white. The block is a triangular shaped block which  
7 is R Street, 22nd Street, and Massachusetts Avenue.  
8 It is what we have sort of finally learned to refer to  
9 as the forgotten block of R Street.

10 It is a bit empty, because it is mostly  
11 business use. So during the day, you know, there's  
12 plenty of people, and in the evening there is not too  
13 many. It is not well lit, and until the city very  
14 graciously redid our curbs and sidewalks, it was in  
15 very, very poor repair.

16 Do you want me to walk through property by  
17 property?

18 Q No, actually, I was going to ask Raymond  
19 to do that.

20 A Okay.

21 WHEREUPON,

22 RAYMOND SABA

23 was called as a witness by counsel for the Applicant  
24 and, having previously been duly sworn, was examined  
25 and testified as follows:

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## DIRECT EXAMINATION

BY MR. COLLINS:

Q Mr. Saba, looking at Tabs E, F and G, and specifically Exhibit Tab G, which is the photos, can you please walk the Board through and identify as you go from page to page the different buildings on the street?

CHAIRPERSON GRIFFIS: And feel free to summarize all that, as we have it in front of us.

THE WITNESS: Yes. I am Raymond Saba. I am the husband and, obviously, we have the same address. We have lived at 7528 Morningside Drive for 18 years, lived in the city for 33 years.

I am the person who took the pictures on Tab G. The first picture, picture number 1, is the southwest corner of 22nd and R Street. The white building that you see is a government office building that is listed as chancery. To the left of it, it is slightly a yellow, pale color house. It is a residence, and you see the flag of Central African Republic. To the right of it is --

CHAIRPERSON GRIFFIS: You indicated that the kind of lemony townhouse is a residence. Is that correct?

THE WITNESS: It is vacant right now.

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1                   CHAIRPERSON GRIFFIS: It is vacant, but it  
2 is situated as a private residence. And according to  
3 your list in Tab F-- I believe it is Tab F -- there  
4 are four residences in the general area of which you  
5 surveyed that are private residences. Is that  
6 correct?

7                   THE WITNESS: Yes. Let me identify that.  
8 When we started the process, this pale building was  
9 occupied. The one to the left of the flag is a  
10 residence. The one to the right of the white building  
11 at the corner, you see the emblem, small emblem, on  
12 the face of the building is an embassy chancery,  
13 actually; and you see the small little portico of a  
14 building next to it. That is a residence, and that is  
15 rental property.

16                   If we turn to the second page, photo  
17 number 3, you see the building with the two large  
18 columns. That is a residence. Next to it is the  
19 Guatemalan chancery, and our house is the detached one  
20 separating us from the Guatemalan embassy by the  
21 alley. It is the red brick building.

22                   CHAIRPERSON GRIFFIS: The one with the  
23 truck disappearing in the basement?

24                   THE WITNESS: Yes, yes, yes. And then to  
25 the right of us there is a small driveway, and it is

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1 the American Society for International Law.

2 CHAIRPERSON GRIFFIS: So the point of all  
3 this is, it is obviously not 100 percent private  
4 residences surrounding it. There is a mixed use of  
5 embassies, chanceries and residences.

6 MR. COLLINS: We are just describing the  
7 neighborhood by showing you the photos.

8 CHAIRPERSON GRIFFIS: Fine. Excellent.  
9 No, it is very appreciated, but you know, frankly, the  
10 submissions are very direct and understandable.

11 MR. COLLINS: If you would like us to go  
12 on to the next --

13 CHAIRPERSON GRIFFIS: That would be great.

14 MR. COLLINS: All right. Ms. Saba, can  
15 you please describe your experience in operating the  
16 Woodley Park guest house?

17 MS. SABA: Well, we purchased the Woodley  
18 Park guest house in April of 2000. It was at that  
19 time an operating bed/no breakfast. It was rooms  
20 only, and it was in a very, very poor state of repair.

21 It had been converted sometime during the Fifties to  
22 a rooming house. It had gone through the zoning  
23 procedure to become a nightly rental, and when we  
24 purchased it, was licensed as a motel, which it still  
25 is.

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1           We did extensive renovation on that  
2 property. It was, I think, not even safe, but it was  
3 certainly, very, very rundown, and we extensively  
4 renovated, and it is quite lovely right now.

5           We have been completely open and renovated  
6 since September 5, 2001, which was really not very  
7 good timing. It was just a few days before September  
8 11, 2001. But we have just wonderful guests.

9           We have thoroughly enjoyed this kind of  
10 business. We have guests who come from all over the  
11 world. They are very much involved in a certain  
12 number of things. Government is one. Education, all  
13 sorts of education, a lot of people involved in  
14 international development, a huge number of people  
15 involved in public health, the kinds of people who are  
16 very, very well traveled and, generally speaking, have  
17 seen enough large hotels and, when it is possible to  
18 stay in a smaller, more homelike establishment, choose  
19 to do so.

20           The other group that we serve a tremendous  
21 number -- you know, a major portion of our business --  
22 is the friends and family members of Woodley Park  
23 neighbors. Woodley Park has a number of gorgeous old  
24 apartment buildings, most of which have rather small  
25 one-bedroom or efficiency apartments. So we

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1 frequently get the parents, the brothers and sisters,  
2 you know, friends and relatives of the neighbors at  
3 Woodley Park.

4           When we moved into Woodley Park, there was  
5 some suspicion about who we were and what we were  
6 going to do, because the property that we purchased  
7 had been so rundown and so poorly managed for so many  
8 years. It had gone through a succession of owners,  
9 and there had been some cleaning up of its act from  
10 the point of view of the business and some cleaning up  
11 from the point of view of the trashiness of the  
12 property, but basically there was a lot of effort and  
13 a lot of money required to transform the property from  
14 derelict to the state that it's in right now, which is  
15 very, very nice; and no one had had the resources to  
16 do that.

17           So we started a process with our neighbors  
18 where we got to know them and, as we moved through the  
19 process in each step, they trusted us more and more.  
20 We now have an excellent relationship with our  
21 neighbors at Woodley Park. We have no complaints from  
22 them about anything, not about the property, not about  
23 the guests, not about the operation of the property in  
24 any way, and we are definitely a preferred  
25 accommodation.

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1           We also get very, very good reviews in a  
2 lot of the travel publications. We were a Fodor's  
3 Choice for 2004, and I haven't seen Fodor's for 2005.

4           We have just been reentered into Fromer's Guide,  
5 which is one that we had very much wanted to be in.  
6 We were in such poor shape for so many years, they  
7 dropped us, but they have written a very, very nice  
8 review of the guest house for Fromer's 2005.

9           So it's a lovely place, and we invited  
10 many of our Sheridan-Kalorama neighbors to come visit  
11 us and to see the kind of establishment we run.

12           It is, I think, very important to  
13 understand, particularly given some of the concerns of  
14 our neighbors, that a bed and breakfast is not like a  
15 hotel. I mean, you are literally staying -- You are  
16 staying in a very homelike environment.

17           The Woodley Park Guesthouse is not a bed  
18 and breakfast, according to zoning regulations. It is  
19 too big, and we do not live there, but the property on  
20 R Street is one in which we will live. It will be our  
21 permanent residence, and any guest who, you know,  
22 makes a reservation, a room reservation, will be  
23 staying in our private home.

24           Raymond and I are pretty accomplished  
25 hosts. We have been doing this now for a number of

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1 years and thoroughly enjoying it. We get to know  
2 everyone who comes into the house. You know, on any  
3 given day, I can usually go through every room at  
4 Woodley and tell you first and last name of who is in  
5 the rooms, why they are there, why they have come to  
6 Washington, what they are doing; and we have made  
7 friends now from all over the world, you know, through  
8 managing the bed and breakfast this way.

9 We will, of course, know that information  
10 even better at R Street, because R Street will be our  
11 personal residence.

12 CHAIRPERSON GRIFFIS: Good. Let's get  
13 into the expansion of your experience at Woodley,  
14 because that is part of your submission and also your  
15 testimony now, and then like Fodor's four-star rating,  
16 we have our own four-star, but it is a little  
17 different criterion. That is this.

18 In your experience there, how will it  
19 translate onto your request for the bed and breakfast  
20 in terms of parking? What is -- There is some  
21 submission on this, and you might as well restate it  
22 here.

23 Most people show up by stretch limo,  
24 private sedan?

25 MS. SABA: No.

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1 CHAIRPERSON GRIFFIS: They drive Humvees?  
2 What is the situation? Where are we now?

3 MS. SABA: The vast majority of our guests  
4 arrive via public transportation. Guests checking in  
5 might arrive in the supershuttle or a cab, but  
6 generally speaking our guests arrive via, and use,  
7 public transportation when they are in the city.

8 CHAIRPERSON GRIFFIS: So your current  
9 experience gives you the confidence to think that that  
10 is what you anticipate replicated in the bed and  
11 breakfast?

12 MS. SABA: It does.

13 CHAIRPERSON GRIFFIS: Excellent. And the  
14 length of stay and the types of check-ins and check-  
15 outs anticipated, based on your experience and  
16 knowledge of other bed and breakfasts?

17 MS. SABA: Three to four days at Woodley.  
18 We don't do many one-night reservations. Most people  
19 stay -- If I'm averaging three to four days,  
20 obviously, a number of stays that are much longer than  
21 that. But people generally come, and they stay a few  
22 days in Washington. They take the Metro in. They  
23 take the Metro out, and they are very happy doing  
24 that, sort of like if I were going to New York, I  
25 wouldn't drive, because there is no place to put my

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1 car once I get there.

2 I think most people understand that. I  
3 would like to mention for the record that we have six  
4 parking spaces at Woodley that are available for  
5 rental on a nightly basis. We average two. Our  
6 average rental with 18 rooms is two spaces.

7 CHAIRPERSON GRIFFIS: And you indicate  
8 that you actually advertise parking is available.

9 MS. SABA: We advertise it on our website,  
10 and --

11 CHAIRPERSON GRIFFIS: So you are saying  
12 that two are often used, not more than -- Certainly,  
13 you haven't found that there is a continuing  
14 overwhelming demand for more than six?

15 MS. SABA: No, there is not. There is  
16 not.

17 CHAIRPERSON GRIFFIS: And in your current  
18 application, you are indicating, of course, that you  
19 are not required to provide parking because of the  
20 historic district that this is in, but that you would  
21 provide off-site parking, if required by a guest. Is  
22 that correct?

23 MS. SABA: We certainly will.

24 CHAIRPERSON GRIFFIS: And that is at this  
25 now-operating facility or somewhere adjacent?

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1 MS. SABA: 2224 R Street has a four-car  
2 garage.

3 CHAIRPERSON GRIFFIS: Right.

4 MS. SABA: And Woodley has on any given  
5 night three or four or five available spaces. So --

6 CHAIRPERSON GRIFFIS: Okay. I'm a guest.  
7 I'm checking in. The garage is full because that's  
8 where all the spare mattresses are that you are about  
9 to change out all these bedrooms in and upgrade, and I  
10 want to park. Do I drive all the way up to Woodley  
11 and then walk down?

12 MS. SABA: What I would suggest is this.  
13 Guests don't generally show up with a car that we  
14 don't know about. So one of the things that we would  
15 do on our website is discourage parking, and one of  
16 the thing is that is very important to us, running the  
17 kind of accommodation we do, is we don't just have  
18 someone make a reservation over the Internet and show  
19 up. We have -- No one can, as a matter of fact, make  
20 a reservation over the Internet.

21 You may request information on the  
22 availability and the price of rooms, but we will get  
23 back to you. You know, we will get back to you via e-  
24 mail. We will get back to you via telephone. We will  
25 know before you arrive.

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1 CHAIRPERSON GRIFFIS: Okay. So you know  
2 exactly what to anticipate if someone is coming in  
3 there.

4 MS. SABA: Absolutely.

5 CHAIRPERSON GRIFFIS: So you will know if  
6 they show up with a station wagon full of groceries.

7 MS. SABA: Right. We will certainly know  
8 if someone is bringing a car, and we will discourage  
9 them from doing so.

10 One of the things about cars --

11 CHAIRPERSON GRIFFIS: Or you will make  
12 accommodations. Is that your testimony?

13 MS. SABA: We will make accommodations.

14 CHAIRPERSON GRIFFIS: Okay. Ms. Miller?

15 VICE CHAIRPERSON MILLER: How far away is  
16 your guesthouse at Woodley Park from the Metro there?

17 MS. SABA: It is closer. Woodley Park is  
18 on the corner. So we are about 500 feet, and we are a  
19 nice eight-minute walk from the Metro at Dupont  
20 Circle. So definitely, Woodley Park is closer, but  
21 the walk to the Metro along R Street is prettier. You  
22 know, you definitely have a very, very lovely  
23 neighborhood to walk through, architecturally  
24 interesting.

25 CHAIRPERSON GRIFFIS: Rebuttal, Ms.

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1 Miller?

2 VICE CHAIRPERSON MILLER: No. It looked  
3 pretty in the pictures. I think you said you would  
4 make accommodations for whatever cars come?

5 MS. SABA: We will.

6 VICE CHAIRPERSON MILLER: What do you mean  
7 by that?

8 MS. SABA: What we will do is we will know  
9 who is bringing a car. We will have discussed with  
10 the guest who insists on bringing a car what their  
11 needs are. We will probably not be able to handle a  
12 guest reservation if someone insists on an in-and-out  
13 use of the vehicle.

14 What we would do with most of our guests -  
15 - Say they drive, and they park their car in my  
16 parking lot, and for three or four or five days they  
17 take the Metro and they visit the Mall, and they go  
18 down to Mt. Vernon and up to Baltimore, and they do  
19 all of these things, and the car never moves. It sits  
20 in my parking lot at Woodley.

21 That is my major kind of parking  
22 requirement. Of the two spaces that I average per  
23 night, the majority of use of parking would be people  
24 who park their car once on their way in and get out  
25 and drive their car on the way out. I have very, very

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1 little in-and-out, in-and-out of my parking lot.

2 That is going to be a use that I am not  
3 going to be able to accommodate at R Street, and I  
4 have no problems saying so. You know, Woodley has --  
5 Every bed and breakfast has things that they can do  
6 and things that they can't do. You know, you have a  
7 certain number of rooms and certain size beds, and all  
8 of that.

9 So there's limitations in a bed and  
10 breakfast, and I think that is well understood, and we  
11 will be very forthright about explaining what our  
12 limitations are in this establishment.

13 People who are going to come and leave a  
14 car with me for three days or four days or five days  
15 will have no trouble at all if I remotely park it at  
16 Woodley and, you know, take them up there or pick it  
17 up for them on the way out. That is what I intend to  
18 do in terms of parking.

19 VICE CHAIRPERSON MILLER: So as of now,  
20 you don't have a parking problem. So I understand you  
21 don't have anything on your website that discourages  
22 driving at this point.

23 MS. SABA: We do not have a website for R  
24 Street yet, because R Street hasn't been approved.

25 VICE CHAIRPERSON MILLER: No, I mean for

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1 Woodley.

2 MS. SABA: Oh, no, we don't discourage  
3 parking at Woodley.

4 VICE CHAIRPERSON MILLER: Because it's not  
5 a problem?

6 MS. SABA: It's not a problem, because we  
7 have the six spaces.

8 VICE CHAIRPERSON MILLER: But if this  
9 application is granted, you will put on your website  
10 something discouraging it?

11 MS. SABA; I will put on my website for R  
12 Street something discouraging parking at R Street. I  
13 won't discourage parking at Woodley, because we have  
14 enough spaces.

15 VICE CHAIRPERSON MILLER: No, I know that.  
16 Right. I understand that.

17 MS. SABA: We will do that.

18 VICE CHAIRPERSON MILLER: Okay. Thank  
19 you.

20 MR. COLLINS: Good. Mr. Saba, on the  
21 renovation of the house on R Street, that's been done  
22 in accordance with all applicable historic  
23 preservation regulations?

24 MR. SABA: Yes. The Office of Historic  
25 Preservation has approved the masonry restoration as

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1 well as the window replacements and so on. Yes.

2 We have drawings that are pending for the  
3 facade front of the house. That has not been  
4 submitted until we know the outcome pertaining to the  
5 -- what you call it, the steps? The porch is falling.  
6 The concrete is just falling apart, and the garden.  
7 There is a small, little plot on the right side as you  
8 face the house. That will be converted into a small,  
9 little garden, and so on. But the drawings are ready  
10 but have not -- But the Office of Historic  
11 Preservation has reviewed preliminary concepts, and  
12 based on that, what the architect has done.

13 MR. COLLINS: And you are working with the  
14 Historic Preservation Division on that?

15 MR. SABA: Yes, sir.

16 MR. COLLINS: And the changes that you are  
17 proposing in the drawings won't change the facade so  
18 much as just restore the facade?

19 MR. SABA: That is correct.

20 MR. COLLINS: All right. Could you tell  
21 us a little bit about your discussions with the  
22 Advisory Neighborhood Commission?

23 MS. SABA: We first approached the  
24 Advisory Neighborhood Commission, I believe, in May  
25 and made a presentation to the May meeting. At the

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1 May meeting, we had some neighborhood concerns, rather  
2 forcefully expressed, but we also had some support  
3 toward the end of the meeting.

4 Over a period of time, more and more  
5 neighbors came forward in support of our application,  
6 basically saying that they really thought that this  
7 was an excellent use of this property on R Street,  
8 given its location, given the block, given the fact  
9 that on that block between 22nd and Massachusetts  
10 Avenue our property, which had been owned by the  
11 Taiwanese government, had been derelict for many  
12 years. The Pakistani Embassy property, which I guess  
13 is -- this is the northwest corner of the block -- is  
14 currently empty, and a property across the street from  
15 us owned, I believe, by Yugoslavia is also currently  
16 empty.

17 So on this block in Sheridan-Kalorama, we  
18 had three empty properties. As more and more  
19 neighbors came forward, we started just collecting  
20 signatures as to who was actually going to support us,  
21 and we collected signatures -- We focused our effort  
22 very much in this very specific area. Sheridan-  
23 Kalorama is, of course, larger than this, but we  
24 focused our effort on collecting signatures in our  
25 block. I guess that is Square Number 2512, Block

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1 number 2512, and in Block 2516.

2 I think we got just about all of the  
3 residents in those two blocks to sign the petition.  
4 When we went back to the ANC in September, we made a  
5 further presentation, and we presented the signatures  
6 that we had gotten in support of the project, and the  
7 ANC voted to support the project.

