

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

JANUARY 22, 2002

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:38 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
DAVID LEVY	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JAMES HANNAHAM	Commissioner
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COMMISSION STAFF PRESENT:

Beverly Bailey, Office of Zoning
Paul O. Hart, Office of Zoning
John K. A. Nyarku, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Steven Cochran, Office of Planning
John Fondersmith, Office of Planning
David McGhettigan, Office of Planning
John Moore, Office of Planning
Karen Thomas, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

<u>AGENDA ITEM</u>	<u>PAGE</u>
PRELIMINARY MATTERS.	4
<u>APPLICATION OF IRA AND MARLENE JEFFERSON:</u>	7
<u>16819 ANC-4A</u>	
<u>WITNESSES:</u>	
IRA JEFFERSON.	8
MARLENE JEFFERSON.	8
<u>APPLICATION OF CITIBANK FSB:</u>	27
<u>16820 AMC-3E</u>	
TIMOTHY C. BASS, ESQ..	27
Greenberg and Trowlidge	
<u>APPLICATION OF CAPITAL CITY PUBLIC CHARTER SCHOOL:</u>	47
<u>16817 ANC-1A</u>	
PATRICK BROWN, ESQ..	49
Greenstein, DeLorme & Luchs	
<u>WITNESSES:</u>	
REINA ARGUETA.	65
ELIZABETH MCINTIRE	99
<u>APPLICATION OF JULIUS VARALLYAY:</u>	121
<u>16822 ANC-3C</u>	
<u>WITNESSES:</u>	
JULIUS VARALLYAY	121
<u>APPLICATION OF ARMAN BRICK:</u>	140
<u>16818 ANC-6A</u>	
<u>WITNESSES:</u>	
ROBERT SIMON, II	141
ABRAHAM JOHNSON.	148
JIM FINDLAY.	171

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

(9:38 a.m.)

CHAIRPERSON GRIFFIS: The hearing will please come to order. Good morning, Ladies and Gentlemen. This is the 22nd day of January as the year 2002 speeds on. This is the public hearing of the Board of Zoning Adjustments for the District of Columbia.

My name is Jeff Griffis, Chairperson, and joining me today is Ms. Ann Renshaw, Vice Chair, Mr. David Levy is representing the National Capital Planning Commission, and, oh, of course, we need to amend this written notice, because we are also joined by Mr. Curtis Etherly this morning, also the other appointment to the Board; and from the Zoning Commission, Mr. James Hannaham.

Copies of today's hearing agendas are available to you, and they are located to my left near the door, and that is the door that you did come in this morning. All persons planning to testify, either in favor or in opposition, are to fill out two witness cards.

These cards are located at the end of the table in front of us, and also at the table where you came in the door. Upon coming forward to speak to the Board, please give both cards to the reporter, who is sitting to my right.

The order of procedure for special exceptions and variances will be, first, the statement and witnesses of the

1 applicant. Second will be government reports, including the
2 Office of Planning.

3 Third, we will review and hear the reports of the
4 Advisor Neighborhood Commission. Fourth, parties or persons in
5 support. Fifth would be parties or persons in opposition.

6 And, sixth, finally, we will have closing remarks
7 by the applicant. Cross-examination of witnesses is permitted
8 by the Applicant or parties. The ANC in which the property is
9 located is automatically a party in the case.

10 The record will be closed at the conclusion of
11 each case, except for any material specifically requested by the
12 Board, and the staff will specify at the end of the hearing
13 exactly what is expected.

14 The Sunshine Act requires that a public hearing
15 on each case be held in the open before the public. The Board
16 may, consistent with the rules and the procedures of the
17 Sunshine Act, enter into executive session during or after a
18 public hearing on a case for purposes of reviewing the record,
19 or deliberating on the case.

20 The decision of the board in these contested
21 cases must be based exclusively on the public record to avoid
22 any appearance to the contrary, the Board requests that persons
23 present not engage the members of the board in conversation.

24 Please turn off all beepers and cell phones so as
25 not to disrupt the proceedings. The Board will now consider any

1 preliminary matters. Preliminary matters are those which relate
2 to whether a case will or should be heard today, such as a
3 request for a postponement, continuance, or a withdrawal, or
4 whether proper and adequate notice of a hearing has been given.

5

6 If you are not prepared to go forward with a case
7 today, or if you believe the Board should not proceed, now is
8 the time to raise such a matter. Before I go to the general
9 audience, I will ask the staff if they have preliminary matters.

10 But before I have them give preliminary matters,
11 let me just introduce the staff, and we are ably staffed this
12 morning with Ms. Bailey, Mr. Hart, and Mr. Nyarku. Also joining
13 us is Corporation Counsel, Ms. Sansone.

14 So, before proceeding further, are there any
15 preliminary matters?

16 MS. BAILEY: Mr. Chairman, and Members of the
17 Board, good morning. No, Mr. Chairman, the Staff has none.

18 CHAIRPERSON GRIFFIS: No preliminary matters.
19 Are there any preliminary matters for any of the applicants for
20 this morning?

21 (No audible response.)

22 CHAIRPERSON GRIFFIS: Good. Well, a bumpy start,
23 but let's get off and running. We can call our first case.

24 MS. BAILEY: Application Number 16819, of Ira and
25 Marlene Jefferson, pursuant to 11 DCMR 3104.1, for a special

1 exception to allow an addition to a single family dwelling under
2 Section 223, not complying with the rear yard, and side yard of
3 Sections 404 and 405.

4 These are the requirements in an R-1-B District
5 at premises 1521 Kalmia Road, Northwest, Square 2770, Lot 24.
6 Please stand to take the oath.

7 (The witnesses were sworn.)

8 MS. BAILEY: Please come to the table.

9 CHAIRPERSON GRIFFIS: Good morning, and when you
10 are ready, I would just have you -- first we will go through the
11 technical aspects of this, and you will turn on your mikes if
12 you are going to say anything so that we can record your
13 comments on the record.

14 You can just push the button and the light will
15 go on. Perfect. Secondly, I would just ask both of you to
16 introduce yourselves, with your name and address.

17 MR. JEFFERSON: Yes. My name is Ira Jefferson,
18 1521 Kalmia Road, Northwest.

19 MS. JEFFERSON: Good morning, my name is Marlene
20 Jefferson, 1521 Kalmia Road, Northwest.

21 CHAIRPERSON GRIFFIS: Great. Thank you very
22 much, and you are welcome to proceed when you are ready.

23 MR. JEFFERSON: Good morning. We are glad to be
24 here to present our case. I will start with the site
25 requirements of the site issues. The existing site is located

1 again at 1521 Kalmia Road.

2 The total lot coverage consists of the existing
3 lot of 6,000 square feet, and the existing lot coverage is 1,464
4 square feet. The proposed coverage is 587 square feet.

5 The allowed coverage is 2,400 square feet, and
6 which consists of 40 percent. The total lot coverage is 2,051
7 square feet. The zone area is R-1-B, and one family dwelling,
8 detached dwelling.

9 CHAIRPERSON GRIFFIS: Can I interrupt you for
10 just a quick question? I had noticed that on the drawings that
11 were submitted, which were very clear in terms of what they were
12 trying to identify, but Jeffermeil Architects and Planners; is
13 that one or the other, or the both of you?

14 MR. JEFFERSON: That's us.

15 MS. JEFFERSON: Both.

16 CHAIRPERSON GRIFFIS: Okay. So you are the
17 architect and designer of this addition?

18 MR. JEFFERSON: Correct.

19 CHAIRPERSON GRIFFIS: Okay. Good. I think that
20 is fairly clear. In fact, on the site breakdown, you have done
21 that. You have given us a lot area, which is indicated as 6,000
22 square feet. The existing coverages, you have testified that it
23 is 1,464 proposed coverages, and an addition of 587 square feet.

24 And with allowable coverage of 40 percent as you
25 have calculated, in terms of the lot occupancy. So you have a

1 total coverage of 2,051. Do you want -- why don't you proceed
2 and then I will direct you if need be.

3 MS. JEFFERSON: Yes. The existing garage has a
4 side yard of 3 feet wide, and a rear yard of a 4 foot apron, and
5 we would like to expand that garage, and in doing so we don't
6 comply to the zoning regulations for a 25 foot rear yard, and an
7 8 foot side yard.

8 And in addition to connecting to the house with a
9 family room, that includes a powder room. We have talked to all
10 of our neighbors, and they have supported us in our endeavor,
11 and they presented no opposition to our plans.

12 We have a letter stating that fact of our
13 immediate neighbors to the left and right of us, as well as to
14 the rear, from which basically the next street over, Locust
15 Road, and the side street of 16th Street.

16 We also met with the ANC for A-0-2 on January
17 2nd, and presented our plans, and they were also were in support
18 of our plans. And we appreciate the Board of Zoning
19 Adjustment's support of our plans.

20 CHAIRPERSON GRIFFIS: Great. Thanks very much.
21 I don't anticipate this being very lengthy, although there are
22 some details that we need to go through. First of all, let me
23 just address the letter that was sent in from the neighbors.

24 I think it was very well done, and in fact very
25 organized. It is Exhibit Number 22 in the case file. You

1 obviously have gotten -- well, you have five signatures.

2 There are two -- and of course the first thing
3 that we will look at is the addresses that aren't signed. You
4 wanted to speak quickly about 1520 Kalmia and 1509 Kalmia?

5 MS. JEFFERSON: 1521 Kalmia is directly across
6 the street from us, and it is really not affected. But we have
7 sought this person's signature, and they were unavailable, and
8 they have been out of town.

9 CHAIRPERSON GRIFFIS: Okay.

10 MS. JEFFERSON: The second one is 1509 Kalmia
11 Road, which is one house removed from us. Our immediate
12 neighbor is 1515 Kalmia Road. Ms. Howell, of 1509, was not
13 available either.

14 CHAIRPERSON GRIFFIS: Okay. That's all that was
15 needed to be said frankly. There is no opposition. There is a
16 case that has been evidenced, and because there is no
17 signatures, it does not signify opposition, but unavailability.

18 And again there are significant signatures of
19 support for that. Let me get to the calculations. First of
20 all, you stated that you had a four foot rear yard. Actually,
21 looking at this --

22 MS. JEFFERSON: Actually, the apron of the
23 existing garage is four feet.

24 CHAIRPERSON GRIFFIS: That's right. You stated
25 that was the rear yard, but just for clarification purposes, as

1 I am looking at it from the site plan, Exhibit Number 2, it
2 looks like you had an existing rear yard of approximately 17-1/2
3 feet, of which will be filled in with the new addition.

4 MS. JEFFERSON: No, excuse me, but it is about 40
5 feet, the existing rear yard from the face of the existing
6 house. It is over 40 feet.

7 CHAIRPERSON GRIFFIS: The difficulty if I am not
8 mistaken, and maybe corporation counsel can help us with this,
9 but the rear yard is for the extent of the lot, and with that
10 garage there, that would interrupt the rear yard.

11 MS. SANSONE: I think, Mr. Chairman, what is
12 going on here is with a detached garage, the zoning regulations
13 allow that to be built within the rear yard.

14 CHAIRPERSON GRIFFIS: Good point. Okay.

15 MS. SANSONE: And then with the connection, that
16 will then make the dwelling extend into the rear yard, including
17 the attached garage.

18 CHAIRPERSON GRIFFIS: Right. And again I just
19 want to get it all, so that the whole board is clear, because I
20 think the application for relief from the rear yard is correct,
21 and frankly is the correct calculation.

22 So I just wanted to see where we were, and how we
23 got there. Let's talk about lot occupancy very quickly here.
24 Of course, it is roughly 6,000 square feet, and it reads on the
25 plat as 6,000 square feet, and I think that is correct for the

1 lot area.

2 It comes up to the point of lot occupancy. This
3 is a self-certification and so we have taken some time to kind
4 of go through a lot of the details for our own edification.

5 I think the important thing to look at is what
6 lot occupancy is trying to control is of course mass, the
7 building itself on the piece of property, and that property
8 obviously being defined by the lot.

9 We have several controls, of course, and we also
10 have a building restriction line, which is a control, where our
11 property can go beyond so that you have that open space.

12 And with those two, sometimes -- related, but not
13 identical, the issue comes up in terms of calculating lot
14 occupancy. Is it the entire lot, which would mean 6,000 square
15 feet, or is it the entire lot, minus the portion removed from
16 the building line.

17 So in your specific case is that actually not the
18 subtraction of 15 by 57.58, which would actually reduce the
19 entire lot area for lot occupancy calculation to roughly 5,400
20 square feet, which would bring down then the 40 percent of that
21 to -- well, I don't know. I am terrible at math.

22 So it would be probably less than what is
23 proposed, and if I am not mistaken, it would be about 2,040.
24 But we can get exact calculations with that. I think it is
25 fairly minimal, in terms of what we are doing. We are looking

1 at the impacts so that we can continue on with that.

2 But while the rest of these things are happening,
3 I will try and do the exact calculations. Is that clear to you
4 what I am saying, and it would not be surprising if it isn't.
5 So you can tell me that.

6 MS. JEFFERSON: You are saying that the total lot
7 area, excluding the 15 foot restriction line, would be what
8 would be considered for consideration of the percentage of lot
9 occupancy? So, instead of 60 by 100, it would be 85 by 60?

10 CHAIRPERSON GRIFFIS: That's correct. Well,
11 unless other people have comments on that, and once I figure
12 that out --

13 MEMBER LEVY: Mr. Chair --

14 CHAIRPERSON GRIFFIS: Yes.

15 MEMBER LEVY: Maybe -- I have just a couple of
16 questions while you are doing that if I could of the Jeffersons.

17 CHAIRPERSON GRIFFIS: Please.

18 MEMBER LEVY: And forgive me, as you went over
19 this, but I didn't -- it didn't come through clearly for me. I
20 just wanted to verify that the neighbors who signed your letter,
21 they are both -- both of them are your immediate neighbors to
22 either side?

23 MS. JEFFERSON: Yes.

24 MR. JEFFERSON: Correct.

25 MEMBER LEVY: And also the neighbors -- both

1 neighbors to the rear?

2 MS. JEFFERSON: Yes.

3 MEMBER LEVY: So all four properties sort of face
4 -- I mean, you back up to two properties, and both of those are
5 represented on this letter?

6 MS. JEFFERSON: Yes.

7 MEMBER LEVY: Okay. Thanks.

8 CHAIRPERSON GRIFFIS: Any other questions?

9 VICE CHAIRPERSON RENSHAW: Mr. Chairman, my only
10 question had to do with the lot occupancy, and you are
11 calculating with your moon driven apparatus over there.

12 CHAIRPERSON GRIFFIS: Well, we will get there.
13 Okay. Anything else of the applicant at this point? If not,
14 let's move quickly on then, and let's go to the Office of
15 Planning report, unless you had any further comments.

16 Did you have any other further comment? You will
17 have plenty of time to make further comments and to be a part of
18 this. But let's go through the Office of Planning Report, which
19 was filed, and is recommending approval of this.

20 The report was timely filed, and so we will take
21 great note of that, and welcome the Office of Planning
22 Representative.

23 MS. THOMAS: Thank you, Mr. Chairman, and good
24 morning, Mr. Chairman, and Members of the Board, and Mr. and
25 Mrs. Jefferson. I am Karen Thomas, with the Office of Planning,

1 and I am reviewing your request for a special exception based on
2 your side and rear yard requirements.

3 As of now, the lot occupancy did not come into
4 question because the way that we calculated it, and I suspect
5 that the calculations should not interfere with the 223
6 requirements of it going over 50 percent.

7 So for the application to be considered under
8 223, and I will proceed on it being under 223 based on the 50
9 percent lot occupancy requirements.

10 CHAIRPERSON GRIFFIS: You said based on 50
11 percent?

12 MS. THOMAS: Yes, to be considered under 223, it
13 has to be within 50 percent.

14 CHAIRPERSON GRIFFIS: Right. And then is that
15 clear to you?

16 MS. JEFFERSON: Yes.

17 CHAIRPERSON GRIFFIS: Good, because 223 does
18 allow for that, and I think that is the way that we will proceed
19 once we get the calculations done. Okay. Thank you.

20 MS. THOMAS: We considered the application based
21 on the test of 223, which requires that the neighbors on the
22 abutting property are not substantially affected by the air and
23 light requirements, and by the privacy of use and enjoyment of
24 the neighboring property.

25 And in addition, the addition, together with the

1 original building, as viewed from the street, alley, and other
2 public ways, should not visually intrude on the character and
3 scale of the existing surrounding property. Is that clear?

4 MS. JEFFERSON: Yes.

5 MS. THOMAS: Okay. We made a determination, and
6 we examined these characteristics, and we determined that with
7 respect to the light and air availability of the neighboring
8 properties, and we have determined that since the addition is an
9 upgrade addition, there is no increase in the elevation of the
10 proposed structure that may contribute to the reduction of
11 light, and air circulation to the surrounding property.

12 Also, with respect to compromising the privacy of
13 use and enjoyment of the neighboring properties, since the
14 proposed addition is enclosed, it should not cause visual
15 encroachment to the neighboring properties, as well as the
16 expansion at the rear of the property.

17 And so it should not decrease from the existing
18 side yard requirements, and thereby decreasing the distance to
19 the neighbors to the east of the property.

20 You did not seem to go beyond the width of the
21 existing property that you have, your existing amount, and so
22 there is no decrease in the buffer yard, thereby affecting the
23 neighboring properties. Is that understood?

24 MS. JEFFERSON: Yes.

25 MR. JEFFERSON: Yes.

1 MS. THOMAS: And then the garage would be
2 continued to be accessed from the rear alley, right?

3 MS. JEFFERSON: Yes.

4 MS. THOMAS: And the addition, together with the
5 original building as viewed from the street, alley, and other
6 property, shall not substantially visually intrude upon the
7 character and scale.

8 Similarly, we determined that the proposed
9 addition should not cause any visual intrusion from the subject
10 street frontage, since it is at the rear of the property.

11 And from the photos that you provided, and from
12 my site visit, I noticed that there is adequate fencing. And
13 you have presented site photos and elevation drawings, and a
14 site plan, showing the relationship of the proposed addition to
15 the adjacent buildings.

16 And on these facts, the Office of Planning
17 concluded that you have met the burden of proof pursuant to 11
18 DCMR, Section 223, of the zoning regulations. So we recommend
19 approval of the application.

20 CHAIRPERSON GRIFFIS: Great. Thank you very
21 much. Board Members, any questions for the Office of Planning?

22 (No audible response.)

23 CHAIRPERSON GRIFFIS: Does the applicant have any
24 questions for the Office of Planning? Do you have any questions
25 of OP

1 MS. JEFFERSON: No.

2 CHAIRPERSON GRIFFIS: Okay. Great. Thank you
3 very much. Let's move on. I am not showing any submissions
4 from any other government reports, except the ANC, of which we
5 have a report from the ANC-4A. Do we have that? Ms. Renshaw.

6 VICE CHAIRPERSON RENSHAW: Yes, we have a
7 submission from the Advisory Neighborhood Commission 4A and it
8 is dated January 7th, 2002, and it is signed by James H. Jones,
9 the Chairman of ANC-4A.

10 It states that the public meeting was held on
11 Wednesday, January 2nd, 2002, and proper notice of the meeting
12 was given. There was a quorum present, and four members
13 constitute a quorum, and six members were present.

14 The ANC goes through the standards for support,
15 and the ANC voted unanimously to support Application 16819, and
16 recommends that the BZA allow it. So they voted 6 to 0 in
17 favor.

18 CHAIRPERSON GRIFFIS: Thank you, Ms. Renshaw.

19 VICE CHAIRPERSON RENSHAW: And we might note that
20 at the 4A ANC meeting that no one voiced any opposition to the
21 plan.

22 CHAIRPERSON GRIFFIS: Okay. Very good. Let me
23 just very quickly survey. Is there anyone out here this morning
24 in regards to this particular case application?

25 (No audible response.)

1 CHAIRPERSON GRIFFIS: Okay. Then quick follow-up
2 questions of the Jeffersons from the Board? I have one. I am
3 noting on the elevations in the back, and first of all, I think
4 it should be commended of the amount and placements of light
5 fixtures, which obviously is going to be quite nice, and the
6 articulation of some.

7 I have one question, and you have a note that
8 says that this will be wood-sided to match the existing -- and I
9 am not putting my finger on that note right now. There it is.
10 The existing structure is brick is it not?

11 MS. JEFFERSON: Yes, but there is an addition on
12 the side that faces 16th Street that was originally the porch,
13 and that was renovated by the previous owner to a den and a
14 sitting room off the master bedroom. And it has a brick face,
15 but on the side, and rear, there is wood siding.

16 CHAIRPERSON GRIFFIS: Indeed. Okay. And the
17 vertical wood siding like you are showing in your elevations, it
18 is matching that as it comes around the rear, and giving it a
19 rear face?

20 MS. JEFFERSON: Yes.

21 CHAIRPERSON GRIFFIS: I think that is perfectly
22 logical, and frankly might be quite nice. Any other questions
23 of the Board?

24 VICE CHAIRPERSON RENSHAW: Mr. Chairman, did you
25 determine the lot occupancy?

1 CHAIRPERSON GRIFFIS: Oh, yes, I am just patching
2 in here to the satellite going by. Accordingly, I see the lot
3 area for the lot occupancy calculation should be 5,100. And 40
4 percent of that is 2,040 square feet, and 50 percent of that is
5 2,550 square feet.

6 Therefore, you are well within the 50 percent.
7 So we would amend, and I think any motion that comes up might
8 take that into consideration. Okay. Let's get some
9 clarification.

10 I would say that I am looking at 40 percent lot
11 occupancy, which would be a matter of right in the R-1-B, the
12 total coverage for the addition would be 2,051. That to me
13 exceeds 40 percent. Am I not correct?

14 MS. JEFFERSON: No, the addition, including the
15 existing, there is 2,051.

16 CHAIRPERSON GRIFFIS: Your total lot coverage.

17 MS. JEFFERSON: Yes. The existing coverage is
18 1,464.

19 CHAIRPERSON GRIFFIS: I understand that, but the
20 total coverage with the proposed addition we are looking at.

21 MS. JEFFERSON: Would be 2,051.

22 CHAIRPERSON GRIFFIS: So, 2,051. Which would be
23 above 40 percent?

24 MS. JEFFERSON: Yes, which is slightly above 11
25 square feet above 40 percent.

1 CHAIRPERSON GRIFFIS: Right. One of my board
2 members doesn't think that's right, and so I am just waiting.
3 There was a look of clarification.

4 MEMBER LEVY: No, I'm sorry, I was looking at my
5 own calculations. Maybe we should compare calculations.

6 CHAIRPERSON GRIFFIS: Well, for the record, what
7 I did was based on the part that I saw, which is listing this
8 lot at 6,000 square feet, if you multiple the exact dimensions,
9 which is less than 60 by 100, you get less than 6,000.

10 MEMBER LEVY: Okay.

11 CHAIRPERSON GRIFFIS: I am assuming that they
12 rounded it off, because it is just a matter of small inches. So
13 taking 60 by 85, you get 5,100. This is going to be a great
14 transcript to read if anyone wants to read it.

15 MEMBER LEVY: Yes, and I used 60 square feet, and
16 perhaps the lot just changes dimensions from front to back.
17 Maybe that is --

18 MS. JEFFERSON: There is a little jag in the
19 rear.

20 CHAIRPERSON GRIFFIS: Yes, it narrows in the
21 rear. Okay. I used 60.

22 MEMBER LEVY: Okay.

23 CHAIRPERSON GRIFFIS: Okay. Over lunch, we are
24 going to crunch numbers, and not that it will affect you. All
25 right. Anything else, Board Members? Any other clarifications

1 or information that we need at this point?

2 (No audible response.)

3 CHAIRPERSON GRIFFIS: Very well then. I would
4 move for the approval of Application 16819 of Ira and Marlene
5 Jefferson, pursuant to a special exception to allow the addition
6 of a single-family dwelling under Section 223, not complying
7 with the rear yard, the side yard, and lot occupancy
8 requirements of the premises of 1521 Kalmia Road, Northwest. Is
9 there a second?

10 VICE CHAIRPERSON RENSHAW: Second.

11 MEMBER ETHERLY: Second.

12 CHAIRPERSON GRIFFIS: Thank you very much. We
13 have a double up on the second, which is always good news
14 frankly.

15 VICE CHAIRPERSON RENSHAW: I will yield to Mr.
16 Etherly.

17 CHAIRPERSON GRIFFIS: Fabulous. Any discussion
18 on that? The motion has been seconded. Then I would ask for
19 all of those in favor, signify by saying aye.

20 (Ayes.)

21 CHAIRPERSON GRIFFIS: Any opposed?

22 (No audible response.)

23 CHAIRPERSON GRIFFIS: I thank you very much, and
24 the staff will record the vote for you.

25 MS. BAILEY: The vote is recorded as five to

1 zero, zero, to approve the application, and including an
2 amendment to include the lot occupancy under Section 223, and
3 the motion was made by Mr. Griffis, and Mr. Etherly seconded,
4 and Mr. Levy, and Ms. Renshaw, and Mr. Hannaham in agreement.

5 Mr. Chairman, is the applicant asking for a
6 summary order?

7 MS. JEFFERSON: Yes. We would like a summary
8 order.

9 CHAIRPERSON GRIFFIS: I think that's fine. And
10 there we are then. Thank you very much.

11 MS. JEFFERSON: Thank you.

12 MR. JEFFERSON: Thank you.

13 CHAIRPERSON GRIFFIS: And good luck with this.

14 MS. JEFFERSON: Thank you.

15 CHAIRPERSON GRIFFIS: And we will shuffle some
16 papers and call the next case.

17 MS. BAILEY: The next case is Application Number
18 16820, of Citibank FSB, pursuant to 11 DCMR 3104.1, for a
19 special exception to continue to operate an automobile parking
20 lot previously approved by BZA Order Number 15572, under Section
21 214.

22 The property is located in an R-4 district at
23 premises 4201 Fessenden Street, Northwest, Square 1669, Lots 26
24 and 27. Please remain standing to take the oath.

25 (Witnesses sworn.)

1 CHAIRPERSON GRIFFIS: Okay. Give me five more
2 seconds to get organized here, and then I would have you
3 introduce yourselves for the record.

4 MR. BASS: Good morning, Mr. Chairman, my name is
5 Timothy C. Bass, with the law firm of Greenberg and Traliage,
6 and with me is Mrs. Jane Gumbrewicz, who is a paralegal at our
7 law firm. We have Mike Harrington, who is the facility manager
8 for all the same group of properties.

9 And we have Simon Key at the end of the table,
10 who is the director of corporate realty services with Citicorp.

11 CHAIRPERSON GRIFFIS: Good. Thank you. And you
12 are welcome to proceed.

13 MR. BASS: Good morning, Mr. Chairman, and fellow
14 Members of the Board, we are here today seeking a renewal for a
15 certificate of occupancy for a parking lot that is operated at a
16 Citibank located at 4201 Fessenden Street, Northwest, Square
17 1669, Lots 26 and 27.

