

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

JANUARY 5, 2000

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The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
JERRY H. GILREATH	Board Member
REGINALD W. GRIFFITH	Chancery Member
ROBERT N. SOCKWELL	Board Member

COMMISSION STAFF PRESENT:

Sheri Pruitt, Secretary, BZA
Beverly Bailey, Office of Zoning
Paul Hart, Office of Zoning
John Nyarku, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Mary Vogle, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Marie Sansone, Esq.

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

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P R O C E E D I N G S

Time: 9:30 a.m.

CHAIRPERSON REID: Good morning. This hearing will please come to order.

Ladies and gentlemen, this is the January 5th Public Hearing of the Foreign Missions Board of the Board of Zoning Adjustment of the District of Columbia.

I am Sheila Cross Reid, the Chairperson. Joining me today are Robert N. Sockwell and Reginald Griffith representing the National Capital Planning Commission, and representing the National Park Service, John G. Parsons.

Copies of today's hearing agenda are available to you. They are located to my left near the door. Please be aware that this proceeding is recorded electronically. So we must ask you to refrain from any disruptive noises or actions in the hearing room.

If you desire to give any information to the Board, do not speak from the audience, but rather come forward to a microphone. State your name and home address, and proceed to make your wish known.

I'm sorry. I'm reading this information
for the hearing. This is a meeting. Sorry.

We will open up discussion for deliberation
on the Embassy of Benin.

1 MS. PRUITT: Good morning, Madam Chair.
2 The first case on your agenda to be decided is
3 Application 16519, Adel Partnership on behalf of The
4 Embassy of the Republic of Benin, pursuant to Section
5 206(b) of the Foreign Missions Act and Subsection
6 1001.1 of the Zoning Regulations to permit the location
7 of a chancery in a D/R-1-B District at 2124 Kalorama
8 Avenue, N.W. (Square 2527, Lot 835).

9 The hearing date was December 8th. The
10 Board left the record open until December 16 to allow
11 residents the opportunity to submit, who did not
12 receive -- who believe they were entitled to but did
13 not receive notice to submit information. The
14 applicants' responses were due by December 23, and
15 proposed findings were due by December 30.

16 Before you, you have testimony from six
17 people who believe that they should have been allowed
18 to submit to the record, a response by applicant for
19 Mr. Kaplan, and a proposed findings of fact and
20 conclusions by the applicant.

21 CHAIRPERSON REID: Thank you. Yes, with
22 regard to the submissions that came in, because of the
23 ambiguity that occurred when we had the hearing in
24 regard to who could submit materials after the hearing,
25 we have allowed the letters to come in for those who

1 had standing.

2 Then there was one letter that was not
3 within 200 feet of the subject property, and that one
4 was not allowed in, but all the other ones became a
5 part of the record.

6 Okay, Board members, discussion?

7 BOARD MEMBER GRIFFITH: Madam Chair, let
8 me, at least for the record, state that I was not hear
9 at the last meeting, but I have read every word of the
10 record and considered everything.

11 CHAIRPERSON REID: Okay. All right, Board
12 members, I would move approval of this application.
13 I'd like to for the record state that in the Foreign
14 Missions BZA the criteria that we use is a bit
15 different from what we use for special exceptions and
16 variances, and in this instance we basically have to
17 use the D.C. Code, Section 4306, in regard to location
18 of foreign missions in the District of Columbia, and
19 there are six criteria that we have to utilize only.

20 Three of them are Federal, and the other
21 three are local. Just to kind of summarize that for
22 you, they are: the international obligation of the
23 United States to facilitate the provision of adequate
24 and secure facilities for foreign missions in the
25 nation's capital, and then historic preservation.

1 Number 3 is the adequacy of off-street parking or
2 other parking, and extent to which the area will be
3 served by the public transportation to reduce parking
4 requirements.

5 Number 4, the extent to which the area is
6 capable of being adequately protected as determined by
7 the Secretary of State.

8 Five is the municipal interest as
9 determined by the Mayor of the District of Columbia,
10 and then in the Federal interest as determined by the
11 Secretary.

12 I felt that there were several issues that
13 were raised by the community, and those issues were
14 addressed, in my opinion, in an agreement with
15 Ambassador -- excuse my pronunciation -- Tonkouin of
16 the Embassy of the Republic of Benin that was a result
17 of the meeting that they had with the community.

18 In this meeting they discussed issues. In
19 response to the issues, the embassy proffered that they
20 would then make their best efforts to try to address
21 the issue in regard to the appearance of the premises
22 in the neighborhood, landscaping, maintenance of
23 interior lighting, etcetera.

24 They also discussed in the agreement that
25 there would be no on-street parking and that they had

1 not requested diplomatic parking privileges. They
2 would not hold social functions at the premises, and
3 that they would hire a caretaker who would reside at
4 the property at all times to look after the property.

5 In addition, they were going to hire a
6 property manager who would make sure the property was
7 maintained. There would be no exterior security
8 cameras visible from the outside, and no intrusive
9 telecommunications equipment would be visible.

10 I felt that, based upon what had been
11 raised as issues from the community, the embassy had
12 demonstrated that they were willing to and, in fact,
13 agreed to promise that they would take necessary steps
14 to mitigate any adverse impact.

15 They also stipulated that there would only
16 be four cars parked in the driveway, seven staff
17 people, five of which could use public transportation,
18 and that they agreed to relocate the flagpole in the
19 yard.

20 So based upon that, I felt that this
21 application should not be disapproved. Is there --

22 BOARD MEMBER PARSONS: Madam Chairman, I
23 would second your motion and concur with all of your
24 remarks; but at the same time, recognizing that we have
25 a community with deep concerns over its future and some

1 of their existing neighbors, the current regulations
2 give us no other choice in this matter, as I see it, in
3 that this is in a diplomatic overlay area, and there is
4 no cap, as the citizens have suggested that 40 percent
5 is enough.

