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BOARD OF ZONING APPEALS MEETING
CITY COUNCIL CHAMBERS
Thursday, October 12, 2023
7:30 p.m.

1. CALL TO ORDER

MR. MISLEH: Good evening. I'd like to call the meeting of the Board of Zoning Appeals meeting for October 12th to order.

2. ROLL CALL

MR. MISLEH: Please call the roll.

RECORDING SECRETARY: Mr. Peter Kien.

Is absent.

RECORDING SECRETARY: Mr. John Misleh.

MR. MISLEH: Here.

RECORDING SECRETARY: Ms. Kristine Ward.

MS. WARD: Here.

RECORDING SECRETARY: Mr. Keith Bartlett.

MR. BARTLETT: Here.

RECORDING SECRETARY: Mr. Dale Eppler.

Is absent.

RECORDING SECRETARY: Mr. Gene Gresko.

MR. GRESKO: Here.

RECORDING SECRETARY: We have a quorum.

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MR. MISLEH: Thank you.

3. PETITIONS

MR. MISLEH: Do we have any Petitions before us this evening?

RECORDING SECRETARY: We do not.

4. OLD BUSINESS

a. Variance application V1643-23 by Oak Park LLC, applicant and owner, for a variance to Section 48-1101 to allow maximum lot coverage of 55% instead of the 40% to construct a two story daycare facility, at 711 Park Avenue, RPC #51-131-017 of the Falls Church Real Property Records, zoned T-1, Transitional District.

MR. MISLEH: I believe we have the one item of Old Business, variance application V1643-23 by Oak Park LLC, applicant and owner, for a variance to Section 48-1101 to allow maximum lot coverage of 55% instead of 40% to construct a two story daycare facility at 711 Park Avenue.

We have the applicant here. Thank you for coming this evening.

49 Before we start, if you could please fill out
50 the sheet on the table and for everyone that's going to
51 speak this evening, raise their right hands.

52 (Witnesses sworn.)

53 MR. MISLEH: Thank you very much.

54 I'll go ahead and turn it over to staff to
55 give us a quick update.

56 MS. ROUZI: Thank you, Mr. Chair.

57 This item was continued from the Board's
58 September hearing. At that September hearing, the Board
59 discussed the item, the application and decided to wait
60 until after Council action on the T-Zone Amendment.

61 The City Council approved the final Code
62 amendment on September 26th and with that approval the
63 new Code will go into effect January 1, 2024.

64 I'll provide a quick summary of the
65 application and then turn it over to Ms. Willis to
66 provide a summary of the public comments received on the
67 application. We've had a couple since the last hearing.

68 This property is zoned T-1, Transitional
69 District. The applicant proposes to construct a new
70 two story daycare center. The project is considered by
71 right development subject to a site plan approval by
72 Planning Commission. The only exception here is the lot
73 coverage which exceeds the maximum permitted in the

74 zoning district. The maximum lot coverage permitted
75 under the current T-Zone regulations is 40 percent and
76 the applicant is requesting 55 percent.

77 As with commercial variances, the Planning
78 staff reviewed the application and provided a
79 recommendation based on the merits of the project. In
80 this case staff's recommendation was approval of the
81 variance.

82 The Planning Commission reviewed the
83 application at their July 19th hearing. Three members
84 voted for approval and three members voted against which
85 resulted in a tie vote.

86 The AAB held a public hearing last night on
87 the site plan and recommended approval of the proposed
88 project.

89 And as a matter of procedure before I turn it
90 over to Ms. Willis, without this variance tonight the
91 project cannot proceed to site plan approval by the
92 Planning Commission this month.

93 With that, that concludes my presentation.

94 MS. WILLIS: The written comments received
95 from the public are attached under the second staples in
96 your packet along with the summaries and the original
97 comments submitted.

98 We had a total of six.

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The following wrote in opposition to the proposed variance application: Ms. Catherine Lockwood at 900 Park Avenue.

The following wrote with concerns and suggested a change to the proposed variance: Ms. Leslie Spitzedson at 205 North Lee Street and Ms. Rachel Swan, corner of 200 North Oak Street and Park Avenue.

The following wrote in support of the proposed variance: Rich Palmer of 706 West Broad Street, Hilton Garden Inn, Inns of Falls Church, LLC, and Noel Sweeney, 703-705 Park Avenue and 821 West Broad Street.

We did have another comment submitted from Peng Highnam at 206 North Lee Street. And that's all we received.

MR. MISLEH: Thank you.

MR. PAINTER: Thank you very much, Chair Misleh.

My name is Andrew Painter. I'm a zoning attorney at the law firm of Walsh Colucci working with Oak Park LLC. Jeff Wilbern is the project architect and Bob Young is a member of the partnership as far as the LLC.

Last month we appeared before you, we asked for deferral of your vote to allow Council action. This was kind of where the discussion ended.

124 We did provide a full presentation last month
125 and over the past month really two major things have
126 occurred. In response to Planning Commission comments,
127 we have made substantial changes to the architecture and
128 Jack is going to walk us through those with you.

129 And then as staff mentioned as well, T-Zones
130 were approved by Council's signal that a 60 percent lot
131 coverage from a public policy perspective, at least is
132 appropriate making better use of what limited land the
133 City has, especially from a commercial perspective.

134 Last time we also discussed 15.2-2309(2),
135 which allows variances under three circumstances. One
136 of which is obviously to alleviate a hardship due to the
137 physical condition of the property. And I think the
138 Board members were kind of concerned about whether or
139 not it met that criteria, what does it mean.

140 And then the other one, of course, you can
141 grant a variance is to provide relief, if the ordinance
142 would unreasonably restrict the utilization of the
143 property.

144 There's a third one as well related to
145 individuals with disabilities but that's not really an
146 issue.

147 We did talk through some of the --

148 MR. BARTLETT: Can I pause you for a second?

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MR. PAINTER: Yes, certainly.

MR. BARTLETT: Can you slow down and repeat what you just said about the two allowable circumstances for a hardship.

MR. MISLEH: I'm sorry, Mr. Painter. I just want to point out that the three members here, Ms. Ward attended the last meeting virtually, the other two members were not here. So I'm the only one that was present.

MR. PAINTER: Understood. Certainly.

If you look at 15.2-2309(2), there are three circumstances in which variances could be granted. One is if it is going to unreasonably restrict utilization of the property, application of the ordinance will unreasonably restrict the utilization of the property. That was added to the Code in 2015.

The second one is the granting the variance would alleviate a hardship due to the physical condition related to the property.