18 A certificate of occupancy was originally granted
19 in 1982, and this is an R-4 district. The certificate was
20 renewed in 1992, and is set to expire in February of 2002.

21 We have submitted our application both to the
22 ANC-3E, as well as the planning commission. We have received no
23 objections thereto. The Planning Commission, via David
24 McGhettigan, has issued a report, dated January 9, which I
25 assume that the Board has a copy of, stating that the lot is in

1 full compliance with all the codes.

2 And that the potential adverse impacts have been
3 mitigated, and recommending approval of the lot. Notice has
4 been posted on the lot for 15 days. We filed our affidavit,
5 with a picture of the posting.

6 We have received no objections from anyone else,
7 and we would ask the Board to approve the application and the
8 extension of the certificate of occupancy.

9 CHAIRPERSON GRIFFIS: Thank you. Well, I have
10 debated whether to bite my tongue, but I -- well, actually, I
11 think I will. Do any Board Members have any questions on this
12 application?

13 My hesitancy -- well, I mean, obviously, for me
14 any sort of surface parking in an urban area is always perhaps
15 not the best use of the area, but that is not what is before us,
16 and frankly this case is very well put together.

17 There is no opposition to it, and it has been in
18 total compliance, and it seems very straightforward. So I
19 think we can move expeditiously through this, unless we want to
20 take time now for particular questions.

21 The photographs that are in the file were well
22 placed, and I think are pretty clear. Good. I say we just
23 quickly move on and go to the Office of Planning, and we can
24 just have a brief summary of the -- well, it doesn't necessarily
25 need to be brief. Good morning, sir.

1 MR. MCGHETTIGAN: Thank you, Mr. Chair. My name
2 is David McGhettigan, from the Office of Planning. I will go
3 ahead and be brief since this case is already -- that the facts
4 of it have been reviewed in the past, and there is no
5 substantial changes.

6 I would note that there are 13 parking spaces,
7 and not 12 as was originally put in the application, and that
8 this case comes under Section 213 and not Section 214, which was
9 what on the original application.

10 Other than that, unless you have specific
11 questions about my report, I am welcome to take this.

12 CHAIRPERSON GRIFFIS: Do you want to walk us
13 through briefly any conditions that you are proposing? I know
14 there were listed conditions in 1991, and do you want to discuss
15 those at all?

16 MR. MCGHETTIGAN: I would propose keeping the
17 same conditions; a 10 year time period. The parking layout
18 should be substantially with what is existing.

19 Is there an existing -- if I can ask the
20 applicant. They said there was an existing physical survey of
21 the parking lot?

22 MS. GUMBREWICZ: Yes, I have copies of that. If
23 you would like to have a copy of that.

24 MR. MCGHETTIGAN: Yes. Could you please submit
25 that.

1 MR. BASS: May I approach?

2 CHAIRPERSON GRIFFIS: You can just give it to the
3 staff. And that will be Exhibit Number 24 then, and we are
4 receiving scaled site plans?

5 MS. GUMBREWICZ: Yes. This is the existing site
6 plans.

7 CHAIRPERSON GRIFFIS: Okay. Good. Thank you.

8 MEMBER LEVY: Mr. Chair?

9 CHAIRPERSON GRIFFIS: Yes, Mr. Levy.

10 MEMBER LEVY: A quick question of the Office of
11 Planning if I might.

12 CHAIRPERSON GRIFFIS: Yes.

13 MEMBER LEVY: And I don't know, Mr. McHettigan,
14 if you can answer this question or not. But the previous order,
15 one of the conditions refers to landscaping, and in looking over
16 the photographs, I realize that there is a wall that surrounds
17 the lot, but I am not sure what landscaping that is referring
18 to. It refers to Exhibit 9. Do you have any idea what that
19 might be?

20 MR. MCGHETTIGAN: No, I have not seen Exhibit 9.
21 There is landscaping around the building that is in good
22 condition. There is some trees on the other side of the wall,
23 but that is the limited amount of space on the lot for
24 landscaping.

25 I assume that the landscaping that is there meets

1 the conditions.

2 MEMBER LEVY: Thank you.

3 VICE CHAIRPERSON RENSHAW: Mr. Chairman.

4 CHAIRPERSON GRIFFIS: Yes.

5 VICE CHAIRPERSON RENSHAW: A question for the
6 Office of Planning. Fessenden Street right at the corner, right
7 at that corner, one lane is devoted to a left-turn lane, and
8 straight or right turns are in the right-hand lane, which often
9 backs up across the entrance to this parking lot.

10 And I live in Ward 3, and I have driven this
11 through for years and years, and I have noticed that when cars
12 are stacked up in the right-hand lane waiting for the light at
13 Wisconsin, and cars are trying to get out into traffic, they
14 seem to have a little bit of a tussle.

15 And so I am just wondering what kind of signage
16 is on the property to warn those who are exiting the parking lot
17 to be cautious as they merge on to Fessenden Street?

18 CHAIRPERSON GRIFFIS: Before you answer that, can
19 we -- Ms. Renshaw, rather than talking about specific experience
20 which I think what you have is general experience with traveling
21 down with driveways that access a two-lane road, and the
22 turning, and what kind of provisions might be provided for in
23 that type of situation, which we seem to have here.

24 VICE CHAIRPERSON RENSHAW: All right.

25 CHAIRPERSON GRIFFIS: Great.

1 MR. MCGHETTIGAN: Well, the entrance has to be 40
2 feet from an intersection, which it is. Also, the parking is
3 angled so that the people who are parking on that back road
4 would be likely to pull out the other way on to the Wisconsin
5 end, and use the Wisconsin entrance instead of the Fessenden
6 Street entrance, especially if they were going right.

7 I don't think that there would be a lot of people
8 turning left into there. Most people would probably come in
9 from the Wisconsin entrance. But there is just the angle of the
10 parking lot that would help guide people away from trying to
11 get out of that entrance.

12 Being out there, I know that there is adequate
13 visibility as far as site distance goes, but is there signage?
14 Maybe they can make it one way, I suppose. Their traffic flow
15 from their drive through goes in that direction.

16 CHAIRPERSON GRIFFIS: Is there a stop sign on
17 42nd Street?

18 VICE CHAIRPERSON RENSHAW: As I remember --

19 CHAIRPERSON GRIFFIS: It would probably be better
20 if the Office of Planning answered that.

21 VICE CHAIRPERSON RENSHAW: All right. The Office
22 of Planning will answer.

23 MR. MCGHETTIGAN: I don't know.

24 CHAIRPERSON GRIFFIS: But there is a light at the
25 Wisconsin Avenue past 42nd Street, is that correct?

1 MR. MCGHETTIGAN: That's correct.

2 CHAIRPERSON GRIFFIS: Okay. Is there any sort of
3 -- well, in your walkings for this case, is there any sort of
4 signage that might indicate cross-walks, any sort of pedestrian
5 traffic circulation?

6 Is there anything that would calm traffic coming
7 down Fessenden Street that might mitigate the potential for
8 traffic problems coming in and out of that?

9 Well, are you -- well, actually more generally.
10 Well, has it been evident, or has there been any evidence in
11 this case of -- well, go ahead and answer that question.

12 MR. MCGHETTIGAN: I don't know. I would note
13 that the DPW has submitted a report.

14 CHAIRPERSON GRIFFIS: Right. Which we will go to
15 shortly. Okay. Ms. Renshaw, does that cover what you wanted to
16 cover?

17 VICE CHAIRPERSON RENSHAW: Well, what I was after
18 is that even though it says in, I wanted to know if there are
19 any existing signs that speak to the fact that cars may be
20 exiting the wrong way out on to Fessenden Street, rather than
21 exiting on to Wisconsin Avenue?

22 CHAIRPERSON GRIFFIS: Are there interior signages
23 on the parking lot that indicate traffic flow and direction?

24 MR. BASS: No, sir, there is not.

25 CHAIRPERSON GRIFFIS: Okay. One clear

1 clarification for the Office of Planning. You indicated that
2 this was in the Chevy Chase neighborhood?

3 MR. MCGHETTIGAN: That is what the tax records
4 indicate.

5 CHAIRPERSON GRIFFIS: Is that right?
6 Fascinating. Okay. Any other questions of the Office of
7 Planning? If not, let's to Mr. Laden's memo from DDOT, which
8 has reviewed the subject application.

9 He actually indicates something -- and this is in
10 the record, Exhibit Number 23, but I am going to pull out some
11 quick highlights as it is not very long anyway.

12 If this parking lot were discontinued, parking
13 spillover would adversely affect the surrounding residential
14 neighborhood, and they have no objection to the continuing
15 operation of the parking lot.

16 VICE CHAIRPERSON RENSHAW: Do we have to waive
17 this in?

18 CHAIRPERSON GRIFFIS: There is a question as to
19 whether we have to waive it in as it came in on January 15th.
20 It is indeed one day late, and so I would waive that in if there
21 is no objection.

22 And not seeing any, we will continue on. Any
23 other government reports by the members of GCI? I have none
24 listed in my records. We will get to the ANC, which did not
25 file a report. Was there contact with the ANC?

1 MR. BASS: Yes, Mr. Chairman. Ms. Gumbrewicz has
2 attempted to call them about a dozen times, and spoke to a
3 clerk, who said she did not think there were any objections. We
4 have not received any reports from them one way or the other.

5 CHAIRPERSON GRIFFIS: Okay. Did you request to
6 present anything to the ANCs, or --

7 MS. GUMBREWICZ: What I requested from them is
8 that if they needed me to present anything, and they didn't.

9 CHAIRPERSON GRIFFIS: That you would be
10 available.

11 MS. GUMBREWICZ: Yes. And they didn't. And it
12 was over the holiday time that I was talking to them, and so I
13 assume that they were busy.

14 CHAIRPERSON GRIFFIS: That's fine. You don't
15 know -- to date, you don't have any complaints or anything, or
16 we don't have any official complaints to the city about this
17 parking lot, and you have no other information that the ANC has
18 brought up any concerns?

19 MS. GUMBREWICZ: No.

20 CHAIRPERSON GRIFFIS: Okay.

21 VICE CHAIRPERSON RENSHAW: Is this parking lot
22 used by any groups attending the church across the street,
23 across -- well, what is it, 42nd Street, I think?

24 MR. KEY: No, Ma'am. Nobody is using it from
25 across the street.

1 VICE CHAIRPERSON RENSHAW: Have they requested to
2 use it, or is it chained -- is the parking lot chained at night?

3 MR. BASS: It is not chained.

4 MR. KEY: No, Ma'am, it is not chained, but they
5 have not requested to use it.

6 MR. HARRISON: They may use it during our off-
7 hours, but we don't know.

8 CHAIRPERSON GRIFFIS: But there is no sort of
9 arrangement for some swing spaces for parking when the bank is
10 closed?

11 MR. KEY: No.

12 CHAIRPERSON GRIFFIS: Well, we will take note of
13 that. There is parking available when the bank is closed when
14 shopping. Okay. Anything else?

15 VICE CHAIRPERSON RENSHAW: Good point.

16 MEMBER LEVY: Mr. Chair, I would just like to
17 follow up.

18 CHAIRPERSON GRIFFIS: Yes, please.

19 MEMBER LEVY: I would like to follow up and ask
20 any of the applicant's representatives that one of the
21 conditions of the previous approval was that the parking lot --
22 that the parking layout and landscaping shall be as shown on the
23 site plan, marked as Exhibit 9.

24 Are any of you familiar with -- can any of you
25 speak to whether the existing layout and landscaping are

1 consistent with what was approved in '92?

2 MR. HARRISON: No, we have no records of what
3 exactly was approved back in '92.

4 CHAIRPERSON GRIFFIS: Well, we do, but we have
5 not pulled them out.

6 MEMBER LEVY: I know. We don't have Exhibit 9 in
7 front of us.

8 CHAIRPERSON GRIFFIS: Right. I think the issue
9 to look at, and I think it is an excellent point that you bring
10 up, is one, the statement that they have been in compliance for
11 the last 10 years, I think we can establish that.

12 And we will take that as truthful. Next then
13 let's look at the site plan that is presented today and see if
14 there are problems that we think may need remedying or changing.

15
16 I would think that the conditions that were done
17 before previously seem to cover most of what is happening, and
18 as I said in the outset, the photographs I think well illustrate
19 the condition of the parking, the screening, and if there are
20 other things that we think are -- and again for clarification,
21 if I am not mistaken, we are looking at the back side of this
22 and not the entire piece from Wisconsin.

23 And if there are specific issues that you want to
24 talk to or go to the site plan that was just presented.

25 MEMBER LEVY: I guess there are two things. If

1 we ended up down the path of reiterating the conditions of the
2 previous order, then we don't know whether that one applies, and
3 that is what I was getting at.

4 CHAIRPERSON GRIFFIS: A good point.

5 MEMBER LEVY: And the thing that really drew my
6 eye is simply that the screened wall -- there is no landscaping
7 along the outside of the screened wall. It jus needs grass it
8 appears, and that is what drew my eye.

9 There does not seem to be anything in the file
10 that -- there are no complaints about that.

11 CHAIRPERSON GRIFFIS: But you are not indicating
12 that you think there should be shrubbery by that brick wall are
13 you?

14 MEMBER LEVY: I guess it just led me to wonder
15 whether anything existed when this approved last time, that's
16 all.

17 CHAIRPERSON GRIFFIS: Well, frankly, it is my
18 limited opinion, but I think it is a much cleaner look than with
19 that brick wall, which from the photographs is in excellent
20 condition.

21 It is obviously either brand new or very well
22 maintained, and to cover it with shrubs which tend to grab
23 debris, and are more difficult problematic.

24 I am looking also at Condition Number 6 from
25 1991, which says that all parking lots shall be kept free of

1 refuge and debris, and the photographs show that, and shall be
2 paved or landscaped.

3 The landscape shall be maintained in a healthy
4 growing condition, and neat in appearance. That seems to be
5 flexible enough.

6 The wall, of course, is part of the zoning regs
7 in Chapter 23, if I am not mistaken. So it is there.

8 VICE CHAIRPERSON RENSHAW: Does the applicant
9 have an attendance shelter within the parking area?

10 MR. HARRISON: No, we don't.

11 VICE CHAIRPERSON RENSHAW: That was mentioned in
12 Condition Number 7. That no other use shall be conducted from
13 or upon the premises, and no structure other than an attendance
14 shelter, shall be erected.

15 MR. BROWN: So it is kind of generic maybe.
16 Okay. Mr. Etherly, you had something?

17 MEMBER ETHERLY: Thank you, Mr. Chairman. And
18 perhaps this is a question directed to the Office of Planning,
19 and then maybe to the applicant second. In terms of the number
20 of spaces that are identified, do you have or is there
21 specifically set aside parking for employees, or if I am a
22 customer coming to the bank, I can park at any of the noted
23 spaces on the property?

24 The background for my question is trying to get a
25 sense of the number of spaces that are actually available for

1 customer parking.

2 MS. MCINTIRE: There is nothing specifically
3 labeled for employees on the subject site. There are some
4 spaces labeled for the businesses to the north on the adjacent
5 property.

6 But other than that, the spaces are not labeled.

7 MEMBER ETHERLY: All right. And to any of the
8 representatives of the applicant, as far as your experience has
9 been, you have not had any difficulty with parking crunches, or
10 anything along those lines during some of your high peak hours
11 at the bank during the business day?

12 MR. HARRISON: No.

13 MEMBER ETHERLY: Okay. Thank you very much.
14 Thank you, Mr. Chairman.

15 CHAIRPERSON GRIFFIS: The Office of Planning, you
16 did a site visit, right?

17 MR. MCGHETTIGAN: Yes, I did.

18 CHAIRPERSON GRIFFIS: And what time of the day
19 was it? Do you recall? Was it business hours?

20 MR. MCGHETTIGAN: Yes.

21 CHAIRPERSON GRIFFIS: Was the parking lot full?

22 MR. MCGHETTIGAN: It was mid-afternoon. No, it
23 wasn't.

24 CHAIRPERSON GRIFFIS: And actually we are showing
25 where the aerial photograph is part of the -- and let me just

1 commend the Office of Planning attachments, and not only are
2 they titled, but also in color.

3 It shows -- it doesn't list a time, but it would
4 appear that it is business hours first of all by the angle of
5 the shading, and also the traffic, and the parking lot is not
6 full.

7 But I think that is a pertinent point to be aware
8 of, Mr. Etherly, when talking about the capacity of what we are
9 looking at. Okay. Anything else? Fabulous.

10 Then I would look to the Board Members on how
11 they would like to proceed.

12 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I would
13 move that the Board approve Application of Citibank FSB,
14 pursuant to 11 DCMR 3104.1, for a special exception to continue
15 to operate an automobile parking lot previously approved by BZA
16 Order 15572, under Section 213, in an R-4 District at premises
17 4201 Fessenden Street, Northwest, Square 1669, Lots 26 and 27.

18 I believe that the applicant has met the burden
19 of proof. They are the -- Citibank FSB is in harmony with the
20 general purpose of the zoning regulations, and this application
21 does not negatively affect the neighboring use of the property
22 or the property adjoining or abutting.

23 And it is consistent with the zoning maps and
24 zoning regulations.

25 MEMBER LEVY: I will second that.

1 CHAIRPERSON GRIFFIS: The motion is before us,
2 and is there any discussion?

3 VICE CHAIRPERSON RENSHAW: No, just to say that
4 the property seems to be very well maintained, and the lot
5 itself seems to be adequately striped. Per the site plan that
6 was -- the existing conditions plan that was submitted today, I
7 would move that we also include the conditions from the Office
8 of Planning.

9 There were eight conditions, and we may want to
10 add a condition concerning interior signs indicating direction
11 for cars.

12 CHAIRPERSON GRIFFIS: Okay. So we have an
13 amendment to your motion.

14 VICE CHAIRPERSON RENSHAW: Yes.

15 CHAIRPERSON GRIFFIS: Mr. Levy, are you still
16 okay seconding that motion?

17 MEMBER LEVY: Yes. I would just clarify that the
18 Office of Planning -- the conditions in the Office of Planning
19 report were reiterating the previous orders conditions.

20 CHAIRPERSON GRIFFIS: Right. So we will update
21 those, but just to be brief, as an overview, I understand that
22 the motion then is to grant the application, and it would be for
23 a 10 year period.

24 And then the other conditions, and with a
25 Condition 9 added that would have a sign provided by the bank on

1 that property indicating the direction of traffic flow.

2 MEMBER LEVY: Great.

3 CHAIRPERSON GRIFFIS: Then all of those in favor?

4 (A chorus of ayes.)

5 CHAIRPERSON GRIFFIS: Any opposed?

6 (No audible response.)

7 CHAIRPERSON GRIFFIS: The staff will record the
8 vote.

9 MS. BAILEY: The vote is recorded as to five-
10 zero-zero to approve the application, with eight conditions in
11 the Office of Planning report, and also another condition,
12 Number 9, which indicates that interior signage on the property
13 shall be erected to indicate traffic flow and direction.

14 The motion was made by Mrs. Renshaw, and Mr. Levy
15 seconded, and Mr. Griffis, and Mr. Etherly, and Mr. Hannaham in
16 agreement. Summary order, Mr. Chairman.

17 CHAIRPERSON GRIFFIS: Yes, I think we can get all
18 those conditions done, and I that would obviously facilitate you
19 guys as we are looking at February 2002, and that would be
20 great. Any parting shots? No, any last moment things?

21 MR. BASS: No, Mr. Chairman. Thank you very
22 much, and thank you fellow Members of the Board.

23 CHAIRPERSON GRIFFIS: Okay. Thanks, and have a
24 great morning. Okay. And I think we are ready and able to call
25 the next -- and if I am not mistaken, the final case of the

1 morning.

2 MS. BAILEY: Yes, Mr. Chairman.

3 CHAIRPERSON GRIFFIS: Let's jus take a brief
4 second here to note the fact how expeditious we are going
5 through the morning schedule. It is 10:30 and we have one left.

6

7 MS. BAILEY: Mr. Chairman, I know that you know
8 this, but just to bring it to your attention; that there are
9 some students in the back of the room from American University,
10 and maybe one day they will be here presenting cases.

11 CHAIRPERSON GRIFFIS: I'm terribly sorry.

12 MS. BAILEY: And so I just want to welcome them.

13 CHAIRPERSON GRIFFIS: Yes, indeed we do want to
14 welcome the students that are observing today, and we promise to
15 be serious, which frankly maybe we are not following through on,
16 but there it is. And we look forward to any questions.

17 And I believe we have an ANC Member for the next
18 application. Is there anyone else in the audience that is
19 actually for this case this morning?

20 (No audible response.)

21 CHAIRPERSON GRIFFIS: Okay. Great. We are glad
22 to have you here, and I think we are available after the morning
23 session to answer some questions if there are any from the
24 students, but to that, let's get to business, and we can call
25 the next case.

1 MS. BAILEY: Application Number 16817, of Capital
2 City Public Charter School, pursuant to 11 DCMR 3104.1, for a
3 special exception to operate a child development center for 150
4 children, ages infant to 14 years, and 31 staff, under Section
5 205, in an
6 R-5-B district at premises 1470 Irving Street, Northwest, Square
7 2672, Lot 723. Would you please stand to take the oath.

8 (Witness sworn.)

9 MS. BAILEY: Mr. Chairman, if I may, just a very
10 quick comment. The affidavit of posting for this property, we
11 did receive it on Friday close to the close of business, and it
12 was filed one day late, and so that does need to be waived in.

13 And I think that is primarily the only
14 outstanding housekeeping matter.

15 CHAIRPERSON GRIFFIS: Okay. We have one further
16 housekeeping matter that I will bring up, and then Ms. Renshaw
17 can continue. I am recusing myself on this case.

18 I happen to be a Trustee of the Capital City
19 Public Charter School, and there seems to be a little bit of
20 closeness, in terms of what is happening with this whole piece.

21
22 So I will be turning it over to Ms. Renshaw, the
23 Vice Chairman, to run this, and frankly go get a cup of coffee.

24 So enjoy and I will be back.

25 MR. BROWN: Thank you, Mr. Chairman, and Madam

1 Vice Chairman, and Members of the Board, Patrick Brown from
2 Greenstein, Delorme, and Luchs. Mr. Etherly, welcome. This is
3 my first visit when you have been here.

4 I am the applicant's counsel, and I want to
5 clarify several things just to make sure that the application
6 has evolved over time, primarily as a result of the Barbara
7 Chambers Center being able to acquire the building, and so that
8 their longstanding plans to expand to take over the whole
9 building were incorporated into what was previously just a
10 renewal of a previously approved operation.

11 They do now own the property, and so while it is
12 styled, "Capital City Public Charter School," they purchased the
13 property from Capital City and it is now in the name of Barbara
14 Chambers Children's Center, Inc.

15 VICE CHAIRPERSON RENSHAW: Well, thank you, Mr.
16 Brown, for that introduction. Before you begin, what I would
17 like to do is review for the Board some of the exhibits.

18 This case is a bit confusing, and as we have a
19 file in front of us with various pieces of information, it might
20 be best just to go over some of these pieces of information.
21 And then if you would pick up and present your case.

22 MR. BROWN: Sure. And, Mrs. Renshaw, I have a
23 drawing which didn't exist when I filed the pre-hearing
24 statement, and which may be helpful.

25 VICE CHAIRPERSON RENSHAW: Very good. All

1 right. But since we have all of this time because of how
2 expeditiously we have covered two cases this morning, I am
3 looking at the minutes ahead, but will not take all these
4 minutes.

5 MR. BROWN: All right.

6 VICE CHAIRPERSON RENSHAW: First of all, for the
7 Board's examination, is Exhibit 1, and that is the application
8 that was dated October 5th, 2001, and signed by Francesa Mirabel
9 Van-Torres Torres, but with no title, and in the name of the
10 National Capital Presbyterian.

11 On December 13th, 2001, the application was
12 amended by Richard Nero, of the Office of Zoning to read Capital
13 City Public Charter School as the owner of the property.

14 The application spoke to provide a non-
15 traditional child care from 7:00 a.m. to 10:00 p.m., Monday
16 through Friday, for children, infants to 14, and 31 staff, and
17 to accommodate low income families with night shift jobs.

18 Then Exhibit Number 27, a memo from Richard Nero,
19 the Office of Zoning, to the BZA, dated December 13th, 2001,
20 noted that the owner of the property had changed from the
21 National Capital Presbyterian to the Capital City Public Charter
22 School, and Mr. Nero stated that the new notices were mailed,
23 and correct notice posted, and published in the register.

24 And that the application as Ms. Bailey stated
25 earlier was posted on January 7th, 2002. And it is assumed that

1 the posting was under the name of the Capital City Public
2 Charter school per Mr. Nero's December 13th, 2001 memo to the
3 BZA.

4 Exhibit 32, the statement of the applicant, dated
5 January 8th, 2002, states in the footnote, and as Mr. Brown has
6 said, that the application was originally filed in the name of
7 Capital City Charter School as the owner.

8 But on January 2nd, 2002, Barbara Chambers Child
9 Center purchased the building at 1470 Irving Street, Lot 881.
10 Exhibit 34, the Office of Planning notes in its January 15th
11 report, 2002 report, that the applicant's name changes since the
12 application was filed, and that the Barbara Chamber's Center
13 operated the child care center at 1470 Irving, previously
14 operated by the Capital City Public Charter School, under the
15 auspices of the National Capital Presbyterian.

16 Chambers purchased the building on January 4th
17 says the Office of Planning, and the Capital City Public Charter
18 School, once the operator of the Child Care Center, operates the
19 adjoining school.

20 Exhibit 9, a DCRA certificate, dated September
21 17th, '01, certifies that the Chambers Child Care Centers'
22 articles of incorporation were accepted by DCRA on September 7th
23 of 1972.

24 Exhibit 32, again the statement of the applicant,
25 dated January 8th, 2002, page 2, which states that this is an

1 application to renew and expand the child development center at
2 1470 Irving Street, which the applicant moved in to in 1972.

3 The summary order 16161, dated November 1st,
4 1996, approved the application of the National Capital
5 Presbyterian for 5 years, with eight conditions for the
6 expansion of an existing child care center, a before and after
7 school program from 60 to 80 children, 6 weeks to 11 years, with
8 17 staff, and the hours would be 7:00 to 6:00.

9 That expired on November 1st, 2001. Exhibit 10,
10 the Treasurer of the Board of Trustees of the Capital City
11 Public Charter School, wrote to Ms. Torres, and identified as
12 the Director of the Chamber's Child Care Center, on October
13 31st, 2001, one day before the order, the summary order,
14 expired, authorizing the Chamber's Center to expand the number
15 of children it serves from 60 to 80.

16 Exhibit 8 states that the Barbara Chambers Child
17 Center provides child care centers or child care services for 80
18 children, 2 to 14, from 7:00 a.m. to 10:00 p.m., Monday through
19 Friday, with 17 staff.