6 The cap is simply one-third nonresidential
7 or diplomatic use to qualify for this zone. At the
8 same time, I'm aware that the Planning Commission is
9 about to undertake another look at the Federal element
10 of the comprehensive plan dealing with foreign
11 missions, and I will propose later that we send a
12 letter to the Planning Commission asking them to take
13 another look at the concept of the 33 percent and
14 percentages in general.

15 I think that's the only option that this
16 Board may have, is to urge a relook at that. But I
17 would not make that as part of this motion, but rather
18 want to follow this action with that.

19 CHAIRPERSON REID: Okay, Mr. Sockwell.

20 BOARD MEMBER SOCKWELL: Recognizing the
21 fact that the community's interests are very important
22 in that the stable community is a very important aspect
23 of any environment, and that is that the neighbors are
24 comfortable with their neighbors, whatever those
25 neighbors are participating in with regard to their own

1 property, in the case of the country of Benin there's
2 been a lot of dissatisfaction raised with regard to
3 other chanceries within the community along with the
4 fact that chanceries are not the most desirable use as
5 perceived by the neighbors immediately surrounding
6 them.

7 What I believe has become part of the issue
8 is the fact that the other chanceries may not have
9 properly maintained, improved or operated their
10 facilities, trying to be in concert with or at least
11 not in opposition to the norms of the neighborhood and
12 its lifestyles.

13 It is very important that any chancery, any
14 neighbor, be very concerned not just about his or her
15 own use of property but about the impacts of that use
16 on everyone surrounding them.

17 As I stated in the previous hearing, the
18 government of Benin is establishing, as would any
19 government -- the government of Macedonia and others --
20 have to establish within these outreach locations
21 missions an image of the country itself. It is very
22 important to me that that image be preserved,
23 maintained, improved, transmitted to those of us who
24 are the Americans, in this case, living around this
25 mission.

1 Such a mission cannot take upon itself the
2 independent stance of not paying attention beyond the
3 inside of the walls. That operation, wherever it may
4 be in any far-flung regions of the world, should be
5 that which -- by which we judge Benin as a government,
6 knowing nothing more about them than that they maintain
7 dignity and quality, preserve the neighborhood
8 environment, and conduct themselves in the absolutely
9 least reproachable manner.

10 They have to operate beyond reproach. The
11 Department of State is not just a watchdog agency to
12 work with and try to mediate disputes between missions
13 and communities. The Department of State should not
14 even have to be called in to police.

15 I believe that, if the chancery of Benin
16 becomes a neighbor within this community, that it has
17 the opportunity to take away the negative, dispel some
18 of the preconceived, preestablished and at this point
19 nearly permanent feelings about missions and their
20 position within that community.

21 We talk about nations, Italy and France and
22 others. We talk about those long established nations,
23 and we think of them with reverence. Sometimes we
24 don't think the same way about the newer nations, the
25 nations that don't have that history, whose

1 architecture and whose culture is not known to us as
2 well, and we think that -- or I think that Benin can do
3 very well to establish a new standard.

4 CHAIRPERSON REID: Thank you. Mr.
5 Griffith.

6 BOARD MEMBER GRIFFITH: Madam Chair, I'd
7 like to especially focus on Mr. Sockwell's last
8 statement with respect to the image of foreign
9 missions.

10 Very often this Board hears the negative
11 side, but we in the Planning Commission, dealing with
12 them so often, have often heard the positive side, and
13 that was your last point, that there are certainly --
14 There is a history of foreign missions in this nation's
15 capital that we can also be proud of in terms of them
16 being good neighbors and even uplifting the
17 neighborhood in terms of what they have to offer for
18 intercultural types of exposures as well as added
19 security and things like that.

20 So there's a positive side to that also
21 that I'd like to focus on.

22 CHAIRPERSON REID: I would agree with that.
23 Indeed, while a lot of the testimony during the
24 hearing was focusing on some of the embassies that were
25 poorly kept or the missions that were not kept up to

1 par, we all know that here in the nation's capital some
2 of the embassies and the foreign missions are
3 beautiful, and indeed they are like tourist
4 attractions, and they add to the ambience of our city,
5 and we're proud to have them.

6 I feel also that, because Embassy of Benin
7 is a developing country, we should look at the -- We
8 should give some deference to what they have proffered
9 to us as to what they are willing to do, and to give
10 them the opportunity to demonstrate to us that they are
11 able to present their embassy and their chancery in a
12 very exemplary manner, which I feel is very possible.

13 In regard to the ANC, I'd like to address
14 the issues that were raised. Those concerns, I think,
15 were addressed in the agreement with the embassy in
16 regard to parking, traffic, transportation, building
17 maintenance, and the like.

18 I think that everything that was proffered
19 as a possible problem has been addressed and, I think,
20 addressed appropriately.

21 I think that also we should point out that
22 in these foreign missions' cases, that the decisions
23 are predicated on being site specific. Even though
24 there was a lot of discussion proffered to us regarding
25 other locations, let me just point out again that this

1 particular hearing was germane to this instant
2 application, and as such, we cannot take into
3 consideration in any cases or with any other mission
4 any other properties owned by the applicants -- any
5 applicant that comes before us; because, obviously,
6 that's a different case, and that's a whole different
7 situation. Also, we then have to examine circumstance,
8 which was not the case, in all fairness.

9 So, therefore, we are looking at this
10 particular property and this particular location only.

11 Another thing that really swayed me was the
12 fact that there was a lot of discussion about intensity
13 of use and oversaturation of the area with embassies
14 and foreign missions. Yes, this is an area that has a
15 proliferation of foreign missions and foreign
16 government properties and the like, but that is part
17 and parcel of what that community is about, and living
18 there in that community, once the election was made to
19 live there, then it is the understanding, I would
20 think, that this is part of the community make-up.

