

GOVERNMENT OF THE DISTRICT OF COLUMBIA

MAYOR'S AGENT HEARING

HPA No. 11-488

February 10, 2012

10:07 a.m. through 11:01 a.m.

D.C. Historic Preservation Office  
Office of Planning  
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1 PROCEEDINGS

2 MR. BYRNE: Well, good morning everyone.

3 GROUP: Good morning.

4 MR. BYRNE: I am Peter Byrne, and I am  
5 the designated Mayor's Agent for this matter  
6 which involves a permit application to raze a  
7 stable building behind 1310 East Capitol Street,  
8 N.E., in the Capitol Hill Historic District. The  
9 application is assigned Historic Preservation Act  
10 Number 11-488.

11 This case is being heard under the  
12 authority of D.C. Law 2-1144, the Historic  
13 Landmark and Historic District Protection Act of  
14 1978. This law requires that the Mayor or his  
15 Agent review applications for demolition,  
16 alterations, subdivision, and any new  
17 construction on the site of historic landmarks or  
18 within historic districts.

19 Prior to consideration by the Mayor's  
20 Agent, the law requires that applications be  
21 referred to the Historic Preservation Review  
22 Board for its recommendation. And on October

1 27th, 2011, the Review Board recommended against  
2 the issuance of a raze permit on the grounds that  
3 it would not be consistent with the purposes of  
4 the Historic Landmark and Historic District  
5 Protection Act. After the Board made its  
6 recommendation, the Applicant requested this  
7 public hearing as provided by law.

8           This hearing will be conducted in  
9 conformance with the D.C. Administrative  
10 Procedure Act and Title 10-A, District of  
11 Columbia Municipal Regulations, which contains  
12 the rules of procedure for the Mayor's Agent  
13 pursuant to the Preservation Law.

14           So today the order of proceeding and  
15 presentation of evidence will be as follows:  
16 First, if there are any pending motions or  
17 procedural matters, we'll take those up. And  
18 then we'll have the presentation of the  
19 Applicant's case. We'll have reports or  
20 statements by public agency representatives. And  
21 I see Ms. Molson is here for the Historic  
22 Preservation Office.

1           We'll have statements by affected  
2 Advisory Neighborhood Commissions, and they are  
3 represented today. Parties and other persons in  
4 support of the application, and parties or other  
5 persons in opposition to the application.

6           Rebuttal by the -- which will be the  
7 chance then for the Applicant to give a rebuttal,  
8 and also rebuttal by parties in support of the  
9 application, and then a last chance for what's  
10 called surrebuttal or by parties in opposition to  
11 the -- to the application. So that's how we'll  
12 proceed.

13           I don't believe there are any pending  
14 procedural motions. Yes, sir? Please identify  
15 yourself first.

16           MR. HOLMES: I'm David Holmes, Chair of  
17 ANC 6A.

18           MR. BYRNE: Okay.

19           MR. HOLMES: And for your consideration,  
20 I believe this matter should not be before you  
21 today, that it's not ripe for consideration. In  
22 DCPL versus DCRA in 1994 it stated in that

1 holding that when the Applicant relies on  
2 unreasonable economic hardship exceptions, D.C.  
3 Code, an inquiry into the cost of revitalizing a  
4 building is not only relevant but required if the  
5 Applicant is here with no showing that they have  
6 sought to price their renovation of the building.

7           Also, when the Applicant has failed to  
8 consider any but the least expensive alternative  
9 -- in this case demolition -- when they have  
10 neglected to bring alternate plans to readiness  
11 or even be able to present them for this hearing,  
12 there's no showing that the church has  
13 contemplated any action other than neglect and  
14 subsequent demolition.

15           So I ask for your consideration of the  
16 fact that this is not yet ready for your  
17 consideration since they have not failed -- they  
18 have failed to meet that standard --

19           MR. BYRNE: Okay.

20           MR. HOLMES: -- that they present as  
21 required --

22           MR. BYRNE: So that case is DCPL versus?

1 MR. HOLMES: DCRA, D.C. Court of Appeals,  
2 1994.

3 MR. BYRNE: 1994. All right. So, thank  
4 you, Mr. Holmes.

5 And is that a decision on the merits, or  
6 a decision on rightness? I should -- I should  
7 wonder.

8 MR. HOLMES: Not being a lawyer --

9 MR. BYRNE: Okay. Well, let's -- let's  
10 just hold that then because I hear -- I hear your  
11 motion. I'm going to hold it in abeyance because  
12 I'm inclined to believe it goes to the merits of  
13 the Applicant's case, but I will examine that  
14 more closely when I have a chance to do so. So,  
15 for now we'll -- we'll let that -- let that  
16 motion just sit.

17 So, with that being the case, then  
18 perhaps the Applicants would like to make their  
19 case before us. And who's going to speak for the  
20 Applicants today?

21 PASTOR THORNTON: Ella Thornton, Pastor  
22 Thornton.

1 MR. BYRNE: Pastor Thornton, thank you  
2 for -- thank you for being with us. May I ask  
3 you -- we -- these -- in these hearings the  
4 testimony is sworn, so I'm going to ask you --

5 PASTOR THORNTON: Okay. Fine.

6 MR. BYRNE: -- raise your right hand and  
7 ask do you -- do you promise or affirm that  
8 everything you say will be the truth to the best  
9 of your ability?

10 PASTOR THORNTON: To the best of my  
11 ability, yes.

12 MR. BYRNE: Thank you very much. Now,  
13 would you give us your full name and address,  
14 please?

15 PASTOR THORNTON: Yes. My -- my full  
16 name is Ella Louise Thornton, address 2300  
17 (Unintelligible) Place, N.E., Washington, D.C.

18 MR. BYRNE: Thank you.

19 PASTOR THORNTON: You're welcome. Okay.

20 MR. BYRNE: Please -- please proceed as --  
21 -- as you're comfortable.

22 PASTOR THORNTON: Yes. We were given an

1 opportunity to reply to the correspondence. We  
2 chose to use the unreasonable hardship simply  
3 because the other was pro the building remain.

4 MR. BYRNE: Uh-huh.

5 PASTOR THORNTON: We are concerned  
6 because the building is an unsafe building.

7 MR. BYRNE: Uh-huh.

8 PASTOR THORNTON: And that's why we're  
9 here -- the remaining part of it is. I have a  
10 letter here if you want me to skim through it or  
11 read the --

12 MR. BYRNE: This is the letter that you  
13 submitted to --

14 PASTOR THORNTON: Yes.

15 MR. BYRNE: -- to the Mayor's Agent,  
16 right?

17 PASTOR THORNTON: Yes.

18 MR. BYRNE: I have read that letter.

19 PASTOR THORNTON: Okay. Great.

20 MR. BYRNE: And if you'd like -- if there  
21 are aspects of it you would like to -- I've read  
22 it, but if you have aspects you'd like to

1 emphasize, that would be fine.

2 PASTOR THORNTON: No, sir. I -- we just  
3 want to reemphasize the same thing, that it's -  
4 it's in a deteriorated state. It's -- it can  
5 cause injury to the public and that the church is  
6 not financially able to put monies into that  
7 structure.

8 We have submitted to you the Chapter 4  
9 that was requested of you. And --

10 MR. BYRNE: Uh-huh.

11 PASTOR THORNTON: -- I think you might  
12 have that, Mr. Holmes, in front of you.

13 MR. BYRNE: Yes, I do. This is the --  
14 this is your -- your letter and then the  
15 responses to Chapter 4 --

16 PASTOR THORNTON: Yes, sir.

17 MR. BYRNE: -- which gives us some of the  
18 history of -- of the church's ownership.

19 PASTOR THORNTON: Uh-huh.

20 MR. BYRNE: And a current estimate of the  
21 value of the building at \$624,740 -- or of the --  
22 of the property, the entire property.