20 Exhibit 32d, the certificate of occupancy, dated
21 June 17th, '98, was for 80 children, 2-1/2 years to 11 years,
22 and 17 staff.

23 The license, which is noted as Exhibit 32e, is in
24 the name of the Barbara Chambers Child Development Center, and
25 it was issued July 11th, 2001, for 80 children, 2-1/2 years to

1 14 years.

2 And again the original order and C-of-O said 11
3 years, from 7:00 a.m. to 6:00 p.m. That expired on October
4 16th, 2001. And no license prior to July 11th, 2001, was in our
5 file.

6 The BZA is told that the application for renewal
7 of the license is being processed by the Department of Health.
8 Under 205.9, before taking final action, the BZA submits the
9 application to D-DOT, or DPW, the Department of Health, and the
10 Office of Planning for review and written reports.

11 We have D-DOT's in the file and the Office of
12 Planning. The Department of Health is outstanding. Section
13 205.10 speaks to the referral to the Department of Human
14 Services regarding the center can meet the licensing
15 requirement, and that report is outstanding.

16 There is no report in the file from the Fire
17 Marshal regarding capacity, and any other issues, and no report
18 from the D.C. Public Schools regarding the arrangement to use
19 the Lincoln High parking lot for parking.

20 You have mentioned in the statement of the
21 applicant about adult education, but that is not explained. The
22 Office of Planning has two references to adult education in the
23 evening, and that is not fully explained.

24 So we have issues, Mr. Brown, for you to tackle,
25 and of course we have in summary the ownership issue, proper

1 posting and notice, and in whose name this was posted.

2 The licensing requirements, the adult education,
3 the reports that are due from Health and Human Services, Fire
4 Marshal, and if you would mention, of course, the food service
5 in the basement.

6 We note a kitchen and a cafeteria.

7 And we have other issues that my colleagues will
8 bring up as well. So if you would start and explain first of
9 all about the ownership issue.

10 MR. BROWN: And I can accomplish several things
11 in tackling the ownership issue. Again, Patrick Brown for the
12 applicant. With me is Reina Argueta, the chief financial
13 officer of Barbara Chambers.

14 Maribel Torres, executive director, unfortunately
15 had to be out of the country on a family emergency. You will
16 note on the affidavit of posting why it was late, is that I in
17 fact had to complete the affidavit of posting, because although
18 Ms. Torres did the posting, she was unavailable to sign the
19 affidavit.

20 I signed the affidavit saying that I had personal
21 knowledge of the posting occurring on the date that it did
22 occur. The sign you can see in the photograph shows in the name
23 as it was advertised, Capital City Public Charter School.

24 And I made that decision and our office prepared
25 the signs just to remain consistent with the advertised notice.

1 Let me quickly tell you what has occurred, and I think it will
2 make sense.

3 You have originally a single property and a
4 single record lot, Lot 723, which is basically these boundaries,
5 and which was owned by the National Presbyterian.

6 Sometime in December, the National Presbyterian
7 sold the whole property to Capital City Charter School.
8 Subsequently on January 4th, Capital City sold this portion, Lot
9 881, as the property is basically divided, and the record lot is
10 divided into two A&T lots, 880 and 881.

11 Capital City, which briefly owned the whole
12 property, sold this half of the property to the Barbara Chambers
13 Center. Now, Barbara Chambers has always since 1972 operated in
14 this building under previously the National Presbyterian Church
15 ownership as a lessee tenant.

16 Now, they seek to continue as the owner of the
17 building. So, again, as of January 4th, and whenever the deed
18 was recorded, they are the owner of this building.

19 Capital City Public Charter School is now solely
20 the owner of this property, and a building on it which is
21 currently vacant, and they are going to have to do a major
22 renovation here.

23 I will note the properties are connected and have
24 been for a long time with a one-story enclosed breezeway, and so
25 that from a zoning perspective they are a single building,

1 although they are broken down along property lines so that they
2 are owned and taxed separately.

3 The operations of the two are going to be
4 separate, entirely separate, and there is no relationship other
5 than having purchased from Capital City.

6 And there are allocation agreements between the
7 parties and also easements to allow access across property, but
8 don't involve the actual operations of either facility.

9 Currently, Barbara Chambers is operating in this
10 building on the lower level and the first floor pursuant to the
11 BZA order of '96, and they seek to just take over, which they
12 now own the second and third floors, and the second floor would
13 be classrooms, and the third floor would be the administrative
14 offices for the facility.

15 You will see back here an enclosed fenced in play
16 area, about 4,000 square feet, and you have got play equipment
17 here, and a fence with a gate through it here into the parking
18 area here, which currently accesses from the public alley
19 through one entrance here.

20 This is a 6 foot brick wall, and it has a gate
21 that moves back and forth this way. One of the conditions, and
22 all of which -- both the Office of Planning and the ANC have
23 requested one of the conditions is to open up another entrance
24 through the brick wall to allow vehicles to come in and
25 circulate here, and drop off, and the kids can go securely into

1 the building.

2 And then they exit out here into the alley, which
3 then would allow them either to come back up to Irving, which is
4 one way going this way, or you can come out through here, and
5 exit either 14th Street, which is down here, or Columbia Road,
6 which runs parallel to Irving.

7 This is 15th Street here. The Metro is 14th and
8 Irving, and the Columbia Heights Metro Station is up here.

9 Across the street here, and it is important, is
10 the Lincoln Junior High School, which while there is no formal
11 arrangement, after hours, and in the evenings, and during school
12 breaks, the summer, Barbara Chambers is allowed to use their
13 parking facilities, which are again just right across the
14 street. The junior high school is at the corner of 15th and
15 Irving here.

16 VICE CHAIRPERSON RENSHAW: All right. Mr. Brown,
17 up to this point, Barbara Chambers has been a contractor to
18 Capital Cities before the purchase of Lot 881?

19 MR. BROWN: When you say a contractor?

20 VICE CHAIRPERSON RENSHAW: A contractor, yes. In
21 other words, the application was made first -- well, the order
22 was in the name of the National Capital Presbyterian.

23 MR. BROWN: And I was not involved back then, but
24 the original 1996 order I suspect was issued in the name of the
25 property owner, which was National Presbyterian.

1 There is no -- in the operations of -- and Ms.
2 Argueta, correct me if I am wrong, but in the actual operations
3 of Barbara Chambers the school, and the classes, and the
4 cooking, and everything else, goes there, there is no
5 relationship either previously with National Presbyterian, or
6 currently with Capital City, other than originally they leased
7 the building from National Presbyterian, and then ultimately
8 just purchased the building from Capital City.

9 But there is no actual operating relationship
10 between the entities. Historically, and particularly when
11 applications are being pursued by people other than lawyers like
12 myself, they often get put in the name of the property owner,
13 rather than the tenant operator.

14 That may or may not be correct, but you often see
15 that over time. So I think that is where the confusion arose,
16 and this application was filed by the school itself prior to my
17 getting involved.

18 VICE CHAIRPERSON RENSHAW: Well, if that is the
19 case, how binding are the conditions, for instance, on a tenant
20 operator if the order is made out other than to the operator of
21 the facility?

22 MR. BROWN: Because whoever is operating the --
23 well, let's say, for instance, the Board approved a child
24 development center with five conditions.

25 And the party who was the applicant was School X,

1 and School X decided that it no longer wanted to operate there,
2 and they leased the building to School Y.

3 School Y would have the ability to operate in the
4 same manner under the BZA order subject to the conditions. So
5 that it would stay with the property, and it is not specific to
6 the user.

7 VICE CHAIRPERSON RENSHAW: All right. Thank you.
8 This map is going to be submitted for the record?

9 MR. BROWN: Absolutely.

10 VICE CHAIRPERSON RENSHAW: And this is the only
11 copy that you have right at the present time?

12 MR. BROWN: It is the only one that I have, but I
13 will certainly put it in the record, and obviously I would pass
14 it up if anyone wants to examine it.

15 VICE CHAIRPERSON RENSHAW: Do my colleagues have
16 any questions at this point of Mr. Brown concerning ownership or
17 the site?

18 (No audible response.)

19 VICE CHAIRPERSON RENSHAW: Do you want to hold on
20 the alley?

21 MEMBER LEVY: A quick question about the parking.
22 Mr. Brown, you indicated that the applicant has an operating
23 parking facility along a public alley?

24 MR. BROWN: Yes.

25 MEMBER LEVY: But I don't see it indicated on the

1 drawing. Is that striped for parking now?

2 MR. BROWN: It is not, and it is currently only
3 gravel and is not striped. I was out there on the 7th when the
4 posting occurred, and was out with Mr. Cochran from the Office
5 of Planning.

6 There were 13 vehicles in there, but it is not
7 striped. Our best guess is, although only eight spaces are
8 required, that it would hold at least 16 on a regular basis.

9 But given that this is a very neighborhood
10 oriented facility, and so that both the staff -- and none of the
11 students are driving yet, but the staff pretty much come from
12 the area and are able to access the Metro.

13 So you don't see the kind of parking demands you
14 might otherwise in different locations and in a different
15 facility.

16 MEMBER LEVY: And also regarding the ownership of
17 the lots, you indicated that perhaps there is some type of -- or
18 that there are easements for passage between the lots. Is there
19 an agreement to share parking or rent spaces between Capital
20 City Charter School and the Chambers?

21 MR. BROWN: No. No, there are no agreements to
22 share those kinds of facilities. And in fact you will see here
23 that Capital City gets their parking on their part of the lot,
24 and this site is self-contained for its parking, and there is no
25 sharing.

1 MEMBER LEVY: The green space belongs then to the
2 Chambers Center?

3 MR. BROWN: Pardon?

4 MEMBER LEVY: The green space --

5 MR. BROWN: Yes, here.

6 MEMBER LEVY: -- below the Chambers Building.
7 Well, perhaps not the green space, but the rec space.

8 MR. BROWN: Yes. This here, this is all
9 -- and it is within a fence, and so it is all theirs, and again
10 they have the facilities out here.

11 MEMBER LEVY: Is that paved or is it --

12 MR. BROWN: It is grass and dirt, yes.

13 MEMBER LEVY: Thanks.

14 MR. BROWN: With the exception where the jungle
15 gyms are, it is kind of in a boxed area with mulch and other
16 things, which you have to do to maintain safety.

17 VICE CHAIRPERSON RENSHAW: Mr. Etherly has a
18 question.

19 MEMBER ETHERLY: Thank you, Madam Vice Chair.
20 Mr. Brown, could you indicate again the traffic flow, in terms
21 of staff and/or parents entering into the parking area?

22 MR. BROWN: What has been suggested by the Office
23 of Planning by the Office of Planning, and which my clients are
24 amenable to, is -- and circumstances have changed, and --

25 MS. BAILEY: Mr. Brown, if you could please use

1 the microphone.

2 MR. BROWN: Drop off and pick up used to be
3 exclusively on Irving Street, and one of the points that was
4 made by DPW in their report is change of circumstances are such
5 that that is no longer entirely appropriate as a primary means
6 of ingress and egress for the students coming in, and there is a
7 front door here.

8 So that their suggestion, which again is mirrored
9 by the Office of Planning and accepted by us, would be the
10 vehicles would come here. There is currently a break in the
11 brick wall, 6 foot brick wall. here with the gate.

12 So that they can come in here and drop off, and
13 then somewhere open up a second ingress, egress point through
14 the wall, to allow vehicles to basically make a loop, and then
15 come out, and then you can either go this way or this way, and
16 again out to other places.

17 We have not decided where that hole in the wall
18 is going to be, and what the best circulation pattern is.

19 And perhaps it is better to come in down here and
20 like that. I suspect not, but DPW has indicated their desire to
21 approve the final plan and that makes sense.

22 But certainly the agreement to use this -- and it
23 is a good idea, because then the kids come in, and they go
24 through a fence, and they are out of harm's way and in the rear
25 door of the building.

1 MEMBER ETHERLY: Okay. So as a follow-up
2 primarily for the parking area that is adjacent to or off of the
3 public alley, that parking area is primarily just for staff
4 parking, and maybe at some point you might have some parents
5 parking back there if they are there for a longer period of
6 time.

7 But otherwise there is no drop off and pick up at
8 that portion of the property right now?

9 MS. ARGUETA: Right now? Yes.

10 VICE CHAIRPERSON RENSHAW: Would you speak into
11 the microphone, please, and bring that closer to you, please.

12 MS. ARGUETA: Some of the parents are using at
13 this time the same thing.

14 MEMBER ETHERLY: Okay. And Irving Street is a
15 two-way thoroughfare?

16 MR. BROWN: No, one way. One way going this way,
17 and it is three lanes going one way.

18 MEMBER ETHERLY: Okay. And at the intersection
19 of Irving and the public alley, presently there is no signal or
20 stop sign, or anything along those lines?

21 MR. BROWN: No.

22 MEMBER ETHERLY: Okay. Thank you. I am just
23 trying to get an idea of the layout of the area. Thank you.
24 Thank you, Mr. Brown.

25 VICE CHAIRPERSON RENSHAW: Mr. Hannaham, do you

1 have any questions at all?

2 COMMISSIONER HANNAHAM: No.

3 VICE CHAIRPERSON RENSHAW: I would like to know
4 about Lincoln High School across the street, and you indicated
5 in your statement that you used that parking area over there.
6 Do you have an agreement with the school system to do so?

7 MS. ARGUETA: Last year, we did with the
8 principal, but this time we haven't any agreement, but they let
9 us go after hours.

10 VICE CHAIRPERSON RENSHAW: But it is just with
11 the principal and not with the school system itself?

12 MS. ARGUETA: Not the school system itself.

13 VICE CHAIRPERSON RENSHAW: All right. On the
14 parking where you are considering punching in a hole, and DDOT
15 has recommended that so that there can be access in and out, how
16 are you going to maintain security back there, especially in the
17 evenings, because we have not gotten into this adult education
18 business.

19 But is that going to be a gated kind of
20 arrangement with a card, or how are you going to handle it?

21 MR. BROWN: One of the suggestions -- and this is
22 gated, and it does not use a card system I don't believe now.
23 With the existing gate, you can just pull it back, but you can
24 lock it after hours?

25 MS. ARGUETA: Yes.

1 MR. BROWN: And that this would similarly have a
2 gate. One of the suggestions was that after the ingress and
3 egress period in the mornings and at other times that these
4 gates be locked, or closed, and also that additional lighting be
5 provided along this stretch of the alley to further illuminate
6 that?

7 VICE CHAIRPERSON RENSHAW: On the lighting
8 arrangement, there is an apartment house nearby, and whereabouts
9 is the apartment house?

10 MR. BROWN: The apartment house is right here.

11 VICE CHAIRPERSON RENSHAW: Now, the lighting that
12 you are proposing, is that additional luminance in public
13 lighting or is it lighting that would be attached to the
14 building that would be your lighting, or the applicant's
15 lighting, rather than City lighting?

16 MR. BROWN: It is not proposed. The request was
17 made for the applicant to provide the lighting, and to provide
18 it along this barrier, but one, to shield it from this building,
19 and also not to provide lighting I don't believe for the public
20 alley, but to provide lighting for their facilities here.

21 So it would be directed, and obviously sensitive
22 to the apartment building here. I believe that you don't see
23 windows in this building until you are quite high up. You don't
24 have any ground floor windows again visible from the alley.

25 But certainly that can be accomplished, and one

1 of the things is that with a 6 foot wall, lighting on the inside
2 of that wall facing down provides an awful lot of security and
3 lighting without it spilling over beyond the wall. So the wall
4 is a natural barrier for the lighting.

5 VICE CHAIRPERSON RENSHAW: Well, talking about
6 security and lighting leads us into the issue of adult
7 education, which is not mentioned in your application, but it is
8 mentioned in your statement of the applicant.

9 And would you get into that, because you make --
10 you have a note in your statement that in the evening the people
11 who would be attending any adult education classes would not be
12 able as I understand it to enter the building from the parking
13 lot, but would have to use only the entrance off of Irving
14 Street.

15 So please get into that issue.

16 MR. BROWN: And in somewhat competing demands,
17 and I will let Ms. Argueta tell you about the actual program,
18 but one of the concerns expressed was maintaining the security
19 of the building, and the way to do that is to limit access to
20 the front door after an initial period of egress and ingress.

21 And also to provide lighting in the rear, and
22 then expand the existing closed-circuit t.v. cameras. So you
23 want to be able to use the rear to get people in and out, but
24 also at the same time be able to secure it, and monitor it, and
25 then have a security guard.

1 And the security guard works if you can limit
2 access. So if you limit it to the front door, then beyond the
3 certain transitional period beginning and ending of the programs
4 -- you know, to have a beginning and an end every day, to kind
5 of isolate the rear of the site.

6 And Ms. Argueta can tell you a little bit more
7 about the proposed adult education.

8 MS. ARGUETA: The adult education, we are
9 proposing to have it -- because at this time another
10 organization is renting from us the third floor, and there are
11 scheduled to move in one or two years.

12 So we propose to have adult education since we
13 have the space available if we have the space in one or two
14 years.

15 VICE CHAIRPERSON RENSHAW: But at the present
16 time, you do not have adult education?

17 MS. ARGUETA: No.

18 VICE CHAIRPERSON RENSHAW: And you are
19 forecasting then adult education from what hour to what hour,
20 and in what year, or is that going to be an amendment to this
21 application? Mr. Brown, help us out here.

22 MR. BROWN: Well, I think that they don't clearly
23 draw a distinction between child education and adult education.

24 So if we need to amend it for those purposes -- and it was
25 viewed -- and again, I didn't file the application.

1 But it was viewed as a continuum, and
2 interestingly enough, it is not no longer just a child
3 development center. It is a child/elderly development center.

4 So it encompasses a broader age category. So I
5 am not so sure -- I mean, I am certainly willing to specifically
6 call out the adult education, and it may not be necessary.

7 VICE CHAIRPERSON RENSHAW: Well, Mr. Brown, this
8 is where the confusion has come in. Exactly what are we voting
9 on, and what are we hearing, and what are we hearing?

10 Is it a child/elderly development center, or are
11 we just going with the child development center? We need to be
12 clear.

13 MR. BROWN: We are certainly not proposing an
14 elderly development center, which is more of a kind of assisted
15 program. Why don't we for clarification, and as you can see,
16 the adult education function is something that is in the future.

17
18 We would be prepared to just take that off the
19 table, and obviously if that program decides to go forward, we
20 can come back as needed, and make particularly the Board's life
21 easier.

22 And just focus in on -- and I think we have laid
23 out clearly the child development end of the application, which
24 is a certain number of kids, and a certain number of staff, and
25 a certain number of age categories, and hours of operation.

1 And if we just use that, and put aside the adult
2 education, and is something that may come up in the future. And
3 again we were trying to plan ahead, and having been required to
4 come back, and try to cover as much ground as possible. Maybe
5 we bit off a little bit too much for everybody's comfort.

6 VICE CHAIRPERSON RENSHAW: Well, I don't think it
7 is the fact that you bite off too much. It is the fact that it
8 is a little murky in description, and therefore as we read
9 through all of this material, we are wondering what we are
10 voting on.

11 And so we want to make it very clear so that when
12 the order is issued we know exactly what is before you, the
13 applicant, and the Board.

14 COMMISSIONER HANNAHAM: Madam Vice Chair.

15 VICE CHAIRPERSON RENSHAW: Yes.

16 MEMBER LEVY: I would like to throw in there that
17 I don't believe that the project was advertised to include
18 anything but a child development center.

19 VICE CHAIRPERSON RENSHAW: That is correct. It
20 is to operate a child development center for 150 children,
21 infants to 14 years, and 31 staff. That is what the
22 advertisement, the posting, was all about. Thank you.

23 MR. BROWN: I think that is advice well taken
24 given the notice issue.

25 VICE CHAIRPERSON RENSHAW: All right. Would you

1 speak to the food service since you mentioned it? That you have
2 a basement kitchen and cafeteria?

3 MS. ARGUETA: Yes, we have that. Yes.

4 VICE CHAIRPERSON RENSHAW: And is that open to
5 just those who are at the school?

6 MS. ARGUETA: Yes, to prepare breakfast, lunch,
7 and a snack.

8 VICE CHAIRPERSON RENSHAW: Okay. So you do
9 breakfast, and you do lunch, and the food service stops at what
10 time?

11 MS. ARGUETA: What time?

12 VICE CHAIRPERSON RENSHAW: Yes.

13 MS. ARGUETA: From 7:00 until 2:00.

14 VICE CHAIRPERSON RENSHAW: Until 2:00? All
15 right. I didn't see anything in the license about food service.
16 Should that have been covered in the license? Mr. Brown?

17 MS. ARGUETA: The Department of Consumer and
18 Regulatory Affairs does the inspection and does the licensing.

19 VICE CHAIRPERSON RENSHAW: All right. Would you
20 speak at this time to the certificate of occupancy and the
21 license, and how you operated up to the time of your license,
22 which was dated July 11th, 2001?

23 MR. BROWN: Ms. Renshaw, if you could clarify the
24 question as to how you operated?

25 VICE CHAIRPERSON RENSHAW: In other words, you

1 have been in the building since 1972, and was there a license
2 prior to July 11th, 2001?

3 MR. BROWN: These licenses are annual, and so you
4 have previous licenses, and I just gave you the most recent one,
5 and again the statute or the regulations allow that your license
6 remains in effect while your application to renew it is pending.

7 So that while this license normally expired on a
8 certain date, an application to renew was pending and so it
9 stays in effect. And unlike a lot of child development centers,
10 quite frankly, Barbara Chambers has always been licensed and has
11 had certificates of occupancy, and obviously plan to continue
12 that.

13 So I have just given you a snapshot in time on
14 this, and obviously we can provide the earlier licenses if you
15 would like.

16 VICE CHAIRPERSON RENSHAW: All right. Mr. Levy
17 has a question.

18 MEMBER LEVY: Just a follow-up question regarding
19 the license, Mr. Brown, to which you just referred. It was
20 issued, it appears, for three months? Is that -- well, I wonder
21 whether that is typical or why it was issued for only three
22 months.

23 MS. ARGUETA: Mrs. Bramble, who is the chief in
24 the license department, said that because our certificate of
25 occupancy is going to expire soon in November of 2001, she said

1 she is going to give us a license just for the period of time
2 until we renew the certificate of occupancy.

3 MR. BROWN: It is a chicken and egg situation.
4 To get your license, you have to be able to show a certificate
5 of occupancy, and in this case, because -- and normally
6 certificates of occupancy do not expire.

7 But on this one, based on a BZA order, it has a
8 life span. So that we are in a situation where you have got to
9 get a renewal of the BZA order in order to get a valid C-of-0 to
10 get your renewed license.

11 VICE CHAIRPERSON RENSHAW: We understand that
12 problem, Mr. Brown. Would you explain the discrepancy between
13 the certificate of occupancy, which is dated June 17th, 1998,
14 for 80 children, 2-1/2 years to 11 years, and the license which
15 says 2-1/2 years to 14 years?

16 And that is the license that is dated July 11th,
17 2001, versus the summary order 16161, for 80 children, 6 weeks
18 to 11 years? So would you explain those discrepancies, please.

19 MR. BROWN: As it relates -- and I am going to
20 have to have Ms. Argueta help me on some of this, but as it
21 relates to the certificate of occupancy, they have actually --
22 it covers the requisition number of students, but a briefer age
23 span.

24 The order allows infants to 11, and so they have
25 actually asked for less. So I think asking for less than what

1 you are permitted is acceptable. Ms. Argueta, as far as on the
2 license, and again the 2-1/2 years is consistent with the C-of-
3 O, and I would assume permitted under the BZA order, because it
4 allows infants.

5 MS. ARGUETA: Okay.

6 MR. BROWN: And I don't have an answer as to why
7 the license says 14 years of age.

8 MS. ARGUETA: Your question is 14 or 2-1/2?

9 VICE CHAIRPERSON RENSHAW: Fourteen.

10 MS. ARGUETA: Fourteen?

11 VICE CHAIRPERSON RENSHAW: Yes.

12 MR. BROWN: Do you have 14 year olds there?

13 MS. ARGUETA: No, not at this time.

14 VICE CHAIRPERSON RENSHAW: Did you have or have
15 you had 14 year olds there?

16 MS. ARGUETA: No.

17 VICE CHAIRPERSON RENSHAW: So your cutoff age
18 right now is per the summary order at 11 years?

19 MS. ARGUETA: Eleven years.

20 VICE CHAIRPERSON RENSHAW: Eleven years. And
21 what is your actual cutoff time? Is it 6:00 p.m.?

22 MS. ARGUETA: Yes, 6:00 p.m.

23 VICE CHAIRPERSON RENSHAW: You have no evening
24 hours at the present time?

25 MS. ARGUETA: No evening hours.

1 VICE CHAIRPERSON RENSHAW: Thank you. Any
2 further questions of the applicant before we move on to the
3 Office of Planning? Mr. Etherly.

4 MEMBER ETHERLY: Thank you, Ma'am Vice Chair.
5 This might be a premature matter, and so if we get into it and
6 there is a more appropriate point to ask the question, but I
7 wanted to return to the issue of parking arrangements with the
8 school located across the street from the center.

9 Ms. Argueta, you mentioned that you do have an
10 understanding with the principal of that school regarding the
11 use of the space, and that is an understanding that you still
12 have in effect, correct?

13 MS. ARGUETA: I haven't checked with him this
14 year.

15 MEMBER ETHERLY: Okay. No problem. No problem.
16 Did you ever have anything in writing with the principal
17 regarding your understandings?

18 MS. ARGUETA: I think Ms. Torres, which is the
19 director --

20 MEMBER ETHERLY: Yes.

21 MS. ARGUETA: -- may have something in writing.

22 MEMBER ETHERLY: May have something in writing?

23 MS. ARGUETA: Yes.

24 MEMBER ETHERLY: Okay. Okay. Thank you very
25 much. I just wanted to get some clarification on that. Mr.

1 Brown, I am going to come back to you again on the parking
2 question, and I know that we will get into this in a little more
3 detail as we talk about the Office of Planning report.

4 But once again I just want to make sure that I
5 have a picture in my mind of the parking there. With regard to
6 the public alley that is denoted on the illustration that you
7 have before us and that will be made a part of the record, to
8 the best of your knowledge, Mr. Brown, is that public alley a
9 two-way alley? Or maybe even Mrs. Argueta might be able to
10 respond.

11 MS. ARGUETA: It is two-way.

12 MEMBER ETHERLY: Okay. So you see vehicles
13 coming in both directions?

14 MS. ARGUETA: Yes.

15 MEMBER ETHERLY: And that would appear to be
16 probably north and south maybe. Yes, I believe that is pretty
17 much north and south in terms of the public alley.

18 MS. ARGUETA: Yes.

19 MR. BROWN: It is 15 feet. I mean, we have all
20 been asked -- Steve and I were out there, and they certainly
21 were traveling both ways. It gets bigger further down.