21 It was pointed out that the Egyptian
22 embassy had moved out, and that embassy had 25 staff
23 members and 15 cars. Even though we had approved the
24 Macedonian embassy, it has not moved in yet. But my
25 understanding is that that had ten people and ten cars.

1 So if you do the math, it appears to me
2 that -- I don't understand. I fail to see how the
3 approval -- not disapproving this particular
4 application would in any way contribute to the
5 oversaturation of that particular community. I just
6 don't see the logic. On the face of it, I just don't
7 see the logic.

8 I would further recommend, and I think we
9 can condition our order -- recommend that, given the
10 circumstances and situation in regard to the Benin
11 Embassy locating at this particular site, that there
12 perhaps be established a liaison between the embassy
13 and the community with periodic meetings where any
14 concerns can be addressed.

15 I have a feeling that the Benin Embassy is
16 open to such an establishment of such a liaison, and
17 determine how they could handle any problems that may
18 come up. But on the positive side, if there are no
19 problems, then I think that they could use this entity
20 that they establish to determine how they can work
21 together, both the community and the Benin Embassy work
22 together in a collaborative effort for the better good
23 of that particular neighborhood.

24 MS. PRUITT: Madam Chair, you have a draft
25 order on page 13 that lists nine conditions. I don't

1 know if you'd like to adopt them in full or review
2 them, and then make this a tenth condition. Page 13 of
3 the draft order.

4 CHAIRPERSON REID: Do you have it? Just
5 one second. Let us pull it out.

6 MS. BAILEY: This is our copy.

7 CHAIRPERSON REID: The conditions that have
8 been proffered in the draft order in regard to the
9 Benin Embassy -- I have no problem with them being
10 incorporated into the order. It basically just
11 stipulates what we've talked about before, parts of the
12 agreement that had been reached with the embassy and
13 the community with the -- well, what the embassy has
14 agreed to do in regard to -- Number one is with regard
15 to maintaining the appearance of the residential
16 features, and taking care of the landscaping and
17 maintenance, so forth and so on.

18 Two is the pick-up of equipment and
19 supplies done during working hours in a quiet, orderly
20 manner. The driveway will normally be occupied by up
21 to four cars per day. We talked about that. The
22 Embassy of the Republic of Benin will not hold social
23 functions.

24 The Embassy of the Republic of Benin will
25 have a caretaker reside, and we talked about that,

1 security system, no obtrusive telecommunications.
2 Embassy of the Republic of Benin will run their shuttle
3 between the existing chancery. We know about that.
4 And any proposed future exterior alteration to the
5 property must be approved by the Historic Preservation
6 Board, which is a given.

7 They had already approved the flagpole and
8 the plaque for that specific property. In regard to
9 the Federal interest, the State Department, represented
10 by Mr. Mlotek, made it very clear to us that the State
11 Department was desirous of us not disapproving this
12 application, given the fact that they had a
13 relationship with the country of Benin and, as we well
14 know, the reciprocal aspect of that relationship is
15 very important.

16 We are also mindful of that in regard to
17 our installations or our missions to other countries,
18 particularly in this instance in Benin.

19 Now as far as the municipal interest is
20 concerned, we had no position taken by the Office of
21 Planning, if I'm not mistaken. Is there any change?

22 MS. VOGEL: No change.

23 CHAIRPERSON REID: Okay. The Office of
24 Planning, through the -- being the representative of
25 the Mayor, did not take any position in regard to this

1 application.

2 Any further discussion, comments?

3 BOARD MEMBER SOCKWELL: Yes, just one. The
4 nine conditions that have been stated here as part of
5 the decision are passive. Those are strictly physical
6 issues with regard to the property, and the active
7 condition that Madam Chairperson stated is your
8 relationship with the community.

9 That is nonexistent, apparently, with
10 regard to most of the other embassies/chanceries that
11 are located there. So again, it is desirable,
12 recommended, would be greatly appreciated by both the
13 Board and certainly by the community that Benin become
14 an active participant as a neighbor in that community.

15 It's not going to be easy, because these
16 people don't really want you there now. If you're
17 going to be there, you will have to fight through a
18 level of dislike and indifference to your presence, and
19 that might be a diplomatic mission in itself unlike any
20 that you may have attempted here.

21 This Board is certainly very interested in
22 seeing you do that.

23 CHAIRPERSON REID: Mr. Sockwell, just let
24 me add to your statement, that this goes both ways.
25 The fact that there is opposition to this particular

1 application, does that mean that the Embassy of Benin
2 on its own alone has to be the only entity that will
3 try to reach out and try to live together in harmony or
4 peacefully?

5 I think that the community also should be
6 alerted that this is a decision that's been made by the
7 Board and to be respected as such, and to give them a
8 chance, give them an opportunity to demonstrate that
9 they do want to, and they will, and I think with all
10 entities working together that that can be achieved.

11 So it's not one-sided. I want to be very
12 clear on that. This is not a one-sided effort.

13 Mr. Parsons?

14 MR. PARSONS: Madam Chairman, I think I
15 might have missed something last time. So I need your
16 help, or the Board's help.

17 Number 7 talks about antennas. I think in
18 my cursory reading of this the last time, I read no
19 intrusive -- no telecommunications equipment would be
20 installed. At least, that was my impression.

21 CHAIRPERSON REID: In the agreement?

22 MR. PARSONS: In the draft -- or not draft
23 conditions -- the conditions that were suggested by the
24 applicant at the hearing. So does Number 7 look to you
25 like it looked at the hearing? Was there any change

1 here? I'm troubled by it. That's why I bring it up.
2 It is that antennas are not a residential use. They
3 used to be in the Fifties, certainly, and Sixties, but
4 they are no longer an item in use in residential areas.

