

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

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WEDNESDAY

SEPTEMBER 15, 1999

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The Special Meeting convened in Hearing Room 220 South, 441 Fourth Street, S.W., Washington, D.C., pursuant to notice, at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
BETTY KING	Vice Chairperson
JERRY H. GILREATH	Board Member
ROBERT SOCKWELL	Board Member

COMMISSION STAFF PRESENT:

SHERI M. PRUITT-WILLIAMS	Secretary, BZA
JOHN NYARKU	Office of Zoning
ALAN BERGSTEIN	OCC

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

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1 Three, persons and parties in support.

2 Four, persons and parties in opposition.

3 Five, closing remarks by the applicant.

4 Cross examination of witnesses is permitted by  
5 persons or parties with direct interest in the case.

6 The record will be closed at the conclusion of each  
7 case, except for any materials specifically requested by the Board,  
8 and the staff will specify at the end of the hearing exactly what is  
9 expected.

10 The decision of the Board in these contested cases  
11 must be based exclusively on the public record. To avoid any  
12 appearance to the contrary, the Board requests that persons present  
13 not engage the members of the Board in conversation.

14 Please turn off any beepers or cell phones at this time  
15 so as not to disrupt the proceedings.

16 The Board will consider any preliminary matters at  
17 this time. Preliminary matters are those which relate to whether a  
18 case will or should be heard today, such as requests for  
19 postponement, continuance or withdrawal, or whether a proper and  
20 adequate notice of the hearing has been given.

21 If you are not prepared to go forward with the case  
22 today or if you believe that the Board should not proceed, now is the  
23 time to raise such a matter.

24 Are there any preliminary matters?

25 (No response.)

26 CHAIRPERSON REID: Does the staff have any  
27 preliminary matters?

1 (No response.)

2 CHAIRPERSON REID: All right. Please call the  
3 case.

4 MS. PRUITT-WILLIAMS: Application 16487,  
5 application of Planned Parenthood Federation of America, pursuant to  
6 11 DCMR 3108.1, for a special exception under Section 508 to use  
7 premises as an administrative office in an SP-2 district at premises  
8 1780 Massachusetts Avenue, N.W., Square 158, Lot 77.

9 Although we swore in people last time, I'd like to  
10 reswear in case there are some new people. So everyone who is  
11 planning on testifying, please stand and raise your right hand. Even if  
12 you were sworn in at the last hearing, we'll do it over again.

13 (Whereupon, the witnesses were duly sworn.)

14 MS. PRUITT-WILLIAMS: Thank you. Please be  
15 seated.

16 MS. GIORDANO: Good morning, members of the  
17 Board. Thank you for holding this special meeting today. We realize  
18 it wasn't your regular day to come out, and we appreciate that.

19 The application before you is for a special purpose  
20 office use in the SP-2 zoned district.

21 MS. PRUITT-WILLIAMS: Excuse me. It is my  
22 understanding that you were going to do party status. You did not  
23 deal with that at the last meeting, and you were going to deal with it  
24 today prior to the start.

25 CHAIRPERSON REID: Okay. Well, I thought we did.

26 MS. PRUITT-WILLIAMS: You didn't grant anybody  
27 party status. Please had requested it, but the determination was

1 going to be left until later.

2 CHAIRPERSON REID: All right.

3 MS. PRUITT-WILLIAMS: So I think that's something  
4 we need to address before the applicant starts.

5 CHAIRPERSON REID: Okay.

6 MS. PRUITT-WILLIAMS: So anyone who is  
7 requesting party status, could you please come forward? State your  
8 name and reasons why.

9 MR. TREVELLINE: I'm Michael Trevelline, and I am  
10 here on behalf of my client, Ms. Gloria Sabatini.

11 I did at the last hearing say that we would request  
12 party status. We have decided not to, but I will appear on behalf of  
13 Ms. Sabatini in the capacity as a lawyer.

14 CHAIRPERSON REID: Okay, sure.

15 MR. TREVELLINE: Thank you.

16 CHAIRPERSON REID: Thank you.

17 Thank you for reminding me of that and prior to your  
18 beginning, let me just get a feel for how many people we have here in  
19 opposition to the case, and we can kind of construct a time line.

20 Those people who are here in opposition to the case,  
21 may I see a show of hands? Those persons who are planning on  
22 testifying in opposition to the case.

23 (Show of hands.)

24 CHAIRPERSON REID: Okay. What do I have?

25 One, two, three, four, five, six, seven, eight, okay, nine.

26 That's not a good place for that.

27 And persons who are planning to testify in support of?

1 (Show of hands.)

2 CHAIRPERSON REID: Okay. Well, typically what  
3 we do is ask that each person who's testifying limit their testimony to  
4 approximately three minutes, and if someone has already said what  
5 you or expressed your views, then people don't reiterate it basically.  
6 You can add something new to that, and that way we will be able to  
7 move right on along.

8 Is the ANC present today? The ANC is not here  
9 today?

10 MS. KING: We have a letter from the ANC.

11 CHAIRPERSON REID: Okay. Well, typically --

12 MS. KING: We have a letter from the ANC, Madame  
13 Chair.

14 CHAIRPERSON REID: Yes. Typically we afford the  
15 ANC more time, but since they're not here, that does not -- that's not  
16 an issue.

17 Okay, Ms. Giordano.

18 MS. GIORDANO: Thank you.

19 We have submitted a fairly detailed written  
20 submission into the record already. So we will try to be brief.

21 I wanted to, first of all, just review for the Board the  
22 special exception criteria for this matter, and there are two specific  
23 criteria.

24 First, that the use, height, bulk, and design of the  
25 project are in harmony with existing uses and structures on  
26 neighboring property, and we will have a number of witnesses testify  
27 to that criteria. First of all, we have Sally Wilson from the architectural

1 firm who is doing the renovation of the building, Spector Knapp, and  
2 she will talk about the design of the building and what the renovation  
3 project consists of.

4 We also have Nick Pappas, who is Managing Director  
5 of Studley, one of our largest real estate firms in the city, and you  
6 have a submission from Mr. Pappas in the record already. He will be  
7 discussing what the neighboring uses are and what the character of  
8 the block that the property sits in is.

9 And the second criteria is that the use will not create a  
10 dangerous or other objectionable traffic condition, and Jackie  
11 Lendsey, who is Vice President for the applicant, Planned Parenthood  
12 Federation of America, the Public Policy Division, will be speaking to  
13 the specific use of the property by that organization and how the use  
14 will impact traffic conditions in the area.

15 With that, I just wanted to also remind the Board that  
16 the project has the support of the ANC. We called, and we presented  
17 the matter to the ANC. There were a number of people present from  
18 the community. I called in advance to get on the agenda, and the  
19 chair of the ANC was well aware of the application because the  
20 application -- the project has also been the subject of a bond financing  
21 public hearing that was held by the Council, and the city had approved  
22 bond financing for the renovation of this building.

23 So the project has also received City Council support  
24 in that form.

25 We will also be submitting for the record a number of  
26 letters from neighbors in the block, including the National Trust for  
27 Historic Preservation, which is located immediately across

1 Massachusetts Avenue.

2 This project is located within the Massachusetts  
3 Avenue Historic District. It's a contributing structure in the historic  
4 district. It is a Beaux Arts mansion. It's 22,000 square feet. So it's a  
5 little large for a residential use at this point.

6 The previous use of the property was the Yater Clinic.  
7 The C of O for the Yater Clinic was included in our written  
8 submissions. A clinic could locate as a matter of right at this location.  
9 It's permitted in this zone district, but the proposed use by Planned  
10 Parenthood is not a clinic. It's administrative offices for their Public  
11 Policy Division.

12 I also noted in the written submissions that the office  
13 use in SP-2 zone district has been the subject of a recent text  
14 amendment by the Zoning Commission which has liberalized the  
15 types of office uses that are permitted in the SP-2 zone district. It  
16 used to be that only special purpose office uses were permitted, and  
17 those were nonprofit offices or professional offices.

18 Planned Parenthood is a nonprofit office use, but I  
19 just wanted to mention that now. General office uses are permitted in  
20 the SP-2 district, and if the Yater Clinic had a C of O for just a doctor's  
21 office, and the Yater Clinic had many doctors' offices in the building,  
22 but their C of O read "clinic," but if their C of O had read "doctors'  
23 offices," Planned Parenthood could have gone in as a matter of right  
24 because that's what that text amendment permits, is a matter of right  
25 substitution of an office use for a previous office use.

26 But in any event, we're here today. We feel strongly  
27 that we meet the criteria of the special exception, and with that, I

1 would like to proceed with our first witness, Ms. Lendsey.

2 MS. LENDSEY: Thank you.

3 Good morning, Ms. Reid and the members of the  
4 Board. I'm Jacquelyn Lendsey --

5 CHAIRPERSON REID: Good morning.

6 MS. LENDSEY: I'm Jacquelyn Lendsey, Vice  
7 President for Public Policy for Planned Parenthood Federation of  
8 America.

9 Planned Parenthood is the oldest, the world's oldest  
10 and largest reproductive health organization, reproductive health care  
11 organization. We are a not for profit organization, and we provide  
12 services, comprehensive reproductive and health care services, to  
13 women throughout this country.

14 One of our primary roles is to provide for our affiliates  
15 activities that relate to policy and advocacy. We have four offices, one  
16 in New York City, one in the District of Columbia, one in Chicago, and  
17 one in San Francisco.

18 We represent 133 affiliates in 47 states and the  
19 District of Columbia, and those 133 affiliates manage 850 primary and  
20 public health care facilities.

21 Public Policy Division is currently located at 1120  
22 Connecticut Avenue, N.W. We will be moving the Public Policy  
23 Division to the property at 1780 Massachusetts Avenue.

24 We in the Public Policy Division are responsible for a  
25 variety of activities on behalf of the Federal. We monitor federal and  
26 state legislative developments. We analyze policy initiatives that deal  
27 with reproductive health. We also maintain relationships with our

1 coalition partners here in the District, those national partners, and  
2 around the country. And, finally, we provide nonpartisan information  
3 for policy makers and for the media.

4 We are pleased to be the owners of this building, and  
5 we are pleased to be moving the Public Policy Division there.

6 We will also be joined by the Alan Gutmarcker  
7 (phonetic) Institute. Alan Gutmarcker is an independent, not for profit  
8 organization that does research in reproductive health care and  
9 provides information to policy makers. The institute will join us in this  
10 new building.

11 I'd like to say that we have 49 staff that will be housed  
12 in this building. We will be using the building for the purpose of  
13 offices, as has been stated before. It will not be a clinic.

14 I'm please to say that half of the 49 staff members are  
15 residents of the District of Columbia, and the majority of the staff will  
16 use currently and will continue to use public transportation.

17 We have checked certainly with any parking facilities  
18 that are near us, and there is space available for the very few staff  
19 members who do use their cars, but as I said before, the majority of  
20 our staff use public transportation.

21 I want to just sort of close with the fact that, as I said,  
22 we are very pleased to be the owners of this building. We are excited  
23 about the prospects of the renovation and bringing this building back  
24 to its prominence and its visibility in the community, and we are  
25 excited to be neighbors, residents, and contributing members of this  
26 community.

27 Thank you.

1 MS. GIORDANO: If there are no questions --

2 MS. KING: Where is -- your office now is located at  
3 1120?

4 MS. LENDSEY: We're at 1120 Connecticut Avenue.

5 MS. KING: What is the cross-street?

6 MS. LENDSEY: L.

7 MS. KING: So it's really almost in the same  
8 neighborhood.

9 MS. LENDSEY: Right. We're three blocks away.

10 MS. KING: You're just two blocks away?

11 MS. GIORDANO: To the north of L.

12 MS. LENDSEY: Yeah, it's right across from the  
13 Mayflower Hotel.

14 MS. KING: Okay, great. And the space that you're  
15 occupying now is also nothing but office use?

16 MS. LENDSEY: It's office use.

17 MS. KING: Have you had any history of violent  
18 demonstrations or anything at your --

19 MS. LENDSEY: Not at all.

20 MS. KING: -- present office?

21 MS. LENDSEY: No.

22 MS. KING: Thank you.

23 MR. SOCKWELL: One question. In the space that  
24 you are planning for the new location, how much conference room  
25 space is being provided?

26 MS. GIORDANO: I think if we could do -- the  
27 architect has a floor plan --

1 MR. SOCKWELL: Okay.

2 MS. GIORDANO: -- that she is going to bring up if  
3 you'd like --

4 MR. SOCKWELL: That's fine.

5 MS. GIORDANO: -- to defer that question.

6 MR. SOCKWELL: Okay. Thank you.

7 CHAIRPERSON REID: That will also show parking  
8 that you've provided.

9 MS. GIORDANO: There is no parking provided.

10 MS. LENDSEY: There is no parking.

11 CHAIRPERSON REID: But I thought I heard you say  
12 in your testimony that --

13 MS. LENDSEY: What I said was -- excuse me, Ms.  
14 Reid. What I said was that the majority of our employees --

15 CHAIRPERSON REID: Yes.

16 MS. LENDSEY: -- use public transportation. There  
17 are a few employees who do drive, but we have already checked with  
18 the public lots on either side of our building, and there is space  
19 available, and we will not be providing --

20 CHAIRPERSON REID: Oh, okay. So basically if  
21 needed, there is --

22 MS. LENDSEY: Right, right.

23 CHAIRPERSON REID: -- available space, but not on  
24 your particular site.

25 MS. LENDSEY: Not on our property, no.

26 CHAIRPERSON REID: Okay. Thanks.

27 MS. GIORDANO: The building, just to clarify, and the

1 architect can do this as well, currently has no parking. There is a  
2 semicircular drive in front of the building that the Yater Clinic  
3 previously had used for some parking, but we believe that it would  
4 really be aesthetically much more pleasing and the historic staff would  
5 prefer it if we didn't use it that way, and we're not going to.

6 And no parking is required because --

7 CHAIRPERSON REID: Historic.

8 MS. GIORDANO: -- of the historic, right.

9 CHAIRPERSON REID: Okay. Thank you.

10 MS. KING: Just one more question. The 49 staff of  
11 Planned Parenthood, the Gutmarcker Foundation will have additional  
12 staff or is it 49 altogether?

13 MS. LENDSEY: It's 49 altogether.

14 MS. KING: That's all in.

15 MS. LENDSEY: That's everyone.

16 MS. KING: Great. Thanks.

17 MS. GIORDANO: If there are no further questions --

18 MR. GILREATH: I have one. The organization, the  
19 nature of your research is not medical. It's intellectual. You don't  
20 have actual medical kinds of research in the building.

21 MS. LENDSEY: No, there's no testing. It is all  
22 research in reproductive health, but there's no actual research or  
23 testing facility in the building at all. We are all office, all administrative.

24 CHAIRPERSON REID: All right.

25 MS. GIORDANO: I'd like to turn now to the architect  
26 for the project, Sally Wilson.

27 MS. WILSON: Good morning. I'm Sally Wilson. I'm

1 an architect, and I'm a principal as well with Spector, Knapp &  
2 Baughman. We're one of the largest, one of the top ten firms in the  
3 city. Locally we've been here for nearly 20 years.

4 We're very pleased to be involved in this project  
5 because I have known colleagues over the years who have gone to  
6 this site and have looked with their clients at purchasing the site, and it  
7 has been over the past four years that I have seen different clients go  
8 to the site and look to purchase it, and no one can ever seem to make  
9 this deal work, and it's been disappointing to see the building and the  
10 facility really kind of fall by the wayside.

11 So we're very excited to be involved with really  
12 bringing it back to, as Jackie said, the prominence in this community.

13 I have brought along a few exhibits here. The first  
14 one I have here really shows some of the existing conditions, and one  
15 of the -- it's very disappointing to go into the building and to see the  
16 interior conditions and all of the rubble that is left in the building, lots  
17 of medical facilities that we've been spending the last month really  
18 carting out and taking out.

19 The roof is in disrepair. There's lots of trash. There's  
20 lots of leaks going on. The exterior of the facade is in major disrepair,  
21 as well as the windows. There are louvers along the outside of the  
22 base of the building for mechanical systems. We're relocating those  
23 mechanical systems into the basement and adding windows into the  
24 facade to really kind of brighten it up and bring it back to its original  
25 historic character.

26 The site, if you go along to the site, you can see that  
27 much of the landscape has overgrown. There's inadequate lighting

1 along the site. There's really no protection of the site. There's trash in  
2 and around the site, and over the past four years or more, it has really  
3 been kind of disappointing to see everything fall by the wayside.

4 On the interior, as you can see in this lower  
5 photograph, there is a historic stair that is there that we will completely  
6 restore to its original character. It's currently covered in vinyl along  
7 the treads. The banister and the rail has been -- really gone by the  
8 wayside, and we have woodworkers, and we're investing quite a bit in  
9 restoring that.