8 They had one concern at that time. So  
9 their support was, I guess, conditional on the fact  
10 that our operation of a bed and breakfast as a home  
11 occupation would not change the underlying zoning of  
12 the property from residential to commercial.

13 Chris was asked to give an opinion on  
14 that, which he did -- Mr. Collins. Then the Office of  
15 Planning also weighed in with an opinion on that and  
16 said there would be no change in the underlying  
17 zoning, and I guess I understand that the venue here  
18 today says that there will be no change in the  
19 underlying zoning, because that's a different venue if  
20 zoning needed to be changed.

21 CHAIRPERSON GRIFFIS: Much as we would  
22 like to change zoning sometimes, we can't.

23 MS. SABA: So the answer then was  
24 satisfactory to the ANC that nothing about our  
25 proposal and its acceptance would change the

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1 underlying zoning of the property.

2 Now the reason that the neighborhood is so  
3 concerned, I think, has to do with the diplomatic  
4 overlay and the proposal that has been made, and you  
5 may hear more about that later since some of our  
6 neighbors from the Historic Society are here -- the  
7 desire on the part of the neighborhood to have the  
8 diplomatic overlay removed from certain blocks, and  
9 that has to do with a one-third/two-third ratio of  
10 residential versus non-residential uses.

11 CHAIRPERSON GRIFFIS: Okay.

12 MS. SABA: Okay. So we are a residential  
13 use, and that's good. You know, our use isn't  
14 changed. So based on all of those factors, the ANC  
15 has supported us in our application.

16 CHAIRPERSON GRIFFIS: Okay.

17 MS. SABA: Was that not clear?

18 MR. COLLINS: That's fine. That's  
19 absolutely clear.

20 Mr. Chair, at this point I would ask Mr.  
21 Saba to go through the test for the special exception  
22 relief. They are set forth in pages 5 through 13 of  
23 our book. If you would like, we can go through that.

24 CHAIRPERSON GRIFFIS: I think -- Why don't  
25 we take it as a Board question, because it is in the

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1 submission, and actually Office of Planning is going  
2 to go through their analysis also. So let's just take  
3 Board questions that may go directly to the criterion  
4 which 203 and the other regulations lay out.

5 MR. COLLINS: Well, first of all, let me  
6 ask, Mr. Saba, if you adopt pages 5 through 13 of the  
7 book as your testimony?

8 MS. SABA: Yes.

9 CHAIRPERSON GRIFFIS: All right. That  
10 opens you up to major cross-examination right now. So  
11 as we go forward with this, let me ask you, in terms  
12 of your experience, if Woodley Park motel, I guess, is  
13 what you call that -- There are 18 guestrooms in that.  
14 Is that correct?

15 MS. SABA: There are.

16 CHAIRPERSON GRIFFIS: How many employees  
17 do you have that service that facility?

18 MS. SABA: I have six. I have four full-  
19 time employees, and I have two part-time employees.

20 CHAIRPERSON GRIFFIS: Okay. And as we  
21 look at processing this application, we are looking at  
22 10 guestrooms that has been requested. Is that right?

23 MS. SABA: That is correct.

24 CHAIRPERSON GRIFFIS: And you are looking  
25 at one employee?

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1 MS. SABA: We are looking at one, who is  
2 not a resident of the house.

3 CHAIRPERSON GRIFFIS: Right.

4 MS. SABA: I will have a couple who will  
5 live with me, a young couple who will basically do a  
6 lot of the operation of the house for me. They will  
7 handle my front desk and my housekeeping. I already  
8 know who they are.

9 CHAIRPERSON GRIFFIS: Okay.

10 MS. SABA: But I am allowed one  
11 nonresident employee. And of course, we also live  
12 there. So we will be there.

13 CHAIRPERSON GRIFFIS: Working 24 hours a  
14 day.

15 MS. SABA: Well, no, not really.

16 CHAIRPERSON GRIFFIS: No, I just -- I  
17 shouldn't have turned my mike on to say that,  
18 actually.

19 MS. SABA: But if you don't mind if I  
20 address it, we are pretty well aware of the operations  
21 of most of the other guesthouses in the Washington  
22 area. Most of them operate on many, many fewer  
23 personnel than we do.

24 At the Woodley Park Guesthouse our front  
25 desk is open from seven o'clock in the morning until

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1 ten at night, which certainly will not be the case at  
2 R Street, which is my personal residence. So the  
3 house is actually open, and the front door is open,  
4 and people can walk in during that time.

5 So from 7:00 a.m. to 10:00 p.m., seven  
6 days a week requires a number of people on the desk.  
7 Since my house will not be unlocked, it will not be  
8 open. I will know when people are coming, and I will  
9 meet them. I do not have to have that kind of a  
10 contingent of employees, because I am not running --  
11 I'm not running an open front desk.

12 So there is a major, major reduction then  
13 in my need for employees, based on that operational  
14 change. I would not feel comfortable in my personal  
15 residence having the front door just open for walk-  
16 ins.

17 CHAIRPERSON GRIFFIS: So it is a more  
18 controlled and a more anticipated clientele.

19 MS. SABA: Very much so. Very much so.

20 CHAIRPERSON GRIFFIS: Okay. Ms. Miller?

21 VICE CHAIRPERSON MILLER: Just following  
22 up on that, will there be certain hours, though, that  
23 you will be receiving people?

24 MS. SABA: There will be -- I'm not sure  
25 exactly how to answer that. What we do now at

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1 Woodley is we ask people when we are expecting them,  
2 and we are able to work within a range, because  
3 someone is there to let them in anyway. But  
4 basically, the way this is going to work is, you know,  
5 when you are going to check in, I will know.

6 So I will expect you, you know, within a  
7 very limited range of time, and someone will be there.

8 Myself, my husband, one of the people working in the  
9 house will be able to let guests in.

10 VICE CHAIRPERSON MILLER: So you don't  
11 have any surprise guests, somebody coming up to the  
12 door?

13 MS. SABA: No. No. Walk-ins.

14 MR. SABA: So we do not accept walk-in.

15 VICE CHAIRPERSON MILLER: Even if you have  
16 a space, you don't accept them?

17 MR. SABA: We discourage walk-in,  
18 particularly -- You know, in our business, you have to  
19 be very cautious. Somebody who doesn't have luggage,  
20 who wants to pay cash -- we don't accept any of that.

21 MS. SABA: If somebody -- At Woodley, if  
22 someone were coming down the street from the Marriott  
23 wearing their conference badge, and I had a houseful  
24 of people who were attending the conference and they  
25 said, you know, Marriott is overbooked, do you have

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1 anything available -- you know, in that kind of a  
2 collegial setting, yes, we might do -- we would do a  
3 walk-in.

4 If one of the staff members from one of  
5 the embassies walked over and said we've got an  
6 unexpected guests, can you take them, these will be  
7 established relationships, and we will know where the  
8 people are coming from. But generally speaking, the  
9 house will not be available to people just coming up  
10 and ringing the doorbell. That, I think, is sort of  
11 the way most of the bed and breakfasts work. It is a  
12 matter of security.

13 CHAIRPERSON GRIFFIS: Right.

14 MS. SABA: So it's the way that most of my  
15 colleagues operate their businesses as well.

16 CHAIRPERSON GRIFFIS: Excellent. Mr.  
17 Mann?

18 BOARD MEMBER MANN: Is the number of  
19 guests per room something that you establish on your  
20 own or are there other city regulations that limit the  
21 number of guests in a guestroom?

22 MS. SABA : We establish -- I don't know  
23 whether there are city regulations limiting the number  
24 of guests in a guestroom, but we strictly limit the  
25 number of guests in a guestroom to two. We know both

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1 of them. So if you are making a reservation for two  
2 and you called and said there were two people coming,  
3 I would not only have your name. I would have the  
4 name of your guest as well.

5 So it's not possible, for example, to rent  
6 a room and, you know, to bring your three favorite  
7 friends in to spend the night. It's just not possible  
8 at all. It does not happen at Woodley, and it will  
9 not happen at R Street. It's a point on which we just  
10 don't negotiate.

11 MR. SABA: But may I clarify? When a  
12 guest inquire for a reservation and we have  
13 availability and we confirm it, they have to sign an  
14 agreement about the operation of the house. One of  
15 the rules is no smoking and no one is permitted into  
16 that room that is not a guest, registered guest, and  
17 they all sign off on that.

18 MS. SABA: I think you can understand why  
19 we would do something like this.

20 CHAIRPERSON GRIFFIS: And we are not  
21 inquiring why you would. Obviously, it is going  
22 directly to the requirements of the regulations. Mr.  
23 Mann, follow-up? Were you all done?

24 BOARD MEMBER MANN: No, I am done. I just  
25 wanted to see how you are going to establish the 20

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1 person limit and how that was going to be distributed  
2 among the rooms.

3 MS. SABA: Two per room.

4 CHAIRPERSON GRIFFIS: Good. Mr. Etherly?

5 BOARD MEMBER ETHERLY: Just to make sure  
6 I'm clear, I think, Ms. Saba, you got to the question  
7 I was going to ask as a follow-up to Mr. Mann's  
8 question once again. If I am a colleague or a friend  
9 of a guest who is staying at the facility, presently  
10 the way you are set up I would not be able to enter  
11 that room. I can, of course, meet that guest --

12 MS. SABA: In the lobby.

13 BOARD MEMBER ETHERLY: -- in the lobby  
14 area. Okay. But beyond that, no access, so to speak?

15 MR. SABA: You know, you might make an  
16 exception on a personal basis, you know, if the guest  
17 has been a repeat guest or, you know, a colleague is  
18 going to come and join me for breakfast or something  
19 like that. Generally, you know the people.

20 BOARD MEMBER ETHERLY: Again, it's based  
21 on your familiarity with the clientele.

22 MS. SABA: Exactly.

23 MR. SABA: Exactly. Exactly.

24 BOARD MEMBER ETHERLY: Thank you, Mr.  
25 Chair.

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1                   CHAIRPERSON GRIFFIS:     Good.     Any other  
2 questions?   Very well.   Let's move ahead.

3                   MR. COLLINS:     Well, thank you.     That  
4 concludes our presentation.   I just want, in summary,  
5 just to state that we are pleased to report that we do  
6 have the support of the Advisory Neighborhood  
7 Commission, which is entitled to great weight in this  
8 case.

9                   The Office of Planning report is a very  
10 well written report, and we agree with its conclusion,  
11 although maybe not the way it got there.   Nonetheless,  
12 it is a very good and comprehensive report and lays  
13 out the tests for relief.

14                   There are the petitions of support in the  
15 record from about 55 community residents.   There are  
16 two letters of support which we are aware that I am  
17 not sure that you have, and we have been asked to  
18 bring copies down just in case you don't have them.  
19 We will submit them at this time to the record.

20                   The issue of the bed and breakfast was  
21 discussed at several ANC meetings, as Ms. Saba  
22 mentioned, on a community-wide basis.   That is why we  
23 felt it was important to go to the community, and  
24 these letters and the testimony and the petitions are  
25 from members of the community, and you will hear from

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1 some other members of the community in support as  
2 well.

3 We are aware of two letters of opposition,  
4 and we will address those at the appropriate time.

5 CHAIRPERSON GRIFFIS: Excellent. And we  
6 do have the petition. You put the letters and the  
7 petition as Exhibit Number 28. Are you aware of the  
8 submission of Exhibit Number 29 into the record, which  
9 is a letter in opposition from four Ambassadors?

10 MR. COLLINS: Yes. We received that  
11 yesterday late afternoon.

12 CHAIRPERSON GRIFFIS: Yes. We received it  
13 on the third at 12:27. Okay. Then let's move ahead  
14 to the Office of Planning. As you have indicated, Mr.  
15 Collins, Mr. McGettigan is with us here. It is now  
16 time to turn the heat on his seat. However, before  
17 you jump right into it, Mr. McGettigan, a very good  
18 afternoon and Happy New Year to you. And I would  
19 agree with Mr. Collins.

20 It is an incredibly thorough report on  
21 this, and obviously, you are going to address the  
22 route that you took on this in terms of actually  
23 looking at this as a use variance.

24 So with that, it is all you.

25 MR. McGETTIGAN: Mr. Chair, is the ANC

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1 represented here, or they are not?

2 CHAIRPERSON GRIFFIS: I had asked prior.  
3 I don't know if they have shown up. Is the ANC  
4 present? No.

5 MR. McGETTIGAN: All right. I just wanted  
6 to make sure before we proceed.

7 Thank you, Mr. Chair. Happy New Year to  
8 you and to the members of the Board. Welcome to 2005.

9 For the record, my name is David McGettigan from the  
10 Office of Planning.

11 We at the Office of Planning have -- since  
12 our last application of Monique Greenwood, have  
13 researched the bed and breakfast regulations, the home  
14 occupation regulations, and we feel that this request  
15 really needs a higher level relief than special  
16 exception. It needs a variance.

17 The intent of the home occupation  
18 regulations was to allow use of people's residences  
19 for minor commercial-like enterprises to make money,  
20 and with the caveat that they be accessory and that  
21 the use does not impact the character of the area or  
22 make it non -- become a non-residential area.

23 I think that is why -- and if you look at  
24 the legislation, they looked and polled and looked at  
25 the different sizes of bed and breakfasts, and found

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1 that most of them were one and two-bedroom bed and  
2 breakfasts, and felt that that size was a good matter  
3 of right home occupation for a bed and breakfast.

4 They thought that, if you went up to four  
5 rooms, which would be double the normal size, you  
6 really needed to go to the Board of Zoning Adjustment  
7 and get a special exception, so that the Board could  
8 look at any adverse impacts and make sure that there  
9 were none on the residential character of the  
10 neighborhood. Later on, the six bedrooms in the  
11 historic district were added.

12 So to go to 10 rooms, we feel, is beyond  
13 the intent of the home occupation regulations, and  
14 from a planning perspective it is, I think, important  
15 to keep that intent, whether there is any legal  
16 reading of the words and parsing of the sentences  
17 makes it sound any other way. From a planning  
18 standpoint, we should, I believe, look more strictly  
19 at 10 bedrooms as opposed to four or six, which they  
20 do.

21 So our report does go through all of the  
22 criteria that the special exception would, and we also  
23 address the variance test for this, which we think are  
24 appropriate in this case.

25 If you look at the photographs and the

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1 area photographs in particular and see how  
2 extraordinarily large this structure is as a single  
3 family home, it would certainly be very difficult to  
4 maintain it as a single family home with -- and even  
5 given the deteriorated condition and its past use,  
6 that a bed and breakfast use, even an expanded one, is  
7 certainly a good use to put to the property, as well  
8 as something that makes use of the property feasible.

9 We think, because of the operation that's  
10 been described by the Sabas, how they are going to  
11 operate the bed and breakfast, that there would be no  
12 substantial detriment to the public good in the  
13 granting of this variance. We would recommend that a  
14 variance be granted.

15 CHAIRPERSON GRIFFIS: Great. Thank you,  
16 Mr. McGettigan. Let me ask you a clarification. You  
17 indicated that, from a planning perspective, the  
18 difference between six and 10, and that's what gives  
19 you some concern. I'm not sure I follow that  
20 reasoning, and let me back up.

21 In terms of the regulations that were  
22 changed to add six in historic, is there any  
23 understanding from your viewpoint of why that was  
24 done? Let me throw this in there. Was it done  
25 because historic structures are often larger?

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1 MR. McGETTIGAN: Yes, I think it was done  
2 because there is often these large historic mansions  
3 that are -- throughout the District that we need to  
4 preserve and that we have a goal of historic  
5 preservation, and it's difficult to preserve it  
6 without some more relief.

7 CHAIRPERSON GRIFFIS: For a viable use.

8 MR. McGETTIGAN: For some viable use.

9 CHAIRPERSON GRIFFIS: Okay. So then just  
10 help me understand then the planning issue involved in  
11 six to 10 bedrooms. It's just -- Well, I'll let you  
12 answer.

13 MR. McGETTIGAN: I think it's looking at  
14 the intent and how the home occupation regulations  
15 were intended, and the idea that the home occupation  
16 shouldn't be so large or intensive a use as to disrupt  
17 the peaceful residential character of the neighborhood  
18 in which it was located.

19 CHAIRPERSON GRIFFIS: I see. Okay.  
20 Understood. Others? Ms. Miller?

21 VICE CHAIRPERSON MILLER: I have a  
22 comment, which you can respond to. I think that, you  
23 know, you are coming in here and saying that we should  
24 be looking at this as a use variance instead of a  
25 special exception, and the reason I hear you saying

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1 that is because -- and you can correct me if I'm  
2 wrong, but that you are basing it on the intent of the  
3 home occupation regulations. Is that correct?

4 MR. McGETTIGAN: That's correct.

5 VICE CHAIRPERSON MILLER: Okay. So when I  
6 look at 203.10(b), which permits the Board to grant  
7 special exceptions in this case, the language that is  
8 used in this regulation is provided that the general  
9 purpose and intent of this section are complied with.

10 So I guess my question to you is: Doesn't  
11 the intent of this regulation appear to be that a  
12 special exception can be granted in this case, based  
13 on compliance with the general purpose and intent of  
14 the regulations?

15 MR. McGETTIGAN: Yes, but only up to six  
16 rooms in a historic structure.

17 VICE CHAIRPERSON MILLER: I guess -- Where  
18 do you get that --

19 MR. McGETTIGAN: It specifically -- Well,  
20 I think one of the -- 203.10(b) was to allow some  
21 flexibility in the home occupation regulations, and I  
22 think in the case of number of bedrooms that that  
23 flexibility was capped at six rooms in a historic  
24 district by 203.8. Otherwise, why mention it at all?

25 So I think that the move from two to six

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1 is one of the special exceptions that you can ask for.

2 To ask for more is beyond what the intent of the  
3 regulations are.

4 VICE CHAIRPERSON MILLER: So your  
5 conclusion is you can't get a special exception from  
6 203.8 -- 203.8(c)(2). Is that it? Is that how you  
7 are reading it?

8 MR. McGETTIGAN: Right. (c)(1).

9 VICE CHAIRPERSON MILLER: (c)(1), excuse  
10 me.

11 MR. McGETTIGAN: Right.

12 VICE CHAIRPERSON MILLER: Okay. Thank  
13 you.

14 CHAIRPERSON GRIFFIS: Any other questions  
15 by the Board for the Office of Planning? Very well.  
16 Does the applicant have any cross -- My god, they've  
17 disappeared. Okay. No cross for OP.