22 MEMBER ETHERLY: Okay.

23 MR. BROWN: But certainly a 15 foot alley would
24 certainly accommodate two-way traffic and it certainly is used
25 that way.

1 MEMBER ETHERLY: One final question, Madam Vice
2 Chair, and once again directed to Mr. Brown. I am returning to
3 the applicant's statement, Exhibit Number 32.

4 And just to clarify, we talked a little bit about
5 the issue of the security guard, and on page 3 of the statement,
6 you note towards the bottom, under the section labeled "Proposed
7 Expansion," that the applicant will have a security guard on
8 site.

9 And I heard you mention a little bit about the
10 security guard and potentially a closed circuit television
11 system. Is there currently any type of closed-circuit
12 television capacity at the center?

13 I mean, do you have a system already in place, or
14 is that something that you are giving consideration to?

15 MS. ARGUETA: We have a system in place.

16 MEMBER ETHERLY: So in terms of the security
17 guard that is on site, that individual is on the property
18 between what hours presently, currently?

19 MS. ARGUETA: Well, at this time, we have parents
20 who come to do that specific job.

21 MEMBER ETHERLY: So you are using volunteers so
22 to speak?

23 MS. ARGUETA: Volunteers at this time.

24 MEMBER ETHERLY: Parents who are willing to give
25 their time to kind of serve and assist you

1 with security functions?

2 MS. ARGUETA: Yes.

3 MEMBER ETHERLY: Okay. So it is not a contracted
4 for service or anything like that?

5 MS. ARGUETA: No.

6 MEMBER ETHERLY: Do you have any plans or
7 thoughts about moving eventually to a contracted for security
8 provider?

9 MS. ARGUETA: Yes, we are moving to that.

10 MEMBER ETHERLY: Okay. Mr. Brown?

11 MR. BROWN: Yes, and primarily to accommodate the
12 later hours, and the need to have for lack of a better term a
13 professional.

14 MEMBER ETHERLY: Okay.

15 MR. BROWN: And also the closed-circuit system
16 exists, and so it is really a matter of placing additional
17 cameras in places where they aren't now.

18 MEMBER ETHERLY: Okay.

19 MR. BROWN: I have seen it and it is operation
20 monitoring the door, and so it would be just hooking up
21 additional cameras so you have different advantage points.

22 MEMBER ETHERLY: Okay. The direction of my
23 questioning is just kind of getting a sense of what your
24 security coverage looks like now, and what you are participating
25 should the Board act favorably on the application.

1 Obviously, you are going to have a much more or
2 a much larger scope of activity, and given the alley there, I
3 don't know what your lighting situation looks like in the alley,
4 or in the back parking area, but obviously I am sure that you
5 can appreciate, Ms. Argueta, the importance of guarding some
6 people's very important assets, namely their children.

7 MR. BROWN: And can I just point out that this
8 building, which was built before World War I, but it has a lot
9 of disadvantages, but it has a lot of advantages, one of which
10 is that the limited access.

11 There is really only a front and rear door, and
12 then the fenced in play area, and then again the brick wall
13 parking area.

14 So it has a lot of -- for lack of a better term --
15 - natural security devices, and then using some technology and a
16 guard, I think you can improve upon it substantially. But a
17 security guard is a very expensive proposition.

18 MEMBER ETHERLY: Understood. Absolutely.

19 MR. BROWN: So for at least 4 hours, or
20 4-1/2 hours a night, from 6:00 p.m. until they have made a
21 commitment to have the place shut down and closed by 10:30 every
22 night.

23 So that is 4-1/2 or 5 hours of a security guard
24 at night is substantial.

25 MEMBER ETHERLY: Right. Thank you very much,

1 Ma'am Vice Chair.

2 MR. BROWN: Ms. Renshaw --

3 VICE CHAIRPERSON RENSHAW: Mr. Brown, since the
4 adult education is off the table, is there applicant still
5 requesting additional hours to 10:00 p.m., and if yes, what are
6 those hours going to be filled with?

7 MR. BROWN: And they are, because they are adding
8 a program actually at the request of the District Government for
9 -- and I don't know exactly what to call it, but parents work at
10 night.

11 So the extension of the day, some parents will
12 bring their kids in during the evening, because they have got to
13 go to work on a swing shift. So this is something that you
14 don't see currently a whole lot of.

15 And again responding to people's need to have
16 child care and child development services, and other than what
17 we consider the normal hours, which is daylight.

18 VICE CHAIRPERSON RENSHAW: Well, it was on your
19 application to accommodate low income families with night shift
20 jobs. Is that the case?

21 MS. ARGUETA: It is non-traditional hours that is
22 called.

23 VICE CHAIRPERSON RENSHAW: And that is the
24 definition of non-traditional that you used in your application?

25 MS. ARGUETA: Yes.

1 VICE CHAIRPERSON RENSHAW: Okay. One thing. On
2 the front entrance to your property, which is just about
3 directly opposite Lincoln High School, is there a security
4 guard, a crossing guard, there in the mornings, and in the
5 afternoons when the children get out of school?

6 MS. ARGUETA: At Lincoln?

7 VICE CHAIRPERSON RENSHAW: Yes.

8 MS. ARGUETA: Yes, there is. The street is
9 blocked during that time, during the entrance to the children to
10 Lincoln, and there is a street called Hyatt Place, and that
11 street is blocked.

12 VICE CHAIRPERSON RENSHAW: That street is
13 blocked?

14 MS. ARGUETA: Yes.

15 VICE CHAIRPERSON RENSHAW: Well, Irving Street is
16 never blocked.

17 MS. ARGUETA: Never blocked.

18 VICE CHAIRPERSON RENSHAW: And the entrance to
19 Lincoln would be on Hyatt Place?

20 MS. ARGUETA: It is on Hyatt Place.

21 VICE CHAIRPERSON RENSHAW: Hyatt Place. So, do
22 you get any benefits from the school's crossing guard, the
23 Lincoln High School crossing guard? Do you get any benefits
24 from that?

25 MS. ARGUETA: No, because there is no door

1 entrance on Lincoln on that side.

2 VICE CHAIRPERSON RENSHAW: It is just on Irving
3 Street?

4 MS. ARGUETA: Yes.

5 VICE CHAIRPERSON RENSHAW: All right. Thank you.
6 Thank you. Are we ready to move on to the Office of Planning?

7 MR. COCHRAN: For the record, my name is Steven
8 Cochran with the Office of Planning. Mr. Brown has already
9 described the site. For your purposes, Members of the Board, I
10 would refer you particularly to pages 7 and 8 of the Office of
11 Planning report, because we will probably be referring to those
12 a lot today.

13 Appendix 1, which is the site location map, and
14 then the location photos that are immediate behind the colored
15 location map, those are two pages worth of photos.

16 If you have any questions, I think it will be
17 useful to refer to those. Okay. The application I hope has
18 been clarified. The applicant is requesting expansion of hours,
19 and not at 6:00 at present, but at 10:00 p.m., and the number of
20 children to increase from 80 to 150.

21 And their ages to increase from -- actually to
22 increase from a cutoff now of 11, and to a possibility of the
23 oldest person being 14. I actually didn't realize that the
24 license is already for infant and yet they were asking for it.
25 So that isn't needed.

1 The numbers of employees would increase from 17
2 to a maximum of 31. The application is similar to the
3 application that the BZA approved 5 years ago, Application
4 16161.

5 The applicant, and the name of the applicant has
6 been clarified, is asking for a special exception relief for a
7 child development center in an R-5-B zone pursuant to 11 DCMR
8 Section 205.

9 The relevant tests. 205.3, traffic and safety,
10 Mr. Brown addressed some of that. Both the Department of Public
11 Works and the Office of Planning came up with the same solution
12 independently, certainly something that certainly doesn't happen
13 very often.

14 We both thought that it would be appropriate to
15 put another opening into the wall that Mr. Brown has indicated
16 is there, and is illustrated in photos -- you can see it in
17 Figure 5, and you can see it in Figure 7 and 8 very well.

18 So it could basically be a one-way circulation
19 system, with a drop off, and come back into the alley, and then
20 go either north or south. If you look at the site plan, the
21 site location rather, which is Appendix 1, you will see sort of
22 in the medium blue the alley system.

23 And going westbound on Irving Street, you would
24 turn southbound into the alley, and you can see the site
25 outlined in green. You pull into the site, and presumably from

1 the north, and exit the site, presumably from the south.

2 You would be then be free to turn either
3 northbound and going to Irving, and then back westbound; or you
4 could turn right, which would then take you down through the
5 rest of the alley ideally to Columbia Road, because that is the
6 best improved portion of the alley.

7 And at which point, you would exit and turn
8 right, and go westbound on Columbia Road. You could also make
9 your way in between that large building.

10 To the right of the end of the alley system,
11 there is a U-shaped building, and fairly large, and that is an
12 old Wardman Apartment Building that has recently been renovated.

13 And to the north of that is a medical center.
14 The alley system does officially go between those two buildings,
15 but frankly I would rather travel the alley that goes down
16 Columbia Road than the one that goes to 14th Street until some
17 nasty conditions are cleaned up.

18 And those nasty conditions are not living
19 individuals. They are inanimate objects. The parking, Section
20 205.4. Eight spaces are required, and even if we eliminate four
21 spaces from what can currently fit on the parking lot, and go
22 down to 13, which is what DPW and OP estimate, the applicant
23 would still have 150 percent of their parking requirements met.

24 They are required to have eight.

25 Section 205.5 impacts, and again DDOT and OP have

1 recommended that this drop off system in the alley be
2 implemented, and that would then be acceptable both to DDOT and
3 to us, in terms of having any kind of negative traffic impact.

4 DDOT has correctly pointed out that Irving Street
5 is a major arterial street, and it feeds the Metro stop, and it
6 is important to keep that clear as possible, especially in the
7 morning rush hour.

8 Section 205.6, design and screening. The main
9 thing that we want to make sure is screened, and that Mr. Brown
10 addressed, is the recommended increase in the number of security
11 lights.

12 In fact, there are apartments on the first floor
13 of the building that is immediately to the east of the alley,
14 and we just want to be sure that those apartments are
15 appropriately shielded, and that the lighting is for the
16 security of those using the parking lot and not for the reading
17 pleasure of the people in the apartment building to the east.

18 Section 205.8, other child development centers.
19 There are two nearby, and I am not sure if the second one is
20 licensed, and that is the licensed, and that is in the Bell
21 School, and that has approximately 30 children.

22 I know that from only talking to the people from
23 Bell. There is a licensed day care center at 1420 Columbia
24 Road. Again, if you look at Appendix One, it is in the building
25 that is basically under the two in the C-2-B that is directly

1 south of Columbia Road.

2 Now, that is an old -- I believe it is a Bell
3 System building, and it is licensed to have up to 400 students
4 there. It is actually operating with 250. It is 750 feet away
5 from the applicant's site, and the test requires looking at
6 anything within a thousand feet.

7 We are recommending approval, subject to the
8 conditions that you see listed on pages 7 and 8. One of the
9 conditions is that the approval be granted only for an addition
10 five years, just as this Board granted approval the last time.

11 The rest of them are fairly standard. Let me
12 pull out just a few. We are recommending that everyone be off-
13 site and out of the parking lot by 10:30 so that residents
14 aren't disturbed.

15 And even though the operating hours end at 10:00,
16 we realize that there is going to be some clean up and gathering
17 afterwards. Outdoor activities. The applicant has agreed --
18 and actually I believe the applicant proffered that they should
19 end the outdoor activities by 8:00 p.m.

20 There are a number of recommendations that go to
21 the security concerns that the Board has already expressed. We
22 definitely feel that the appropriate security measures should be
23 instituted.

24 Such as the security camera to monitor the drop
25 off of the parking area and the rear door, and that there be a

1 gate on the second entrance to the parking area in the rear.

2 There are other security devices that might be
3 possible. They would certainly be a bit more expensive. These
4 would include automatic opening and closing of the doors for
5 evening hours, subject to the intercom system that a security
6 guard might monitor.

7 But we did not feel that it was appropriate to
8 get into that level of detail in our report, because of course
9 the Barbara Chambers Center is going to be wanting to make sure
10 that their patrons feel a great deal of security, and that's why
11 we really feel good in saying that the measures are appropriate
12 would be enough.

13 And that is kind of it, other than as Mr. Brown
14 mentioned, the final circulation and plans for the parking lot
15 and drop-off areas, and the location of the second entrance to
16 the parking lot, should be approved by DDOT. I would be happy to
17 answer any questions.

18 VICE CHAIRPERSON RENSHAW: Mr. Cochran, this
19 would be Monday through Friday, right? The center shall operate
20 from 7:00 a.m. to 10:00 p.m., Monday through Friday?

21 MR. COCHRAN: That's correct.

22 VICE CHAIRPERSON RENSHAW: Okay. So that would
23 be an addition to your condition? Mr. Brown, do you -- well,
24 first, do any of our board members have questions for Mr.
25 Cochran? Mr. Hannaham.

1 COMMISSIONER HANNAHAM: I was interested in the
2 outstanding reports from the other agencies, especially the
3 Human Resources Department, which I think is critical with
4 respect to code compliance by all the other D.C. Agencies for
5 this site.

6 MR. COCHRAN: I agree with you that it would make
7 your job easier if the other departments did submit reports.

8 VICE CHAIRPERSON RENSHAW: I was just going to
9 say to follow up on that a Fire Marshal's report, because I am
10 not clear at all as to how many people this center can
11 accommodate. I mean, it can accommodate up to 181 people, but
12 does the fire code allow that?

13 MR. COCHRAN: I can't answer that question. I
14 don't know.

15 VICE CHAIRPERSON RENSHAW: Okay.

16 MR. BROWN: And for kind of the process, and it
17 is obviously unfortunately that these agencies don't respond,
18 but they historically don't. Assuming that the Board approves,
19 the building is going to have to have work done on it, and they
20 will have to have additional inspections, including fire, which
21 is the full range of inspections for a new C of O.

22 Again, when you change your use, and in this case
23 expand an existing use, that will set off pre-occupancy
24 inspections. So, building, fire, electrical, plumbing, as well
25 as inspections for any work that is done at the site under

1 building permits.

2 And then you have another layer of licensing and
3 oversight through the child care facility licensing. They have
4 the right, and in fact do inspect, the facilities independent of
5 the department of consumer and regulatory affairs.

6 So while it is unfortunate that they have not
7 responded, I don't think you letting these children in the world
8 loose without a fair amount of oversight.

9 I think the District Government is probably
10 better in oversight and issuing licenses than they are in
11 writing reports.

12 VICE CHAIRPERSON RENSHAW: Thank you, Mr. Brown.

13 We will take your comments under advisement. Are there any
14 further questions for Mr. Cochran before we move on to the DPW
15 report?

16 MEMBER ETHERLY: Yes, Madam Vice Chair. Mr.
17 Cochran, thank you very much for the Office of Planning's
18 report. The pictures were very helpful, in terms of getting a
19 sense of layout for the alley, and the subject property.

20 Just as a question. It sounds as though the
21 Office of Planning is -- doesn't have an opinion one way or the
22 other with regard to whether or not the additional access point
23 that would be constructed in the parking lot -- it sounds as
24 though the Center could use its discretion, in terms of
25 determining whether or not people enter from the Irving access

1 point, or the Columbia Road access point. They could go either
2 way.

3 MR. COCHRAN: You mean north or south?

4 MEMBER ETHERLY: Yes.

5 MR. COCHRAN: Sure. I mean, I know which way I
6 would rather drive it, but that is just my driving preference.

7 MEMBER ETHERLY: The reason why I asked that
8 question is if you take a look at what is Figure Number 9 in
9 Appendix 2 of the Office of Planning Report, and once again
10 Exhibit 34 in our file for my colleague's benefit, Appendix 2,
11 Figure 9, demonstrates a shot of alley in center of Square 2672,
12 facing east towards 14th, and just left of the alley, the rear
13 of the upper Shaw Community Health Center.

14 The building is on the right front on Columbia
15 Road. That is the caption for that figure. I am taking a look
16 at what appear to be commercial trash containers in some of the
17 cars parked along the back of that building.

18 And I just wanted to get a sense as to whether
19 there was any concern raised by either municipal trash
20 collection or commercial trash collection on the alley, and cars
21 parked along any of those buildings fronting Columbia Road.
22 Would that create any difficulty?

23 MR. COCHRAN: I don't think it would, sir. DDOT
24 didn't express any concern about it. The other thing is that
25 the dumpsters and cars are all parked within private property.

1 You can see that there is sort of a crack, or
2 there appears to be a crack in the pavement.

3 MEMBER ETHERLY: Yes.

4 MR. COCHRAN: That is actually the line that
5 distinguishes between private property and the alley. The alley
6 is still between 15 and 20 feet wide there, and that is
7 unobstructed.

8 It is not until you get down near the medical
9 center that you start getting obstructions in the alley, and you
10 have got the opportunity to go south in a clear alley to
11 Columbia Road before you actually get to the back of the medical
12 center.

13 MEMBER ETHERLY: Okay. Okay. Thank you very
14 much. Thank you very much, Madam Vice Chair.

15 VICE CHAIRPERSON RENSHAW: All right. Any
16 additional questions for the Office of Planning? You are at
17 rest for a moment, Mr. Cochran. All right. We will move on to
18 the Department of Works and Mr. Levy has that report.

19 MEMBER LEVY: Yes, Madam Vice Chair. We have as
20 Mr. Cochran from the Office of Planning has referred to this
21 several times, but we have from the District Division of
22 Transportation a memo from Ken Laden, Associate Director for
23 Transportation Planning, and I will just summarize the memo.

24 Mr. Laden references the parking lot, the
25 existing parking lot, being used by the Chambers Center, and I

1 quote, "The parking lot exceeds the minimum zoning requirement
2 of eight parking spaces. However, the parking spaces are not
3 striped to clearly identify each space."

4 Mr. Laden indicates that access to the lot is
5 currently provided from the alley by a two-way driveway, and Mr.
6 Laden also indicates that current traffic conditions, safety
7 concerns, and parking regulations prohibit pick-up and drop-off
8 at Irving Street, and the applicant has discussed that.

9 DDOT recommends the applicant redesign existing
10 parking lot to provide a designated drop-off and pick-up aisle
11 for students, while maintaining the required parking spaces.

12 One option is to provide another point of access
13 into the parking lot from the alley to allow for the safe
14 maneuverability of vehicles via a dedicated entrance and exit.
15 Accordingly, DDOT has no objection to the proposal.

16 VICE CHAIRPERSON RENSHAW: All right. Any
17 questions from colleagues concerning DPW's report? Any
18 questions from the applicant concerning DPW's report?

19 MR. COCHRAN: Madam Chair, I'm sorry, but could I
20 note one thing on Mr. Levy's rereading of that. There is a
21 slight distinction between the OP report and DDOT's. Mr. Laden
22 says that one option may be to -- and then he refers to the
23 second opening.

24 OP feels that the second opening is important
25 because if you didn't have the second opening, you would

1 eliminate even more parking, because you would have to actually
2 have the turning occur within the parking area.

3 So we would rather make it a firm recommendation
4 that the second opening be put in, which would allow just a one
5 way system, as opposed to a turn-around.

6 VICE CHAIRPERSON RENSHAW: And you agree with Mr.
7 Laden's request for striping of the lot?

8 MR. COCHRAN: I have no opinion. I would only
9 note that you can get more cars in without striping.

10 VICE CHAIRPERSON RENSHAW: All right.

11 MEMBER LEVY: And actually if I might clarify,
12 Madam Vice Chair. I am not sure that Mr. Laden is actually
13 recommending that it be striped, as much as he is noting that it
14 is not striped. Thank you.

15 VICE CHAIRPERSON RENSHAW: Thank you. If there
16 are no further comments about the DPW report, we will move on to
17 the report of the Advisory Neighborhood Commission 1-A, and I
18 believe we have -- do we have a representative from 1-A? Would
19 you come to the table, please.

20 You are looking around as if someone else might
21 be here. And if you would give your name. Have you been sworn
22 in? If not, Ms. Bailey.

23 (The witness was sworn.)

24 VICE CHAIRPERSON RENSHAW: Please give your name
25 and address.

1 MS. MCINTIRE: I am Elizabeth McIntire, ANC-1A
2 Commissioner, and I live at 1502 Park Road, Northwest, a block
3 from the location of the Barbara Chamber's Center.

4 VICE CHAIRPERSON RENSHAW: And you are the Chair
5 of 1-A?

6 MS. MCINTIRE: And I am the Chair of 1-A.

7 VICE CHAIRPERSON RENSHAW: All right.

8 MS. MCINTIRE: And you have before you, I hope,
9 the document that was submitted on January 8th. Do you want me
10 to --

11 VICE CHAIRPERSON RENSHAW: Please review it for
12 us, yes.

13 MS. MCINTIRE: This is a resolution adopted by
14 ANC-1A at their January 9th meeting, which was -- for which due
15 notice was given and their was a quorum present.

16 The Barbara Chamber's Child Care Center is
17 located within the boundaries of ANC-1A, single member district
18 1A-03, and this organization has been providing needed child
19 care services in the community for over 30 years, and has
20 recently purchased the building they have been leasing.

21 And they will have additional space available
22 when La Clinic Del Pueblo relocates and have plans to renovate
23 the facility and expand hours and services.

24 There is a need for child care after regular
25 hours in Columbia Heights, where many parents' working hours

1 include evening shifts, and there is a special need for care for
2 infants and toddlers.

3 ANC-1A supports the Barbara Chambers' Children's
4 Center application for a special exception for extended hours of
5 operation, and expanded capacity for additional children, and
6 added services for infants and toddlers provided.

7 That there is sufficient off-street parking for
8 employees, and that there are additional provisions for security
9 in the evening hours, and that staffing and facilities will
10 comply with all applicable regulations.

11 And that the lighting in the public alley and the
12 parking area be bright for security reasons. And I would make a
13 footnote also that at the meeting, the ANC meeting, that Mr.
14 Davis, who is working with the child care center on their
15 development, assured the ANC that he would make sure that the
16 public alley was lit in the evening for security reasons as
17 well.

18 And I don't know how that will impact the
19 apartment building nearby, and I don't know how Mr. Davis can
20 say that he can make the City do what he said he would, but he
21 did.

22 VICE CHAIRPERSON RENSHAW: And Mr. Davis is who?
23 What is his title?

24 MR. BROWN: He is a small deed developer. He is
25 the gentleman who will actually oversee the physical work to the

1 building so that the space can be built out or renovated for its
2 use.

3 So he is almost like a general contractor in some
4 respects.

5 VICE CHAIRPERSON RENSHAW: All right.

6 MR. BROWN: And he has also been involved in the
7 financing to acquire the building and then to pay for the work
8 through bonds.

9 VICE CHAIRPERSON RENSHAW: Was there any
10 opposition at the ANC meeting at all?

11 MS. MCINTIRE: No.

12 VICE CHAIRPERSON RENSHAW: All right. And how
13 many people were in attendance? Did you have a good assortment
14 of people from the neighborhood?

15 MS. MCINTIRE: Yes. There were about 40 or 50
16 people there.

17 VICE CHAIRPERSON RENSHAW: That is good. Tell us
18 your secret.

19 MS. MCINTIRE: Well, the 14th Street development.

20
21 VICE CHAIRPERSON RENSHAW: Thank you. Do the
22 board members have any questions for Ms. McIntire? Mr. Etherly.

23 MEMBER ETHERLY: Ms. McIntire, thank you very
24 much for your attendance. Just a very quick question, and I am
25 also very happy to note the wonderful attendance.

1 Any concerns expressed regarding traffic or
2 parking? You know obviously in the resolution of the ANC
3 specific conditions relating to on-site parking, or additional
4 parking, were there any concerns expressed about additional
5 traffic congestion, or anything that may be created as parents
6 would now use a proposed -- you know, kind of back staging area?

7 MS. MCINTIRE: That was not raised, no. It was
8 made -- the ANC was made aware that the Office of Planning was
9 recommending using the off-street drop off and pick-up.

10 MEMBER ETHERLY: Okay. Thank you very much.
11 Thank you very much, Madam Chair.

12 VICE CHAIRPERSON RENSHAW: All right. Any other
13 questions from colleagues? All right. Does the applicant have
14 any questions for Ms. McIntire?

15 MR. BROWN: Oh, no, just to thank her for her
16 interest and support.

17 VICE CHAIRPERSON RENSHAW: Okay. And, Ms.
18 McIntire, I want to say how good it is for the Chairperson of an
19 ANC to come before us. We are always glad to have
20 representation from advisory neighborhood commissions, and
21 especially so when the Chairman is there. So thanks again for
22 coming.

23 MS. MCINTIRE: Thank you.

24 VICE CHAIRPERSON RENSHAW: And we will move on
25 now to -- well, there are no parties or persons in support. Any

1 additional people hiding behind the posts? No.

2 And there are no parties or persons in
3 opposition, and so we will have closing remarks from Mr. Brown.

4 MR. BROWN: I would like to just clarify that we
5 have taken the adult education phase of this off the table. The
6 applicant accepts all the conditions set forth by the Office of
7 Planing and I think all of those have been pretty much covered,
8 the ones raised by ANC-1A.

9 They are all acceptable and either condition
10 conditions that were existing, or response to specific needs. I
11 would request that the Board -- the first condition was that the
12 approval be for five years.

13 This is obviously if any change occurs, the
14 applicant has to come back, and coming back every five years is
15 potentially costly for the applicant.

16 And I would suggest 10 years.

17 The other alternative is to -- and I am not so
18 sure that the Board has done this very often, but set a 10 year
19 period, with a five year set-off by the Advisory Neighborhood
20 Commission, and in fact the approval would automatically remove
21 for a second five years subject to approval by the Advisory
22 Neighborhood Commission.

23 So that again you give an opportunity at the five
24 year mark to formally review the matter, but yet not in the
25 context necessarily of an application. Obviously if at the five

1 year mark the ANC raises a problem, then a renewal application
2 would be required.

3 But I think that allows the safety of a check
4 with the opportunity that if Barbara Chambers is doing well,
5 which I think they have done well in the past, they can continue
6 on for an extended period of time without the time and burden of
7 coming here.

8 Also, you may want to add to your conditions and
9 stating things that are required, but you may want to say
10 specifically issuance and maintain maintenance of the child
11 development facility licenses, and also certificate of
12 occupancy.

13 Again, that clarity would not be perhaps
14 inappropriate, just so that everybody is sure that the applicant
15 has those requirements and further monitoring as possible.

16 With that, and I don't want to belabor the point,
17 but I think that Steve Cochran has been a big help. We have set
18 forth the special exception items that are enumerated, as well
19 as the more general issues that this is a compatible or
20 consistent use with the R-5-B mid-level residential zoning in
21 the area.