10 The other thing I'd like to add just with this  
11 photograph, here on the lower left one of the plans that we have for  
12 the landscaping is to add fences around to really protect the property  
13 from trash and from intruders into the property, as well as gates and  
14 grilles.

15 Actually these two photographs are consistent with  
16 the neighboring buildings in and around. We have met with historic  
17 staff who have approval of what we're doing historically with the  
18 building, and we've met with the city as well.

19 In the upper left, you can see the site plan. We are  
20 locating a lot of lighting in and around the site to really protect the site  
21 and the neighboring sidewalks in the light especially, and we're cutting  
22 back a lot of the landscaping. This is not a landscape plan, but we will  
23 have the landscape completely redone and all of the vegetation that's  
24 cut back.

25 We have gates that will be put at the driveway, two  
26 driveway entrances, which as Jackie said that we have really no  
27 intention of using as a driveway, as well as a gate at the circle

1 entrance.

2 We also have a handicapped lift that's in the back,  
3 and it's our intent as we renovate the building, it will be totally ADA  
4 compliant and accessible to the public.

5 You can see here on the lower, you can see that we  
6 are doing quite a bit of work on the exterior. We're repointing,  
7 cleaning the facade. We're reglazing and renovating all of the original  
8 woodwork of the windows. Much of the windows are made of  
9 mahogany. They've been painted, and we're stripping them down and  
10 repairing them really to their natural state or to their original state.

11 The total investment is over \$3 million that we're  
12 making into the entire facility, including the exterior repairs and  
13 interior.

14 In addition, we're adding a new roof area. We're  
15 relocating the elevator on the inside to make it ADA compliant, and  
16 also allow it to connect to the lower level of what is the annex building.

17 On interior, you can see the plans of all the floors. It  
18 is a total office use, to answer your question, Mr. Sockwell. There are  
19 currently two conference rooms planned, one on the second floor, one  
20 on the first floor, and that's really only planned for internal use and  
21 board meetings and things like that that should occur.

22 The rest of the facility is all office use, total. We are  
23 able to fit roughly about 55 people total into the building, and that  
24 translates to nearly 900 square feet per person, which is far above  
25 association standard that you would see in a regular office building.  
26 We would normally see it at 400 to 500 square feet per person.

27 That's in line with the neighboring uses. It's actually --

1 the square foot per person is far above what the neighboring uses of  
2 law firms and things like that, which would normally be in the 700  
3 square foot range.

4 MS. KING: The basement is entirely under the  
5 annex; is that it?

6 MS. WILSON: That's correct.

7 MS. KING: And the annex has two floors above  
8 grade?

9 MS. WILSON: That's correct.

10 MS. KING: Okay, and then the main building, which I  
11 presume is the original building, is four stories with no basement, is it?

12 MS. WILSON: Correct.

13 MS. KING: Okay.

14 MS. WILSON: That's correct.

15 MS. GIORDANO: I just wanted to add. Ms. Wilson  
16 mentioned a \$3 million investment in the renovation and repair of this  
17 building, and that's pretty much equivalent to the purchase price.  
18 There's a lot of investment in bringing this building back, and that  
19 investment really was a necessity because of the condition of the  
20 building and also converting this from a clinic use, which had a lot  
21 more bathrooms and things that had to be taken out in order to  
22 renovate the building for office use.

23 And a lot of that gutting of the building is taking place  
24 now, and I just wanted to mention the reason for that is because it's  
25 perfectly permissible.

26 In fact, we met with Jill Dennis, who is the  
27 development ambassador in the Permitting Office, to assess exactly,

1 you know, what kinds of permits could be granted prior to getting a  
2 zoning approval for the SP office use, and I think that there was some  
3 concern in the community about us starting this project before the  
4 zoning approval was in place, and that is why it is permissible to do  
5 sort of a non-use specific gut job prior to getting the permits for the  
6 office use.

7 MR. SOCKWELL: I have a couple of questions. One,  
8 we're showing what, about 27 total seats in the conference rooms?

9 MS. WILSON: I believe you --

10 MS. LENDSEY: Eighteen.

11 MR. SOCKWELL: There are two conference rooms.

12 MS. GIORDANO: Right.

13 MS. LENDSEY: Correct.

14 MS. WILSON: Oh, you mean total in both of them?

15 MR. SOCKWELL: Yes.

16 MS. WILSON: Right, yes.

17 MR. SOCKWELL: It looks like more than 18 seats to  
18 me.

19 MS. GIORDANO: I think there's another witness  
20 that's trying to answer from the audience. I can bring her forward if --

21 CHAIRPERSON REID: Do so.

22 MS. GIORDANO: -- if you'd like.

23 Okay. Martha, do you want to come forward?

24 Martha McGee is the Director of Administration and  
25 also in charge of security for the applicant.

26 CHAIRPERSON REID: Just give your name and your  
27 address before you speak.

1 MS. McGEE: Martha McGee, 804 West 180th Street,  
2 New York, New York.

3 MR. SOCKWELL: The plan shows more than 18  
4 seats.

5 MS. McGEE: I thought you were asking -- I'm sorry --  
6 about the large conference room.

7 MR. SOCKWELL: No.

8 MS. McGEE: Are you talking in total?

9 MR. SOCKWELL: I said "conference rooms," and I  
10 meant plural.

11 MS. McGEE: I didn't hear that.

12 MR. SOCKWELL: I understand that.

13 How many seats?

14 MS. McGEE: There are 18 in the large conference  
15 room, eight in the small.

16 MR. SOCKWELL: Okay. So 26.

17 The fence that is being proposed as a property fence  
18 is, to my recollection, not consistent with the adjacent properties at  
19 least on that side of Massachusetts at the corner of 18th, which are  
20 not fenced yards.

21 MS. WILSON: Right. The --

22 MR. SOCKWELL: And that fence is what height?

23 MS. WILSON: I can't tell you off the top of my head  
24 what height the fence is.

25 MR. SOCKWELL: All right.

26 MS. WILSON: It's consistent with the property that is  
27 diagonal on Massachusetts Avenue, which is a residential property,

1 which is actually an embassy of much lower stature than the adjacent  
2 buildings, which are typically taller buildings and really set a little bit  
3 more forward to the street.

4 The way it follows on the lot line is a little bit different,  
5 and we went to the historic staff, and we met with them, and we all  
6 agreed that it was in keeping with the historic nature of the building to  
7 have these fences.

8 MR. SOCKWELL: But in terms of embracing the  
9 neighborhood, to place a fence that close to the property line -- as you  
10 know, 18th Street is a very narrow street, and it is going to change to  
11 some degree the character of that approach to the Avenue by placing  
12 the fence so close, and probably the fence is going to be the  
13 maximum height allowed under the code, which would be seven feet.

14 MS. KING: Is it going to be that?

15 MR. SOCKWELL: Because it has gates, and the  
16 gates would have to be consistent with the typical --

17 MS. McGEE: The intention was that the building  
18 across the street, which is cater-cornered, and I don't know what the  
19 building is --

20 MS. KING: Isn't that the Cosmos Club (phonetic)?

21 MS. McGEE: I believe so, yes.

22 MS. WILSON: It's the Selgrave Club.

23 MR. SOCKWELL: Oh, Selgrave.

24 MS. KING: Selgrave, sorry. Selgrave.

25 MS. McGEE: The fencing there is about three and a  
26 half feet high to four feet high at the most, and that was our intention,  
27 not to put a full height fence there by any stretch of the imagination.

1 MR. SOCKWELL: But because it wasn't specified  
2 and the architect did not know how high the fence would be, the  
3 question is: how high will it be?

4 MS. McGEE: Three feet.

5 MS. WILSON: I'm sorry. I --

6 MR. SOCKWELL: Is that a --

7 MS. McGEE: Sally is the one who would specify.

8 MS. WILSON: I can get back to you on that. I would  
9 have to go and --

10 MR. SOCKWELL: I would appreciate that you get  
11 back with me on that.

12 MS. WILSON: Okay.

13 MS. GIORDANO: Sally, did you want to add on sort  
14 of the accessibility of this property, the issue that Mr. Sockwell has  
15 raised, how the current --

16 MS. WILSON: Right.

17 MS. GIORDANO: -- configuration is?

18 MS. WILSON: The properties that we've looked at in  
19 and around the neighborhood that are consistent with the size of the  
20 building that is on this property that have fences and gates, they come  
21 all the way up to the sidewalk, and you cannot step onto the property.  
22 It runs all the way really to the property line or to the sidewalk line, and  
23 that's in and around the neighborhood, not directly adjacent to it, but  
24 across the street and up 18th Street.

25 There are many examples that you can find with  
26 fences and gates around them, and we --

27 MR. SOCKWELL: Well, the embassy in the block to

1 the south or to the east, I should say, has a fence, and of course, it's  
2 foreign government property. So we don't have the right to deny a  
3 fence in the District of Columbia for foreign governments.

4 But I'm just suggesting that it is a change to the  
5 character of the property and is a change to the openness of that  
6 particular view because as you look, walking along that narrow  
7 sidewalk, you're going to see mainly the verticals, and it's going to  
8 look more solid than not solid when you're walking along.

9 MS. WILSON: But it is an open --

10 MR. SOCKWELL: I understand.

11 MS. WILSON: -- an open iron fence. It's not intended  
12 to be a wall.

13 MS. GIORDANO: It's not a privacy fence.

14 MS. WILSON: It's not a privacy fence. It's more --

15 MR. SOCKWELL: It's a security fence.

16 MS. WILSON: It's a security fence.

17 MS. GIORDANO: It's a decorative fence.

18 MR. SOCKWELL: It's a security fence. It has gates.

19 CHAIRPERSON REID: I'd like either of your  
20 witnesses to answer, to respond to the section in which your  
21 application is coming under, Section 508.

22 MS. GIORDANO: We haven't finished our  
23 presentation.

24 CHAIRPERSON REID: Oh, well, okay. Within your  
25 presentation be sure to just specify for us how you are in compliance  
26 with the regulations, and in particular, the compatibility with existing  
27 uses of neighboring properties --

1 MS. GIORDANO: Right.

2 CHAIRPERSON REID: -- and how the use will not  
3 create an adverse impact.

4 MS. GIORDANO: Right. That's Mr. Pappas'  
5 testimony.

6 CHAIRPERSON REID: Okay.

7 MS. GIORDANO: And I can call him at this time if  
8 you would like.

9 CHAIRPERSON REID: Okay. Thank you.

10 MS. GIORDANO: Could you state your name and  
11 address for the record?

12 MR. PAPPAS: Sure. Nicholas Pappas, 555 13th  
13 Street, N.W., Suite 420 East, Washington, D.C.

14 MS. KING: What is your residence? What is your  
15 home address, please, Mr. Pappas?

16 MR. PAPPAS: 5412 Albemarle Street, Bethesda,  
17 Maryland.

18 Madame Chair, members of the Board, good morning.

19 CHAIRPERSON REID: Good morning.

20 MR. PAPPAS: I wanted to supplement a little bit of  
21 the history. I was going to address a couple of issues of marketability.  
22 I'll be brief, and then I was going to discuss the area.

23 I began working with Planned Parenthood in  
24 September of 1997, the fourth quarter, and our goal was to go out and  
25 find office space somewhere between ten and 30,000 square feet in  
26 the District of Columbia. We wanted to focus near our present  
27 location, 1120 Connecticut Avenue, which kept us in the Dupont

1 Circle, CBD area.

2 We looked at approximately 15 properties and  
3 selected 1780 Massachusetts Avenue. That property had been on the  
4 market for, to the best of my recollection, almost five years with three  
5 brokerage firms before we started to embark on it.

6 When I look at the property and I look at the  
7 marketability, there are a couple of issues. 1780 Mass. Avenue is a  
8 very user specific building, which could be one of the reasons why it  
9 took so long for it to sell. Most townhouse type office buildings  
10 typically tend to be between three and 10,000 square feet. This  
11 building is approximately 20,000 square feet, and it's in two separate  
12 buildings.

13 Secondly, the location, Dupont Circle, is not a  
14 traditional office location. So the number of I would call the pool of  
15 buyers is somewhat limited. There's also a resource  
16 element. Most buyers of this type property were law firms in, say, the  
17 ten to 15,000 square foot range; don't have the ability to commit the  
18 finances and the resources necessary primarily because they don't  
19 know what their growth is going to be. They haven't thought about it  
20 on a long term, ten year horizon.

21 So you need to be able to understand where you're  
22 going to be and for how long you're going to be there.

23 And finally, the other issue has to do with timing.  
24 Associations, unions, foreign governments deal with boards and other  
25 procedures that are a little bit foreign than working through a typical  
26 acquisition process that an investor might work through. A lot of times  
27 you'll have changes in administration. You'll have changes in foreign

1 missions, BZA individuals, and as a result, decisions take a lot longer  
2 to make and aren't made as quickly.

3 In addressing the third point, that specifically being  
4 area, we're talking about Square 158, legally described, bounded by  
5 18th Street to the west, 17th Street to the east, Mass. Avenue to the  
6 north, and M Street to the south.

7 When you look at Mass. Avenue, you'll see that the  
8 majority of the structures from 16th Street all the way to 21st Street  
9 are commercial in nature, whether that's association use, whether  
10 that's chancery use, whether that's institutional use from an  
11 educational standpoint, or hotel use in some instances. You'll see that  
12 that is the case.

13 In Square 158, there are 37 property owners.  
14 Twenty-seven of these or I should say that there are 37 properties.  
15 Let me correct myself. Twenty-seven of these are commercially  
16 owned. Nineteen of the 27 actually occupy their properties.

17 There are two hotels in the square. There is one ten  
18 story, 116 unit building which has two levels of commercial space.  
19 There's also one building that was residential that has been acquired -  
20 -

21 MS. GIORDANO: Could you give us the name of that  
22 building?

23 MR. PAPPAS: The Palladium Condominium.

24 And there was one building that had been used  
25 residentially, which is now going to be the headquarters for the  
26 National Speech Association.

27 One building now is presently vacant. It had been

1 occupied by the Turkish Embassy, and we are now -- when I say "we,"  
2 my firm is in the process of reletting that space to a potential  
3 candidate.

4 When we look to the west, essentially Square 137,  
5 there are 20 properties. Seventeen have commercial owners.  
6 Sixteen are occupied by nonprofit entities.

7 To the east in Square 181 we have one building  
8 which is owned by the Republic of the Philippines, and in Square 182,  
9 we have two structures. One is a hotel.

10 In conclusion, I'd like to say that the special purpose  
11 zoning under Section 508.1 allows for office use subject to BZA  
12 approval. All of Square 158 along Massachusetts Avenue and from  
13 16th to 21st Street is commercial in nature. Office is the predominant  
14 use.

15 Planned Parenthood Federation of America has the  
16 support of the local ANC, has been endorsed and welcome by the  
17 National Rural Electric Cooperative Association at 1800 Mass., a  
18 180,000 square foot office building.

19 1776 Mass., a multi-tenant building owned by the  
20 Miller Companies in Berwind and a L'Enfant Trust, directly across the  
21 street.

22 I think the real issue here is office space, and that's  
23 what we should focus on.

24 Thank you.

25 MS. GIORDANO: Can I just ask you directly, Mr.  
26 Pappas? Giving your expertise in the real estate market, what do you  
27 see as being the range of potential uses for this building, assuming

1 Planned Parenthood wasn't purchasing it?

2 What would this building -- could it be sold for  
3 residential use do you think?

4 MR. PAPPAS: The way it's presently configured now,  
5 I would say no, unless somebody would want a large, 20,000 foot  
6 residence on Mass. Avenue. I think in all probability it would be  
7 another user like Planned Parenthood or a chancery.

8 And it should be noted that prior to Planned  
9 Parenthood's involvement, the property had been under contract and  
10 had been reviewed by the Embassy of Hong Kong for their  
11 international trade office. Given the amount of work that was required  
12 and another alternative, they decided to move up the street. And  
13 while we were negotiating on the transaction, the Embassy of Angola  
14 was also negotiating on the transaction, and we ultimately were able  
15 to secure the transaction.

16 MS. GIORDANO: That concludes Mr. Pappas'  
17 testimony.

18 MS. KING: I have no questions.

19 MR. PAPPAS: Thank you.

20 MS. GIORDANO: We have one additional witness.  
21 I'm going to call Ms. McGee back. As I indicated before, Martha  
22 McGee is in charge of administration and security for the applicant,  
23 and she's going to speak to the issue that's been raised about the  
24 security of this use.

25 MS. McGEE: Good morning.

26 CHAIRPERSON REID: Good morning.

27 MS. McGEE: We understand the concerns of our

1 neighbors with regard to security. We have a very active and vocal  
2 opposition. That opposition is uniformly directed to our affiliates and  
3 our clinics. To my knowledge, no national office of Planned  
4 Parenthood -- and Ms. Lendsey has told you we have offices in  
5 Chicago, San Francisco, Washington -- has ever experienced any  
6 kind of a public demonstration.

