

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY,

APRIL 4, 2006

+ + + + +

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., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary (BZA)
BEVERLY BAILEY	Sr. Zoning Specialist
TRACEY W. ROSE	Sr. Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL:

SHERRY GLAZER, ESQ.
LORI MONROE, ESQ.

This transcript constitutes the minutes from the Public Meeting held on April 4, 2006.

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

10:14 a.m.

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. Let me call to order the 4th of April 2006 Public Meeting of the Board of Zoning Adjustment of the District of Columbia. My name is Geoff Griffis, Chairperson. Joining me today is Ms. Miller, Vice Chair, and Mr. Etherly. Representing the National Capital Planning Commission is Mr. Mann with us on our meeting. We have rotating Zoning Commissioners that have heard cases and we may anticipate their appearance, depending on the case that is called.

That being said, I apologize for our late start this morning. It is important for us to finalize all our Executive Session pieces and come out for our decisions. We will get you out of here in a timely fashion, I do believe, this morning.

Let me ask that people just turn off their cell phones and any other apparatus that may disrupt our transmission. I'm going to skip through a lot of major announcements in my openings and move right into.

Of course, this is our Public Meeting. We are going to be calling cases for deliberation,

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1 meaning all these cases have, obviously, been heard
2 and gone through their public hearing. This is an
3 opportunity for the Board to reexamine the elements
4 and also come to a decision on these cases. No
5 opportunity is afforded anyone to give additional
6 testimony or evidence into the record, as the record
7 is closed on each of these cases.

8 I will tell you, as I'm sure you are aware
9 having been through the public hearing already, we are
10 being broadcast and a record is being created of our
11 and all our public appearances.

12 With that, let me say a very good morning
13 to Ms. Bailey with the Office of Zoning who is sitting
14 on my very far left, Mr. Moy, also with the Office of
15 Zoning closer to us.

16 Let's get right into our agenda this
17 morning and call the first case for our decision. I
18 am going to move a little bit the chronology of the
19 cases that we have before us this morning and ask, Mr.
20 Moy, if you wouldn't mind calling 17450?

21 MR. MOY: Yes, sir. Good morning, Mr.
22 Chairman and Members of the Board. The first case for
23 decision then is Application No. 17450 of James Fife
24 and Catherine McCulloch, pursuant to 11 DCMR 3104.1,
25 for a special exception to allow a rear addition to an

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1 existing single-family row dwelling under section 223,
2 not meeting the lot occupancy requirements, section
3 403, and nonconforming structure provision under
4 subsection 2001.3, in the R-4 District at premises 614
5 A Street, N.E., that's in Square 867 and Lot 97.

6 On March 21, 2006, the Board completed
7 public testimony on the application and scheduled its
8 decision to April 4, 2006. The applicant was expected
9 to file revised drawings to reflect changes in plans
10 that were submitted on March 21, 2006. That filing is
11 in your case folders, Mr. Chairman, and is identified
12 as Exhibit 37. These are revised drawings to sheets
13 C6, A1, A2 and A3. And that completes the staff's
14 briefing, Mr. Chairman.

15 CHAIRPERSON GRIFFIS: Excellent. Thank
16 you very much, Mr. Moy, and I appreciate your reading
17 of that and we, obviously, appreciate getting any
18 additional filings. As you said well, Mr. Moy, we
19 asked for these because the changes that were brought
20 up during the hearing, based on the fact that the lot
21 occupancy of the front portion of that, which was the
22 bay, which created, I believe, it's an open court
23 there, was not initially calculated into the total lot
24 occupancy, meaning that there is a foot or so
25 dimension that needed to be taken off of the addition

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1 as proposed. And there were a couple of iterations
2 and possibilities of that.

3 I know in my own deliberation that the
4 record is complete on this, at the hearing time,
5 except for the drawings that reflected those changes,
6 and I think it's appropriate for us to move right to
7 a motion for our deliberation on this. And I would
8 move approval of Application No. 17450 for a special
9 exception. This is, of course, a 223 and that was
10 noncompliant for lot occupancy in the R-4 Zone and
11 that would be for the premises of 614 A Street, N.E.,
12 and would ask for a second.

13 VICE CHAIR MILLER: Second.

14 CHAIRPERSON GRIFFIS: Thank you very much,
15 Ms. Miller. We ran through, in the record previously,
16 all the requirements for the 223, but I can reiterate
17 that specifically here. Well, clearly, there was no
18 evidence and no persuasive evidence that went to that
19 this addition would negatively or potentially
20 negatively impact light, air, use or enjoyment of the
21 adjacent properties.

22 In fact, it aligns fairly closely with
23 that of the adjacent properties and their extensions
24 into the rear. It is enlarging a small interior space
25 and also the exterior space. I think it meets the

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1 entire criteria of special exception and Office of
2 Planning's analysis concurred with that.

3 I'll open it up to any other comments or
4 deliberation. Very well. If there's nothing further
5 by any other Board Members, we do have a motion before
6 us. It has been seconded. I would ask for all those
7 in favor to signify by saying aye.

8 ALL: Aye.

9 CHAIRPERSON GRIFFIS: And opposed?
10 Abstaining? Mr. Moy?

11 MR. MOY: Yes, sir. The staff would
12 record the vote as 4-0-1. This is on the motion of
13 the Chairman Griffis to approve the application,
14 seconded by Ms. Miller. Also in support of the motion
15 Mr. Etherly and Mr. Mann. And we have a Zoning
16 Commission Member participating, but not voting today.

17 CHAIRPERSON GRIFFIS: Excellent. Thank
18 you very much, Mr. Moy. Unless there's any objection
19 from the Board Members, I think we should waive our
20 rules and regulations and issue a summary order on
21 this. Not noting any opposition, we can move ahead in
22 that fashion, Mr. Moy. Very well. Let's move ahead.

23 MR. MOY: Yes, sir. The next case for
24 decision is Application No. 17420 of 1123 11th Street,
25 LLC, pursuant to 11 DCMR 3103.2, for a variance from

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1 the lot occupancy requirements under section 403, and
2 a variance from the rear yard requirements under
3 section 404, to allow an eight-story rear addition to
4 an existing building for nonprofit office and
5 residential apartment use in the DD/R-5-E District at
6 premises 1123 11th Street, N.W., that's Square 341,
7 Lot 807.