18 Thank you, Mr. McGettigan. Again, we  
19 would take it under advisement. I think it is a  
20 logical analysis. However, it is not one I agree  
21 with. But let's move ahead to -- I don't have any  
22 other attendant government reports in this  
23 application.

24 We did have the ANC's filing. Again, is  
25 there an ANC representative here today to present the

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1 report? Not noting any, Exhibit Number 26 is the ANC-  
2 2D filing. There is an attached resolution to the  
3 letter, and also a letter. I think it meets all our  
4 requirements, and we grant great weight, unless Board  
5 members indicate that they have seen something  
6 differently. We could take this into account and,  
7 obviously, afford great weight. Yes, Mr. Collins?

8 MR. COLLINS: Is there also attached to  
9 the ANC report a letter from the Office of Planning?

10 CHAIRPERSON GRIFFIS: Yes. It is all  
11 under Exhibit Number 26. Right. Ms. McCarthy signed  
12 the letter, also dated December 14. The resolution  
13 that is attached to the ANC isn't signed. I don't  
14 think that's a big issue for us in terms of the  
15 letter. That covers it. It is also signed by the  
16 Chair.

17 Very well. That being said, that's it for  
18 the government reports. Let me call any witnesses  
19 that are here today in support of the application. If  
20 they would come forward, we can just fill the table.  
21 How many do we have in support, a show of hands? One,  
22 two, three, four. That was it? Okay. Let's all come  
23 up, and you can establish the order as you would like.

24 We also have submitted -- Mr. Collins, you  
25 have submitted tow letters, January 3rd, from the

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1 Executive Director of the American Society of  
2 International Law, and a letter, January 4, by Ms.  
3 Lynn Skynear.

4 Very well, let's start on my right. If  
5 you wouldn't mind, state your name and address for the  
6 record.

7 MS. BAUDIE: My name is Kelly Atlas  
8 Baudie. I live at 2153 Florida Avenue. It is about a  
9 block and a half from the proposed bed and breakfast.  
10 Do I continue from there?

11 CHAIRPERSON GRIFFIS: Sure.

12 MS. BAUDIE: Okay. I would first like to  
13 thank Laura and Raymond for bringing this project to  
14 our neighborhood. I am highly in support of it. They  
15 are wonderful people who have -- I first met them  
16 walking by -- I walk by every day this property. I  
17 know this area very well, and they have immediately  
18 brought a warmth and a welcoming to this area that is  
19 pretty much strictly just embassies and chanceries.  
20 Like they said, there's a lot of vacancy. There is a  
21 lot of trash accumulating along that area.

22 The vacant parking lots that are there  
23 attract people who park randomly, and things. I feel  
24 that it brings nothing but good. They have chosen to  
25 completely renovate this place to its historical

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1 accuracy. A place this big, like you were saying, is  
2 going to profit from this, because a person -- a  
3 family can't move into this place. It's just too big.

4 It brings added security to the  
5 neighborhood, because we do have a lot of these. We  
6 have -- The Egyptian Embassy is -- There's always  
7 secret police having to park by there. There's  
8 problems. To add a bed and breakfast there adds  
9 security. Them being there now makes me feel more  
10 secure walking down that area.

11 They have cleaned up the area already.  
12 Raymond planted trees around. It's very ramshackle  
13 shape right now. They have made such an amazing  
14 effort to show our neighborhood. They have come to  
15 everybody's house. They have greeted us. They have -  
16 - I greet them. They introduced themselves, and I am  
17 very, very excited to have somebody like this in our  
18 neighborhood.

19 It's just rare that somebody can spend the  
20 money, the energy, to do something like this, I mean,  
21 because it is taking them a lot of work. They are  
22 having to go through a lot to do this. He's put a lot  
23 into it. They have both put so much time and effort.

24 It just really would be wonderful to have  
25 them in the neighborhood. I know I represent a lot of

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1 people. Like they said, all of us in the neighborhood  
2 supported this by signing it. So I'd just like to  
3 thank them as well for bringing this project to our  
4 neighborhood.

5 CHAIRPERSON GRIFFIS: Excellent. Thank  
6 you very much, and appreciate your testimony today.  
7 Obviously, you have indicated that they have added  
8 some warmth, but they don't really need it today.  
9 It's 60 degrees outside. Nonetheless, it's  
10 understood, and bringing back the architectural  
11 integrity of that building, but also integrating into  
12 the block, adding some of the residential character  
13 back into that block, and adding security.

14 I take that as the protective police that  
15 guard all those others -- you are more interested in  
16 having people coming out on the front porch and  
17 interacting with people on the sidewalk as security.

18 MS. BAUDIE: Yes, and we have -- Already,  
19 there's so many people applying for visas and standing  
20 down the block, you have people. I love the cultural  
21 diversity of that area. Don't get me wrong. It's  
22 wonderful. We have people from all over the world.  
23 But that's all there is down there, and it does get a  
24 little -- People hanging out all the time down there.

25 This really refreshes that whole corner.

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1 I mean, it really makes a big difference, what changes  
2 can be made in that area. It's just wonderful to have  
3 a neighbor to say hello to now in that area when you  
4 walk by. It just really makes a big difference.

5 CHAIRPERSON GRIFFIS: Good. Okay. Of  
6 course, they are precluded from selling lemonade in  
7 the summertime out front, but nonetheless, they can  
8 still greet you. Thank you very much. Yes, sir?

9 MR. DE LA ROCHE: Thank you, Mr. Chairman.  
10 Happy New Year to everybody. My name is George de la  
11 Roche. I work for the Guatemalan Embassy. I am  
12 direct neighbor of Mr. and Ms. Saba.

13 I don't want to repeat what my other kind  
14 neighbor has said, but I have always said that variety  
15 is the spice of life, and having Mr. Saba there does  
16 add variety to the neighborhood. It's not only us  
17 embassies there, but there are other kind people  
18 there.

19 Going back to what was mentioned  
20 previously regarding parking, the Guatemalan Embassy  
21 fully supports the project of Mr. and Ms. Saba, and we  
22 would like to offer our parking in the back of the  
23 building in case that needs to be done for the evening  
24 parking. That is not a problem. Mr. Saba can count  
25 with four parking spaces there for the evening, if

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1 that poses a problem.

2           Unfortunately, our interests in this  
3 succeeding are selfish. We want to be clients of Mr.  
4 and Ms. Saba's establishment. From the contact we  
5 have had with him, we have realized him to be an  
6 honest person. His wife is very nice. They are  
7 decent people. There is no hidden agenda behind them.

8       We know what they want, and that's what they are here  
9 for.

10           So basically, as I said, we would like to  
11 be clients of Mr. and Ms. Saba. Also repeating what  
12 one other neighbor said, it is hard to negate the fact  
13 that, ever since they have moved into the  
14 neighborhood, the neighborhood has improved. I mean,  
15 you only have to look at the actual physical changes  
16 happening to that residence to note that. It is  
17 aesthetically more beautiful.

18           We all feel better, if you like, arriving  
19 at work. As I say, I work right next-door, apart from  
20 the fact that we are greeted with a friendly person, a  
21 friendly smile that says, Hi, George, how are you,  
22 good morning, how are things, which didn't happen  
23 before. So, I mean, it's a positive added value.

24           We have -- Since Mr. Saba has moved in, we  
25 have now a new laying of brick for the side alley. I

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1 don't know where that came from, but it just happened  
2 like simultaneous. I don't know. It was strange. We  
3 have now a proper -- which is great -- which is  
4 great.

5 It adds to what I was saying of the  
6 renovations done to the property. That's basically  
7 it. We would like to see them go forward, and not  
8 only with this project but others. Thank you very  
9 much.

10 CHAIRPERSON GRIFFIS: Excellent. Thank  
11 you very much. It is a pertinent point that you  
12 brought up in terms of offering adjacent parking if  
13 there is a need or an overflow, and I would certainly,  
14 obviously, let you folks work out the arrangements for  
15 that. But I think that is very gracious to do.

16 MR. DE LA ROCHE: Thank you, Mr. Chairman.  
17 Thank you. If I may add, Mr. Chairman, I think --

18 CHAIRPERSON GRIFFIS: I can park there?

19 MR. DE LA ROCHE: Oh, sure. Sure. We  
20 have great Guatemalan coffee, if you want to stop by  
21 for some. But I think greater harmony in the  
22 neighborhood regarding parking needs to be addressed  
23 and, hopefully, this will be a first step toward that.

24 CHAIRPERSON GRIFFIS: Good. Well, in this  
25 neighborhood and many others across the city. I

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1 appreciate your comments in terms of your opinion of  
2 this adding value to your street, a street that has  
3 essentially, based on the variety, as you have  
4 indicated, which is, I think, a very positive opinion  
5 to have.

6 MR. DE LA ROCHE: Good, Mr. Chair.

7 CHAIRPERSON GRIFFIS: Thank you. Good  
8 afternoon.

9 MS. SKYNEAR: Good afternoon. I am Lynn  
10 Skynear, and I live at 2203 Massachusetts Avenue, and  
11 I have somewhat of an institutional memory, because I  
12 have been there almost 30 years.

13 I can say it never really felt like much  
14 of a neighborhood, and suddenly the Sabas have come  
15 into our life, and we are finding we are having  
16 gatherings in the neighborhood and chatting, and there  
17 is also a baby behind us that we are very excited  
18 about.

19 So for the first time living on Embassy  
20 Row, it feels like home. These are people who have a  
21 face. If you have a problem, they have given us the  
22 cellphone number. So we can say, oh, is that your car  
23 parked out there? Oh, it's not? Good. I mean, we  
24 can call them with anything.

25 I also wanted to mention something about

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1 parking. I don't know if they realize this, and it  
2 certainly was the case a few years ago. You can also  
3 have guests pay and park at the Embassy Row Hotel.

4 I wanted to ditto my neighbor when it  
5 comes to security. Nothing is worse than having voids  
6 in a neighborhood, when you walk around a block and it  
7 is absolutely black. People think, because you are  
8 living on Embassy Row and there are police there, that  
9 they are watching you, but really they are not there  
10 to be watching the neighbors.

11 As an example, I think about eight months  
12 ago there was a mugging, the same kind of mugging that  
13 was taking place in Adams Morgan. A block from the  
14 police, three people were held up. The police  
15 standing in front of the Egyptian Embassy were not  
16 paying attention to that.

17 What causes safety in a neighborhood are  
18 lights on, neighbors who know each other, that we are  
19 watching for each other. Then when we start having a  
20 B&B and having some activity, so when we take a walk  
21 and we go outside, again you see some people on the  
22 street. That -- and I have a business in Adams  
23 Morgan, and I know that more than anything. My  
24 problem is my business is during the day where we  
25 don't have people always on the street, and that tends

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1 to be when it is sometimes the most dangerous time.

2 So I did write something for you that you  
3 all can read. So I won't bore you with all of the  
4 details. But I just think they are such a benefit to  
5 the neighborhood. And let me just see these -- my  
6 memory as I am getting older -- This is gray-blond  
7 hair. I want to make sure there is nothing else I  
8 wanted to say.

9 Oh, first of all, living in the  
10 neighborhood I would never vote for something that  
11 would be against my own interests, not my property  
12 value, not my safety, not my quality of life. So when  
13 I look at those three things, I say does that meet  
14 what I need. Absolutely, yes, 100 percent.

15 For any of the Embassies who might be  
16 opposed to this, I think it is going to be -- they are  
17 going to be served by this B&B, because most likely it  
18 will be Embassy personnel who will probably be using  
19 it, and those of us who maybe don't want to see that  
20 in-law or whatever we will say there's a B&B down the  
21 street.

22 So anyway, they pay tax, as you know, that  
23 I put also on my written testimony, and that is  
24 extremely important. You know, we are sort of the  
25 last of the taxpayers, the few neighbors that are in

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1 Embassy Row, and we do need that tax base for very  
2 obvious reasons.

3 So thank you very much.

4 CHAIRPERSON GRIFFIS: Good. Thank you  
5 very much. It is really quite nice that you are down  
6 here, and we appreciate your time coming down to  
7 address the Board. Perhaps we can get that in-law  
8 comment removed from the tape. However, I would take  
9 note also that, in your written and also in your oral  
10 testimony, you did make note of our appreciate you  
11 were in terms of the applicants' communication with  
12 you, and you stated and also you have written the fact  
13 of they provided the cellphones in terms of their  
14 renovation process, and that your experience in your  
15 written letter indicates that there is a lot of  
16 renovation around the area.

17 One specific that you bring up that hasn't  
18 been so open in terms of communication, and so the  
19 point being the applicant, in your opinion, have gone  
20 about it correctly in terms of informing everyone of  
21 being available for any questions or concerns that may  
22 have come up.

23 Good. Any questions from the Board of Ms.  
24 Skyneer? Mr. Etherly.

25 BOARD MEMBER ETHERLY: Yes, very briefly,

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1 just for Mr. de la Roche, I believe it was.

2 MR. DE LA ROCHE: Close enough there, yes.

3 BOARD MEMBER ETHERLY: Okay. My  
4 apologies. I'm just curious, just very briefly. You  
5 indicated, of course, a desire potentially to be a  
6 client of the applicant. From the standpoint of the  
7 type of Embassy personnel and perhaps based on your  
8 own familiarity with Embassy personnel, in terms of  
9 the arrivals of those types of persons, would that  
10 typically, in your experience, also be something that  
11 would happen by cab or private car that wouldn't  
12 necessarily have a parking component to it, meaning if  
13 you have clientele who are coming to the Embassy and  
14 you would like to make use of the subject property if  
15 it were approved, those type of persons would  
16 typically arrive in a cab or some other type of  
17 transportation that wouldn't require a parking space  
18 in that area. Correct?

19 MR. DE LA ROCHE: That is correct, sir.  
20 Yes, sir. Usually, what would happen is -- I was  
21 thinking mostly of myself, of me wanting to use it.  
22 But as you mentioned, yes, if we have our Vice  
23 President from the country coming in and we think it  
24 would be great to have him stay there, we would pick  
25 him up in our Embassy car. So, no -- and yes. There

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1 would be no added parking required.

2 BOARD MEMBER ETHERLY: Okay. Thank you.  
3 Appreciate it. Thank you for your testimony. Thank  
4 you, Mr. Chair.

5 MR. DE LA ROCHE: Thanks.

6 CHAIRPERSON GRIFFIS: Good. Excellent.  
7 Thank you, Mr. Etherly. Thank you all. Mr. Collins  
8 is afforded cross-examination of all of you. So we  
9 will move to that.

10 MR. COLLINS: Thank you, Mr. Chairman. I  
11 only have one question for Mr. de la Roche. That is,  
12 the embassy -- Several questions. Your embassy is  
13 located directly across the 15-foot wide alley from  
14 the Sabas' property. Is that correct?

15 MR. DE LA ROCHE: Yes, sir.

16 MR. COLLINS: Does the Embassy perceive  
17 any security problems with this bed and breakfast  
18 operation next-door?

19 MR. DE LA ROCHE: None whatsoever, sir.

20 MR. COLLINS: Thank you.

21 CHAIRPERSON GRIFFIS: Okay. That was two  
22 questions. No security problems. Good. No other  
23 cross-examination? Excellent. Thank you all very  
24 much.

25 Let's call any other -- We are all done?

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1 Others to give testimony either in support or in  
2 opposition, neutral? Let's fill the panel again.  
3 Again, thank you all.

4 Good. Do you want to start on this side  
5 or this side, whatever you prefer. Let's start on my  
6 left. Let's start on my right. Let's start in the  
7 middle.

8 MR. ANGHELOPOLOUS: Good afternoon. My  
9 name is Anghelopolous. I am the Minister and Deputy  
10 Chief of Mission of the Embassy of Greece. We have,  
11 and we own four buildings in the area. One building  
12 is located at 2221 Massachusetts Avenue, is the  
13 residence and chancery. Another building is on 2217  
14 Massachusetts Avenue, which is the new chancery  
15 building.

16 Our consular office is located on 2211  
17 Massachusetts Avenue, and then our military mission  
18 office is located across the street on 2228 Mass.  
19 Avenue.

20 Mr. Chairman, the Ambassador of Greece, as  
21 well as three other Ambassadors, the Ambassador of  
22 Kenya, the Ambassador of Cyprus, and the Ambassador of  
23 Romania, has addressed to you a letter concerning the  
24 problems they see from the bed and breakfast that is  
25 proposed to be established in our neighborhood.

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1           If granted, we believe that this bed and  
2 breakfast will create a precedent of various  
3 properties being used for commercial purposes and  
4 activities, and thereby eroding the genuine character  
5 of the neighborhood, which is one of high  
6 architectural caliber and historic value comprising  
7 foreign missions, embassies and residences.

8           It would also, we think, encourage similar  
9 activities currently absent from this neighborhood.  
10 The granting of the above mentioned exception will  
11 cause significant disturbance by increasing the flow  
12 of traffic, ingoing, outgoing, customer deliveries, by  
13 creating noise, and by further aggravating the  
14 existing illegal parking problem and congestion that  
15 we face on a daily basis.

16           I have heard the previous witnesses saying  
17 that there is no whatsoever parking problem in this  
18 neighborhood. It will suffice, Mr. Chairman, to ask  
19 the police of the number of calls they receive from  
20 embassies and neighborhoods by people that are parking  
21 their cars illegally in the neighborhood.

22           CHAIRPERSON GRIFFIS: How so illegally?

23           MR. ANGHELOPOLOUS: Excuse me?

24           CHAIRPERSON GRIFFIS: What do you mean,  
25 illegally?

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1 MR. ANGHELOPOLOUS: They have no -- They  
2 park in a place reserved either for embassies or  
3 because the parking is not permitted there.

4 CHAIRPERSON GRIFFIS: I see. So you are  
5 saying that two aspects are those that have been  
6 designated embassy parking only, but it's on the  
7 street?

8 MR. ANGHELOPOLOUS: Yes.

9 CHAIRPERSON GRIFFIS: Okay.

10 MR. ANGHELOPOLOUS: Our primary concern is  
11 the safety of our embassy, which is adjacent to the  
12 above mentioned property. All rear windows of the  
13 Embassy of Greece residence and chancery directly face  
14 those of the said property, and we are concerned for  
15 the security of visiting Presidents and Ministers that  
16 attend events organized in the Embassy.