5 CHAIRPERSON REID: Well, in the agreement
6 they stipulate that there will be no intrusive
7 telecommunications equipment will be installed. No
8 antennas will be installed without obtaining the
9 necessary approvals.

10 MR. PARSONS: All right. So if I had
11 objection at the time, I should have raised it. I read
12 it the way I wanted to read it, I guess, that -- I
13 mean, we've had some pretty notorious cases of antennas
14 in this city.

15 CHAIRPERSON REID: Okay. Mr. Griffith
16 wants to respond to that.

17 BOARD MEMBER GRIFFITH: Well, I think Mr.
18 Parsons has a point, and I think we're both aware of
19 the numbers of times that we've had to deal with
20 antennas.

21 The way Number 7 is worded, I think, is
22 excellent. It does say no intrusive telecommunications
23 equipment. Obviously, there will have to be some
24 telecommunications equipment, if any chancery is to
25 operate properly. This deals with the intrusiveness

1 that you're concerned about.

2 It also deals with the need for necessary
3 approvals to occur prior to that installation. So I'm
4 not concerned about this, and I think it's well
5 written.

6 BOARD MEMBER SOCKWELL: I agree that I
7 don't see any problem with the way Number 7 is written,
8 because it does cover the fact that none of these
9 things could occur legally without the proper
10 procedures taking place, which means they are not a
11 matter of fact, a matter of right or without control.

12 CHAIRPERSON REID: All right. Then the
13 vote. All in favor? All Opposed? It would include
14 the nine conditions as -- I'm sorry, the nine
15 conditions as set forth in the proposed order, as well
16 as the tenth condition in regard to the liaison between
17 the Benin Embassy and the community.

18 MS. PRUITT: Staff would record the vote as
19 four to zero to not to disapprove, motion made by Ms.
20 Reid and seconded by Mr. Parsons, Mr. Griffith and Mr.
21 Sockwell also concurring.

22 BOARD MEMBER PARSONS: Now, Madam Chair, if
23 you would indulge me a bit, I'd like to kind of engage
24 in a conversation here with Mr. Griffith about the
25 current state of what I understand one of the

1 Commission staff's next initiatives is a review of the
2 foreign missions element of the comprehensive plan.

3 I realize I'm putting you on the spot, but
4 I can't recall myself what the status of that is or
5 schedule. I just wanted to make sure it is something
6 that's ongoing.

7 BOARD MEMBER GRIFFITH: Yes, it is ongoing,
8 and we do anticipate that that element, along with some
9 others, will be done, I'd like to say, within a year's
10 time, but I have to double check the exact timing on
11 that. But it will be done soon.

12 BOARD MEMBER PARSONS: Well, that's my
13 impression.

14 BOARD MEMBER GRIFFITH: We also will be
15 coordinating very closely with the District of Columbia
16 on those elements. So there will be no surprises.

17 BOARD MEMBER PARSONS: Well, I would like
18 to recommend that this Board send a letter to the
19 Chairman of the Planning Commission, and let me make
20 that in the form of a motion and see how it goes.

21 CHAIRPERSON REID: All right.

22 BOARD MEMBER PARSONS: I would move that the
23 Board send a letter of request to the Chairman of the
24 National Capital Planning Commission asking that, in
25 their review of the Federal foreign missions element of

1 the comprehensive plan, they consider the concept of a
2 percentage cap on the number of missions which should
3 be allowed in a diplomatic overlay in a residential
4 zone, and that in this analysis they should include an
5 evaluation of what point is the residential quality of
6 the neighborhood adversely impacted by oversaturation
7 of foreign mission use.

8 I've written that down so that others can
9 review it, but that is my motion.

10 BOARD MEMBER SOCKWELL: I'll second that
11 motion.

12 CHAIRPERSON REID: Okay. All in favor,
13 aye.

14 BOARD MEMBER GRIFFITH: I have a question.

15 CHAIRPERSON REID: Question? I'm sorry.

16 BOARD MEMBER GRIFFITH: That's all right.
17 Certainly, the Planning Commission would do that. I
18 think that relates to a combination of good planning,
19 and good planning includes community participation.
20 I'm sure that there will be many people participating
21 in that process.

22 Could we look at that wording so that, when
23 we talk about residential areas, we deal with more than
24 chanceries and also deal with nonresidential uses in
25 residential areas?

1 BOARD MEMBER PARSONS: Oh, absolutely.

2 Thank you.

3 BOARD MEMBER GRIFFITH: Fine, because that
4 does go beyond the issue of chanceries.

5 BOARD MEMBER PARSONS: Absolutely. That
6 was a major criterion, that 33 percent. I had
7 forgotten that. Yes.

8 CHAIRPERSON REID: Okay. Again, all in
9 favor, aye? Opposed?

10 MS. PRUITT: Staff would record the vote as
11 four to zero to send a motion to NCPC to ask them to
12 review the Federal elements considering the caps in
13 overlay, as Mr. Parsons read. Motion made by Mr.
14 Parsons and seconded by Ms. Reid -- I'm sorry, Mr.
15 Sockwell.

16 BOARD MEMBER GRIFFITH: Ms. Pruitt, with
17 the understanding that it doesn't just deal with
18 chanceries.

19 MS. PRUITT: Correct, that it also includes
20 nonresidential.

21 BOARD MEMBER GRIFFITH: Yes.

22 CHAIRPERSON REID: Mr. Griffith, could I
23 ask you to just make a statement with regard to your
24 being out of the country for a while, and to introduce
25 for us your designated action director, please.