1           And then we have income and expenditures  
2 for 2010 and 2011.

3           PASTOR THORNTON: Correct.

4           MR. BYRNE: And finally, there is the --  
5 a statement from -- a report from Mr. Adrian  
6 King, a structural engineer, dated January 16th,  
7 2012, with pictures?

8           PASTOR THORNTON: Yes, sir.

9           MR. BYRNE: With pictures. Okay. Is  
10 there anything more you'd like to add, Pastor  
11 Thornton?

12           PASTOR THORNTON: No, I just -- I think  
13 it was stated that we have not found out the cost  
14 of --

15           MR. BYRNE: Yes.

16           PASTOR THORNTON: -- repairing or  
17 stabilizing that.

18           MR. BYRNE: Uh-huh.

19           PASTOR THORNTON: Whatever the cost is,  
20 I'm certain that our budget cannot meet it, you  
21 know, because I know it's going to cost more than  
22 a thousand dollars -- a -- \$1,000 to -- to

1 stabilize that. And you -- you have the costs  
2 that --

3 MR. SOLOMON: From the structural  
4 engineer just to -- just to try to stabilize it,  
5 get an opinion.

6 MR. BYRNE: To stabilize it?

7 MR. SOLOMON: Yes, it would be very  
8 expensive, \$30,000 or better. His opinion -- I  
9 don't know if I should call his name or --

10 MR. BYRNE: Is that Mr. King who --

11 MR. SOLOMON: Well, one of them. One of  
12 them.

13 MR. BYRNE: One of his -- one of --  
14 somebody in his office?

15 MR. SOLOMON: Right. And they said it  
16 would be better to tear it down. You go to try  
17 to drill on something like that that's already  
18 rocking and rolling, it'd be better to just take  
19 it down --

20 MR. BYRNE: Yes.

21 MR. SOLOMON: -- because it's too  
22 expensive to repair.

1 MR. BYRNE: Okay.

2 MR. SOLOMON: And --

3 MR. BYRNE: All right. So, I have to ask  
4 you a few questions --

5 PASTOR THORNTON: Yes, sir.

6 MR. BYRNE: -- just to sort of fill out  
7 the record.

8 PASTOR THORNTON: Please do. Please do.

9 MR. BYRNE: Now, my understanding is that  
10 the church bought this property in 1985.

11 PASTOR THORNTON: That's -- thereabout  
12 '85 or 6 (unintelligible).

13 MR. BYRNE: Uh-huh. Okay. And what was  
14 the condition of the -- of the carriage house at  
15 that time?

16 PASTOR THORNTON: The carriage house was  
17 more stable than -- than -- than it was.

18 MR. BYRNE: Yeah, than it is today.  
19 Yeah.

20 PASTOR THORNTON: Yes. When we purchased  
21 that property, we had no idea that that was a  
22 piece of historic property. We thought that it

1 was our property to do with as we pleased to do.

2 MR. BYRNE: Uh-huh.

3 PASTOR THORNTON: And it was not until it  
4 began to deteriorate because we were not able to  
5 fully restore portions of it.

6 MR. BYRNE: Uh-huh.

7 PASTOR THORNTON: However, we did replace  
8 the doors several times.

9 MR. BYRNE: Uh-huh.

10 PASTOR THORNTON: We did replace the  
11 boardings in the windows several times.

12 MR. BYRNE: Uh-huh.

13 PASTOR THORNTON: And then it became  
14 very, very deteriorating. Because of the income  
15 we were not able to keep -- keep it up.

16 MR. BYRNE: Uh-huh.

17 MR. SOLOMON: And the weather.

18 PASTOR THORNTON: Yes, the weather  
19 deteriorating. The concrete began to diminish  
20 between the bricks.

21 MR. BYRNE: Yeah, the mortar, yeah.

22 PASTOR THORNTON: The face of the bricks

1 began to fall off.

2 MR. BYRNE: Uh-huh.

3 PASTOR THORNTON: And it began to become  
4 very defaced and so --

5 MR. BYRNE: Uh-huh.

6 PASTOR THORNTON: -- so, yes.

7 MR. BYRNE: Uh-huh.

8 PASTOR THORNTON: Until we were going to  
9 decide to -- well, maybe we should demolish the  
10 building and expand the church area or use it --  
11 or maybe rebuild since it was sort of -- if that  
12 were ever possible to rebuild because the  
13 congregation is really, really small.

14 MR. BYRNE: Uh-huh.

15 PASTOR THORNTON: So that was the state.  
16 It was in a -- it was in an okay state.

17 MR. BYRNE: Uh-huh. Uh-huh.

18 PASTOR THORNTON: But --

19 MR. BYRNE: When did the roof go down?

20 MR. SOLOMON: In the big snow storm two,  
21 three years ago.

22 MR. BYRNE: Okay.

1 MR. SOLOMON: That brought it (sound  
2 effect) -- brought it in.

3 MR. BYRNE: Uh-huh. Okay. Okay. Thank  
4 you. So next we can hear from -- from, I guess,  
5 Ms. Molson. So you're going to speak for the  
6 Historic Preservation Office today?

7 MS. MOLSON: Yes. Thank you.

8 MR. BYRNE: Thank you.

9 MS. MOLSON: Just to recap a little bit  
10 about how we got here, this matter was brought  
11 before the D.C. Historic Preservation Review  
12 Board for the first time in May 2010 --

13 MR. BYRNE: Uh-huh.

14 MS. MOLSON: -- at which time this was a  
15 concept application to raze the stable, which was  
16 erected contemporaneously with the house in 1908.  
17 By that time the roof framing had sustained  
18 damage in the snow storms of the previous winter  
19 as Mr. Solomon mentioned. At that hearing the  
20 Board unanimously, in a vote of 8 to 0 --

21 MR. BYRNE: Ms. Molson, I'm sorry. I've  
22 -- I've neglected to swear you.

1 MS. MOLSON: Oh.

2 MR. BYRNE: And I'm --

3 MS. MOLSON: Well it's a good thing I  
4 haven't lied yet.

5 MR. BYRNE: So you can save that for  
6 later. So --

7 MS. MOLSON: Yes.

8 MR. BYRNE: -- would you please raise  
9 your right hand, and do you promise or affirm  
10 that everything you'll say will be the truth to  
11 the best of your ability?

12 MS. MOLSON: I do.

13 MR. BYRNE: Thank you.

14 MS. MOLSON: Thank you, sir.

15 MR. BYRNE: Please continue.

16 MS. MOLSON: At that hearing the Board  
17 unanimously, in a vote of 8 to 0 adopted the  
18 staff report which recommended that the Board  
19 recommend denial of the concept of razing the  
20 stable as inconsistent with the purposes of the  
21 Historic Preservation Law.

22 In adopting that staff report the Board



1 district and to encourage their adaptation for  
2 current use" -- closed quote.

3           One year later, in May of 2011, the  
4 Historic Preservation Office was alerted by the  
5 D.C. Department of Consumer and Regulatory  
6 Affairs that the church had filed a Raze  
7 Application for the stable. We were also made  
8 aware that DCRA had issued a Notice of Violation  
9 to the church in April of 2011 with instructions  
10 to -- quote -- "immediately render the site safe,  
11 remove all dangerous building materials,  
12 stabilize all exterior walls, and secure the  
13 property with temporary safeguards prior to  
14 completion of the repairs needed to abate the  
15 unsafe condition or demolish" -- closed quote.

