

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

WEDNESDAY JUNE 7, 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., Robert Sockwell, Vice Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

ROBERT N. SOCKWELL           Vice Chairperson  
RODNEY MOULDEN            Board Member  
ANN RENSHAW                Board Member

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN            Vice Chairperson

OFFICE OF ZONING STAFF PRESENT:

SHERI PRUITT                Secretary to the BZA  
PAUL HART                    Office of Zoning  
JOHN NYARKU                Office of Zoning

OTHER STAFF PRESENT:

MARIE SANSONE            Office of Corporation Counsel

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

(10:18 a.m.)

VICE CHAIRPERSON SOCKWELL: The meeting will please come to order. Good morning, ladies and gentlemen.

This is the June 7, 2000 Public Meeting of the Board of Zoning Adjustment of the District of Columbia. My name is Robert Sockwell, Vice Chairperson.

Joining me today is Rodney Moulden representing the National Capitol Planning Commission, Carol Mitten and Ann Renshaw. This is what happens when the Vice Chair becomes Chair and suddenly can't remember anything. And Carol Mitten represents the Zoning Commission. Copies of today's meeting agenda are available to you. They are located to my left near the door.

All persons planning to testify, either in favor -- that is right, there is no testimony, this is a public meeting. If I might ask staff, is there something I am missing in this? Just a moment. I apologize. This morning we are conducting a public meeting and it would be just mine to state that we would like for you to turn off all beepers and cells phones at this time or set them to vibrate only.

The agenda that you have will be the agenda that we will follow with one slight modification, and that is the Georgetown case will be moved from its position to last because of the size of the other issues that we think can be taken care of fairly quickly and we will work down to that one.

1                   So then I would just recommend that we go forward  
2 with any preliminary matters.

3                   MR. HART:    Good morning, Mr. Vice Chair and other  
4 Board Members.  The first item on our agenda this morning is the  
5 minutes.

6                   MS. RENSHAW:  Mr. Vice Chair, do you want these to  
7 be approved as all at once or do you want them taken one by one?

8                   VICE CHAIRPERSON SOCKWELL:  I think that we can  
9 just approve them all at once if you will read them.

10                  MR. HART:  The first are the minutes of May 3 for  
11 the Public Hearing -- the first one is the Public Hearing on May  
12 3.  The second one is for the Public Hearing of May 10.  The third  
13 minutes is for the Public Hearing of May 16, and finally May 24, a  
14 Public Hearing also.

15                  MS. MITTEN:  Mr. Vice Chair?  If you are going to  
16 take these together, than I am not going to be able to vote on  
17 them as a group because I was only present for one of those  
18 meetings.  And I would also like to suggest a modification in the  
19 case of the May 16 minutes before they are voted upon.

20                  VICE CHAIRPERSON SOCKWELL:  All right.  That is  
21 duly noted and we will take the minutes separately.  Starting with  
22 May 3.

23                  MR. HART:  May 3.

24                  MS. RENSHAW:  I move approval of the May 3 minutes.

25                  MR. MOULDEN:  I second the minutes.

1 VICE CHAIRPERSON SOCKWELL: Discussion? No

2 discussion. All in favor of approval of the May 3 minutes?

3 BOARD MEMBERS: Aye.

4 VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

5 MS. MITTEN: And I did not vote because I was not  
6 present.

7 MS. PRUITT: Staff would record the vote as three  
8 to zero to one, motion made by Ms. Renshaw and seconded by Mr.  
9 Moulden and Ms. Mitten not voting, not having been present.

10 MR. HART: Next are the Public Hearing minutes for  
11 May 10.

12 VICE CHAIRPERSON SOCKWELL: I move that the minutes  
13 of May 10 be approved.

14 MS. RENSHAW: Second.

15 VICE CHAIRPERSON SOCKWELL: Discussion? No  
16 discussion. All in favor of approval of the minutes of May 10?

17 BOARD MEMBERS: Aye.

18 VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

19 MS. MITTEN: That would be me.

20 MR. HART: The third minutes are --

21 MS. PRUITT: Excuse me before we go. Ms. Mitten,  
22 you are abstaining from this or not present and not voting.

23 MS. MITTEN: I am sorry, the last vote you  
24 recorded, I thought that I was not voting. But then the last vote  
25 you recorded was three to zero to one, and that would -- so then I

1 thought you were suggesting that I was abstaining. So however you  
2 want to characterize it, I think I was not present and not voting.

3 MS. PRUITT: Right. I had it down as three to  
4 approve, zero in opposition and you not voting, not having been  
5 present.

6 MS. MITTEN: Okay. I am sorry, I misunderstood. I  
7 thought that you had recorded the vote as three to zero to one on  
8 the May 3.

9 MS. PRUITT: No.

10 MS. MITTEN: Okay. I agree with that.

11 MS. PRUITT: So excuse me, so the same would be so  
12 for the 10th, correct?

13 MS. MITTEN: Yes.

14 MR. HART: For May 16 Public Hearing.

15 VICE CHAIRPERSON SOCKWELL: Can I get a motion for  
16 approval on the May 16?

17 MS. RENSHAW: I move to approve.

18 MR. MOULDEN: I second the motion.

19 VICE CHAIRPERSON SOCKWELL: Discussion?

20 MS. MITTEN: I have a -- I guess an addition that I  
21 would like to suggest, and this is on page 2. The second  
22 paragraph under the Georgetown University case. It says, "During  
23 preliminary matters, Don Crockett...", and then it should say "on  
24 behalf of the Georgetown Residents Alliance..." He only made one  
25 motion exclusively on behalf of the Georgetown Residents Alliance,

1 and that was the first motion.

2 The second motion was made on behalf of the  
3 Georgetown Residents Alliance, the Berleath Citizen's Association,  
4 the Cloisters in Georgetown and the Foxhall Community Citizen's  
5 Association. So I would just like that to be indicated properly.

6 VICE CHAIRPERSON SOCKWELL: Any other comments on  
7 that? Is staff consistent with --  
8 then I would

9 MS. RENSHAW: As the maker of the motion, I accept  
10 that amendment.

11 VICE CHAIRPERSON SOCKWELL: Do we have to vote on  
12 that?

13 MS. PRUITT: Yes, please.

14 VICE CHAIRPERSON SOCKWELL: All in favor of the  
15 amendment as proposed by Ms. Mitten?

16 BOARD MEMBERS: Aye.

17 MS. PRUITT: Staff would record the vote as four to  
18 zero to approve the motion made by Ms. Renshaw and seconded by Mr.  
19 Moulden, including the amendment.

20 MR. HART: Who seconded?

21 MS. RENSHAW: I think you have to vote on the  
22 amendment and then you vote on the motion.

23 MS. PRUITT: The amendment was made -- the motion -  
24 -

25 VICE CHAIRPERSON SOCKWELL: The motion was made by

1 --

2 MS. PRUITT: By Ms. Renshaw.

3 MS. RENSHAW: I made the main motion.

4 MS. MITTEN: Can I just interject? Which is if the  
5 person who made the original motion accepts the amendment, then  
6 that becomes the -- that becomes an amended motion and you don't  
7 have to vote separately on the amendment. So I think we got it.