17 Also, we had previously in these events  
18 high level American officials attending these events.

19 To mention one example, Secretary Rumsfeld once  
20 attended a dinner organized at our Embassy, and other  
21 high level officials like the Prime Minister of Greece  
22 was last year in Washington, and in 2003 we had twice  
23 the visit of our Prime Minister.

24 CHAIRPERSON GRIFFIS: But this isn't the  
25 only building that faces the rear of your structure.

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1 Is that correct?

2 MR. ANGHELOPOLOUS: This is the only  
3 residential building that will receive customers in  
4 the near future, Mr. Chairman.

5 CHAIRPERSON GRIFFIS: Well, in your  
6 opinion, is there a difference if this was a matter of  
7 right single family home? Is there a security issue  
8 then?

9 MR. ANGHELOPOLOUS: We know, Mr. Chairman,  
10 that we have the Embassy of Guatemala, and we know who  
11 is living there. We have another building which is  
12 the International Association, and we know who is  
13 living right there.

14 CHAIRPERSON GRIFFIS: Right. But you know  
15 who is proposed to live in this structure also.

16 MR. ANGHELOPOLOUS: We don't know the  
17 customers that they are going to succeed one another,  
18 Mr. Chairman.

19 CHAIRPERSON GRIFFIS: So you think there  
20 is a different security level or concern based on the  
21 fact that there would be customers as opposed to  
22 whether it was just a single family home?

23 MR. ANGHELOPOLOUS: What I can say, sir,  
24 because I cannot evaluate the security risk, that this  
25 is a risk that should be addressed appropriately.

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1 This is what I am saying to you.

2 CHAIRPERSON GRIFFIS: Well, and that's  
3 where I am trying to go. What is the appropriate way  
4 to deal with the security risk?

5 MR. ANGHELOPOLOUS: This is -- We know who  
6 is visiting a certain place at a certain time, who is  
7 staying. Now you ask me if there is going to be a  
8 residence, what is going to be the level of risk? Is  
9 that correct?

10 CHAIRPERSON GRIFFIS: Right.

11 MR. ANGHELOPOLOUS: Yes. I say that, if  
12 there is a residence and we know who resides in this  
13 residence permanently, one person, one family, then we  
14 know, more or less, who is visiting this residence.

15 CHAIRPERSON GRIFFIS: Do you?

16 MR. ANGHELOPOLOUS: Excuse me?

17 CHAIRPERSON GRIFFIS: How would you know  
18 that?

19 MR. ANGHELOPOLOUS: Mr. Chairman, what I  
20 am saying is that we know that a certain family lives  
21 there.

22 CHAIRPERSON GRIFFIS: Okay.

23 VICE CHAIRPERSON MILLER: Can I just  
24 follow up on that question, though? I know there is a  
25 difference between a residence and a bed and

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1 breakfast, but if you know that a certain family lives  
2 somewhere, next-door, you don't know who is coming and  
3 going out of their house, though, do you? If they  
4 have a party, you don't know what guests are coming?

5 MR. ANGHELOPOLOUS: I would try to give  
6 you a reply. There is something that I don't know  
7 about the potential visitors of the residents. But if  
8 there is a bed and breakfast, it is obvious -- and you  
9 would agree with me -- that there are going to be  
10 plenty of guests that will succeed one another,  
11 without me or us or anybody knowing who is going to be  
12 the future guests.

13 VICE CHAIRPERSON MILLER: I just have one  
14 other question about that. We heard testimony that  
15 the owners of the bed and breakfast would be carefully  
16 screening their guests in advance. Do you have any  
17 reaction to that?

18 MR. ANGHELOPOLOUS: I do not know how  
19 screening is done effectively. I know that this is a  
20 very complex procedure, and I don't know whether the  
21 screening done by one person that owns a bed and  
22 breakfast is a screening appropriate for this kind of  
23 condition, special condition we have in the  
24 neighborhood.

25 With your permission, I would like to go

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1 ahead with my testimony.

2 CHAIRPERSON GRIFFIS: Please.

3 MR. ANGHELOPOLOUS: So in addition to the  
4 above, we would like to stress that the owner of the  
5 said building, Mr. Saba, has caused and continues to  
6 create problems in not respecting obligation he has as  
7 a neighbor, in particular, by violating the property  
8 boundaries of our Embassy.

9 Although he reinstated after our  
10 complaints the boundaries of the Embassies, he has yet  
11 to rebuild a permanent fence which would bring an end  
12 of the situation that has been created.

13 I believe that his behavior since he moved  
14 into the immediate neighborhood and since he became a  
15 neighbor of the Embassy gives us reason to believe  
16 that these incidents might continue in the future.

17 In closing, let me say that there is, as  
18 all of us know, in the vicinity the Weston Embassy Row  
19 and the Hilton Embassy Row Hotel, and they are located  
20 very close by, and we believe they are clearly  
21 sufficient to serve and satisfy relevant needs in the  
22 area.

23 Let me say, Mr. Chairman, with your  
24 permission, a final remark, that unfortunately, we are  
25 not familiar with the very complex procedure that is

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1 the one that is taking place here. Of course, we  
2 don't have a lawyer, and I heard that there were a lot  
3 of documents that we were not aware that were  
4 available to us.

5 We learned about this hearing only a few  
6 days ago on December 15th. This does not mean that it  
7 wasn't announced as it should have been, but  
8 immediately, as soon as we learned about this, we  
9 reacted the way we are reacting, and I would like to  
10 bring to your attention that I discovered with  
11 surprise that our job, unfortunately, is not to follow  
12 every detail concerning this issue, that there were  
13 the association of neighborhood committee that  
14 discussed this issue, etcetera, etcetera.

15 We learned of this for the first time. I  
16 think that we have presented all of our concerns here  
17 before you, and I am sure they are going to be  
18 appreciated by your commission or your committee.  
19 Thank you.

20 CHAIRPERSON GRIFFIS: Good. Thank you  
21 very much, and we do appreciate you taking the time to  
22 be down here today.

23 I am somewhat struck with your testimony,  
24 as I have -- Well, the similarities of that that are  
25 often from residents in opposition to cases before the

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1 FMBZA and the issues that you bring up, but be that as  
2 it may, all these issues are very important, and we  
3 will take this under advisement in deliberation with  
4 this.

5 Let me do clarify one point, and you've  
6 brought up one of the construction aspects. That is  
7 the boundary, as you've characterized it, and also a  
8 fence that may have been, or was, destroyed and now  
9 rebuilt.

10 Of course, that is beyond our jurisdiction  
11 to get into the actual construction means and methods  
12 and all, but I understand your point of putting it up  
13 for context in relation to the application.

14 MR. ANGHELOPOLOUS: Yes. That when we  
15 have witnesses that they say that the climate has  
16 changed since Mr. and Mrs. Saba moved in, I think I  
17 should bring to your attention this incident that is  
18 not only an incident that took a moment to happen. It  
19 took us three or even more months that we had to  
20 request from Mr. Saba to reestablish the boundaries of  
21 our Embassy that have been violated.

22 I think that this is a detail that,  
23 although I understand that you are not the responsible  
24 body, precisely what I want to tell you is that we had  
25 to bring a surveyor in order to convince him to

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1 reestablish the boundary of the Embassy that has been  
2 violated during the construction of this property.

3 CHAIRPERSON GRIFFIS: I see. And you are  
4 undergoing a construction project currently on Lot 27.  
5 Is that correct?

6 MR. ANGHELOPOLOUS: This is on 2217, we  
7 have the new chancery building that is nearing  
8 completion of its construction.

9 CHAIRPERSON GRIFFIS: Okay. And when you  
10 say you weren't notified in terms of the proceedings  
11 on this, there would have been a letter that was sent  
12 out to that property, Lot 0027, Square 2512, and it  
13 would have been mailed to 2221 Massachusetts Avenue,  
14 N.W. Would that be a correct mailing address for that  
15 property?

16 MR. ANGHELOPOLOUS: The correct mailing  
17 address is the one you mentioned, 2221, and I don't  
18 know wherein this letter has been sent. As I said, we  
19 learned about this hearing only a few days ago.

20 CHAIRPERSON GRIFFIS: Understood. I'm  
21 just reading clarification. According to the official  
22 record within this case, Exhibit Number 5 indicates  
23 all the property owners and addresses within a 200-  
24 foot radius of which those would have been sent to.

25 So based on my experience and knowledge,

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1 that letter did go into the mail and was sent to 2221  
2 Massachusetts Avenue. And that is just for the base  
3 requirements of our regulations.

4 There is also, of course, a posting of the  
5 property that was done, as we have an affidavit in the  
6 record showing, which would have had the large orange  
7 Halloween colored sign out front which, you know, in  
8 my limited but personal experience, is the most  
9 successful way of announcing public hearings before  
10 the Board of Zoning Adjustment, because anyone and  
11 everyone that once frequents or frequents it every day  
12 sees that, and obviously it is a public hearing.

13 Okay. That's all I have. Are there other  
14 questions? Ms. Miller?

15 VICE CHAIRPERSON MILLER: I just have one.  
16 When you were describing the security concerns, I am  
17 under the impression that they are particular to the  
18 Embassy of Greece and don't pertain as much to the  
19 other Embassies that signed the letter, because they  
20 are not in quite as close proximity. Is that correct?

21 MR. ANGHELOPOLOUS: The letter was signed  
22 by three -- by four Ambassadors, and I think it would  
23 be very important to note that all of the four  
24 Ambassadors say that our primary concern is the safety  
25 of our Embassies, which are adjacent to or in the

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1 immediate vicinity of the above mentioned property.

2 In the letter, it is further given the  
3 explanation about the rear windows of the Embassy of  
4 Greece residence and chancery. So the point I am  
5 trying to make is that the Embassies and the  
6 Ambassadors of the four Embassies have spoken and  
7 stated clearly in their letter the concerns they have  
8 over security.

9 CHAIRPERSON GRIFFIS: That's an  
10 interesting point to ponder for the Board. That is,  
11 what level of security concern is raised by a home  
12 occupation of a residential building in an area that  
13 is surrounded, and the point being brought up by the  
14 Ambassadors that surround it. So an interesting  
15 dynamic. I say that rhetorically for us to digest as  
16 we move on.

17 Any other questions from the Board? Yes,  
18 Mr. Parsons?

19 COMMISSIONER PARSONS: I wanted to  
20 continue on this security issue a bit. Your fear is,  
21 or your concern is what could occur, that somebody  
22 from this facility could somehow shoot into the  
23 windows of your properties, or what?

24 In other words, put it in the context of  
25 you are on a public street, Massachusetts Avenue,

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1 subject to all the concerns of security that we all  
2 have; that is, car bombs and suicide bombers or all of  
3 the horrible things that we are currently considering.

4 What is it about this facility that you wouldn't be  
5 concerned about if it was another use?

6 MR. ANGHELOPOLOUS: Yes. Let me take out  
7 my reply into context, and the context is that we --  
8 This neighborhood has been for a number of years -- I  
9 don't know how many years -- a neighborhood of  
10 Embassies and some residences.

11 We know who is, more or less, our  
12 neighbor. We know that there is a lot of vigilance  
13 from the Embassies, and we know, more or less, who are  
14 the residences' owners.

15 I am not a risk and safety analyst, an  
16 expert, but I think that what we are trying to say  
17 here is that immediately we have a commercial use. We  
18 have a place which is a bed and breakfast, and we will  
19 see different guests coming and go, which brings --  
20 and this is one aspect only -- an element of  
21 uncertainty as to who is living or who is staying in a  
22 building adjacent to an Embassy.

23 This is what creates a fear that is to be  
24 assessed not only by us but by other bodies that are  
25 more experienced regarding security issues.

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1           COMMISSIONER PARSONS:    So I want to make  
2    sure I understand.    You feel that this is much  
3    different than somebody walking along the street that  
4    could take action against the Embassy?    There is  
5    something different about it?

6           MR. ANGHELOPOLOUS:    What I know, sir, is  
7    that Mass. Avenue is an avenue that is heavily guarded  
8    by the Secret Service and by police cars that are  
9    patrolling almost permanently.    But once we have  
10   someone becoming a guest of a property, this is an  
11   element of uncertainty that I cannot appreciate  
12   myself.

13          COMMISSIONER PARSONS:    So the importance  
14   of this to me is not just your Embassy but the fact  
15   that three others have signed on, and I don't know  
16   what their proximity is to this facility.

17          MR. ANGHELOPOLOUS:    They are in the  
18   immediate vicinity.    I cannot -- They are across the  
19   street, practically across the street.    All of them  
20   are across the street.

21          COMMISSIONER PARSONS:    Thank you for  
22   attempting to answer my question.    I'm not sure I  
23   understand, but thank you.

24          MR. ANGHELOPOLOUS:    I would be willing to  
25   give you any additional explanations, but I tried my

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1 very best, sir.

2 CHAIRPERSON GRIFFIS: Good, thank you.  
3 Yes?

4 VICE CHAIRPERSON MILLER: Yes. I have  
5 just a follow-up question. Based on your letter and  
6 what you are saying, it sounds like you are not  
7 concerned about hotels in the vicinity, and they have  
8 a lot more people coming and going. Why is that?

9 MR. ANGHELOPOLOUS: If you allow me, these  
10 hotels -- they are not in the immediate vicinity.  
11 They are further down on Mass. Avenue, almost close to  
12 Dupont Circle. So a hotel, in our experience, is a  
13 place that people that come and go, they have plenty  
14 of -- how can I say? They check in. They give  
15 information, and in any case, for these particular  
16 hotels, when we mentioned about their existing there,  
17 is that they can meet the needs for people who want to  
18 -- who need a hotel, if you will.

19 So this is why we are mentioning about the  
20 hotels being there in the neighborhood.

21 CHAIRPERSON GRIFFIS: Good, thank you.  
22 Let's move ahead. Who would like to be next? Did you  
23 want to follow?

24 MR. ANGHELAKIS: Hello. I am from the  
25 Ministry of Greece. My name is Dimitri Anghelakis. I

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1 would to insist on two simple points.

2 I saw that Ms. Miller was insisting, and  
3 you as well, Mr. Chairman, on what the difference  
4 would be between a home that has guests, and we are  
5 not able, of course, to know who those guests will be  
6 in a hotel.

7 I would like to stress that it is obvious  
8 that there is a difference between a family living  
9 there and that obviously has its own social life and  
10 people visiting and a hotel where a screening does  
11 take place, but in no case are you able to determine  
12 who your clients will be, and that there is a  
13 difference between friends and a family and a hotel  
14 and incoming and outgoing customers. So I think that  
15 is important and obvious.

16 For Mr. Parsons that didn't really  
17 understand the difference in the security aspects, it  
18 is obvious, I think, here that none of us are security  
19 experts. But there is a difference between security  
20 concerns that take place on a public road and people  
21 that come by, pass by and be hostile -- and that, I  
22 think, is covered to a great extent by the security  
23 arrangements in the Secret Service -- and a hotel that  
24 is nearby and people that are housed there without you  
25 knowing what their profile is and who they are.

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1 I think there is an obvious difference  
2 between someone that could pass by and be a threat and  
3 an actual hotel that's immediately behind an Embassy  
4 or Embassies in this case, and people that live there,  
5 I think. There is a difference between those two  
6 elements. I don't know if you appreciate that.

7 COMMISSIONER PARSONS: Thank you.

8 MR. ANGHELAKIS: Thank you.

9 CHAIRPERSON GRIFFIS: Thank you very much.

10 I think we understood the point. I think we were  
11 trying to explore it. You seem to assert the fact  
12 that you will have control over a family or a  
13 homeowner that exists there and who their friends and  
14 who their acquaintances might be, or who their  
15 affiliations might be.

16 I have not been persuaded by anything you  
17 told me today that there is anymore control or less  
18 control on a who-knows-how-many-room house on how many  
19 levels would actually be in and out, or who could  
20 break in when the family was away at their French  
21 chateau for the summer and this was empty or, for that  
22 matter, a boarded-up property behind that could be  
23 entered into and be lived in probably for weeks  
24 without anyone knowing.

25 So I think we fully appreciate and

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1 understand the elements that are being presented here,  
2 but the persuasiveness of it -- I don't speak for the  
3 entire Board, but I know where I am with that.

4 Okay, let's move ahead. Are there other  
5 questions, comments?

6 MR. ANGHELOPOLOUS: With your permission,  
7 as I said from the outset, we are not familiar with  
8 your procedural, but we came here to present our  
9 concerns. We have done this, because we believe that  
10 we were asked to present our concerns here in this  
11 hearing.

12 We have presented our concerns to the  
13 State Department, as we are entitled to do. And  
14 whether we can convince you or not, this, as we said,  
15 is a matter -- since security is at issue, is a  
16 matter of specialists. It is not I that can convince  
17 you.

18 CHAIRPERSON GRIFFIS: I understand that,  
19 and I understand your point.

20 MR. ANGHELOPOLOUS: And I want you to  
21 appreciate this.

22 CHAIRPERSON GRIFFIS: And I understand.  
23 And do believe me, I think the Board fully  
24 understands, and I certainly do, the amount of  
25 importance you are putting on your statements in terms

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1 of security and raising those securities. I dare say,  
2 I think there is some experience with security issues  
3 in this city on this Board, but be that as it may, you  
4 are not stumbling over procedural problems here. You  
5 have asserted elements in your opposition to this  
6 application, and the Board is simply exploring those  
7 assertions.

8 So I don't think we have any difficulty in  
9 any of the proceedings here or in the technicalities  
10 of it. I think we have what we need in terms of the  
11 understanding of your position and opposition to the  
12 application. Let's move ahead. Yes, sir?

13 MR. LaBOSSIERE: Thank you for having us  
14 today. Chairman Griffis, members of the Board of  
15 Zoning Adjustment, my name is Douglas LaBossiere. I  
16 am a resident of the Sheridan-Kalorama neighborhood  
17 and a member and officer of the Sheridan-Kalorama  
18 Neighborhood Council for which I am appearing today.

19 I am joined by Kindy French, who is  
20 vocally challenged today. She has got a bad cough  
21 when she speaks. So she is here to answer questions  
22 if the need arises, but she may get a little  
23 interruption along the way. She is also a member of  
24 the Sheridan-Kalorama Neighborhood Council.

25 For over 40 years, the Sheridan-Kalorama

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1 Neighborhood Council has represented residents to  
2 preserve and enhance Sheridan-Kalorama as a desirable  
3 residential community. The Council was organized to  
4 oppose the encroachment of non-residential uses into  
5 the neighborhood, and address other neighborhood  
6 problems. Our membership exceeds 250 families.