16           The church filed for Board review of the  
17 Raze Application that September. Concurrently  
18 the church made us aware that the south yard-  
19 facing walls of the stable had deteriorated  
20 further since 2010, which is unfortunate but not  
21 unexpected considering that no stabilization  
22 attempts had been made after the Board hearing.

1           After viewing this wall, the Historic  
2 Preservation Office concurred that the masonry  
3 failure was extensive in this area, a contrast to  
4 the reasonably good condition of the three other  
5 walls. For safety reasons, the Historic  
6 Preservation Office approved a partial demolition  
7 permit to remove only this one wall and to  
8 stabilize the other three walls. That wall had  
9 been removed by the end of September of last  
10 year.

11           The Board considered the Raze Application  
12 at the October 2011 hearing. The Board received  
13 written letters from both Advisory Neighborhood  
14 Commission 6A and the Capitol Hill Restoration  
15 Society opposing the Raze Application.

16           Maintaining their position from the May  
17 hearing, the Board voted unanimously again in a  
18 vote of 7 to 0 to advise the Mayor's Agent the  
19 proposed demolition is not consistent with the  
20 purposes of the Preservation Law because it would  
21 result in the loss of a property that contributes  
22 to the Capitol Hill Historic District.



1 today. We stand on the record of our previous  
2 Staff Reports and testimony at the Board  
3 Hearings.

4 MR. BYRNE: Thank you, Ms. Molson.

5 MS. MOLSON: Thank you.

6 MR. BYRNE: One question I thought I  
7 might ask you is I take it that you have seen the  
8 -- the report by the structural engineer. Do you  
9 have any -- any reaction to that?

10 MS. MOLSON: Yes. Let me pull it out  
11 here. Bear with me.

12 MR. BYRNE: This is the report from King  
13 Architects --

14 MS. MOLSON: Uh-huh.

15 MR. BYRNE: -- signed by Mr. Adrian King,  
16 dated January 16th, 2012.

17 MS. MOLSON: One of the things I thought  
18 of when I saw this was that we have had many  
19 cases in historic districts in which properties  
20 that have been near collapse have been renovated,  
21 restored, and put back into productive use --

22 MR. BYRNE: Um.

1 MS. MOLSON: -- often increasing the  
2 value of the property at the time of sale.

3 The other thing that I thought was  
4 interesting in the report is that it notes on the  
5 second page that the north wall should be  
6 demolished because it serves no purpose. He  
7 does, of course, mention other structural issues,  
8 but the reason it serves no purpose is because  
9 the remainder of the building needs to be  
10 rebuilt.

11 So I understand -- we certainly  
12 understand that the structure needs a lot of  
13 work, but we think that that is feasible to do,  
14 and it is not uncommon for that to be done  
15 through our history of projects.

16 MR. BYRNE: Thank you. All right. Next  
17 we will hear from the representatives of the ANC.  
18 And so would you please raise your hand? And do  
19 you promise or affirm that everything you say  
20 will be the truth to the best of your ability?

21 MR. HOLMES: It will be.

22 MR. BYRNE: Okay. Would you state your

1 name again, please?

2 MR. HOLMES: David Holmes.

3 MR. BYRNE: Yes, sir.

4 MR. HOLMES: H-O-L-M-E-S, Chair of ANC  
5 6A.

6 MR. BYRNE: Chair of ANC 6A. Thank you.

7 MR. HOLMES: 6A has voted unanimously to  
8 oppose the raze of the stable, a contributing  
9 building in the historic district. You may have  
10 our letter in front of you.

11 MR. BYRNE: I do.

12 MR. HOLMES: The ANC again voted in  
13 January to authorize Commissioner Alberti and  
14 myself to oppose the raze in this forum.

15 The church has failed to consult the  
16 community over the last couple of years. They  
17 came to us once, and we offered to discuss  
18 possibilities with them, but we never heard.  
19 They were asked by the HPRB to meet with the  
20 community, and they did not.

21 This structure dominates the entrance to  
22 this alley. It's unusual. It was built at the

1 very end of horse-drawn transportation in the  
2 District. Its raze would be the loss to the link  
3 -- to a link to the transitional period between  
4 animal and motor transportation in the District.  
5 It needs to be preserved.

6 I find it surreal that the Church's  
7 engineer has said that the wall should come down  
8 because it serves no purpose. That's evidently  
9 the position of the Church as well, that they  
10 have made and will make no effort to improve the  
11 old stable even though HPRB, HPO, CHRS, and the  
12 ANC have all urged and required them to do so.  
13 We specifically urged them to stabilize, repoint,  
14 and reroof.

15 As I said, this is a contributing  
16 property. The Historic District is part of the  
17 reason we move here to -- move to Capitol Hill  
18 and stay there. It was established at the time -  
19 - before the time of the purchase of this  
20 property by the Church. They had to have known  
21 that this was a historic district. We, as the  
22 ANC, want to protect our community from those who

1 attempt demolition by neglect, who exercise poor  
2 stewardship over the endowment that they have  
3 been given.

4 Options are available to the Church for  
5 both self-financing or lease for repair for a set  
6 period of time -- say, 10 years of free lease if  
7 someone will rebuild this property.

8 Zillow.com estimates the next house west  
9 sells -- would sell for \$910,000. On the other  
10 side, 1314, 928; 1316, 916,000; across the  
11 street, 1,100,000. So this church property is  
12 actually 60 percent larger than all the  
13 surrounding buildings other than a church and a  
14 condo building. Clearly, the Church is able to  
15 finance restoration with a loan secured against  
16 the value of the property.

17 The Church has obtained no bids for work  
18 to be done as an alternative to demolition. And  
19 they present no witness to testify or to be  
20 examined about the cost they speculate would be  
21 necessary to rebuild the property.

22 I know -- in a similar vane, without

1 having the witness here -- or engineer here,  
2 comments were made to me by engineers and other  
3 local parties who want this space as -- as a  
4 workshop that it's valuable property for the  
5 rental, for parking, for an arts workroom, for a  
6 carpentry shop. They said that repointing and  
7 reconstruction, rebuilding that one wall,  
8 reroofing could take as little as \$30,000. At  
9 \$200 a month for parking alone, which is a fair  
10 charge in our area, plus the possible separate  
11 rental of the loft, the reconstruction could  
12 easily pay for itself and generate income for the  
13 church after that initial lease period. Use of  
14 the stable as a workshop would bring  
15 substantially higher revenue.

16           The blocks immediately to the west are  
17 closed blocks without alleys that provide off-  
18 street parking. The block on which the church is  
19 located and the block immediately to its north  
20 lack off-street parking for many of the houses.  
21 Parking is a valuable commodity on Capitol Hill.

22           The church has no liens on file, and

1 substantial value has accumulated in its  
2 property. The cost figure that was read out  
3 earlier is actually the assessment. It's actual  
4 value is far in excess of that.

5 A small loan with the very low interest  
6 rates available now would pay for itself quickly  
7 if they wanted to do it themselves. I've looked  
8 at the Church's 2010 and 2011 Income and  
9 Expenditure reports. And while these make the  
10 case that their annual income is modest, they  
11 raised a question. The 2010 income exceeded  
12 listed expenses by about \$8,600. But this amount  
13 appears not to have been carried forward onto the  
14 2011 books or be otherwise noted as continuing to  
15 be available to the church.