8 At its regular Public Meeting on March 7,
9 2006, the Board convened Application 17420 and after
10 discussion set its decision on April 4, 2006. This
11 was to allow the Historic Preservation Review Board
12 staff time to respond to the Board's request for
13 further clarification, especially regarding the
14 setback of the upper story elements to the rear of the
15 building, approximately, 37 feet, and kept the record
16 open for any responses.

17 The filings are in your case folders. One
18 is from HPRB dated March 13, 2006 and is identified as
19 Exhibit 37. The office is also in receipt of a
20 response from the applicant, date of March 28, 2006,
21 and is identified as Exhibit 38. That will complete
22 the staff's briefing, Mr. Chairman.

23 CHAIRPERSON GRIFFIS: Thank you, Mr. Moy.
24 Let me open it up to anyone that would like to begin
25 on this. I think it was well worth the time in

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1 leaving the record open to receive, as Mr. Moy has
2 laid out, a few of the additional submissions, that
3 being from the applicant and also from the HPRB staff
4 member. I believe that it is informative.

5 I'll let others speak to this, because I
6 don't think that it brought to the clarity, in my
7 mind, of something that I was hoping, but let me hear
8 from others.

9 BOARD MEMBER ETHERLY: Mr. Chair, I'm more
10 than happy to jump in very briefly and very pointedly.
11 In all seriousness, we had fun with this case at our
12 last brief sojourn with it. I felt very strongly that
13 the variance case was fairly convincing and laid out,
14 and in particular, as related to the issue of the HPRB
15 decision. This Board felt, I should say a majority of
16 the Board felt that it would be important perhaps to
17 seek some clarification from HPRB, which we did
18 receive, as Mr. Moy noted at Exhibit No. 37.

19 I think that clarification simply
20 reiterated what we already had in our possession with
21 in the record, that being in relevant portion, reading
22 from Mr. Calcott's memorandum dated March 13, 2006,
23 that this setback, approximately, 36 feet, back from
24 the front elevation is dictated by the historic
25 building and would allow for the retention and

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1 rehabilitation of the main portion of the structure
2 without need for significant alterations or
3 demolition. And it goes on and continues to preserve
4 the volume above it as open and allow for the rearing
5 desired by the applicant.

6 I felt fairly convinced by the
7 presentation of the applicant that the HPRB decision
8 did, in very significant part, contribute to the
9 extraordinary and exceptional conditions cited at the
10 subject property. As has been alluded to in the
11 applicant's subsequent submittal at Exhibit No. 38,
12 this Board has, in the past, had occasion to look at
13 HPRB decisions and give fairly substantial
14 consideration to those decisions as they relate to the
15 creation of certain conditions or certain constraints
16 on the site.

17 That taken with a number of the additional
18 observations that were presented through written
19 and/or testimony by the applicant with regard to the
20 site, I felt again fairly convinced that a very strong
21 case was made with regard to the issues, the
22 extraordinary and exceptional conditions of the
23 subject site as it related, of course, not only to the
24 existing 1888 Queen Anne Row House, that I think was
25 of substantial consideration for HPRB, but also some

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1 of the additional needs as it related to the internal
2 configuration of the building, in particular, the
3 location of exits on the -- within the subject
4 property, certain core elements, if I recall
5 correctly, from testimony oral and written.

6 So again, Mr. Chair, I feel fairly
7 comfortable that the case has been made, in addition,
8 of course, to the approval of the Office of Planning
9 and the approval of ANC-2F, that we have a case that
10 is very ripe for positive and favorable action at this
11 time. Thank you, Mr. Chair.

12 CHAIRPERSON GRIFFIS: Excellent. Thank
13 you very much. Others?

14 VICE CHAIR MILLER: I find this case
15 troubling in that it's really the first case that I
16 have sat on where I haven't been convinced that HPRB's
17 mandate of a design was, you know, the most
18 appropriate or the only appropriate design for
19 Historic Preservation. I think, in this case, I was
20 looking for the practical difficulty issue. And I
21 think that when we look at that, it's not just that
22 practical difficulty is created by an HPRB decision,
23 but really by the underlying circumstances of the
24 property.

25 And in this case, when I looked at the

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1 transcripts from the HPRB meeting, I found it
2 troubling in that the views seemed to be very
3 splintered and I didn't get a strong sense at all that
4 this was the only solution to protect historic
5 preservation and that there was any -- I guess they
6 don't necessarily consider zoning relief, but I think
7 usually when I'm dealing with historic preservation
8 issues, it's that this is the only design that would
9 protect the historic preservation.

10 And I'm looking at this case and I'm not
11 convinced that there is no design that's possible
12 that's economically feasible that would require no
13 zoning relief and that could also be approved by HPRB.
14 We got on to this because at the hearing we were
15 talking about, you know, why is it setback so far and
16 the reason was, primarily, because that was what HPRB
17 had finally decided upon.

18 But we really don't have any rationale by
19 HPRB that why this setback is so critical for
20 preservation reasons. I think that the letter that we
21 have from Steve Calcott from Office of Planning is
22 really a conjecture that the Board wouldn't approve a
23 lesser setback. And I think our role is to protect
24 the conditions of the Zoning Regulations that are
25 there for and variances aren't to be given lightly.

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1 And I think while there was evidence that
2 there might not be great adverse impact on the light
3 and air of the properties behind, I think that the
4 rear yard setback does give a certain amount of
5 spacing, open space to the properties behind and that
6 that's what would be sacrificed in this case.

7 But in doing the variance analysis, I
8 don't think we need to go to adverse impact, if we
9 don't find practical difficulty. And so that's where
10 I'm at. I'm not convinced that there is no way that
11 the applicant can comply with the Zoning Regulations
12 at this point. I think it strictly turns on an HPRB
13 decision that, I think, is in concept to and I would
14 hope perhaps that HPRB might take a second look at
15 this or look at a different design that wouldn't
16 require variance relief.

17 CHAIRPERSON GRIFFIS: Thank you. Others?
18 Mr. Mann?

19 BOARD MEMBER MANN: Well, I certainly
20 agree that this case is troubling and it's unfortunate
21 that the information that was provided from HPRB,
22 where the HPRB information was provided, I should say,
23 didn't provide the sort of clarity that I was hoping
24 for. I was hoping that it would give some information
25 that would make the decision simple, but

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1 unfortunately, it's not.

2 And I think I have to agree with Ms.
3 Miller that we don't even get to the point where we
4 can necessarily consider whether or not there are
5 adverse impacts, because I think that the practical
6 difficulty case is lacking from the information that
7 we have received. There is just no definitiveness to
8 the information that we got from HPRB.