8 VICE CHAIRPERSON SOCKWELL: So then we are clear to  
9 vote on the minutes themselves.

10 MS. MITTEN: I believe -- what I was trying to  
11 convey is that we did vote on the amended minutes because Ms.  
12 Renshaw accepted the amendment that I offered.

13 VICE CHAIRPERSON SOCKWELL: I see. So --

14 MS. MITTEN: If she hadn't, then we would have  
15 voted on the amendment separately.

16 VICE CHAIRPERSON SOCKWELL: All right. So the vote  
17 then carries for the minutes and the amendment.

18 MS. PRUITT: It actually becomes one vote. It is  
19 an amendment -- it is the motion -- I mean the minutes with the  
20 amended -- the motion as amended and accepted by Ms. Renshaw and  
21 seconded, I have, by Mr. Moulden. Is that correct? And then the  
22 approval is four to zero to approve the amended minutes. So then  
23 we are at the last one.

24 MR. HART: The final minutes are Public Hearing for  
25 May 24.

1 MS. RENSHAW: I so move.

2 VICE CHAIRPERSON SOCKWELL: Second?

3 MR. MOULDEN: I second.

4 VICE CHAIRPERSON SOCKWELL: Discussion? All in  
5 favor of the motion if there is no discussion?

6 BOARD MEMBERS: Aye.

7 VICE CHAIRPERSON SOCKWELL: Opposed? Abstention?

8 MS. PRUITT: Staff would record the vote as three  
9 to zero to one, motion made by Ms. Renshaw, seconded by Mr.  
10 Moulden, Ms. Mitten not voting, not having been present.

11 VICE CHAIRPERSON SOCKWELL: Any other preliminary  
12 matters?

13 MR. HART: No.

14 VICE CHAIRPERSON SOCKWELL: Then we would proceed  
15 to the first case on the agenda.

16 MR. HART: The first case on the agenda is  
17 Application 16550 of Stacy Hamblin, pursuant to 11 DCMR 3103.2 for  
18 a variance from Subsection 2507.2 to allow subdivision and  
19 construction of ten single family row dwellings in an R-4 District  
20 on an alley lot that does not abut an alley 30-foot or more in  
21 width and has from the alley access to a street through an alley  
22 or alleys not less than 30 feet in width at Rear-1406 through 1424  
23 Webster Street, N.W. (Square 2699, Lot 64).

24 The Board issued an order on April 14, 2000  
25 dismissing the application which was on its agenda for February

1 16, 2000. In a letter to the Director of the Office of Zoning, the  
2 applicant requested a rehearing. In a letter dated May 15, 2000,  
3 the Secretary to the Board informed the applicant that his request  
4 for reconsideration or rehearing of the application would be  
5 placed on the Board's June 7, 2000 agenda, at which time the Board  
6 would consider his request and determine the appropriate course of  
7 action to take. The original hearing date was February 16, 2000.

8 The decision date was February 16, 2000, a bench decision. The  
9 Board Members were Ms. Renshaw, Ms. Mitten, Mr. Moulden, Mr.  
10 Sockwell and Ms. Reid.

11 VICE CHAIRPERSON SOCKWELL: That case was dismissed  
12 for lack of representation. However, there was no one  
13 representing the case either from the applicant or the applicant's  
14 designated representative, who was out of the country at the time,  
15 but had provided the Board with a request for a continuance. At  
16 that time, the Board chose to dismiss the case because there was  
17 no one present to represent the issues of the applicant. However,  
18 in the letter that the Board has received since that, the agent  
19 for the applicant, Mr. Claus Klatt, asserted that the Board was  
20 not correct in taking that posture. So what we are going to  
21 discuss with regard to that is the merits of reinstating the case.

22 And I would like to get comments from Board Members.

23 MS. MITTEN: Well, maybe I will just begin by  
24 saying -- and I understand this is going to be corrected. But in  
25 the order that was published, my vote was listed as being in favor

1 of the motion to dismiss, and that is -- I did not vote that way.  
2 I voted -- I was opposed to the motion to dismiss. And at the time  
3 I felt -- and I still feel that based on the practice of the  
4 Office of Zoning, when motions or requests for continuances come  
5 in, there isn't necessarily the requirement that someone then  
6 attend the meeting at which that vote is taken. So I think that  
7 the applicant and the applicant's representative were at least led  
8 to believe that their request would be granted without them  
9 appearing in person.

10 Now there was an additional issue, which is that  
11 the ANC had not been properly notified about this request, and we  
12 have had some discussion in the office with staff so far about  
13 what can we do procedurally to make sure that such notifications  
14 are made in the future so that we don't have a repeat of that.  
15 But that doesn't detract, I don't think, from the merit of  
16 reinstating this particular case. And I would also note that we  
17 have had some correspondence from Council Member Jarvis and we  
18 have had correspondence from Pauline Cliffannee Gardner -- I am  
19 sure I am mispronouncing that. But the correspondence relates  
20 more to the merits of the case as opposed to the merits of  
21 reinstating the application. So I would be in favor of reinstating  
22 the application.

23 VICE CHAIRPERSON SOCKWELL: And I think that based  
24 on the fact that there was a proper notification of the Board that  
25 the applicant was not able to participate on that date that the

1 Board may have been somewhat hasty in dismissing the case, since  
2 there has been some precedent for not actually being present once  
3 a motion is filed officially within the proper time period.

4 UNIDENTIFIED SPEAKER: Can I make a point of  
5 inquiry, please?

6 VICE CHAIRPERSON SOCKWELL: That is not possible in  
7 this hearing -- in this meeting. It is a public meeting not a  
8 hearing.

9 UNIDENTIFIED SPEAKER: Can I ask a point of  
10 clarification?

11 VICE CHAIRPERSON SOCKWELL: Points of clarification  
12 are not allowed from the audience at this time. The merits of the  
13 case were not dealt with at all. It was strictly an issue of  
14 whether or not the case should be dismissed because the applicant  
15 was not representing himself. And I would be willing personally  
16 to reinstate the case with no additional fees required since such  
17 had been provided initially. And that would be based upon a  
18 motion. And I would move, if there are no other comments -- and  
19 there was no one else here on the Board today that was present in  
20 that hearing. So I would move to reinstate Case No. 16550 with a  
21 date certain for the hearing.

22 MS. MITTEN: Second.

23 VICE CHAIRPERSON SOCKWELL: Discussion?

24 MS. RENSHAW: Just that I am going to stand by my  
25 original vote. I had voted to dismiss and I am going to renew that

1 vote.