16 Similarly, in the 2011 income listed  
17 expenditures of about 6,500 -- exceeding  
18 expenditures by about 6,500. And that amount is  
19 also not accounted for. Taking this -- just  
20 these two years together -- it appears that the  
21 Church had, going into 2012, something in the  
22 neighborhood of \$15,000, plus whatever else has



1 you to present. Even today there's no showing  
2 that the Church has contemplated any action other  
3 than continuing neglect and subsequent  
4 demolition.

5           In another court hearing, in the Court of  
6 Appeals, there was a claim of unreasonable  
7 economic hardship that there was a -- where  
8 there's a showing of alternate economic uses,  
9 there's no taking of the owner's property without  
10 just compensation. There's no Fifth Amendment  
11 issue here -- I mean, Fourth Amendment issue.  
12 There's no showing here that there is no other  
13 economically feasible use for the property.

14           In MB Associates versus D.C. Department  
15 of Licenses, Investigations and Inspection in  
16 1982, it stated that the burden of proof is on  
17 the property owner to establish that there's no  
18 reasonable -- no other reasonable economic use.  
19 Clearly the Applicant has failed to do so. The  
20 Applicant fails the burden of proof.

21           That's my statement. Thank you.

22           MR. BYRNE: Thank you. Thank you, Mr.

1 Holmes. One question is: Are you aware of  
2 efforts of people to purchase or lease the  
3 carriage house for purposes of -- people who have  
4 made offers? Are you aware of any such --

5 MR. HOLMES: No.

6 MR. BYRNE: Thank you. All right. We  
7 will then hear -- are there any persons here in  
8 support of the application who would like to  
9 speak?

10 (No response).

11 MR. BYRNE: Besides the Applicant. We'll  
12 have -- you'll have a chance to speak again,  
13 Pastor, in a moment, please.

14 Okay. So then we will hear if there are  
15 parties in opposition to the Application who  
16 would like to speak.

17 UNIDENTIFIED SPEAKER: Yes.

18 MR. BYRNE: Okay. Very good. So, sir,  
19 let's start with you. Would you please raise  
20 your hand and --

21 MR. ALBERTI: Sure.

22 MR. BYRNE: -- do you promise or affirm

1 that you will tell the truth to the best of your  
2 ability?

3 MR. ALBERTI: I do.

4 MR. BYRNE: And please state your name  
5 for the record.

6 MR. ALBERTI: My name is Nicholas  
7 Alberti. I am ANC Commissioner of ANC 6A, and  
8 this property is in my S and D.

9 MR. BYRNE: Okay.

10 MR. ALBERTI: So I have spoken with many  
11 of the neighbors who share an alley with this  
12 garage, and I've received numerous e-mails and  
13 phone calls of concern about the state of the  
14 building and then the prospect of it being  
15 demolished. No one I have spoke with is in favor  
16 of it being demolished, even given its current  
17 state.

18 You know, HPRB considers the harm that is  
19 done to the historic district when property is  
20 demolished. And it's easy to see that when its  
21 contributing factor that faces the street. I  
22 think it's harder to imagine that when it's in an

1 alley, but that is the case here. I mean there  
2 is harm done to the historic fabric of our  
3 neighborhood.

4           And it's very visible and it's very  
5 apparent to the people who share that alley.  
6 They -- they travel down that alley every day.  
7 Their houses -- many of their houses, the back of  
8 their houses, face that alley and that is part of  
9 their view and enjoyment. And it's part of why  
10 they moved into the neighborhood because it was -  
11 - was the historic nature of the neighborhood.

12           I will tell you that this garage is in  
13 kind of an interesting location because it sits  
14 right at the entrance of an alley. The short  
15 entrance to the alley is perpendicular to the  
16 back corner of this.

17           MR. BYRNE: On North Carolina Avenue?

18           MR. ALBERTI: North Carolina Avenue. So  
19 as you pass down North Carolina -- and especially  
20 if you come -- are coming -- heading south on  
21 13th Street, you look right down the entrance of  
22 that alley, and you see at least a quarter, if

1 not a third, of that building through that alley  
2 entryway. So it would change the view from the  
3 street. So it is visible. It's not just an  
4 alley -- building that's not visible from the  
5 street.

6 I'll also point out that I've been in the  
7 neighborhood over 25 years, and I can remember  
8 the day when that building was intact. It  
9 probably needed repointing even back then, but  
10 the roof was there. The walls were all there.  
11 And I thought, oh, it's a wonderful building. So  
12 it was kind of heartbreaking when it started to  
13 deteriorate and the walls started to fall.

14 And the last thing I'd like to point out  
15 is that, you know, the ANC has given you an  
16 estimate for what it would take to rebuild that  
17 property. And the licensee has done that -- I  
18 mean the -- the property owners have done it  
19 also. I'll admit the ANC has no documentation.  
20 We have no written estimate, but I'll point out  
21 that the property owner has no written -- no  
22 one's signed an estimate. You can't hold anybody

1 to that estimate. And they have presented no  
2 expert witness that can be cross-examined on --  
3 on that estimate. So I think you have to take  
4 those -- both of those for what they're worth.

5 And I'll -- I'll end there. Thank you  
6 for your time.

7 MR. BYRNE: Thank you, Mr. Alberti.

8 All right. Yes, ma'am? Would you first  
9 identify yourself for the record?

10 MS. NELSON: I am Elizabeth Nelson. I'm  
11 the current Chair of the North Lincoln Park  
12 Neighborhood Association. And I live on North  
13 Carolina, 1330 North Carolina, almost looking  
14 down that alley because of the angle of the  
15 street.

16 MR. BYRNE: Okay. Now I'm going to ask  
17 you to swear for the -- for the record. And do  
18 you promise or affirm that you're going to tell  
19 the truth to the best of your ability?

20 MS. NELSON: Indeed, yes.

21 MR. BYRNE: Thank you very much. Please  
22 proceed.

1 MS. NELSON: I'm going to read a  
2 statement because public speaking is not my  
3 forte.

4 MR. BYRNE: That's quite all right.

5 MS. NELSON: Thank you.

6 MR. BYRNE: Take your time.

7 MS. NELSON: I have resided at 1330 North  
8 Carolina Avenue, N.E., a literal stone's throw  
9 from the referenced property, since 1985. I'm  
10 the current Chair of the North Lincoln Park  
11 Neighborhood Association.

12 At the time I moved to the neighborhood,  
13 the stable structure was in good condition, but  
14 despite repeated pleas from the neighbors to  
15 attend to its maintenance, the House of God has  
16 allowed it to deteriorate shamefully. Financial  
17 hardship is no excuse.

18 As parking, especially covered and/or  
19 secured parking is scarce in the immediate area,  
20 and any garage or carriage house commands a  
21 premium rent. This fact has been conveyed to the  
22 property owners.

1           The stable has been determined, quite  
2 accurately, to be a contributing structure, and  
3 its continued existence is important to the  
4 historic quality of our neighborhood. As such,  
5 the property owners are obliged to maintain it.

6           Furthermore, if they are allowed to  
7 commit demolition by neglect and get what they  
8 want -- removal of an unwanted structure through  
9 subterfuge -- it sets an extremely unfortunate  
10 precedent. Others who also have no regard for  
11 the Historic District and Preservation Law and  
12 want to tear down structures that they otherwise  
13 cannot will see that they can accomplish  
14 indirectly what they can't do directly. They  
15 would be emboldened to employ the same tactics,  
16 and nothing in the Historic District will be  
17 safe.

18           And I would also add, if the building is  
19 now unsafe, they have no one to blame but  
20 themselves. Its present condition is not due to  
21 an act of God but their own neglect.