9 CHAIRPERSON GRIFFIS: Wow. Well, I
10 appreciate everybody's opinion on that and also the
11 depth of the deliberation that each Member has taken.
12 I think this does pose a difficult position for the
13 Board on several levels. I mean, one, just looking
14 directly at what we're responsible for and that is the
15 test for the variance and the practical difficulty
16 aspect of that uniqueness, of course, of the practical
17 difficulty.

18 And then lastly, whether it would some how
19 not be in accordance with the Zone Plan, the
20 underlying zoning or the public good. And I think one
21 of the things that we haven't touched on, which I
22 don't find singularly persuasive, but an element of my
23 own review of this case, is the public good, And how
24 it is vested in this case really is how the design
25 would impact the block. And I think in the Public

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1 Hearing we had some discussion on that and is it
2 appropriate in the width of a lot of this size to
3 setback 37 feet?

4 In terms of what the rest of the block is
5 looking at, we have matter-of-right buildings on each
6 side that are going to the sidewalk line or the
7 property line as is the existing townhouse and what
8 would this actually appear. Again, it's not the most
9 persuasive or it's not the element of which this
10 entire case turns on, but I think it is an appropriate
11 element to have in discussion of this.

12 And that's where I get a little bit more
13 concerned going back into looking at what we have to
14 decide on is what is the practical difficulty? And so
15 we do have to rely again on the reasoning for a
16 variance relief in this case and comes out of the
17 design review of another board. So we have to start
18 to question why that design direction was given. And
19 I think that's where I have found it.

20 I think Ms. Miller and Mr. Mann indicated
21 the same. Confusing at best. There seems to be
22 elements here of preserving the interior of a
23 structure, based on the transcript, so that it
24 wouldn't be taken as a demolition. I'm not sure how
25 that rises into the purview of the Board. Then there

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1 doesn't seem to be persuasive direction or distance
2 set.

3 But then I have great concern that we are
4 setting up a situation in the process of which it's
5 untenable for applicants or rather developers and
6 designers to work within the parameters of existing
7 conditions and in-fill buildings. I mean, how does
8 one go about doing this if you have a situation or
9 process much like this?

10 I guess, I'm a little, frankly, frustrated
11 with our own situation here, because this doesn't, for
12 me on the record, rise to the level of so much concern
13 and frustration and consternation for our
14 deliberation. And yet, clarity hasn't been provided,
15 which I think it could have been. The applicant in
16 their last submission cited Jemal's Benjo, LLC, which
17 is 17012 Application and I sat on that case and I know
18 other Board Members did. That was rising to a level
19 of which I think we did well in terms of our
20 deliberation.

21 I don't see this, I guess what I'm trying
22 to say is, as -- well, I don't know what I see it as.
23 There it is. Let me open it up a little bit more for
24 further discussion then on the standards for the
25 variance relief and the last filing of the

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1 application, in addition to the HPRB imposed design
2 and setback. We have also the smallest and the size
3 of the lot, the existing building on the lot and also
4 the element of, as it has been indicated by the
5 applicant, and their phrase is this "bunkered
6 property."

7 Let me let others speak to those elements
8 and how they play into the deliberation on this.

9 BOARD MEMBER ETHERLY: Well, I appreciate
10 the Chair's opportunity to speak to the additional
11 elements, but I think perhaps the game is most afoot
12 in terms of this overall place of where we are. I
13 still kind of hold the position that we're running the
14 risk of placing this applicant with the decision
15 should it be adverse, as it appears to be the case.
16 We're placing this applicant and potentially other
17 applicants in the posture of again having to sort
18 through what happens if an HPRB decision in some way
19 invokes a non-zoning compliant outcome.

20 I definitely understand the concerns that
21 my colleagues have expressed with regard to the
22 rationale for the variance test and that is, indeed,
23 our charge here as a Board. I do not feel, however,
24 that acknowledgement of the HPRB created constraints
25 in some respects creates an application, if you will,

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1 of our review or oversight function, if you will.

2 None of my colleagues are saying that
3 directly, but I think that really is the practical
4 kind of outcome of this decision that if we are
5 confronted with an HPRB ruling that creates a
6 noncompliance with the Zoning Regs, kind of what do we
7 do with that? My concern additionally is stepping too
8 far outside of our role as an arbitrator of the Zoning
9 Regulations and into the purview of the Historic
10 Preservation Review Board.

11 But then again, I'm probably comfortable
12 with that position, because at the outset I felt that
13 the rationale offered was, indeed, a satisfactory one.
14 Again, we did have a party in opposition. I will
15 speak to that aspect, because I think some of the
16 observations that were raised by that party were,
17 indeed, appropriate for us to discuss, but I did not
18 find that testimony to be compelling to the point of
19 opposing the application and the requested variances.

20 Thank you very much, Mr. Chair.

21 CHAIRPERSON GRIFFIS: Excellent. Thank
22 you and I think that's an important point to bring up
23 is the party in opposition. Were you going to speak
24 to that? Well, it's an interesting point. I think
25 you are right, Mr. Etherly, in talking about the

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1 position of arbitration. However, the difference,
2 well, the unique -- the aspect of this application,
3 what I see, is that it could conceivably have been a
4 matter-of-right for a zoning project that was produced
5 here, if there was not the design direction to move
6 the entire piece back.

7 Let me take the second piece of the party
8 in opposition in regards to this. In reviewing that
9 and hearing their entire case presentation, I, in
10 fact, was not persuaded by their position of
11 opposition to this. I didn't see anything in evidence
12 that was brought up that created an undue impact. In
13 fact, it seemed to be even lessened based on the
14 position of the property of the opposition, party in
15 opposition.

16 Their property is actually directly
17 adjacent to a matter-of-right property that goes much
18 deeper than this one that is being proposed. So
19 that's not where I am in terms of my concern of this.
20 I'm really, frankly, more concerned of why this would
21 need to be requesting a variance. And that's where
22 I'm trying to understand more fully. Ms. Miller?

23 VICE CHAIR MILLER: I just want to comment
24 a little further on the HPRB/BZA situation. I found
25 it interesting to read the transcript from the Jemal

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1 case where Ms. Mitten says that "There doesn't seem to
2 be a responsiveness from the Historic Preservation
3 Society to zoning constraints. There is clearly a
4 responsiveness from the zoning side to Historic
5 Preservation constraints."

6 And, you know, in that case, I didn't have
7 a problem with the Historic Preservation decision.
8 But I just would like to, if it's possible, give HPRB
9 a chance to be responsive to the zoning constraints in
10 this particular case, because it didn't seem like this
11 particular design was one that was embraced fully by
12 that board and articulated with a clear reason for it.