2 MS. MITTEN: Would you -- Ms. Renshaw, would you  
3 just maybe just for the sake of --

4 MS. RENSHAW: Clarification?

5 MS. MITTEN: Yes. Just repeat in the context of  
6 everything that has happened what is the --

7 MS. RENSHAW: Yes, I understand the discussion here  
8 this morning concerning the procedure notifying the ANC and also  
9 the problem with the applicant. But I felt that the discussion of  
10 the dismissal was full and complete that day and we felt that  
11 there was no reason to continue this case at that time. And I  
12 just feel that the merits of the case, while though not outlined  
13 at that hearing, were such that we should just dismiss the case.  
14 And so, therefore, I am going to renew my vote to dismiss and will  
15 so vote.

16 VICE CHAIRPERSON SOCKWELL: I think that the issue  
17 is somewhat modified by the fact that there was some discussion --  
18 while not necessarily needed, there was some discussion of the  
19 issues of the case and that the applicant should have contacted  
20 the Advisory Neighborhood Commission to prevent them from coming  
21 down unnecessarily when the applicant was not planning to be  
22 available and was respecting or was requesting a continuance.  
23 There was some discussion of the architect and developer meetings  
24 with the community, which was really not germane to the motion of  
25 dismissal, yet may have influenced the Board in some way. And I

1 would want to hope that under the circumstance of taking the case  
2 as a case unheard that this is merely a continuation of procedures  
3 that have been established over a long period of time with the  
4 Board regarding whether or not a properly filed motion requires  
5 the presence of the applicant or the applicant's representative at  
6 the time that the motion is heard. And I would implore Ms.  
7 Renshaw to change her vote merely for the sake of continuity with  
8 the previous methods by which the Board has acted where the merits  
9 of the case are not in question.

10 MR. MOULDEN: I also agree with the Acting Chair. I  
11 originally voted to dismiss this case, but it was merely based on  
12 administrative procedures. And I do feel that the applicant should  
13 have another chance to express the merits of this case.

14 VICE CHAIRPERSON SOCKWELL: Any further discussion  
15 on this? Then I would move that we -- I didn't make the -- I did  
16 not? I did make the motion and it was seconded. Then I will call  
17 for the vote on the motion.

18 MS. MITTEN: Perhaps we could incorporate into the  
19 motion what the date certain is.

20 MS. PRUITT: I was going to say we have -- it looks  
21 like based on your schedule the first available date would be  
22 October 3. It would be the third case in the afternoon.

23 VICE CHAIRPERSON SOCKWELL: Well --

24 MS. MITTEN: Would you -- Mr. Sockwell, would you  
25 amend the motion to include October 3 instead of the date certain,

1 and then we could at least have that clarity?

2 VICE CHAIRPERSON SOCKWELL: Yes. I would amend the  
3 motion that we reinstate Case No. 16550 for hearing on October 3,  
4 2000 in the afternoon.

5 MS. MITTEN: And I would second that again.

6 VICE CHAIRPERSON SOCKWELL: All in favor, if there  
7 is no further discussion?

8 MR. MOULDEN: Aye.

9 MS. MITTEN: Aye.

10 VICE CHAIRPERSON SOCKWELL: Aye. All opposed?

11 MS. RENSHAW: Opposed.

12 MS. PRUITT: Staff would record the vote as four to  
13 one to reinstate this application -- excuse me, three to one --  
14 excuse me, three to one to reinstate this application for a  
15 hearing date of October 3. Motion made by Mr. Sockwell, seconded  
16 by Ms. Mitten, Ms. Renshaw in opposition.

17 MS. MITTEN: Do we happen to have a proxy from the  
18 Chair?

19 MS. PRUITT: Excuse me, yes, we do. We do have a  
20 proxy from Ms. Reid on this particular case and it is also to --  
21 in favor to reinstate.

22 MS. MITTEN: To reinstate?

23 MS. PRUITT: Yes. So I can amend this. That is why  
24 I had --

25 MS. MITTEN: Maybe you could just repeat what the

1 vote is.

2 MS. PRUITT: Right. We have a proxy from Ms. Reid  
3 in favor to reinstate this case. So the vote would be four to one  
4 to reinstate. Again, the motion made by Mr. Sockwell, seconded by  
5 Ms. Mitten, Mr. Moulden and Ms. Reid in favor to reinstate and Ms.  
6 Renshaw in opposition.

7 VICE CHAIRPERSON SOCKWELL: Then we should call the  
8 next case.

9 MR. HART: Application No. 16407 of the Capital  
10 Hill Group, pursuant to 11 DCMR 3108.1. The new Section is 3104.1  
11 for a special exception under Section 359 to establish a  
12 healthcare facility with 162 beds, basement through 6th floor, in  
13 an R-5-C District at premises 708 Massachusetts Avenue, N.E. This  
14 is Square 895, Lot 76.

15 In BZA Order No. 12407 dated October 21, 1999, the  
16 Board granted a special exception to allow an increase in the  
17 number of beds for the nursing center from 130 to 162. The Board  
18 also required that the applicant provide 276 off-street parking  
19 spaces. In a letter dated April 21, 2000, the applicant is  
20 requesting a modification of the order to reduce the Board's  
21 parking requirement and to reflect that the Square for which the  
22 relief was sought was Square 895 and not Square 865. The hearing  
23 date was January 6, 1999. The decision date was February 3, 1999.

24 The Board Members at that time were Betty King, Sheila Cross Reid  
25 and Jerry Gilreath.

1 VICE CHAIRPERSON SOCKWELL: I was not present  
2 during that time, but I have read the record. It appears that the  
3 modest request for additional beds and requisite staff is -- was  
4 nothing to look unfavorably toward. The garage apparently at one  
5 time not being occupied because it wasn't needed is now expected  
6 to be operational at 176 cars with 24 cars on-site. The existing  
7 parking would then be 200 with the loss of the lot that is to be  
8 sold. It seems to me that there is -- that parking has been a  
9 principle issue of the community, in particular the St. James  
10 Church was cited in the record as having had issues with regard to  
11 the use of parking that had been promised. But from what I can  
12 see, there is no adverse impact here and in fact it has been  
13 stated in the record in a number of sections that the parking was  
14 actually greater than was needed and there was never any question  
15 to that. So I don't personally see a reason why we could not  
16 modify.

17 MS. MITTEN: I guess I would just add to that the  
18 fact that the requirement based on the number of beds that was  
19 approved by the BZA in February of 1999 of 162 beds carries with  
20 it a requirement for 162 parking spaces. So this exceeds the  
21 requirement and I would agree with Mr. Sockwell that when the  
22 discussion occurred in the original hearing about what number of  
23 parking spaces was being offered to accompany this increased  
24 population, it was really that they were offering as many parking  
25 spaces as they had. There was no one that was suggesting that 276

1 were actually necessary. So I would agree that -- and the fact, I  
2 guess, that the ANC, who had been very vocal in the original  
3 hearing, has been given notice of this request and has not sent  
4 anything in in response. So I think it is fair to conclude that  
5 they don't have any issue as well. So I would be in favor of  
6 granting this modification.