And the third is that it would alleviate a hardship by granting a modification to the property or improvements requested by or on behalf of an individual with a disability.

So those are the three circumstances.

173 And before 2015, we talked last time about
174 before 2015, it was a very high bar. It has to be
175 basically a hardship approaching confiscation. The
176 General Assembly changed that to add in the first
177 criteria which is unreasonably restrict the utilization
178 of the property. So it lowered that bar. And that's
179 statutory.

180 We did talk about the unique character of this
181 property. We talked about its small size. We talked
182 about it being at a corner configuration at Oak and
183 Park, which means you have to have two front yard
184 setbacks. There were also restrictions to where access
185 can occur due to distance from stop signs, a corner
186 intersection.

187 We are effectively having walls on two sides
188 due to the Hilton Garden Inn parking garage which is
189 relatively new in the City.

190 And then we had a brief discussion about other
191 projects. And the number of projects that have received
192 lot coverage modifications, there are some. But I think
193 the most applicable, the one that's most similar is the
194 library where it received a lot coverage waiver in 2018.

195 If any of you all are familiar with the
196 library, it is also a corner lot at Virginia and Park.
197 There they were requesting a lot coverage variance from

198 41.6 percent to 57 percent. They also requested setback
199 variances along Park and Virginia. All three variance
200 requests were granted.

201 And there was an issue with that case as well
202 about storm water management. Like that site, there was
203 no storm water management provided there, that means a
204 sheet flowed off the property. The same thing is true
205 here. And there was a note that this would improve
206 storm water management similar to what we are providing
207 here.

208 So in looking at least at the most analogous
209 project with the library, we're really not asking for
210 anything different than what was provided by the BZA for
211 the library expansion.

212 If you look at the similarities, number one,
213 same geographic constraints of the corner, number two,
214 same lot coverage request, only it was more than what we
215 are requesting here. And then three, the same statutory
216 construct and standards that were in effect in 2018 are
217 in effect here.

218 There are some differences though. We are
219 requesting fewer variances. They were requesting three;
220 we are requesting one.

221 The second difference is that we are
222 requesting a lesser variance. Instead of 57 percent,
223 it's 55 percent.

224 And then third, the T-Zones has been approved
225 which is not in effect as far as the Code here but it
226 does signal the City Council's public policy preference
227 for increasing the maximum lot coverage or the maximum
228 lot coverage you have as a matter of right in a T-Zone.

229 We have worked over the past several months.
230 There have been multiple deferrals of votes of various
231 bodies. We've gone to the Planning Commission a number
232 of times. And I would say too last night we did present
233 the revised architectural plans to the AAB which gave us
234 a unanimous recommendation of approval. So we're happy
235 to have that and again, Jack is going to walk through
236 that.

237 But again, this is an economic development
238 opportunity for the City to take under-utilized ground
239 and turn it into something that can pull in individuals
240 and generate tax revenues. It's also an opportunity to
241 redress the deficiency of child care availability slots
242 in the City, to deliver quality streetscape as
243 envisioned by the City's Small Area Plan and the 2017
244 Streetscape Master Plan. And as I mentioned before,
245 address storm water.

246 So with that, I'm going to turn it over to
247 Jack, the architect, who can walk you through some of
248 the changes and we'll go from there.

249 MR. WILBERN: My name is Jack Wilbern. I'm a
250 registered architect in Virginia, but I'm also a member
251 of the Oak Park LLC, so I'm here in two capacities.

252 For those of you who weren't at the meeting,
253 this is the corner of Oak and Park, tucked into the
254 little piece. We're about 20 percent smaller than the
255 library site, just to put it in context.

256 Just to reacquaint everyone, the image on the
257 left is the 40 percent lot coverage footprint which
258 would under Code allow us to be three stories and 45
259 feet tall.

260 The image on the right is what we're proposing
261 to do is not just eat up more site. What we're actually
262 doing is reducing our footprint that touches the land.
263 We're swinging the upper floor over the parking lot. So
264 in this case there is no increase in the pervious and
265 there is actually more green space.

266 As Andrew was saying, to the right side of our
267 reduced footprint we were able to put a storm water
268 structure in the back of the parking lot and take it out
269 through Park, alleviating what is otherwise a sheet flow
270 down into the parking garage.

271 This is the decorative site plan that we've
272 been updating. Staff has indicated that they have a
273 separate process to allow us to do a different planting
274 structure on the parking. They've indicated they
275 support that.

276 All along Park we're doing a full streetscape,
277 with buffer trees, decorative sidewalks, planting all
278 the way to the building.

279 On the Oak Street, which has no street
280 parking, we're actually constrained by utilities to fold
281 the tree line inward in which case we have to use
282 dogwoods but that seems like a net benefit. We get to
283 use the pretty trees on Oak which is where our main
284 entrance is. In addition our planting strip that's
285 against the trees will have the little urban fence
286 detail so it keeps kids from coming out of our building
287 and going into the street.

288 So this was a lot of design progression. Our
289 operator had a prototype that we've then evolved and got
290 feedback at one point to bring it and make a false
291 entrance on Park. The AAB said no, don't do that. And
292 they also asked us to do a complete redesign and make it
293 more in keeping with current conditions and more recent
294 architecture in the City.

295 This shows the elevation from Park. It shows
296 the parking garage, the hotel beyond, the hint of 800
297 West Broad off to the right and the St. James parking.
298

299 The most dramatic condition is to take this
300 side which is the actual entrance, the smaller opening
301 is for pedestrians to come in and enter through the
302 middle of the facility and the right hand is for the
303 parking which is fully screened by walls and stairwell.

304 That has been transformed into this. And as
305 Andrew said, we have 100 percent, AAB, saying it was
306 fantastic. They were thrilled to -- come in and say we
307 were approved as opposed to the previous application.

308 This again shows the context of the existing
309 B-1 Zoning which allows 35 feet, two and a half stories;
310 our building which is two stories. And then the 85 to
311 100 feet that's up on West Broad.

312 So we are very much in the Transition. We're
313 37 feet to the average roof line rather than 45 but we
314 have kept everything below 45, even the ridges or any
315 kind of stairwell or elevator.

316 And that's where we are.

317 It's not particularly pertinent but we were
318 just really excited. We made a really big change on
319 this project in the past month and we wanted to bring
you all up to speed on it.

320

And that's us. That's it.

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MR. MISLEH: Thank you.

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I have a question. I'll open it up. On this slide in particular, Mr. Wilbern.

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MR. WILBERN: Yes.