22           So please deny their request for

1 demolition of the historic stable and insist that  
2 the stewards of this property fulfill their  
3 obligations. Thank you.

4 MR. BYRNE: Thank you, Ms. Nelson.

5 And, Ms. Holmes? Would you state your  
6 name for the record, please?

7 MS. HOLMES: I am Shauna Holmes, and I'm  
8 speaking on behalf of the Capitol Hill  
9 Restoration Society.

10 MR. BYRNE: All right.

11 MS. HOLMES: I'm on its Historic  
12 Preservation Committee, and I'm Second Vice-  
13 President.

14 MR. BYRNE: Okay. Thank you. Would you  
15 raise your right hand and --

16 MS. HOLMES: Yes.

17 MR. BYRNE: -- do you promise or affirm  
18 to tell the truth to the best of your ability?

19 MS. HOLMES: Yes.

20 MR. BYRNE: Thank you. Please proceed.

21 MS. HOLMES: The Capitol Hill Restoration  
22 Society agrees with the Historic Preservation



1           I have looked at this property as  
2 recently as yesterday, and there is no evidence  
3 there was ever paint on this wood. It has  
4 ignored the HPRB's decision in May of 2010 that  
5 directed the Church to retain and repair the  
6 building rather than demolishing it. It has also  
7 ignored the HPRB's direction to confer with the  
8 community to work out a viable solution for  
9 repairing, maintaining, and using this structure.

10           Though the Church insists it cannot  
11 afford to repair or stabilize the structure, it  
12 has not even gotten bids for this work, thus  
13 failing to make its own case.

14           We are very disturbed that the Church  
15 created this serious problem of disrepair and  
16 collapse and now wants the city to condone its  
17 poor stewardship and longstanding refusal to seek  
18 solutions by approving a raze permit. This  
19 building is a historic resource in our community  
20 that has been badly treated and neglected by its  
21 owners, and we don't want to lose it. The  
22 owner's failure to keep the structure in good

1 repair is disrespectful of their neighbors,  
2 community, city, and public safety.

3           As others have mentioned, we, too, take  
4 strong exception to the assertion in the  
5 structural engineer's report that -- quote --  
6 "the north wall should be demolished because it  
7 serves no purpose." On the contrary, everything  
8 remaining of this structure serves a purpose as  
9 an important part of the historic fabric of our  
10 neighborhood that should never have been treated  
11 so poorly. The many structural problems cited in  
12 the engineer's report are the direct and sad  
13 result of many years of egregious neglect.

14           It would not be to the District's benefit  
15 to approve this application to raze the  
16 structure, first, because approval would send a  
17 message that breaking the city's law against  
18 demolition by neglect is not only acceptable but  
19 worthy of being rewarded. And second, because  
20 approval would set a terrible precedent  
21 indicating that demolition by neglect has no  
22 consequences. In addition, the Capitol Hill

1 Historic District would be diminished by losing  
2 this contributing structure, and our community  
3 would lose another piece of its history and  
4 character. Thank you.

5 MR. BYRNE: Thank you, Ms. Holmes. One  
6 question: When the Capitol Hill Historic  
7 District was established in the 1970's, right?  
8 About 1978 or thereabouts?

9 MS. HOLMES: Let's see.

10 MR. BYRNE: Mid '70's.

11 MS. HOLMES: Mid '70's.

12 MR. BYRNE: It was on the National  
13 Register first and then D.C., so --

14 MS. HOLMES: Yes.

15 MR. BYRNE: And do you know, did the  
16 original boundaries go to 14th Street or to East  
17 Capitol Street?

18 MS. HOLMES: (Nodding head.)

19 MR. BYRNE: That's correct? Okay. So,  
20 just to clarify that at the time the church  
21 bought the property, it was within the Historic  
22 District.

1 MS. NELSON: I know that it was --

2 MR. BYRNE: Yes.

3 MS. NELSON: -- because, like I said,  
4 it's right at my house --

5 MR. BYRNE: Uh-huh.

6 MS. NELSON: -- and we're in sort of a  
7 thumb that sticks out of the historic district.

8 MR. BYRNE: Okay. All right. All right.  
9 Is there anyone then, other than the Applicant  
10 still who would like to speak? Yes, sir, would  
11 you identify yourself, please?

12 MR. MARTIN: Read Martin. And I'm a  
13 resident of the block that shares the alley space  
14 --

15 MR. BYRNE: Okay. Sir --

16 MR. MARTIN: -- another block away.

17 MR. BYRNE: Thank you very much. Can I  
18 ask you to raise your right hand and do you  
19 promise or affirm that you will tell the truth to  
20 the best of your ability?

21 MR. MARTIN: Yes, I do.

22 MR. BYRNE: Thank you very much. Please

1 proceed.

2 MR. MARTIN: I am representing the  
3 interest of many who live at the opposite end of  
4 the alley. And I think we can testify, and I  
5 will share, you know, representing them as best I  
6 can, our concerns. They're threefold.

7 One is that we do affirm that we use both  
8 ends of the alley, so it's a -- it's a resource  
9 for both sides of the block. And it is something  
10 that absolutely aesthetically contributes to, you  
11 know, the quality of -- of all of the resources  
12 that we play as homeowners in keeping up our  
13 garages. It's -- it's an unusual alley for its -  
14 - for its width. Closer down towards our end it  
15 -- well, it narrows where they are.

16 It's also unusual for the second point I  
17 wanted to make which is that there are historic  
18 ties between this alley and not only the  
19 neighborhood and its development in general and  
20 historically, but also there are connections to  
21 the streetcar barn that -- it's now a residential  
22 on 14th. The -- there's a very large structure

1 at our end of the alley, an unusually large  
2 garage, probably, again, another one and a half  
3 times or two times the size of the structure  
4 we're talking about that by all available  
5 evidence was a mechanic's -- probably a  
6 mechanic's workshop for -- for repairs. It's got  
7 some enormous piers in it. And, really, the --  
8 the character of the rest of the alley reflects  
9 the fact that there was a great deal of activity,  
10 not coincidentally, to our neighborhood but  
11 directly as a result of the construction of the,  
12 you know, of the street and the operation of the  
13 streetcar barn. It would not surprise me at all  
14 if there were connections there.

15 But really, third most important is the  
16 precedent it set, and we keep up and participate  
17 as a community in keeping the alley up, keeping  
18 up our individual structures because of our  
19 obligation as homeowners and -- and our support  
20 of, you know, what the community values, and,  
21 specifically, the Restoration Society and the  
22 Historic Preservation District. And -- and we

1 expect all of our members of the community and  
2 the alley to as best they can to attempt to share  
3 it with us -- share that obligation with us.

4 MR. BYRNE: Okay. Well, thank you very  
5 much for -- for that statement. So, Pastor  
6 Thornton, would you like to respond to anything  
7 that's been said?

8 PASTOR THORNTON: Yes, sir.

9 MR. BYRNE: Please proceed.

10 PASTOR THORNTON: I want to respond to  
11 Mr. Holmes --

12 MR. BYRNE: Uh-huh.

13 PASTOR THORNTON: -- regarding the monies  
14 that were there that we do not have a hardship.  
15 We have worked very hard to have what the balance  
16 is in there so that we could get our roof  
17 replaced, so that we could get our furnace  
18 replaced, and so that we could get the -- the  
19 entire building resurfaced. I call it  
20 resurfacing because I don't know the correct  
21 terminology, but also, that cement has  
22 diminished. And rain has begun to come into the

1 -- the lobby portion because there is nothing  
2 there to keep the rain out.