7 MS. RENSHAW: I have no problem with that -- with  
8 granting the modification.

9 MR. MOULDEN: I was absent. I wasn't on the Board  
10 then. I read the record and I have no problem also.

11 VICE CHAIRPERSON SOCKWELL: And one thing that I  
12 think should be stated is that the use of the facility is far less  
13 intense than that of a hospital, which had over 700 employees and  
14 other issues that would have made it a much more active and  
15 certainly much more intrusive facility into the life of the  
16 community around it. If there is no more discussion, then I would  
17 want someone to frame a motion for us, please.

18 MS. MITTEN: I move approval of the modification to  
19 the BZA Order that relates to Square 895, Lot 76, the modification  
20 being reducing the number of off-street parking spaces from 276 to  
21 200, and changing the designation of the legal -- the legal  
22 identification from Square 865 to Square 895.

23 VICE CHAIRPERSON SOCKWELL: I second that. Any  
24 further discussion? All in favor?

25 BOARD MEMBERS: Aye.

1 VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

2 MS. PRUITT: Staff would record the vote as five to  
3 zero to approve, motion made by Ms. Mitten and seconded by Mr.  
4 Sockwell -- yes, Mr. Sockwell. And a proxy vote from Ms. Reid to  
5 approve.

6 MR. HART: The next case is the Application No.  
7 16564 of Jonathan B. Rickert, pursuant to 11 DCMR 3103.2, for a  
8 variance for an addition to a single family dwelling under  
9 Sections 404.1 and 404.4 from the rear yard set-back requirements  
10 to add a 6-foot rear addition in an R-1-A District at premises  
11 6683 32nd Place, N.W. This is in Square 2351, Lot 16.

12 The Board issued an order dated May 21, 2000  
13 denying the application. In letters to the Board dated May 23 and  
14 25, the applicant requested that the Board reconsider the  
15 application and provided additional reasons for this request. The  
16 request for reconsideration is now before the Board. The hearing  
17 date was April 5. The decision date was April 5. The members were  
18 Carol Mitten, Robert Sockwell and Sheila Reid.

19 VICE CHAIRPERSON SOCKWELL: I would like to state  
20 that at that time, the Board felt that the relief sought was not  
21 substantiated, and I would want to -- there was limited  
22 justification for allowing the relief. I would like to get some  
23 comments from my fellow Board Members on their current feelings  
24 about that.

25 MS. MITTEN: I guess -- well, I was at the hearing

1 and we have two letters from Mr. Rickert that relate to this  
2 matter. I guess I will just take them in order because they sort  
3 of frame the issue. The first letter relates to -- and this was a  
4 variance, an application for a variance. And the first letter  
5 that he sent us on April 25 relates to his burden. And in  
6 requesting reconsideration from the BZA, that should be based on  
7 an error that -- if we were to grant that, then that would be  
8 based on an error that we had found in our proceedings as opposed  
9 to the fact that the applicant, when given the opportunity, hadn't  
10 made his case. So I guess I would reject the -- I would reject  
11 the request for reconsideration based on the original application  
12 for a variance because, you know, he had the opportunity to make  
13 his case and did not succeed in persuading us.

14 Then we have a follow-up letter from Mr. Rickert on  
15 May 23, which relates to the fact that he could have been  
16 processed as a special exception, which is certainly available to  
17 him, but that would be an alternative application and we would not  
18 be able to take that up in the context of reconsideration of the  
19 variance application. So I think that what is available to Mr.  
20 Rickert going forward would be that he could submit an application  
21 for a special exception, if he wanted to go that route. But that  
22 would not be -- I don't think there is grounds for us to  
23 reconsider his variance application.

24 MS. RENSHAW: Is that going to require an  
25 additional fee?

1 MS. MITTEN: You would have to ask staff.

2 MS. RENSHAW: Staff?

3 MS. PRUITT: Yes, it would.

4 MS. RENSHAW: This case came before the ANC. I was  
5 not here for the vote and the discussion and the presentation by  
6 the applicant. But the case did come before the ANC 3G, and I  
7 recused myself at that meeting. But I do remember the fact that  
8 Mr. Rickert has no opposition from any of his neighbors and  
9 presented a very tightly formed case to the ANC and the ANC had  
10 absolutely no problem with this, and the problem, of course, is  
11 here, not with the ANC. And I would like to -- I would like to  
12 urge Mr. Rickert, one way or another, to come back before the  
13 Board to present his case as a special exception, if indeed we  
14 will not or cannot reconsider this as a variance.

15 VICE CHAIRPERSON SOCKWELL: Unfortunately for Mr.  
16 Rickert, and as stated in his April 25 letter, in fact there are a  
17 number of very sound practical, aesthetic and financial reasons  
18 for building the addition in the way we propose. That  
19 unfortunately does not necessarily mean that they meet the three-  
20 prong test with regard to a variance. And since the financial  
21 reasons and in some way the practical reasons and most of the  
22 aesthetic reasons are beyond the scope of the Board, we have the  
23 features of the site and such issues to work with. And I think  
24 that perhaps under a special exception application, the burden  
25 would be lessened for him. But I would suggest again that the

1 Board made the proper decision at the time based upon the  
2 application that was before it.

3 MS. RENSHAW: Mr. Rickert is -- the zoning relief  
4 was self-certified?

5 VICE CHAIRPERSON SOCKWELL: I don't have his --

6 MS. RENSHAW: Yes. All right. And I would like to  
7 know if there was any advice given to Mr. Rickert when he handed  
8 in his application, when he produced the paperwork -- anything  
9 from staff that said I think that this is amiss or more of a  
10 special exception than a variance.

11 MS. PRUITT: With self-certification, Ms. Renshaw,  
12 that is actually one of the problems. Staff is not -- we should  
13 not be making zoning interpretations. That is the Zoning  
14 Administrator's jurisdiction. And when you self-certify, you take  
15 the responsibility that you are asking for the correct relief.  
16 And if you aren't, then it is your obligation again to come back  
17 through the system. So staff does not normally give out that  
18 information -- I mean recommendations. Because if it is wrong,  
19 then we are held liable.

20 VICE CHAIRPERSON SOCKWELL: Is there any precedent  
21 or reason for allowing him to return to modify his application to  
22 a special exception without having him re --

23 MS. PRUITT: Reapply?

24 VICE CHAIRPERSON SOCKWELL: Reapply?

25 MS. PRUITT: That is -- I was asking Mr. Hart to

1 check with Ms. Sansone. I believe the one caveat or problem is  
2 that if you don't allow that, he has to wait a year before he can  
3 come back in. And that is what we are having -- we are checking  
4 in the regs. Which would just delay his possibility of actually  
5 making the addition. So I am pretty sure that is why he is coming  
6 in for reconsideration or a rehearing. But I wanted to verify  
7 before --

8 VICE CHAIRPERSON SOCKWELL: So he didn't apply  
9 under the wrong section of the zoning ordinance, he just applied  
10 under one --

11 MS. PRUITT: That had a higher burden of proof.

12 VICE CHAIRPERSON SOCKWELL: Burden of proof.

13 MS. PRUITT: Correct.

14 MS. MITTEN: Just for my own clarification, did I  
15 just understand you to say that if we do not approve the motion  
16 for reconsideration, he has to wait a year before he can apply as  
17 a special exception?