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MR. MISLEH: I see there's a reference to the setback on Park Avenue.

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MR. WILBERN: Correct.

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MR. MISLEH: As 16 foot 6 inches.

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MR. WILBERN: Correct. From the back of curb, we're required to do 15 or 16.6, to get us full streetscape. The setback on Polk is almost 20 feet probably because of the utilities and we had more freedom in that direction than we did the other way because the parking had to go to one of the buildings on that location because of the setbacks imposed.

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MR. MISLEH: Those have both changed since the last time?

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MR. WILBERN: The AAB?

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MR. MISLEH: No, the setbacks. They've increased since the last time meeting with you?

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MR. WILBERN: No. Those are the same ones.

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MR. MISLEH: Thank you.

343 MR. GRESKO: Mr. Wilbern, back to, I don't
344 know what chart it was where you're showing the top-down
345 view of the property.

346 MR. WILBERN: The overall property or the one
347 that shows the --

348 MR. GRESKO: Shows 40 percent versus --

349 MR. WILBERN: Yeah, this one.

350 MR. GRESKO: You stated that this proposed on
351 the right has more green space.

352 MR. WILBERN: Correct.

353 MR. GRESKO: But isn't that a function of
354 your, on the 40 percent lot you're reserving parking to
355 surface versus any consideration for underground which
356 could have alleviated some of the need that was looking
357 at over there.

358 MR. WILBERN: That's economically not feasible
359 for this site because if you have a ramp, you would
360 basically eat up the entire site anyways and you would
361 push an entire parking lot underneath the building. We
362 wouldn't increase or benefit parking and it would be
363 economically infeasible for any project that's 30,000
364 square feet of lot to provide parking which is estimated
365 somewhere between six and eight times per space.

366 In other words, if a half grade is 10,000, below

367 grade is 40,000. So that is not economically feasible
368 for any project this small on this site to do.

369 MR. GRESKO: And this small is saying you have
370 to have that much square feet for this property, I don't
371 know if it's going to be a lessee or whatever the
372 situation, what that square feet --

373 MR. WILBERN: Daycare has sort of a sweet spot
374 in terms of operational standards as you all probably
375 well know, read the papers. Daycare is having a huge
376 problem retaining staff, in coordinating. So some of
377 the larger companies have established that they want to
378 provide state-of-the-art facilities with areas necessary
379 to meet Code plus so that they have the best
380 opportunities in having employees and the best
381 opportunities for people to use the facility.

382 So they -- almost all facilities that are
383 smaller than this are closing up shop left and right
384 throughout the area. So that's pretty much a function
385 of this use needs about 12,000 square feet.

386 MR. GRESKO: So like Rich has said, for us to
387 be viable --

388 MR. WILBERN: We've met with brokers to talk
389 about the other facilities in this area, and they're all
390 hitting that same number.

391 MR. YOUNG: Or more.

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MR. WILBERN: Or larger.

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MR. MISLEH: Do you have any questions?

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MR. BARTLETT: Sure, I have questions.

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What do you mean by green space and how is it

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increasing? How do you find green space?

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MR. WILBERN: In this case it's playground for

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the kids. We're able to provide them with 1050 square

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feet. So the building by right could be 109 feet long.

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We're 84 feet long. So on this plan, plan right, that

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could be covered with building but we're providing open

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spaces.

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MR. BARTLETT: What's your definition of green

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space?

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MR. WILBERN: We're following what the Code

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definition says. It's open space. It's not building,

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it's not impervious.

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MR. BARTLETT: Open pervious space?

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MR. WILBERN: It's not impervious.

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MR. BARTLETT: Not impervious.

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MR. WILBERN: Correct.

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MR. BARTLETT: Pervious space.

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MR. WILBERN: Correct. Flammable,

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inflammable.

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MR. BARTLETT: How much pervious space is

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currently there?

417 MR. WILBERN: Total, I'd have to look at the
418 submitted documents from the civil engineer but we are
419 increasing some existing, it's two very small houses,
420 and there's a fair amount of parking but it's not --

421 MR. BARTLETT: I just see like, I mean the
422 pavement is just very full and more green space, I don't
423 see how you're --

424 MR. WILBERN: Well, we're providing --
425 basically the math is by right 40 foot lot coverage is
426 109 feet long. And we're only 84 feet. Because what
427 we're doing is we're swinging and making the second
428 floor bigger so we could be shorter and we could swing
429 it over top of the parking lot.

430 So that shrinks our footprint that is touching
431 the ground and --

432 MR. BARTLETT: By right, not by reality. Like
433 what's currently there.

434 MR. WILBERN: In comparison to what's there?
435 No, no. Any development on this site would increase the
436 amount of pervious area. What we're talking about is 40
437 percent by right would result in less open space than
438 what we're proposing.

439 MR. BARTLETT: So you're not saying actually
440 this is more green space that's currently there.

441 MR. WILBERN: No.

442 MR. BARTLETT: This statement is actually more
443 green space than I have to provide.

444 MR. WILBERN: Floor -- correct.

445 MR. BARTLETT: That's the correct definition.

446 MR. WILBERN: Yes.

447 MR. BARTLETT: Not more green space. Because
448 you're not actually increasing green space.

449 MR. WILBERN: From what's there?

450 MR. BARTLETT: Yes.

451 MR. WILBERN: No. No project would because --

452 MR. BARTLETT: Well, that's not true either.

453 You could choose to increase green space, actual green
454 space.

455 MR. PAINTER: If I may, it really is the
456 difference between what could be built as a matter of
457 right on one side of the screen versus what we are
458 proposing on the other side of the screen.

459 It does have reduced footprint. It does have
460 reduced height. And we are able to capture more open
461 space.

462 MR. BARTLETT: Thank you.

463 MR. MISLEH: For the benefit of our Board
464 members who weren't here at the last meeting, can you
465 explain to us the reasoning why you need the playground
466 space there and you couldn't put it on the roof.

467 MR. WILBERN: We had a couple of discussions
468 regarding that.

469 MR. MISLEH: Correct. And why you need the
470 setbacks where they are versus potentially in
471 conformance with the Council-approved T-Zone.

472 MR. WILBERN: There's a two tier requirement
473 for the smallest children versus older children in this
474 case. From zero to 2, toddlers have to be at grade.
475 They can't be above grade. You have to be able to
476 emergency exit them immediately to grade.

477 So that's what's on the first floor and their
478 playground is immediately adjacent so that, in fact,
479 they have the easiest path.