3           So, for the statement to be made that we  
4 do have funds there for the rebuilding of the --  
5 that garage, it's -- it's untrue, Mr. -- Mr.  
6 Holmes. That's an untrue statement.

7           Also, Mrs. Shauna Holmes, you said there  
8 is no evidence of that building ever being  
9 painted. That's an untrue statement. When we  
10 boarded up the area there, we painted that area  
11 so that everything would blend in together so  
12 that it would not look like it was a piece of  
13 board thrown there in the -- in the open window  
14 there, so that it would look decent.

15           So we did do something. It's not like  
16 that we didn't do anything at all. We did what  
17 we could do with the little funds that we did  
18 have to maintain the building.

19           Let's see. Who mentioned -- I think it  
20 was Mr. Holmes that mentioned a lease -- leasing  
21 for repair. I think -- oh, either Mr. Alberti  
22 one of the -- you were? Okay. That -- that

1 sounds really, really great. When you have  
2 someone else on your property, leasing your  
3 property, they can do whatever they choose to do.  
4 I think they can because they're leasing it.  
5 Okay.

6 And we have a church there. It's a  
7 church service that goes on there. So to have  
8 someone coming -- and we don't work on Sabbath.  
9 So, to have someone on our premises there leasing  
10 our property on Sabbath would be a violation for  
11 us.

12 MR. BYRNE: Uh-huh.

13 PASTOR THORNTON: A violation of our  
14 religious purpose.

15 MR. BYRNE: So, well, okay. Well let me  
16 ask you a few questions --

17 PASTOR THORNTON: Sure. Please.

18 MR. BYRNE: -- that have arisen from what  
19 I -- what I have heard, what I have heard here.  
20 In choosing Mr. King as your structural engineer,  
21 were you looking for a person who had expertise  
22 with historic structures or how did you -- how

1 did you choose Mr. King?

2 PASTOR THORNTON: Tell him how. I did  
3 not choose Mr. King --

4 MR. SOLOMON: We chose him for --

5 PASTOR THORNTON: -- personally.

6 MR. SOLOMON: -- advice --

7 MR. BYRNE: Yes.

8 MR. SOLOMON: -- to let us know which way  
9 to go, how we should go, or what should be done.  
10 We didn't -- we didn't know what to do, so we had  
11 to get somebody that knew more about --

12 MR. BYRNE: Sir, would you state your  
13 name for the record?

14 MR. SOLOMON: David S. Solomon.

15 MR. BYRNE: Yes, Mr. Solomon, thank you  
16 very much. And -- and I never swore -- I never  
17 had you swear. Would you mind?

18 MR. SOLOMON: You don't have to worry  
19 about me telling the truth.

20 MR. BYRNE: I -- I have full confidence  
21 in you, but since I've done it with everyone else  
22 --

1 MR. SOLOMON: Yeah.

2 MR. BYRNE: -- do you promise or affirm  
3 you're telling the truth to the best of your  
4 ability?

5 MR. SOLOMON: I most certainly do, sir.

6 MR. BYRNE: Okay. But how did you choose  
7 Mr. King as opposed to some other structural  
8 engineering --

9 MR. SOLOMON: Just looking for an  
10 architectural or structural engineer. I asked  
11 someone -- asking around.

12 MR. BYRNE: Asking around.

13 MR. SOLOMON: And then by me working for  
14 the Architect of the Capitol --

15 MR. BYRNE: Ah, so?

16 MR. SOLOMON: -- I -- I had the Architect  
17 of the Capitol on Capitol Hill to come out and  
18 look at it.

19 MR. BYRNE: The architect himself?

20 MR. SOLOMON: Well, yeah, the structural  
21 engineer.

22 MR. BYRNE: The structural engineer?

1           MR. SOLOMON: Yes, someone that worked  
2 there and just to get more advice.

3           MR. BYRNE: Uh-huh.

4           MR. SOLOMON: And, of course, they didn't  
5 want to sign no paper work, of course.

6           MR. BYRNE: Uh-huh.

7           MR. SOLOMON: Not working with me because  
8 it might look, you know.

9           MR. BYRNE: Yes.

10          MR. SOLOMON: And their opinion was the  
11 same, getting rid of it.

12           The vision of these buildings from the  
13 alley, you don't -- you don't see all this on the  
14 alley when you drive by. All you see is this one  
15 corner from C Street. When you drive -- I drive  
16 past there every morning going to work up on the  
17 Hill. This is all you see in that alley. When  
18 you drive past that alley --

19          MR. BYRNE: Uh-huh.

20          MR. SOLOMON: -- this is all you see.

21           When you come down the front side, you  
22 see just a corner --

1 MR. BYRNE: Of the carriage house.

2 MR. SOLOMON: -- of the building. You  
3 don't see that. You see this side.

4 MR. BYRNE: Uh-huh.

5 MR. BYRNE: You don't see all that side  
6 of it.

7 MR. BYRNE: Right. You see it down the  
8 driveway.

9 MR. SOLOMON: Right. The building's not  
10 really visible, I mean, not unless you are in the  
11 alley. You live in that alley, you can see the  
12 back.

13 MR. BYRNE: Right.

14 MR. SOLOMON: You can't even see the  
15 front of it if you live in the alley because the  
16 south side is behind the church.

17 MR. BYRNE: Uh-huh, yes.

18 MR. SOLOMON: The east and west side you  
19 cannot see because of this building. The only  
20 thing you can see really is a corner of the north  
21 side of that building if you happen to drive by.

22 MR. BYRNE: Okay.

1 MR. SOLOMON: It's not a good  
2 (unintelligible) two or three come in and oh, my,  
3 you see, it's not visible like that.

4 MR. BYRNE: Well, but it's a public alley  
5 though.

6 MR. SOLOMON: Right. Exactly. You can  
7 see how they been -- the truck drivers, the trash  
8 trucks been (unintelligible) on it. They -- it's  
9 a very narrow alley. They done took the  
10 (unintelligible) off of one corner. When you  
11 turn in -- they done chopped part of that off at  
12 the other church. I mean it's a tight alley.

13 MR. BYRNE: Uh-huh.

14 MR. SOLOMON: But it's nothing really --

15 MR. BYRNE: So one of -- one of the --  
16 one of the things I wanted to ask about was that  
17 both the HPO the HPR -- RB had asked you to  
18 consult with the community about alternatives,  
19 and -- and their view is that you really haven't  
20 done that. What's -- what's your view?

21 PASTOR THORNTON: Yeah. It was stated  
22 that we did not attend a meeting of some sort.

1 It wasn't stated that -- because I know we did go  
2 to the ANC meeting. Whenever we get a notice  
3 that there is going to be a meeting regarding  
4 this, we always show up.

5 MR. BYRNE: Uh-huh.

6 PASTOR THORNTON: Yeah.

7 MR. BYRNE: So my understanding was that  
8 the suggestion was that you try to -- try to  
9 consult with people in the neighborhood about  
10 alternatives to demolition of the -- of the -- of  
11 the carriage house.

12 PASTOR THORNTON: Oh, it was the release  
13 of the lease things, the lease for -- get someone  
14 who may want to fix the building up and use it  
15 for X number of years and then return it back to  
16 you. That sounds really a-okay. Sometimes you  
17 can lose your property that way because if you  
18 don't know the ins and outs of what you're doing,  
19 it becomes their property and not yours.