18 MS. PRUITT: That is what I want -- what we are  
19 checking. Because we have -- an order has already been issued to  
20 deny this.

21 MS. MITTEN: I see.

22 MS. PRUITT: And that is what I wanted to verify to  
23 be sure.

24 VICE CHAIRPERSON SOCKWELL: If it is inconsistent  
25 with our rules to let him back in switching his desired relief, I

1 am not sure that we would have to keep him out a year if he is  
2 changing the --

3 MS. PRUITT: Relief?

4 VICE CHAIRPERSON SOCKWELL: The relief. I think it  
5 would be -- I think that he cannot come in if he is seeking the  
6 same relief. But if he changes to something else, then he could  
7 return as a new application basically. I mean it might mean that  
8 it would possibly preclude us doing anything else to assist him in  
9 getting back in.

10 MS. RENSRAW: While they are checking the  
11 regulations, I just want to express my feelings about this. Even  
12 though it is a self-certification, I feel that whoever is  
13 accepting the application from the applicant should review it on-  
14 site while the applicant is there and say you are not applying in  
15 the proper category.

16 VICE CHAIRPERSON SOCKWELL: Ms. Renshaw that might  
17 be very difficult for us to do. Because in the case of a very  
18 simple application that level of scrutiny and shall we say review  
19 and assistance is possible. But for some very complicated  
20 application, that would not be possible. So I wouldn't want to  
21 make that a recommendation.

22 MS. RENSRAW: But, Mr. Sockwell, here is a very  
23 simple application.

24 VICE CHAIRPERSON SOCKWELL: I know, but if you --

25 MS. RENSRAW: It came before the ANC as a very

1 simple application. No problems whatsoever were expressed. And  
2 suddenly we find that the applicant has a big problem.

3 VICE CHAIRPERSON SOCKWELL: I understand. I am just  
4 saying that it should not be made a matter of policy.

5 MS. SANSONE: Mr. Chairman, I believe I have  
6 located the section that refers to the one year rule. And it is  
7 the Board's Rule 3126.11. And that provides that no -- if an  
8 applicant has had their application denied, he cannot bring a new  
9 application based on the same facts before the Board for a one-  
10 year period. If Mr. Rickert is applying for a special exception,  
11 there would be different elements that he would be required to  
12 prove and he would be bringing before the Board new facts and  
13 different facts. And, therefore, the one year prohibition should  
14 not seem to -- would not bar his application earlier than one  
15 year.

16 VICE CHAIRPERSON SOCKWELL: All right. Then I  
17 think that what we would do is move -- I would make a motion to  
18 deny reconsideration of the variance application No. 16564.

19 MS. MITTEN: Second.

20 VICE CHAIRPERSON SOCKWELL: All in favor?

21 BOARD MEMBERS: Aye.

22 VICE CHAIRPERSON SOCKWELL: And before Ms. Renshaw  
23 votes, I would state that we would communicate to the applicant  
24 that he is free to reapply under the special exception regulation  
25 with no moratorium on that application. That he is free to

1 reapply immediately. And would ask staff to consider any options  
2 with regard to his fee. But we have already heard the case and I  
3 don't think that we have an option on that because the order was  
4 issued.

5 MS. RENSHAW: Just for a point of clarification,  
6 Mr. Sockwell. When you said that you would ask staff to  
7 reconsider the fee, how does that work?

8 VICE CHAIRPERSON SOCKWELL: I don't think that  
9 actually it can work because the order was issued. The case was  
10 fully -- it went through the entire process. Had it been  
11 dismissed or perhaps unheard, that would be one thing. But it was  
12 heard.

13 MS. SANSONE: Mr. Chairman, under the rules if the  
14 applicant filed that application pursuant to the directions of the  
15 Zoning Administrator or Zoning Review Division and it was  
16 incorrectly filed, then he can have a refund. But I don't recall  
17 in this case if it was self-certified or filed pursuant to a  
18 zoning memorandum.

19 VICE CHAIRPERSON SOCKWELL: All right.

20 MS. MITTEN: Could you finish taking the vote and  
21 then maybe I could say something.

22 VICE CHAIRPERSON SOCKWELL: Ms. Renshaw's vote is  
23 still pending.

24 MS. RENSHAW: It is up here in the air here. So as  
25 I understand it, Mr. Sockwell's motion is to deny consideration of

1 the variance and to communicate with the applicant that he may  
2 file under a special exception with no moratorium. He is free to  
3 reapply and we have to drop the part about asking the staff to  
4 reconsider the fee.

5 VICE CHAIRPERSON SOCKWELL: Yes.

6 MS. RENSHAW: All right, I will vote with it.

7 VICE CHAIRPERSON SOCKWELL: Thank you.

8 MS. PRUITT: Staff would record the vote as 4 to 1  
9 to deny the reconsideration. Motion made by Mr. Sockwell,  
10 seconded by Ms. Mitten and Ms. Reid in opposition to denying it by  
11 proxy.

12 MS. RENSHAW: Do you include the rest of that  
13 language in that?

14 MS. PRUITT: Yes, I am sorry.

15 MS. RENSHAW: All right.

16 MS. MITTEN: I just wanted to clarify something  
17 because of the direction that the conversation was taking, which  
18 is there was not an error made in Mr. Rickert coming to us with a  
19 variance.

20 VICE CHAIRPERSON SOCKWELL: No.

21 MS. MITTEN: That was not an error. That was just  
22 he had two options --

23 VICE CHAIRPERSON SOCKWELL: An error in judgment  
24 perhaps, but not an error.

25 MS. MITTEN: Yes, he had two options available and

1 he chose the more burdensome option. That, you know,  
2 unfortunately was --

3 VICE CHAIRPERSON SOCKWELL: That is one of the  
4 pitfalls of self-certification.

5 MS. MITTEN: Yes. It is just -- it happened. And  
6 --

7 VICE CHAIRPERSON SOCKWELL: He might have been made  
8 aware of the fact that there were two options or there was an  
9 option to his variance request, but he did not know that at the  
10 time.

11 MS. MITTEN: Right. I just wanted to be clear that  
12 that was not a -- that was not an error in the sense that he was  
13 coming to us with the wrong request.

14 VICE CHAIRPERSON SOCKWELL: The next case.

15 MR. HART: Application No. 16472 of the Holy  
16 Christian Missionary Baptist Church For All People, pursuant to 11  
17 DCMR 3107.2, which is a new Section 3103.2, for a variance from  
18 the rear yard setback requirement of Section 774.7, and a variance  
19 from the number of parking spaces requirement of Section 2101.1,  
20 for proposed new construction of a church for an 812 seating in a  
21 C-3-A District at premises 4000 Benning Road, N.E., at Square  
22 5081, Lot 52.

23 The attached proposed draft order was sent out for  
24 exceptions in April of 2000. There has been no response from the  
25 parties. It is now being presented to the Board for its review

1 prior to being issued. The hearing date was July 21, 1999, and  
2 the decision date was July 21, 1999. The Board Members at that  
3 hearing were John Parsons, Betty King and Sheila Cross Reid.