22 And in fact it exists because people live in this
23 neighborhood, and it is there to serve them. And second they
24 have been a good neighbor. They have done good work for a long
25 time, and they have not caused people a lot of trouble.

1 And the anticipation, both from Barbara Chambers
2 and also with these conditions, is that they are not creating
3 the adverse impacts, and that they add to the community and not
4 take away.

5 So with that, I will leave it at that, and I
6 would like -- it would be helpful if there was a bench decision
7 and summary order laying forth all the conditions, and so to
8 allow them to move forward as quickly as possible.

9 VICE CHAIRPERSON RENSHAW: All right. Thank you,
10 Mr. Brown. Colleagues, some discussion on action at this point.

11 I will start off by saying that I am a little bit apprehensive
12 about the fact that we don't have written reports from the Fire
13 Marshal, from the Department of Human Services, regarding code
14 compliance, and the Department of Health.

15 And I think that it is critical to have these
16 reports in the file, and with this application. And I know that
17 Mr. Brown has said that historically agencies don't respond, but
18 when we have such an expansion of a school, and they are about
19 doubling the size of the school, or the child development
20 center, and increasing the hours to 10:00 -- well, in the Office
21 of Planning's condition number two, off the parking lot by
22 10:30, that it is necessary to get these written reports in the
23 file, and to be considered by the Board of Zoning Adjustment
24 prior to any decision.

25 So with that, colleagues, would you make any

1 comments if you feel are necessary.

2 MEMBER LEVY: Madam Vice Chair, I share your
3 apprehension. I personally would be more comfortable proceeding
4 after written reports, and were received rather than today.

5 VICE CHAIRPERSON RENSHAW: All right. Mr.
6 Etherly and Mr. Hannaham.

7 COMMISSIONER HANNAHAM: I concur, too. I wonder
8 if there isn't something that we could do to try to put a fire
9 under these other agencies, and if our staff could use whatever
10 influence they may have to speed this up.

11 VICE CHAIRPERSON RENSHAW: All right. Mr.
12 Etherly.

13 MEMBER ETHERLY: I understand the caution and
14 concern. I note in the Office of Planning's recommendations,
15 and referring to page seven, recommendation number 11 does note
16 that a drawing detail of the reworked parking, et cetera, shall
17 be submitted to the Board prior to final approval of the
18 application.

19 I am contemplating whether or not something along
20 those lines, in terms of language, would potentially address
21 conceivably some of the concerns that are raised about the
22 absence of other agency reports. I would ask my colleagues for
23 some feedback on that.

24 MEMBER LEVY: Madam Vice Chair, if I could.

25 VICE CHAIRPERSON RENSHAW: Yes.

1 MEMBER LEVY: And my response to that would be
2 that my concerns are really more regarding the structure itself
3 rather than the site aspects of the project.

4 And if I could, I would point out that the
5 applicant's representative, in discussing the security of the
6 building, made a point of limited access to the building itself,
7 which in my mind also goes to egress, and I am very interested
8 in seeing what the fire department has to say, among others.

9 VICE CHAIRPERSON RENSHAW: Also, I would like to
10 get some indication from the school system about the use of that
11 parking lot at Lincoln High School. I think that is going to
12 be necessary. Right now it is a very casual thing.

13 You have not updated it, and it was last year,
14 but not this year. And it is fine to have kind of a word of
15 mouth agreement, but it is even better to have something in
16 writing, so that the school system understands that you have --
17 that the Barbara Chambers Center has a need, and the need is
18 going to be on every day, and it is going to be after hours
19 until 10: or 10:30, if available.

20 So I do think that we need to have something from
21 the school system. Hold on a minute. I need to take this call.

22 (Brief Interruption.)

23 VICE CHAIRPERSON RENSHAW: All right. I cut them
24 off at the pass. I think that Mr. Brown's suggestion that we
25 include in the condition about the issuance and maintenance of

1 all licenses and certificates of occupancy.

2 And I would expect that this order eventually is
3 going to be in the name of Barbara Chambers, and Day Care
4 Center, Incorporated. Is that correct, Ms. Sansone?

5 MS. SANSONE: Madam Chair, it will be in the name
6 of the owner.

7 VICE CHAIRPERSON RENSHAW: And the owner is?

8 MS. SANSONE: As I understood Mr. Brown, it is
9 the Barbara Chambers Center.

10 VICE CHAIRPERSON RENSHAW: Very good. And we
11 will include in number two of the Office of Planing's conditions
12 that the center shall operate from 7:00 to 10:00 p.m., Monday
13 through Friday.

14 All right. So we are at the point now of needing
15 to as they say put the heat on the fire marshal's office, and
16 the Department of Human Services, and the Department of Health,
17 and the school system for input concerning this application.

18 Can we set this, and can we hope for those
19 reports to be in -- today is the 22nd, and within -- well, let's
20 see. Our first decision meeting, what is the date, Ms. Bailey,
21 for a decision meeting in February?

22 MS. BAILEY: February 5th, Mrs. Renshaw.

23 VICE CHAIRPERSON RENSHAW: Dare we hope that
24 these reports can get in by February -- what time would they
25 have to be in?

1 MS. BAILEY: They would have to be in at least a
2 week before February 5th so that they can be sent to the Board
3 and processed in our office.

4 VICE CHAIRPERSON RENSHAW: So that mean next
5 week.

6 MS. BAILEY: Right.

7 VICE CHAIRPERSON RENSHAW: Or next Tuesday.

8 MS. BAILEY: Would March 5th be a better date to
9 give the applicant to give notification to the various
10 departments?

11 And I am assuming, Mrs. Renshaw that the
12 applicant is going to contact the school or the principal,
13 because the discussion was that this was a letter of
14 understanding between the principal and the owner, and not
15 necessarily with the school system.

16 So the applicant would be contacting the
17 principal for a renewed letter of understanding.

18 MR. BROWN: I think that is the appropriate way
19 as it relates to the school system to proceed, because
20 apparently there is already a relationship, both personal and
21 parking-wise.

22 I am concerned about the timing. I don't have a
23 whole lot of faith, unfortunately, that these agencies are going
24 to respond. Now, it would appear that the Board is asking the
25 applicant to take the lead in begging or cajoling the agencies,

1 and we are happy to do that.

2 One, the Board could help with the letter to
3 them, but at some point I think these folks --

4 VICE CHAIRPERSON RENSHAW: Mr. Brown, I envision
5 the Office of Zoning contacting these agencies and asking for
6 the reports. Certainly the Office of Planning could help in
7 that regard, and see if we can't turn this around as quickly as
8 possible.

9 And my suggestion would be that if we can't get
10 it in within a week, and since these reports have to be with us
11 within 7 days of a meeting to make a decision, that as soon as
12 these reports are in, that we dispatch them to the Board
13 Members, and then we put it on the next available meeting date
14 as a special meeting.

15 MS. BAILEY: And I understand, except that if 45
16 days from now you have not gotten a report from one of these
17 agencies --

18 VICE CHAIRPERSON RENSHAW: I think it is
19 legitimate to put in the letter, or to say in the phone calls
20 that we have a cutoff time. That's reasonable.

21 MR. BROWN: Because I know that Steve Cochran in
22 the Office of Planning -- and these agencies I think got this
23 from two sources; from the Office of Zoning and from your
24 office, and they have managed to ignore it.

25 So some fairly -- a week is probably too short,

1 but 30 days is too long.

2 VICE CHAIRPERSON RENSHAW: I would say within two
3 weeks would be a reasonable time period. That is my suggestion.

4 MR. BROWN: And I think that makes sense, and
5 then impose upon the Board to perhaps -- because we are going to
6 fall right between public meetings, is to take this up a few
7 minutes before on one of your Tuesday hearing dates.

8 VICE CHAIRPERSON RENSHAW: That is what I had
9 suggested.

10 MEMBER LEVY: Okay. Madam Chair, I would just
11 like to add -- and say to the applicant, and to the applicant's
12 representative, that given that we are being asked to approve a
13 future use, and we have not been given any details about -- in
14 terms of floor plans, or how the building is going to be used.

15 I think that the applicant's application could
16 have included more information that would be helpful in us
17 making a decision. And in the absence of us getting the
18 reports, and getting these reports in a timely manner, further
19 information from the applicant would be helpful, at least in
20 this Board Member making a decision on the case.

21 VICE CHAIRPERSON RENSHAW: All right. And as far
22 as the approval for a time period of 5 years as the Office of
23 Planning has suggested, I would like to defer that until our
24 decision date.

25 My colleagues will deliberate, and will think

1 about this, and will think about what Mr. Brown has said on
2 behalf of his client, and we will be reviewing all of this
3 material and hopefully reviewing the written reports from these
4 three key agencies.

5 And also the memorandum of understanding then
6 between Barbara Chambers and the principal of the school, if you
7 can get that into the file, that would be very good to have.

8 And with that, we will put the prod on these
9 agencies, and hope that we can get a response within two weeks,
10 and move along as quickly as possible, because we do understand
11 that you would like to get your decision in-hand as soon as
12 possible.

13 MS. SANSONE: Madam Chair, it would probably be
14 appropriate to -- and realizing that there is a need to do this
15 expeditiously, but if these agencies identify adverse issues,
16 the applicant may wish to have some response of material
17 submitted to address that, or any concerns they raise, they may
18 wish to put something in.

19 And so we should allow for sufficient time for
20 that.

21 VICE CHAIRPERSON RENSHAW: All right.

22 MR. BROWN: I suspect the hard part is going to
23 be getting the reports. We will respond to them immediately, if
24 not sooner, once we get them.

25 VICE CHAIRPERSON RENSHAW: All right. I am sure

1 that you will, Mr. Brown. And we thank all of you, and with
2 that --

3 MEMBER ETHERLY: Madam Vice Chair, pardon me for
4 interrupting, but if I may, I am sure that the applicant's
5 counsel is aware that the will also be providing additional
6 copies of the illustration that was used here at the public
7 meeting.

8 And I am not sure if we have that in the file.

9 VICE CHAIRPERSON RENSHAW: No, that isn't in the
10 file, but we made it known to Mr. Brown that that would be part
11 of today's hearing.

12 MEMBER ETHERLY: Okay.

13 MR. BROWN: Okay. Would you like me to --

14 VICE CHAIRPERSON RENSHAW: But we need to have
15 additional copies.

16 MR. BROWN: Okay. If you will allow me, I will
17 take that one back and make 13 copies. Is that enough?

18 VICE CHAIRPERSON RENSHAW: That would be fine.
19 Any additional questions or comments? Mr. Etherly?

20 MEMBER ETHERLY: One additional comment, Madam
21 Chair, and it is noted in the Office of Planning's report that a
22 member of the applicant's community, I'll say, a family,
23 experienced a death recently, and I just wanted to note, and I
24 am sure that I speak on behalf of all of our Board Members, we
25 send out our condolences to you and the center's community in

1 that regard. Thank you, Madam Vice Chair.

2 VICE CHAIRPERSON RENSHAW: And I want to thank
3 the applicant, and the applicant's attorney, Mr. Brown, for
4 being with us today; and the Chairman of ANC-1A, for being on
5 hand, and we appreciate all of your comments.

6 We will get the additional information and make
7 our decision as soon as we have everything. And thank you
8 again.

9 MR. BROWN: Thank you.

10 VICE CHAIRPERSON RENSHAW: And the morning
11 meeting of the BZA for January 22nd is now concluded.

12 (Whereupon, at 11:59 a.m., the meeting was
13 recessed.)

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A F T E R N O O N S E S S I O N

(1:09 p.m.)

CHAIRPERSON GRIFFIS: All right. This hearing will please come to order. Good afternoon to everybody. This is the 22nd of January 2002 Public Hearing of the Board of Zoning Adjustments, District of Columbia.

My name is Jeff Griffis, and I am the Chairperson. With me today is the Vice Chairperson, Ms. Renshaw, and also Mr. Etherly, representing the Zoning, and the National Capital Planning Commission is Mr. Levy this afternoon, and our rotating zoning commissioner representative is Mr. Hannaham.

Copies of today's hearing are available to you or rather the agenda, and they are located at the door that you did come in. All persons planning to testify either in favor or in opposition are to fill out two witness cards.

These cards are located on each end of the table in front of us. Upon coming forward to speak to the Board, please give both cards to the reporter, who is sitting to my right.

The order of procedure for special exceptions and variances will be, first, we will hear statements and witnesses of the applicant. Second, we will hear government reports, including the Office of Planning, and any other District agency reports that we have on file.

1 Third, we will go to reports from the Advisory
2 Neighborhood Commission. Fourth, we will have parties or
3 persons in support. Fifth, parties or persons in opposition;
4 and sixth, finally, closing remarks by the applicant.

5 Cross-examination of witnesses is permitted by
6 the applicant or the parties. The ANC within which the property
7 is located is automatically a party in the case, and the record
8 will be closed at the conclusion of each case, except for
9 material specifically requested by the Board.

10 And the staff will specify at the end of the
11 hearing exactly what is expected. The Sunshine Act requires a
12 public hearing on each case be held in the open before the
13 public.

14 The Board may, consistent with its rules of
15 procedure and the Sunshine Act, enter into executive session
16 during and after a public hearing on a case for purposes of
17 reviewing the record or deliberating on the case.

18 The decision of the Board in these contested
19 cases must be based exclusively on the public record, and to
20 avoid any appearance to the contrary, the Board requests that
21 persons present not engage the members of the board in
22 conversation.

23 I would ask at this time that we turn off all
24 beepers and cell phones so as not to disrupt the proceedings,
25 and it is 1:10 now starting, and we have two cases this

1 afternoon, and we will do our best to complete the public
2 hearing as close to possible to 6:00 p.m.

3 And if we go or anticipate going beyond that, we
4 will certainly make that announcement and deal with the agenda
5 as we are able. At this time the Board will come any
6 preliminary matters.

7 Preliminary matters are those that relate to
8 whether a case or should be heard today, such as a request for a
9 postponement, continuance, or a withdrawal, or whether proper
10 and adequate notice of the hearing has been given.

11 If you are not prepared to go forward with a case
12 today, or if you believe that the Board should not proceed, now
13 is the time to raise such a matter. I will first ask the staff
14 if they have any preliminary matters for us this afternoon in
15 either case.

16 MS. BAILEY: No, Mr. Chairman, we do not.

17 CHAIRPERSON GRIFFIS: Thank you, Ms. Bailey.
18 Does anybody else have any preliminary matters? In which case,
19 in not seeing any indication, we can call the first case of the
20 afternoon.

21 MS. BAILEY: Application Number 16822, of Julius
22 Varallyay, pursuant to 11 DCMR 3104.1, for a special exception
23 to allow an addition to a single family dwelling under Section
24 223, that is nonconforming under 2001.3, as to lot area and lot
25 width, under Section 401, the property not meeting the side yard

1 requirements under Section 405 in an R-1-B District at premises
2 2926 33rd Place, Northwest, Squire 2118, Lot 45.

3 All those wishing to testify, please stand.
4 Please stand, sir.

5 (Witness sworn.)

6 MS. BAILEY: Thank you, and please have a seat at
7 the table.

8 CHAIRPERSON GRIFFIS: Good afternoon.

9 MR. VARALLYAY: Mr. Chairman, and Members of the
10 Board, ladies and gentlemen, I am going to present to you what I
11 believe is a rather simple and very straightforward project.

12 However, it needs a special exception, for which
13 I applied.

14 CHAIRPERSON GRIFFIS: Good. And before you
15 continue, if you would just give us your name and address for
16 the record.

17 MR. VARALLYAY: My name is Julius Varallyay, and
18 I reside at the address where this project is to be constructed,
19 at 2926 - 33rd Place, Northwest. The lot number is 45.

20 Now, this building, the existing building, is a
21 nonconforming building, because the zoning regulation that was
22 introduced, I believe, in 1958, or somewhere around that time,
23 limited this area to single family dwellings, and requirements
24 that are implied by the correct zoning designation.

25 Now, this building was build back in the early

1 '20s, and this is a semi-detached building which could not be
2 built today in this area. The building accommodates two homes,
3 a single building, and therefore the property line, the common
4 property line, is actually abutting through the existing
5 building and halving it; one-half being mine, and the other half
6 being owned by my neighbors, Mr. Baldess, and Denari.

7 And so because of this existing situation, the
8 extension that I would like to construct requires this special
9 exception. Now, the extension is intended to provide a larger
10 kitchen for the family.

11 The current kitchen dimensions are only 8 feet by
12 18-1/2, or the inside dimension is probably 17-1/2, and close to
13 18. So the only sensible way to enlarge this kitchen is to
14 extend it across the full width, which is a relatively narrow
15 width of this building.

16 And therefore I could not accommodate this 8
17 feet, this indented to 8 feet that would be required by the
18 current zoning. So basically the special exception is neither,
19 because I would like to be able to build right across the common
20 property line, as if it were simply extending the existing
21 building.

22 I have this drawing here and I also marked up and
23 shaded the additional area which I would like to show you in a
24 minute. So the extension that I would like to build would be by
25 extending 8 feet back into the back of the property.

1 And it would cut across, and would also extend by
2 4 feet and enlarging the width of the kitchen extension with
3 respect to the existing building.

4 And let me just show you so that you can clearly
5 see what is the actual extension.

6 CHAIRPERSON GRIFFIS: What you are going to
7 probably need to do is you can hold it up standing there so that
8 all the Board Members can see it. And I am going to ask you not
9 to speak because you have to be at a mike to be on the record.

10 So, if you want -- well, you are holding up Sheet
11 A-1, which is actually submitted in -- right, and which we have
12 a full size here. So what I am going to do is shade my copy so
13 that you don't necessarily need to be standing there. You are
14 getting all sorts of assistance here today.

15 MR. VARALLYAY: Thank you.

16 CHAIRPERSON GRIFFIS: Does that have anything to
17 do with what we are dealing with this afternoon? So this is in
18 fact -- does everyone see that? Okay. Does that clip up there?

19 Well, I don't think we need it, because we have
20 it in front of us, and I will pass it if any of the board
21 members need to see this.

22 MR. VARALLYAY: As you can see, the red shaded
23 area is the proposed construction to extend the existing
24 kitchen, which has limited access. This is the existing
25 kitchen, and this would be the extended side of the kitchen, and

1 also a counter to be located in the center area.

2 Here it would be an uncovered little porch with
3 steps, to accommodate that access from the alley. This is the
4 alley right here, so that one can bring in supplies and food
5 into the kitchen area, and this is the front of the building,
6 and this 33rd Place.

7 And this is the total lot area that is mine, and
8 then an equal or similar size lot is here that belongs to my
9 neighbor, and of course her and that building is a mirror image
10 of this existing building here.

11 Now, the current area covered by the existing
12 building is 1945 or 1975, as I can't remember correctly from my
13 papers, of the total lot area, and with this addition, it would
14 still be only 23.2 percent.

15 CHAIRPERSON GRIFFIS: 23.8 is what you have
16 there. That's fine.

17 MR. VARALLYAY: So this area would still be well
18 below the allowed limit, which I understand is either 40 or 50
19 percent, one of the two. I am not an expert, but I know that it
20 is way below the allowed limit.

21 And back here the distance from the alley to the
22 extended kitchen would still be 42 feet.

23 CHAIRPERSON GRIFFIS: Right. So, frankly, what
24 has happened is that we are looking at an addition to a single
25 family that has a non-conforming building and lot width, which

1 is what you indicated.

2 The addition to it is not in any way increasing
3 that nonconformity. Clearly, the lot width is staying the same,
4 and you are not changing that. And in fact the side yard, you
5 are just continuing the building line, which doesn't have a side
6 yard, and which would be required if it were built new today.

7 I think it is very clear and very
8 straightforward, and unless there is other things that you want
9 to point out to us, we can probably expedite this fairly
10 clearly.

11 MR. VARALLYAY: Mr. Chairman, there is one point
12 that I want to share with you. As this process of application
13 was advancing, I finally got down to a more detailed design
14 considerations for the kitchen and the powder room.

15 And it may be, and I am not sure yet, but it may
16 be that I might be submitting a request for a permit that could
17 add an additional two feet in this area here.

18 Please note that this distance here from the
19 common property line is 10 feet, and so by adding two feet extra
20 area here, I would not in any way run into any complications
21 with the regulations of the zoning.

22 CHAIRPERSON GRIFFIS: Right.

23 CHAIRPERSON GRIFFIS: But I mention this to you
24 because this came up very recently as I was talking to the
25 people on how we could best accommodate what we need in the

1 kitchen.

2 And it may be that I might be submitting a permit
3 that would show that additional 2 feet here, and certainly not
4 more, and definitely not more, and in any case both of my
5 neighbors also agree with this, as they have the existing
6 design.

7 And clearly as far as I know the regulations,
8 that would not involve in any way any of the requirements --

9 CHAIRPERSON GRIFFIS: Well, I think it would be
10 helpful for us just to note for the record that you are
11 potentially anticipating a 2 foot extension off of what we are
12 seeing in a one, but according to our look, and frankly my brief
13 education, that would not have any impact, in terms of the non-
14 conforming that any zoning relief requires.

15 So let's proceed with that. What else? Do you
16 have anything else?

17 MR. VARALLYAY: I think I am done, unless of
18 course you may have questions.

19 MR. VARALLYAY: Well, do you have questions?

20 VICE CHAIRPERSON RENSHAW: Yes. I just wanted to
21 ask if you are covering the porch?

22 MR. VARALLYAY: No.

23 VICE CHAIRPERSON RENSHAW: This is going to be --

24 MR. VARALLYAY: The porch will not be covered,
25 and then these are the steps, and only the red shown area is

1 covered.

2 VICE CHAIRPERSON RENSHAW: Is covered, and so
3 that is more of a deck than a porch?

4 MR. VARALLYAY: Okay. It is a deck. It would be
5 made out of bricks, but it is open.

6 VICE CHAIRPERSON RENSHAW: I understand.

7 MR. VARALLYAY: Actually, the same type of
8 construction that I now have, these buildings have an open
9 little type thing here, and which is the same type of
10 construction with a concrete slab, and on top of it is just a
11 brick -- well, you know.

12 CHAIRPERSON GRIFFIS: Good. One quick question.
13 The existing structure and the materials that it is built out
14 of.

15 MR. VARALLYAY: The existing structure is brick
16 up to the top of the first floor, from the foundation up, and
17 above that it is stucco. And then you have slate, and mine is
18 changed with the addition.

19 CHAIRPERSON GRIFFIS: And the proposed materials
20 for the addition?

21 MR. VARALLYAY: The proposed materials, because
22 of the very flat slope of this roof here, because this is only
23 going to the level of the first floor.

24 CHAIRPERSON GRIFFIS: Right.

25 MR. VARALLYAY: But the slope is very small, and

1 so I could not use the same shingles that I used on the roof. I
2 would have to either use galvanized steel, or copper, one of the
3 two. I think I will end up with galvanized steel.

4 And the sides of the kitchen extension here will
5 be all glass on this side. So that we can have the benefit of
6 the openness to the top here. But this side here will be the
7 same stucco so that there is a nice harmony between the
8 finishing on this side, and the existing structure above it,
9 which is the second floor of the existing building.

10 CHAIRPERSON GRIFFIS: I see. And then what we
11 are looking at on the adjacent lot, there are two rectangles,
12 one of which I am assuming is the existing structure?

13 MR. VARALLYAY: This is the existing structure.

14 CHAIRPERSON GRIFFIS: And the other with the X
15 next to it is showing the true driveway?

16 MR. VARALLYAY: Yes, correct.

17 CHAIRPERSON GRIFFIS: So that extension piece
18 would be flush on their driveway. They don't have any -- that
19 is just an open -- there is no covered parking, and there is no
20 garage next to the house?

21 MR. VARALLYAY: But what is not shown here, is
22 that they built what I would call a not-closed-in, but a covered
23 porch, with something like this. This is about the size of
24 that.

25 It is a couple of feet away from the existing

1 building, and something like this. So, they have that small
2 porch.

3 CHAIRPERSON GRIFFIS: Okay. Good.

4 MR. VARALLYAY: But nothing here.

5 CHAIRPERSON GRIFFIS: Excellent. Anything else?
6 Does anybody have anything else? Let's jump to the Office of
7 Planning and get through this, and get all of the information
8 that we can gather and other questions.

9 MR. VARALLYAY: Should I leave this here?

10 CHAIRPERSON GRIFFIS: That would be fine. Why
11 don't you just leave it there like that. We can see it, and
12 that is no problem.

13 MR. FONDERSMITH: Yes, good afternoon, Mr.
14 Chairman, and Members of the Board. I am John Fondersmith, from
15 the Office of Planning. In summary, the Office of Planning
16 recommends approval of this special -- oops -- exception to
17 allow an addition to the rear of the single family residence.

18 It is the type of -- and I am saying oops because
19 I see there is an unfortunate typeover.

20 CHAIRPERSON GRIFFIS: You are approving a special
21 extension, which is a new term in the regulation.

22 MR. FONDERSMITH: Yes, a new term. It is the
23 kind of extension and special exception that really is why
24 Section 223 was amended, at least in our view. We describe the
25 area, and I think that is shown quite well on the ortho

1 photograph that we have attached to the report.

2 It was mentioned that the house was built in
3 1924, and so this non-conformity is in effect a technical non-
4 conformity, because the area is zoned
5 R-1-B.

6 We note that in fact that if this were a semi-
7 detached dwelling in the R-2 District that it would meet all
8 requirements. The square is an interesting square, in terms of
9 types, mostly single family houses, but there are three semi-
10 detached pairs, of which this house and the adjacent house of
11 course are one.

12 And there is also what I guess what you would
13 call some triplexes up along the northside of the square facing
14 Cathedral Avenue. The issue has been described to you, and the
15 need really to -- and we did visit the site, and looked at that
16 with the applicant.

17 The need to extend a very narrow kitchen space in
18 order to get a modern kitchen, I think he has described how you
19 would do it. There is not a problem with the rear yard, or the
20 lot coverage, or anything.

21 The question is the extension into this side
22 yard, which you have been told about. So we have gone through
23 the tests under the analysis, and really this is a case where it
24 would appear at least that the only effect is on the adjacent
25 house that is a pair, the semi-detached dwelling.

1 And we state that the light and air available to
2 that house and between the other nearby houses is unduly
3 affected by this extension. And as was indicated, I think you
4 have -- I know that you have in your record that the neighbors
5 have indicated that they have no objection to this.

6 We don't believe that it will intrude on the
7 character, scale, and pattern of the houses as seen from the
8 alley. Again, it is a very small addition out toward the alley,
9 and into the northside yard.

10 There is not a problem with the lot occupancy,
11 and we do not -- and while the Board can require additional
12 screening, we do not believe that additional screening is needed
13 in this case.

14 And of course it is not an expansion of a non-
15 conforming use. So in summary this is in our view a rather
16 straightforward case and we recommend. As you can see the ANC
17 reviewed this, and the Planning and Zoning Committee reviewed it
18 with the applicant.