20 MR. BYRNE: Oh, but people do lease out  
21 property --

22 PASTOR THORNTON: Oh, yeah, they do.

1 MR. BYRNE: -- lease out parts of their  
2 property.

3 PASTOR THORNTON: Yeah, but -- yes, they  
4 do. They lease out properties. Properties that  
5 may have already been maintained and may have  
6 already been built and restored.

7 MR. BYRNE: Uh-huh.

8 PASTOR THORNTON: But, see, you're asking  
9 restore of this property --

10 MR. BYRNE: Uh-huh.

11 PASTOR THORNTON: -- and let me use it.  
12 We will restore it. We're going to use it, and  
13 then we are going to release it to you.

14 MR. BYRNE: We're going to lease it to  
15 you? Yes.

16 PASTOR THORNTON: We're going to give it  
17 back to you in other words.

18 MR. BYRNE: Are you -- and the other  
19 suggestion was that you could -- you could borrow  
20 money to restore it yourself and then lease it to  
21 -- to pay off the debt.

22 PASTOR THORNTON: Not with our -- not

1 with our membership we can't.

2 MR. BYRNE: But the -- the idea is that  
3 the payment on the lease terms would pay down the  
4 loan. That's the suggestion that was made. Is  
5 that something that you've considered?

6 PASTOR THORNTON: Well, you have to have  
7 the place so that you can rent it.

8 MR. BYRNE: Right, so you -- you'd have  
9 to borrow money?

10 PASTOR THORNTON: Yes.

11 MR. BYRNE: And then -- and I understand  
12 that that's an alarming thing for a church to  
13 borrow money to put the rest of the church at  
14 risk, but the suggestion is that -- that -- that  
15 the income from the rental of the property would  
16 pay down the loan. Is that -- I mean, that's  
17 something that you have considered?

18 PASTOR THORNTON: Well, the income will  
19 if we -- it will pay down it provided that the  
20 bank will let us have a loan with such small  
21 membership because most of our members are  
22 seniors --

1 MR. BYRNE: Uh-huh.

2 PASTOR THORNTON: -- and a few children.

3 MR. BYRNE: Uh-huh.

4 PASTOR THORNTON: And when you have a  
5 church on a -- we call it fixed income because  
6 everybody's --

7 MR. BYRNE: You call it what?

8 PASTOR THORNTON: -- income is fixed. We  
9 talked about --

10 MR. BYRNE: Fixed income?

11 PASTOR THORNTON: Yeah, every -- yeah.

12 MR. BYRNE: Yeah.

13 PASTOR THORNTON: When you have that,  
14 when a need arises, most individuals will forget  
15 about a pledge that they've made to the church or  
16 a vow that they've taken to the church --

17 MR. BYRNE: Uh-huh.

18 PASTOR THORNTON: -- and -- well let me  
19 tell you the -- you know, a little story about  
20 the mother who gave the son two nickels. One was  
21 for Sunday school, and one was for an ice cream  
22 cone. And he was jingling them, you know, in his

1 pocket, and he passed a grate, and one of the  
2 little nickels fell down the grate. And he says,  
3 "Uh oh, God, there goes your nickel."

4 MR. BYRNE: Yeah.

5 PASTOR THORNTON: So this is the way it  
6 goes with the church --

7 MR. BYRNE: Yes.

8 PASTOR THORNTON: -- and with  
9 individuals. They mean well, good people.

10 MR. BYRNE: Uh-huh.

11 PASTOR THORNTON: Good people. But when  
12 a need arises, it's going to be the church that's  
13 cut short --

14 MR. BYRNE: Uh-huh.

15 PASTOR THORNTON: -- because of the need,  
16 you know.

17 MR. BYRNE: Uh-huh.

18 PASTOR THORNTON: And I -- and I can very  
19 well understand that.

20 MR. BYRNE: Uh-huh.

21 PASTOR THORNTON: I can understand that  
22 very well.

1 MR. BYRNE: Yeah. So, Pastor Thornton,  
2 how long have you been the pastor there?

3 PASTOR THORNTON: Fifteen years.

4 MR. BYRNE: Fifteen years. So you -- you  
5 -- you -- okay. Very good.

6 PASTOR THORNTON: Fifteen years.

7 MR. BYRNE: Did the church have an  
8 existence as a congregation before it went to  
9 1310 East Capitol Street?

10 PASTOR THORNTON: Yes, yes.

11 MR. BYRNE: Where was it before that?

12 PASTOR THORNTON: It was on 9th and O,  
13 9th Street, N.W.

14 MR. BYRNE: Northwest?

15 PASTOR THORNTON: Uh-huh.

16 MR. BYRNE: Okay. All right. Anyone else  
17 like to say anything? Mr. Holmes?

18 MR. HOLMES: Yes, a brief comment. The  
19 church has been a good neighbor, but in this case  
20 their stewardship has failed the neighborhood,  
21 the historic district, and their responsibility  
22 as custodians of their own endowed property.

1           A raze is not needed; reconstruction is  
2 the reasonable remedy. The Board's rejection of  
3 the raze is correct. The church has failed to  
4 provide the required alternative to demolition.  
5 It really cannot claim unreasonable economic  
6 hardship when self-financing is available when  
7 moderately short term leases with no rent paid  
8 for by lessee reconstruction is a practical  
9 option.

10           So, in summary the Applicant has failed  
11 the burden of proof, failed the standard of  
12 stewardship, and failed to meet their obligations  
13 to the community. Their lack of maintenance so  
14 long prolonged should not be rewarded.

15           MR. BYRNE: All right, Mr. Holmes. Ms.  
16 Nelson, did you want to speak?

17           MS. NELSON: Well, I don't know if this  
18 would be considered off topic or not because I'm  
19 not used to your proceedings but I --

20           MR. BYRNE: Let's see.

21           MS. NELSON: -- I'm concerned because  
22 they've said that they're having trouble

1 maintaining the rest of the property. And, you  
2 know, if they're allowed to just let the carriage  
3 house go, it's -- like the next thing might be to  
4 let the whole building go because if you're  
5 allowed to just let one thing go and there's no  
6 consequences and they say, "Oh, well," you know -  
7 - then what about if it's the -- the main  
8 building.

9 MR. BYRNE: Uh-huh.

10 MS. NELSON: I feel like they could  
11 either get a mortgage, rent out some of it. I  
12 mean, it's their -- I mean, I don't feel like  
13 it's really appropriate to me to dictate to them  
14 exactly what means they should use to solve their  
15 financial problems; but they can rent part of the  
16 property. They could even sell the property.  
17 I'm not saying they should, but they could sell  
18 the property, take the money, let somebody who  
19 can maintain the property fix it up, and then buy  
20 a structure that they could reasonably maintain  
21 somewhere else.

22 The church building is still worth a lot

1 of money, although, you know, apparently even  
2 that is deteriorating.

3 MR. BYRNE: Okay. Ms. Holmes?

4 MS. HOLMES: I -- I just -- just want to  
5 speak to one or two things. Every time I've gone  
6 over and looked at this property, including  
7 yesterday, I looked very carefully for any  
8 evidence of the maintenance that I knew the  
9 Church had said it had done. I really did not  
10 see a flake of paint. I looked hard. The wood  
11 was way beyond weathered, fraying and splaying  
12 out.

13 The metal trim at the top of the north  
14 wall now is even in worse condition than the  
15 photographs that were taken not very long ago.  
16 So, I, of course, was not on the premises. I  
17 could not be. The property is secured, so maybe  
18 there's evidence of paint somewhere I didn't see,  
19 but from the public alley, which is a big part of  
20 what's at issue here, it was not apparent. If  
21 and when it was ever painted, it had to have been  
22 a really long time ago.