4 VICE CHAIRPERSON SOCKWELL: I would like to make a  
5 statement about this. We have discussed this at some length and  
6 it is, I believe, the posture of the Board as a whole that because  
7 none of us participated in this particular Public Hearing, none of  
8 us sitting here, and because there is information that we would  
9 like to review prior to making a decision on this order, we would  
10 like to postpone the decision until a date certain in July at  
11 which time we will all have been able to review the entire file.  
12 And I would so move, if you -- if staff can give us a date.

13 MS. PRUITT: We could actually defer your decision  
14 to the July 5 meeting. That would be your first available time to  
15 hear this.

16 VICE CHAIRPERSON SOCKWELL: Then I --

17 MS. PRUITT: And in-between then, we can copy the  
18 file and get it to everyone.

19 VICE CHAIRPERSON SOCKWELL: Then I move that  
20 Application No. 16472, Holy Christian Missionary Baptist Church  
21 For All People order decision be deferred until the July 5 meeting  
22 -- morning or afternoon?

23 MS. PRUITT: Morning.

24 VICE CHAIRPERSON SOCKWELL: Morning session.

25 MS. RENSHAW: Second.

1 VICE CHAIRPERSON SOCKWELL: Discussion? Barring  
2 any discussion, vote. All in favor?

3 BOARD MEMBERS: Aye.

4 VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

5 MS. PRUITT: Staff would record the vote as four to  
6 one to defer action on this particular case until July 5, once  
7 staff can send the written record to everyone. Motion made by Mr.  
8 Sockwell, seconded by Ms. Renshaw. Ms. Reid in favor of  
9 approving or sending out the exceptions now. So she is in  
10 opposition to denial.

11 MS. MITTEN: It is not denial, it is deferring.

12 MS. PRUITT: Excuse me, opposition to deferral.  
13 Thank you. Thank you.

14 VICE CHAIRPERSON SOCKWELL: So that makes it four  
15 to one.

16 MS. PRUITT: Yes. I thought that is what I said. I  
17 am sorry if I didn't.

18 VICE CHAIRPERSON SOCKWELL: No, I am sorry. No, I  
19 am not saying that you didn't.

20 MS. PRUITT: Oh, okay. Yes, four to one.

21 MR. HART: Case 16348, Application of the District  
22 of Columbia Redevelopment Land Agency on behalf of the Rite Aid  
23 Corporation, pursuant to DCMR 3107.2, new Section 3103.2, for a  
24 variance from the off-site parking requirements of Section 2101  
25 for the construction of a retail/office building in a C-3-A

1 District at the premises 3031 14th Street, N.W., Square 2849, Lot  
2 108.

3 In a letter dated May 26, 2000, the applicant is  
4 requesting modification of this order to waive the six-month time  
5 period and to apply the off-street parking variance for the use of  
6 the second floor by a public charter school property. The hearing  
7 date was June 3. The decision date was June 3. The Board Members  
8 are Sheila Cross Reid, Betty King and Maurice Foushee.

9 VICE CHAIRPERSON SOCKWELL: I would ask my fellow  
10 Board Members for some discussion on this one.

11 MS. MITTEN: Well, I guess I will start off, which  
12 is that the core of what is being requested is that the variance  
13 for the off-street parking requirements that was originally  
14 granted for a retail office building be modified to reflect a  
15 retail/school building. And the -- I guess the notion that is  
16 driving the six-month time period and the waiver of a request for  
17 the six-month time period is based on a modification of plans,  
18 which I would suggest that this is not necessarily a modification  
19 of plans, but a modification of use. So that we really don't need  
20 to take up the issue related to the six-month time period.  
21 Rather, we need to decide whether we think a modification of the  
22 variance is in order. And I would suggest that it is because the  
23 original variance was for contemplated office use on the second  
24 floor, which would necessitate a variance of 17 parking spaces.  
25 The proposed charter school use requires only 12 parking spaces.

1 So I think that that is the modification that I would put forward.

2 VICE CHAIRPERSON SOCKWELL: The way this would want  
3 to be framed, I think, would be that we would change the wording  
4 of the order or suggest a change in the wording of the order to be  
5 inclusive of the requested use and -- the originally requested use  
6 and any uses of a lesser intensity that would include by  
7 definition the change to an educational use with the lowered  
8 parking requirement. I think that would be the simplest way  
9 because we have given a more generous parking variance and  
10 therefore somewhat similar to the way the zoning ordinance is  
11 cumulative, we would make this cumulative in reverse to include  
12 those uses which would require a less liberal waiver of parking  
13 requirements.

14 MS. MITTEN: I would endorse that.

15 MS. RENSRAW: Are you making a motion, Mr.  
16 Sockwell?

17 VICE CHAIRPERSON SOCKWELL: Yes. My motion would  
18 be to modify the Order No. --

19 MS. RENSRAW: 16348.

20 VICE CHAIRPERSON SOCKWELL: Yes, 16348 to state a  
21 variance from the off-site parking requirements of Section 2101  
22 for construction of a retail office building or less intensive  
23 uses in a C-3-A District at the premises 3031 14th Street, N.W.

24 MS. MITTEN: How about or less intensive uses  
25 permitted by right.

1 VICE CHAIRPERSON SOCKWELL: Permitted by right.  
2 That is very good. And the six-month issue, we won't have to deal  
3 with.

4 MS. MITTEN: I will second that motion.

5 VICE CHAIRPERSON SOCKWELL: Does staff have that  
6 pretty much down? Any discussion further? Then I would call for  
7 the vote. All in favor?

8 BOARD MEMBERS: Aye.

9 VICE CHAIRPERSON SOCKWELL: Opposed? Abstentions?

10 MS. PRUITT: Staff would record the vote as five to  
11 zero to approve the modification as amended by Mr. Sockwell.  
12 Motion made by Mr Sockwell, seconded by Ms. Mitten. Approval  
13 proxy from Ms. Reid.

14 VICE CHAIRPERSON SOCKWELL: Next case?

15 MR. HART: The next case is 16565, the Application  
16 of Georgetown University, pursuant to 3104.1 for a special  
17 exception under Section 210 for further processing of an approved  
18 campus plan to permit a minor addition to the existing St. Mary's  
19 Hall building, renovate entrances to the building and redesignate  
20 the use category of the building from residential to mixed use in  
21 an R-3 District at premises 37th and O Streets, N.W. This is on  
22 Square 1321, Lot 1. The hearing date was May 24. The decision  
23 date -- well, it is today, a proposed decision date. The Board  
24 Members were Sheila Cross Reid, Robert Sockwell, Ann Renshaw,  
25 Roger Moulden and Carol Mitten.

1                   VICE CHAIRPERSON SOCKWELL:   This particular case  
2 has again been discussed and heard with a great deal of thought  
3 placed on the overall impacts and immediate impacts of any action  
4 that takes place within the campus under the existing campus plan.