7 My only experience was seven years ago. We had  
8 noontime demonstrators in front of our building at 810 Seventh  
9 Avenue in New York. They were there from about 11 in the morning  
10 until about one in the afternoon. They left. We have never seen them  
11 again.

12 So in terms of concerns about public demonstration,  
13 that has not been my experience with any of the buildings that we  
14 occupy.

15 My security concerns for this particular building are  
16 the same as they would be for any office building, that is, for the safety  
17 and security of our staff and for the security of the contents of the  
18 building.

19 We will have a trained security representative as a  
20 receptionist at the front desk. There will be closed circuit television  
21 cameras on the front door and at the back entrance.

22 As you heard from Ms. Wilson, our intention is to  
23 clean up what is a very overgrown landscape, clear out a lot of the  
24 vegetation that's there, install perimeter lighting around the building  
25 and the fencing.

26 We feel like that will -- in doing that, we're going to  
27 eliminate not only what is sort of an eyesore in the neighborhood, but

1 it will also make it safer for the staff who work late and, by extension,  
2 for the people in the neighborhood.

3 Our security stance is always proactive. We maintain  
4 in all of the cities that we're in a close relationship with the local police  
5 department. If we have any anticipation that there may be a safety or  
6 security problem, we contact that community policing officer  
7 immediately. They've always been responsive to our concerns, and  
8 there's rarely an instance where it is needed.

9 That extra attention and extra presence, also by  
10 extension, makes the neighborhood a safer one. I certainly  
11 understand the concerns of our neighbors, but I think that they are  
12 misdirected.

13 MS. GIORDANO: Thank you very much.

14 CHAIRPERSON REID: Ms. Giordano, two things.  
15 One, in your presenting to us the manner in which you are in  
16 compliance with the existing zoning regulations as pertains to Section  
17 508, in your submission on page 6(b), you specify that the proposed  
18 use will not create adverse traffic conditions, but what I'd like for you  
19 to do today and any subsequent submissions that you proffer to this  
20 Board is to be sure to address specifically what the regulations  
21 require.

22 For example, 508.4 specifies that the proposed use  
23 will not create dangerous or other objectionable traffic conditions, and  
24 this is what you must address.

25 MS. GIORDANO: Right.

26 CHAIRPERSON REID: Specifically.

27 MS. GIORDANO: Right. I had thought --

1 CHAIRPERSON REID: You can't paraphrase it.

2 MS. GIORDANO: Right. I thought that Ms. Lendsey  
3 had addressed that in terms of when she was addressing the parking  
4 issue. The point there is that there will not be 50 people driving to this  
5 site everyday and increasing traffic on the adjacent streets.

6 And I'm going to ask Ms. Lendsey also to comment on  
7 the amount of visitor traffic that they have to their offices.

8 CHAIRPERSON REID: Okay.

9 MS. LENDSEY: As I said earlier, the majority of our  
10 employees use public transportation to get to work. So we know that  
11 there will be no adverse impact on transportation in that area. We do  
12 not intend, nor have we ever intended, to use -- we don't have any  
13 parking spaces to use. We have checked with the public lots that are  
14 directly next door to our property, and there's space available for  
15 those very few employees who do drive their own cars in.

16 MS. GIORDANO: As far as whether you'll be  
17 attracting a large number of visitors to the site who might also be  
18 bringing cars and creating traffic.

19 MS. LENDSEY: Once again, we are using this site as  
20 office site. So we have the normal kinds of traffic of individuals who  
21 come to do business with us on any given day, but it is not a large  
22 group of people. It's just the normal group of people that would come  
23 from an office building setting.

24 They come for meetings. They come to meet one on  
25 one with my staff. There may be two, three or four people at a time.

26 MR. GILREATH: If they drove there, their cars, to  
27 come to your office, where would they park?

1 MS. LENDSEY: There are two parking lots on either  
2 side of us. They are public parking lots.

3 MR. GILREATH: So you're assuming they would use  
4 public parking?

5 MS. LENDSEY: I would assume that, but I would say  
6 also the majority of people who come to our offices now at 1120  
7 Connecticut Avenue use public transportation. They usually take a  
8 cab or they use the Metro.

9 MR. GILREATH: Okay, fine.

10 MS. GIORDANO: I had also noted in our written  
11 submission that we are just a couple of blocks from the Dupont Circle  
12 Metro station. There are bus lines up and down Massachusetts  
13 Avenue, and the nature of the applicant's work is primarily outreach.  
14 They're going to go going and meeting with people on the Hill. They  
15 are people who are really doing the one-on-one kind of dialogue with  
16 others, are primarily going out and off site.

17 MS. LENDSEY: And I also might add that of the  
18 majority of our staff and the half that are residents of the District of  
19 Columbia, seven of our employees live in the Dupont Circle area. So  
20 they walk to work.

21 CHAIRPERSON REID: In regards to visitors,  
22 basically what you're saying is that you don't anticipate a large influx  
23 of additional people coming to that building on a daily basis.

24 MS. LENDSEY: No.

25 CHAIRPERSON REID: Okay.

26 MS. LENDSEY: It would be no more than is normal  
27 for us now.

1 MS. GIORDANO: And what is that exactly, would you  
2 say?

3 MS. LENDSEY: On any given day, five, ten --

4 CHAIRPERSON REID: Oh, okay.

5 MS. LENDSEY: -- individuals or a group, a small  
6 group of people that come to visit with us.

7 CHAIRPERSON REID: That's just what we need to  
8 know.

9 MS. LENDSEY: To do business.

10 CHAIRPERSON REID: Thank you very much. That's  
11 just what we need to know.

12 MS. GIORDANO: And we'd also point out that that is,  
13 as I said in my written materials, really a de-intensification of the use  
14 that existed previously, a clinic use that's got 15 minute intervals,  
15 appointments, and attracts a lot more people to a site than this  
16 proposed use.

17 CHAIRPERSON REID: Okay.

18 MR. SOCKWELL: I have questions.

19 CHAIRPERSON REID: Okay.

20 MR. SOCKWELL: I have a couple of questions of Ms.  
21 McGee. You said there were no major security issues to date from  
22 Planned Parenthood's administrative facility locations. How many of  
23 those locations are currently in stand-alone buildings?

24 MS. McGEE: I believe our San Francisco office is in  
25 a stand-alone building. Our New York office is in a highrise office  
26 building, as is our office in Chicago.

27 MR. SOCKWELL: Does the San Francisco property

1 have a property fence and gate?

2 MS. McGEE: I don't believe so.

3 MR. SOCKWELL: Okay.

4 MS. LENDSEY: The San Francisco property does  
5 not have a gate. It is an office building that's right on the side -- it's  
6 right on the street. You can enter that property right from the  
7 sidewalk.

8 MR. SOCKWELL: Okay. And --

9 MS. McGEE: I would point out that in the area around  
10 the lot line there is already a curb that goes up about five inches.

11 MR. SOCKWELL: That's true.

12 MS. McGEE: And that is where the fencing would be.

13 MS. GIORDANO: Right. The curb in my non-expert  
14 view of this property, the curb and the vegetation has never been  
15 inviting to people to enter onto the property. It's like the last thing that  
16 you would think about doing when you walk alongside 18th Street  
17 there.

18 MR. SOCKWELL: The second question for Ms.  
19 McGee is you said the security fence would make the neighborhood  
20 safer. I did not understand how that works.

21 MS. McGEE: If you've been by the corner, I mean for  
22 --

23 MR. SOCKWELL: Many, many, many times.

24 MS. McGEE: -- for me, the vegetation is so terribly  
25 overgrown around that corner that it provides a sufficient opportunity  
26 for someone to ambush you in the dark.

27 MR. SOCKWELL: But that's not going to remain

1 because you are cleaning up the property. Am I not correct or did I  
2 misread something?

3 MS. McGEE: That's correct. I said we would  
4 relandscape, yes.

5 MR. SOCKWELL: Un-huh, but that doesn't mean that  
6 you'd put the same type of vegetation back to create the same kind of  
7 condition.

8 MS. McGEE: No.

9 MR. SOCKWELL: Thus requiring the fence to --

10 MS. McGEE: It would be lower, yes. I would think  
11 that a fencing would prevent someone from being on the other side  
12 waiting for somebody.

13 MR. SOCKWELL: Yeah, but I think it's all relative.  
14 The type of landscaping that you use, the fact that most properties  
15 don't have fences and don't have tall landscaping makes those sites  
16 quite open, and I'm just trying to justify the need for the fence, and  
17 that's just one question.

18 Ms. Lendsey, you said that visitors would probably be  
19 up to perhaps four persons. Most of the conference space is for  
20 internal meetings, generally your staff and a few outsiders?

21 MS. LENDSEY: It's for internal use, and correct. It's  
22 for our staff. It's for coalition groups that we work with, which could be  
23 one or two staff, or it could be three, four, or five, but it's for small  
24 groups. It's not for large groups of people.

25 MR. SOCKWELL: I mean if you had 10,000 visitors a  
26 year to the space, it wouldn't equate to more than 36 people a day.

27 MS. LENDSEY: Correct.

1 MR. SOCKWELL: Using a 276-work day year.

2 MS. LENDSEY: Correct. Mr. Sockwell, I can't  
3 calculate that quickly in my head.

4 MR. SOCKWELL: I did it a little earlier.

5 MS. LENDSEY: Thank you. I appreciate that.

6 CHAIRPERSON REID: Okay?

7 MR. SOCKWELL: That's it.

8 MS. WILSON: I'd like to make another comment  
9 about the landscape and the vegetation and the fence, and I think, you  
10 know, one of the ideas about the fence is, unlike the neighboring  
11 buildings, which are, you know, directly up to the street line almost  
12 and, you know, it's a very, you know, easy access into the building,  
13 there is this point of the corner on Mass. Avenue and 18th Street, and  
14 there are some large, mature trees there that we would not intend on  
15 taking out.

16 I mean we're talking about clearing out and cleaning  
17 up the vegetation. We're not talking about completely tearing it down  
18 and replanting the entire site. So there are some large trees and  
19 bushes in and around that corner, and because of the nature of that  
20 corner, I think the protection of that corner is needed with the fence.

21 And in our meetings with the historic staff, they  
22 agreed with us, as well.

23 MR. SOCKWELL: Interestingly, I just happened to be  
24 by there a different times of the night. I've never felt uncomfortable or  
25 unsafe during any of those late night time periods after dark or before  
26 dark, but that's because I use the neighborhood. You probably don't.

27 MS. GIORDANO: Well, Sally, you might want to

1 comment on where your office is.

2 MS. WILSON: My office is two blocks away at 18th  
3 and N Street. However, I do not live in the neighborhood, and I don't  
4 go there, frequent the site at night. So you're correct in that.

5 MS. GIORDANO: That concludes our presentation.

6 CHAIRPERSON REID: Thank you very much.

7 Okay. Persons in support of the application, please  
8 come forward. We did not have any ANC representative or any  
9 reports from --

10 MS. KING: We have a report from the ANC. We  
11 have a letter from the ANC, Madame Chair.

12 CHAIRPERSON REID: Yes, we do. I'm sorry. I'm  
13 sorry. I was thinking about the fact that they were not here, but, yes, I  
14 do know that we do, and would you please read it --

15 MS. KING: Do you want me to read it now?

16 CHAIRPERSON REID: -- into the record now,  
17 please?

18 MS. KING: Okay. August 13th, a letter from ANC-2B.

19 They held a duly noticed, public meeting with a  
20 quorum of seven of the seven Commissioners present, and they voted  
21 unanimously to approve the following resolution:

22 "ANC-2B has no objection to the granting of a special  
23 exception for office use under Section 508 to the premises at 1780  
24 Massachusetts Avenue, N.W., based on the understand that (1) the  
25 use will be for office use only and (2) the front driveway will not be  
26 used for parking."

27 CHAIRPERSON REID: Okay. Thank you very much,

1 Ms. King.

2 All right. I'm sorry, sir. Are you -- are there any other  
3 persons in support of the application? Are you the only one to testify  
4 today in support?

5 MR. McGRATH: No, Madame Chairperson. I had  
6 been asked to take the lead-off speaking position in terms of  
7 opposition, but there certainly is --

8 CHAIRPERSON REID: No, no, no. You're going to  
9 have an opportunity for the opposition.

10 MR. McGRATH: Oh, I understand, sure.

11 CHAIRPERSON REID: But this is for persons and  
12 parties in support, and then we'll bring up the opposition.

13 MR. McGRATH: Oh, I apologize.

14 CHAIRPERSON REID: Sure.

15 MR. McGRATH: No, I'm in the opposition.

16 CHAIRPERSON REID: Okay.

17 MR. McGRATH: So should I stand back then?

18 CHAIRPERSON REID: Yes. Persons or parties in  
19 support. Ms. Giordano, are you aware of any?

20 Okay. Then, sir, that's okay. They're not going to  
21 testify. So we now go to persons or parties in opposition, and I ask  
22 that you come up three at a time, please.

23 Okay, sir.

24 MR. McGRATH: Thank you, Madame Chair.

25 My name is Jim McGrath, and I am a long time  
26 resident of that block, 30 years to be specific.

27 CHAIRPERSON REID: Your address, please.

1 MR. McGRATH: 1701 Massachusetts Avenue, N.W.  
2 Good morning, members of the Commission. I  
3 appreciate very much being heard today.

4 My position is going to be couched almost exclusively  
5 in historic presentation terms since I have long had an abiding and  
6 strong interest in that area, and indeed, had the honor to lead a  
7 coalition of citizens called the Citizens Coalition Against the Proposed  
8 Brookings Office Building quite some time ago, which achieved a  
9 limited positive result in terms of historic preservation. It could have  
10 been a lot better; it could have been a lot worse, but I think it testifies  
11 to the long and abiding interest of citizens in that block to preserve  
12 what we believe of what's left of it.

13 And I will be very candid with you, Madame Chair and  
14 members of the Commission, right up front because we believe that  
15 that premier block of the city through adverse Zoning Commission  
16 decisions in the past have in very significant part destroyed the quality  
17 of its character all across the board, architecturally, historic  
18 preservation terms, and every other standard of measure that you  
19 care to use insofar as quality of architectural and aesthetic life in the  
20 city.

21 Mansion class townhouses have been destroyed with  
22 reckless abandon on both the north and south sides of that block,  
23 largely through the concurrence of this Commission, and it seems to  
24 me that while that issue is not outstanding in this particular case, the  
25 record is plain and replete with that kind of history.

26 The question today is usage, and it relates very  
27 strongly to the historic preservation arguments. It seems to me that

1 that block should not be burdened further with usage that is going to  
2 pose problems for residents, not only immediately in that area, but in  
3 the abutting blocks and neighborhood.

4 The security question has been raised here and  
5 testified to. Let me raise it again. Until quite recently, at the very  
6 opposite end of the block the Turkish Chancery was under 24 hour  
7 police surveillance protection, squad cars and the like. That situation  
8 has only recently ceased.

9 Now we are potentially faced with a similar situation at  
10 the very end of -- at the very other end of the block with the proposed  
11 usage of the former Yater Clinic building. It seems to me that at long  
12 last it's time for this Commission to give that block a break, and that's  
13 fundamentally all that I'm asking for.

14 It doesn't matter to us, or I should say specifically to  
15 me, but I think I speak for a very significant body of residents in that  
16 area. The usage of that building strikes me as fundamentally  
17 objectionable. It's not going to be an abortion clinic. It's going to be  
18 administrative offices for Planned Parenthood.

19 Unfortunately, in the minds of too many people in this  
20 city and elsewhere those two identities are synonymous. The blocks  
21 immediately behind Massachusetts Avenue were burdened for a very  
22 long time by the presence of an abortion clinic called Preterm in a very  
23 strongly residential area, and it seems to me that we're about to be  
24 visited with potentially some of the very same problems: squadrons of  
25 police cars, demonstrations, and the whole ball of wax.

26 So people call that a red herring. I hope it is, but  
27 there is no assurance that it is, and that is the situation that we wish to

1 confront in advance, hopefully to preempt it. After all, Massachusetts  
2 Avenue still has very strong pockets of residential character, and I'm  
3 talking about the 1700 block. I'm talking about apartment buildings  
4 right within the 200 foot range of this proposed usage.

5 CHAIRPERSON REID: Okay. You --

6 MR. McGRATH: I'm talking about the Winthrop  
7 House, the Boston House, the Bay State, and the Palladium  
8 Apartments.