13 And I am distressed a little bit. I feel
14 for the applicant to be tossed between the two boards,
15 but I'm hoping that perhaps a better design will come
16 out of this that won't require any zoning relief.

17 BOARD MEMBER ETHERLY: Mr. Chair, perhaps
18 just at this time to, you know, kind of keep us moving
19 forward expeditiously, not to necessarily rush through
20 the deliberation, but I think we're at a point where,
21 you know, action of some sort is required. I'm
22 prepared, at this point, to move forward on a motion
23 of some sort. My colleagues have a sense where my
24 inclination is in terms of going forward with a
25 motion. So I would be more than happy to move

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1 forward, at this point in time.

2 With that preparatory statement in mind,
3 Mr. Chair, I would move approval of Application No.
4 17420 of 1123 11th, LLC, pursuant to 11 DCMR section
5 3103.2, for a variance from the lot occupancy
6 requirements under section 403, and a variance from
7 the rear yard requirements under section 404, to allow
8 an eight-story rear addition to an existing building
9 for nonprofit office and residential apartment use at
10 premises 1123 11th Street, N.W., and I would invite a
11 second.

12 CHAIRPERSON GRIFFIS: I will second the
13 motion to continue our deliberation.

14 BOARD MEMBER ETHERLY: Thank you very
15 much, Mr. Chair, for that gracious second. Again, I
16 think the record is fairly full and compelling as it
17 relates to all of the components of the variance test
18 from this Board Member's perspective. Again, with
19 respect to HPRB, I felt that the submittal, although
20 unnecessary, did add a little bit of additional
21 context to the decision of HPRB as it relates to the
22 issue of a smaller setback, be it 30 feet, as opposed
23 to what was ultimately decided in the neighborhood of
24 36 feet.

25 Again, I recognize that this is not while

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1 perhaps a case of first impression for one or more of
2 my colleagues, it is not, indeed, an unusual
3 occurrence, I would suspect, as we continue to move
4 forward where you have two boards attempting to carry
5 out their statutory functions. One being Historic
6 Preservation and the other being Zoning.

7 Indeed, I would, too, hope that there was
8 perhaps more of a happy medium between the two and I
9 don't necessarily view the two as mutually exclusive,
10 but perhaps we are confronted here with an instance
11 where one outcome, i.e., the preservation of the
12 visual and locational primacy, if you will, of a
13 historic property, the existing 1888 Queen Anne Row
14 House, on the subject property here, how do you
15 maintain the integrity of that architectural asset
16 while at the same time enabling this applicant to move
17 forward with the introduction of additional productive
18 property and use?

19 I definitely understand where the Chair is
20 coming from as it relates to the issue of the existing
21 streetscape, as it currently looks, and potentially
22 the impact of this setback on that streetscape. As I
23 have noted numerous times from this day I'm not an
24 architect. I'm a lawyer, please, don't hold that
25 against me. And so perhaps that means sometimes I am

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1 not necessarily as in tune and in touch with some of
2 the architectural niceties of the applications that
3 come before us.

4 But I did not see that as a fatal flaw in
5 this particular aspect. Again, as relates to the
6 relevant aspects of the variance test, I felt that the
7 case was very convincingly laid out as it related to
8 the issue of what I felt was kind of the chief area,
9 that being the extraordinary and exceptional
10 conditions of the subject site.

11 We have talked at some length during the
12 testimony phase of this case regarding the small size
13 of the lot. Clearly, the existing building on the
14 site has been the subject of much discussion and then,
15 of course, the HPRB piece. As I noted additionally,
16 there were other needs that were in play here with
17 respect to the existence of the building. Indeed,
18 with the addition of the setback restriction, the
19 subject, the applicant had certain needs relative to
20 the elevator core, two stairs for egress, the
21 provision of reasonable handicap accessibility for
22 bathrooms within the units, and those conditions
23 coupled with the HPRB decision set forth what I felt
24 was a very strong case for the granting of the
25 variance.

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1 And then as relates to perhaps that final
2 prong, the issue of substantial detriment to the
3 public good, this is perhaps where the Chair's
4 comments regarding that streetscape, for me, would
5 conceivably come into most clear play, if you will.
6 Again, I do not feel that there was an overwhelming
7 concern raised by this particular issue as relates to
8 the public good. I felt that a positive or favorable
9 variance decision would, indeed, be consistent with
10 the intent and purpose and integrity of the Zone Plan,
11 but recognize that there will be differing opinions on
12 that particular point.

13 But it is for those reasons that I felt
14 the variance case was convincingly laid out by the
15 applicant. And again, I felt that the HPRB submittal
16 at Exhibit No. 37 did help to add a little more
17 texture and context to my understanding of the
18 decision. Although, I felt it was fairly clear at the
19 outset that the idea was to protect or preserve, if
20 you will, the importance of that historic structure,
21 the existing 1888 row house on the subject site.

22 So with that, Mr. Chair, I appreciate the
23 second and would encourage my colleagues to pause for
24 a moment as we move forward and vote. Thank you.

25 CHAIRPERSON GRIFFIS: Thank you, Mr.

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1 Etherly. Others?

2 BOARD MEMBER MANN: Well, I think you are
3 certainly right to push us forward to make a decision
4 on this, because we can only engage in so much hand-
5 wringing. But I really have to agree again with what
6 Ms. Miller just stated and that's the outcome that I
7 would hope for is a better solution. I just can't
8 endorse or approve the application as submitted.

9 CHAIRPERSON GRIFFIS: Ms. Miller?

10 VICE CHAIR MILLER: I think I have said
11 all that I need to say.

12 CHAIRPERSON GRIFFIS: Well, it's an
13 interesting predicament to be put in. I'll start with
14 Exhibit No. 37, which was actually a letter from Mr.
15 Calcott from Historic Preservation. It's something
16 that we asked for in terms of the submission in
17 clarity about the decision. I think the transcript
18 actually was illuminating also in some of the
19 highlighted portions on some of those that weren't
20 highlighted to review and in the preservation's
21 deliberation.

22 I'm stuck here though in the last sentence
23 of Mr. Calcott's memo to us, which says "Given
24 significant discussion of the setback by HPRB,
25 decisions consistently with other board actions on

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1 similar cases." He is not optimistic that they would
2 approve any lesser setback. And so factoring that
3 into it, I guess, what I do is I find myself
4 questioning the decision of another board.