5       The modest additions to the St. Mary's Hall I believe to be  
6 without question a very simple matter to review, understand and  
7 accept.   However, the issue of housing is one of the principle  
8 issues by which the community measures the responsiveness of  
9 universities to their surroundings.  And the loss of housing which  
10 exists currently, although unused, is a significant issue for  
11 consideration in context with the university's commitment to  
12 providing a 100 percent on-campus undergraduate housing  
13 capability.  The units at St. Mary's Hall were committed to  
14 housing some time ago while taken off line.  Unless this Board  
15 removes that commitment to housing, they must eventually be  
16 brought back on line or left fallow.  My feeling is that without  
17 having an idea of the university's future commitment to housing  
18 before us, it was proper for the university to bring the proposal  
19 to the Board.  But I do not feel that it is proper for the Board  
20 to make a decision on housing to be removed at this time because  
21 the schedule of providing the level of housing that the university  
22 is committed to has been modified considerably, partially by the  
23 loss of the cogeneration facility project and other unknown issues  
24 which may come forward shortly.  And it is my belief that while I  
25 am fully in support of aesthetic and functional modifications to

1 the building, i.e., the additions, I am very much concerned that  
2 to pull the plug on over 200 units of housing without having an  
3 idea what may come forth in the immediate future with regard to  
4 the future housing commitment of the university would be a blind  
5 shot in the dark that I am unwilling to take.

6 MS. MITTEN: If I could maybe just frame it a  
7 little bit differently, but I think I am in general agreement with  
8 Mr. Sockwell. Which is what was brought before us was a further  
9 processing under an existing campus plan. And I have labored in  
10 my mind to understand where does further processing leave off and  
11 amending an existing plan take over. And I think what you are  
12 describing, Mr. Sockwell, in terms of this sort of global impact  
13 that permanently removing the units -- the housing units that were  
14 in St. Mary's, the 217 beds, that is a global issue. And to me the  
15 campus plan, that is what it is meant to embody are these global  
16 issues to set forth the expectations -- to set forth the vision  
17 for the campus for the period during which it is valid. And I  
18 think what is clear is that based on the 1990 campus plan, the  
19 expectation was at a minimum there would be 216 dormitory beds at  
20 St. Mary's. So given that we have not been asked to amend the  
21 1990 campus plan in the context of this request, I would agree  
22 that if we -- I would be unwilling to endorse the renovation of  
23 St. Mary's Hall that would lead to permanent elimination of the  
24 dormitory beds. I think that goes beyond the scope of what was put  
25 before us. And like you, I think approving the minor addition and

1 the request to renovate the entrances, I think that is  
2 appropriately within the scope of the existing campus plan and I  
3 would endorse that. But I think to go further is really beyond --  
4 that would be a campus plan amendment and we had not dealt with  
5 those global issues.

6 MS. RENSHAW: I agree with Ms. Mitten and with Mr.  
7 Sockwell. I would not be in favor of removing any housing overlay  
8 designation on St. Mary's Hall. I don't have any problem  
9 whatsoever with these minor improvements to St. Mary's Hall,  
10 including bringing the spaces up to ADA and building code  
11 requirements, the minor addition at the front and the side  
12 entrances of the building and the exterior work to replace windows  
13 and improve the site landscaping. But I will not be voting for  
14 anything that would change the designation and remove the housing  
15 overlay. Because as Mr. Sockwell and Ms. Mitten have both so well  
16 articulated, that is a modification to the campus plan as I see  
17 it. There is a problem with making sure that the students are  
18 housed on campus. That is what the community wants. And we do not  
19 want to remove beds or the potential for beds when we have not  
20 faced the new campus plan. And I agree with Ms. Mitten that it  
21 would be a very serious modification of the existing 1990 campus  
22 plan were we to vote to change this designation.

23 VICE CHAIRPERSON SOCKWELL: Well -- and before Mr.  
24 -- well, I can wait. Go ahead.

25 MR. MOULDEN: I also agree that student housing is

1 a major factor of any university or college campus around the  
2 country. Where and how you house the students is very important  
3 to location of programs and facilities. While it is also  
4 important to have incidental uses or accessory uses or related  
5 uses on campus too, but I think the most important thing here is  
6 to keep the housing centralized. Adequate housing on campus, I  
7 think, is a major goal and should remain a major goal. However,  
8 other incidental uses and other programs related to student  
9 education should be reviewed a little more carefully as the campus  
10 plan is updated, amended and approved.

11 VICE CHAIRPERSON SOCKWELL: I think one of the  
12 issues that we have to take into consideration is the fact that as  
13 the -- if the housing overlay at St. Mary's Hall is removed, it  
14 also precludes the addition or potential addition of 200  
15 additional units of housing at that location. So in reality, we  
16 may be removing the opportunity for 417 units of housing to exist  
17 as opposed to just the 217 that are already there. And that puts a  
18 great deal of burden on the university to come up with alternative  
19 locations for housing and meet its commitment, which has not  
20 changed, I am sure, with regard to the provision of 100 percent  
21 undergrad housing on campus. And the timing of that would all be  
22 to some degree our responsibility if we remove existing housing  
23 prematurely. And I am very concerned that we not do anything that  
24 would make it more difficult for the university to fully reach its  
25 goal.

1 MS. MITTEN: I guess I would just like to maybe --  
2 I agree with you, but I would just like to say that I think it is  
3 a process issue, which is -- you know, what you are stating is  
4 sort of thematic, but it is a big issue. And it is bigger than  
5 this case I guess is how I would like to describe it. And so all  
6 of those issues would have to be fleshed out in a much larger  
7 context than we were provided in this application related to St.  
8 Mary's. So I don't disagree with you, I just wanted to maybe give  
9 a little bit different take on it. And I would make a motion, if  
10 you are ready for that. And I would suggest that we do this in  
11 two parts, just for clarity. So that maybe I will begin by making  
12 a motion of the things that we want to vote in favor of and then  
13 the things that we want to vote to deny. So don't think I am done  
14 just because I have made one motion. Okay? It is not the end.

15 So I would move that we permit the minor addition  
16 to the existing St. Mary's Hall building of 427 square feet and  
17 permit renovation of the building entrances as proposed.

18 VICE CHAIRPERSON SOCKWELL: I would second that  
19 motion. Any discussion?

20 MR. MOULDEN: Will these require separate votes?

21 VICE CHAIRPERSON SOCKWELL: Yes.

22 MS. MITTEN: Well, this is one motion, unless you  
23 have a reason to separate the two issues.

24 VICE CHAIRPERSON SOCKWELL: Yes, this is one  
25 motion. Because that would be one construction contract or one

1 element.

2 MS. RENSCHAW: Ms. Mitten, are you going to put into  
3 your motion the interior renovation to bring all interior spaces  
4 to current ADA and building code requirements, including a new  
5 stair and elevators?

6 VICE CHAIRPERSON SOCKWELL: Some of that might have  
7 been predicated on where we go with other motions. But we can  
8 certainly make that accepted. We can put that into the motion  
9 because it is not ours to choose the what-if's.