7 We appreciate the opportunity to appear  
8 before you today and, while we applaud the applicant's  
9 efforts to remove a blight on the neighborhood and do  
10 not per se oppose the property's use as a bed and  
11 breakfast, we must oppose the applicant's proposal to  
12 utilize the property as a 10-room bed and breakfast  
13 without seeking a use variance, as requested by the  
14 zoning regulations for bed and breakfasts as home  
15 occupations.

16 Moreover, a bed and breakfast of this size  
17 and scope calls into question whether the use of the  
18 property as a residence is, in fact, its primary use,  
19 a requirement for home occupations under the zoning  
20 regulations.

21 Finally, the size of the bed and breakfast  
22 and the inherent traffic generated by such a large  
23 transient use of the property as proposed by the  
24 applicants clearly interjects a commercial use into an  
25 area that is intended under the comprehensive plan to

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1 be primarily residential in character.

2 With regard to whether this application is  
3 properly before the Board, we would submit that the  
4 application is defective, as any proposed use of a  
5 residential property for more than six units would  
6 require a use variance, which the applicant did not  
7 request.

8 Section 203.8(c) provides that the maximum  
9 number of sleeping rooms in an owner occupied bed and  
10 breakfast is two, unless an applicant applies for an  
11 exception under Section 203.10(b). Under Section  
12 203.10(b), an applicant for a bed and breakfast may  
13 request that the Board modify two of the conditions  
14 imposed on a bed and breakfast, one of which is that  
15 the facility may, if approved by the Board, have up to  
16 six sleeping rooms if the property is located in an  
17 historic district.

18 Thus, the modification provided for in  
19 Section 203.10(b) of the regulations with regard to  
20 number of sleeping rooms is to allow as a special  
21 exemption more than the authorized two sleeping rooms,  
22 up to a total of six, not as the application suggests  
23 an increase from six sleeping rooms up to the  
24 requested 10 rooms.

25 The regulations simply do not provide for

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1 more than six rooms under a special exemption, and the  
2 applicants have neither applied for a use variance nor  
3 demonstrated how the proposed use meets the tests for  
4 a variance set forth in the regulations.

5 In this regard, we support the position of  
6 the Office of Planning in its submitted report that  
7 any use of the property for greater than six sleeping  
8 rooms requires the Board's approval of a variance,  
9 relief that the applicants have not requested.

10 Moreover, in the Greenwood case cited by  
11 the applicants as support for the granting of relief  
12 in this matter, the applicant recognized the  
13 distinction in the regulations by applying for a  
14 special exemption for six sleeping rooms and a use  
15 variance for an additional two rooms.

16 As regards whether the requested bed and  
17 breakfast would, in fact, be an accessory use to the  
18 residentially occupied property, the size and scope of  
19 the proposed facility argue against its use as a bed  
20 and breakfast, being clearly secondary to its use as a  
21 residence.

22 The applicants propose 10 sleeping rooms  
23 for 20 guests and are requesting an exception so that  
24 more than eight persons may be present at any one  
25 time. They had indicated earlier that the staffing

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1 alone on this is estimated to be five persons,  
2 including four live-ins, in addition to the 20 guests.

3 We are talking about up to 25 people in the property  
4 at any given time, five service personnel, 20 guests.

5 The intensity of the proposed bed and  
6 breakfast use clearly exceeds the use of the house as  
7 a residence for the applicants, in contravention of  
8 the zoning regulations for bed and breakfasts and the  
9 intent of the Zoning Commission in enacting the  
10 current regulations.

11 The applicants' own submission contains  
12 letters of support, which they have cited, which  
13 implicitly acknowledge the commercial nature of the  
14 intended operation of this property. Furthermore, the  
15 property is owned by a limited liability corporation.

16 They operate facilities in other locations as well,  
17 which they have talked to.

18 Finally, as regards the facility's impact  
19 on the neighborhood, it is difficult to imagine how  
20 this property will be run with only one employee. We  
21 have subsequently heard that that is not the case,  
22 that there will be five staff, four live-in and one  
23 coming as a day person.

24 If that is, in fact, the case, there will  
25 be a steady stream of commercial vehicles to service

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1 the bed and breakfast, not to mention a steady stream  
2 of taxis and vans transporting guests to and from the  
3 facility. If, as the applicant suggests, guests will  
4 not be driving their own vehicles to and from the bed  
5 and breakfast, unlike the Woodley Park Guesthouse  
6 owned by the applicants, the property that is being  
7 discussed today is not within walking distance of the  
8 Metro, making it unlikely that guests with luggage  
9 would be utilizing public transportation or walking to  
10 get to and from the house.

11 The cumulative effect of this is that  
12 vehicular traffic will be much greater than the eight  
13 trips per day permitted under the regulations, making  
14 it likely that the level of use will produce a level  
15 of noise greater than that permitted by the  
16 regulations.

17 As the Office of Planning points out in  
18 its report, the land use element of the comprehensive  
19 plan -- quote: "sets forth policies to meet the  
20 residential neighborhood objectives that includes  
21 conserving and maintaining the District's sound  
22 established neighborhoods through the strict  
23 application and enforcement of housing, building and  
24 zoning codes."

25 Thus, while we do not oppose the creation

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1 of a bed and breakfast in this vacant structure, its  
2 creation must be accomplished in a way that conserves  
3 and maintains the established neighborhood that is  
4 Sheridan-Kalorama.

5 We ask that the record remain open to  
6 receive further submissions over the next 15 days, so  
7 that we have an opportunity to revise and extend our  
8 remarks. We, obviously, didn't have all of the  
9 submission that you had. Maps were presented today.  
10 We believe there are a number of issues in there that  
11 are not perhaps factually based.

12 We have data showing the occupancy of  
13 every single property in the neighborhood. We have  
14 definitions that were clarified by the Office of  
15 Planning mid-way through 2004, and those ratios show  
16 that the residential use in that square is in excess  
17 of two-thirds.

18 Thank you for the opportunity to appear  
19 before you today, and I would be happy to answer any  
20 questions that anyone might have.

21 CHAIRPERSON GRIFFIS: Good. Thank you  
22 very much, and we appreciate your being here and  
23 providing excellent analysis. Are you going to submit  
24 your written testimony to the record?

25 MR. LaBOSSIERE: Yes, I have 15 copies

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1 here.

2 CHAIRPERSON GRIFFIS: Excellent. Let me  
3 ask you. First of all, you close to the end indicated  
4 and cited the Office of Planning report in terms of  
5 the comprehensive plan, also in terms of the aspect of  
6 this being a use variance to go beyond. But are you  
7 in agreement with the Office of Planning's final  
8 analysis in recommending that they meet the test for  
9 the use variance, which is the highest threshold of  
10 which variance we hear.

11 MR. LaBOSSIERE: The problem is that that  
12 not being in the application -- we haven't responded  
13 to that. We haven't dealt with that. The applicant  
14 didn't apply for a use variance, and so we responded  
15 to the application itself, and we thought it was  
16 critical that the process be followed, because we  
17 think as a neighborhood it is that process which  
18 protects us.

19 CHAIRPERSON GRIFFIS: Right.

20 MR. LaBOSSIERE: We have no problem with  
21 people going through the proper process, the proper  
22 hearings and everything running smoothly. What we do  
23 have a problem is this getting all melded and somehow  
24 just moved through more quickly than might be  
25 appropriate.

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1           There may well be a different standard and  
2 a higher standard that has to be met to get that use  
3 variance. There may be other inputs, and all of those  
4 things, we think, should be appropriately considered.

5           CHAIRPERSON GRIFFIS: Okay. I'm not sure  
6 I followed that last part. But you want additional  
7 time to respond to the Office of Planning's report,  
8 which you didn't have in terms of their analysis?

9           MR. LaBOSSIERE: Well, the applicant  
10 hasn't submitted a request for a use variance.

11           CHAIRPERSON GRIFFIS: No, and they are not  
12 going to. We have an application for a special  
13 exception. What I'm asking you is you're saying that  
14 it is a use variance, and Office of Planning -- You  
15 obviously cited the comprehensive plan, which was  
16 cited in the Office of Planning. Office of Planning  
17 said it was a use variance.

18           MR. LaBOSSIERE: Correct.

19           CHAIRPERSON GRIFFIS: And they went  
20 through their entire analysis and said, and they meet  
21 the test to be granted a use variance. My question to  
22 you was: So in your mind, it's a use variance. Do  
23 they meet the test?

24           MR. LaBOSSIERE: In our opinion, based on  
25 the information we have at this point, they do not.

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1 We are not opposed to them applying for an exception  
2 and for this Board to consider up to six rooms. Up to  
3 10 rooms, we think, requires that use variance and in  
4 a different an extended procedure and extended  
5 information and submissions.

6 CHAIRPERSON GRIFFIS: I see.

7 MS. FRENCH: I believe that --

8 CHAIRPERSON GRIFFIS: Can you turn your  
9 mike on?

10 MS. FRENCH: Hi. I'm Kindy French, and I  
11 apologize. I have this cough. It's not contagious.

12 If it is going for a use variance or  
13 anything other than the special exception, my feeling  
14 would be that they would need to come back to the  
15 neighborhood, to the ANC, to make a presentation so  
16 that we fully understand what they are asking for and  
17 what impact that would have on the neighborhood, on  
18 the whole neighborhood.

19 CHAIRPERSON GRIFFIS: Okay. I don't want  
20 to confuse things. Absolutely. If this was found by  
21 the Board to be a use variance, there would be a whole  
22 new readvertising. There is no further -- I think  
23 this is right. There is no further distance that you  
24 can come from a special exception to a use variance.  
25 It is a total different test. It's a total different

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1 case presentation.

2 In terms of presenting to the  
3 neighborhood, I don't think - - The application  
4 substantively wouldn't change in terms of what they  
5 are requesting. So anyway, I'm going to move on. The  
6 only reason why I stepped into it is because you  
7 actually brought it up as a use variance, and then you  
8 cited the Office of Planning's report, which provides  
9 the analysis. Okay.

10 MS. FRENCH; Excuse me. But the precedent  
11 that this would set would possibly affect the  
12 neighborhood differently.

13 CHAIRPERSON GRIFFIS: Okay, and that is  
14 appreciated, and it's an interesting comment.  
15 Especially with a use variance, it would be hard for  
16 me to be persuaded on the fact that it would be a  
17 precedent; because the first test would be that there  
18 is something unique, distinctly different about this  
19 property that would allow it to come on for relief  
20 from the zoning, and then the second would be out of  
21 that uniqueness or unique circumstance there was a  
22 hardship.

23 So the point being, if you granted a use  
24 variance on this property, could anyone else -- Could,  
25 you know, the embassies and chanceries come in for a

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1 use variance to set up -- what would they do? -- trash  
2 transfer stations, which is one of the most fought  
3 aspects in the city? We would not just grant them  
4 outright because, gosh, we granted a use variance down  
5 the street. But I am digressing terribly.

6 MR. LaBOSSIERE: We do, Chairman -- are  
7 very concerned about the bootstrapping of this, not  
8 only in the example that you have given but, you know,  
9 in hearing some of the embassies argue in support of  
10 this today, it would be nice to have a place for  
11 guests to stay. It would be nice to have another  
12 commercial application in the form of a Starbucks  
13 closer by. It would be nice to have something that  
14 maybe provides another service to these non-  
15 residential uses.

16 We tend to look at this -- always we try  
17 to pass this test -- in the context of the entire  
18 neighborhood of Sheridan-Kalorama, not in isolation  
19 for one square. That is the problem, because it's one  
20 square, then becomes a little protrusion into another,  
21 and then it's in the back of the square. It just --  
22 It infiltrates.

23 So we are looking at this in the context  
24 of that entire neighborhood, the saturation issue.  
25 And this is the second generation, if you will, for

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1 us, in dealing with chanceries as distinct from  
2 embassy residences. What happens to these? How do  
3 they manifest themselves?

4 Pakistan has abandoned a property further  
5 down the street on R Street. It's a huge property.  
6 What is going to happen there? There is a boarding  
7 house that has been grandfathered. I think it's on  
8 Florida or 22nd and R Street. I think it's on this  
9 square, and that was grandfathered. He is going to  
10 keenly watch what is happening here.

11 So there is a lot that is underlying these  
12 concerns that we have, and we may not be articulating  
13 them particularly well, because we are given a much  
14 more limited amount of time. Granted, it's their case  
15 to proceed, and that is why we are asking that the  
16 procedures really be followed very strictly in terms  
17 of, you know, an exception and the use variance being  
18 very distinct, so that these things have a chance of  
19 coming out and appropriately being discussed and  
20 considered.

21 CHAIRPERSON GRIFFIS: Good. And we do  
22 appreciate that, and that is exactly why it is  
23 important to have your input on all of these cases, be  
24 it under the FMBZA or be under these special  
25 exceptions and variances, because you do bring a

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1 larger perspective, and I know you are well aware of  
2 the fact that we can take that into our deliberation.

3 But our jurisdiction will stop at the borderline  
4 essentially of the impact area specifically of the  
5 application, especially with the special exception as  
6 we are looking at.

7 We are looking at impacts of -- as is laid  
8 out in Chapter 2, which -- Let me go directly to that.

9 You brought up a point in terms of is this  
10 proportionately correct in terms of being a home  
11 occupation. I think I understood your testimony.

12 If you look at 203.8, which talks about  
13 the bed and breakfast and setting it up, 203.8(d)  
14 indicates that the floor area limitation set forth in  
15 203.4(b) shall not apply to this use.

16 Well, 203.4(b) is, I believe, what you  
17 were indicating as them not complying with, and that  
18 is that no more than the larger of 250 square feet or  
19 25 percent. That's where all the percentages and  
20 square footage go. Am I correct in understanding your  
21 testimony?

22 MR. LaBOSSIERE: Yes, that is correct, but  
23 it also goes to the spirit of what Mr. McGettigan was  
24 discussing, and that is the intent and how this  
25 evolved.

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1 CHAIRPERSON GRIFFIS: I see.

2 MR. LaBOSSIERE: The idea was that  
3 originally this was to let somebody have an extension,  
4 a business, if you will, a small modest business  
5 operation within what is, in the larger context, their  
6 home.

7 CHAIRPERSON GRIFFIS: Right.

8 MR. LaBOSSIERE: And the business aspect  
9 is small and limited. That is what we are concerned  
10 with, is an exception, a variance. It all gets  
11 snowballed, and all of a sudden you go from zero to 10  
12 instead of is there a consideration of two? Is there  
13 a consideration of six? Is there a consideration of  
14 10? Are there different standards along the way?  
15 That's our concern, is that those things get  
16 adequately addressed as opposed to rolled into one.

17 CHAIRPERSON GRIFFIS: It's an excellent  
18 point, but if you follow it to the logical extreme,  
19 let's look at the intent -- and this is all  
20 hypothetical, because we have the regulations. The  
21 intent of the bed and breakfast was to say, okay, we  
22 want to keep it within the same kind of percentages.  
23 You know, basically, a quarter percent of the home  
24 should be used for the business. So bed and  
25 breakfast, if we are looking at two and four rooms --

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1 was it really -- and then six in the historic. Were  
2 people really thinking that there were 24, 16 and 8-  
3 bedroom houses?

4 So we are really thinking an eight bedroom  
5 house. Two of them would be bed and breakfast, or a  
6 24-bedroom house. How many of those are --

7 MR. LaBOSSIERE: Actually, I think that  
8 goes to choosing an appropriate property. There are  
9 many houses in Sheridan-Kalorama that are this large  
10 and larger.

11 CHAIRPERSON GRIFFIS: That are 24  
12 bedrooms?

13 MR. LaBOSSIERE: Oh, huge. This is an  
14 8,000 square foot house. There are -- You would be  
15 astounded. Even on S Street, there is one right near  
16 the corner, I think, around 24th. It has no property  
17 at all. The drive is a circular that they have put in  
18 by getting a cutout in the curb, and that's it. That  
19 is all the property they have. Very similar. There  
20 are lots of them. This has a garage to go into.

21 So I think the assumption that this would  
22 not be a home for someone is maybe an inappropriate  
23 assumption just to accept or a premise to accept.  
24 There are many houses being renovated. We have an  
25 agent who moved into one a couple of years ago, 7,500

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1 square foot home, that was a school. It went back to  
2 being residential. There are buyers for it. There  
3 are people that will do it. There are grants that you  
4 can get in the form of easements that one can recover  
5 some of the funds in doing this on these historic  
6 properties.

7 So there are lots of ways for these houses  
8 to be put to residential use.

9 Kindy is actually on the historical review  
10 committee and chairs that. I don't know if you can  
11 address those further.

12 MS. FRENCH: I just want to reiterate that  
13 we have a lot of houses in the neighborhood that are  
14 8,000 square feet. It's not unusual for Sheridan-  
15 Kalorama. We have a lot of the embassies on Mass.  
16 Avenue that are, you know, above 10,000, 12,000.

17 CHAIRPERSON GRIFFIS: Right. But when we  
18 are talking about the intent, just to put it in --  
19 This is good discourse. But the intent of this  
20 regulation was not just for Sheridan-Kalorama. It's  
21 the entire city.

22 So, yeah, we have -- Yours is a glorious  
23 neighborhood, 24 bedrooms.

24 MR. LaBOSSIERE: Well, I don't think that  
25 was the reason, the point being the design of the

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1 house. I mean, that's done to accommodate this  
2 dormitory that they ran, which was an inappropriate  
3 use to begin with.

4 CHAIRPERSON GRIFFIS: Right.

5 MR. LaBOSSIERE: I mean, it clearly was.  
6 It was run as a dormitory. People lived in there.  
7 The place was falling apart.

8 CHAIRPERSON GRIFFIS: Right.

9 MR. LaBOSSIERE: That wasn't appropriate  
10 either. So I don't think we can accept that premise  
11 to say, well, this isn't so bad. It could be a  
12 residence. It could be a home. I think that's the  
13 premise we have to measure from.

14 CHAIRPERSON GRIFFIS: Right. And let's be  
15 absolutely clear that they don't have to prove that it  
16 couldn't be used any other way. But I understand your  
17 point exactly, and I think the Board does, and  
18 logically says, okay, it was a bad situation. But  
19 well, anyway, we have what is in front of us.