5 In looking at a property that is 25 feet
6 wide, why would you request a 37 foot setback? And
7 then I question the developer's decision to go ahead
8 with something like that where we have already talked
9 about kind of a canyon aspect to this. What kind of
10 lights actually are going to get into these as the
11 buildings on each of the sides wall it in? And as all
12 of that goes through in my thoughts and deliberation,
13 I have to remove myself from those, because those
14 aren't actually decisions that we're being charged to
15 make or to deliberate on.

16 Certainly they are factors in it, but the
17 quality of a unit that's being developed does not fall
18 within the direct tests of which we are charged with
19 deciding. So again, I think we are, I feel, put into
20 a difficult situation here, because I think there was
21 a better project to have been proposed for this, one,
22 that probably could have been a matter-of-right
23 regarding zoning issue. I think that the setback of
24 this on the property, which has obviously invoked the
25 need for relief under 403 and 404 of Title 11 DCMR, is

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1 perhaps not the best that could have been, but again
2 that doesn't go to the full application that needs to
3 be proven.

4 And so when we do look at balance
5 strongly, that which has to be, we look at what unique
6 or specific circumstances are. Ms. Miller started off
7 saying really what rises out of the uniqueness is
8 something that is relating directly to the special
9 circumstances. And there are two unique circumstances
10 to this property, one is the existence of a building.
11 Not only is it the existence of the building, but the
12 historic nature of the existing structure.

13 I dare say that you could make, and the
14 applicant does make, I think it's a combination of all
15 these pieces, it's not the strongest, but you could
16 make the de minimis size, the dimension within the
17 zone of which it is now located, which is the R-5-E,
18 somewhat unique in terms of size. And then you look
19 at the unique circumstance of the Design Review
20 Board's direction and conceptual and approval of the
21 plan pulling that all together.

22 I think it makes a case for and certainly
23 not the strongest, but it does make a persuasive case
24 of how it is practically difficult to comply with the
25 regulations. I'm tentative in my support of it only

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1 because I think there could have been and is better to
2 be served here, one, in this specific property and,
3 two, in terms of process.

4 As Mr. Etherly stated, I think, well, it's
5 hard always to take an individual applicant to make
6 them that of a vehicle of better communication or
7 changing of process. But I think it's something we
8 have endeavored to do and I think we will continue to
9 do that, whether this is the great test case to do
10 that, I don't think. And I don't think and I should
11 say very directly, this is not, I think, a conflict
12 between two boards. I don't see this as a difficult
13 situation right. But I think it is a reality of what
14 happens when there are different reviews that have
15 different sets of priorities and directions that need
16 to be reviewed.

17 And it is our responsibility as Board
18 Members and Commission Members to set up a system that
19 can balance those, that can have good communication
20 and understanding. We, on this Board, I think, are
21 well into cases to try and understand those
22 preservation issues and I think that is what we should
23 expect and have on other boards and commissions as
24 they go through their reviews understanding, you know,
25 zoning issues or health issues or transportation

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1 issues, all of those have to factor in. It cannot
2 stand alone and be unique with that.

3 So hopefully this will continue our
4 conversation and dialogue in that realm. But to get
5 back into this case, I find myself more, although not
6 too far from the center of the fence, on the side of
7 moving ahead and also being somewhat persuaded by the
8 Office of Planning's recommendation in their analysis
9 of this. And so I'll leave it open for other comments
10 and last comments on this, but I think we are ready to
11 move forward with the motion. So I'll let others
12 speak lastly if there are any other comments on it.

13 Very well. If there's nothing else then,
14 I think we have addressed the test of the variance.
15 I think Mr. Etherly has framed them out very well.
16 The last piece I would address in the party of
17 opposition, there were brought up a lot of the
18 arguments of why do we need this height and the height
19 impact. And it was fairly clear in the hearing that
20 we weren't discussing and deliberating on any height
21 variance or relief. It was, obviously, consistent
22 with the other parameters.

23 And the point I'm bring up here is the
24 other parameters of the R-5 District that this is in,
25 the R-5-B, which is a very high residential density

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1 zone site. It's interesting in this area, it's very
2 eclectic and, of course, the Board is well aware of
3 this area. We have heard numerous applications
4 because of the differing sizes of lots and the
5 differing and varying densities, based on the zone
6 district.

7 In fact, this property, if I recall
8 correctly, abuts a C-2-C District, which is even
9 higher in terms of the commercial and its density.
10 All of that, I think, again does put into perspective,
11 one, the somewhat unique circumstance of this
12 property, but also, I think, it removes again another
13 level of persuasiveness of the parties in opposition
14 on this case.

15 Very well. If there's nothing further
16 then, we do have a motion before us and it has been
17 seconded. Let me ask for all those in favor of the
18 motion to signify by saying aye.

19 BOARD MEMBER ETHERLY: Aye.

20 CHAIRPERSON GRIFFIS: Aye.

21 CHAIRPERSON GRIFFIS: And opposed?

22 VICE CHAIR MILLER: Opposed.

23 BOARD MEMBER MANN: Opposed.

24 CHAIRPERSON GRIFFIS: Excellent. Mr. Moy,
25 if you wouldn't mind recording the vote?

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1 MR. MOY: Yes, sir. Staff would record
2 the vote as 2-2-0. This is on the motion of Mr.
3 Etherly to approve the application, seconded by Mr.
4 Griffis, the Chair. Opposed to the motion is Ms.
5 Miller and Mr. Mann. We have an absentee ballot from
6 a participating Zoning Commission Member, Mr.
7 Jeffries, whose vote is to approve the application.
8 So that would give the final resulting vote as 3-2-0
9 to approve the application.

10 CHAIRPERSON GRIFFIS: Excellent. Thank
11 you very much, Mr. Moy. I appreciate that. And just
12 for a reiteration for the record then, the motion does
13 carry and the application is approved. Is that
14 correct?

15 MR. MOY: Yes, sir.

16 CHAIRPERSON GRIFFIS: Thank you. Thank
17 you all very much. I do appreciate everyone's input
18 on this. I think this was a case that we took an
19 awful lot of time on and I think its impact is not
20 finished. And I think that our responsibility and our
21 dialogue will continue based on the elements that were
22 brought up in this case.

23 I certainly wish the applicant good luck
24 in producing an excellent product on this block and
25 why don't we move ahead?