1           So, I -- I continue to be very concerned  
2 about the demolition by neglect here and the  
3 focus on only demolition as a solution, exclusive  
4 of any other options.

5           MR. BYRNE: Uh-huh.

6           MS. HOLMES: And I -- -- I -- I want to  
7 repeat my concern about the precedent it would  
8 set which would be different from earlier  
9 precedent that the Historic Preservation Review  
10 Board has established to reward the demolition by  
11 neglect that is concerned here.

12          MR. BYRNE: Uh-huh.

13          MS. HOLMES: It would -- it would take a  
14 -- it would make a terrible precedent.

15          MR. BYRNE: Uh-huh, uh-huh. Mr. Alberti,  
16 did you want to speak?

17          MR. ALBERTI: I think I'm stating the  
18 obvious here, but, you know, we're really --  
19 we're talking about demolition by neglect. And I  
20 just want to point out that the church has owned  
21 this property for over 30 years, and by their own  
22 admission they haven't really set anything aside

1 for maintenance.

2 I mean, I and many of my neighbors, as  
3 responsible property owners in the Historic  
4 District, set aside money for maintenance every  
5 year, a mere \$3,000, even \$2,500 a year set aside  
6 for maintenance would have at this point after 30  
7 years allowed them a nest egg of approximately  
8 \$100,000 with which to do all of these repairs.

9 So, you know, I think we need to take  
10 into account their choices that they've made and  
11 in coming to you and -- and in claiming hardship.

12 MR. BYRNES: So, one issue, Pastor  
13 Thornton, I would like to ask you about that's  
14 been raised by others, which is whether there's  
15 been any discussion in the church about a sale of  
16 the property and a move to a different premises.  
17 Just what -- what's your thinking about that?

18 PASTOR THORNTON: Yes. We've thought  
19 about it, but it goes back to membership. We can  
20 sell. We can get a nicer place with -- with a  
21 lot of parking, but are you able to keep that  
22 place if you don't have the monies coming in? If

1 you don't have the people coming and if you don't  
2 have the monies coming in --

3 MR. BYRNE: Uh-huh.

4 PASTOR THORNTON: -- then you don't have  
5 anything but a lost piece of property.

6 Maintenance, mentioned by Shauna. No,  
7 that wasn't Shauna; it was Ms. Nelson. Okay.  
8 Ms. Nelson.

9 We have maintained our church properties  
10 to the best of our abilities. We're not people  
11 that just don't care about properties. This  
12 appears to be the consensus here, but that's an  
13 untrue consensus. We do care about historic  
14 properties. We care about our properties there,  
15 but with what we have -- we do the best with what  
16 we have. So, you know, it's not just like, "Oh,  
17 just let it go." You know, "Oh, they're not  
18 unconcerned." It's not that at all. I don't  
19 want anyone to -- to leave here thinking that we  
20 don't care about historic properties. We do.

21 But when it comes to the danger of  
22 maintaining a wall, and a wall that's put a

1 precedent over safety, that's what our concern  
2 is. We just don't have the funds.

3           When you looked at the budget, again, you  
4 saw that there was some monies there, but again,  
5 you've got to have some monies to maintain a  
6 property. I mean, you know, even if your car  
7 goes down, you've got to have some -- some way to  
8 fix your car. So the same thing with the  
9 building. A building is constantly needing --  
10 it's an old building --

11           MR. BYRNE: Uh-huh.

12           PASTOR THORNTON: -- and it needs things.  
13 We try to keep the interior, the -- did you see  
14 the interior? Did the interior look really,  
15 really bad at the church? Did the front of the  
16 church look really bad?

17           MR. SOLOMON: It looks real nice.

18           PASTOR THORNTON: I thought it looked  
19 pretty decent. Did you understand what I'm  
20 saying?

21           MR. BYRNE: Yes, I do.

22           PASTOR THORNTON: We're concerned. We're

1 concerned about the neighborhood.

2 Thank you, Mr. Holmes, for saying that we  
3 are good neighbors. We try to be good neighbors.

4 MR. HOLMES: Amen. Amen.

5 PASTOR THORNTON: And we try to do things  
6 that calm people or the -- the community. You  
7 know, we really try to be who we are and what we  
8 are. So -- so we try to keep it up with what we  
9 have.

10 MR. BYRNE: Uh-huh.

11 PASTOR THORNTON: And -- but the monies  
12 is really not there. We need a furnace. We need  
13 a roof. We need carpeting. We need lots of  
14 things. We need a lot of things to maintain the  
15 church.

16 MR. BYRNE: I hear you.

17 PASTOR THORNTON: Yeah. And the -- and  
18 the -- and, if -- you know, you have to  
19 understand church work and the people that comes  
20 to church. No matter how many members you have,  
21 there's only a -- a percentage that will give and  
22 that will support.

1 MR. BYRNE: Uh-huh.

2 PASTOR THORNTON: Even in a mega church  
3 you still have a percentage that will -- will  
4 support and give.

5 MR. BYRNE: Uh-huh.

6 PASTOR THORNTON: Renting out -- we can't  
7 rent anything out. I mean, our church has  
8 nothing to rent out. Not that building, there's  
9 nothing in the building to rent out. You have  
10 the sanctuary there, and, you know, a dining  
11 facility. So, we can't rent anything out. We  
12 can't even have a daycare that would bring in  
13 income. So we're just in a precarious situation,  
14 and we're at the mercy of the court, and the ANC  
15 Board, and everybody.

16 But again, I don't want you to think that  
17 we are bad people that have not done anything.  
18 The painting, Mrs. Nelson --

19 MR. BYRNE: (Unintelligible.)

20 PASTOR THORNTON: -- was done to the  
21 exterior of the building, the front of the  
22 building, the front part.

1 MS. HOLMES: I see.

2 PASTOR THORNTON: Yeah, it was done, the  
3 front part, yeah. And that's torn down.

4 MS. HOLMES: I did not -- I mean, what's  
5 at issue here is the structure so --

6 PASTOR THORNTON: Yeah, right. You're  
7 talking about that, yes.

8 MS. HOLMES: -- beyond admiring the front  
9 of the building from --

10 PASTOR THORNTON: Yeah.

11 MS. HOLMES: -- the sidewalk, I have not  
12 looked closely at it because that's not at issue.

13 PASTOR THORNTON: Yes.

14 MR. BYRNE: Okay. Did you want to add  
15 something, Ms. Nelson?

16 MS. NELSON: I would beg them if they  
17 cannot maintain it -- and I -- I don't think that  
18 you're not being truthful. I would beg you that  
19 if you cannot maintain the property, that you  
20 sell it for a lot of money to somebody who can  
21 properly care for it and use that money to  
22 purchase something that you can successfully

1 maintain because while your intentions may be  
2 good, it's not right to allow a treasure like  
3 that to fall apart when you do have the means by  
4 allowing somebody else to have it.

5 I mean, if you can maintain it, fine.  
6 But if you can't, you really ought to let  
7 somebody else have it.

8 MR. BYRNE: Very well. Thank you, Ms.  
9 Nelson. I think we've --

10 MS. NELSON: I'm sorry.

11 MR. BYRNE: -- sort of reached the point  
12 where you can -- I would encourage you all to  
13 speak with each other, but I think that all of  
14 the -- all the testimony and evidence has been  
15 put forward.

16 I will take -- I will -- we will -- I  
17 will get the transcript of the hearing, and I  
18 will attempt to render a written decision within  
19 a month.

20 So, thank you all for being here. And  
21 this will conclude today's hearing.

22 (The hearing was concluded at 11:01 a.m.)