9 CHAIRPERSON REID: All right. You're exceeding  
10 the time, sir.

11 MR. McGRATH: All right. I will conclude simply by  
12 stating those were all residential R-5D, high density zoning usage.  
13 We would respectfully ask that you deny the applicants permission to  
14 put in this type of office building usage on the grounds that it is  
15 improper and potentially damaging usage to a block that has been  
16 very seriously damages in historic preservation terms and in almost  
17 any other kind of livable quality terms that you care to mention.

18 Thank you very much.

19 CHAIRPERSON REID: Thank you.

20 MR. TREVELLINE: Good morning. I'm Michael  
21 Trevelline on behalf of Gloria Sabatini. My residence address is 1352  
22 Newton Street, N.E., Washington, D.C. 20017.

23 MS. SABATINI: My name is Gloria Sabatini, and I  
24 reside at 1325 18th Street, N.W. I have lived there for 24 years, since  
25 the building was built. It is called the Palladium.

26 And before I give testimony, I'd like a description of  
27 my building as Mr. Pappas -- I didn't get his description of my building,

1 and I don't agree with it, I think. When you asked what the name of  
2 the building was, and he said it's the Palladium, that's where I live.

3 CHAIRPERSON REID: And?

4 MS. SABATINI: How did he describe it? He  
5 described it as a commercial?

6 CHAIRPERSON REID: No, a condominium.

7 MS. KING: With commercial on the first two floors.

8 MS. SABATINI: It doesn't have commercial. They're  
9 all medical offices or attorney's offices. There is no commercial  
10 property.

11 CHAIRPERSON REID: I'm not sure. Just one  
12 second. Mr. Pappas, can you please come up?

13 MR. PAPPAS: Yes, ma'am.

14 CHAIRPERSON REID: I don't recall. I only  
15 remember him saying and I know the Palladium is a condominium, but  
16 what else he said, let me hear again --

17 MS. SABATINI: Well, I know it doesn't have any  
18 commercial.

19 CHAIRPERSON REID: -- just for the record. Okay.

20 MR. PAPPAS: I had referred to it as a ten story,  
21 approximately ten story condominium with commercial use on the first  
22 and lower level, and I consider office use commercial use, medical  
23 use to be one and the same.

24 CHAIRPERSON REID: Okay. Thank you.

25 MR. PAPPAS: For clarification.

26 MS. SABATINI: I'm glad he clarified that.

27 CHAIRPERSON REID: Thank you.

1 MS. KING: And are there not shops in the basement?

2 MS. SABATINI: No shops.

3 MS. KING: None at all.

4 MS. SABATINI: No walk-in commercial enterprises at  
5 all. Just psychiatrists, dentists, lawyers.

6 CHAIRPERSON REID: Thank you.

7 MR. TREVELLINE: The members of the Board, we  
8 have prepared some written documents to submit. I have the original  
9 and two copies. Would the Board like me to give all three copies to  
10 the Board --

11 CHAIRPERSON REID: Please.

12 MR. TREVELLINE: -- or just two and one to Planned  
13 Parenthood?

14 CHAIRPERSON REID: Well, are the copies -- it's an  
15 original and copies of the same document?

16 MR. TREVELLINE: Yes, yes.

17 CHAIRPERSON REID: Then, yes, please give a  
18 copy to Ms. Giordano.

19 MR. TREVELLINE: Sure.

20 CHAIRPERSON REID: And then a copy to the staff  
21 for us.

22 MR. TREVELLINE: In order to use the Board's time  
23 efficiently, our proposed plan is on Ms. Giordano's behalf present four  
24 witnesses. We list five in our witness list, but the fifth one isn't here,  
25 and we're not going to present that, and we have worked it out so that  
26 there is no repetition in the witness statements, and then with the  
27 Board's permission if I can make a brief argument at the close of the

1 four witnesses.

2 CHAIRPERSON REID: Okay.

3 MR. TREVELLINE: Okay. Ms. Giordano would like  
4 to testify now.

5 CHAIRPERSON REID: No.

6 MR. TREVELLINE: I'm sorry. Sabatini.

7 (Laughter.)

8 MS. SABATINI: The things I'd like to concentrate on  
9 are listed in the testimony that you will be given.

10 First of all, I heartily endorse Mr. McGrath's comments  
11 because -- and do I have a chance to rebut some of the testimony of  
12 the --

13 CHAIRPERSON REID: No, you don't.

14 MS. SABATINI: May I ask a question?

15 CHAIRPERSON REID: Well, excuse me. Excuse  
16 me. At this point if you'd like to.

17 MS. SABATINI: Oh, okay, yes.

18 CHAIRPERSON REID: You can do it as a part of  
19 your testimony.

20 MS. SABATINI: Can I do that?

21 CHAIRPERSON REID: Sure, sure.

22 MS. SABATINI: I'd like to get it out of the way first.

23 CHAIRPERSON REID: All right.

24 MS. SABATINI: Because I'm sitting back there  
25 listening to things, and --

26 CHAIRPERSON REID: Okay. This is your  
27 opportunity.

1 MS. SABATINI: My building is right across the alley  
2 from the Yater Medical Group, and I work there every day, night, and  
3 I'm single, and I live alone, and believe me, there are no security  
4 problems. I've lived there for 24 years. I've lived -- we don't require  
5 lighting outside. It's a beautiful corner, nicely landscaped. It is not in  
6 a the dire conditions that that lady, Sally, indicated. Only in the last  
7 couple of months because it's been unoccupied, but when the Yater  
8 Medical Group occupied it, it was beautifully landscaped. There was  
9 no need for gating.

10 They're going to gate this beautiful circular driveway,  
11 and one of the witnesses said she's going to use it for parking. It has  
12 never been used for parking by the Yater Medical people because  
13 most of the people who came to the Yater Medical Group were walk-  
14 ins.

15 Contrary to Ms. Giordano's testimony, there aren't --  
16 were not -- the density of people was not more than the density of this  
17 office building because I was a patient there, and most of these ladies  
18 were, and there were never 15 minute intervals. There were enough  
19 doctors in there there was never a line-up of people waiting to be  
20 seen.

21 There was never any parking in that circular drive. It  
22 was beautiful. I would be very unhappy if we had a gated driveway  
23 and gates, and they don't even know the names of the buildings  
24 across the street.

25 The National Trust does not have gating. It has -- and  
26 I think they're referring to the Iraqi Embassy, and as someone on the  
27 panel pointed out, that's a foreign entity and, thus, does not apply in

1 this instance.

2 My concern is the concern, again, of retaining the  
3 historic nature of that community, and we have lost -- we have lost the  
4 Yater Medical Group, which has been in that location since 1967, and  
5 prior to that was called something else, but that building has always  
6 been used as the medical center. It has always been. I was in it a  
7 couple of months before I walked past and saw it being demolished by  
8 these people from Planned Parenthood, and it was not in the sorrowful  
9 conditions that these people indicate because we wouldn't have been  
10 able to go in there if the roof was leaking and everything.

11 It was not occupied, and, sure, the foliage is  
12 overgrown now. It's overgrown because nobody is taking care of it,  
13 but it was carefully attended by the Yater Medical Group, and it was  
14 beautiful.

15 And I would sincerely oppose any gating.

16 And what's the security purpose? I thought there  
17 wasn't any reason for security here because it was going to be an  
18 office building. I mean it's kind of contradictory.

19 So consequently -- and the thing I'd really like to  
20 stress is the last time I was here, sine I was the only property owner  
21 here, I'm very distressed that you don't take into consideration the  
22 needs of many long time residents of that 1700 block. These people  
23 have worked for many years. They have supplied income taxes.  
24 They have supplied all the other taxes, except property taxes, and I  
25 think they deserve consideration as to how their neighborhood should  
26 be.

27 And they're loyal. They're not people who someone

1 will buy a property and rent it out to somebody and not care about the  
2 nature of the neighborhood.

3 We love our neighborhood. It's pretty, and it's safe.  
4 It's very safe at night. All of us or most of us are living alone. We  
5 have no compunction about walking in the neighborhood.

6 I do not want a gated neighborhood because then that  
7 will bring people who feel that there's a need to be gated, and  
8 especially a gated driveway. That's absolutely ridiculous.

9 And so consequently, my two things are I would hope  
10 that the D.C. government would help us to find a replacement for the  
11 Yater Medical Group because many of the citizens in the area, as I  
12 mentioned, are single. They're alone. They have no cars, and it was  
13 such a marvelous community resource, and it was a taxpaying  
14 resource.

15 You're substituting a nonprofit, people who don't pay  
16 taxes for something which was enhancing tax revenue, which had the  
17 loyalty of the community, and which was not disruptive in any way.

18 So I would say that I strongly urge you to deny this  
19 special exception, to help us maybe in any way you can to restore this  
20 medical, this full service, which you could go in there and you could  
21 have a mammogram. You could have a cardiogram. You could have  
22 blood studies done. You could have all of your medical needs taken  
23 care of, and you pay for them. It was not a charity clinic. It's not a  
24 clinic, to begin with. It was a medical center. It was never a clinic. It  
25 was a medical center. The clinic was kind of a slang derivation.

26 And now these people have to go all over the city to  
27 get their medical needs taken care of.

1 CHAIRPERSON REID: Ms. Sabatini, I've afforded  
2 you an additional couple of minutes --

3 MS. SABATINI: I'm sorry.

4 CHAIRPERSON REID: -- predicated upon your  
5 submission by the attorney who requested it, and your time is --

6 MS. SABATINI: Thank you very much for your  
7 consideration.

8 CHAIRPERSON REID: Thank you.

9 Mr. Trevelline, in looking at your submission you have  
10 it structured so that you have a time line for the persons?

11 MR. TREVELLINE: Yes, ma'am.

12 CHAIRPERSON REID: Okay. She was given give  
13 and let's see. Who is this that you're asking? Ann Seminara?

14 MR. TREVELLINE: Yes.

15 CHAIRPERSON REID: For two minutes?

16 MR. TREVELLINE: Yes.

17 CHAIRPERSON REID: She has three if she'd like to  
18 take it.

19 MR. TREVELLINE: Thanks you.

20 CHAIRPERSON REID: Okay. Go ahead.

21 MS. SEMINARA: Madame Chair, members of the  
22 Committee, I'm Anna Seminara, and I live at 1726 Massachusetts  
23 Avenue, which is the Winthrop. I have lived there 42 years.

24 I have seen that block change over the years, much  
25 to my disappointment, much to -- what shall I say? -- much to my  
26 regret because I, for one, with having the Brookings Institution built,  
27 which completely blocked my view of the National Cathedral and

1 denied all of the beautiful sunsets that I enjoyed and which was the  
2 reason why I took my apartment, but I have remained there with  
3 nothing but a solid wall facing me for I don't know how many years,  
4 since, I think, the early '60s.

5 But the last hearing we established, and which I was  
6 concerned about, was there was noncompliance with the BZA's  
7 requirement of notice to property owners and to the public. That has  
8 been established.

9 I wanted to say that those BZA posters are still there,  
10 but they were not updated. So they meant nothing really to the public.  
11 The public is not aware that this hearing is being held.

12 MR. TREVELLINE: Ms. Seminara, can I ask you to  
13 tell the Board what you know of the ANC approval of this exception?

14 MS. SEMINARA: I wanted to make the comment,  
15 again, with reference to public notice. I have a copy from Mr. Pitser,  
16 the Chairman. It's dated August 13th and refers to the ANC meeting  
17 of August 11th, at which time the ANC gave approval.

18 And I wondered again with reference to notice to the  
19 public. That meeting was held even before the required 15 days'  
20 notice to the public. I specifically talked with Mr. Pitser about that, and  
21 he said their public notice consists of three small cards, one posted at  
22 the neighborhood Safeway, which is at 17th and Corcoran Streets,  
23 and the other two are posted on lamp posts at either end of Church  
24 Street. That's at 17th and 18th Street. That's the extent of their public  
25 notice.

26 I wanted to say also, again, I think I mentioned -- I  
27 know I mentioned it last week. The thought bothers me that even

1       though Planned Parenthood bought the building in June and still have  
2       not satisfied the BZA in this particular requirements of obtaining a  
3       special exception, nevertheless, they have engaged a contractor.  
4       They've been busily working all summer emptying out the building,  
5       cluttering up the driveways with dumpsters and debris, and they've  
6       done this, it seems to me, presumptuously.

7                        Another point is that even though they have owned  
8       the building since June, they persist in keeping up the Yater sign.  
9       Why has that not been removed? The general public is identifying it.  
10      They are led to think that Yater is renovating that building, which is not  
11      true, and I think it's a very important point.

12                      Frankly, it appears to me that they have been  
13      deliberately denying the public the truth that the building does not  
14      belong to Yater but does belong to somebody else, and that happens  
15      to be Planned Parenthood, which is an organization that many people  
16      find very, very offensive.

17                      CHAIRPERSON REID: Okay. Your time.

18                      MS. SEMINARA: One more point.

19                      CHAIRPERSON REID: Okay.

20                      MS. SEMINARA: We have -- we have prepared a  
21      petition to the Board, and I would like to read it and present it to you.  
22      It says very simply:

23                      "We, the undersigned neighbors in this community,  
24      protest the presence of Planned Parenthood at 1780 Massachusetts  
25      Avenue, N.W. We respectfully petition the D.C. Zoning Commission  
26      to deny Planned Parenthood's request for a special exception to the  
27      D.C. zoning regulations permitting it to establish administrative offices

1 on the premises formerly occupied by the Yater Clinic."

2 We have secured 103 signatures.

3 Could I say just one little thing more?

4 CHAIRPERSON REID: Quickly.

5 MS. SEMINARA: One of the property owners is the  
6 Emerson Preparatory School, which is at 1324 18th Street. I have  
7 spoke with two of the administration people. They would have come  
8 to last week's meeting and they would have come here this morning,  
9 except that their academic year begins today, and their school opens  
10 this morning.

11 They do have 71 teenage students attending that  
12 school. They are concerned about the safety and the welfare of those  
13 students.

14 CHAIRPERSON REID: Okay.

15 MS. SEMINARA: They have signed the petition.

16 CHAIRPERSON REID: Thank you.

17 MS. SEMINARA: Thank you.

18 CHAIRPERSON REID: Please give the petition to  
19 staff.

20 MR. TREVELLINE: I did, Your --

21 CHAIRPERSON REID: Okay.

22 MR. TREVELLINE: I did, ma'am.

23 Mr. Sheehan has not been sworn yet. He wasn't in  
24 the room.

25 CHAIRPERSON REID: Okay. Mr. Trevelline, you've  
26 asked for ten minutes for his presentation?

27 MR. TREVELLINE: Yes, it may not take that long.

1 CHAIRPERSON REID: Does he need that much?

2 MR. TREVELLINE: I don't believe it's going to.

3 CHAIRPERSON REID: Mr. Sheehan, do you think  
4 that you can condense it to five?

5 MS. KING: Excuse me, Madame Chair. Are they  
6 going to address the criteria in the law or not?

7 Mr. Trevelline, is that your name?

8 MR. TREVELLINE: Yes, ma'am.

9 MS. KING: Are you going to address the criteria in  
10 the law?

11 MR. TREVELLINE: Yes, ma'am.

12 MS. KING: That are subject of the consideration of  
13 this Board?

14 CHAIRPERSON REID: I think after the testimony,  
15 then there is another segment --

16 MR. TREVELLINE: I am going to do argument.

17 CHAIRPERSON REID: -- of getting into the facts of  
18 the law, and I think that he's going to then make his brief presentation  
19 to us.

20 Mr. Sheehan, please.

21 MR. SHEEHAN: My name is Anthony Sheehan. I  
22 live in Alexandria, Virginia.

23 I swear to tell the truth, the whole truth --

24 CHAIRPERSON REID: Your address.

25 MR. SHEEHAN: 1606 Woodbine Street, Alexandria,  
26 Virginia 22302.

27 CHAIRPERSON REID: Okay. Have you been

1 sworn?

2 MR. SHEEHAN: No, I have not.

3 CHAIRPERSON REID: Okay. Well, then stand, and  
4 our staff member will swear you in.

5 (Whereupon, the witness was duly sworn.)

6 MR. SHEEHAN: I would like to address the issue not  
7 strictly on the law, as Ms. King mentioned, but certainly something that  
8 is allied to and something that is very important in this hearing.

9 CHAIRPERSON REID: Okay. Now, just one second,  
10 Mr. Sheehan. Let me caution you, and the submission specifies that  
11 you are going to explain the general history of Planned Parenthood, its  
12 races, views, and practices and effects on communities.

13 Today the purpose of our hearing is to determine  
14 whether or not this applicant complies with the existing regulations,  
15 and is there going to be in any way to run amuck of what is required  
16 for them to be able to have their application approved.

17 So getting into anything --

18 MR. SHEEHAN: Ms. Reid, if I might --

19 CHAIRPERSON REID: Let me finish.

20 Getting into anything that is not germane to the merits  
21 of the application itself, it would not be appropriate before this board.  
22 Okay.