19 And the full ANC-3C indicated that there was no
20 objection in their letter. So again we recommend approval, and
21 I would be glad to answer any questions.

22 CHAIRPERSON GRIFFIS: Thank you very much. Let
23 me just underscore that what you started out saying was that
24 this Section 223, which I think is in fact an invaluable section
25 now, and this case does obviously make that point very clearly.

1 Any other questions of Office and Planning?

2 VICE CHAIRPERSON RENSHAW: Yes, I do, for Mr.
3 Fondersmith. Many times in the rear of these homes, these older
4 homes, there are descending stairs into a basement. Was that
5 the case for this house? I neglected to ask the applicant.

6 MR. FONDERSMITH: The driveway, which is a joint
7 driveway between the two houses, slopes down from the alley to
8 the basement. And both in this house and in the next one door,
9 there was at least a working garage door there.

10 I understand from the applicant that he doesn't
11 actually use it that way, and so in that access to the basement.

12 Now, I don't remember if there was a separate set of stairs.
13 Do you see what I am saying here?

14 VICE CHAIRPERSON RENSHAW: Yes.

15 MR. FONDERSMITH: And it shows a little better I
16 think in the -- and although it is not too clear to see on my
17 photograph, but on this photograph, in other words what I am
18 saying is that you go out into the back yard, and step into
19 where the drive goes down into the basement, and you walk down
20 to that.

21 CHAIRPERSON GRIFFIS: We have just introduced two
22 3-by-5 photographs, and they will be Exhibit Number 23, and
23 showing -- and if I am not mistaken, it shows the rear of the
24 residence.

25 VICE CHAIRPERSON RENSHAW: Okay.

1 CHAIRPERSON GRIFFIS: Any other questions of
2 Planning? Does the applicant have a question of the Office of
3 Planning?

4 MR. VARALLYAY: No.

5 CHAIRPERSON GRIFFIS: Okay Let's move on to the
6 ANC reports. Ms. Renshaw will just briefly give us Exhibit
7 Number 20.

8 VICE CHAIRPERSON RENSHAW: Yes. We have a letter
9 concerning Application 16822, from the Chairman of the Advisory
10 Neighborhood Commission 3-C, and it is signed by Nancy J.
11 McWood, the Chair of ANC-3C, and she states -- and by the way,
12 this letter does not have a date, but it has been stamped in as
13 of January 5th, 2002.

14 She states that the ANC met in December, at which
15 time a quorum was present, and the Commission considered this
16 special exception. The Planning and Zoning Committee had
17 reviewed the application with the owner, and after reviewing the
18 project during the Commission meeting, the Commissioners
19 approved and expressing no objection to either application.

20 And if we have any questions, to call her, and in
21 addition to having no data on the letter, there is no date for
22 the December 2001 meeting of ANC-3C, and she also does not
23 mention the vote.

24 But in any case the Commission expresses no
25 objection.

1 CHAIRPERSON GRIFFIS: Thank you. Then we will
2 take note of the lack of information on ANC-3Cs letter. Indeed,
3 we will. Okay. I don't have any record of any other government
4 reports making submissions to this case.

5 Is there anyone else in the audience today for
6 this application, Application 16822? Not seeing any responses,
7 we have as indicated previously a letter from the adjacent
8 property at 2924 - 33rd Place, stating no objection, and support
9 of the application.

10 MEMBER LEVY: Mr. Chair.

11 CHAIRPERSON GRIFFIS: Yes, Mr. Levy.

12 MEMBER LEVY: Additionally, there is one from
13 2928.

14 CHAIRPERSON GRIFFIS: Oh, good.

15 MEMBER LEVY: On the other side, and also with no
16 objection.

17 CHAIRPERSON GRIFFIS: Great. So we have 2926 and
18 2928, two letters, and no objection. Indeed, I will give you an
19 opportunity to make closing remarks if you would, or if you need
20 to.

21 MR. VARALLYAY: I believe, Mr. Chairman, that I
22 have explained everything that I thought I needed to share with
23 you in order to enable you to make a decision.

24 I simply hold that based on these positive
25 reports that the Commission will be in a position to give a

1 favorable reply to this request, and I also hope that it will
2 enable me to proceed as soon as possible with the construction.

3

4 So I very much hope that whatever your procedures
5 are that they will enable you to let me know your decision in
6 the near future. Thank you.

7 CHAIRPERSON GRIFFIS: Great. Thank you very much
8 for being here this afternoon, and before you leave depending on
9 how this goes now, we will give the instruction and indication
10 of what the schedule will be.

11 I would move for application of 16822 for a
12 special exception to allow the addition to a single family
13 dwelling under Section 223, and that is non-conforming under
14 2001.3 as to lot area and lot width, and not meeting side yard
15 requirements at 2926 - 33rd Place, Northwest.

16 VICE CHAIRPERSON RENSHAW: I second.

17 CHAIRPERSON GRIFFIS: And having seconded that, I
18 don't think I need to restate the case here. I think the burden
19 has been proven, in terms of a special exception under 223, and
20 I think it has been clearly and satisfactorily done based on the
21 record.

22 Is there any other discussion at this point?
23 Very well then. All those in favor?

24 (A chorus of ayes.)

25 CHAIRPERSON GRIFFIS: And opposed?

1 (No audible response.)

2 CHAIRPERSON GRIFFIS: Very well. The staff will
3 record the vote when they are available.

4 MS. BAILEY: The board has voted to approve
5 Application Number 16822 of Julius Varallyay, and the vote was
6 five-zero-zero, and Mr. Griffis made the motion, and Mrs.
7 Renshaw seconded, and Mr. Levy and Mr. Etherly, and Mr. Hannaham
8 in agreement.

9 CHAIRPERSON GRIFFIS: Good. Now this is the
10 situation with a bench decision; that we can in fact do a
11 summary order, which is a brief order, and which is certainly
12 more expedient than a formal order. Is that what you would like
13 to request?

14 MR. VARALLYAY: I would be grateful if you could
15 proceed on that basis.

16 CHAIRPERSON GRIFFIS: Okay. I think we can do
17 that. And Ms. Bailey, do we want to give just a time indication
18 of when that might be roughly?

19 MS. BAILEY: Approximately two weeks, sir.

20 CHAIRPERSON GRIFFIS: Great. Just to give you an
21 idea, and so don't expect it tomorrow.

22 MR. VARALLYAY: Okay. Nothing happens tomorrow.

23 CHAIRPERSON GRIFFIS: That's very true, except
24 Wednesday. That will happen tomorrow. Good. Then we
25 appreciate you coming in, and it was a very nice case. And good

1 luck with it.

2 MR. VARALLYAY: Thank you very much.

3 CHAIRPERSON GRIFFIS: Have a good afternoon.

4 MS. BAILEY: The document that is on the easel,
5 Mr. Chairman, are we going to be keeping that?

6 CHAIRPERSON GRIFFIS: Oh, right. No, I don't
7 think we need to keep that. It is identical to the full-size
8 set that is in the case, and I have actually marked up the
9 record copy. So it will show a correct representation. You can
10 take that with you.

11 (Brief Pause.)

12 CHAIRPERSON GRIFFIS: All right.

13 MS. BAILEY: The last case of the day?

14 CHAIRPERSON GRIFFIS: Yes. Indeed, let's call
15 the next case.

16 MS. BAILEY: Application Number 16818 of Arman
17 Brick, pursuant to 11 DCMR 3104.1, for a special exception for a
18 community center, and this is a boxing training facility, under
19 Section 209 in a R-4 District, at premises 518th- 10th Street,
20 Northeast, on the second floor.

21 The property is located in Square 936, Lot 52.

22 All those wishing to testify, please stand to be sworn.

23 (All witnesses sworn.)

24 MS. BAILEY: Thank you. Mr. Chairman, just a
25 couple of quick notes on this. We did receive a report from the

1 Office of Planning, and it does need to be waived in, and I am
2 not quite sure if there is someone here from the Stanton Park
3 Neighborhood Association, but there was a request in the file
4 for party status.

5 CHAIRPERSON GRIFFIS: Right. And is there a
6 representative from the Stanton Park Neighborhood Association?
7 I believe it was Mr. Drury Talent that was the signatory on that
8 request. And not seeing any hands reaching for the sky to
9 represent the Stanton Park, we will not take that up as a
10 preliminary matter for party status.

11 Before I have you guys start and introduce
12 yourselves, just give me one minute. I have got some
13 documentation here that I want to just review quickly, and I
14 need to find one report that I think may be hanging out there.

15 Sorry for that delay. I just have to make sure
16 that we have everything affirmed that we need. And good
17 afternoon to you both. And I am just going to have you
18 introduce yourselves with your name and address for the record,
19 and then you are welcome to proceed.

20 MR. SIMON: I am Robert Simon III, and my address
21 is 931 Newington Court, Capitol Heights, Maryland 20743.

22 MR. JOHNSON: Good morning, Mr. Chairman, and Mr.
23 and Mrs. Chairman, and Chairmans, Abraham Johnson, 321 - 14th
24 Place, Northeast, Washington, D.C., zip code 2002.

25 CHAIRPERSON GRIFFIS: Good. And how would you

1 like to proceed? Do you have opening statements that you want
2 to make of witnesses and such?

3 MR. SIMON: We have witnesses. I think some of
4 them have to leave early, and could we have the witnesses come?

5 CHAIRPERSON GRIFFIS: It is totally up to you.

6 MR. SIMON: Okay.

7 CHAIRPERSON GRIFFIS: You can run the schedule.
8 You have the rest of the -- well, all right. We won't give you
9 the entire afternoon, but by all means bring up whoever and
10 however you want to do it. What I can tell you is this.

11 From the case file that we have, there are a lot
12 of questions, in terms of the general nature of this, and who is
13 running, and what is running, and things like that.

14 So as much general clarity that you can bring us,
15 your witnesses may have more impact, but however you want to
16 proceed, in terms of putting together your cases is up to you.

17 MR. SIMON: I would like the ANC witness to come
18 first.

19 CHAIRPERSON GRIFFIS: Great. That sounds good,
20 and we have

21 AUDIENCE MEMBER: Mr. Chairman, I would like to
22 proceed after the presentation of the applicant.

23 MR. SIMON: I will proceed then.

24 CHAIRPERSON GRIFFIS: Okay. Let me just get
25 clarification. You don't have to leave early? Okay. So it is

1 not a scheduling conflict in terms of that.

2 AUDIENCE MEMBER: Yes, sir.

3 CHAIRPERSON GRIFFIS: That's fine then. And in
4 terms of proceeding, the ANC would be a party in this case, and
5 so you won't -- you don't need to call him as a witness in order
6 to get -- they have two ways of doing it.

7 First of all, the report is submitted for the
8 record, and secondly, they have a designated time where they
9 will give their testimony. They are also able to cross-examine
10 you after you have put on your testimony. They can come up and
11 ask questions that relate to what your testimony was

12 So with that, we will -- well, do you have any
13 other witnesses that you propose to call?

14 MR. SIMON: No.

15 CHAIRPERSON GRIFFIS: Okay. And then just for my
16 clarification, what is happening is that the gentleman in the
17 audience, are you planning to testify as a person or party?

18 AUDIENCE MEMBER: Yes, sir.

19 CHAIRPERSON GRIFFIS: And then as a person I
20 would imagine, because you have not put in for party status.
21 Very well then. Let's proceed.

22 MR. SIMON: Okay. What is in question is the
23 premises at 518 - 10th Street, Northeast. It has been in
24 existence for 41 years as a boxing-training facility, and we are
25 asking under the name of Findlay's Boxing Gym, and we are asking

1 for a special exception.

2 The facility, or the facility will be managed and
3 operated under Nomith (phonetic) Youth Network, a 501(c)(3)
4 nonprofit organization, organized in the District of Columbia.

5 Basically, we plan to continue the boxing-
6 training, and continue the hours of operation under the former
7 ownership of the facility.

8 The facility is renowned, and it has been in
9 existence for 41 years, and some consider it a historic landmark
10 in the District of Columbia. Notable fighters have trained
11 there, vis-a-vis Mohammed Ali, Sugar Ray Leonard, Bobby Foster -
12 -

13 MR. JOHNSON: Joe Frazier.

14 MR. SIMON: -- et cetera. And what we want to do
15 is -- I think the only change that we want to have to the
16 facility is that we want to continue the boxing-training there,
17 and the youth that patronize the facility, we would like to have
18 them organized and maybe have a traveling team.

19 Youth have patronized the facility, and youth-
20 adults have patronized the facility in the past. I think the
21 only change would be that the youth that patronized the
22 facility, we would like them to be more organized, if you will,
23 and just compete around the city with the Department of
24 Recreation type of tournaments, et cetera.

25 Parking. I think parking came up as an issue.

1 We worked out an agreement with the owner of the building, who
2 will -- he has about 9 to 10 parking spaces available, and
3 before he opens and after he opens, we will have access to those
4 parking spaces.

5 But primarily though most of the youth and adults
6 who patronize the facility either live in the northeast quarter
7 surrounding area of the facility, or the main corridor, the 8th
8 Street corridor, which is about two blocks down the street, is
9 accessible by Metro, as well as the Union Station is in walking
10 distance of about 4, 5, or 6 blocks maybe.

11 We will be selling no articles of commerce at the
12 facility, and so we won't be selling anything, and we plan to
13 apply for a grant which will cover the cost of training and
14 equipment, et cetera.

15 The facility will be staffed by -- I will staff
16 the facility, as well as a full-time manager, and he is here
17 with me today, as well as several other trainers who work with
18 the people who patronize the facility.

19 As far as 209.4, the community center should not
20 likely become objectionable in a residence district because of
21 noise or traffic, and in the 41 years history of the operation
22 of Findlay's Boxing Gym as it was known in the past, there has
23 been no public outcry of outstanding noise, et cetera or
24 traffic.

25 I would like to say that I first came in contact

1 with the facility several years ago in trying to train and
2 pursue a dream of getting an Olympic Gold Medal. Of course,
3 that didn't pan out.

4 And I came in contact with Mr. Findlay, who is
5 present today, and who will be providing testimony, and we had
6 talked about the future of the gym, and so around July or August
7 of this past year, 2001, Mr. Findlay brought it to my attention
8 that due to circumstances beyond his control that he was looking
9 to close down the facility and retire, and go fishing.

10 At that point I asked him would he consider me
11 pursuing and taking over the facility, and vis-a-vis, he came
12 back at a later date and said that of all of the people that he
13 would consider keeping on the legacy, that me and Mr. Johnson
14 here were at the time of his list to manage the facility.

15 At that point, we met and he shared certain
16 things with me about the running and the management of the
17 facility. At that point, we then met with the owner of the
18 facility, Mr. Arman Brick, and Mr. Arman Brick agreed to let us
19 pursue the certificate of occupancy.

20 When we pursued the certificate of occupancy,
21 there wasn't any certificate of occupancy, and that is because
22 of the grandfather clause that Mr. Findlay was under.

23 Vis-a-vis, we went through the process and filed
24 the proper paperwork and certificate of occupancy and received a
25 letter, and thus we filed the application with the BZA.

1 During this time, we have encouraged the owner to
2 upgrade the facility, and he has painted, and he has upgraded
3 the facility, and painted the facility. He has painted and put
4 some flags outside his facility as well.

5 And so the facility is what some may consider not
6 an eyesore in the community, but now it is bright, and the
7 outside is bright, and painted with new paint.

8 Again, we want to continue the legacy of the gym,
9 and which has been in existence for 41 years, and I think when
10 you hear some of the testimony that it will comply with what I
11 have been saying.

12 And I think it would be a shame to have this
13 facility not continue. I think we will be able to come in
14 accordance with all the specific codes that we have had to
15 answer to here at the BZA hearing. Mr. Johnson.

16 MR. JOHNSON: Good afternoon. Well, I have been
17 in boxing since about 32 years, and I am lucky to say. I don't
18 look that old, but thank you. Happy New Years to everyone, and
19 that is the number one thing.

20 I have been coming by Mr. Findlay's gym since I
21 was about 12, 16, or 17 years old, and I sat up there and I
22 watched, and so I learned I could do this, and so I got my own
23 boxing team.

24 I managed to have three Olympics, who won two
25 Gold Medals as a matter of fact, and one Bronze, and one Silver,

1 and that just got off the Olympic team.

2 I was at Elliott Recreation Center for 28 years,
3 and I volunteered service, and I worked the midnight at Giant
4 Food Store, and I handled 2,500 kids a year free. No one gave
5 me anything, and I was there when they got in trouble, and I had
6 300 kids on a third-party custody.

7 I don't like what Mr. Simon's said, because I
8 like to run it as a juvenile delinquent program, where kids have
9 somewhere to go, and recreation is beginning to fall through the
10 cracks now, and Boys Clubs are beginning to fall through the
11 cracks now.

12 When those kids get out of school, the recreation
13 centers are closed, and the gym will be open for supervising and
14 education also. I would like to expand that a little bit more,
15 because kids don't have anyplace to go.

16 Once that bell rings and you get out for a half-
17 a-day, you have got a hundred-thousand restless kids in
18 Washington, D.C. because you let them out early. They don't
19 have anywhere to go, and as you know, recreation and the Boys
20 Clubs, they have a set time.

21 You go to work at 3:30 or four o'clock when the
22 kids are out of school. We have done this in the past, and I
23 have did it with my program. I worked close with courts for
24 third-party custody.

25 We go around the schools and get the guys that

1 have been giving all the trouble to the teachers, and I ask the
2 principal to recommend them to my program. It is a discipline
3 program and it is about children now.

4 And now about adults. Well, we have to have to
5 have supervisory adults also to help, but I am a man with a
6 large stick. I don't need no help. I can do it all, and that
7 is a hell of a cross to bear.

8 This is how much I love the kids, and I love what
9 I do. Elliott Recreation is closed down now because the
10 recreation that moved out, and I didn't have money to pay the
11 custodians, and union costs of \$35 an hour.

12 So I was put into the street, and I have been in
13 the street for six years, and I have been going to Philly's Gym
14 for going on three years, and I have been going over to Sugar
15 Ray Leonard's gym now until I met Mr. Simon.

16 We have a battle plan together, and which is one
17 of my ex-fighters. We talked to Mr. Findlay, and which
18 previously own the other gym. I am there 24-7, and as long as
19 you need me there, I'm there.

20 Nobody works for free, and I guess I must be a
21 damn fool and love what I do. Thank you.

22 MR. SIMON: Let me also say that I am a native
23 Washingtonian, born and raised in D.C. I did my undergraduate
24 work at Midland College in Fremont, Nebraska, and I have a
25 Masters Degree from the University of District of Columbia in

1 counseling and psychology, as well as I am presently pursuing a
2 doctorate degree at George Washington University.

3 I say all of that to let you know that this is
4 under a non-profit organization, and we are qualified to run
5 this facility. Furthermore, we went before the zoning and
6 licensing committee of the BZA or the -- I'm sorry, of the ANC-
7 6A, and they approved our request, and supported our request for
8 the special exception.

9 We again went in front of the full ANC-6A, but
10 due to a problem with the meeting place at Mott Elementary, we
11 were present, but we were not able to give full testimony. So
12 we did pursue those avenues.

13 And in closing, I would just like to say that I
14 think we have covered a lot of stuff. The facility -- well, we
15 are not targeting at risk youth, but those youth that do
16 patronize the facility, we do want to have sport specific
17 training that focuses on discipline, of course, but also we
18 would like for these teens to be able to compete and hopefully
19 eventually pursue Olympic glory.

20 CHAIRPERSON GRIFFIS: Well, I think that is
21 pertinent, and I won't take that as your closing remarks,
22 because you will have time to give closing remarks, but I
23 appreciate the testimony that is out here today.

24 And I think that Mr. Johnson's point, which is
25 what I heard, is that you won't stop somebody that may have

1 delinquency problems in getting into the program.

2 MR. SIMON: Correct.

3 CHAIRPERSON GRIFFIS: And into the training, and
4 as you say, it will be specific discipline oriented, whether it
5 be boxing or -- and I note from some of the other readings that
6 it may even branch out for other things. But I believe you had
7 gymnastics in it also.

8 MR. SIMON: That is further down the line.

9 CHAIRPERSON GRIFFIS: Yes, indeed. Okay. A
10 quick couple of questions. First of all, the 501(c)(3) is to
11 turn this, which is the Nomis Youth Network, you re the CEO of
12 that; is that correct, Mr. Simon?

13 MR. SIMON: Correct.

14 CHAIRPERSON GRIFFIS: And can you just talk to a
15 couple of things as to that? The nonprofit itself, are there
16 other staff involved, or are you just the CEO now, and you have
17 the Board?

18 MR. SIMON: Well, we have a Board of Directors,
19 and CEO, and we have identified some other staff in hopes of
20 working at the facility. We have some staff on standby, and
21 several former employees of Mr. Findlay. So we do have a staff
22 ready to go.

23 CHAIRPERSON GRIFFIS: Okay. I was just trying to
24 get a general idea of the size of it. In terms of the Findlay
25 site, is the automobile shop still operating?

1 MR. SIMON: The automobile shop is still
2 operating below us.

3 CHAIRPERSON GRIFFIS: And that is anticipated to
4 continue, and you again are just using the second story space
5 that was originally used?

6 MR. SIMON: Correct.

7 CHAIRPERSON GRIFFIS: Okay. And do you have
8 leases from Mr. Brick -- well, obviously you are seeking a
9 certificate of occupancy.

10 MR. SIMON: Correct.

11 CHAIRPERSON GRIFFIS: So you have leases already
12 signed with the owner?

13 MR. SIMON: Well, we are waiting to get the
14 official okay that we can occupy the facility. We have a
15 tentative agreement, and are waiting until we get the official
16 word that we can occupy the facility.

17 CHAIRPERSON GRIFFIS: Okay. Great.

18 MR. SIMON: But I do have in writing where he
19 agreed for us to negotiate, et cetera, and since he is still the
20 owner of the property in question.

21 CHAIRPERSON GRIFFIS: Yes, and I believe that is
22 in the file, Exhibit Number 13.

23 MR. SIMON: Correct.

24 CHAIRPERSON GRIFFIS: And we have it. Okay. Are
25 there any questions, Board Members?

1 VICE CHAIRPERSON RENSHAW: Yes, Mr. Chairman.

2 CHAIRPERSON GRIFFIS: Yes.

3 VICE CHAIRPERSON RENSHAW: There is a photograph
4 in our file showing what must be the entrance to the gym area on
5 the second floor, which has the public notice hearing poster on
6 the door or to the side of the door.

7 MR. SIMON: Correct.

8 VICE CHAIRPERSON RENSHAW: And it looks like an
9 improved doorway compared to other photographs in the file
10 which show a picture of what I think is that same doorway
11 needing repair, and there is a sign saying, "Sorry, closed for
12 good."

13 MR. SIMON: Correct. Now, this is the new
14 doorway that you have -- that someone has installed?

15 MR. SIMON: Well, again, what we have done is we
16 have -- I have had the owner to paint the facility, and to
17 upgrade the facility, and to repair the sidings, the upper
18 sidings, and to clean off the top portion of the facility. So
19 you have before and after pictures.

20 VICE CHAIRPERSON RENSHAW: Yes, that's what I
21 thought.

22 CHAIRPERSON GRIFFIS: It is amazing what a
23 little paint will do.

24 VICE CHAIRPERSON RENSHAW: Yes, and an American
25 flag.

1 MR. SIMON: Yes, an American flag. That was a
2 community service project that we had some of the --

3 MR. JOHNSON: We had some youths come out and do
4 that.

5 VICE CHAIRPERSON RENSHAW: Well, it captures the
6 eye.

7 MR. SIMON: -- youths who patronize the facility
8 to put that out there.

9 VICE CHAIRPERSON RENSHAW: I wanted to draw your
10 attention and the Board's attention to the photographs in the
11 file showing what looks to be a deck above the Findlay's auto,
12 and there are some coverings, like a covered deck area, and
13 there looks to be an umbrella over a table perhaps. And is that
14 part of your facility?

15 MR. SIMON: Well, I don't know if you are looking
16 for the before or after pictures.

17 VICE CHAIRPERSON RENSHAW: Below is the Findlay
18 Auto Service, and I am going to turn the file around so that you
19 can see what I am talking about. Those two photographs.

20 MR. SIMON: Right.

21 VICE CHAIRPERSON RENSHAW: I wondered if this
22 open air part of the --

23 MR. JOHNSON: That was part of it, yes.

24 VICE CHAIRPERSON RENSHAW: Is it filled in now or
25 is it open air?

1 MR. SIMON: It is open air, and we plan on
2 filling it in and we are hopeful that will be the gymnastics
3 section of the facility.

4 VICE CHAIRPERSON RENSHAW: All right. Because it
5 says something like welding auto and home something or other
6 items. And does the Findlay Auto Service Center have part of
7 the second floor, too?

8 MR. SIMON: The auto service has none of the
9 second floor. The second floor -- and I have some pictures here
10 also, and the whole second floor that I think you are looking
11 at, there is nothing up there, except the structure of the
12 building.

13 There is no debris, and there is no structures up
14 there. The only thing that is up there is this building that is
15 in question.

16 MR. JOHNSON: I think you are looking at the
17 advertisement. When you say the welding --

18 VICE CHAIRPERSON RENSHAW: Yes.

19 MR. JOHNSON: That is advertisement. Nothing
20 goes on upstairs, no more than the training.

21 VICE CHAIRPERSON RENSHAW: Just the training?

22 MR. JOHNSON: Yes, Ma'am.

23 VICE CHAIRPERSON RENSHAW: So behind that tinted
24 area there is a second floor that you use for the boxing
25 training?

1 MR. JOHNSON: Yes, Ma'am.

2 VICE CHAIRPERSON RENSHAW: The fence doesn't look
3 in very good condition, the fence around the second floor.

4 MR. JOHNSON: Right. We are planning on putting
5 a metal fence in.

6 MR. SIMON: No, that is the old fence. I have
7 some pictures -- there is before and after pictures. There is
8 no longer a fence up there. Can I submit and show you?

9 VICE CHAIRPERSON RENSHAW: Do you have additional
10 photographs?

11 CHAIRPERSON GRIFFIS: All right. Submit them to
12 the staff. I wanted to let you know that whatever you put in
13 today, you won't be getting back if that is okay with you.

14 MR. SIMON: No problem.

15 MR. JOHNSON: There is a fence down there.

16 CHAIRPERSON GRIFFIS: All right. And we will
17 make that Exhibit Number 27, the photographs, and we will count
18 them when we get them.

19 (Discussion off the record.)

20 CHAIRPERSON GRIFFIS: And when were these taken?

21 MR. SIMON: These pictures were taken within 60
22 to 90 days.

23 CHAIRPERSON GRIFFIS: So the work is very
24 current?

25 MR. SIMON: Yes.

1 CHAIRPERSON GRIFFIS: And we have the interior
2 photographs, and obviously there is some new cat flashing, and
3 the wooden fence that Mrs. Renshaw was referring to --

4 MR. SIMON: Cat flashing. That's what I couldn't
5 recall it.

6 CHAIRPERSON GRIFFIS: And the wooden fencing has
7 been taken down, and from the photographs that I am looking at,
8 all the windows, surrounds and frame, have been painted. The
9 whole building has been painted.