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1 MR. MOY: The next case for decision, Mr.
2 Chairman, is Application No. 17435 of Gamblin and Sons
3 Hauling, pursuant to 11 DCMR 3103.2, for a variance
4 from the use provisions to allow a commercial trash
5 and construction company having an outdoor yard for
6 truck parking under subsection 330.5, in the R-4
7 District at premises 702 through 706 17th Street,
8 N.E., Square 4510, Lot 826.

9 On March 7, 2006, the Board completed
10 public testimony on the application and scheduled its
11 decision on April 4, 2006. This was scheduled to
12 allow the applicant opportunity on the understanding
13 of the Board to file an amended application which
14 would possibly be for special exception relief under
15 section 213.

16 The applicant has made his filings. The
17 first being dated March 28, 2006, which is the plat
18 amendment, which is identified in the case folders as
19 Exhibit 28. Resulting filings is March 23, 2006
20 identified as Exhibit 26 and an addendum, which is
21 dated March 30, 2006, identified as Exhibit 29.

22 Finally, Mr. Chairman, we have a filing
23 from the ANC dated March 27th identified as Exhibit
24 27. It was not requested by the Board, so that may be
25 taken as a preliminary matter, but I'll leave that

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1 with the Board. That completes the staff's briefing,
2 Mr. Chairman.

3 CHAIRPERSON GRIFFIS: Thank you very much,
4 Mr. Moy. Excellent. Yes, Mr. Moy, I appreciate you
5 laying that out. We did keep the record open. I
6 think this is a fascinating case in its uniqueness and
7 also in terms of opportunity to, if not temporarily,
8 certainly immediately, maintain a lot, which we had
9 persuasive evidence in the record in the public
10 hearing was not previously well-maintained. There is
11 certainly no deleterious effects of the existing use.

12 However, we're caught again in a situation
13 where the Zoning Regulations are very explicit as to
14 what is allowed and what isn't allowed. And in the
15 case presentation, as it started, it was brought to us
16 as a use variance. We have opened the record to take
17 in a special exception case on this under 213 and have
18 had additional filings. Exhibit 28 is the plat with
19 the proposed layout of parking spaces put to us.

20 I'm going to step out of a little bit of
21 our Public Meeting, because I believe that this isn't
22 right to go forward today, and ask the applicant and
23 the representative if they couldn't address the Board
24 or at least hear a few of our comments on that. And
25 with that, I'm going to have you come up to the table,

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1 if you wouldn't mind. Have a seat right here.

2 Excellent. And before you go, we're just
3 going to have you -- you will fill out your witness
4 cards. We'll get it over to the recorder in a minute
5 or so. And I know you were not anticipating this, but
6 this won't be that difficult I don't believe.

7 This is what I would like to do. I would
8 like to give you additional time on this. And I would
9 like to give you additional time for a couple of
10 specific purposes. So the Board, if it is in
11 accordance with the other Members that have sat on
12 this case, will reopen the record and we're going to
13 ask for a couple more filings.

14 First, I think this is a good direction of
15 what you're doing here in terms of laying out the
16 proposed essential program on the site. However, we
17 will need something that's actually scaled. So I need
18 a graphic representation of what you are proposing.
19 So, for instance, you are showing me essentially four
20 parking spots in an area, but as they would be
21 dimensioned, they wouldn't fit where you are showing
22 me them.

23 So you have a plat here that's scaled that
24 shows that 37.4 feet width and 131 feet length, linear
25 feet on 17th Street. All I need you to do is draw in

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1 closely or specifically dimensioned parking spots on
2 how you see those working. So that would be the
3 first. I'll go through a whole list of things and
4 then I'll take any questions that you might have in
5 clarification, because you shouldn't leave here
6 without clarification.

7 The other piece that I think the other
8 Board Members are going to want and I think would be
9 appropriate or not appropriate is required is just a
10 very brief, but a quick direct walkthrough of section
11 213. How each of those criteria are met. Now, an
12 awful lot has been done. I don't think that is too
13 burdensome, but there is several things that need to
14 be addressed in 213.

15 For instance, 213.6, I think, we need at
16 least a minimal narrative statement on how that is met
17 and also 213.7, which is a majority of the parking
18 spaces shall serve residential uses or short-term
19 parking needs of retail service, public facility uses
20 in the vicinity. 213.7 is going to be done in two
21 ways. One in your submission in writing, but also in
22 terms of your graphic representation. It's going to
23 show us where the majority of parking spaces are and
24 then your narrative is going to show us how it's
25 convenient and will serve the residential and short-

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1 term parking needs.

2 In the hearing, for instance, there was
3 talk of a closely located adjacent church that needed
4 parking perhaps overflow on Sundays and such. These
5 are the kinds of things that we just need in the
6 record for us to deliberate on.

7 What else?

8 VICE CHAIR MILLER: I just wanted to
9 suggest since I'm sure it's the applicant's first time
10 before the Zoning Board or at least the first
11 proceeding that perhaps he could get from the Office
12 of Zoning or Mr. Moy an example of another parking lot
13 case, how they addressed each of those elements, that
14 might give you a more concrete idea and then you
15 tailor it to your own facts, such as the church.

16 MR. BERLIN: We did. The subsection
17 amendment he put, it was from the use of the owner who
18 owns it who had his parking lot there. And we used it
19 right exactly how he had presented it. And on the --
20 I also drew from the entrance how we come in and where
21 the parking spaces would be. Exactly how it looks,
22 that's exactly how it will be, because once you open
23 the gate, because we park our cars there now, you
24 know, me and other guys that works with me, and it's,
25 you know, for two on each side. And so we amended the

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1 other part of the application in exactly the way the
2 owner had in his.

3 CHAIRPERSON GRIFFIS: So you're the center
4 entrance in there and then you angle park on each
5 side?

6 MR. BERLIN: Yes, we come in from the
7 alley side. Yes, we come in and we pull -- back in
8 from each side, two on the left and two on the right.

9 CHAIRPERSON GRIFFIS: Okay.

10 MR. BERLIN: Exactly just how I drew it,
11 that's exactly how it looks.

12 CHAIRPERSON GRIFFIS: Well, you couldn't
13 park exactly how you drew it, because you drew them as
14 if they were perpendicular to the property line.

15 MR. BERLIN: Like this.

16 CHAIRPERSON GRIFFIS: Yes.

17 MR. BERLIN: That's how we park.

18 CHAIRPERSON GRIFFIS: So this would be --

19 MR. BERLIN: See when we pull in, you
20 could turn around in there.

21 CHAIRPERSON GRIFFIS: Right.

22 MR. BERLIN: But we are just backing in
23 and two people park on this side the left and two park
24 on the right.

25 CHAIRPERSON GRIFFIS: Right, right.

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1 MR. BERLIN: And it looks just like that.
2 If you was to see it, I got the picture. I gave Jemal
3 the pictures for zoning.