480 The older kids are all up on the second floor
481 and they have rooftop access. And the rooftop access
482 playgrounds in most daycares are not all simultaneously.
483 They feed them in waves, they let them play outside in
484 waves. So we were able to provide all the outdoor space
485 at grade for the top, the smallest children, and the
486 remainder on the roof deck for the older children.

487 MR. BARTLETT: So on this page right here,
488 that top right corner, that's the ground level --

489 MR. WILBERN: -- playground.

490 MR. BARTLETT: -- pervious ground.

491 MR. WILBERN: Correct.

492 MR. BARTLETT: That is not the only ground
493 cover.

494 MR. WILBERN: Well, we have also the -- we
495 have the buffer planting alongside the right side of the
496 parking lot. We're doing a green screen across the
497 bottom and we actually in essence have an extra five
498 feet of green space on Oak. We had the ability to have
499 our cake and eat it too, we could push and make more
500 green on Oak Street but still have the Code-required
501 green space for the children on the right side.

502 MR. BARTLETT: And then you're putting this,
503 their play space, their outdoor space is on the roof?

504 MR. WILBERN: Yes. We have a plan of that
505 later in the presentation but basically it requires them
506 to be impact resistant and shaded and playful. There's
507 a lot of State requirements in play.

508 MR. BARTLETT: I hope so.

509 MR. WILBERN: Yeah.

510 MR. BARTLETT: I wasn't here last week so I
511 have some basic questions.

512 Mr. Painter, you said there's basically three
513 scenarios to issue a variance. One is not really
514 applicable. Two, the physical condition of the property
515 leads to a hardship, and then the Code unreasonably

516 restricts utilization of the property, right? I think
517 that's where you're leaning.

518 MR. PAINTER: I think we go under either one.

519 MR. BARTLETT: In that this Code is
520 unreasonably restricting your ability to use this
521 property.

522 Can you explain to me why it's unreasonable
523 and why -- I'll start with that.

524 MR. PAINTER: Well, when we were here last
525 time it was really the granting the variance to
526 alleviate a hardship due to the physical constricts of
527 the property. So, the things that I mentioned earlier:
528 The size, the corner configuration, the front yard
529 setbacks, two streets, being hemmed in by two pieces of
530 property that have no opportunity for consolidation. No
531 ability to punch through, no light or air or trespass or
532 anything like that.

533 Those are the hardship arguments that we made
534 at the last meeting. They're the exact same ones that
535 the library produced when this Board approved its lot
536 coverage.

537 MR. BARTLETT: So the physical constraints of
538 the property are, says you can't use the property.

539 MR. PAINTER: You can use the property but
540 we're also talking about too is whether it unreasonably
541

542 restricts the utilization of the property. So there are
543 an infinite number of different uses and layouts that
544 you could provide.

545 In this instance we believe we've presented a
546 use that is reasonable, something that is recommended by
547 the City's comprehensive planning documents as there
548 being a demonstrated need for and for that reason we're
549 suggesting that we look at the hardship problem, the
550 three.

551 MR. BARTLETT: So you're citing the
552 Comprehensive Plan, documents a need for a child care
553 center or child care in the City.

554 MR. PAINTER: Just child care in generally but
555 also --

556 MR. BARTLETT: And the only way to meet that
557 need, demonstrated need for child care in the City is to
558 build this size child care facility?

559 MR. PAINTER: If you want to have child care
560 in the City and find sites that provide child care, you
561 have to have certain parameters that market conditions
562 dictate: Size, the availability of land, etcetera.

563 So when you look at the City's existing child
564 care, whether it's Columbia Baptist Church, St.
565 Joseph's, Easter Seals, and CommuniKid, they're very
566 limited. Very limited opportunities for those types of

567 facilities with direct access to outdoor space or
568 anything like that.

569 So if this is something that the City would
570 like to do, would like to have, to address a need, you
571 have to meet market conditions or at least provide
572 industry standards for what is expected by brokers and
573 by operators. So that is something that we are
574 providing.

575 When you look at the streetscape standards for
576 example, if this went in as a matter of right and there
577 were absolutely no modification requests or anything
578 like that, there would be architectural review because
579 the AAB does have the ability to review things during
580 site plan process, but there is no subjective, no
581 imposition of any type of subjective things at the site
582 plan process because there are no requirements. So no
583 streetscape, no, you know, let's move the door here, can
584 we do other things.

585 So when you look at the hardship, I think that
586 we certainly meet it. If you look at unreasonably
587 restrict utilization of the property, that's really the
588 eye of the whole and whether or not you think that
589 that's the case.

590 Now you only have to find it under one of
591 three but it is a subjective determination from this
592 Board.

593 MR. BARTLETT: Yeah, I was here for the 2018
594 library. I think your cases are distinct. This is not
595 as similar a request from the library board as you make
596 it.

597 Do you know what their existing footprint was
598 before they asked for a variance?

599 MR. PAINTER: I know that it was 41.4 percent
600 or 41.4 percent of lot coverage of the property.

601 MR. BARTLETT: It was?

602 MR. PAINTER: And they requested 57 percent,
603 received 57 percent.

604 MR. BARTLETT: So they went from 41 to 57.

605 MR. MISLEH: That project was presented as an
606 accessibility requirement for a public service building.
607 So it's still a lot different.

608 MR. BARTLETT: I look at the library now. I
609 look at that wall, that second floor up on Virginia
610 Avenue, and if you're tall, I was trying to think about
611 it, I was looking through the transcript and I was
612 trying to think about why we did it.

613 And I remember they were in the setback when
614 they requested the variance. Like the existing wall
615

616 there on Virginia Avenue was not conforming. So when
617 they needed to go up, because they couldn't go anywhere
618 else, that to me was more like a true public need.
619 Because they couldn't go anywhere else. There's no
620 other property available. The cost was astronomical to
621 move.

622 And so we allowed them to go straight up where
623 this like huge planter box was, that was like, I don't
624 know, 15 by 30 feet, maybe even longer, all the way down
625 Virginia Avenue to the neighbors.

626 So we allowed them to go straight up. They
627 didn't take up any more -- they didn't build up or
628 increase their pervious landscape per area when they
629 built up.

630 We issue variances for people that go up in a
631 lot of circumstances where the existing structure is not
632 conforming.

633 So in principle though, variance requests are
634 to increase their space or their setback that they're
635 already in that setback or they're already occupying
636 impervious space.

637 I would argue that this request is taking two
638 small structures that are, I don't know, I don't see the
639 math here. I don't see the numbers. I don't know what
640 the currently occupying is and the total percentage of

641 the two lots. I would love to know that condition, as
642 to what they're currently occupying as far as a
643 percentage of your total current lot average.