1 BOARD MEMBER GRIFFITH: Yes, Madam Chair.
2 I will be out of the country for at least a year. In
3 my absence, the Commission has designated Mr. William
4 Lawson -- William Lawson, please stand -- as the
5 Acting Executive Director. I will be leaving at the
6 end of this month. Mr. Lawson is already on board. So
7 he will be sitting here, and the Commission will
8 forward to you the necessary paperwork for that.

9 CHAIRPERSON REID: Thank you very much.
10 I'd like to welcome Mr. Larson and look forward to
11 working with you, on behalf of the Foreign Missions
12 BZA.

13 BOARD MEMBER SOCKWELL: Madam Chair, may I
14 just say one thing, and this is in regard to this
15 revisiting of the foreign missions and other
16 nonresidential uses in residential neighborhoods.

17 As I stated in the previous meeting, the
18 hearing on this case, the thing that it changed is the
19 neighborhood's residents and their interests and their
20 very strong need to feel that their environment is to
21 be preserved, and that some of the overlay requirements
22 make it difficult for that to happen.

23 I do believe very strongly that what we do
24 as a Board which allows us only a certain amount of
25 freedom with regard to the regulations that we are

1 enforcing is not done without a great deal of concern
2 for those issues, those issues of residents, those
3 issues of neighborhood change, those issues of lost
4 continuity.

5 I want everyone who participated in this
6 particular hearing to believe fully that this Board
7 does not approve and rubber stamp every embassy or
8 chancery that may come before it without very serious
9 deliberations on the appropriateness within the context
10 of the regulations, and that will not change in the
11 future.

12 CHAIRPERSON REID: Thank you, Mr. Sockwell.

13 All right. Next?

14 MS. PRUITT: Madam Chair, you may want to
15 reconvene the normal Board for the other items, which
16 is a motion on Waste Management and election of
17 officers.

18 CHAIRPERSON REID: All right. This was the
19 ending of the Foreign Missions BZA, and we will now
20 open the meeting for the regular BZA.

21 (Whereupon, the foregoing matter went off
22 the record at 10:11 a.m. and went back on the record at
23 10:23 a.m.)

24 CHAIRPERSON REID: We will now commence for
25 today. On the agenda --

1 MS. PRUITT: Good morning, Madam Chair.
2 The first item actually -- Is your microphone on?

3 CHAIRPERSON REID: Did you hear what I
4 said? Just basically that we will now commence the
5 first meeting of the BZA for January 5, Year 2000, the
6 first meeting of the new century, and Ms. Pruitt will
7 give us -- start us off with the agenda.

8 MS. PRUITT: The first item on your agenda
9 is a motion regarding Application 16453, pursuant to 11
10 DCMR 802.4 and 3104, the District of Columbia
11 Corporation Counsel requests that the Board schedule a
12 special exception hearing for Waste Management to
13 operate a solid waste handling facility at 2160 Queens
14 Chapel Road, N.E., Square 4259, Lot 3 and Parcels
15 154/72, 154/87, 154/110 and 154/112.

16 This was one of the cases that was
17 originally tied up with the appeals, and the Board
18 decided to separate the appeals and then hear the
19 special exception later. Corporation Counsel is just
20 asking that the Board consider giving it an exact date
21 at this particular time.

22 BOARD MEMBER GILREATH: I have no problem
23 with that.

24 Madam Chair, I make a motion that we set a
25 specific date for the hearing for the special

1 exception.

2 BOARD MEMBER HOOD: And I will second the
3 motion, Madam Chair.

4 CHAIRPERSON REID: Okay. All in favor?

5 MS. PRUITT: Madam Chair, I've been in
6 contact with both the --

7 CHAIRPERSON REID: Opposed?

8 MS. PRUITT: I'm sorry. -- with the
9 applicant and the District of Columbia, and also
10 Councilman Orange's office where there's been a lot of
11 community input, and we -- Based on conversations with
12 all three of them, it looks like mid-April would allow
13 everybody enough time. It would be more than a 40-day
14 notice, but it would allow the community along with the
15 applicant and the District to truly put together a case
16 that, hopefully, will be inclusive and will allow
17 everyone to participate in a fair manner.

18 CHAIRPERSON REID: Okay.

19 MS. PRUITT: So at this point, we can set
20 it for April 19, and that will be the only case on that
21 day.

22 CHAIRPERSON REID: Okay.

23 MS. PRUITT: The second item -- Oh, I'm
24 sorry. Staff would report the vote as a motion made by
25 Jerry Gilreath and seconded by Mr. Hood to set it for

1 April 19, and approved by Mr. Sockwell and Ms. Reid
2 also to approve.

3 The second item isn't on your agenda. It
4 came in a little late yesterday, which you should have
5 gotten by a FAX. It's regarding Application 16443,
6 request for a variance and appeal from hearing
7 decision.

8 Let me give you a little background, if you
9 can remember, on this. I was pulling out my notes. On
10 October 6 this case was on the agenda. At that time
11 both the applicant and intervenor spoke with the Board.
12 They were trying to get to some resolution and some
13 type of understanding prior to the hearing.

14 At that time the Board postponed the
15 hearing until February 2 with the understanding that
16 the applicant and intervenor would tell the Board at
17 the January 5 meeting if they plan to go forward.

18 CHAIRPERSON REID: Okay, wait a second, Ms.
19 Pruitt. What's the case number?

20 MS. PRUITT: 16443, Krauss.

21 CHAIRPERSON REID: All right, I have it.
22 Do you have it, Mr. Sockwell? You don't?

23 MS. PRUITT: It was FAX'ed. It was FAX'ed
24 last night, I believe.

25 CHAIRPERSON REID: Did you receive it?

1 BOARD MEMBER SOCKWELL: I don't think I
2 did.

3 CHAIRPERSON REID: Okay. Could you read
4 it? It's very short.

5 MS. PRUITT: Yes. Applicant's counsel, Mr.
6 Gell, and counsel for opponent, Roger Selfe, seek a 60-
7 day continuance from February 2 to the next available
8 date in April for hearing this case. These parties are
9 actively seeking to settle this case with approval from
10 DCRA and DPW, officials working, which is pending.