4 CHAIRPERSON GRIFFIS: Sure, sure.

5 MR. BERLIN: And it's just like that.

6 CHAIRPERSON GRIFFIS: It's an interesting
7 point whether they would have to comply with the
8 dimensional requirements of the parking space, that's
9 where I am. If we're approving a parking lot and
10 these parking spaces and we're counting up the parking
11 spaces to make them a majority of the use of the
12 parking, then they should -- in my mind, I would think
13 that they would have to comply with the dimensional
14 requirements in the regulations. And all of that just
15 sounds so cumbersome, but it basically comes down to
16 the fact that we're looking at a 9 x 19 parking space
17 that would have to be laid out.

18 MR. BERLIN: Oh, each parking space has
19 got to be about 9 x 19?

20 CHAIRPERSON GRIFFIS: Yes.

21 MR. BERLIN: 9 feet --

22 CHAIRPERSON GRIFFIS: Now, I may be --

23 MR. BERLIN: -- long and 18 foot wide or
24 18 inches wide?

25 CHAIRPERSON GRIFFIS: 9 feet wide and 19

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1 feet deep, long.

2 MR. BERLIN: Long, okay.

3 MR. GAMBLIN: Do you accept --

4 COURT REPORTER: Could you turn on your
5 microphone?

6 CHAIRPERSON GRIFFIS: Could you -- you
7 just need to turn your microphone on. There it is.

8 MR. GAMBLIN: Will you accept our
9 representation about 213.8 where we are piggybacking
10 on the prior authorization?

11 CHAIRPERSON GRIFFIS: 213.8 in terms of
12 submitting the application to DDOT for review and
13 report?

14 MR. GAMBLIN: Yes. What we tried to do is
15 piggyback on the prior approval when the other person
16 had the parking lot.

17 CHAIRPERSON GRIFFIS: Right, the prior
18 special exception?

19 MR. BERLIN: Right.

20 MR. GAMBLIN: I guess the other thing we
21 can elucidate on, but 213.8 would handicap us for a
22 long time to get that approval. But we can go ahead
23 with the prior approval, that would be acceptable,
24 would certainly help us.

25 CHAIRPERSON GRIFFIS: Yes, I don't think

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1 that's going to encumber you in terms of addressing
2 it, because actually as it's read, it's our
3 requirement. It's the Board's requirement to submit
4 the application to DDOT. So I think it's the Board's
5 responsibility in addressing that as we go forward in
6 our deliberation.

7 MR. GAMBLIN: 213.2, we are truly within
8 the confines of that and I think we addressed that
9 already.

10 CHAIRPERSON GRIFFIS: Okay. What we're
11 going to have you do is just pull it all together, you
12 know.

13 MR. GAMBLIN: And we do it, okay. All
14 right.

15 CHAIRPERSON GRIFFIS: In one succinct, but
16 direct submission we could hit all of these and also
17 just graphically laying out the dimension site.

18 MR. GAMBLIN: The dimension of the --

19 CHAIRPERSON GRIFFIS: I think, quite
20 frankly, the big unknown for some of the Board Members
21 here is how it's being proposed to meet the criterion
22 of 213.7 and that is how is it going to serve the
23 short-term parking needs of the adjacent retail?

24 MR. GAMBLIN: If they come in, we let them
25 park.

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1 MR. BERLIN: Yes.

2 CHAIRPERSON GRIFFIS: Right.

3 MR. GAMBLIN: And won't even charge them.
4 You know, there's not that many to have a big set up,
5 so if they want to park, they will be able to park.
6 Is that your understanding?

7 MR. BERLIN: Yes, that's right.

8 CHAIRPERSON GRIFFIS: Right. Yes, I don't
9 disagree. Now, we just need to make sure it's all in
10 the record.

11 MR. BERLIN: You just need the dimensions?

12 MR. GAMBLIN: Well, that's certainly --
13 the dimension 9 x 19 we will scale that on a plat.

14 CHAIRPERSON GRIFFIS: Right.

15 MR. BERLIN: Okay.

16 MR. GAMBLIN: How much time you giving us?

17 CHAIRPERSON GRIFFIS: It's up to you. How
18 much time do you need to pull that together?

19 MR. GAMBLIN: 10 days. Is that
20 acceptable?

21 CHAIRPERSON GRIFFIS: All right. We can
22 easily give you that. I can give you two weeks if you
23 need. Whatever you want.

24 MR. GAMBLIN: When's the next hearing?

25 CHAIRPERSON GRIFFIS: We can set this for

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1 a special decision if you would like. We can set this
2 for our normal Public Meeting is the first Tuesday of
3 every month, so it would be next month we would pick
4 it up. But I can set it for any time actually. It's
5 up to you. If you want to take a month, we could set
6 this in --

7 MR. GAMBLIN: No, I don't think we need a
8 month.

9 MR. BERLIN: No.

10 MR. GAMBLIN: We just need somebody to
11 scale that.

12 MR. BERLIN: We just need to put it on the
13 plat for a scale, that's it, correct?

14 CHAIRPERSON GRIFFIS: That's one of the
15 things.

16 MR. BERLIN: Oh.

17 MR. GAMBLIN: See other things I know what
18 to do with.

19 CHAIRPERSON GRIFFIS: And then you're
20 going to write up the rest of it that addresses 213.

21 MR. GAMBLIN: Yes, I will.

22 CHAIRPERSON GRIFFIS: And I would review
23 2303 also.

24 BOARD MEMBER MANN: Mr. Chairman?

25 CHAIRPERSON GRIFFIS: Yes?

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1 BOARD MEMBER MANN: The requirements that
2 you keep talking about for the particular dimension,
3 that stems from the requirement of 213.4, does it not?
4 That refers the applicant to Chapter 23?

5 CHAIRPERSON GRIFFIS: Exactly.

6 BOARD MEMBER MANN: So that perhaps would
7 give some further guidance on what requirements have
8 to be fulfilled.

9 CHAIRPERSON GRIFFIS: Right.

10 BOARD MEMBER MANN: That you might refer
11 to Chapter 23 for the dimensional requirements and any
12 other requirements that are necessary.