644 I'm presuming it's, I'm just going to guess,
645 it's probably less than 40 percent.

646 I just see a huge distinction between the two
647 projects.

648 MR. PAINTER: Would you happen to know, when
649 you're talking about the front, the lawn, we run into
650 this situation a lot too. I ran into it too with my
651 house. I think that might be the reason why the request
652 is -- because they violated the front yard setback
653 because of improvements. Any time you increase the
654 building massing that's already in a non-conforming
655 situation, you simply have to go through a variance
656 process.

657 But that doesn't really go to, I don't know if
658 it's true or not, I don't know if that goes to the lot
659 coverage issue. Because if you're going up, you're not
660 increasing necessarily the lot coverage of it but they
661 did receive a request to increase to 57 percent so the
662 footprint of the building is increased.

663 MR. BARTLETT: Yeah. I remember that one big
664 wall that's been going up. And documenting how we were
665 granting variances with concurrent non-conformances.

666 MR. MISLEH: You, myself, and Mr. Painter, he
667 represented the library.

668 MR. PAINTER: No, no, no, I didn't represent
669 the library.

670 MR. MISLEH: Oh, you didn't.

671 MR. PAINTER: No, but I'll be happy to take
672 the credit for it.

673 MR. BARTLETT: No, I think the Board just did
674 it themselves.

675 MR. MISLEH: For some reason I remember, maybe
676 I'm mistaken.

677 MR. PAINTER: I guess what I'm saying is the
678 variance for the wall or whatever it might be, totally
679 makes sense from a front yard setback perspective. But
680 that's a separate variance and a separate calculus than
681 increasing the footprint of the building and seeking an
682 increase in the lot coverage. It's just a separate
683 issue.

684 MR. BARTLETT: Yeah, sure. It's part of our
685 consideration of granting it, the entirety of the build.

686 MR. PAINTER: I understand.

687 MR. WILBERN: I have a number for the existing
688 impervious. I don't have the lot coverage. The
689 existing impervious, this is on Sheet C0702 of the
690 submitted site plan, predevelopment impervious surface

691 is 12,850, which is 82 percent of our 15,625 square foot
692 lot, and there are two structures within that.

693 MR. PAINTER: It's pretty much paved.

694 MR. BARTLETT: The current structures take up
695 18 percent of their two lots?

696 MR. WILBERN: No, that includes the two
697 houses. That includes the building and all the paving.
698 It's pretty solidly paved.

699 MR. BARTLETT: I'm not talking about total lot
700 coverage.

701 MR. WILBERN: I do not have that information.
702 They were just calculating storm water, etcetera.

703 MR. BARTLETT: I've been on this Board for
704 seven years and I think the library is the only lot
705 coverage variance we granted.

706 MR. MISLEH: Thank you, Mr. Bartlett.
707 Anything? Ms. Ward?

708 MS. WARD: Yes.

709 So we know that T-Zones have been approved
710 come January. Can you guys speak to I guess what the
711 differences would be between what you're asking for if
712 you just waited until January and just went with that
713 Code, as it applies to this lot.

714 MR. WILBERN: There are multiple things. One
715 is it is -- we've been at this from early in the year.

716

717 I think we first formally submitted in April, it took us
718 months if not a year or more to get our tenant who has
719 been extremely patient with us. So we feel like we are
720 at significant risk for delaying, it's not just the
721 three months because we would have to essentially
722 formally resubmit and change the documentation.

723 The building wouldn't necessarily change but
724 then we wouldn't have to pursue two variances. So it's
725 variance me now or variance me later because we would be
726 underneath their 60 percent, struggling with a 20 foot
727 setback on Park that we can't meet that and all the
728 other requirements.

729 We're already playing all sorts of nuances on
730 the parking buffers and we're right at what Fairfax
731 County 19D requires, the tenant requires us in terms of
732 parking, 12 spaces which we're doing offsite. We're
733 doing it offsite in the building next door.

734 So it triggers us going to an SUP and
735 prolongs our progress and essentially starts our clock
736 all over again.

737 MR. MISLEH: Can you give us specific
738 differences.

739 MR. WILBERN: I have not done a comprehensive
740 study. We know that the SUP allows, process allows for
741 reduction of parking, 20 to 15, but that's a variance.

742 We would meet the lot coverage. We would meet
743 the height. We would actually be the thing, you know,
744 multiple feet underneath the Code.

745 And we believe that puts at great significant
746 risk for us in terms of losing this, whole project
747 falling apart.

748 There may be other requirements under the T-1,
749 to be honest we were doing a fairly broad brush and
750 during the period of that year and a half as we've been
751 watching T-1, it has mutated multiple times and been
752 delayed multiple times.

753 MS. ROUZI: Just a point of clarification.
754 The new special use permit process isn't the same as
755 what we have on the books now. Right now the special
756 use permit goes to BZA for approval but that special use
757 permit would go to City Council, so they are looking at
758 months. City Council processes do take very long.

759 MR. MISLEH: Can you explain why they would
760 require that.

761 MS. ROUZI: Right now all they need is a lot
762 coverage which is a variance process. But if they come
763 in in January, the lot coverage would be by right but
764 the setbacks wouldn't meet the new Code requirements
765 which is 20 feet. They have 15 feet. They need to be

766 at 15 feet. The requirement is 20 feet. So to be at 15
767 feet they need a special use permit from City Council.

768 Does that answer your question, Mr. Chair?

769 MR. MISLEH: Yeah.

770 MS. WARD: Are they at 15 or 16.6? Or am I
771 confusing it with the curb extension?

772 MR. WILBERN: If they're measuring the same,
773 which I can't swear to you but backup curb we're
774 building is 16.6 which is currently 15, A-1 would still
775 be 15 with an SUP option to greater than 15.

776 I'm sorry, 20 down 15. I said that backwards.

777 MR. PAINTER: So if I have this correct, just
778 so I understand completely, right now there is a request
779 for a lot coverage variance to increase it to 55
780 percent, correct? Come January 1, 60 percent, 5 percent
781 more than what we're requesting, will be permitted as a
782 matter of right but the front yard setback on Park
783 Avenue, you would need a reduction in that through the
784 special use permit process granted by City Council.