23 MR. TREVELLINE: Members of the Board, I believe  
24 Mr. Sheehan can address the fear that the community have of  
25 protesters. He's a protester himself.

26 CHAIRPERSON REID: Okay.

27 MR. TREVELLINE: And he can fill us in on what --

1 CHAIRPERSON REID: I would allow that.

2 MR. SHEEHAN: Thank you.

3 I would like to address the issue of what sort of a  
4 neighbor Planned Parenthood is going to be in this community, and I  
5 think that's an issue not only for the community, but also for the  
6 Zoning Board to consider. I mean there are other issues aside from  
7 the strict regulations about height and occupancy and things like that.

8 And I mean, I think, for instance, that I don't know  
9 about the Zoning Board, but I'm sure the neighbors would have  
10 vehement and sustainable objections if, say, a racial supremacist  
11 party were going to move in there with its headquarters or a  
12 mandatory euthanasia party or some terrorist group decided to set up  
13 its headquarters there. The neighbors would rightly regard this as a  
14 nuisance and something they did not want in their neighborhood and a  
15 group that should not be allowed a zoning exemption.

16 Now, I'm going to show that Planned Parenthood  
17 would be a very undesirable neighbor. Now, they have said -- they  
18 have tried to diffuse our objections by saying there will be no abortion  
19 clinic in this building, thus trying to remove what they regard and we  
20 regard as the most objectional of their activities.

21 However, I will try to show that this is not necessarily  
22 true, but also there are other things that they do that are objectionable  
23 as well.

24 First, Planned Parenthood -- and I'd like to make this  
25 clear. This is not a personal attack on anybody who is here. I do not  
26 judge them. I do not know their motives, but I am just speaking of the  
27 facts of what the organization and its affiliates have done.

1                   In Iowa several years ago, in the mid-'90s -- this is to  
2 show Planned Parenthood's history of mendacity and --

3                   CHAIRPERSON REID: But, Mr. Sheehan, that's  
4 exactly the point that I'm making, is there are -- excuse me. Within the  
5 city, within Washington, D.C., jurisdictionally, our role here is to  
6 assess this case specifically as it pertains to the zoning regulations.

7                   Now, if there are any other concerns you have that  
8 are not germane to these regulations, then this is not the body; this is  
9 not within our purview to even consider those things.

10                  MR. SHEEHAN: Well, Ms. Reid, what I'm trying to  
11 show is that since Planned Parenthood has not told the truth in other  
12 instances, including zoning hearings, that they may not be telling the  
13 truth when they're here today. So that is why I want to pursue this  
14 line.

15                  CHAIRPERSON REID: Well, again --

16                  MR. SHEEHAN: I mean if they have --

17                  CHAIRPERSON REID: Again, we --

18                  MS. KING: Madame Chair.

19                  CHAIRPERSON REID: Yes.

20                  MS. KING: May I guess we will probably be imposing  
21 conditions, and if they do not fulfill those conditions, they will have to --

22                  MR. SHEEHAN: Ms. King, I --

23                  MS. KING: -- will be in violation and so forth. I don't  
24 see any reason to open the door to irrelevant.

25                  We've made a special hearing today in order to  
26 respond to Ms. Sabatini and the others who objected to our hearing  
27 the case a week ago, but I object to our sitting here and listening to

1 material that we cannot under law take into consideration.

2 CHAIRPERSON REID: This is correct, Mr. Sheehan.  
3 There may be other forums which you may undertake the other  
4 aspects. Nonetheless, for this particular hearing today, we are only  
5 allowed to deal with the case as it pertains to zoning regulations,  
6 specifically as to what has been submitted to us, and we will asses it --

7 MR. SHEEHAN: Ms. Reid.

8 CHAIRPERSON REID: -- predicated upon those  
9 merits and those merits alone.

10 MR. SHEEHAN: Ms. Reid, I understand that. One of  
11 the points I was trying to make was that I do not believe that  
12 everything Planned Parenthood has said in this hearing is true, and  
13 I'm trying to give examples to show that. That is why I want to --

14 CHAIRPERSON REID: Well, be that as it may, I can  
15 understand your --

16 MS. KING: Excuse me. Mr. Bergstein has --

17 CHAIRPERSON REID: Just one -- just let me finish  
18 my statement here, Mr. Bergstein.

19 Be that as it may, I understand that you may or may  
20 not believe what they said was true, and this is, of course, in your own  
21 judgment. Nonetheless, I don't know what kind of evidence that you  
22 can present here today that would convince us otherwise that --

23 MR. SHEEHAN: You haven't heard it.

24 CHAIRPERSON REID: What we have to do basically  
25 --

26 MR. SHEEHAN: No disrespect, but I mean --

27 CHAIRPERSON REID: What we have to do is to

1 accept the testimony on its own merit that what they are presenting to  
2 us is actually factual because they have been sworn. Now, if, in fact,  
3 that is not the case, then that can be taken up in a different forum with  
4 a whole different proceedings, but it cannot be taken up here.

5 If you would just please indulge us, Mr. Bergstein  
6 would like to say a few words. He's the attorney, Corporation Counsel  
7 for the Board of Zoning Adjustment.

8 MR. BERGSTEIN: What I'm concerned about is that  
9 the testimony that's being proffered is almost an impeachment  
10 testimony as if they're trying to impeach the accuracy of the  
11 statements that were made in the presentation by the application.

12 No one had asked for party status. The appropriate  
13 place for impeachment, if there is impeachment, is through cross  
14 examination of a witness. Confrontation of a prior inconsistent  
15 statement, examples of inconsistency or proving the facts stated could  
16 be impeached, this is a sort of collateral impeachment where there's  
17 an attempt to be shown that in some other jurisdiction, in some other  
18 place and some other zoning commission proceeding statements  
19 were made that were not proven to be true, and I think that that is not  
20 relevant testimony for the Board.

21 And also, an inquiry into the character or the  
22 intentions or good or bad motivations of Planned Parenthood is also  
23 not relevant. The only relevant criteria for the Board is the effect of  
24 the proposed use on the adjacent property and the consistency and  
25 harmony of the proposed use for the zoning regulations.

26 And anything that goes into the essential character or  
27 motivation of the applicant is really not relevant to this proceeding.

1                   CHAIRPERSON REID: Mr. Bergstein, have you  
2 concluded your remarks?

3                   MR. BERGSTEIN: Yes, I have.

4                   CHAIRPERSON REID: Okay. Mr. Sockwell.

5                   MR. SOCKWELL: Mr. Sheehan, is there anything  
6 you can tell this body that would indicate to us the previous  
7 experience that you have had with administrative offices of Planned  
8 Parenthood, their locations, their relationship to the communities in  
9 which they were situated that would give us reason to believe that  
10 they would not be a good neighbor to the community? Specifically  
11 that.

12                  MR. SHEEHAN: Mr. Sockwell, I have no personal  
13 experience with Planned Parenthood headquarters. As they have  
14 testified before, there are only four of them in the country, one in  
15 Washington, one in Chicago, one in New York, and one in San  
16 Francisco. So, no, I do not have personal experience.

17                  But I do have verified information on what has  
18 happened there, and I think as I was about to address Ms. Reid, it  
19 seemed as though you admitted the validity of my argument about  
20 their being a bad neighbor. That is the crux of the argument.

21                  The other evidence that I'm adducing is all going to  
22 support that, that this is not the sort of neighbor that the residents in  
23 this neighborhood want, and I think that is a valid concern at any  
24 zoning proposal.

25                  CHAIRPERSON REID: Okay, Mr. Sheehan. That's  
26 correct. However, you must contain your argument to the zoning  
27 regulations as to I would suppose you were referring to the adverse

1 impact aspect of it. So what you have to demonstrate to us, if you  
2 would, is how their placing their offices in that particular facility and  
3 that site will have an adverse impact on the community.

4 MR. SHEEHAN: Okay. I just have one question. So,  
5 in other words, the Board has no interest in considering what the  
6 nature of that business is in any respect?

7 CHAIRPERSON REID: On the merits, on the face of  
8 it.

9 MS. KING: Not as long as it's legal.

10 CHAIRPERSON REID: On the face of it, it is not  
11 within our purview to make that determination. Basically it is an  
12 application, and the application is going to be accepted as we do any  
13 application that comes before us, and in the opening remarks, the  
14 attorney proffered to us the nature of the business and what, in fact,  
15 the use of that particular facility would be, and this is what is a matter  
16 of record, and this is what we essentially have been given here today.

17 And are you challenging that?

18 MR. SHEEHAN: I am challenging the words that they  
19 use, yes. I think they're completely misleading, and they give a totally  
20 erroneous view of what the organization actually does and actually  
21 plans in this headquarters. Yes, I am.

22 CHAIRPERSON REID: Okay. Is your contention, sir,  
23 speculative as to the veracity of what they say they're going to do and  
24 what they actually will do?

25 MR. SHEEHAN: Yes.

26 CHAIRPERSON REID: Okay. Now, in that instance  
27 what we have is an application before us, and they have to

1 demonstrate to us that they are in compliance with the zoning  
2 regulations. If, in fact, they are proffering that they're going to put a  
3 certain type of use in the building and that use later changes or it is  
4 not in keeping with the zoning regulations, then your recourse is to  
5 then go to DCRA for enforcement.

6 You see, we can't do that here.

7 MR. SHEEHAN: What is DCRA?

8 CHAIRPERSON REID: Department of Community --  
9 Consumer Regulatory Affairs. That has the authority to then come to  
10 the facility and to either close them down, stop work or whatever, or to  
11 make them comply with the zoning regulations.

12 Do you see what I'm saying? This is just not the  
13 forum for that. So you have protection if they put something in that  
14 site that is not in keeping with the proposed or authorized use based  
15 on the certificate of occupancy. Then you have resource.

16 MR. SHEEHAN: But my original question, Madame  
17 Chairman, when you asked whether I disagreed with what they said  
18 regarding the activities that would take place in the building, I still do. I  
19 still have material here that I believe supports my claim that they are  
20 being misleading.

21 CHAIRPERSON REID: Well, if they are, again, you  
22 have recourse. If that is the case --

23 MR. SHEEHAN: But not here. You're saying I do not  
24 have it here.

25 CHAIRPERSON REID: Right, right. You don't have it  
26 here.

27 MR. SHEEHAN: Okay.

1 CHAIRPERSON REID: I was trying to clarify for you  
2 that --

3 MR. SHEEHAN: I see.

4 CHAIRPERSON REID: -- under the law you have  
5 protections, but you must --

6 MR. SHEEHAN: Okay.

7 CHAIRPERSON REID: -- proceed within the correct  
8 avenues, and we don't want to mislead you that this is it because this  
9 is not it. Okay.

10 Thank you.

11 MR. SHEEHAN: So in other words, just to reiterate to  
12 make sure I understand, should they be doing anything that violates  
13 or, you know, otherwise differs from what they said here, the remedy  
14 is through DCRA.

15 CHAIRPERSON REID: Absolutely. Mr. Bergstein,  
16 would you please elaborate on that a little bit for me as to what their  
17 recourse might be?

18 MR. BERGSTEIN: Just so it's understood, the reason  
19 that this application is being made is because the BZA's approval is  
20 necessary before general office use can be allowed in this zone in  
21 these circumstances.

22 If the BZA approves the special exception, then the  
23 applicant will be able to get what's called a certificate of use and  
24 occupancy, which will state that the use that's allowed in this space is  
25 for general office use.

26 If they are doing something other than general office  
27 use, then they would be operating outside the scope of their certificate

1 of occupancy, and DCRA could bring an enforcement action against  
2 them.

3 MR. SHEEHAN: Okay. Ms. Reid, I still have one or  
4 two other remarks to make.

5 CHAIRPERSON REID: Sure.

6 MR. SHEEHAN: We were talking about -- I guess  
7 one of the earlier witnesses said -- in fact, I guess more than one --  
8 said that as far as the headquarters buildings were concerned, they  
9 really had no problem with picketers, demonstrators, protestors.  
10 There may have been one or two isolated instances, but that was  
11 about it.

12 I don't know if this is true or not, but I can assure  
13 Planned Parenthood that there will be demonstrators here. There will  
14 be picketers. There will be protestors. They will be there regularly.  
15 They will be there in number, and they will be there protesting to the  
16 fullest extent of the law against what we believe are the murderous  
17 and diabolical activities that they're --

18 MS. KING: Madame Chair, I object.

19 MR. SHEEHAN: Well --

20 MS. KING: I think that it is not appropriate for our  
21 witnesses to be making threats. If they wish to make --

22 MR. SHEEHAN: I'm not making a threat.

23 MR. SHEEHAN: If they wish to have demonstrations,  
24 it is their First Amendment right to do so, and they get permits in the  
25 proper place. I will not sit here and listen to threats.

26 CHAIRPERSON REID: Okay. Your next point, sir.

27 MR. SHEEHAN: Okay. I just want to say this is not a

1 threat, ma'am.

2 CHAIRPERSON REID: I understand. We're clear on  
3 that.

4 MR. SHEEHAN: Okay.

5 CHAIRPERSON REID: Just the next point.

6 MR. SHEEHAN: No, that is the only point.

7 CHAIRPERSON REID: Okay.

8 MR. SHEEHAN: I was just trying to say that if  
9 Planned Parenthood believes that simply because it is a headquarters  
10 organization and not a clinic that it will be exempt from  
11 demonstrations, it's incorrect simply because their planning --

12 MS. KING: Madame Chair, I object to this witness'  
13 reiterating what I've already objected to. I think it is most offensive.

14 CHAIRPERSON REID: Point well taken, Ms. King,  
15 point well taken, and I think that that concludes your remarks, Mr.  
16 Sheehan.

17 MR. SHEEHAN: Yes, it does.

18 CHAIRPERSON REID: Thank you very much.  
19 Thank you.

20 MR. SOCKWELL: Mr. Sheehan, there's one thing I  
21 would like to say, and that is as a representative of the opposition it  
22 sounds like you are not being representative of the opposition, but a  
23 representative of your personal issue, and that means that should we  
24 grant this special exception, you are almost telling us that you would,  
25 as a nonresident and an outsider to the community, bring people into  
26 the community to disrupt the people who think that you are supporting  
27 them.

1 And I would hope that that is not the case.

2 MR. SHEEHAN: Mr. Sockwell, I am not talking as an  
3 agitator. I am not talking as somebody who's trying to bring trouble to  
4 the community. That's the reason I am here, is to prevent this whole  
5 thing from happening. I do not wish to bring trouble to the community.

6 All I am saying is that -- and I'm not just -- I am not  
7 speaking as a leader of any group. I am saying that I will demonstrate  
8 there, and I can assure you that there are others who feel the same as  
9 I do, and that they will be there because they have done so before,  
10 and there is a great deal of opposition.

11 MS. KING: Has the witness' time not expired,  
12 Madame Chair?

13 MR. SHEEHAN: I was answering Mr. Sockwell's  
14 question.

15 CHAIRPERSON REID: Mr. Sockwell did ask a  
16 question.

17 MR. SOCKWELL: I understand your position. I  
18 understand your position. Thank you.

19 CHAIRPERSON REID: I think we have clarified for  
20 everyone's edification what everyone's position is here in regard to  
21 this particular proffering that Mr. Sheehan has brought forth.

22 Now, Mr. Trevelline, you have Mary --

23 MR. TREVELLINE: Mary Zychlinski.

24 CHAIRPERSON REID: -- Zychlinski.

25 MR. TREVELLINE: Our last witness.

26 CHAIRPERSON REID: Our last witness. Okay. She  
27 has three minutes.

1 Thank you.

2 MS. ZYCHLINSKI: Good morning. My name is Mary  
3 Zychlinski, and I live at 1414 17th Street, N.W., which is around the  
4 corner from the former Yater Clinic.

5 And my concern has to do with demonstrations that  
6 may be taking place there because 17th Street, as you may well  
7 know, is one way going south, and from north of us is the police  
8 station on V Street, the fire department on U Street, and they use 17th  
9 Street all the time for all emergency calls.

10 Now, if we have any kind of demonstration -- I'm not  
11 saying our group, but any group that goes there to demonstrate -- it  
12 may block the main road that the emergency vehicles use, and that  
13 could be a problem.

14 Now, we have heard earlier that the Planned  
15 Parenthood did not have demonstrations over on Connecticut Avenue,  
16 but they were in an office building with other organizations. Having  
17 their own building will make them more susceptible to such  
18 demonstrations.

19 I do not condone, and neither do my friends -- I don't  
20 know everybody here that's speaking out -- but those that I know do  
21 not condone the murder of doctors or --

22 CHAIRPERSON REID: Can't go there. I'm sorry,  
23 ma'am. You cannot go there. Ms. King has made it very clear and I  
24 have made it very clear that that is not appropriate testimony. You  
25 can only testify as to whether or not you feel that this applicant is or is  
26 not in compliance with the existing zoning regulations.