10 MS. MITTEN: Here is what I would suggest on that.  
11 Can we take this step-by-step and let's deal with this step?  
12 Then we will deal with the next step. And then if you want to  
13 bring that in, we will just have -- we will be real clear about  
14 what we are voting on. Okay?

15 MS. RENSCHAW: That is fine.

16 VICE CHAIRPERSON SOCKWELL: All right. On the  
17 first motion, do you want to restate it? Or are you --

18 MS. MITTEN: I can.

19 VICE CHAIRPERSON SOCKWELL: I would appreciate it.

20 MS. MITTEN: Okay. I move that we permit the minor  
21 addition to the existing St. Mary's Hall building of 427 square  
22 feet and that we permit renovation of the building entrances as  
23 proposed.

24 VICE CHAIRPERSON SOCKWELL: All right. And that  
25 was seconded by me. Did I do that?

1 MS. MITTEN: Yes.

2 VICE CHAIRPERSON SOCKWELL: Yes, I did. Okay. No  
3 more discussion? All in favor?

4 BOARD MEMBERS: Aye.

5 MS. PRUITT: Staff would record the vote as five to  
6 zero to approve. Motion made by Ms. Mitten, seconded by Mr.  
7 Sockwell and with a proxy to approve from Ms. Reid.

8 MS. MITTEN: Okay. Can I go with the next one now?

9 VICE CHAIRPERSON SOCKWELL: You may.

10 MS. MITTEN: Okay. I move that we deny the  
11 applicant's request to redesignate the use category of St. Mary's  
12 Hall and that we deny their request to permit renovation of St.  
13 Mary's Hall that would permanently eliminate dormitory beds on  
14 that site as contemplated in the 1990 campus plan.

15 MR. MOULDEN: Don't you think you might want to  
16 make it more specific -- the specific use category that --

17 MS. MITTEN: Okay.

18 MR. MOULDEN: Was it office or --

19 MS. MITTEN: Let me just look and I will get the  
20 exact.

21 MR. MOULDEN: Deny the mixed use category.

22 VICE CHAIRPERSON SOCKWELL: Well, extension of the  
23 -- well, you see, it is in a mixed use category now. But do you  
24 want them --

25 MS. MITTEN: The existing designation is for

1 educational mixed use.

2 MR. MOULDEN: Right. Okay.

3 VICE CHAIRPERSON SOCKWELL: And what you want to do  
4 is you can relate it directly to the 216 units if you want to do  
5 it that way. That way it doesn't do anything but address the  
6 housing that is existing.

7 MR. MOULDEN: Right.

8 MS. MITTEN: Okay. How about this as a  
9 modification. I had said to redesignate the -- deny the request to  
10 redesignate the use category, and I will suggest a modification  
11 that it say to redesignate the existing educational mixed use use  
12 category, if I can say use twice in a row. Okay, well you try  
13 something. How about the existing use category. I don't --

14 VICE CHAIRPERSON SOCKWELL: That is fine.

15 MS. MITTEN: Okay.

16 MS. PRUITT: Excuse me, just for clarification?

17 VICE CHAIRPERSON SOCKWELL: Please.

18 MS. PRUITT: Your Motion is to deny the request to  
19 rededicate --

20 MS. MITTEN: Redesignate.

21 MS. PRUITT: Redesignate --

22 MR. MOULDEN: The existing --

23 MS. MITTEN: The existing use category.

24 MS. PRUITT: Okay.

25 MS. MITTEN: And then there is a second part. Do

1 you have the second part?

2 MS. PRUITT: The previous motion?

3 MS. MITTEN: No.

4 MS. PRUITT: That is why I would like for you --

5 MS. MITTEN: Okay, part one.

6 VICE CHAIRPERSON SOCKWELL: Let's not -- I don't  
7 want to deal with the word category because category, I think,  
8 gets us -- I think you want to deny redesignation of the existing  
9 uses.

10 MS. MITTEN: All right. I was just taking the  
11 words out of the request.

12 VICE CHAIRPERSON SOCKWELL: All right. Okay. That  
13 is fine. Go ahead. That is good.

14 MS. MITTEN: All right. I will -- this is the whole  
15 motion again. To deny the request to redesignate the existing use  
16 category for St. Mary's Hall and to deny the request to permit  
17 renovation of St. Mary's Hall that would permanently eliminate  
18 dormitory beds on that site as contemplated in the 1990 campus  
19 plan. That is not worded that well because elimination is not  
20 what was contemplated. I think I need to rearrange something. Do  
21 you know what I mean?

22 VICE CHAIRPERSON SOCKWELL: To deny permission to  
23 renovate the hall and to permanently remove --

24 MS. RENSHAW: To permanently remove the housing  
25 overlay?

1 VICE CHAIRPERSON SOCKWELL: The existing house.

2 MS. MITTEN: I just wanted to make reference to the  
3 1990 campus plan and maybe that is not necessary. We could just --

4 VICE CHAIRPERSON SOCKWELL: Yes, I mean it is under  
5 -- it is being processed under the 1990 campus plan.

6 MS. MITTEN: Right. So let's just take that out and  
7 then I will be happy.

8 MS. RENSHAW: All right. So how does it read?

9 MS. MITTEN: Okay. To deny the request to  
10 redesignate the existing use category for St. Mary's Hall and to  
11 deny the request to permit renovation of St. Mary's Hall that  
12 would permanently eliminate dormitory beds on that site.

13 MS. RENSHAW: That site. Okay. Second.

14 VICE CHAIRPERSON SOCKWELL: Any more discussion?  
15 Ready for the vote. All in favor?

16 BOARD MEMBERS: Aye.

17 MS. PRUITT: Staff would record the vote as four to  
18 one. Motion made by Ms. Mitten, seconded by Ms. Renshaw. Ms.  
19 Reid in opposition. She would actually approve the application by  
20 proxy.

21 MS. RENSHAW: Okay.

22 VICE CHAIRPERSON SOCKWELL: All right. Now, Ms.  
23 Renshaw, you wanted to talk about that other issue. And if it is  
24 not bound in, then we will just make it as a separate motion.

25 MS. RENSHAW: Well, there are two things.

1 Actually, the Office of Planning report had extracted or  
2 enumerated rather two things. Interior renovation to bring all  
3 interior spaces up to current ADA and building code requirements  
4 including new stair and elevators. And then another one, exterior  
5 work to replace windows and improve the site landscaping.

6 VICE CHAIRPERSON SOCKWELL: Those probably don't  
7 require Board action.

8 MS. RENSHAW: Okay.

9 VICE CHAIRPERSON SOCKWELL: Those are strictly  
10 building code and permit issues to be handled independently --  
11 normally.

12 MS. RENSHAW: All right.

13 VICE CHAIRPERSON SOCKWELL: Are there any other  
14 motions with regard to this? Then I would say that we have  
15 completed the agenda for the morning session. The hearing is  
16 therefore adjourned.

17 (Whereupon, at 11:44 a.m., the public meeting was  
18 concluded.)

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