785 MR. WILBERN: That's the biggest one I'm aware
786 of.

787 MR. PAINTER: Right.

788 MR. WILBERN: It's been a moving target.

789 MR. PAINTER: Right. I think when we looked
790 at this, that has been the issue. So it's a process:

791

792 It's either the lot coverage or it's the reduction. Lot
793 coverage might not be granted, reduction might be
794 granted. They could feasibly both be granted as part of
795 independent processes, but I think going back to what
796 you said, variance me now, variance me later, it's a
797 paperwork exercise in some respects to the same result
798 and the question is whether or not it makes sense to
799 hold up this project because of that.

800 MR. WILBERN: Right.

801 MR. PAINTER: I think I got that correct.

802 MR. WILBERN: We had originally approached the
803 BZA with the theory from our perspective that strict
804 application of the Code precludes what we believe is a
805 better solution for the City in terms of lower and
806 screen, two stories to three, 84 feet instead of 109.
807 So that doesn't fit into the Code but that's sort of our
808 thought about how this could work.

809 MR. MISLEH: Thank you.

810 Can you please just state what the setbacks
811 are on Oak Street.

812 MR. WILBERN: It's -- I think it's 20 feet --

813 MR. MISLEH: While you look for that I have
814 another question.

815 On Park Avenue there are other existing
816 buildings: The St. James school building, the new
817

818 Founders Row building. Have you done any study or has
819 staff looked at what the setbacks are for those other
820 buildings along Park and are any of them 15 feet?

821 MR. WILBERN: Founders Row is -- I can't swear
822 to Founders Row. I know the one behind the Spectrum is
823 15 feet which is actually four stories but that didn't
824 come in under T-1. It came in under the special --

825 MR. YOUNG: 15 feet less the handicap ramp.

826 MR. WILBERN: So that's the condos, right?

827 MR. YOUNG: Yeah.

828 MR. WILBERN: There are a number of residences
829 that are 15.

830 MR. YOUNG: The library is 15 I think.

831 MR. WILBERN: In fact our neighbor across the
832 street is at 15.

833 MR. PAINTER: If I can also say too, under the
834 2017 Streetscape Guidelines, it's right around there
835 too, Park Avenue.

836 MR. MISLEH: Sorry. Can you clarify that, Mr.
837 Painter.

838 MR. PAINTER: On the 2017 Streetscape
839 Guidelines it looks to be around 16 feet, is what the
840 recommended streetscape is on Park Avenue.

841 MR. WILBERN: So we were able to squeeze down
842 by taking out some of the buffer planting in the garage,
843

844 us and the garage, because the garage really doesn't
845 benefit from buffer planting, so we could do the
846 streetscape on Park.

847 I can't read it. It's smaller than small but
848 my memory is it's 20 feet and change.

849 MS. ROUZI: Mr. Chair, I pulled up their most
850 recent submission of the site plan that has the proposed
851 yards. So for front yard on Park Avenue they're
852 providing 16.5 feet and then on Oak Street they're
853 providing 20 feet.

854 MR. MISLEH: Thank you.

855 Now the obvious site plan questions. Is there
856 anything you can do to squeeze out more setback on Park?

857 MR. WILBERN: We've already done this twice
858 with the operator. Their biggest constraint is the fact
859 is that's where they come in, they have a security and
860 access control, they have an elevator, two stairs, and
861 then we have toddlers and they've already relocated
862 basically. That's the whole thought process for
863 swinging the second floor over. And then they have what
864 they consider the minimum requirements for toddlers
865 which is typically one third of the total square footage
866 but it's less than one third of the total population
867 because toddlers requires more area.

868 MR. PAINTER: Mr. Chair, are you asking for
869 why are streetscape setbacks on Park Avenue?

870 MR. MISLEH: Yeah. I'm asking if it's
871 possible for you to get anywhere near the 20 feet.

872 MR. PAINTER: Well, 16 feet is recommended by
873 the City's planning policy documents so we exceed that
874 by half a foot. So it's 16 feet along Park Avenue and
875 we're at 16 and a half feet.

876 MR. WILBERN: We basically pulled it out.
877 That's one of the things we're doing on the downhill
878 side of the plan here is, we used to have 4 feet and now
879 we have 2 and a half feet so we're actually doing a
880 vertical green-scape screen wall there, to sort of take
881 the landscaping and you're putting it up in the air like
882 we have at 800 West Broad.

883 MR. MISLEH: Thank you.

884 Mr. Painter, one of the concerns I think is
885 that the residential comments that we got from the
886 neighbors were either in opposition or reminders of the
887 specifics of the new T-1 Amendment that was approved by
888 Council.

889 Oftentimes this Board looks to the applicant
890 to go out and get neighbor support, specifically
891 residential neighbor support, to help us help make the
892 job of this Board's approval. We don't have that here

893 and so what we do have is people calling out the fact
894 that the T-1 Amendment does call for a 20 foot setback.

895 And I think as far as my layman's
896 interpretation, this versus what Council has recently
897 approved, the only real difference here is that 3 and a
898 half feet.

899 Staff, am I interpreting that right?

900 MS. ROUZI: That's true for setback but as
901 Jack was saying, I haven't evaluated the plan to see if
902 it meets muster every requirement now adopted in the
903 T-Zone. There might be other things. I just can't say
904 for sure.

905 But the setback, yes, it's true for setback.

906 MR. BARTLETT: Do you have any understanding
907 as to why Council retained its special use permit review
908 authority for T-1 Zones? Why it went from the BZA in
909 certain circumstances?

910 MS. ROUZI: I don't have that reasoning. But
911 it was specifically delegated to Council as opposed to
912 the BZA.

913 MR. BARTLETT: I imagine it's because, I'm
914 speculating here, because it's larger projects
915 potentially and new and potentially more controversial
916 subject. And they are trying to, obviously trying to
917 provide more opportunities in T-1 Zones.

918 It troubles me that in light of all of the
919 City's deliberations and interaction with the public in
920 amending this T-1 Zone, that we have an opportunity to
921 sort of approve and consider approved a variance that
922 would obviate that more robust special use permit review
923 by City Council. And what I'm hearing is potentially
924 other potential restrictions in these T-1 Zones that
925 we're not aware of.

926 So I'm very reluctant to address this at the
927 BZA at this juncture.

928 MR. GRESKO: I appreciate that comment but I
929 also have the point here of saying, I have to like say
930 here's the rules now, today. And yes, there's something
931 coming down in which there was enormous going around and
932 around all the community, business, residential,
933 etcetera. And I appreciate that but I understand that
934 the applicants are going for what is now and saying,
935 here's what we want, to say we're in compliance with all
936 of these, we want this one variance.

937 I'd have to put my -- I respect that
938 something's coming down the line but in my role I think
939 I have to go by what is currently the law of the land.