10 It looks like it may have even have been tuck
11 pointed, I believe, is what they would call it, with the brick
12 work. So it looks in pretty good shape. Yes, it doesn't look
13 like the full building is pointing, but it may be just little
14 patched areas there. But we don't need to get into that now, a
15 detail technicality.

16 Actually, if we could keep passing those down
17 here, and then they will come into the record. I'm sorry,
18 unless they need to see it. All right. Let me say that as we
19 go on, let me make just one point of extreme clarification here
20 so that we don't get off-track.

21 You have made a statement that the open portion
22 of that building is proposed to be filled in, and actually I am
23 going to make a statement, and probably ask you not to respond
24 to it.

25 And you can if you want to, but I am not sure

1 that I need it. So the point is that what we have before us
2 right now has nothing to do with that. And I would just let you
3 know that if and when you propose to do that, and you put
4 drawings together, you will probably in all likelihood come
5 before the BZA again, not to mention having to deal with some of
6 the other organizations.

7 And I am not sure if this is an historic overlay,
8 but again we don't need to go down that road. But you know what
9 you are facing. So let us proceed. Do the Board Members have
10 questions on those photographs other than what we have just had
11 an answer to? Mr. Hannaham, please, just right in.

12 COMMISSIONER HANNAHAM: It may not be
13 specifically related to the photographs, but I am just curious
14 to the condition of the space that you are going to occupy. Is
15 there any equipment there now? Do you have any of the training
16 equipment, and associated boxing equipment?

17 MR. SIMON: Well, the most of the training
18 equipment have been removed from the facility -- the ring,
19 several of the bags, but the fixtures are still there for the
20 heavy bags, and for the speed bags, et cetera.

21 So it is just a matter of -- and we have some
22 things pending as far as the new equipment to be purchased.

23 COMMISSIONER HANNAHAM: I know that you mentioned
24 the other grant.

25 MR. SIMON: Exactly.

1 COMMISSIONER HANNAHAM: You have a wide-ranging
2 promotional effort underway for grants and other kinds of
3 community support.

4 MR. SIMON: Correct. Under the auspices of our
5 non-profit organization, correct.

6 COMMISSIONER HANNAHAM: Okay. Thank you.

7 MR. SIMON: As well as those professional boxers
8 who have patronized the facility in the past, and who want to
9 see the legacy continue, have inquired about what they can do
10 once we have gotten the City's agreement to be in there, as far
11 as contributing to buying equipment and sponsoring, et cetera.

12 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I would
13 like to ask how many young people, or how many clients, can you
14 serve, and how many are allowed in your building by the fire
15 code, and how many trainers are you going to have?

16 MR. SIMON: We will probably have 3 to 4 trainers
17 at one time, and that includes our head trainer, Mr. Andrew
18 Johnson, here. And I think comfortably the facility can hold
19 about 24 people, boxers, working out, and having ample space to
20 train.

21 And then you may hear some testimony to that
22 later from Mr. Findlay, who is the former proprietor.

23 VICE CHAIRPERSON RENSHAW: And you have shower
24 facilities?

25 MR. SIMON: Correct. It has shower facilities,

1 as well as what we consider sinks for spitting. It can't think
2 of -- it is another word, but I can't think of it. But running
3 cold water, and there is several sinks in there for boxers if
4 they have to have a cool down session, et cetera.

5 MR. JOHNSON: Your grandfather called it
6 spittoon.

7 MR. SIMON: Spittoon, excuse me.

8 MR. JOHNSON: Excuse me. That's off the record,
9 I hope.

10 CHAIRPERSON GRIFFIS: Well, we will strike that.
11 Running water spittoons are a modern day convenience. Okay.
12 Mr. Hannaham.

13 COMMISSIONER HANNAHAM: I was just curious. I am
14 not into boxing that much, but I do read things occasionally,
15 and one of the developments that I was reasonably pleased to see
16 recently is that women are engaging in boxing, and related kinds
17 of --

18 MR. SIMON: Correct.

19 COMMISSIONER HANNAHAM: You know, two people
20 kinds of exercise, and all kinds of crazy kickboxing and other
21 stuff. Are you getting into those kinds of things or will you
22 be able to accommodate girls that might have an interest in
23 using these facilities?

24 MR. SIMON: We will be able to accommodate
25 females and women. In the past, females have trained there, and

1 several notable champions. I can't recall their names, but Mr.
2 Johnson knows their names.

3 But we do not discriminate for the sexes. And so
4 females are allowed to train there. And a lot of your people
5 who patronize the facility actually -- I won't say the majority,
6 but many of them are not professional fighters, and are not
7 amateur fighters or boxers, or are not in any kind of
8 competition, but just come to train, because they know that
9 boxing is a very unique way to get in condition.

10 And a unique way and one of the better ways to
11 get in condition.

12 COMMISSIONER HANNAHAM: So you are really sort of
13 a variation of these health type centers, where people sometimes
14 run machines, and do all kinds of crazy things with the
15 assistance of machines.

16 And in this case, you don't use machine
17 assistance. You actually do it physically, the old fashioned
18 way.

19 COMMISSIONER HANNAHAM: Correct.

20 MR. JOHNSON: I would like to add something to
21 that. You know, as you are being responsible for young people
22 or adults, we have the AAU insurance also from Colorado Springs,
23 which is going to be used, and anyone who comes in has to sign
24 and take a picture, and get an examination by the doctor to
25 proceed in our program.

1 That means that we are covered during a health
2 and liability program. We have college students who come in
3 during the afternoons, too, like Mr. Simon said, and it is not
4 all about boxing, and hitting, but rather just another way of
5 getting yourself in shape.

6 A lot of people can't run, and a lot of people
7 can't trot. A lot of people are in wheelchairs. You can just
8 imagine, and they want to hit the bag or something, or something
9 like that, you know. Say, for instance, you. What is your
10 name?

11 VICE CHAIRPERSON RENSHAW: Ms. Renshaw.

12 MR. JOHNSON: Ms. Renshaw, I bet you can go 3 or
13 4 rounds if I put the bag gloves on you if you are properly
14 trained.

15 CHAIRPERSON GRIFFIS: I can say that she can go
16 more than that.

17 MR. JOHNSON: Well, thank you very much. She has
18 got knockout already.

19 CHAIRPERSON GRIFFIS: She knocks us all out a lot
20 of times. You know, you bring up an issue in terms of
21 wheelchairs. You are on the second floor, and I don't imagine
22 that there is an elevator in this.

23 MR. JOHNSON: No, and I wish that we did.

24 VICE CHAIRPERSON RENSHAW: So how can you
25 accommodate?

1 CHAIRPERSON GRIFFIS: I must imagine you have
2 strong boxers.

3 MR. JOHNSON: Well, we can bring them upstairs.

4 VICE CHAIRPERSON RENSHAW: The heavy lifters?

5 MR. JOHNSON: Well, those are the heavyweights,
6 and I am a middleweight.

7 VICE CHAIRPERSON RENSHAW: What are the ages of
8 the boxers and the young people who would be training and using
9 the facility?

10 MR. SIMON: Well, you have to be at least 8 years
11 old to be able to come in and train in the facility, and you can
12 be as old as you want to utilize the facility. We have no
13 restrictions on how old you have to be.

14 Often times you have elderly people come by who
15 can of course participate in full fledged training, but just as
16 Mr. Johnson stated, want to hit the bag, or in some cases just
17 being in the facility and giving pointers and tips on proper
18 nutrition.

19 And most of the boxers and trainers have
20 knowledge of proper nutrition and what to eat, and how to train,
21 and breathing techniques. Also, Mr. Johnson touched on a very
22 good point.

23 We will have a million dollar insurance policy
24 from Potomac Valley Association, which will cover any of the
25 athletes that are in the facility at the time that they are

1 injured, et cetera. Liability.

2 As well as each person who patronizes the
3 facility will have a registration card, and their registration
4 card will entitle you to access to the facility.

5 We are hopeful that through the securing of
6 grants that the youth who patronize the facility will be able to
7 come for free. So we are hopeful that we will be able to get
8 grants to cover the youth who patronize the facility free of
9 charge.

10 But until that time, we will probably have a
11 general registration fee, which will cover the usage of
12 equipment, training, et cetera, et cetera.

13 MR. JOHNSON: Okay. We have made a lot of
14 speeches here, and I want the board to hear me just one more
15 time. This has been nailed down for a program for 30 or 40
16 years. I mean, this is not something that we just dug up, you
17 know. This is a necessity for the community.

18 We have been closed since June, and you people
19 are worrying us to death on when are we going to open. The same
20 question I get and I say I don't know. So we have to go around
21 and go to other gyms, until if we are lucky that we get the
22 zoning to open up our own gym.

23 CHAIRPERSON GRIFFIS: I appreciate that, Mr.
24 Johnson, and frankly I think we will try and move this as
25 quickly along as possible. This Board will not delay you for

1 any unreasonable reason. But for us, we have certain specific
2 regulations that we need to look at.

3 So a lot of what you are saying, it may just be
4 speeches, and you may have said it a hundred times, but for us,
5 we need to hear it now on the record in order for us to put
6 together our case.

7 So everything that you are saying so far is very
8 important to us, and you may not understand, and I may not
9 frankly, understand the point that we are going to.

10 But I want to just reiterate what Mr. Simon has
11 said, because the clear picture is now coming to me that this is
12 obviously a boxing and training facility, and you are hoping to
13 and anticipating to have some sort of youth program, perhaps for
14 the neighborhood kids, that will be part of using the facility.

15 Otherwise, it will be for anyone who wants to
16 come in and register, and pay the registration fee, and get
17 scheduled, and come in and use the facility.

18 MR. SIMON: Primarily, it is intended -- well, I
19 won't say intended, but primarily youth and adults who have
20 patronized usually have been in that northeast quarter,
21 northeast section.

22 CHAIRPERSON GRIFFIS: Right. Indeed. I'm sure
23 the geography has a lot to do with familiarity, and I am sure
24 that you would not dissuade people from coming in from other
25 parts of the city, and you stated that. Okay. Other questions,

1 Ms. Renshaw?

2 VICE CHAIRPERSON RENSHAW: Yes. Would you go
3 over briefly, please, the hours, and days of week, and your
4 security plan?

5 MR. SIMON: Well, we plan to not change many
6 things as Mr. Findlay did. He operated from 6:00 a.m. to 8:00
7 p.m., Monday through Friday. We plan to keep those times on. A
8 lot of the people in the surrounding areas who work, et cetera,
9 like to get in early in the morning, as well as Saturday.

10 We plan to open on Saturdays around 7:00 or 8:00
11 to around 2:00 p.m, and continuing with how Mr. Findlay ran the
12 facility. Those same hours of operation.

13 And security at the facility. If you look at the
14 pictures, the front door, we plan to have a steel door there, as
15 well as an alarm system.

16 VICE CHAIRPERSON RENSHAW: Do you have to call
17 in? Do you press a buzzer and say so and so is here, and then
18 you are buzzed upstairs?

19 MR. SIMON: No. The door stays open during
20 operations hours, and so you can just walk on up, and since this
21 is downtown, when we are closed, of course the alarm will be in
22 effect.

23 MR. JOHNSON: And a sign will be posted.

24 MR. SIMON: And a sign will be posted, either
25 open or closed, out to lunch, vacation.

1 VICE CHAIRPERSON RENSHAW: So when people would
2 come in, they would show their ID pass?

3 MR. JOHNSON: Right.

4 VICE CHAIRPERSON RENSHAW: And you check that and
5 --

6 MR. JOHNSON: Against a list.

7 VICE CHAIRPERSON RENSHAW: Against a list, or
8 against your computer.

9 MR. JOHNSON: We are not quite that fortunate.

10 VICE CHAIRPERSON RENSHAW: Not quite that
11 fortunate. All right.

12 MR. SIMON: Well, actually when people come up
13 into the facility, they come up the stairs, and then they show
14 their ID cards, and sign in, and then continue on to go to the
15 dressing room, and change if they need to.

16 Some people are already changed, depending on
17 what time of the year it is, and are dressed ready to work out.

18 Of course, in your winter months, they would have to go in the
19 locker room and change.

20 VICE CHAIRPERSON RENSHAW: Okay.

21 CHAIRPERSON GRIFFIS: Good. Let's -- oh, did you
22 want to call Mr. Findlay as a witness, or otherwise he will give
23 testimony after government reports, and after ANC. So you can
24 call him as part of your case as a witness.

25 I am not sure if that has been established and

1 what -- well, you have alluded and referred to him quite as bit.

2 MR. SIMON: I would like to call him and have him
3 give his background and of course he is the legendary one who
4 started it.

5 CHAIRPERSON GRIFFIS: Great. Then, Mr. Findlay,
6 at your convenience, if you could come up.

7 MR. FINDLAY: Good afternoon, ladies and
8 gentlemen. My name is Jim Findlay, and I was the previous owner
9 of the boxing club for 41 years, and I was not invited to this
10 meeting, and neither did I ask to be or want to be.

11 I am here simply as a separate citizen, and so I
12 was somewhat surprised when they saw me here. But I would
13 obviously like to see the club continue to go for the good will
14 that it has been for the community, and it was not exactly easy.

15 And the only way that I was able to stay there
16 was that I owned the building through hard work and otherwise
17 since 1960. And the club was not originally established as a
18 community club. It was more or less as an individual club.

19 But as interest in the club and the boxing
20 community had more interest in it, and they wanted to use the
21 space because there is very little, if any, of competition with
22 boxing clubs in the entire community.

23 So I just want to add to any clarification as to
24 what -- well, anything that I can contribute in any way. And in
25 sitting back there and listening, this lady, Mrs. Renshaw, I

1 believe it is, there seems to be in question -- and it is kind
2 of hard to visualize in reference to the structure of the
3 building itself, because I think I can make it very plain.

4 And has been the boxing club itself, and right
5 behind you would be the garage on the bottom floor, but it is
6 what you call a terrace, where cars used to park. The building
7 is over 125 years old, and this part here at one time was a
8 livery stable downstairs, and up in this part here is where they
9 had the straw and the hay feed.

10 And from what I understand, servants used to be
11 up there, or people who would take care of the livery stables.
12 So it has quite a history to it. It is pretty hard to visualize
13 by looking at those pictures.

14 But as I said before, this is the door here, back
15 here where you come in, and what is there on the outside is just
16 really -- well, I call it a patio now, but at one time cars used
17 to be parked up there.

18 It has always been, and in the way of repair, for
19 the 125 years, and at first it was a livery stable. And if any
20 of you know anything about a rural area, a livery stable is
21 always long, where your horse and buggy come in at one end, and
22 they do the necessary work on it, and then it goes out the other
23 end.

24 And as I said before, I am simply here to -- and
25 not even as a witness, or they didn't invite me, but if there is

1 anything that I can clarify. Now, they will be running this,
2 and I have nothing to do with it whatsoever.

3 So anything that I can offer in way of
4 clarification, I would be very glad to do so.

5 CHAIRPERSON GRIFFIS: Well, we appreciate you
6 being here this afternoon. I take it from your kind words that
7 you are in support of the application.

8 MR. FINDLAY: Oh, yes.

9 CHAIRPERSON GRIFFIS: Good.

10 MR. FINDLAY: Oh, yes, very much so, and I would
11 also say metaphorically speaking, and I think that is the proper
12 word, and I practiced up on it before I came, they were standing
13 in line when they found out -- and when I say they, I mean
14 people that are associated with the club, and knew about the
15 club, for interest in it.

16 And so I chose these two gentlemen, and Mr.
17 Johnson in particular, because he is very well known in the
18 boxing community. Plus, he has a son who was the bantamweight,
19 as well as the featherweight, am I correct?

20 MR. JOHNSON: Flyweight. My son is the first
21 African-American in the history of boxing to win the flyweight
22 division. His name is Mark "Too Sharp" Johnson, and he fights
23 February 23rd. And I look better than he do, and maybe a little
24 heavier. He is part of the club.

25 MR. FINDLAY: And in answering to what I tried to

1 bring out, I thought he would be better for carrying it on. It
2 is immaterial to me completely as to whether it closes today or
3 tomorrow. And that might be a contradictory statement, but I
4 would like to see it go on, and thank you very much.

5 VICE CHAIRPERSON RENSHAW: I appreciate it, Mr.
6 Findlay, giving that review of the structure itself. That was
7 very clear. Thank you.

8 MR. FINDLAY: Thank you.

9 CHAIRPERSON GRIFFIS: Okay. Let's proceed to the
10 Office of Planning report.

11 MR. MOORE: Good afternoon, Mr. Chair, and
12 Members of the Board. I am John Moore, from the Office of
13 Planning. I want to apologize for the report that I have
14 provided you. This is my copy, and I am having a problem with
15 depth perception, and I have blown up the right, and it looks
16 larger for me at this time.

17 Paul Hart, who I know is a boxing official,
18 states that the gentleman back there is a true local hero for
19 boxing. You should shake his hand before you leave here.

20 Getting to the Office of Planning's report, the
21 subject site is located at the Stanton Park Community of Ward 6,
22 and there is a map on page 2 that generally shows the context
23 for the area. And if it is your pleasure, sir, I will go right
24 into the test as laid out in the code.

25 CHAIRPERSON GRIFFIS: Yes, I think that would be

1 appropriate. Under 209.2, a community center shall not be
2 organized for profit. As has already been indicated by the
3 applicant, it would be a 501(c)(3) organization, and therefore
4 non-profit.

5 The center shall have no articles of sale, and he
6 has already answered that question, too, that there will not be
7 articles of commerce offered at the center.

8 The community center shall not likely become a
9 nuisance because of objectionable noise or traffic. Further, he
10 has indicated that most of the people who will use the facility
11 either live in the local community or will use the 8th Street
12 corridor for public transportation, or the metro station that
13 comes in at Union Station, which is really only about 3 or 4
14 blocks from the site.

15 And there are not very many boxers who ascribe
16 for greatness own vehicles, and as one who lives in that
17 community and has walked by there many times, I like those
18 vintage cars you used to have out in front, Mr. Findlay.

19 So I don't think there will be any objectionable
20 noise or traffic generated by this facility as related to this
21 use. The use of the community center shall be reasonably
22 necessary or convenient to the neighborhood in which the
23 proposal is located.

24 And as I mentioned most of the users will be
25 neighborhood people from the northeast corridor, although as I

1 said earlier, and directed towards Mr. Hart, that that man is a
2 local hero.

3 There will be -- and believe me -- people coming
4 from across the Metropolitan region to train in the vicinity.
5 We may also want to be mindful that all of you know that there
6 is an effort on behalf of the City in conjunction with Baltimore
7 to try to attract the Olympics to come here.

8 This venue would be within the proximity to the
9 whole stadium complex if we are lucky enough to get that to come
10 to the City. It has already been indicated that the applicant
11 went before the Land Use Zoning Committee of the ANC, and that
12 body or that part of the ANC, offered to pass on its support for
13 the application to the full ANC.

14 And that has already been expressed, and that for
15 some reason that meeting was cancelled, and with the AMC
16 commissioner here today, I am sure that he can fill in what the
17 ANC's position is, although it was favorable when it went before
18 the Land Use Zoning Committee of the ANC.

19 After having reviewed the application submitted
20 by Mr. Simon requesting a special exception to establish the
21 community center, or boxing facility, under Section 209, the
22 Office of Planning recommends that the Board approve the
23 application.

24 OP finds that the subject application meets all
25 the tests specified in 3104.1, will not cause substantial

1 detriment to the public good, and will not impair the intent,
2 purpose, and integrity of the zoning plan as embodied in the
3 zoning regulation and map.

4 And with that, I would be glad to answer any
5 questions that any members of the Board may have if I can.

6 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I have
7 two questions.

8 CHAIRPERSON GRIFFIS: All right.

9 VICE CHAIRPERSON RENSHAW: One has to do with
10 parking. On page 6 of your report, you say that there are
11 approximately five private parking spaces adjacent to the east
12 entrance of the subject building, and the applicant has told us
13 that he will have up to 24 boxers or clients, and 3 to 4 staff.
14 So would they then need seven spaces?

15 MR. MOORE: Yes. When I say five, that was just
16 my personal count. As you know, I styled it by saying
17 approximately five, because I didn't want to take into
18 consideration -- well, I took into consideration the space that
19 led to the bay area for the garage itself, which could
20 potentially be used for parking.

21 So my rough count was five, but it could easily
22 be as many as eight.

23 VICE CHAIRPERSON RENSHAW: So 5 to 8. The second
24 question I have is that we have in our files Exhibit Number 23
25 from the Stanton Park Neighborhood Association, signed by Drury

1 Talent, the land use committee co-chair.

2 This letter of course asked for party status, and
3 no one from Stanton Park is here. but he has a comment here
4 concerning the request that -- that this request does not impose
5 an inappropriate burden on the surrounding residential
6 community.

7 Would you speak to that comment of Mr. Talent?
8 Would you not feel that this is inappropriate burden on the
9 surrounding residential community?

10 MR. MOORE: No, I do not. I have also
11 interviewed as least one member of the ANC who happens to work
12 in my building, and has also indicated as an ex-resident of the
13 area that if the facility has been there for 41 years and run by
14 Mr. Findlay, and there has not been any objections because of
15 its location, then I don't see why if they are going to use
16 basically the same footprint that Mr. Findlay, and so he his
17 going to have some tutorage over that, that there will be any
18 change in the character or how this facility fits into that
19 community.

20 VICE CHAIRPERSON RENSHAW: Thank you.

21 CHAIRPERSON GRIFFIS: Any other questions of
22 Planning? Does the applicant have any questions of Planning at
23 this time?

24 MR. SIMON: I would like to respond to something.
25 Is that okay?

1 CHAIRPERSON GRIFFIS: Sure.

2 MR. SIMON: When I spoke to 24 boxers at one
3 time, I was speaking to the total capacity at one time in the
4 total building.

5 CHAIRPERSON GRIFFIS: Right.

6 MR. SIMON: And so that is what -- well, I don't
7 think we will have 24 boxers in there every day during operating
8 hours, but at one time the total capacity could be 24 from my
9 estimation, but it could be lower than that.

10 CHAIRPERSON GRIFFIS: It would get pretty hot if
11 you had that many in there probably.

12 MR. SIMON: And that is with people there in the
13 locker room and people sitting down watching, and people in the
14 ring.

15 MR. JOHNSON: Mr. Chairman, I want to also say
16 that--

17 CHAIRPERSON GRIFFIS: Well, let me just respond
18 to that quickly. For our aspects and what Ms. Renshaw is going
19 to, is to capacity, because that is where you would get the
20 parking calculations of requirements, and frankly you could have
21 a huge facility, and anticipate only two people ever in there,
22 and it would not matter, because we would go on the square
23 footage.

24 And we don't have plans to go on square footage,
25 and Ms. Renshaw was just doing that calculation on that. Okay.

1 And you wanted to add?

2 MR. JOHNSON: I was just going to add to that
3 parking situation. A lot of times the garage is open, and they
4 have their personal parking spaces, and we would use the street
5 also like I said.

6 And a lot of these young people will be walking,
7 because it is a walkable community, and if you have ever been
8 out there, it is beautified. Now can you imagine that we have
9 flowers in the middle of the street? But we do.

10 And so where we are going has already been
11 established, and everybody knows. Everybody knows.

12 CHAIRPERSON GRIFFIS: Right. And hopefully some
13 of these people are jogging to the place.

14 MR. JOHNSON: Well, we like for them to drop by
15 also.

16 CHAIRPERSON GRIFFIS: Right.

17 MR. JOHNSON: You're welcome.

18 CHAIRPERSON GRIFFIS: Okay. Other questions for
19 the Office of Planning? A quick question. The entrance -- we
20 have photographs now of the door, the new and the old, and the
21 better and for the worse. How is that accessed? It is off an
22 alley; is that correct?

23 MR. SIMON: Yes.

24 CHAIRPERSON GRIFFIS: Okay. There is actually
25 two alleys that your site sits on. It is 10th Street.

1 MR. SIMON: Right.

2 CHAIRPERSON GRIFFIS: Which is what the garage
3 faces to, and then there is an alley that defines the back
4 corner. And so on one of those -- on the smaller alley is where
5 your entrance is or is it on the larger alley? The alley runs
6 parallel to 10th Street that you enter in off of?

7 MR. SIMON: No.

8 CHAIRPERSON GRIFFIS: It runs along the side of
9 the building?

10 MR. SIMON: Right

11 MR. JOHNSON: Right.

12 CHAIRPERSON GRIFFIS: And a question for you in
13 terms of the site plan. Across the alley, there seems to be a
14 larger structure. Is that residential?

15 MR. SIMON: Yes.

16 CHAIRPERSON GRIFFIS: A multi-unit?

17 MR. MOORE: Yes, the caption before that says a
18 few multi-family unit are dispersed in between, although the
19 character is mostly row houses. That is a multi-family building
20 that you are referring to.

21 CHAIRPERSON GRIFFIS: Okay. And on the same
22 sandborne that you have here, in the shaded area here, which is
23 the site, I have a dark line that is approximately in the
24 center. And that is in the structure?

25 MR. MOORE: The dark line is where parking would

1 start. The building actually stops there, where this line is
2 here.

3 CHAIRPERSON GRIFFIS: Exactly. That is basically
4 showing me the building line.

5 MR. MOORE: Yes.

6 CHAIRPERSON GRIFFIS: Right. Okay. So in the
7 front portion, that is the open area where conceivably that is
8 where the cars are for the shop. Okay.

9 And as you said, the entrance is then off of what
10 is listed here as the 10 foot alley, as opposed to the 15 foot
11 alley, which is perpendicular approximately to 10th Street.

12 MR. MOORE: That's correct.

13 CHAIRPERSON GRIFFIS: Okay. Anything else? If
14 not, let us go to the ANC report, and we do have the ANC members
15 here today, and we have a submission, which is Exhibit Number
16 26.

17 MS. BAILEY: Mr. Chairman, just to make a quick
18 comment, that this report is not from the entire ANC, but just
19 from a single member District Commissioner; is that right, Mr.
20 Pernell?

21 MR. PERNELL: That is correct.

22 CHAIRPERSON GRIFFIS: Okay. And we do not have a
23 report from the entire ANC?

24 MR. PERNELL: When I introduce myself, I can
25 clarify what you have before you.

1 CHAIRPERSON GRIFFIS: Fabulous. Okay. Then we
2 will get right to it.

3 MR. PERNELL: All right. My name is Commissioner
4 Daniel Pernell, of the District of Columbia, and I had just been
5 elected on January 17th as the Vice Chairman of the ANC-6A.

6 Previously, I was years before Chairman of the
7 ANC, and on several occasions I ran the commission from the
8 early '90s to the late '90s as the vice chairman.