11 We do not anticipate a settlement to be
12 finalized before February 2, 2000, because of the need
13 for 30-day notice to the public and the D.C. Register
14 for on-street handicapped parking. Accordingly, more
15 time is needed in the quest to settle this case to
16 avoid time and expense in a hearing. It's from Mr.
17 Aguglia.

18 CHAIRPERSON REID: All right. I have no
19 problem with it. Is it a motion?

20 MS. PRUITT: Yes. You can make it a
21 motion. It's not set in a motion. Actually, it's
22 really a follow-up, because this case was opened in
23 October, and they were continued, and the Board
24 instructed them to notify the Board what they wanted to
25 do at the January 5 meeting, and this is what is the

1 notification.

2 CHAIRPERSON REID: Okay. Well, then --

3 BOARD MEMBER HOOD: Can we just do it,
4 Madam Chair, by general consensus?

5 CHAIRPERSON REID: Okay. All right.

6 MS. PRUITT: So we can set this for the
7 first hearing in April, which would be April 5 in the
8 afternoon.

9 CHAIRPERSON REID: Okay.

10 MS. PRUITT: The final item on the agenda
11 today would be the election of officers.

12 BOARD MEMBER HOOD: When you say officers,
13 that's the Chairperson. Vice Chair?

14 BOARD MEMBER SOCKWELL: Well, are we ready
15 to commence on this or not?

16 BOARD MEMBER GILREATH: In speaking to the
17 Board, I would like to nominate Ms. Sheila King --

18 CHAIRPERSON REID: No, Sheila Cross Reid.

19 BOARD MEMBER GILREATH: Sheila Cross Reid,
20 I'm sorry -- Sheila Cross Reid as the -- to serve as
21 Chairman for the next calendar year. I think she's
22 done an excellent job. She has shown patience when
23 patience was needed. She allows reasonable expression
24 of all parties. Nevertheless, she maintains discipline
25 where discipline is needed, and I think she's done a

1 superb job, and I certainly fully support her being
2 reelected as Chairperson for the next calendar year.

3 BOARD MEMBER HOOD: I would like to also
4 add for a friendly amendment that Ms. Reid be the
5 Chairman. I would like -- If you would accept it, Mr.
6 Gilreath, that Ms. Reid be the Chairperson, and also
7 Mr. Sockwell be the Vice Chair.

8 BOARD MEMBER GILREATH: I concur with that
9 fully, yes.

10 CHAIRPERSON REID: Are you seconding?

11 BOARD MEMBER HOOD: I'll second that.

12 CHAIRPERSON REID: Mr. Sockwell, are you--

13 BOARD MEMBER SOCKWELL: I don't have an
14 objection.

15 CHAIRPERSON REID: All in favor? Opposed?

16 MS. PRUITT: Staff will record the vote as
17 four to zero to approve Ms. Reid as Chairperson and Mr.
18 Sockwell as Vice Chair. Congratulations.

19 BOARD MEMBER GILREATH: Congratulations.

20 CHAIRPERSON REID: Thank you. I had a
21 couple of other things before we finish for today.
22 That was the status of cases. We really need to have
23 that.

24 MS. PRUITT: We are working on that. We
25 can have it for you for Monday. I'm actually going

1 through the computer now and pulling that up.

2 CHAIRPERSON REID: Okay. We need to know
3 where we are going into the new century.

4 MS. PRUITT: Right.

5 CHAIRPERSON REID: Okay. My understanding
6 is that we're doing very well and that we have only a
7 few cases now that are in the backlog.

8 MS. PRUITT: Correct. In fact, we have
9 already started some of the very old backlogged cases
10 that predate, I believe, everybody on this particular
11 Board, have been starting to be written by Corp.
12 Counsel, the ones that date back like to '72 and '74 --
13 I mean, excuse me, '92 and '94.

14 CHAIRPERSON REID: All right. A joint
15 meeting of -- A scheduling of a joint meeting of the
16 BZA and the Zoning Commission -- we haven't had one in
17 a while.

18 MS. PRUITT: No, I can take that to --

19 CHAIRPERSON REID: Ms. Kress?

20 MS. PRUITT: Yes. I guess probably the
21 Director, who could work as a liaison between both.

22 CHAIRPERSON REID: I think that we probably
23 need to schedule -- to go ahead and schedule it for the
24 year maybe every few months, every quarter, at least
25 quarterly. What do you think, Mr. Hood?

1 BOARD MEMBER HOOD: One of the things we
2 were supposed to start -- We're running a little
3 behind. The month of January we were supposed to get
4 together and do some procedural -- just kind of do some
5 procedural refreshment for the Zoning Commission and
6 the BZA.

7 Hopefully, maybe we can set something down
8 in February. I don't know what the BZA has scheduled,
9 but we'll leave that to the Director and also the BZA
10 secretary.

11 CHAIRPERSON REID: Are you in agreement
12 with our having a joint meeting every quarter or, you
13 know, on a regularly scheduled basis?

14 BOARD MEMBER HOOD: We need to have one at
15 least quarterly, right. I think that's good.

16 CHAIRPERSON REID: All right.

17 BOARD MEMBER SOCKWELL: Good idea.

18 CHAIRPERSON REID: I also want to raise the
19 issue of the training schedule for the BZA and the
20 Zoning Commission in that we have so many new members,
21 and not only for the Zoning Commission and the BZA but
22 also staff; because we need to make sure that staff is
23 also on the same page with us with regard to our
24 procedures and the regulations and just to kind of
25 tighten up the way that we conduct our affairs here.