27 MR. BERGSTEIN: May I just for a moment, if I may?

1 MS. ZYCHLINSKI: Well --

2 MR. BERGSTEIN: I think that it may be appropriate  
3 since the issue has been raised, and I think it's going to need to be  
4 resolved in the Board's decision one way or the other, of the security  
5 issue and the demonstration issue; I believe what the witness is  
6 testifying is that the fact that they will have their own building makes it  
7 more likely that there will be demonstrations.

8 I think that that type of testimony, since the issue has  
9 been raised by the applicant in terms of the absence of past  
10 demonstrations for buildings like this -- I realize it's a projection. It's a  
11 forecast. It's not based upon the past, but I don't think it's wholly  
12 irrelevant for someone to at least make the observation for whatever it  
13 might be worth if they can back it up by some statistical or other type  
14 of hard evidence, why this change would result in the possible  
15 potential for demonstrations at the site, whereas in the past there has  
16 been none.

17 Perhaps if that is, in fact, a relevant issue, and that's  
18 something that I think is going to have to be addressed, whether or not  
19 it's even a relevant issue, then you're going to need to at least permit,  
20 I think, that much testimony, assuming that it can be backed up by  
21 being something more than a surmise.

22 But I think that her statement at least can stand, that  
23 she believes that because they have their own building, they will be  
24 subject to demonstrations, whereas as a lesser in a building that they  
25 occupy, they may not. Again --

26 CHAIRPERSON REID: Mr. Bergstein, we allowed  
27 that. However, my point of departure in this is that she then started to

1 get into some of the other aspects of what she has been -- I don't  
2 know if it's her knowledge of whatever she has -- information or she  
3 has proof or whatever on the character, if you will, of Planned  
4 Parenthood, and I really did not want to open that door.

5 I think it suffices to say, and the point is well taken  
6 that because this is a free standing building that there perhaps may be  
7 more likelihood of demonstrations, unlike at the other facility, and I  
8 think that that within itself is sufficient.

9 Okay? I don't know how the other Board members  
10 feel about it.

11 MS. PRUITT-WILLIAMS: Madame Chair, you're  
12 really -- excuse me. The concern is that the mission of Planned  
13 Parenthood, however you feel about it, is irrelevant to the zoning. So  
14 that really we're looking at whether or not this office use -- and it's  
15 office use -- is an appropriate use based on the zoning regulations,  
16 and that's really it. Its mission has nothing to do.

17 While it has a very lot to do with a lot of people and  
18 their opinions, and I'm not discounting it at all; it's just not in our  
19 jurisdiction to cover, and so we need to stay focused on whether or  
20 not an office use is appropriate for this site in an SP zone.

21 MS. ZYCHLINSKI: Excuse me, but what I was saying  
22 was that there are some loony people around who murder doctors. I  
23 was not speaking about the babies. I said that there's someone might  
24 want to get after some doctors or anybody, which would cause a  
25 commotion, and I do not condone killing doctors any more than  
26 anyone else.

27 CHAIRPERSON REID: Again --

1 MS. ZYCHLINSKI: But the thing is --

2 CHAIRPERSON REID: Again --

3 MS. ZYCHLINSKI: This is the nation's capital.

4 THE REPORTER: You may not speak while the  
5 Chairperson is speaking.

6 MS. ZYCHLINSKI: I'm sorry?

7 THE REPORTER: You may not speak while the  
8 Chairperson is speaking.

9 CHAIRPERSON REID: Excuse me again, and I'm  
10 very serious about this, Ms. Zychlinski. You are insisting on bringing  
11 in at best what is speculative, and I prefer that that not be brought  
12 forth in this particular application because it is not germane to the  
13 approval of the land use under the zoning regulations.

14 I mean we could across the city say that if we read an  
15 application someone may -- a loony person or some insane person  
16 might shoot someone, but we cannot go there. We have to stay  
17 specific to what we're about here today.

18 And Mr. Gilreath has remarks.

19 MS. ZYCHLINSKI: Well, I apologize because I was  
20 thinking this being the nation's capitol, people come here to  
21 demonstrate. That was my point.

22 CHAIRPERSON REID: Sure. Just --

23 MS. ZYCHLINSKI: And I don't want 17th Street, that  
24 block --

25 CHAIRPERSON REID: They could. However, in my  
26 view people in this country have the right to demonstrate in any  
27 building that they so desire. That's a First Amendment right.

1 Mr. Gilreath.

2 MR. GILREATH: I would just simply encourage the  
3 witness to try to avoid the polemics and inflammatory language. You  
4 can say that you have safety considerations, but when you start  
5 impugning, saying these people do murderous things and so forth, I  
6 think you move beyond the level of discourse and so forth that we can  
7 respond.

8 So if you have safety considerations and so forth, but  
9 you should not characterize it in such terms that you're impugning the  
10 motives of these other people, too. So just keep the inflammatory  
11 language is my main concern.

12 CHAIRPERSON REID: Mr. Sockwell.

13 MR. SOCKWELL: The zoning ordinance has but one  
14 instance that I'm aware of where the actual activity of a business is  
15 considered specifically as a reason for denying applications, and that  
16 is the sexually oriented business which cannot be within a certain  
17 distance of residential, which must be relegated to certain zones, and  
18 that is because of the specific nature of the business. That is within  
19 the zoning ordinance.

20 But the ideology of an organization is not part of what  
21 we are working with. It is not part of this proceeding. It's merely the  
22 specific difference between what is allowed by matter of right in the  
23 zoning ordinance and the particular use proposed and whether or not  
24 we should allow the particular use on the merits of its meeting the  
25 basic criteria of the ordinance. It does not allow us to go beyond a  
26 fairly narrow band of thought, regardless of how we may personally  
27 think about this organization.

1 CHAIRPERSON REID: Of your three minutes, you  
2 have about one and a half.

3 MS. ZYCHLINSKI: Just one thing.

4 CHAIRPERSON REID: Un-huh.

5 MS. ZYCHLINSKI: I checked with ANC because we  
6 were not notified about this, and we used to get letters. They said that  
7 now they no longer get stamps. So we are not informed about things  
8 that are happening unless you happen to know -- I didn't know they  
9 put anything on the bulletin board by Safeway until I was at the  
10 meeting after we had our meeting here.

11 And so I think there's something wrong from that point  
12 of view.

13 CHAIRPERSON REID: In regard to the ANC?

14 MS. ZYCHLINSKI: Yes, ANC. They say they no  
15 longer get stamps. So we don't get informed, and we could not have  
16 been -- known about this, been at that meeting knowing that they're  
17 going to speak about Planned Parenthood when we weren't notified.

18 CHAIRPERSON REID: But other than the ANC,  
19 ma'am, we also publish in the D.C. Register. There was also a  
20 posting of the building. There were letters that went out to people  
21 within 200 feet of the facility at that particular site, and notices to the  
22 ANC.

23 So if one is flawed for whatever reason, then there  
24 are the others that are there to hopefully insure that notification is  
25 given, as well as the fact that last week we granted additional time so  
26 that everyone could be notified, so that the people who were here,  
27 even if the ANC has some problems, then the people who were here

1 could have then taken it upon themselves to make sure that everyone  
2 was notified so that they could come to this special hearing today to  
3 be given the opportunity to speak or to address any concerns that they  
4 might have.

5 MR. SOCKWELL: I think that from what you and  
6 others have said, the ANC, which is apparently putting out but three  
7 notices, at the ends of Church Street, 17th to 18th, and in the  
8 Safeway, should be doing more, and that is a community issue that  
9 needs to be taken up with the ANC.

10 MS. PRUITT-WILLIAMS: Excuse me, Madame Chair.  
11 I just would like to for your information. Councilman Cantina is the  
12 person who is in charge of the ANCs or dealing with ANCs, and you  
13 might lobby, you know, talk with him and his staff on getting additional  
14 resources for your ANC so that you can be --

15 MS. KING: His name is Catana.

16 MS. PRUITT-WILLIAMS: Catana. Excuse me.

17 -- so that you can be better informed, but that is  
18 probably the best venue for you to go on that end. It's on the 7th floor,  
19 ma'am.

20 CHAIRPERSON REID: Did you have -- did you  
21 conclude your remarks, ma'am, or did you have additional?

22 MS. ZYCHLINSKI: No, I -- I'm finished.

23 CHAIRPERSON REID: Thank you.

24 Mr. Trevelline, did you have -- this gentleman was  
25 speaking with you?

26 MR. TREVELLINE: He's going to go later.

27 CHAIRPERSON REID: Okay.

1 MR. TREVELLINE: He's not part of Ms. Sabatini's  
2 presentation.

3 MR. TREVELLINE: All right. So you have remarks?

4 MR. TREVELLINE: Yes. Madame Chairman,  
5 members of the Board, Section 500.4 of the zoning regulation talks  
6 about SP-1 and 2, and it says in both districts new residential  
7 developments shall be permitted at a higher density than new office  
8 development, both to be compatible with surrounding properties.

9 Mr. Pappas testified about extensive offices in the  
10 area, and he in his letter on the Studley letterhead in the file -- there is  
11 a computer spread sheet that lists the uses of the locations, and it's  
12 overwhelming offices. You can just go through page after page, and  
13 very rarely do you see other than an office. Very rarely do you see a  
14 residential area, a residential use.

15 The former use of that building was a medical center,  
16 and as Ms. Sabatini testified, the community was very attached to it. It  
17 was very convenient for them. It added a lot to the local area, and  
18 they would just like to see that continue, something compatible with  
19 some residential use in the area.

20 The fact is that it's already overwhelmingly office. In  
21 order to approve yet another office location, what the Board would be  
22 doing is rezoning this district into a different area. It would be -- our  
23 proposal is that it would be more appropriate for Planned Parenthood  
24 to ask that the area be rezoned in some zone designation compatible  
25 with having 90 percent offices. According to this regulation, the  
26 majority is supposed to be residential, and it's not. It's almost all  
27 offices.

1 CHAIRPERSON REID: Wait a minute. Wait, wait,  
2 wait. You're saying that you think that Planned Parenthood should  
3 request from this Board that there be a rezoning?

4 MR. TREVELLINE: Yes. That would be the  
5 appropriate thing. It would be a facade to say that this area is still SP-  
6 2 if yet another office use is to be granted since 500.4 says priority is  
7 to be given about residential development.

8 CHAIRPERSON REID: Well, first of all, that would  
9 not be correctly before this Board. That would be the Zoning  
10 Commission.

11 MR. TREVELLINE: Sure. Well, that's where they  
12 should be, before the Zoning Commission.

13 CHAIRPERSON REID: That's your opinion.

14 MR. TREVELLINE: Yes.

15 CHAIRPERSON REID: You're proffering your  
16 opinion. Okay.

17 MR. TREVELLINE: Yes.

18 CHAIRPERSON REID: Ms. King? I'm sorry, Ms.  
19 King.

20 Your client also suggested that the D.C. government  
21 should do something about returning a clinic to that spot. That is (a)  
22 not appropriate before this Board, nor I believe appropriate as an  
23 activity of the government.

24 MR. TREVELLINE: Well, I'm not --

25 MS. KING: Can you cite law under which you feel  
26 that it is appropriately before this Board or a responsibility of the  
27 District government?

1 MS. SABATINI: Yes, I can.

2 MS. KING: No, I'm asking your attorney. Your time is  
3 up.

4 MS. SABATINI: I can.

5 MS. KING: Law, what is your legal citation?

6 MR. TREVELLINE: I have no knowledge of how the  
7 community works with the government to work to have a particular  
8 business that would enhance the community locate there. I know in  
9 rural areas, Wal-mart works closely with local governments, but that's  
10 out of my knowledge, and I have no witness that has any knowledge  
11 of how that comes about.

12 MS. KING: Thank you very much.

13 MS. SABATINI: May I address that question?

14 Well, I don't know anything about law, but I do know  
15 that we have a mayor of this city, and the mayor has expressed a  
16 personal interest in this Planned Parenthood because he sent a letter  
17 to the City Council on June 30th requesting a seven --

18 MS. KING: Excuse me. Excuse me, Ms. Sabatini.

19 MS. SABATINI: I'm addressing --

20 MS. KING: My question was what provisions of law  
21 were involved in believing that this Board could insist that that property  
22 be used as a clinic, and your lawyer is not aware of any.

23 MS. SABATINI: You mentioned that the D.C.  
24 government can assist, which is what I said. You said that's not the  
25 purview of this Board.

26 MS. KING: I don't believe if --

27 MS. SABATINI: And where is there a law --

1 MS. KING: I believe it would be --

2 MS. SABATINI: May I interpret your question?

3 MS. KING: -- unconstitutional for the District  
4 government say --

5 MS. SABATINI: May I interpret her question?

6 CHAIRPERSON REID: One at a time, please. You  
7 can't both speak at the same time.

8 Ms. King and then you, and then, you know, one at a  
9 time. The recorder cannot record --

10 MS. SABATINI: I'm sorry.

11 CHAIRPERSON REID: -- and also, it's just not polite.

12 MS. SABATINI: You see I'm trying -- she's not  
13 speaking now -- I'm trying to say she -- she was questioning my  
14 asking this Board. I wasn't. I was for if you would help us in getting  
15 the D.C. government to assist us in retaining the flavor of that building,  
16 and I know -- I'm not a lawyer, but I do know that the mayor  
17 represents the D.C. government. He's the highest officer, and he's  
18 expressed an interest in Planned Parenthood occupying that building.

19 So we could then go to the mayor and ask him to help  
20 us to do what we want to do because he said he's working with  
21 Planned Parenthood, and he's requested seven and a half million  
22 dollars in floating tax revenue bonds, tax free bonds, to acquire,  
23 renovate, and equip that building.

24 Now, why can't we get the mayor to write a letter  
25 saying with us to help float a bond issue --

26 CHAIRPERSON REID: Are you asking us why can't  
27 you?

1 MS. SABATINI: Well, no, I was just bringing that  
2 point up because of the point she brought up --

3 CHAIRPERSON REID: Sure, sure.

4 MS. SABATINI: -- when I made my request.

5 CHAIRPERSON REID: I think that it's pretty evident,  
6 you know, that you certainly are within your rights to do so if you so  
7 choose.

8 MS. SABATINI: Right. Thank you.

9 CHAIRPERSON REID: Ms. King, did you conclude  
10 your remarks?

11 MS. KING: No. I just wanted to make it clear that the  
12 Board of Zoning Adjustment has no authority to dictate what Planned  
13 Parenthood should -- I mean they've made a request to us. We can  
14 tell them that we accept it or reject it, but we cannot take their property  
15 from them and give it to somebody else in order to have a clinic; is  
16 that not correct, legally?

17 MR. TREVELLINE: Perfectly correct.

18 MS. KING: Thank you.

19 CHAIRPERSON REID: Continue, please, Mr.  
20 Trevelline.

21 MR. TREVELLINE: Yes, ma'am.

22 CHAIRPERSON REID: Mr. Trevelline.

23 MR. TREVELLINE: So that you have significant  
24 property owners in the community, significant sentiment in the  
25 community that would like to see its residential nature continued.

26 The one point that I didn't think was relevant was in  
27 Planned Parenthood, in their presentation, they talked about receiving

1 the Council's support. They opened the door. So I'm just going to say  
2 one sentence about it to rebut their argument.

3 As we have put in documentary evidence, Planned  
4 Parenthood's revenue is approximately a half billion dollars a year.  
5 They have a multimillion dollar public relations offices. I mean to say  
6 that they can get some Council members to sign off on some of their  
7 PR statements isn't very helpful to the Board's determination.

8 And the final point is the area of protests. As we did  
9 put in some documentary evidence, sir, there's a great deal of  
10 animosity towards Planned Parenthood, and particularly in Third  
11 World countries where some of their policies are quite offensive to  
12 traditional societies.

13 And it just stands to reason that protests and those  
14 things will continue, but in conclusion, I would like to emphasize  
15 Regulation 500.4 does talk about priority to residential development.  
16 "Residential development shall be permitted at a higher density than  
17 new office development."

18 Thank you.

19 CHAIRPERSON REID: Thank you.

20 MR. SOCKWELL: Mr. Sabatini, in Section 500.4 --

21 CHAIRPERSON REID: Trevelline.

22 MR. SOCKWELL: I mean Trevelline. I'm sorry.

23 Excuse me.

24 Mr. Trevelline, in Section 500.4, it states specifically  
25 that new residential development shall be permitted at higher  
26 densities. New means new buildings. It doesn't mean changes of use  
27 within existing buildings. It is generally a -- it's a floor area ratio issue

1 that basically says that you can build a larger bulk for one purpose  
2 than another, and that is really not where we are in this hearing on this  
3 issue, and I don't want the audience to misunderstand the intent of the  
4 ordinance.