13 CHAIRPERSON GRIFFIS: Thank you.

14 MR. GAMBLIN: Two weeks from today would
15 be acceptable. Two weeks we can do.

16 CHAIRPERSON GRIFFIS: Two weeks?

17 MR. GAMBLIN: Yes.

18 CHAIRPERSON GRIFFIS: Okay. But it
19 doesn't hurt you to take more time.

20 MR. GAMBLIN: We'll have three weeks then.

21 CHAIRPERSON GRIFFIS: Right. Why don't we
22 do this, let's just set it for the next Public
23 Meeting, which is the first Tuesday of next month.

24 MR. BERLIN: Of May?

25 CHAIRPERSON GRIFFIS: Yes. Is that

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1 difficult?

2 MR. BERLIN: Turn on the light, because a
3 lot of inspectors been really harassing me, I would
4 say.

5 CHAIRPERSON GRIFFIS: What kind of
6 inspectors?

7 MR. BERLIN: City inspectors. They just
8 want us to be able to have that Certificate of
9 Occupancy while we're still working.

10 CHAIRPERSON GRIFFIS: Well, they shouldn't
11 take any action while this is right before us.

12 MR. GAMBLIN: Well, that's the --

13 MR. BERLIN: Well, they have.

14 MR. GAMBLIN: Well, we'll deal with that.

15 CHAIRPERSON GRIFFIS: Well, yes, I mean,
16 frankly, whatever we can do to assist, because this is
17 before us now, so there shouldn't be any -- any action
18 that they are taking, as far as I understand, that
19 would be related to the Certificate of Occupancy of
20 this, I mean that's what's being decided before us.

21 MR. GAMBLIN: Yes, right. So we'll make
22 it three weeks, yes. Ms. Bailey, what's three weeks,
23 can you tell us?

24 MS. BAILEY: I believe the Board said that
25 it would be rescheduled to the May Public Meeting.

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1 MR. GAMBLIN: May what?

2 MS. BAILEY: That's May 2nd. Yes, May 2nd.
3 Tuesday, May 2nd.

4 MR. GAMBLIN: And we'll have it in a week
5 before that.

6 MR. BERLIN: Okay. That's good.

7 MR. GAMBLIN: Okay. Thank you.

8 MR. MOY: Mr. Chairman?

9 CHAIRPERSON GRIFFIS: Yes?

10 MR. MOY: In terms of the schedule, if the
11 Board desires to take this up May 2nd, possibly if we
12 could have the filings by April 25th? Is that
13 possible? Because that will give you three weeks.

14 MR. GAMBLIN: Okay.

15 MR. BERLIN: April 25th, is that a
16 Tuesday?

17 MR. GAMBLIN: Okay.

18 CHAIRPERSON GRIFFIS: Good. There's a
19 couple more things then. Obviously, I think you are
20 clear on what we're asking for you to address, the 213
21 which will also kick in to 2300, Chapter 23. Lastly
22 on that, I would suggest that you review the community
23 comments as they are laid out in the Office of
24 Planning's report from the ANC-6A, which, of course,
25 is supportive of the application. But specifically,

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1 they are looking at a time for the special exception.

2 MR. GAMBLIN: Well, we thought we had some
3 time.

4 CHAIRPERSON GRIFFIS: Right. No, no, I
5 understand. And your microphone needs to be on if
6 you're going to say anything.

7 MR. GAMBLIN: I'm sorry.

8 CHAIRPERSON GRIFFIS: If you want, you
9 don't need to reiterate if you're fine with it.

10 MR. GAMBLIN: Yes, we're fine with five
11 years.

12 CHAIRPERSON GRIFFIS: Okay. And I'm not
13 going to address all the points right now. I'm just
14 letting you know that if you want to address any of
15 those, hours of operation, anything else, they go
16 through some of the other requirements actually that
17 are listed in Chapter 23. So it's all tied in. It's
18 all the same information. We're letting you have the
19 opportunity to address all of those again if need be.

20 Ms. Miller has one other thing, I believe,
21 to say.

22 VICE CHAIR MILLER: Mr. Berlin, I just
23 wanted to let you know in case it wasn't clear that
24 your letter of March 29, 2006 in which you are
25 addressing 213, it's too cursory for our purposes. So

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1 when you do this again, you're going to need to
2 provide more information. And I just wanted to say
3 again I'm going to give Mr. Moy an example of another
4 parking lot case where they address it and then I
5 think you will be able to see from there what you need
6 to do.

7 MR. GAMBLIN: Okay. Fine.

8 VICE CHAIR MILLER: Okay.

9 MR. GAMBLIN: We'll be happy to get any
10 help we can get.

11 VICE CHAIR MILLER: Right.

12 MR. GAMBLIN: We need it.

13 VICE CHAIR MILLER: Okay.

14 CHAIRPERSON GRIFFIS: Excellent.

15 MR. GAMBLIN: Thank you.

16 CHAIRPERSON GRIFFIS: With that, Ms.
17 Miller is going to give that. Actually, Mr. Nero who
18 will probably assist you today, he is with the Office
19 of Zoning and he is going to meet you probably right
20 outside to discuss other steps that might need to be
21 taken.

22 MR. GAMBLIN: Okay. Thank you.

23 CHAIRPERSON GRIFFIS: Excellent. Anything
24 else then we can answer at this point?

25 MR. BERLIN: No. We thank the Board for

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1 its attention to this matter and hope we can resolve
2 it next time and I'm sorry we didn't do it right the
3 first time. We tried.

4 CHAIRPERSON GRIFFIS: Good. No apologies
5 needed and appreciate it and I think we do this for
6 every case. We try and do what we can to make sure
7 that it's understandable and everyone is given the
8 opportunity to address what they need to for the
9 regulations and for our deliberation.

10 MR. GAMBLIN: Thank you.

11 CHAIRPERSON GRIFFIS: Very well.
12 Appreciate your patience with us in our process and
13 we'll let you go at this point and do work the staff
14 here. The Office of Zoning is phenomenal, very
15 knowledgeable about the regulations, so use them as
16 you will.

17 MR. BERLIN: Okay.

18 CHAIRPERSON GRIFFIS: Thank you very much.

19 MR. GAMBLIN: Thank you.

20 CHAIRPERSON GRIFFIS: Have a great day.
21 Mr. Moy, is there any other business for the Board in
22 this morning's session?

23 MR. MOY: No, that completes the morning
24 session, Mr. Chairman.

25 CHAIRPERSON GRIFFIS: Very well. I thank

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1 you all very much and let's conclude the morning
2 session.

3 (Whereupon, the Public Meeting was
4 concluded at 11:19 a.m.)

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