1 MS. PRUITT: I know that Ms. Kress is
2 working -- I have been working with her on part of the
3 BZA, but putting together sort of a training
4 manual/workbook, and I believe, Mr. Hood, she's been
5 working with the Zoning Commission on that, too.

6 That would serve as a training manual for
7 both the new BZA members and Zoning Commission members.

8 That could be also used for staff. That's in the
9 process.

10 We are going to be meeting with the ANCs on
11 January 19, just for informational. So we're --

12 BOARD MEMBER HOOD: 22nd.

13 MS. PRUITT: 22nd, excuse me. Thank you.
14 Yes. For informational sort of purposes concerning
15 both Zoning Commission and BZA. So it should be very
16 shortly after that.

17 BOARD MEMBER SOCKWELL: If it doesn't come
18 soon, we'll be old BZA members.

19 BOARD MEMBER HOOD; But, Madam Chairman, I
20 add that it's going to be in this room. I believe it's
21 going to start at 10:30. If any Commissioners want to
22 come and just sit and listen, they're more than
23 welcome.

24 CHAIRPERSON REID: Can we just send out a
25 notice?

1 MS. PRUITT: Sure. I just wanted to let
2 you know, for February there are three meetings this
3 month -- I mean for February. It may appear that we
4 will be going back to three meetings. I've discussed
5 this with Ms. Kress and, based on the number of
6 applications that we're getting and the pressure from
7 the community, if we don't have three meetings, we have
8 a very long wait period from the time you submit to the
9 time you can actually have a hearing.

10 CHAIRPERSON REID: Well, I'm ambivalent
11 about that, because we're going to be operating without
12 Mr. Gilreath for --

13 BOARD MEMBER GILREATH: Probably at least
14 three months.

15 CHAIRPERSON REID: Did you say three
16 months?

17 BOARD MEMBER GILREATH: The project I'm on
18 is going to run probably into March/April and possibly
19 into May. But Rodney Mulden is -- He's been selected
20 and will be -- his name presented to the Commission
21 this coming Thursday. So he will be the alternate.

22 MS. PRUITT: But he still then has to go
23 through Boards and Commissions and will not be allowed
24 to sit until he has cleared them. So once the
25 Commission --

1 CHAIRPERSON REID: That will take three
2 months.

3 MS. PRUITT: Once NCPC has, you know,
4 approved it, it still has to go through a process here.
5 The only thing that is different than the Mayoral is
6 there's no confirmation hearings. So it will be a time
7 lag, yes.

8 BOARD MEMBER GILREATH: Well, that probably
9 could be coordinated with our office, because my
10 Director was thinking that he could just pick up in
11 January.

12 MS. PRUITT: I understand you have been
13 calling -- Excuse me, Mr. Gilreath. I've understood,
14 and I'm trying to contact both Mr. Larson and Ms.
15 Harsar who have been acting, because they are the ones
16 who have to do it. So I've been trying to contact them
17 and clarify that.

18 BOARD MEMBER GILREATH: It should be made
19 very clear to them what's involved.

20 CHAIRPERSON REID: That is going to be
21 difficult for us, given the fact that, even if they
22 have an alternate, it will take a while for, one, the
23 alternate to get here and, two, for the alternate to
24 get up to snuff on the conduct of the Board.

25 MS. PRUITT: Maybe this is something you

1 should discuss with Ms. -- with me and Ms. Kress so
2 that it can be sort of resolved, and I have to check to
3 see what has gone to the Register. If it's gone to the
4 Register, we probably need to continue on that path,
5 because it has already been published.

6 CHAIRPERSON REID: Well, I think that it
7 would be good for, prior to scheduling three meetings,
8 that the Board be notified and made aware of it, to
9 make sure that we don't have any scheduling conflicts,
10 as well as the fact that if Mr. Gilreath is not going
11 to be here and we need to always have the Zoning
12 Commission representative here and that depends on
13 their schedule as well.

14 So I just don't know. We'll just look into
15 it.

16 BOARD MEMBER SOCKWELL: The three meeting a
17 month schedule makes it very difficult for me to
18 participate in certain organizations that I have
19 heretofore participated in for years, and other things.

20 It's just one of those things. You need us, but we
21 need on the outside to be able to continue our business
22 lives, and it's not quite so easy.

23 MS. PRUITT: Mr. Sockwell, we understand
24 it. In fact, it makes it very hard on our staff here,
25 too, because we have to turn around a meeting every

1 week, and it's very difficult with -- I mean, staff
2 works very hard. They do a great job, but it puts a
3 drain on everyone, and we're aware of that.

4 BOARD MEMBER SOCKWELL: The difference is
5 that you're paid to do that here every day.

6 MS. PRUITT: Yes. I understand.

7 BOARD MEMBER SOCKWELL: And our clients pay
8 us to do things other than BZA and don't understand BZA
9 except as it's a nice thing to do as long as it doesn't
10 hurt what they need.

11 BOARD MEMBER GILREATH: Well, if the
12 workload, cases where we have to split it to two days
13 and so forth -- So if you pull it back to two meetings
14 a month officially, you have to have all these special
15 meetings, you come out at the same place.

16 CHAIRPERSON REID: I think that -- I'm
17 sorry. You can say it on the record. But before you
18 say that, let me just add that my confirmation hearing
19 -- At my first confirmation hearing, it was brought to
20 my attention that the BZA was having problems with
21 people not showing up for meetings.

22 I think that that may have had something to
23 do with the overbooking of the meetings and the
24 hearings. Since I've been here, I have not once heard
25 of or known of a situation where no one showed up, and

1 I'd like to keep it like that. However, I feel that if
2 we try to run too many meetings and hearings during the
3 month, then that's going to maybe cause problems.