20 BOARD MEMBER ETHERLY: MR. Chair.

21 CHAIRPERSON GRIFFIS: Mr. Etherly?

22 BOARD MEMBER ETHERLY: Could I come back  
23 and I want to redirect us just real, real quickly,  
24 because I wanted to hit something before I neglected  
25 to follow up on it.

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1           Let me preface -- This is a question for  
2 the gentleman from the Greek Embassy. But I want to  
3 kind of preface the question so I'm very clear about  
4 the kind of answer that I'm looking for, and it's  
5 following up on Mr. Parsons' line of questions  
6 regarding the security piece.

7           I think I share Mr. Parsons' struggle with  
8 perhaps seeing the argument and the distinction  
9 perhaps between a residential use at the subject  
10 property versus the proposed use that we are talking  
11 about here. But what I think I am sensitive to is  
12 something that you raise with regard to the fact that  
13 an outreach had been made to the State Department  
14 regarding your concerns.

15           I don't want to get into the substance of  
16 any response, if you did in fact receive one, but I am  
17 interested in whether or not, just as a simple yes or  
18 no proposition, did you receive a response back from  
19 the State Department regarding any concerns that may  
20 have been expressed on behalf of the Embassy, or do  
21 you expect one?

22           MR. ANGHELOPOLOUS: I -- As I had the  
23 opportunity to tell you, we have learned about this  
24 hearing only a few days ago, and our letters, both to  
25 you and the State Department, were sent --

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1 BOARD MEMBER ETHERLY: Fairly recently?

2 MR. ANGHELOPOLOUS: Fairly recently. It  
3 was only two, three days ago. So it is very early in  
4 light of the fact that it was the holiday in this  
5 period. As a matter of fact, we for sure anticipate  
6 we are going to get a reply back.

7 BOARD MEMBER ETHERLY: Okay. And I  
8 appreciate that. I thank you, Mr. Chair, for the  
9 opportunity to raise the question.

10 The reason why I asked it is I think one  
11 of the things that I would be concerned about is --  
12 This is perhaps a very interesting gray area.  
13 Obviously, we are not sitting as the FMBZA, but as we  
14 do sometimes where that had and get into the issue of  
15 reciprocity, I would be very, very sensitive to  
16 wanting to be sure that there is an appropriate look,  
17 I think, on the State Department side as it relates to  
18 any security concerns that may be raised by an  
19 adjacent embassy property owner, because that has a  
20 whole set of, I think, international components to it  
21 that don't necessarily find themselves as part and  
22 parcel of the special exception test that we are  
23 talking about here.

24 That's why I wanted to kind of raise that  
25 subject a little bit. So I appreciate that, Mr.

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1 Chair. Thank you very much for the response.

2 CHAIRPERSON GRIFFIS: Good. Thank you.  
3 Ms. Miller?

4 VICE CHAIRPERSON MILLER: I have a couple  
5 of questions for Mr. LaBossiere. You said that the  
6 Sheridan-Kalorama Neighborhood Council represents 250  
7 families?

8 MR. LaBOSSIERE: Correct. We have about  
9 250 families who pay dues annually and who we  
10 communicate with.

11 VICE CHAIRPERSON MILLER: And did you poll  
12 them on this issue or did you have a meeting on this  
13 issue?

14 MR. LaBOSSIERE: No. We had the Executive  
15 Committee, a number of members on the Executive  
16 Committee discussed the issue. We did not -- We have  
17 an annual meeting coming up in February. We haven't  
18 set the date yet. Usually, it's late January or early  
19 February.

20 We have regular communication with the  
21 Executive Committee that sort of makes the decisions  
22 along the way, and there's been heated debate.  
23 Obviously, you can see that, in the neighborhood.

24 VICE CHAIRPERSON MILLER: How many people  
25 are on the Executive Committee?

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1 MR. LaBOSSIERE: There are, I think, about  
2 ten people on the Executive Committee. I'd have to  
3 count the names down.

4 VICE CHAIRPERSON MILLER: Okay. And did  
5 you take a vote on it?

6 MR. LaBOSSIERE: No. There was no formal  
7 meeting or formal vote. We had e-mails. We talked on  
8 the phone and decided what the position was. We  
9 conferred with other people in the neighborhood and  
10 decided what the position was.

11 The reason for deciding on this was to try  
12 to be consistent in the application of what we see as  
13 any threats to the residential historic character of  
14 the neighborhood. That's our guiding principle, which  
15 I tried to address in the introduction here, and we  
16 pretty much, unless there is a rare exception, are  
17 going to oppose anything that we think is threatening  
18 to the residential historic nature of the neighborhood  
19 as our role.

20 VICE CHAIRPERSON MILLER: Can you just  
21 clarify for me your decision making? I mean, you said  
22 you e-mailed. You didn't vote. I mean, who finally  
23 makes the decision then, if you don't have a vote?

24 MR. LaBOSSIERE: Well, we confer and make  
25 that decision. The Executive Committee itself on the

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1 whole probably gets together once a year, maybe twice  
2 a year. We e-mail each other in the interim or have  
3 telephone conversations to keep in touch and  
4 communicate.

5 Then at the annual meeting, you know, we  
6 debate what our role is and what everybody should do,  
7 and elect officers, very much like the ANC would.

8 VICE CHAIRPERSON MILLER: Well, the ANC  
9 has a vote. I mean, they have a public meeting, and  
10 they have a vote on a specific resolution. So I'm  
11 just trying to get clear, you know, what your  
12 testimony -- who your testimony really represents.

13 MR. LaBOSSIERE: Well, I think it clearly  
14 represents the Sheridan-Kalorama Neighborhood Council.  
15 That's who we represent, and the Sheridan-Kalorama  
16 Neighborhood Council feels very strongly we represent  
17 the interests of our members.

18 VICE CHAIRPERSON MILLER: I'm not trying  
19 to challenge you. I'm trying --

20 MR. LaBOSSIERE: No, I understand. I  
21 don't feel challenged by it. That's okay.

22 VICE CHAIRPERSON MILLER: -- to get it in  
23 the record, because you are saying you e-mail, but you  
24 don't have a vote. But it sounds like, well, in your  
25 e-mail at least six of you must have come to a

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1 decision.

2 MR. LaBOSSIERE: Yes. We don't formally  
3 say, you know, John, are you voting yea or nay. We  
4 converse, and then sort of decide. We have had long  
5 debates about it, and decided this was the appropriate  
6 course to take, and that involved probably five or six  
7 members of the committee actively having these  
8 discussions over the last couple of months.

9 CHAIRPERSON GRIFFIS: And this is, as you  
10 stated, an ongoing issue for your --

11 MR. LaBOSSIERE: It is. It is an  
12 extension of so many of these things.

13 CHAIRPERSON GRIFFIS: And also the overlay  
14 and the regulation and --

15 MR. LaBOSSIERE: Absolutely. We have been  
16 very actively involved with the Office of Planning,  
17 the NCPC, this whole process. This is just one sort  
18 of aspect of that, and that is why I say that what we  
19 are trying to do is be consistent in the application  
20 of what we see as our mandate, is challenging and  
21 trying to have an influence on protecting that  
22 historic residential character.

23 That's the guiding force in all of this,  
24 and we feel this is, in fact, a threat to that and  
25 that at least we must try to defend the procedures

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1 that are in place and ask it to be that exemption and  
2 use variance as a separate application.

3 VICE CHAIRPERSON MILLER: Okay. One other  
4 question I have is --

5 MS. FRENCH: Really, it's why neighbors  
6 would join the Neighborhood Council, to start with,  
7 because what they are doing is they are trying to  
8 preserve the residential nature of the neighborhood.

9 VICE CHAIRPERSON MILLER: Right. And we  
10 see that, but we also see that there are 55 neighbors  
11 who signed a petition.

12 MR. LaBOSSIERE: Well, I can address that.  
13 There were 57 signatures on the petition. Four of  
14 them were from people that were not in the  
15 neighborhood. One was in New York. In addition to  
16 that, 22 of the signatures were duplicate signatures  
17 in the same -- I'm not saying duplicate persons. They  
18 were two signatures or more in a single residence.  
19 That's why I said we represent formally 250 families.

20 So you could argue, if you distilled it,  
21 that there are 40 signatures. But that petition also  
22 has premise based on it. They are saying given this,  
23 given this, given this, given this.

24 VICE CHAIRPERSON MILLER: Right. I  
25 understand that.

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1 MR. LaBOSSIERE: And you know, so I'm not  
2 trying to get into all the nitty-gritty, but I don't  
3 accept the premise of all of those things, which is  
4 what we were trying to have a little bit of a dialogue  
5 on, which we think is what is at that use variance  
6 level.

7 VICE CHAIRPERSON MILLER: Okay. I have  
8 one other question, and that goes to your concern  
9 about traffic and noise because of the bed and  
10 breakfast.

11 I guess my experience on the Board has  
12 been I have seen that, when a bed and breakfast maybe  
13 has come into an area where it's all homes surrounding  
14 it, and this is a different situation where it is, you  
15 know, embassies and chanceries. We have heard that  
16 activity actually -- It increases people's sense of  
17 security. At least from other witnesses we have heard  
18 that today.

19 So why is that such a concern to your  
20 group?

21 MR. LaBOSSIERE: Again, I guess it depends  
22 on what your premise is or your benchmark, where you  
23 are coming from. We very clearly distinguish between  
24 embassy and chanceries. Embassies are homes. If you  
25 take that square and you say how much of the property

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1 on that entire square is residential -- put to  
2 residential use -- it's over two-thirds. That's why  
3 we asked to keep the record open, because we are happy  
4 to submit that information.

5 The Office of Planning has made clear  
6 definitional decisions on what is a residence, what is  
7 not. That's why the ANC asked at our insistence in  
8 large part to get clarification on the  
9 residential/institutional ratio. It is a hot issue.

10 So we look at it as it is principally  
11 residential. That property, when it is not used or is  
12 abandoned, becomes residential, and we would very much  
13 like to see it for residential use.

14 Then going and adding something that could  
15 have as many as 25 people -- I understand that's not  
16 every day -- you are going to have activity. Twenty-  
17 five people is not normal for a building of that size.

18 I know it's big, but there are homes in our  
19 neighborhood with two, three, four people with houses  
20 that large, and larger; and two, three and four people  
21 is a lot less than 20 or 15 or 25 people every day.

22 It goes to what the gentleman to my left  
23 indicated as well, and that is from a security  
24 standpoint. You've got all of these people coming and  
25 going.

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1           We had a very specific instance of just  
2 what he is talking about. I lived on Wyoming Avenue  
3 two years ago, and our property overlooked the Libyan  
4 Ambassador's residence, which was abandoned, and you  
5 had expressed a concern. There were squatters. It  
6 took us a year and a half to get them out of there  
7 through the normal procedures in the city.

8           One of my neighbors walked over to the  
9 Secret Service guy sitting outside of Donald  
10 Rumsfeld's house, and that night they had a SWAT team  
11 with helicopters, lights and everything, and vacated  
12 it because they found the back window had a direct  
13 line to Mr. Rumsfeld's house. There are security  
14 issues

15           I'm not trying to tell you I'm a security  
16 -- I'm not, but there are sensitivities to this as  
17 well, and the neighbors are sensitive because, you  
18 know, these guys are coming in and on your rooftops  
19 and all of the rest of the stuff.

20           So the proper people, I guess, to ask is  
21 the State Department and have their security and  
22 Secret Service police look at that issue and decide  
23 what is appropriate protection for these people or  
24 not. But it is a real concern.

25           I just get the sense that, if you are in

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1 the neighborhood, you see these things and, if you are  
2 not, you kind of think that's a little bizarre, that's  
3 a little out there. But it's not for us. It is not  
4 for us. That's --

5 CHAIRPERSON GRIFFIS: I think we actually  
6 haven't given that indication at all. I think you  
7 should well know enough. We have gone through an  
8 awful lot in this particular neighborhood that deal  
9 with the high levels of security and the understanding  
10 that we have and the importance of those issues.

11 MR. LaBOSSIERE: I just want to make sure  
12 that that -- You know, again the premise or the  
13 benchmark that we are dealing with, the perception is  
14 there. We tend to take it for granted.

15 CHAIRPERSON GRIFFIS: -- the point that  
16 the Board was trying to make. There is a security  
17 issue of a boarded-up house. The only issue we were  
18 trying to decide is what's the difference between a  
19 single family residence and a bed and breakfast. But  
20 I don't want to revisit that.

21 Ms. Miller, any follow-up?

22 VICE CHAIRPERSON MILLER: No, thank you.

23 CHAIRPERSON GRIFFIS: Any other questions  
24 from the Board? Excellent. Thank you very much.  
25 Appreciate it.

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1                   Let's move to cross-examination.    Mr.  
2 Collins, do you have cross? We can get you a chair  
3 and a mike.

4                   MR. COLLINS: I just have a few questions  
5 for the representative of the Greek Embassy.

6                   You testified that you had just found out  
7 about this hearing a few days ago, two to three days  
8 ago, you said. Is that correct?

9                   MR. ANGHELOPOLOUS: What I said is that I  
10 learned about this hearing a few days ago. I didn't  
11 say two, three days ago. A few days ago, meaning that  
12 it was around the 10 or something like that of  
13 December. But this is, as I said, a nature of  
14 procedural issue that I didn't want to draw the  
15 attention to determine, other than say that we were  
16 surprised when we came here and we saw that there were  
17 a lot of documents that were presented, and we were  
18 not aware of anything about that happening.

19                   MR. COLLINS: Okay.

20                   CHAIRPERSON GRIFFIS: So you became aware  
21 around the 10th of December.

22                   MR. COLLINS: So are you aware that  
23 someone from the Greek Embassy called the Office of  
24 Zoning about three weeks ago to discuss this case?

25                   MR. ANGHELOPOLOUS: As I said, it was

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1 around the beginning of December. Beginning of  
2 December.

3 MR. COLLINS: And you discussed the  
4 application -- not you, but someone from the Greek  
5 Embassy discussed the nature of the application, got  
6 the information from the Office of Zoning?

7 MR. ANGHELOPOLOUS: Sir, I said that we  
8 learned about this pretty recently, and as soon as we  
9 learned, we called to ask about details, what it  
10 implies, how we should be prepared, where were we  
11 going to learn information, and we were told that we  
12 should come here to this hearing and present whatever  
13 we have to present.

14 MR. COLLINS: And your letter to this  
15 Board was dated, I believe, December 30th?

16 MR. ANGHELOPOLOUS: Yes.

17 MR. COLLINS: So it took 20 days to get  
18 your letter together?

19 MR. ANGHELOPOLOUS: Sir, what happens is  
20 that, when we learn about this hearing taking place,  
21 we called and we asked the information about what is  
22 the procedural aspect.

23 So I don't think that we are familiar with  
24 all this procedural aspects, and once we learned that  
25 we could either hire a lawyer or perhaps send a

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1 letter, and this is what we did. We sent a letter,  
2 and I came myself here to present whatever opinions we  
3 have about this proposal and be heard by the Board.

4 Mr. Chairman, with your permission I would  
5 answer any questions that -- It is obvious that I am  
6 here as a witness concerning the substance of the  
7 thing, not the procedural aspects.

8 CHAIRPERSON GRIFFIS: Right. Thank you.

9 MR. COLLINS: In your letter, you  
10 testified -- and in your testimony which you read from  
11 your letter -- that you mentioned that Mr. Saba has  
12 caused, and continues to create considerable problems  
13 by not respecting the essential obligations he has as  
14 a neighbor.

15 Has the Embassy of Greece received any  
16 correspondence or complaints from neighbors regarding  
17 your construction?

18 MR. ANGHELOPOLOUS: I really do not see  
19 what is the issue here. We are --

20 MR. COLLINS: The issue is that you are  
21 complaining about Mr. and Mrs. Saba being not very  
22 good neighbors because of their construction. I am  
23 just simply asking you, has the Embassy received any  
24 complaints from neighbors regarding your construction?

25 CHAIRPERSON GRIFFIS: Good. I tend to

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1 agree, Mr. Collins. I don't see the real import or  
2 direct import.

3 MR. COLLINS: I think, Mr. Chair, with all  
4 due respect, it goes to the motivation here. We are  
5 not really clear. We have a witness who is throwing  
6 mud at the applicants here for not being good  
7 neighbors, with unsubstantiated allegations, which we  
8 will get to in rebuttal. But I think also in  
9 rebuttal, we would like to talk a little bit about the  
10 Greek Embassy and what level of response that they  
11 have to neighbors.

12 CHAIRPERSON GRIFFIS: Well, quickly then,  
13 answer: Of what material import would it be in the  
14 Board's deliberation to figure out whether there were  
15 50 or 50,000 complaints against the Greek Embassy?

16 MR. COLLINS: It goes to the credibility  
17 of the witness.

18 MR. ANGHELOPOLOUS: Mr. Chairman.

19 CHAIRPERSON GRIFFIS: Let me finish this  
20 first, and then we'll move on. Let me hear from the  
21 rest of the Board members, whether that would -- Well,  
22 Mr. Etherly.

23 BOARD MEMBER ETHERLY: I would agree, Mr.  
24 Chair, with what I think your direction would be here.

25 I understand where Mr. Collins wants to go, and I

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1 think we have had some indication from some of the  
2 oral testimony offered by other witnesses. Actually,  
3 I believe one of the written testimony did allude to  
4 concerns that had been expressed in the past about the  
5 Greek Embassy. But I would agree. I don't  
6 necessarily see the relevance of that line of  
7 questioning to the ultimate outcome here.

8 I think the point has been made, and can  
9 be taken for whatever it is worth. But I don't see a  
10 lot of utility in it.

11 CHAIRPERSON GRIFFIS: Right. I think we  
12 have enough. Well said, Mr. Etherly. Also, it is  
13 going to delve into Mr. Collins' construction aspects,  
14 which then, I think, quickly spiral down into issues  
15 that we would have little or no jurisdiction on. But  
16 the point is well made, and it is actually  
17 substantiated by a written testimony and some of the  
18 oral testimony that was provided today for comparison  
19 in our own deliberation. So let's move on to the next  
20 question, unless you had a question in terms of  
21 procedure.

22 MR. ANGHELOPOLOUS: I would only, with  
23 your permission, Mr. Chairman, say that I cannot  
24 accept my credibility being put to question. We had a  
25 --

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1 CHAIRPERSON GRIFFIS: Okay. But let me  
2 interrupt you.