9 We have had a lot of problems in ANC-6A. Let me
10 just clarify the letter that you have before you. That is from
11 the subcommittee of the zoning and license of ANC-6A, and that
12 is an official document from the Chairman, Mr. Farrell, with his
13 recommendation.

14 The zoning and license is the second most
15 important meeting of the ANC-6A, whereas, we invite just the
16 community and the applicants before us to intertwine their
17 concerns for the community, and an official vote was taken that
18 we forward that information to a full ANC for approval, and for
19 other ANCs to have their input.

20 Good evening to each and every one. On December
21 12th, 2001, the ANC held a zoning and license meeting at the
22 Capital Towers Apartments at 900 G Street, Northeast, with 8 of
23 11 members present.

24 Those members constituted a quorum, and Mr.
25 Robert Simons III, representative of the applicant, presented

1 his application for a special exception to operate a community
2 center on the second floor of the premises located at 518 - 10th
3 Street, Northeast, in Square 936, Lot 52, in an R-4 community.

4 The location of the building has been used as a
5 training center for amateurs, professional boxers, and anyone
6 who wanted to box, for more than 40 years.

7 The previous owner of the training center, which
8 you have heard him here today, has maintained and operated that
9 existing site without impeding on the well-being of the
10 surrounding community during the course of 40 years.

11 Let it be known for the record that the applicant
12 is seeking a special exception for the second floor, where the
13 training center is located, and not the entire building.

14 Mr. Simons indicated that the hours of operations
15 are between the hours of 6:30 a.m. and until 8:00 p.m., and
16 there will be 3 or 4 staff members available on the site.
17 Presently, there have been concerns with off-site parking on the
18 premises to accommodate for 4 or 5 vehicles.

19 As the Vice Chairman, I had the opportunity to
20 talk to the manager of the auto repairs, Mr. Mark Holt, and he
21 confirmed that there is approximately 9 spaces there available
22 when it is needed.

23 And the correction the number of people that Mr.
24 Simons was indicating is people coming in at various times of
25 the day, and at different times.

1 We all have had dialogue with Mr. Simons, and
2 that if a crowd or a big event is posted, that he would notify
3 the affected ANC in that area, and I think that is Marvin
4 Fields, and that ANC would be informed to inform his
5 constituents that there will be a one-time event, as churches do
6 on Sundays and other days for prayer meetings.

7 Mr. Simons and his staff will be able to use the
8 available parking space during the morning hours between 6:00
9 a.m. to 8:00 a.m., and evening hours between 6:00 p.m. to 8:00
10 p.m.

11 Mr. Simons also mentioned a charter school within
12 walking distance of the gym, and agreed to arrange for a meeting
13 with that school if additional parking is needed.

14 For more than 41 years that gym has been there,
15 and there has never been a problem with the community or people
16 in the community, or patrons of the establishment.

17 Mr. Simons stated that training sessions are
18 approximately 90 minutes, and his facility will have only a very
19 few vehicles using the parking lot within the designated zone
20 parking required for Ward 6.

21 And let me just say that I am one of those
22 Commissioners that they chose me to come down here, because I am
23 one of those Commissioners being very hard on applicants who
24 come before us, and there is a restraint on the community as far
25 as parking.

1 My two big issues is Midland Hospital, with their
2 redevelopment there under Commissioner Quigley, and my single
3 member district at New York and Florida Avenue, with the ATF and
4 Metro coming there, and all these entities have provided parking
5 status, or parking statistics to us that would somewhat hold the
6 community at hostage.

7 And so we are very concerned with parking and I
8 see that this facility will not hinder to the community, and
9 that most of the patrons will be of the community, and they will
10 be walking, predominantly walking in, and some of us who live in
11 the area will be parking our cars to it.

12 One of the concerns that I also had, and excuse
13 me from talking fast, is the fact that a lot of people will be
14 parking at those hours, and I was extremely concerned with that
15 when I spoke to Mr. Simon.

16 But I also didn't have any opposition against
17 that, because I felt that most of the people who will be parking
18 will be walking into the area. ANCs at all our meetings
19 informed people that if we have large meetings with these types
20 of facilities, that they would notify the single member ANC, and
21 they have so graciously done so.

22 And we would hope that the new gym would do the
23 same. Mr. Simon stated that during the zoning and licensing
24 that there was no opposition to the applicant, and in that
25 meeting that there was an opportunity for Stanton Park to make a

1 presentation or in opposition, and there was none.

2 The single member district ANC was present and
3 the ANC had no opposition or no statement against the facility.

4 The bodies that were available there, eight members, who
5 substantiated a quorum, voted unanimously to recommend this to
6 the full ANC to support the applicant.

7 And knowing that the second floor is only the
8 portion of the premise seeking the special exception, members of
9 the subcommittee recommended Mr. Simon for his desire to
10 continue with the use of the very historical landmark that has
11 been a training site for world boxing, such as Mohammed Ali,
12 Sugar Ray, Joe Frazier, Bobby Foster, and John Grant, and Sugar
13 Ray.

14 And Mr. Farrell's son also -- Commissioner Greg
15 Farrell's son is also a boxer, too. The subcommittee directed
16 Mr. Simon to appear before the full ANC on January 3rd, but
17 subsequently we were unable to have a meeting because under the
18 new District law for public school meetings, we had to have a
19 permit to be there, and that permit was not verified before the
20 time of the meeting.

21 Therefore, we had an opportunity to postpone
22 another meeting 14 days later, which we made on January 17th.

23 And I personally had two applicants before me,
24 and they were unanimously passed, and that the gym was not in
25 opposition. But we also wanted to appear here today to let you

1 know that there was no -- in a house -- gossip amongst ANCs when
2 there was discrepancy on the applicant, and this is not one of
3 them.

4 With ATF, there has been a discrepancy, and
5 Midland Hospital, there has been a discrepancy, and also Metro,
6 there has been a discrepancy. But this facility for boxers has
7 not been.

8 At the discretion of the BZA, we ask that this
9 applicant be approved, and as I was watching a special movie the
10 other night on Josephine Baker, and knowing that I am retired
11 from the Library of Congress, and I was in the Department of
12 African History, and one of the things that Josephine
13 Baker said is the little things that we want to support in our
14 community, and this group is a little item in the middle of an
15 R-4 block.

16 And it has been there for 41 years, and they
17 would like to continue, and on support of the other ANCs, and as
18 the vice chairman of the ANC, I ask this body to support this
19 applicant.

20 And I know in the future, as from what I have
21 heard here today, that ANCs do not speak before a presenter,
22 because there may be some items that may crop up at the last
23 minute that the ANC may have to reject to it, and will have
24 opposition to, and will have to readdress their letter, like I
25 have to do here today.

1 But nevertheless, I know that if they go before
2 the BZA again that they would indeed notify this body of their
3 intentions of what they are going to do with their center so
4 that the ANC single member district can be apprised, and that
5 the ANC would inform the body of the ANC. Thank you, ladies and
6 gentlemen.

7 CHAIRPERSON GRIFFIS: Thank you very much, Mr.
8 Pernell, and frankly very well said, and we appreciate you
9 coming down and giving personal testimony.

10 A quick question. You had indicate that it was
11 before the full ANC. Are you anticipating submitting a report
12 from the ANC at this time?

13 MR. PERNELL: Well, on January 17th, we approved
14 our minutes, and this gym was incorporated in there.

15 CHAIRPERSON GRIFFIS: Okay.

16 MR. PERNELL: And as a matter of fact, of two
17 applicants, the gym and my applicant for -- at 33 New York
18 Avenue, had no opposition.

19 CHAIRPERSON GRIFFIS: Right.

20 MR. PERNELL: Therefore, we didn't even have to
21 vote on it because it did not come up as a opposition. And
22 those parties that had some concerns about parking, like Stanton
23 Park, were present.

24 As a matter of fact, Mr. Drew Talent, convened
25 our election that day as the conveyor.

1 CHAIRPERSON GRIFFIS: Did he? Indeed. Okay. So
2 in that sense, if we need to, we could ask for a submission of
3 the minutes.

4 MR. PERNELL: But we voted on the whole overall
5 report from Mr. Farrell, and the report was unanimously
6 approved.

7 CHAIRPERSON GRIFFIS: Okay. With an additional
8 recommendation of the applicants, but none on this one.

9 CHAIRPERSON GRIFFIS: All right. Indeed. Okay.
10

11 VICE CHAIRPERSON RENSHAW: Question, Mr. Chair.

12 CHAIRPERSON GRIFFIS: All right. Mrs. Renshaw.

13 VICE CHAIRPERSON RENSHAW: I would like to ask
14 Mr. Pernell how many commissioners do you have in 6A?

15 MR. PERNELL: Fourteen.

16 VICE CHAIRPERSON RENSHAW: Fourteen, total. So
17 you have one of the larger commissions.

18 MR. PERNELL: Right, and we had 13 present on the
19 17th. We had a full house.

20 VICE CHAIRPERSON RENSHAW: All right. And just
21 to note that the letter that we have in our file from Mr.
22 Farrell that 8 of 11 members on the zoning and licensing
23 subcommittee voted on this.

24 MR. PERNELL: Right. And those members are -- a
25 majority of those members are ANC, and the others are from the

1 community, which would allow it to be an integral part of that
2 evaluation, and voting, and Stanton Park does have a member on
3 there.

4 VICE CHAIRPERSON RENSHAW: That is very complete.

5 I just wanted to compliment you on your very thorough report
6 today,

7 MR. PERNELL: I appreciate it.

8 VICE CHAIRPERSON RENSHAW: We are delighted,
9 always delighted, when an ANC commissioner comes before the BZA
10 to carry with him or her the report of the Commission.

11 MR. PERNELL: And I appreciate that, Ms. Renshaw,
12 as you have been very fair to this ANC and other ANCs in the
13 District of Columbia, and one thing we tried to do, and
14 especially Commissioner Farrell and myself, is to educate these
15 applicants that come before us.

16 We are astute as to what is being presented to,
17 and as I had comments with Mr. Simon on the phone, there is
18 certain things that I will not take before the Board if I find
19 them not to be the preponderance of the fact.

20 We are strictly trying to move forward, and make
21 this city not only safe, but clean for everyone to live in.

22 VICE CHAIRPERSON RENSHAW: Very good. And I
23 noted that you had stated that ATF is in your single member
24 district?

25 MR. PERNELL: Yes. And they are creating some

1 6,000 jobs for the community, and we will be able to get some of
2 those people off the Ace Recorder who are breaking into homes
3 and stealing cars, to work at ATF and Metro.

4 VICE CHAIRPERSON RENSHAW: Well, I just wonder
5 where those ATF commissioners are going to be during the noon
6 hour; perhaps at the gym?

7 MR. PERNELL: As a single member ANC, if they ask
8 about it, I will direct them. Also, ANCs are a reference
9 people. We direct people to different areas, and it would be
10 one of the closest areas in there to go to, which is at 10th
11 Street, and I might even attend it myself.

12 CHAIRPERSON GRIFFIS: Well, I hope that the
13 design for the ATF progresses as well also. And you had made a
14 comment or a statement about how you were requesting that the
15 gym, or to notify the single member commissioner if there was a
16 large event that happened that might have kind of a one-time
17 increase in parking demand.

18 Is that something that you were perhaps
19 requesting to have put into the order as a condition?

20 MR. PERNELL: No. Usually those are things that
21 the Office of Planning, DCRA, and DPW, would automatically
22 inform the applicant. But some applicants tend to ignore that
23 and do as they please. But you have a sitting ANC who is
24 watching there at the grass roots level.

25 But so far we have not had any real problems with

1 that, and I want to thank DPW, and DCRA, and the Office of
2 Planning, for doing a thorough job in directing those
3 individuals not only to single member ANCs, but the body of the
4 ANC.

5 CHAIRPERSON GRIFFIS: So you are not requesting
6 that this board take actually -- well, those agencies that you
7 talked about, yes, they can do the field reports, but we can put
8 together the order that could be enforceable.

9 And so you are not requesting that that be made a
10 condition?

11 MR. PERNELL: Well, I would make a friendly
12 agreement that if the applicant is making any changes of this
13 application, or going before the BZA, they must notify ANC-6A
14 single member district.

15 CHAIRPERSON GRIFFIS: Right, if they came before
16 us.

17 MR. PERNELL: And that is a general agreement. I
18 thank you for that concern.

19 VICE CHAIRPERSON RENSHAW: Mr. Chairman, before
20 Mr. Pernell leaves the table, Mr. Pernell, you had in the letter
21 from Mr. Farrell, he states that Mr. Simon, when he appeared
22 before the subcommittee, noted the operational hours from 6:30
23 a.m. until 8:00 p.m.

24 Mr. Simon today said that his hours would be 6:00
25 a.m. to 8:00 p.m. Is there any problem with the ANC for this

1 facility opening a half-an-hour earlier?

2 MR. PERNELL: All we are concerned with in
3 Stanton Park representing that area, and the constituents that
4 live in that area, is the fact that I don't think that any of
5 the Commissioners who were in that area were present had any
6 problems with their hours.

7 So as long as parking is accommodated for the
8 patrons who come there, especially those who drive.

9 VICE CHAIRPERSON RENSHAW: And that there are no
10 problems with the facility being opened Monday through Saturday?

11 MR. PERNELL: We have not had any problems in 41
12 years, and I don't think that would be a problem. We need --
13 there is some great concern that since we don't have enough
14 schools that are open in the evening hours, that that area that
15 the center is wanting to be, is a sensitive area.

16 We have a lot of adolescents, and in my sense 13
17 to 21, who need a place to go besides being on the corner. And
18 we don't have a recreation center. And if you look at all of
19 the hearings that I have been in with the Department of
20 Recreation, I went through three heads and two mayors, that the
21 fact that the Northeast needs a recreation center.

22 And this boxing center would be a relief to the
23 community. Just a few blocks away, we are going to have the
24 implementation of the Sherwood Recreation Center, and would also
25 take the tension off the community, too. And there would also

1 be some parking there.

2 So we really welcome this boxing center because
3 it will relieve some of the tensions that we have as far as a
4 recreation center, or adolescent center for the individuals who
5 need to go and just release some of the tensions that they have.

6
7 VICE CHAIRPERSON RENSHAW: Was there any
8 discussion at the ANC about this facility staying open on
9 Sunday? We didn't discuss it here today previously, but it just
10 occurred to me that many gyms in and around Washington open on
11 Sundays.

12 MR. PERNELL: Well, let me say this. We have had
13 a number of religious issues come before us, and the ANC would
14 not like to put our fingers on that. But if this center wants
15 to be open on Sunday, we hope that they notify the ANC single
16 member.

17 And if that ANC doesn't see it to be a problem
18 with its constituents, and if so, he would pass that on to the
19 whole body. I really don't think that would be a problem, as
20 long as it they do it -- well, with some of the facilities that
21 are open like that, we ask that they do it after 3:00 p.m., when
22 the churches are adjourned.

23 VICE CHAIRPERSON RENSHAW: But as far as the
24 licensing subcommittee, it was discussed Monday through
25 Saturday? I just wanted to be clear on that.

1 MR. PERNELL: That is correct.

2 VICE CHAIRPERSON RENSHAW: All right. Thank you.

3 MR. PERNELL: And we have it in our documents,
4 yes.

5 VICE CHAIRPERSON RENSHAW: Thank you.

6 CHAIRPERSON GRIFFIS: Thank you very much, Mr.
7 Pernell.

8 MR. PERNELL: Thank you.

9 CHAIRPERSON GRIFFIS: Okay. I do not have listed
10 any other government reports. Let me see if anyone from Stanton
11 Park has come in late into this application. Is there anyone
12 else here who is wanting to testify as a person for or against?

13

14 Okay. Not seeing others, I think we can move on
15 to closing remarks, in which case, Mr. Simon, I would turn to
16 you.

17 MR. SIMON: Well, I would like to thank Mr.
18 Pernell for those good remarks. He brought up two points that I
19 would like to address. One is that I will be in conversation
20 with the schools, the charter school, that is several blocks
21 away to discuss parking, and use of their facilities, et cetera.

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23 As well as on Sundays, and we have no desire to
24 be open on Sundays. It is a day of worship for most people, and
25 for myself as well. So we have no desire to be open on Sunday.

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As far as Mr. Pernell making mention to special occasions, and when we made need to notify the ANC because of extra parking needed, I think we don't plan on having any tournaments, and any types of competition at the facility, but just training.

The only venture that I can see that we may contact or will contact the ANC on is if we have a grand opening, a grand opening ceremony, and where we anticipate boxers of the past, and boxers of the future, and coming in, and the press, et cetera.

So that is the only occasion where I can see where we would need to contact the ANC and let them know that we would need to have more access to more parking spaces, and that is a one-time event.

CHAIRPERSON GRIFFIS: Right. Indeed. And I think what was stated, and what I think you have just indicated, is that is just to have open lines of communication if there is something special that happens, and I think that is an important thing.

One minimal comment that I would have, and I thank you for that, is that looking at this picture again of the rear door, I would just recommend that there be some sort of lighting fixture put out there. You have electricity already there, and so you are probably anticipating that. Anything

1 else? Mr. Johnson?

2 MR. JOHNSON: Well, I started to say something to
3 Sundays. Maybe if we are getting someone ready to go away or
4 something like that to participate, that that would be only
5 maybe 3 to 4, or maybe 6 people, and that would be all if we are
6 in competition.

7 And that would be maybe on a Sunday, but it would
8 be early in the morning. So that would be the only time, or
9 maybe we have an emergency meeting amongst ourselves, and we
10 would get together on Sundays, you know, or something of that
11 nature.

12 CHAIRPERSON GRIFFIS: Okay. But not normal
13 operations scheduled on Sundays, which I think is an important
14 distinction.

15 MR. JOHNSON: And I would like to thank everyone
16 who is present to hear what we was trying to do, and to in the
17 future, I would like for you to try to support us in any way,
18 shape, or form, that you can, and I would like to thank you.

19 CHAIRPERSON GRIFFIS: You want to get her down
20 there don't you?

21 MR. JOHNSON: I love her.

22 CHAIRPERSON GRIFFIS: That's all right.

23 MR. JOHNSON: She is a smart lady. You lead with
24 your left.

25 CHAIRPERSON GRIFFIS: Okay.

1 MR. SIMON: I would just like to thank the BZA
2 Board as well, and for being patient with us during this
3 presentation. And I am just hopeful that you will look
4 favorable upon our request. Thank you.

5 CHAIRPERSON GRIFFIS: Good. Thank you very much.

6 MEMBER ETHERLY: Mr. Chair, just a quick question
7 for Mr. Simon.

8 CHAIRPERSON GRIFFIS: All right.

9 MEMBER ETHERLY: It is a not a big detail, but
10 just offhand, do you happen to know what the parking capacity is
11 of the charter school that you are going to be talking to in the
12 future?

13 MR. SIMON: I can estimate, but to be specific, I
14 don't know.

15 MEMBER ETHERLY: Okay. No problem. No problem.
16 But they have additional space that you will be able to access?

17 MR. SIMON: Correct. Correct.

18 MEMBER ETHERLY: Okay. Thank you.

19 CHAIRPERSON GRIFFIS: What is the charter school?
20 Do you know?

21 MR. SIMON: I am not sure. I pass it all the
22 time. Oh, yes, Prospect Learning Center. I think it is the
23 Prospect Learning Center.

24 MEMBER ETHERLY: And it was not a big thing. I
25 was just kind of inquiring.

1 CHAIRPERSON GRIFFIS: But they have parking on-
2 site there?

3 MR. JOHNSON: Right. They have parking on-site.

4 MR. SIMON: Yes, a block from the facility.

5 MEMBER ETHERLY: And, Mr. Chairman, I don't know
6 if Mr. Findlay wanted to add any additional remarks in response
7 to that question. I just would note that he raised his hand,
8 and if he had anything that he wanted to add.

9 CHAIRPERSON GRIFFIS: Oh, good. Thank you for
10 that. You need to come up and speak in a mike so we can have
11 you on the record.

12 MEMBER ETHERLY: And while Mr. Findlay is coming
13 up, Mr. Chairman, as the representative from the Office of
14 Planning noted, I think all District of Columbia residents owe a
15 debt of gratitude to Mr. Findlay, and Mr. Johnson, best wishes
16 to your son in his upcoming match.

17 MR. JOHNSON: Thank you.

18 MEMBER ETHERLY: And to Mr. Simon for stepping
19 forward to continue the tradition. Thank you very much.

20 CHAIRPERSON GRIFFIS: Thanks. Yes, Mr. Findlay.

21 MR. FINDLAY: Yes. Thank you. For those of you
22 who may not be familiar with the geographics of 518 - 10th
23 Street, we are only 10 blocks and a 10 minute walk from Union
24 Station and the Capital, and we are centrally located, equal
25 distance, between two metro stops, which is Union Station and

1 Eastern Market.

2 And so I really have not had any over abundance
3 of cars, but usually with young fellows, they usually don't have
4 them.

5 CHAIRPERSON GRIFFIS: They are walking. Right.
6 Well, we appreciate you saying that, and let me just state that
7 for the processing of it all, most of us, if not all of us, are
8 familiar with the area, but in order for our own case, and in a
9 specific case, someone has to tell us.

10 Otherwise, it is not in the record, and frankly
11 we are not supposed to deliberate on it. So it is important
12 that you bring those things to our attention. And, Ms. Renshaw.

13 VICE CHAIRPERSON RENSHAW: Yes. I am going to
14 move that the Board of Zoning Adjustment approve the application
15 of Arman Brick.

16 MEMBER ETHERLY: Seconded.

17 VICE CHAIRPERSON RENSHAW: Well, I haven't
18 finished.

19 MEMBER ETHERLY: Pardon me.

20 VICE CHAIRPERSON RENSHAW: Hold that thought.
21 That pursuant to 11 DCMR 3104.1, for a special exception for a
22 community center, boxing-training, under Section 209 in an R-4
23 District, at premises 518 - 10th Street, Northeast, and that is
24 the second floor, Square 936, Lot 52, and I wonder if the board
25 wants to put a few conditions on related to hours and days, and

1 parking capacity, and the issuance of all licenses and
2 certificates of occupancy.

3 CHAIRPERSON GRIFFIS: Well, I would speak to that
4 as the Chair. I would say that we could put in the order that
5 it was testified about the hours of operation, and to leave it
6 at that.

7 I would say that it is clear that his would be --
8 well, I think we would also include in the order that this would
9 be properly licensed with the C of O. Other than that, I don't
10 think that there is --

11 VICE CHAIRPERSON RENSHAW: Just let it go.

12 CHAIRPERSON GRIFFIS: Yes. I don't think there
13 is more need.

14 VICE CHAIRPERSON RENSHAW: That's fine with me.

15 CHAIRPERSON GRIFFIS: Because if we get into --
16 frankly, my concern is if we get into the capacity, what are we
17 talking about with capacity. We don't have square footage, and
18 so I am not sure that we may be allowing for a capacity that is
19 based on an estimate that is --

20 VICE CHAIRPERSON RENSHAW: And I am quite sure
21 that the fire department is going to be inspecting the building
22 in any case.

23 CHAIRPERSON GRIFFIS: There will be people
24 controlling that.

25 VICE CHAIRPERSON RENSHAW: So we will leave it at

1 that, and look, for a second. Mr. Etherly.

2 MEMBER ETHERLY: Seconded.

3 VICE CHAIRPERSON RENSHAW: Very good.

4 CHAIRPERSON GRIFFIS: Very well. The motion is
5 before us for approval, and seconded, and is there any comments
6 or discussion needed on the motion? So everyone is pretty
7 clear, and so I would ask all of those in favor?

8 (A chorus of ayes.)

9 CHAIRPERSON GRIFFIS: Any opposed?

10 (No audible response.)

11 CHAIRPERSON GRIFFIS: And the staff will record
12 the vote.

13 MS. BAILEY: Mr. Chairman, I just want to make
14 note that when Mrs. Renshaw goes to the gym, I am going with
15 her.

16 CHAIRPERSON GRIFFIS: Oh, I think we are all
17 going to be there. Let me tell you I am going to be watching if
18 you guys are working out.

19 VICE CHAIRPERSON RENSHAW: Let me tell you that
20 it will be a fund raiser.

21 CHAIRPERSON GRIFFIS: Yes. Right. Box the BZA.
22 You can make a fortune for people who want to punch us.

23 MS. BAILEY: The vote is five-zero-zero to
24 approve the application. The motion was made by Mrs. Renshaw,
25 and Mr. Etherly in agreement, and Mr. Griffis, and Mr. Levy, and

1 Mr. Hannaham to support.

2 VICE CHAIRPERSON RENSHAW: Is this going to be a
3 summary order?

4 MS. BAILEY: A summary order with two conditions,
5 Mrs. Renshaw.

6 VICE CHAIRPERSON RENSHAW: Yes.

7 CHAIRPERSON GRIFFIS: I am assuming that you
8 would want a summary order with this bench decision. A summary
9 order means that it is a brief order, and it goes out quicker
10 than a full order. Usually we do a full order if there is
11 opposition, and there needs to be a lengthy account of the
12 entire order in the record.

13 I would assume that you wanted something quick?

14 MR. SIMON: Something quick.

15 CHAIRPERSON GRIFFIS: Okay. Then we will do a
16 summary order, in which case we are looking at a matter of
17 weeks.

18 MR. SIMON: Okay.

19 MEMBER ETHERLY: Mr. Chairman, Ms. Bailey
20 mentioned something about conditions. Did we go forward without
21 conditions?

22 CHAIRPERSON GRIFFIS: Oh, yes.

23 MS. BAILEY: I thought it was the hours of
24 operation, and also a statement about obtaining the proper
25 certificate of occupancy.

1 CHAIRPERSON GRIFFIS: Right. And I think what we
2 will do is work that within the order. I mean, it is a matter
3 of semantics. I am not sure that we will list it as conditions.
4 But we can get there.

5 MS. BAILEY: All right. But just for
6 clarification, the hours of operation would be 6:00 a.m. to 8:00
7 p.m., Monday through Friday, and on Saturdays, from 7:00 a.m. to
8 2:00 p.m.

9 VICE CHAIRPERSON RENSHAW: That's right. As so
10 testified.

11 MR. JOHNSON: Right.

12 CHAIRPERSON GRIFFIS: Okay. Anything else, Ms.
13 Bailey?

14 MS. BAILEY: No, Mr. Chairman.

15 CHAIRPERSON GRIFFIS: Great. Gentlemen, I thank
16 you, and have a wonderful day, and good afternoon.

17 MR. JOHNSON: Thank you.

18 MR. SIMON: Thank you.

19 CHAIRPERSON GRIFFIS: Good luck.

20 MR. JOHNSON: Thank you.

21 CHAIRPERSON GRIFFIS: This will conclude this
22 afternoon's session of 22 January 2002.

23 (Whereupon, at 3:15 p.m., the meeting was
24 concluded.)

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