4 So as such, I think we should look at some
5 alternative as to maybe three meetings every other
6 month or Mr. Sockwell just said to me perhaps making -
7 - having two and a half, which would be a half-day,
8 because for us the preparation time to prepare for
9 coming to the meeting and the hearings and then the
10 actual day, the extra day, is --

11 MS. PRUITT: A lot.

12 CHAIRPERSON REID: It is. We all have
13 other positions, other -- I have a business, and it
14 just requires a lot of pressure and burden as far as we
15 are concerned, which I don't think is necessary. There
16 must be some way we can strike a compromise.

17 MS. PRUITT: Ms. Reid, I was just noticing
18 that there's no one in the audience, and you may want
19 to adjourn and then meet with Ms. Kress, since she's
20 here, and Mr. Holman who is also another Zoning
21 Commission person, to really talk about what is
22 something that could work for everybody.

23 BOARD MEMBER HOOD: Madam Chair, let me
24 just put this on the record. At the Zoning Commission,
25 we have decided -- and we don't know how this is going

1 to work -- like I take the first week -- and we just
2 threw that out there among ourselves. I think probably
3 Mr. Holman will take the second week, and Carol Miner
4 take the third week.

5 CHAIRPERSON REID: And now we're going to
6 then try to --

7 BOARD MEMBER HOOD: I don't know where Mr.
8 Parsons and Mr. Franklin fall in there. But that's
9 what we were trying to work out. So we will make sure
10 that there's always a presence for the Zoning
11 Commission here on BZA. So you have that commitment
12 from the Zoning Commission, that we will be present.

13 CHAIRPERSON REID: Well, see, unlike you,
14 you all will be alternating, but we have to be here
15 each time unless we can work it out such that, if we
16 have a quorum, then maybe we don't have to have one
17 member present at all three meetings, as long as we can
18 alternate in such a way that we still have a quorum.
19 You see what I'm saying?

20 Then we have now a Vice Chair. So --

21 BOARD MEMBER HOOD: Madam Chairman, my
22 point was simply that --

23 CHAIRPERSON REID: That means that we can,
24 you know, alternate sometimes.

25 BOARD MEMBER HOOD: My point was -- Madam

1 Chair, my point was simply that you have the commitment
2 of the Zoning Commission that we will be here to work
3 and lend a lending hand when we need to. That was my
4 point.

5 CHAIRPERSON REID: I appreciate that.
6 Okay. Now what about the other issue regarding --

7 MS. PRUITT: No, we're not doing that on
8 the record.

9 BOARD MEMBER GILREATH: Is it possible in
10 the coming year to have some person maybe -- primary
11 responsible person, the secretary, to check the
12 mailouts, because during the past year sometimes we get
13 things are missing. I know it's a difficult
14 undertaking but, hopefully, some improvement could be
15 made in that.

16 Someone needs to have a final look at these
17 before they go out and say, okay, this looks pretty
18 good, looks pretty complete. I think different people
19 are seeing these, and sometimes they don't always catch
20 it.

21 CHAIRPERSON REID: Is there any quality
22 control?

23 MS. PRUITT: We are trying very hard to do
24 that, yes.

25 CHAIRPERSON REID: Right. Because when

1 bits and pieces are left out of our packages --

2 MS. PRUITT: I understand it makes it very
3 difficult for everybody.

4 CHAIRPERSON REID: Right.

5 MS. PRUITT: Because it also happens on the
6 staff level, that we all get different packages, too.
7 So, you know, you'll get information that you think
8 that I think you have gotten.

9 CHAIRPERSON REID: Exactly.

10 MS. PRUITT: And you think that I have
11 gotten. It has come up when you've called to find out
12 something, and I haven't gotten it or I've called you
13 to get some information on that. So, yes, we are
14 working very -- That's one of the main goals this year,
15 is to make sure our packages go out cleaner, clearer
16 and early so that you receive them timely.

17 CHAIRPERSON REID: Okay.

18 BOARD MEMBER SOCKWELL; The clean and clear
19 is really important.

20 CHAIRPERSON REID: Can you tell us about
21 our new timing system, Ms. Pruitt?

22 MS. PRUITT: We are in the process of still
23 working on it.

24 CHAIRPERSON REID: Well, I would assume
25 that, since we've been at 8:34 since about 9:30.

1 MS. PRUITT: No, it's not on. It actually
2 is programmed for -- preprogrammed for four time frames
3 and hours. It can only do two digits. So like for the
4 applicant, since they have two hours, we're going to
5 break them into two 60-minute digits -- I mean 60-
6 minute increments, and then the second one is timed for
7 15 minutes for parties and ANCs, and it's a timing box
8 over there that we can control.

9 It goes off. You push it on, and it starts
10 counting down. When it gets to zero, it beeps.

11 CHAIRPERSON REID: Do we have a clock
12 anymore?

13 MS. PRUITT: No, not right now.

14 CHAIRPERSON REID: Then how do we know what
15 time it is?

16 MS. PRUITT: Well, you set it.

17 BOARD MEMBER SOCKWELL: No, not that time.
18 We can see if we can get a clock.

19 CHAIRPERSON REID: Well, what happened to
20 the one we had?

21 MS. PRUITT: I don't know, to be honest. I
22 have to check. It may have gotten taken away.

23 CHAIRPERSON REID: That will work. You
24 know, that helps us also.

25 BOARD MEMBER SOCKWELL: Yes. We have to

1 have time for the audience as well as for us.

2 MS. PRUITT: Right. All of this other
3 furniture was surplus. That might have gone with it.
4 So we can just get a new one or look for that one, see
5 if we have it.

6 CHAIRPERSON REID: Okay. Any other further
7 comments, discussion? Okay.

8 Next we move to meeting of the BZA for
9 January 5, Year 2000.

10 (Whereupon, the foregoing matter went off
11 the record at 10:43 a.m.)

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