940 That being said though, I go back to what
941 Mr. Painter keeps going at in terms of 50-2.209, which
942 is the powers and duties of the Board for Zoning.

943 And I do look at those in the directions that
944 you suggest.

945 Let's start with the first one: Unreasonably
946 restricts utilization of the property. And whenever you
947 have unreasonable, that's a function of (inaudible).
948 And you view reasonable versus unreasonable.

949 You just briefly mentioned in your intro but I
950 saw in the minutes much more pointing at this issue of
951 these are small lots. I remember reading that, well,
952 gee, how much can I do with a small lot?

953 But then I say, I understand that but the
954 owners knew what the Codes were and bought these lots.
955 I don't know what their rationale of what they could use
956 or not. They saw what the requirements were, now, what
957 they could do, what they could not do. So saying that
958 well, things have changed, well, they went in with
959 knowing what they could do. So am I taking away
960 anything? I don't think so.

961 The second one we say hardship, which then
962 gets to the point of, again, what you've decided to do
963 with this, of all the litany of things you could do with
964 this commercial property, you've focused on this
965 application, daycare, of all the other things you could
966 do with this property, went down this line and then
967 also, the person, the business you're working with,

968 obviously they did their due diligence, right? They
969 probably saw that there was issues, right?

970 So I'm saying, once they went back to the
971 document, it says, Any hardship was not created by the
972 applicant or the variance. Well, you've chosen to put
973 this building, of all the uses, thus, in effect, are you
974 creating the hardship?

975 Again, I'm just looking through the rules that
976 we have to abide by, I'm saying I'm having a hard time.

977 So I've said a lot maybe at this point and,
978 Mr. Bartlett, you want to weigh in in terms of that?

979 MR. BARTLETT: I actually will say your
980 thoughts and points are well spoken and I appreciate you
981 focusing on the here and now. It's important.

982 I agree with you that to recognize that that's
983 where we are right now. I'm also aware of the
984 conversation that everyone's had about the potential
985 changes to the zoning of this property. So I'm trying
986 to like balance both and that's where I am.

987 MR. MISLEH: Before we get too far in the
988 Board's comments, do we have any more questions
989 regarding the application or is there anything else
990 you'd like to share?

991 MR. PAINTER: Mr. Chairman, I do not but I
992 would like to recognize Mr. Young who would like to
993

994 speak to the partnership, what one of the factors of the
995 application that the variance would supply.

996 MR. YOUNG: Well, let me start with we think
997 that this is the perhaps the best transition use of the
998 policy. What is it that the City's trying to accomplish
999 with T-Zones is the transition between six story
1000 buildings behind us and one story or two story houses
1001 across the street.

1002 A two story building of this kind, filling a
1003 very, very big need in the City for daycare we think is
1004 an excellent use of the property.

1005 It's obviously not the end all, a signed
1006 letter, but I would opine to be a pretty small variance.

1007 In addition to that now announced existing
1008 public policy, doesn't go into effect until January, but
1009 nevertheless the Council has spoken and said that 60
1010 percent is by right under the new Code from the old
1011 Code. That's why we're here asking for an increase.
1012 Look across the whole landscape and see whether this is
1013 a reasonable request. Obviously we think it is.

1014 MR. PAINTER: And if I might say too, we're
1015 really talking about just the lot coverage issue. And
1016 if it is true that the library has been the only other
1017 place where lot coverage has been granted, the front,
1018 side yard setbacks, those are two separate issues.

1019 Now, you might have been looking at it
1020 holistically, but the issue that whether the lot
1021 coverage should be granted, really should have been
1022 considered on its merits separable, not as part of a
1023 whole.

1024 Because really what you're getting to there is
1025 the height full massing for the building and the
1026 efficient use of land. So the question is, okay, what
1027 is the difference between this and building as a matter
1028 of right.

1029 And I think that it can be said pretty clearly
1030 that this is a better use of a small piece of property
1031 or any piece of property when you can actually do
1032 things -- when you can actually go up and expand but
1033 make better use of the property where you're actually
1034 placing part of the building over an existing parking
1035 lot.

1036 The alternative to this is a by-right
1037 development. By-right development which would have no
1038 subjective criteria or insertion of opinions about
1039 architecture, you may not get the full streetscape, and
1040 it may end up taking up or it may create a more
1041 impervious surface as I think, Jack, your second slide
1042 showed.

1043 So that is the risk that we all run. So, I
1044 just wanted to say that.

1045 MR. MISLEH: One more question. Can you show
1046 the elevation on Park.

1047 MR. WILBERN: This one, which was single pitch
1048 with dormers and we added more corner feature at AAB's
1049 request. We increased the amount of glazing and reduced
1050 the amount of brownness.

1051 MR. MISLEH: Thank you.

1052 Do we have any other questions for the
1053 applicant?

1054 (No response.)

1055 MR. MISLEH: With that, we'll go ahead and
1056 close the comments portion. Thank you.

1057 MS. WARD: I can start.

1058 I know I said this at the last meeting, the
1059 last meeting on hardship, how we could justify a
1060 hardship but I wanted to see how it went with the City
1061 Council, to see if that would kind of help to make the
1062 decision a little easier. And I said it then, I fully
1063 support the variance but I agree, we stated similar
1064 things last meeting too.

1065 I think just looking at it holistically, I
1066 will be able to agree with the lot coverage increase if
1067 there was some sort of caveat that other T-Zone

1068 requirements were also met. Provided that the City's
1069 T-Zone requirements are being met, that would apply. So
1070 that we would make sure that if they don't, they would
1071 have to go through a process, something along those
1072 lines. That's personally how I feel about it.

1073 MR. GRESKO: Yeah, I definitely agree in terms
1074 of, yes, the Board has -- City Council has been
1075 excruciating in terms of policy and we respect that and
1076 understand.

1077 But at the same time if it was, like you said,
1078 everything else fits and it was at the new 60 percent
1079 that is, but now we were saying, well, it's only 60
1080 percent but now it doesn't fit this. So you can't have
1081 like Chinese, one from Column A, one from Column B,
1082 of -- it just doesn't work. You've got to pick one and
1083 stick with it.

1084 I'm sticking with the current rules here and
1085 respectful of what is coming down the line but what's
1086 coming down the line, this still wouldn't fit here.

1087 And I just struggle with that. Either way it
1088 wouldn't fit as proposed.

1089 MR. BARTLETT: That's exactly where I am. I'm
1090 just uncomfortable with the justification that this is
1091 an unreasonable restriction of this property. Simple as
1092 that to me.