5 As well, if you step back in the ordinance to Section  
6 500.2, you will see that it says, "The major purpose of the SP district  
7 shall be to at as a buffer before adjoining commercial and residential  
8 uses and to insure that new development is compatible in use, scale,  
9 and design with traditional function of the zoned district."

10 It's generally new projects that you're missing, and I  
11 understand that to leave the word "new" out is convenient, but it's not  
12 correct, and that's all I had to say on that.

13 CHAIRPERSON REID: Thank you.

14 MR. TREVELLINE: Your point is well taken. We  
15 would just emphasize that nature of the community and the general  
16 policy behind it.

17 Thank you.

18 CHAIRPERSON REID: Okay. Now, any other  
19 persons in opposition? Are you the last one, sir?

20 Oh, you've spoken already.

21 PARTICIPANT: Could I just make one comment?

22 CHAIRPERSON REID: No. You've already. You've  
23 had your day.

24 PARTICIPANT: (Inaudible.)

25 CHAIRPERSON REID: No, You can't speak from the  
26 audience, ma'am. You were given the opportunity to speak, and we  
27 can't go back.

1                   This is the last person testifying in opposition. Your  
2 name, sir, and address.

3                   MR. SCOTT: My name is Michael Scott. I live at  
4 8484 16th Street, Silver Spring, Maryland.

5                   CHAIRPERSON REID: You have three minutes.

6                   MR. SCOTT: Well, that's a good start.

7                   Actually I'm -- let me just start off with my thing. It is  
8 not three minutes. It will be under.

9                   I'm the Social Justice Coordinator for the St.  
10 Augustine Catholic Church at 15th and B Streets, N.W. St.  
11 Augustine's Church was founded in 1858. It is the mother church of  
12 African American Catholics in the nation's capitol, and approximately  
13 3,000 parishioners live and worship in that community.

14                   Given the course of the proceedings this morning, I  
15 have circumscribed my remarks out of respect for the Commission as  
16 well as the process. Hence, I reduced my remarks from a neat three  
17 minutes to probably several sentences, and I've been careful to excise  
18 anything that was too particular.

19                   And, you know, I come here in the spirit of humility  
20 and respect to urge you to deny the exemption of the zoning  
21 regulations that would allow Planned Parenthood, Incorporated to  
22 open that administrative office at the former location of the Yater Clinic  
23 at 1780 Massachusetts Avenue, N.W.

24                   Given in mind that I did go ahead and circumscribe  
25 my remarks and I'm very careful to leave out particulars, I do want to  
26 go ahead and just add, based on the testimony I've heard today and  
27 the response, I'm not speaking as a matter of a personal issue or

1 personal issues on behalf of these parishioners per se, but I would go  
2 ahead and remind the Commission that when it makes its decision  
3 that social conscience and common good is the basis for all law, no  
4 matter where it is and no matter how big and how small.

5 So I just want to say that as we go along.

6 CHAIRPERSON REID: Could you repeat that,  
7 please?

8 MR. SCOTT: Basically that social conscience and the  
9 common good is the basis of all law in our society, in all societies, and  
10 no matter how big and small, it needs to be recognized even if it has  
11 not previously been stated in that context.

12 And so as a result, I basically just want to go ahead  
13 and ask you based on the criteria heard today to oppose the  
14 exemptions for Planned Parenthood in this matter. I do not believe, as  
15 well as our parish does not believe that it needs any exemptions or  
16 support in this particular matter or any matter that comes across the  
17 D.C. government.

18 And given some of the historically negative  
19 consequences that we won't go into the particulars here today, I ask  
20 you to consider them objectively, and I ask you to go ahead and vote  
21 against this exemption.

22 And I thank the Commission for giving me the  
23 opportunity and time to speak to you today, and may God guide you  
24 and bless us all.

25 Thank you very much.

26 CHAIRPERSON REID: Thank you.

27 MR. SOCKWELL: Mr. Scott, I have one thing to say

1 to you, and that is that St. Augustine's has a wonderful choir.

2 MR. SCOTT: Among many other ministries, yes,  
3 thank you very much. Thank you, Mr. Sockwell.

4 CHAIRPERSON REID: Okay. Closing remarks by  
5 the applicant?

6 MR. BERGSTEIN: Madame Chair, I don't think  
7 you've actually asked Ms. Giordano if she wanted to cross examine  
8 any of the witnesses.

9 CHAIRPERSON REID: Oh, okay.

10 MR. BERGSTEIN: And maybe just for the record --

11 CHAIRPERSON REID: I'm sorry. Since you all -- I'm  
12 sorry. I overlooked that because of the fact that you did not have any  
13 testimony in support, and so I think I just assumed, but certainly you  
14 are entitled to do that.

15 Did you not want to cross examine any of the persons  
16 who spoke in opposition?

17 MS. GIORDANO: No, I have no questions.

18 CHAIRPERSON REID: Okay. Thank you very much,  
19 Mr. Bergstein.

20 All right. Now, closing remarks by the applicant.

21 MS. GIORDANO: Yes, I'd like to ask Ms. Lendsey  
22 and Ms. McGee and Mr. Pappas to come up just to make a few  
23 rebuttal points.

24 First of all, I'd like to ask Ms. Lendsey to state what  
25 the purpose of the fence is and what its importance is to Planned  
26 Parenthood at this site.

27 MS. LENDSEY: As we viewed the restoration and

1 bringing this property back to its prominence in the community, we  
2 viewed the fence as a way of bringing character to the property, but  
3 also to secure the property just as the Selgrave Club has done with its  
4 fence, and our fence would be no higher than the Selgrave Club.

5 We are excited, as I said earlier, about being a part of  
6 this community. I mentioned that half of the employees that work for  
7 Planned Parenthood Federation of America in the public policy office  
8 are District residents. They are taxpaying residents of the District.  
9 Seven of them live within walking distance.

10 We will be good residents and good neighbors, along  
11 with those of the community that live near this building.

12 I'm a native Washingtonian, born and raised in this  
13 city. I lived in this city for a number of years, in fact, until about seven  
14 years ago. I am still a property taxpayer in the District. I do own a  
15 home here.

16 We and I as an employee of Planned Parenthood  
17 would do nothing to affect the character, safety, or security of any  
18 community in the District of Columbia, and I'd like the Commission to  
19 understand that our employees are just as excited but just as  
20 concerned about what they will do in the community to continue the  
21 good reputation and nature of this community.

22 MS. GIORDANO: Thank you.

23 I had a question of Mr. Pappas. Could you -- there  
24 was an interest in the clinic use, continued clinic use, I guess, of this  
25 building. Could you just comment briefly on what the likelihood of you  
26 think a clinic purchasing a building like this would be?

27 MR. PAPPAS: Yes. It's my experience in real estate,

1 in evaluating properties and representing entities, in leasing  
2 properties, that the economic impact of a clinic coming into this space,  
3 retrofitting it, bringing in new modern day equipment, and having to  
4 pay to acquire the building and pay to fit the building up would be cost  
5 prohibitive.

6 On a second note, when you look at other available  
7 economic alternatives to doctors and where they have congregated,  
8 typically doctors today don't want to be in a historic architectural  
9 townhouse. The majority of them in Washington are in modern day  
10 office buildings. They deal with modern day features, convenience,  
11 and to have patients walking up and down steps or to be in antiquated  
12 elevators isn't their first choice.

13 MS. GIORDANO: And you might want to comment  
14 also on the availability of parking.

15 MR. PAPPAS: Well, typically medical practice, and it  
16 was my understanding at one time in talking to Dr. Sebree, who was  
17 part of Yater Medical, that they had in excess of 5,000 patients, had  
18 served Northwest, Northeast, Southeast and Southwest, but Metro is  
19 very important, and parking is very important, and the lack of parking, I  
20 think, impacts the availability of some people to access the clinic.

21 MS. GIORDANO: Thank you very much.

22 And, Ms. McGee, just a simple question regarding the  
23 Yater Clinic's sign and why that continues to be standing on the  
24 property.

25 MS. MCGEE: We just haven't had time to take it down  
26 yet.

27 MR. PAPPAS: Could I just say one thing?

1 CHAIRPERSON REID: That was one of the --

2 MS. GIORDANO: sure.

3 MR. PAPPAS: I was just going to say one thing,  
4 Madame Chair. Typically when someone goes into a construction  
5 project and they're doing their demolition, they have a tendency to do  
6 their interior demolitions first to the extent that it's allowable by law,  
7 and when you work on your landscaping and your exterior, pointing of  
8 the brick, sidewalks, that's done at the end.

9 So in most projects I've seen, you might cover the  
10 sign. That would be a suggestion I would make if you don't remove it,  
11 but I don't go see people just tearing down signs.

12 CHAIRPERSON REID: Okay. that was one of the  
13 things that I was going to ask about because some of the issues that  
14 were raised by the opposition that were brought out, and since they  
15 are not parties to this case, there was no cross examination. So I do  
16 have a few questions, and that was one of them.

17 That is a concern, this question of the sign, and this is  
18 apparently being perceived as something negative, and is there any  
19 reason that it couldn't be removed or covered?

20 MS. McGEE: There is absolutely no reason.

21 CHAIRPERSON REID: Okay.

22 MS. McGEE: If that's a concern, we will see that it's  
23 removed.

24 CHAIRPERSON REID: Okay. That's one thing, one  
25 question.

26 The other question I have is in regard to the fence. I  
27 think that there was some concern about a gated driveway. Was that

1 proper?

2 MS. LENDSEY: That's originally in the plan as a part  
3 of keeping anyone from parking in that circle because it's not allowed.

4 MS. GIORDANO: To discourage --

5 CHAIRPERSON REID: Sure. I understand. I  
6 understand that's the intent. However, the perception and what's  
7 causing some discomfort in the community is this gated driveway.

8 If your intent is to keep people from parking there,  
9 could that not be accomplished with a chain or rope?

10 MS. LENDSEY: I'm sure we could investigate ways  
11 to manage that, but the intent of the gate was not to keep people out.  
12 We are very accessible.

13 CHAIRPERSON REID: Sure. You've testified to that.  
14 Nonetheless that's not the perception that was being perceived within  
15 the community. So as we well know, if that is an issue, then perhaps  
16 just to try to mitigate some of the perceived adverse impact an  
17 alternative that would be less imposing might be something that you  
18 may want to consider.

19 MS. GIORDANO: I just wanted to speak to that. The  
20 Board does have the authority obviously, as you know, in the  
21 regulations, the specific provision to make design modifications.

22 CHAIRPERSON REID: Sure, sure.

23 MS. GIORDANO: And you could say, "No gate," but  
24 Ms. Lendsey was trying to impress upon you the importance from their  
25 standpoint of the gate, and I can bring the architect back as well.

26 Part of the purpose of the gate is it was really  
27 considered to be an enhancement and a decorative element, and I

1 think the historic staff thought that way, too. So it may be that the  
2 perception is incorrect, that it is somehow going to have a detrimental  
3 impact, and we can give you more specifics if you'd like on the  
4 elevation of that gate and the height of the gate.

5 But we do urge you to consider not -- to taking into  
6 account Planned Parenthood's desire for that gate and their view that  
7 it's going to enhance the appearance of that building.

8 MR. GILREATH: Madame Chair, I would have some  
9 kind of a concern in putting some kind of chain across. I think that  
10 would be very unsightly. I would be willing to rely on the Historic  
11 Preservation Board to determine what seems to make it compatible  
12 and give it historic character.

13 CHAIRPERSON REID: I don't -- I don't know. I'm  
14 just kind of thinking in terms of what other kinds of alternatives. A  
15 chain or a rope, like a decorative rope or whatever, I don't know, but  
16 nonetheless, the point I'm making, and please take this well, is that  
17 you have a considerable amount of opposition here today, and what  
18 we try to do as a Board is to try to bring opposing parties and  
19 applicants into some type of meeting of the minds.

20 Certainly we're well aware of the fact that we have the  
21 power to require that that gate not be put there, but what you want to  
22 do is to be a good neighbor. You want to extend to the community the  
23 kind of impression that you are there as a good neighbor, and if there  
24 are things that can be done that would mitigate what is perceived as  
25 an adverse impact, be it in regard to the aesthetics of the building or  
26 security or whatever, compromises often are the solution to that to get  
27 to a middle ground where at least there is a comfort level.

1                   And these are the kinds of things that I was  
2 suggesting that be taken into consideration, and if, in fact, you feel  
3 that you don't want to do that, then we will then take it upon ourselves  
4 to consider, deliberate, and determine whether or not we feel that it  
5 would be in the best interest of the community or in this case the best  
6 solution would be to not have that gate. We'd make that decision.

7                   MR. SOCKWELL: Madame Chairman.

8                   Ms. Giordano, one question -- two questions. One,  
9 are there any historical photographs that were used in the design  
10 development for this project that showed an existing fence and/or  
11 gate?

12                  MS. WILSON: On this property?

13                  MR. SOCKWELL: On this property.

14                  MS. WILSON: No.

15                  MR. SOCKWELL: The Historic Preservation Division,  
16 to my understanding, having worked with them for some 15 years or  
17 so, does not recommend, require, or offer endorsements to fences  
18 and gates, but would tend not to object to such if proposed as new  
19 elements. Am I not correct?

20                  MS. WILSON: I believe so.

21                  MR. SOCKWELL: All right. So the Historic  
22 Preservation Division may like the gate, but they don't care whether  
23 the fence or the gate exists or not. It's not an issue.

24                  MS. GIORDANO: Right. I didn't mean to imply that  
25 they were asking for the gate. I --

26                  MR. SOCKWELL: Well, you said that they liked the  
27 gate.

1 MS. GIORDANO: I was really responding to sort of  
2 they like this particular gate as opposed to row or --

3 MR. SOCKWELL: Exactly. They would be --

4 MS. GIORDANO: They thought this was a decorative  
5 element.

6 MR. SOCKWELL: They would be design oriented.

7 MS. GIORDANO: Right.

8 CHAIRPERSON REID: One at a time, please.

9 MR. SOCKWELL: I understand. They would be  
10 deciding upon the design of an element if the element is proposed as  
11 meeting or not meeting the criteria that they think should be set within  
12 that particular context.

13 MS. GIORDANO: Right.

14 MR. SOCKWELL: Now, the gate and fence would be  
15 new elements. They would not be consistent with the existing  
16 character of the property, but they are elements that are desirable and  
17 that Historic Preservation has not objected to. That is all I'm trying to  
18 establish.

19 MS. GIORDANO: Right. I was responding to the  
20 Chair's suggestion of another means of accomplishing this and the  
21 design of this particular element, but I think that as far as consistency  
22 goes, the Board -- if this property didn't have a gate, which apparently  
23 it didn't, originally, the Board might still find that it's consistent if other  
24 Beaux Arts mansions of this type and style had gates typically on  
25 Massachusetts Avenue, and I don't know that that's the case, but --

26 MS. WILSON: That is the case.

27 MR. SOCKWELL: The Selgraves Club's fence and

1 gate may have existed when the building was constructed, and I don't  
2 have information to say yes or no.

3 MS. WILSON: No, I don't have information about, you  
4 know, if a gate or fence ever existed on this property, and meeting  
5 with the historic staff and their review and their acceptance of the  
6 design was based on compatibility with the neighborhood and what  
7 happens in and around the neighborhood with other mansions of  
8 similar design.

9 MR. SOCKWELL: Yes, but that's --

10 MS. WILSON: And their gate.

11 MR. SOCKWELL: But that's a compatibility physically  
12 with other properties, but not a compatibility with the character and the  
13 relationship between properties and people and things like that. We're  
14 just talking about a gate that looks like the other gates, a fence that  
15 looks like the other fences. That's okay with you.

16 MS. WILSON: Correct.

17 MR. SOCKWELL: But there has been objection  
18 raised.

19 Now, Ms. McGee, you did state that the fence would  
20 be -- you used a -- you threw out the word "three feet," and I wrote  
21 that down.

22 MS. McGEE: I'm only --

23 MR. SOCKWELL: In terms of height.

24 MS. McGEE: I'm judging by the picture over here,  
25 which is -- and what my observation is from --

26 MR. SOCKWELL: But that's a plan.

27 MS. LENDSEY: That's an actual picture.

1 MR. SOCKWELL: Oh? What picture is that?

2 MS. LENDSEY: At the bottom.

3 MR. SOCKWELL: Oh, I can't see it.

4 MS. KING: Can you bring it up so that we can --

5 MR. SOCKWELL: Yeah, would you bring it up?

6 MS. LENDSEY: That's a fence that is consistent with

7 other fences in the community, in the neighborhood.

8 MR. SOCKWELL: That's, I guess, four feet.

9 And this is the fence. Where is that fence located?

10 PARTICIPANT: Directly across the street.

11 MR. SOCKWELL: So that's at the Selgrave Club?

12 MS. LENDSEY: The Selgrave Club.

13 MS. KING: But the Selgrave Club driveway is not

14 fenced, however.