3 MR. ANGHELOPOLOUS: -- Mr. Chairman, sent  
4 a letter and that was --

5 CHAIRPERSON GRIFFIS: Okay. I just --

6 MR. ANGHELOPOLOUS: -- a reply, and all  
7 these are on file, and they can be made available to  
8 your Board, Mr. Chairman.

9 CHAIRPERSON GRIFFIS: That's fine.  
10 Perhaps you didn't understand what I did, but I agreed  
11 with your objection, and we are moving on from that  
12 question. So I don't think we are going to need  
13 additional information on it.

14 Mr. Collins, next question.

15 MR. COLLINS: No more questions.

16 CHAIRPERSON GRIFFIS: Thank you. Nothing  
17 further, witnesses? That's it. Okay. Wow, all the  
18 witnesses want to come back. Think of that. We  
19 really got it exciting going here. Yes, last  
20 question. I'll give you the last word. Thank you  
21 both very much.

22 MR. ANGHELOPOLOUS: It is very brief.  
23 What happens with the remark of the distinguished  
24 gentleman about my credibility?

25 CHAIRPERSON GRIFFIS: What happens to the

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1 remark?

2 MR. ANGHELOPOLOUS: Yeah. When he said  
3 that he doesn't believe that -- I mean, my -- whatever  
4 I --

5 CHAIRPERSON GRIFFIS: He said it goes to  
6 the credibility, your credibility and your testimony.  
7 I didn't let the questioning continue.

8 MR. ANGHELOPOLOUS: So you dismiss this.

9 CHAIRPERSON GRIFFIS: Absolutely.

10 MR. ANGHELOPOLOUS: Thank you.

11 CHAIRPERSON GRIFFIS: Okay. Let's move  
12 on. Thank you all very much. Is there anyone else  
13 that has not provided testimony? I know it all gets  
14 exciting, and you have given testimony, and now you  
15 have great ideas and even further stuff that you want  
16 to present. But of course, in our procedure, and we  
17 follow that, we have heard from individuals, testimony  
18 in support, and now we have heard from those in  
19 opposition.

20 So we need to move on, if there aren't any  
21 others that haven't been provided that opportunity, to  
22 any closing and/or rebuttal.

23 Mr. Collins, do you need a couple of  
24 minutes to get organized? Yes? Oh, good, because I  
25 need a 10-minute recess.

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1 Fine. We will give you 10 minutes. I'm  
2 sorry, that's what I understood you to say. We'll  
3 give you 10 minutes, and then we will come back and we  
4 will do closings.

5 (Whereupon, the foregoing matter went off  
6 the record at 4:11 p.m. and went back on the record at  
7 4:30 p.m.)

8 CHAIRPERSON GRIFFIS: Very well. Let's  
9 resume. Mr. Collins, are you ready?

10 MR. COLLINS: Yes, sir.

11 CHAIRPERSON GRIFFIS: Are you calling  
12 rebuttal witnesses?

13 MR. COLLINS: Well, in rebuttal, yes. In  
14 rebuttal, I would like to address several things.  
15 First of all, the letters in the record: The Embassy  
16 of Kenya has filed a letter in the record that I am  
17 sure you are aware of. It is a very simple,  
18 straightforward letter which talks about -- It really  
19 just gives an unsubstantiated allegation that the  
20 Sabas' home occupation would pose a security threat.

21 I'd just like to ask Ms. Saba about that,  
22 when she received that letter, what did she do at that  
23 point?

24 MS. SABA: That letter, I think, was dated  
25 early in December.

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1 CHAIRPERSON GRIFFIS: The 22nd of  
2 November.

3 MS. SABA: Okay, late in November. It  
4 seemed to us to be a very simple and straightforward  
5 objection. So our thought was that, if we would go  
6 and introduce ourselves to the people at the Kenyan  
7 Embassy and speak to them about what it was that we  
8 wanted to accomplish, that we could perhaps clear this  
9 up.

10 So we were able to do that the week before  
11 Christmas. The Ambassador was out of town, but we met  
12 with one of the members of the legal staff and one of  
13 the First Counselors at the Embassy, and it was a  
14 very, very interesting and cordial meeting.

15 They were very sincerely concerned about  
16 things like surveillance of their property and whether  
17 or not something like that could happen, and we were  
18 able to give them answers that were satisfactory to  
19 the staff.

20 One of the answers that we gave relative  
21 to that particular point was that, you know, when you  
22 move into a hotel room, you can pretty much do what  
23 you want in it, you know, so long as what you are  
24 doing doesn't affect other guests in the hotel, and  
25 you can even put the little sign out on the door that

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1 says "Do Not Disturb" and look over Democratic  
2 headquarters, you know, like they did from the Howard  
3 Johnson across from the Watergate years ago, and no  
4 one really knows what's going on.

5 That really isn't possible in the kind of  
6 establishment that we run. It is not possible at  
7 Woodley. It is certainly not going to be possible in  
8 our private home that someone, just because they have  
9 paid money, can come in and make use of a room in  
10 anything other than a legitimate purpose of, you know,  
11 being a legitimate visitor with an arrival date, a  
12 departure date, a reason to be in Washington, you  
13 know, visit family, attend a conference, sightsee,  
14 whatever those legitimate reasons are. And to put a  
15 Do Not Disturb sign on the door and then, you know,  
16 surveil embassies or anything else -- we just don't  
17 allow it.

18 You know, we do room service every day. I  
19 mean, we know who is in the rooms. We know whether  
20 there is strange and unusual equipment in the rooms or  
21 strange and unusual activities in the rooms.

22 So we were able to address the concerns to  
23 the satisfaction of the staff at the Kenyan Embassy,  
24 and you know, obviously, the Ambassador who was out of  
25 town was, I guess, requested by the Greek Ambassador -

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1 - We became aware on the 28th of December that the  
2 Greek Embassy was calling around to the embassies  
3 asking for people to sign a letter that they had  
4 prepared in opposition.

5 So when the Kenyan Ambassador returned to  
6 town, I'm guessing that, you know, dates crossed, and  
7 he signed the letter. But we did a fairly extensive  
8 letter back to him. You know, if you would like a  
9 copy of that -- you know, what kind of a business we  
10 run, how it is that we operate our business. We gave a  
11 copy of that to the Kenyan Ambassador and also to the  
12 First Counselor that we had met with.

13 Our hope -- I would just like to say this,  
14 and I think I mentioned before that when we moved into  
15 Woodley, there were people who were concerned as to  
16 the kind of establishment we were going to run,  
17 because that property had also been derelict for a  
18 long time and had been very poorly managed in the time  
19 that it was open.

20 So there was really a lot of concern  
21 about, you know, who our guests would be and what kind  
22 of impact the operation would have on the  
23 neighborhood. I think, if we went back and polled our  
24 Woodley neighbors right now -- In fact, I absolutely  
25 know, if we went back and polled our Woodley neighbors

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1 right now, that they are supportive. completely and  
2 totally supportive, and they have found the guesthouse  
3 to be a very, very positive establishment in the  
4 neighborhood.

5 It is my hope and belief that the  
6 Embassies that are concerned about us will, over the  
7 course of years, you know, not only get used to our  
8 presence but indeed enjoy our presence and, you know,  
9 feel that they can interact with us as neighbors and  
10 that we can interact with them as neighbors. That is  
11 my -- I'm sorry they are concerned, but I really  
12 believe that the situation will change over the course  
13 of time.

14 CHAIRPERSON GRIFFIS: Okay. Understood.

15 MR. SABA: I am the person who actually  
16 followed up with the Kenyan Embassy after the letter  
17 was submitted, and the gentleman -- I'm sorry, I  
18 cannot pronounce his last name; it's complicated, but  
19 first name is James.

20 So I called James. I said, James, you  
21 know, we brought the letter outlining our conversation  
22 and what you requested and how we will address it and  
23 so on; have you received it? He said, yes; as a  
24 matter of fact, I received it and it addressed  
25 graciously all of our concerns.

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1           He said, I can only make recommendation to  
2 the Ambassador; I am only an employee. As far as I am  
3 concerned, you have addressed our concern, and thank  
4 you very much, and when the Ambassador comes back, he  
5 will hear our recommendation to pull the letter that  
6 he has sent you or send another letter.

7           I have the feeling the Ambassador coming  
8 back from vacation and receiving call from the Greek  
9 Ambassador and not really having the chance to speak  
10 to us crossed the line. But I am confident, if we  
11 were able to win over his legal secretary --

12           CHAIRPERSON GRIFFIS: Okay. Let's not get  
13 into a lot of speculation, because then we need to  
14 hear from everybody about their speculation.

15           MR. SABA: Sure.

16           CHAIRPERSON GRIFFIS: But you are  
17 submitting your letter into the record in terms of how  
18 you responded after your conversation. I think that  
19 would be important.

20           MR. COLLINS: Yes. That letter will be  
21 submitted into the record shortly.

22           CHAIRPERSON GRIFFIS: Good.

23           VICE CHAIRPERSON MILLER: Just one follow-  
24 up question here. I recall from your earlier  
25 testimony that you addressed the question of security

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1 with respect to your own concerns, that you only take  
2 in guests that you feel comfortable about. I know  
3 that you addressed to a certain extent how you screen  
4 your guests. But I was wondering if you could just  
5 clarify, because I think that that is an important  
6 factor, that you are screening for security to begin  
7 with, and if I could just have an understanding of  
8 what you do, I think that relates to security in  
9 general.

10 MS. SABA: Well, I'm not sure that what  
11 you would say is we screen for security. I mean, we  
12 certainly don't --

13 VICE CHAIRPERSON MILLER: I know you don't  
14 do security checks.

15 MS. SABA: Right. We don't. But the rule  
16 on a bed and breakfast is the rule that we established  
17 a long time ago at the desk of the Guesthouse,  
18 particularly given the history of that establishment,  
19 which had at one point even been a bit of a flophouse,  
20 is that we only deal with legitimate guests.

21 You know, a legitimate guest has a check-  
22 in date and a check-out date and a reason for being in  
23 Washington. So someone calls me and says, you know, I  
24 am interested in a room, checking in on the 21st of  
25 January and checking out on the 27th, and I will chat

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1 with them. "Oh, really, you know, you are coming in  
2 for a conference?" And they will generally say, no, I  
3 am coming to visit my daughter how lives down the  
4 street.

5 VICE CHAIRPERSON MILLER: I remember that  
6 now, and I don't want to cut too much into time. I  
7 think you also said your other guests came from  
8 neighbors who had visiting relatives.

9 MS. SABA: Very many.

10 VICE CHAIRPERSON MILLER: And also, I  
11 guess you deal with certain travel establishments.  
12 Okay.

13 MR. COLLINS: With respect to the letter  
14 from the Greek Embassy that was dated December 30th  
15 and submitted to the record here yesterday, you've had  
16 a chance to review that letter, both of you?

17 Let me just take you through the  
18 paragraphs and ask for your response on some of those.

19 This letter was essentially the testimony of the  
20 Deputy Chief of Mission when he spoke today.

21 In the letter he states that -- and  
22 assessment -- he states that the proposed use would  
23 erode the genuine character of the neighborhood, which  
24 is one of high architectural caliber and historic  
25 value.

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1                   Let me ask you about your building. Your  
2 building is -- You are restoring your building?

3                   MS. SABA: It's a beautiful --

4                   MR. SABA: Yes, sir. May I explain?

5                   MR. COLLINS: Please.

6                   MR. SABA: Okay. The building had a fire  
7 30-40 years ago. The entire rafters, roof, you know,  
8 is desperate replacement, which we are doing right now  
9 as we are speaking. The back of the house -- the wall  
10 was dilapidated, because water went in, snow froze,  
11 and so on, just cracks everywhere.

12                   Boarded up -- I have pictures in here, and  
13 we are restoring it with every step approval of the  
14 Historic Preservation body.

15                   MR. COLLINS: Thank you. In that same  
16 paragraph and in his testimony, he stated that the  
17 exceptional will create a precedent of area properties  
18 being used for commercial purposes.

19                   Are you aware of the letter? Have you  
20 seen the letter, the letter that was written by the  
21 Deputy Director of the Office of Planning to the ANC?

22                   MS. SABA: We have. We have seen that.  
23 We are aware of it. You know, what we are here for  
24 today, which you all certainly know even better than  
25 we do, is an exception for a home occupation which we

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1 are applying for because we are residentially zoned,  
2 and this is only allowed in a residential use.

3 So there isn't any commercial concern  
4 here. You know, there is no commercial zoning. There  
5 is no underlying change in the zoning regulation.

6 MR. SABA: There is no restaurant. There  
7 is no liquor license. There isn't any special event.

8 MR. COLLINS: Okay.

9 MS. SABA: And this is perhaps important  
10 just to emphasize this in terms of some of the other  
11 bed and breakfasts, because they sort of survive on  
12 their special event business. We are not going to do  
13 special events. We have been very, very clear about  
14 that. We don't do them at Woodley. We certainly will  
15 not do them at R Street.

16 So even in terms of precedent, which I  
17 know the neighborhood mentioned, you know, a bed and  
18 breakfast of this size that doesn't do special events  
19 is certainly not economically as attractive a  
20 proposition as one that does. It's a major profit  
21 factor, and we are forgoing that, because that's just  
22 not -- That's not the business we are in. We are not  
23 special events people.

24 MR. COLLINS: That letter from the Office  
25 of Planning -- that concluded that a bed and breakfast

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1 is a residential use?

2 MS. SABA: It did.

3 MR. COLLINS: Okay. In that same letter,  
4 the next paragraph down, and in his testimony, the  
5 gentleman spoke of the fact that the granting of the  
6 exception would cause significant disturbance by  
7 greatly increasing the flow of traffic, and in that  
8 same vein, further aggravating the existing illegal  
9 parking problems and congestion that we face on a  
10 daily basis, often caused by visitors to nearby  
11 consulates.

12 Your testimony about the traffic -- can  
13 you just summarize very quickly the level of traffic  
14 that you anticipate comings and goings by your guests?

15 MS. SABA: Well --

16 MR. COLLINS: If I can just qualify that:  
17 Given the fact that, I believe, your testimony that  
18 you adopted was that the average stay is about three  
19 to four days.

20 MS. SABA: Right. Right. At Woodley  
21 right now we don't have, I think, eight vehicular  
22 trips a day, and I've got 18 rooms, many more rooms,  
23 and I don't exceed the statutory limit with a much  
24 larger establishment. I don't expect to come close to  
25 the statutory limit on a daily basis.

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1           You know, eight trips a day is the one  
2 that is in your guidelines. So I do not exceed that  
3 now at Woodley with many, many more rooms, and I  
4 certainly don't expect to hit that number at all.

5           My guests will stay three to four days a  
6 piece, which mean every day a couple check in, a  
7 couple check out. I would like to disagree with our  
8 previous witnesses, that the Metro at Dupont Circle  
9 is not within walking distance. It is certainly  
10 within walking distance. It is about an eight-minute  
11 walk, and you know, many, many, many people walk  
12 longer than that on a daily basis to get to Metro  
13 stops.

14           Since many of our guests are European, for  
15 them to walk, you know, down to the Mall and back is  
16 just absolutely no problem at all. So --

17           CHAIRPERSON GRIFFIS:     With all their  
18 luggage?

19           MS. SABA:    Oh, sure, and they take it on  
20 the --

21           CHAIRPERSON GRIFFIS:     Hardy Europeans.  
22 It's the northern variety. Nothing, go ahead.

23           MS. SABA:    No, it's not a problem, an  
24 eight-minute walk to the Metro.

25           CHAIRPERSON GRIFFIS:     Good.

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1           MR. SABA: I would like to address the  
2 issue of the delivery, Mr. Chairman. I am at the  
3 property every day, all day long. I can assure you,  
4 and I am willing to swear under oath, the highest  
5 delivery to date that has taken place is for the  
6 Embassy that is opposing us. And guess where they  
7 park? They block our garage. The liquor deliveries,  
8 the caterer delivery, the paper delivery --  
9 everything. They don't go through the alley. They  
10 park right in front of our garage.

11           CHAIRPERSON GRIFFIS: Not only are you  
12 willing, you just did say it under oath. Okay. Next?

13           MR. COLLINS: Thank you. In that same  
14 paragraph there was allegations that your use would  
15 create noise and odors. Any thought about that?

16           MS. SABA: No. We certainly will not --  
17 I'm not sure what the comment about odors is. I don't  
18 even want to go there. But in terms of noise, no,  
19 certainly not. You know, our guests are not noisy.  
20 The establishment we run is a very, very quiet one.

21           As I said, we have had absolutely no  
22 objection from our neighbors in the Woodley area on  
23 any of those issues and, if there were any problem,  
24 they certainly would have objected. But the house is  
25 a very, very quiet house.

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1 MR. COLLINS: And the fact that you will  
2 not have activities or sponsor events --

3 MS. SABA: No special events, no. It's a  
4 very quiet house.

5 MR. COLLINS: The next paragraph discusses  
6 the primary concern, which was stated to be the safety  
7 of the embassies which are adjacent to or in the  
8 immediate vicinity of the property.

9 You are both familiar with this  
10 neighborhood, having been working in this house for  
11 quite sometime. There are numerous embassies and  
12 chanceries in the area?

13 MS. SABA: Yes.

14 MR. COLLINS: Are there buildings-- Is it  
15 the typical pattern that buildings are in close  
16 proximity to each other in this neighborhood?

17 MS. SABA: Oh, yes, definitely.

18 MR. COLLINS: Would it be unusual to have  
19 windows of one property facing onto an adjacent  
20 property in this neighborhood?

21 MS. SABA: No. Probably every property  
22 has windows from some other use facing them.

23 MR. COLLINS: And this neighborhood is  
24 comprised of chanceries, embassies, and private  
25 residences and other uses as well?

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1 MS. SABA: Yes, and I think, in fact, that  
2 -- you know, the hotels that were mentioned have  
3 embassies that are right next-door to them, the hotels  
4 that were mentioned by the representative of the Greek  
5 Embassy. Both of those hotels, I believe, have major  
6 embassies situated right next-door to them.

7 So the fact that embassies are in areas  
8 where the use is mixed exists throughout the embassy  
9 district, and whether it is residential windows or  
10 some other kind of windows overlooking properties, you  
11 know, all of these homes look onto other properties.

12 MR. SABA: And the street that is north to  
13 R is Decatur, and the topography of Decatur is way  
14 higher than R Street, and the homes there, if you  
15 drive almost any day, there are properties for rent.  
16 If somebody intended any harm, you can rent any of  
17 these homes, and you are looking at a series of  
18 embassies underneath you.