1093 MR. MISLEH: So I certainly agree with this
1094 being a much needed use and fitting within the Comp
1095 Plan.
1096 I like the building. I think obviously City Council has
1097 spoken, that they feel that 60 percent is an acceptable
1098 lot coverage so I'm not concerned with 55 percent.
1099 I am concerned with what Mr. Gresko has
1100 commented, that these are rules coming so if we're
1101 making exceptions, we sort of need to pick one way or
1102 the other. But we're having a hard time with the
1103 hardship.
1104 I like this project. I think I would like to
1105 see the applicant explain to us a little bit more about
1106 what the precedent, where the precedent has been set in
1107 the lot coverage and setbacks along Park Avenue. I
1108 would like to see some of the neighbors from across the
1109 street on Oak Street speak in favor of it, support from
1110 some of the neighbors. I think that's helpful.
1111 MR. YOUNG: That's just not going to happen.
1112 MR. MISLEH: I know. I think it's a great
1113 project but I understand the other Board members
1114 position at this point.
1115 MR. BARTLETT: I hear what you're saying that
1116 in a vacuum, the project's fine. Where it's located, I

1117 can't reconcile the need for a variance in this
1118 scenario.

1119 MR. MISLEH: I guess at this point, does
1120 anyone want to make a motion? You want to proceed to a
1121 vote?

1122 MR. GRESKO: We can do it in the positive or
1123 the negative. I mean the easiest one is to say make a
1124 motion to approve the variance as submitted. Say yes or
1125 no. Is there another way?

1126 MR. BARTLETT: We certainly have that ability
1127 to make a motion either way. And when someone would
1128 make the motion, someone would second that motion, and
1129 then we vote on that motion, however that original
1130 motion was made.

1131 MR. GRESKO: Okay. Then I make a motion to
1132 approve the variance as presented.

1133 MR. MISLEH: I'll second that motion.

1134 RECORDING SECRETARY: Ms. Ward.

1135 MS. WARD: No.

1136 RECORDING SECRETARY: Mr. Bartlett.

1137 MR. BARTLETT: No.

1138 RECORDING SECRETARY: Mr. Misleh.

1139 MR. MISLEH: Yes.

1140 RECORDING SECRETARY: Mr. Gresko.

1141 MR. GRESKO: No.

1142 RECORDING SECRETARY: Motion fails.
1143 MR. YOUNG: Thank you very much.
1144 MR. MISLEH: Thank you for coming. Good luck.
1145
1146 5. NEW BUSINESS
1147 MR. MISLEH: Next item is New Business. Do we
1148 have any New Business?
1149 MS. WILLIS: We do not.
1150 MR. MISLEH: Thank you.
1151
1152 6. APPROVAL OF MINUTES
1153 a. Approval of the September 14, 2023,
1154 Meeting Minutes
1155 MR. MISLEH: We're down to the Approval of
1156 Minutes, approval of the September 14, 2023, meeting
1157 minutes. Has everyone had a chance to review those?
1158 (Minutes reviewed.)
1159 MR. MISLEH: Would someone like to make a
1160 motion?
1161 MS. WARD: I think we'll have to defer, not
1162 everyone was here.
1163 MS. ROUZI: That's what we were whispering
1164 about.
1165 MR. MISLEH: All right. We'll defer that to
1166 the next meeting.

1167

1168

7. OTHER BUSINESS

1169

a. Meeting Date Change and Board's Feedback

1170

MR. MISLEH: Next is we have the meeting date change and Board's feedback.

1172

Would staff like to bring us up to speed.

1173

1174

MS. WILLIS: This came from the City Clerk's office. Once Covid procedures started to slow down a little bit and more committees and Council started to come back in full swing of meeting in person, they started having issues of accessibility with their members and getting them in a location that was safe for them and also accessible for the date and times.

1180

1181

One committee that they spoke about that was having such issues was the Environmental Safety Committee. They have a member that needs the elevator usage to get to the conference room that they're currently using and unfortunately in City Hall that elevator is a 50-50 shot on if it's going to work.

1183

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1190

They just wanted to know if this was a change that the Board would be willing to make in the New Year or if not, they said they're asking every Board and Committee. They're not just singling anybody out. They just need to figure out the best move moving forward.

1191 And the change would be to be the second
1192 Thursday of the month, at the same date and time and
1193 location, just removing the language "after the first
1194 Monday of the month."

1195 MR. BARTLETT: So it's basically the second
1196 Thursday, instead of us having to figure out which.
1197 Second Thursday after a Monday, I love the idea of
1198 having it the second Thursday. It just makes sense.

1199 I was just curious, I was always wondering
1200 like this 1870 language and why we have meetings on the
1201 second Thursday after the first Monday after it rains 44
1202 inches.

1203 MS. ROUZI: Putting together that calendar for
1204 your approval is like a jigsaw puzzle. Like, is this
1205 the second one?

1206 MR. MISLEH: If we don't have to make the
1207 decision now, I'm not sure we should take it up since
1208 this meeting has been held on this date for a long time.

1209 MS. WILLIS: Well, there's no action that the
1210 Board could take tonight until it's time to adopt the
1211 new Rules of Procedures to officially change the date.
1212 It is purely for discussion to give the City Clerks an
1213 update on a poll of feelings and opinions about the
1214 proposed changing of it.

1215 MR. MISLEH: This is for other Boards?

1216 MS. WILLIS: No, currently they use one of the
1217 conference rooms upstairs but they would potentially be
1218 using the Council Chambers at the second Thursday
1219 following the first Monday of every month.

1220 MR. MISLEH: Is their meeting published in the
1221 paper, those requirements?

1222 MS. WILLIS: I'm not sure. I can look into
1223 that.

1224 MR. MISLEH: I feel that the community has
1225 been accustomed to this meeting at its current date and
1226 time for many years.

1227 MS. ROUZI: That's a good point.

1228 MR. MISLEH: I feel it may be better not
1229 changing this meeting unless the other Boards and
1230 Commissions are asked the same question. That's my
1231 personal opinion.

1232 MS. WARD: I have no preference.

1233 MR. GRESKO: No great preference.

1234 MR. BARTLETT: I agree.

1235 MR. MISLEH: Thank you.

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8. ADJOURNMENT

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MR. BARTLETT: I'll make a motion to adjourn.

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MR. MISLEH: Second.

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RECORDING SECRETARY: All in favor?

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(A chorus of "ayes".)

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RECORDING SECRETARY: We are adjourned.

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