15 MR. SOCKWELL: It's not -- I don't think it's gated.

16 MS. LENDSEY: No, it isn't.

17 MR. SOCKWELL: It's not gated.

18 the other thing is that you have proposed that there

19 will be security and -- security personnel and security cameras, and I

20 assume that's on a 24 hour monitored basis.

21 MS. McGEE: Yes. The security personnel would be

22 only during business hours.

23 MR. SOCKWELL: There will --

24 MS. McGEE: Inside the building.

25 MR. SOCKWELL: But the security cameras would

26 then --

27 MS. McGEE: Twenty-four hours.

1 MR. SOCKWELL: Twenty-four?

2 MS. McGEE: Yes.

3 MR. SOCKWELL: Okay.

4 MS. PRUITT-WILLIAMS: Madame Chair, excuse me.  
5 May I ask a question?

6 Does this fall under the jurisdiction of CFA under the  
7 Shipstead Lutes Act or any other type of review process? Do you  
8 know?

9 MS. GIORDANO: It's not new construction or, no, I  
10 don't think so.

11 MS. PRUITT-WILLIAMS: I was just curious because  
12 that's another design body that has a --

13 MS. GIORDANO: Right.

14 MS. PRUITT-WILLIAMS: -- great deal of concern  
15 about it.

16 MR. GILREATH: Madame Chair, from what the ANC  
17 has said and so forth, I think there has to be some kind of impediment  
18 to keep people from parking in that driveway. At night when they  
19 close down the operation there, if you don't have something to keep  
20 the people out who can't find a place to park on Mass. Avenue, they'll  
21 pull right in there.

22 So whether it's a fence or something, we have to have  
23 some kind of impediment to keep people from parking there.

24 CHAIRPERSON REID: Okay. This is something else  
25 that came out in the testimony that I'd like clarified. You purchased  
26 the building when?

27 MS. LENDSEY: We purchased the building on July

1 12th.

2 CHAIRPERSON REID: And the question that arose  
3 was even though you had not yet had an opportunity to come to the  
4 BZA, you had already, again, commenced the renovation to the  
5 property.

6 MS. WILSON: Right.

7 CHAIRPERSON REID: Can you speak to that?

8 MS. WILSON: The closing occurred on July 12th.  
9 We were in the progress of design of the drawings around I would say  
10 the last week of July. We went to the permit office, and we met with  
11 the permit official, and we discussed obtaining a demolition permit,  
12 which really had nothing to do with use. It had to do with really  
13 cleaning out the interior of the building, the medical equipment, the  
14 waste that was left at the building, all the files that were left at the  
15 building, which took about two weeks.

16 We obtained the permit, the demolition permit, and we  
17 began really construction on August 12th and cleaning out the building  
18 and removing trash from the building.

19 It did not occur and has not been occurring all through  
20 the summer.

21 So in speaking also to the sign, you know, in going  
22 into the building initially the first concern was really taking out the  
23 waste. There was a lot of toxic waste that was left in the building that  
24 we had to remove and, you know, before we could really get the right -  
25 - you know, the real demolition crews into the building.

26 So we were first concerned with getting the trash out  
27 of the building, which occurred in the first couple of weeks, and then

1 the demolition of the interior began at that point.

2 MS. GIORDANO: Right, and I was at that meeting.  
3 Actually I arranged the meeting with Jill Dennis, who is in charge of  
4 handling complicated permit processes, and so we were very careful  
5 to make sure we told them what the use was, and we told them that  
6 we had a BZA application pending and that we needed a zoning  
7 approval.

8 So it was very up front. They knew that, and we said,  
9 "What permits can be obtained prior to that, having that zoning  
10 approval in hand?"

11 So that was very carefully orchestrated with the  
12 permitting office.

13 CHAIRPERSON REID: In other words, Ms.  
14 Giordano, you're saying that the work that was done during the  
15 summer was done with the correct permits, and I'm assuming that the  
16 idea was that you had a pending application coming to the BZA, and  
17 you did it at your own risk.

18 MS. GIORDANO: Exactly, and we just wanted to be  
19 very clear that, you know, we were doing this special purpose office  
20 use which required an approval, but what can we do to get started  
21 that's within the boundaries of the law.

22 CHAIRPERSON REID: Legally.

23 MS. GIORDANO: Right.

24 MS. WILSON: In addition, we were also granted the  
25 right to repair the exterior of the building which really had nothing to do  
26 with use, but we have not began that yet.

27 MR. SOCKWELL: Two things. One, previous to the

1 current Administrator, it was not allowed that you do demolition in a  
2 building without having submitted plans for the new construction, and  
3 those demolition permits were considered preliminary permits to the  
4 issuance of the building permit for the intended use.

5 Currently it is allowed to secure interior demolition  
6 permits for the previous tenant's build-out without having submitted for  
7 the future use. So what you have is legal under the law as it is being  
8 administered today.

9 But I will make one statement, which I noticed when I  
10 first read the application, and that is in Ms. Giordano's letter to Sheila  
11 Cross Reid, dated June 21st, 1999, the fourth paragraph, second  
12 sentence says, -- third sentence says, "The BZA's assistance in  
13 scheduling an expedited public hearing on Planned Parenthood's  
14 application would help reduce the aforementioned cost and enable  
15 Planned Parenthood to complete work on the building for occupancy  
16 prior to the spring 2000 conference," which sort of says that the  
17 assumption of approval was there in the statement in the letter, which  
18 just bothered me a little.

19 MS. GIORDANO: Okay. I just want to sort of kind of  
20 just clear up.

21 There is a presumptive element here, which I'm not  
22 going to deny, and I'm just going to -- and also I think I said it in my  
23 letter, too, that Planned Parenthood really had already contracted to  
24 purchase this property without being aware that they had to come  
25 to the BZA first. They just didn't know.

26 The recent SP text amendment was misinterpreted,  
27 and there was a conclusion that they could come in as a matter of

1 right. So that's kind of what's kind of underlying all of this, that they  
2 really had no choice but to go forward and hope for the best.

3 MR. SOCKWELL: Okay, and I can understand that,  
4 having participated in building project at Number 10 G Street, N.W.,  
5 where we completed the design of the building and found out we had  
6 to go to Fine Arts. It was just dropped through the cracks, and then  
7 we had to go in knowing that we had to win or we had to get it done  
8 because all of the money was spent then.

9 And these things do happen. So it is not common,  
10 but certainly not unheard of.

11 Thank you.

12 CHAIRPERSON REID: Okay. All right. Are there  
13 any -- do you have any other closing remarks? Board members do  
14 you have any other questions?

15 MR. GILREATH: I have no questions.

16 CHAIRPERSON REID: Okay. Mr. Gilreath.

17 MR. GILREATH: I say I have no questions.

18 CHAIRPERSON REID: Oh, no questions. Okay. So,  
19 therefore, this will conclude the hearing for today.

20 MS. PRUITT-WILLIAMS: Excuse me, Madame Chair.  
21 Are we going to do -- I mean do you have any additional information to  
22 be submitted and times for findings of fact to be submitted and that  
23 type of thing? We need to do that now.

24 CHAIRPERSON REID: Okay. What I was going to  
25 say, this concludes the hearing for today. However, this particular  
26 case will be deliberated on the next hearing date, which will be --

27 MS. PRUITT-WILLIAMS: That's my concern. That's

1 my question. Is the Board going to leave -- is the record closed?

2 CHAIRPERSON REID: Well, as far as I know. We  
3 have not requested any other submissions.

4 MS. PRUITT-WILLIAMS: Well, the next available  
5 meeting date is October 6th, which means that we would need to have  
6 in our office findings of fact, draft orders of findings of fact and  
7 conclusions of law probably by the 28th, and if that's --

8 MS. GIORDANO: That's no problem.

9 MS. PRUITT-WILLIAMS: Okay.

10 CHAIRPERSON REID: On disk form if you will.

11 MS. PRUITT-WILLIAMS: Then we can put it on the  
12 agenda, and that's what I wanted to touch base.

13 CHAIRPERSON REID: It will be our next scheduled  
14 meeting at which time we will take this particular case into  
15 consideration.

16 MS. GIORDANO: Thank you.

17 MS. PRUITT-WILLIAMS: Thank you.

18 MR. BERGSTEIN: May I ask?

19 CHAIRPERSON REID: Yes.

20 MR. BERGSTEIN: Madame Chair, did the Board  
21 want any specificity with respect to the height of the fence in terms of  
22 a statement for the record as to what the actual height of the fence is?  
23 It was sort of left up in the air.

24 MR. SOCKWELL: Yeah, I would certainly like the  
25 architect to specify the intended height of the fence, the stanchions  
26 supporting the gate, and the gate itself, and the distance from the  
27 property line to the face of the fence on the 18th Street side, as well

1 as the Massachusetts Avenue side.

2 CHAIRPERSON REID: And I would like to see in  
3 regards to the gate some rendering of some alternatives to what you  
4 have originally proposed as an alternative to what -- something that is  
5 less intrusive.

6 Okay? Does that conclude?

7 MS. GIORDANO: Can -- I'm just asking staff -- does  
8 that allow a seven day period, the 28th? If we submit that on the 28th  
9 --

10 MS. PRUITT-WILLIAMS: Well, there are no parties to  
11 respond.

12 MS. GIORDANO: There are no parties. All right.

13 MS. PRUITT-WILLIAMS: That's why. It's very simple  
14 this time.

15 MS. GIORDANO: Okay.

16 CHAIRPERSON REID: Okay. We're about to  
17 conclude the hearing, and I see hands coming up.

18 MR. GURLY: Are additional individuals allowed to  
19 speak?

20 CHAIRPERSON REID: Oh, okay. Come forward, sir.

21 The hearing has now been -- we are now concluding  
22 the hearing, and to answer your question, those persons who were in  
23 support had an opportunity to come forward. I don't know. Maybe  
24 you were not here, but excuse me. The attorney for the applicant  
25 stated that she didn't have people to testify in support of. So,  
26 therefore, that particular time has passed.

27 However, this is an anomaly, but I will let you just give

1 your name and for the record and state that you're in support, but you  
2 cannot go into testimony because this -- we have --

3 MR. GURLY: Are you denying me an opportunity to  
4 speak in favor of the proposed exception?

5 CHAIRPERSON REID: No, I didn't say that. What  
6 I'm saying to you is this. The hearing started supposedly at 9:30 this  
7 morning.

8 MR. GURLY: Yes, ma'am.

9 CHAIRPERSON REID: Every opportunity was  
10 afforded anyone, and I asked at least three times for persons in  
11 support to come forward.

12 MR. GURLY: Well, as you may be aware, I was not  
13 present.

14 CHAIRPERSON REID: Okay. I'm not finished.

15 MR. GURLY: Okay.

16 CHAIRPERSON REID: What I said was I will -- I will,  
17 even though it's irregular, allow you to give your name and to weigh in  
18 in support, and if you have a written testimony, you can submit that  
19 because the record is still open, and we will read it, but I am not  
20 inclined to give you time at this point, at the end of the hearing, to give  
21 oral testimony.

22 MS. PRUITT-WILLIAMS: Madame Chair, you'd have  
23 to reopen the record because it was closed. It's just a formality. I'm  
24 just trying to keep things straight. That's all.

25 CHAIRPERSON REID: Okay.

26 MR. GURLY: Yes. Do I have an opportunity to  
27 speak?

1 CHAIRPERSON REID: You. Again, you can submit  
2 your written testimony. You can give your name, and you can just  
3 basically for the record give your position, but the record is closed. I'm  
4 just basically going to reopen it to allow that, but we're not going to  
5 because of the fact that -- I'm not going to impose upon everyone in  
6 this court -- I mean, in this hearing room additional time for you  
7 because you were the one who came in late.

8 MR. GURLY: Well, Ms. Reid, I didn't --

9 THE REPORTER: Could you give your name,  
10 please?

11 MR. GURLY: Yes. My name is Glenn Gurly. I'm a  
12 resident of Ward 1.

13 I've chosen to come here to speak in favor of the  
14 exception that's being requested of the SP-2 exception because I  
15 believe that the -- the -- the proposed -- the proposed use for the  
16 facility --

17 MS. PRUITT-WILLIAMS: Excuse me. I'm sorry to cut  
18 you off, sir. I just wanted to be sure. Is this to be in the transcript or  
19 not? Are we on the record or not?

20 CHAIRPERSON REID: I said I'd reopen to let him  
21 make a statement.

22 MS. PRUITT-WILLIAMS: We just needed to be clear.

23 CHAIRPERSON REID: We would open the record for  
24 him to make a statement, but I did not open it for him to give a  
25 presentation, and that he could give a written -- give his written  
26 testimony to us so that we could read it.

27 MR. GURLY: Well, I'm not an attorney, and I certainly

1 don't understand some of what's going on here at this point in terms of  
2 whether I'm speaking to an open or closed record.

3 CHAIRPERSON REID: No, no. I told you that you're  
4 speaking to an open record. You can't speak to a closed record.

5 MR. GURLY: Well, then if I can just gallop through  
6 my brief comment, I would appreciate that opportunity.

7 CHAIRPERSON REID: Board members?

8 MS. KING: Do you have a written statement, sir? Are  
9 you reading from a statement?

10 MR. GURLY: Well, no. I've got a written statement.  
11 Yes, I do, but I don't want to submit all of that because it's -- there are  
12 some issues in there that since I've been here I've observed that are  
13 improper to introduce. So I just briefly want to weigh in, as the  
14 Chairperson has indicated.

15 I am a resident of the District of Columbia. I am a  
16 contractor in the District of --

17 CHAIRPERSON REID: All right, okay. Two minutes.

18 MR. GURLY: I've got two minutes?

19 CHAIRPERSON REID: Two minutes.

20 MR. GURLY: Thank you very much.

21 I believe that having been -- let me start it this way.  
22 Having been a resident of the District since 1963, having been an  
23 activist for a great many years, having volunteered to go to jail, the  
24 District jail on behalf of home rule, having demonstrated all over the  
25 country on behalf of civil rights, on many occasions with Dr. Martin  
26 Luther King, I feel that what we have at this particular time that's  
27 occurring on Massachusetts Avenue is quite an abomination of the

1 better things that has arisen as a result of civil rights movements in  
2 this country, and particularly in Washington, D.C.

3 I've had an opportunity to read the letters that have  
4 been written by the Archdioceses of the District, by the Catholic  
5 Churches or affiliated Catholic Churches, and they've raised some  
6 issues of race, of poor people and race and how it relates, and I think  
7 that --

8 MS. KING: We did not admit that testimony.

9 MR. GURLY: Well, I'm only stating that in an  
10 overview of the kind of comments and testimony that you have to look  
11 at --

12 MS. KING: We do not. We declined to look at it.

13 MR. GURLY: Well, that's fine. I'm purely asking -- I'm  
14 purely asking that the --

15 CHAIRPERSON REID: Please.

16 MR. GURLY: -- Board carefully look at an area in  
17 which a number of poor women in this community will have to  
18 available themselves of the kind of services --

19 MS. PRUITT-WILLIAMS: Madame Chair, this is not --  
20 I mean this not in reference to -- the testimony, I believe, is off base  
21 and should be only on the office building and not the use or, rather,  
22 the mission or ideology of the --

23 MS. KING: Absolutely.

24 MR. SOCKWELL: Mr. Gurly.

25 CHAIRPERSON REID: What is your name?

26 MR. GURLY: My name is Glenn Gurly, and I --

27 CHAIRPERSON REID: Mr. Gurly. Mr. Gurly, the only

1 reason why I allowed you to speak is because some of the Board  
2 members expressed to me that they felt that you should be. However,  
3 if you had been here, then you would have known that any information  
4 that was proffered to us that was not germane specifically to the  
5 zoning regulations was not allowed, just as the trend that you're going  
6 in right now will not be allowed.

7 Now, you have about 30 seconds. So make your  
8 point.

9 MR. GURLY: Well, my point is that --

10 CHAIRPERSON REID: But it has to be germane to  
11 the zoning regulations.

12 MR. GURLY: -- is that the exception -- that the  
13 exception that was requested in the application I think is a valid  
14 exception. I think it's an honorable exception to request simply  
15 because the services that this entire hearing regards happens to be  
16 the kind of services that are much needed in a community where we  
17 have --

18 CHAIRPERSON REID: Just leave it right there. Just  
19 much needed. Okay?

20 MS. KING: Thank you very much, Mr. Gurly.

21 MR. GURLY: Thank you.

22 CHAIRPERSON REID: Thank you.

23 All right. That concludes today's hearing.

24 (Whereupon, at 12:18 p.m., the special Board  
25 meeting was concluded.)

26

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