19 MR. COLLINS: Have you had occasion to  
20 discuss security issues with the uniformed Secret  
21 Service that patrols R Street?

22 MR. SABA: Yes, sir. I personally have  
23 discussed it with them, because I get to know them  
24 all. They are interested in construction and  
25 renovation, and they were pretty shocked, to put it

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1 mildly, that there is a threat in the neighborhood.  
2 They are the first one -- You will see more than one  
3 patrol car for two, three days.

4 MS. SABA: I think they were pretty  
5 shocked that anyone was objecting to our application  
6 based on security grounds, that the cars that patrol  
7 the neighborhood all the time, you know, basically  
8 said it's a fairly low security environment around  
9 those embassies, that unlike some of the other  
10 embassies with setbacks and fences -- you know, they  
11 are just more troublesome, that are more targets, that  
12 the embassies in our area were not particularly  
13 targeted and they had had no security --

14 CHAIRPERSON GRIFFIS: Okay, I don't want  
15 to go too far into speculation or somewhat hearsay on  
16 talking to a uniformed Secret Service officer on the  
17 street. Is that what --

18 MR. COLLINS: Yes, that's correct. The  
19 rules of evidence don't apply. So --

20 CHAIRPERSON GRIFFIS: I know. I know. I  
21 think we gleaned the idea. I mean, you had a  
22 conversation. They said, hey, this is the best beat  
23 in town, nothing happens. Okay.

24 MR. SABA: Thank you.

25 MR. COLLINS: Well, Mr. Chair, just to

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1 clarify and just very briefly, just so I am clear.  
2 The conversation that you are recounting was with a  
3 uniformed officer in a patrol vehicle.

4 MR. SABA: The Executive Protection  
5 Service.

6 MR. COLLINS: Okay. But it was with an  
7 officer who was familiar with that area, and you just  
8 happened to stop the officer on the street?

9 MR. SABA: Yes, sir.

10 MR. COLLINS: Okay, thank you. You are  
11 familiar generally with the Greek Embassy next-door  
12 and the construction project going on there?

13 MR. SABA: Yes, sir.

14 MR. COLLINS: And the security that they  
15 have around their existing facility?

16 MR. SABA: We have been there now for 15  
17 months, and never seen any security whatsoever around  
18 their construction site. As a matter of fact, the  
19 fence that they had was always open. On weekends and  
20 evenings, there are no lights. There are no patrols,  
21 you know, private security or anything like that.

22 MR. COLLINS: The final paragraph in that  
23 letter on the first page states that "the owner of  
24 said property, Mr. Raymond Saba, has caused and  
25 continues to create considerable problems by not

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1 respecting the essential obligations he has as a  
2 neighbor, in particular by violating the property  
3 boundaries of the adjacent Embassy of Greece."

4 Mr. Saba, you have some information about  
5 that statement you would like to share?

6 MR. SABA: Yes, sir. I met with the  
7 person from the Greek Embassy, the gentleman, the  
8 Minister, in the back of our property with their  
9 architect of the new headquarters and Mr. Psepterris  
10 Apostopolous around a year ago.

11 I introduced myself, and I said our intent  
12 is to move in here, renovate it, and open a B&B. A  
13 year ago, they were aware we were going to open a B&B,  
14 before it went into the ANC and so on.

15 The fence that was there was broken,  
16 dilapidated, and I told them I would like to remove  
17 it, and I proceeded on removing it, because we were  
18 doing some work patching in the back of it, and I did  
19 not put it back. And they said, you need to put it  
20 back.

21 I met with their architect. We put it to  
22 where their architect said to put it. They came back,  
23 and they said this is not the property line. I hired  
24 the surveyor, and I personally paid for the surveyor.

25 He came, marked the line, and we put the same old

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1 fence back, and I have the pictures in here to show  
2 that.

3 MS. SABA: There will at some point be a  
4 beautiful, permanent fence in the back. In fact, it  
5 won't be a fence. We are hoping to be able to put a  
6 masonry wall and a small garden in the back. The  
7 property, as I guess you can see from the pictures,  
8 you know, essentially sits on a concrete pad.

9 It has a tiny, tiny little bit of angular  
10 space in the back and a little bit of space in the  
11 front where we would like to put a garden, but  
12 essentially it has no grounds at all, and our  
13 proposal, when it goes to Historic, for the front of  
14 the house will also include a proposal to put a  
15 masonry wall in the back of the property and to  
16 enclose a small private garden.

17 MR. COLLINS: Are you at current -- at  
18 present, allowing any embassy personnel to park in  
19 your driveway?

20 MR. SABA: Yes.

21 MR. COLLINS: Which embassy is that?

22 MR. SABA: We have had Greek Embassy park  
23 in our driveway. We have had Guatemalans. We have  
24 had Armenia. We have had Myanmar, which is right  
25 across the street from us.

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1           MR. COLLINS:    But one of them was the  
2 Greek Embassy?

3           MR. SABA:    Yes, sir.

4           MR. COLLINS:   All right.  Let me ask you,  
5 do you know of any reason why the Greek Embassy would  
6 want to defeat your application?

7           MR. SABA:    When we originally bought the  
8 property, the broker representing the seller -- he  
9 knew our business in Woodley, and I told him we would  
10 like to open a B&B, because this is very large  
11 structure.  We could not just simply move in there.

12           He said, if the neighborhood ANC does not  
13 allow you, you are not risking anything, because the  
14 Greek Embassy would buy your property.  I am quoting  
15 him.

16           I have had a couple of conversations with  
17 other people.  I feel that, if you covet the property,  
18 you come and make an offer.  You don't oppose us on  
19 allegations.

20           MR. COLLINS:   Thank you.  That ends my  
21 rebuttal.  In closing, I would like to make a couple  
22 of points.

23           This building has been vacant for 15  
24 years.  It has a unique history.  There has been no  
25 other use in the neighborhood.  That was a dormitory

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1 for any embassy for the past 15 years or 50 years, 40  
2 or 50 years, and vacant for a 15-year period.

3 This application has the support of the  
4 ANC, and that supports is entitled to great weight.  
5 There is a petition of 55 residents in the community.

6 Let me ask one more question about the  
7 petition, if I may, and ask Ms. Saba to address the  
8 New York City resident who is on the petition.

9 MS. SABA: There was --

10 MR. COLLINS: Who is this New York person?

11 MS. SABA: It was someone walking through  
12 who was with other people who signed, and there were  
13 people who signed and --

14 MR. SABA: They were visiting the  
15 neighborhood.

16 MS. SABA: He wanted to sign as well,  
17 because he thought it was a great idea.

18 MR. SABA: But if you please notice on  
19 that petition, I made sure that the phone number of  
20 every individual was listed. In the event that there  
21 was any issue we could compare that.

22 CHAIRPERSON GRIFFIS: I understand.

23 MR. SABA: Thank you very much.

24 MR. COLLINS: We have the petition. We  
25 have several letters of support. There is testimony

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1 in support. We have the two letters of opposition,  
2 one from Kenya, the unsubstantiated allegation of a  
3 security threat. It was just a bold statement,  
4 nothing more. Then we have the letter that was signed  
5 by four Ambassadors and submitted by the Greek Embassy  
6 and testified to by the Greek Embassy.

7 They allege a number of things. Security  
8 -- I would say that, if anyone has an interest in  
9 security, it would be the Sabas, the owners of the  
10 property. They are going to live there. They as  
11 owners of the property have probably the greatest  
12 concern for security, and they are going to do, as  
13 they have testified, their utmost to make sure that  
14 the place is safe and secure for themselves and the  
15 way that they operate. It will be secure for others  
16 as well.

17 The Greek Embassy is essentially asking  
18 that the B&B be prohibited from locating next to this  
19 embassy and the other three that signed on. There is  
20 no basis in the zoning regulations to prohibit  
21 embassies -- bed and breakfasts from locating adjacent  
22 to embassies. It just simply isn't in the  
23 regulations.

24 It is an interesting turn of events,  
25 though, and I think some of the Board members

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1 commented on the fact that the embassy is claiming  
2 that an adjacent private property causing a security  
3 threat was kind of an unusual claim.

4 If the Greek Embassy's testimony is to be  
5 taken to its logical extreme, then for instance, the  
6 Indian Embassy which is next to the Phillips  
7 Collection and the Cosmos Club ought to be real  
8 concerned. The Portuguese Embassy, which is across  
9 the street from the Hilton Hotel, ought to be real  
10 concerned.

11 I can go on and on. Every embassy that is  
12 located in a commercial office building -- and there  
13 are numerous -- should be concerned. These  
14 allegations, I submit, are without substantial basis.

15 The fact is that anyone can walk into  
16 almost any embassy in Washington. Doors are open.  
17 They are open for business. That's what they do.  
18 They represent their country to the United States.  
19 They have consular functions. They have visa  
20 functions. They have the front door of the embassy  
21 where you can go to visit and pick up pamphlets, and  
22 your son or daughter can do their report on, you know,  
23 whatever country. They can go pick up documents.  
24 Deliveries can be made.

25 So to say that a property across the

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1 street or across or behind a building is something  
2 that the Board ought to take a real hard look at in  
3 terms of security, I submit, is really not this  
4 Board's jurisdiction.

5 They have raised the question to the State  
6 Department, and they have not received a response from  
7 the State Department. That letter was just received  
8 by the Office of Foreign Missions yesterday, and they  
9 referred it out to Diplomatic Security. So they will  
10 get a response at some point, but I don't believe that  
11 this Board ought to take that role on.

12 You have heard two very different  
13 impressions of the Sabas, one from the residents of  
14 the community, the immediate area, and another from  
15 the Greek Embassy. I leave it to you to decide which  
16 is the version that you would believe.

17 The Sheridan-Kalorama Neighborhood Council  
18 -- I'm sorry. Before I go on, the Office of Planning  
19 submitted a very fine report, very well documented, as  
20 usual. I mean that sincerely.

21 Our view is that the Board needs to take  
22 the regulations as they are written, and the Board  
23 made that deliberation last summer in the Monique  
24 Greenwood case and went through and looked at the  
25 legislative history and analyzed it. And this Board

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1 is the final arbiter of that decision. Well, you made  
2 that decision. We followed that roadmap. That's how  
3 we applied.

4 Having said that, you know, Mr. McGettigan  
5 and the Office of Planning went the next step and not  
6 only did they say that, in their view, a use variance  
7 was required, but they went and did the analysis and  
8 found that it met the criteria.

9 So you know, I don't want to be too  
10 cavalier by saying we don't care which outcome it is,  
11 because we do. I think the process is important. But  
12 I do commend Mr. McGettigan and the Office of Planning  
13 for taking that extra step, and thank them for putting  
14 that into the record, frankly.

15 So on to the -- The Sheridan-Kalorama  
16 Neighborhood Council toward the end of their testimony  
17 made -- Their issue, their concern, major concern, was  
18 precedent. But I would say that each case is really  
19 to be evaluated on its own merits.

20 This case has a unique history. This  
21 property has a unique history. This is a unique  
22 situation here. This is a bed and breakfast, which is  
23 unlike many other bed and breakfasts, which is not  
24 going to have ancillary functions associated with it.

25 It is going to be guests rooms. It is going to be

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1 breakfast in a home setting.

2           The Office of Planning's letter to the  
3 Advisory Neighborhood Commission also, I believe,  
4 addresses what is a concern that the SKNC had when  
5 they started talking at the end about that this case  
6 is related to a case that they have pending before the  
7 Zoning Commission on the diplomatic overlay and  
8 whether a square is to be considered as in the  
9 diplomatic overlay or not based upon a test of one-  
10 third office or institutional use and two-thirds  
11 residential.

12           They said that, in their view, they did  
13 the analysis, and this square was more than two-thirds  
14 residential. That's fine with us. We don't care.  
15 The Office of Planning has determined in a letter to  
16 the ANC and assured them that this application will  
17 not change the zoning of the property, that the  
18 application is for a residential use and, if this  
19 application is approved, that the use will be  
20 considered a residential use.

21           That should satisfy the precedent issue  
22 that the Sheridan-Kalorama Neighborhood Council has.

23           They haven't opposed a six-room bed and  
24 breakfast. They haven't even opposed a 10-room bed  
25 and breakfast. They have simply talked about the

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1 process and their concern about precedent. They have  
2 six people who took a position, that they testified  
3 before you today. We have petitions of 55 people.  
4 Take out the New York City resident, we have 54  
5 people, and several other letters of support as well.

6 I believe that that is sufficient. So for  
7 all these reasons, members of the Board, we believe  
8 that -- Oh, and the test, the test to be met here --  
9 There is a test here. The fact that, if it is a  
10 special exception, not a use variance, that you talked  
11 about a higher test being applied for in a use  
12 variance.

13 A special exception has a test. It is the  
14 two-part test. It is in Section 203.10(b) which says  
15 that it is supposed to be consistent with the spirit  
16 and intent of the regulations, and then the special  
17 exception provision, Section 3104. We believe that  
18 those tests have been met with this application.

19 Would an application for a 30-room B&B be  
20 able to meet that test? Probably not. For a 20-room  
21 B&B? Probably not. We are proposing a 10-room B&B in  
22 a very large house that can accommodate very  
23 comfortable 10 guestrooms, and a very empty  
24 neighborhood.

25 So for all those reasons, we respectfully

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1 request that you approve our application. Thank you  
2 very much.

1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 (5:00 p.m.)

3 CHAIRPERSON GRIFFIS: Good. Thank you  
4 very much, Mr. Collins. That would conclude your case  
5 presentation. Is that correct?

6 MR. COLLINS: Yes, sir.

7 CHAIRPERSON GRIFFIS: Excellent. Okay.  
8 Any follow-up questions from the Board,  
9 clarifications, in which case I'd like to set this for  
10 decision making.

11 I think, out of deference to the issue  
12 that was brought up in terms of the State Department,  
13 I am going to keep the record open for any sort of  
14 filing that they may have.

15 Mr. Collins, you brought up in your  
16 closing that there was a letter of some sort that went  
17 -- Is that correct?

18 MR. COLLINS: My understanding is that the  
19 letter that they wrote to you, they wrote the  
20 identical letter to the State Department.

21 CHAIRPERSON GRIFFIS: Okay. I thought I  
22 understood you to say that there was a response but  
23 not from the State Department.

24 MR. COLLINS: No, there is no response.

25 CHAIRPERSON GRIFFIS: I see. Okay. So

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1 that letter has gone in. Yes, Mr. Etherly? Oh, I'm  
2 sorry.

3 Okay. There is one other request, of  
4 course, from the Sheridan-Kalorama Citizens  
5 Association -- or rather the Sheridan-Kalorama  
6 Neighborhood Council -- forgive me. It is an  
7 important request, but it is to keep the record open  
8 in terms of submitting new evidence in the case.

9 Under a scenario in which they would have  
10 come in as a party to the case, I think we would have  
11 entertained that. I don't see the importance -- I'll  
12 hear from other Board members on this. In terms of  
13 processing this special exception of which we have  
14 proceeded with our past analysis and our current  
15 analysis that this is a special exception, I don't see  
16 how we would keep the record open for new evidence to  
17 be submitted by the Neighborhood Council at this time.

18 I'll leave it open for others to comment  
19 on that, while I ask Ms. Bailey and Mr. Moy to pick a  
20 date for decision making. I would suggest that we  
21 leave the record open for 10 business days for  
22 response from the State Department. That would be two  
23 weeks' calendar time.

24 We would allow the applicant to respond to  
25 that if they so require. We could give a week for

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1 that, which set this for decision making the first  
2 meeting in February. Mr. Collins, comment on that  
3 schedule?

4 MR. COLLINS: If the State Department does  
5 not respond within the time allotted, do we just  
6 proceed?

7 CHAIRPERSON GRIFFIS: Yes. We move on.

8 MR. COLLINS: And I'm sorry, can you give  
9 me those dates again?

10 CHAIRPERSON GRIFFIS: Counting back --  
11 Well, let's count forward. Two weeks for the State  
12 Department, one week for response, any submissions  
13 relevant to that, and then decision making. So two  
14 weeks from today's date is?

15 MS. BAILEY: January 18th.

16 CHAIRPERSON GRIFFIS: January 18th.

17 MS. BAILEY: And then response by the  
18 applicant January 25th, and then the decision on  
19 February 1st.

20 CHAIRPERSON GRIFFIS: Understood?

21 MR. COLLINS: Yes. Thank you.

22 CHAIRPERSON GRIFFIS: Okay. Any  
23 questions, clarification on that in terms of process?  
24 Any other that testified have a question in terms of  
25 process or procedure in this matter?

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1           Very well, the record is open for two  
2 items. One is the response to a letter that we  
3 anticipate. At least we are keeping the record open  
4 for that response.

5           If there is nothing further then, we can  
6 close the hearing on this case. Thank you.

7           MR. COLLINS: Excuse me. The record is  
8 open for two items? Oh, their letter and the then  
9 response? Thank you.

10           CHAIRPERSON GRIFFIS: One, your response  
11 to the State Department's letter. Those are the only  
12 two items.

13           MR. COLLINS: Thank you.

14           MS. SABA: We would just like to say, you  
15 know, thank you. We've never done this procedure  
16 either. This was new for us, and just thank you all  
17 very much. It's been enjoyable. I mean, it's been  
18 really nice to see what this looks like, what this  
19 procedure looks like. I just want to thank you.

20           CHAIRPERSON GRIFFIS: I'll remind you, you  
21 are under oath when you say those things. Okay.

22           There was -- and just for fairness, but is  
23 there a comment from the citizens group, the  
24 Neighborhood Council? I'm sorry, you raised your hand  
25 as if -- Oh, got you. So I clarified that.

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1       Excellent.

2                   I think everyone is clear then.       Of  
3       course, at our decision making, that would be the  
4       record would be full and complete. We will go into  
5       decision making at that time. It won't be any other  
6       opportunity for testimony to be provided.

7                   That being said, thank you all very much.

8       Appreciate your being down here this afternoon and  
9       giving all the information that we have.

10                   Ms. Bailey, Mr. Moy, is there any other  
11       further work for the Board this afternoon?

12                   MS. BAILEY: No, Mr. Chairman. Have a  
13       good evening.

14                   CHAIRPERSON GRIFFIS: Thank you very much.  
15       Have a great evening yourself.

16                   We will then conclude the afternoon  
17       session of the 4th of January 2005.

18                   (Whereupon, the foregoing matter went off  
19       the record at 5:10 p.m.)

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