

561 It's indigenous to the footprint of this site but simply runs afoul of the fact that
562 while we get the floor area through 77-22 as an averaging, we don't get the height and
563 setback that comes along with that additional floor area.

564 This site is zoned, as you know, split lot but the great percentage of it is R-8 (b),
565 yet, its as-of-right allowable floor area is not 4 FAR. It's 8.38 FAR under 77-22. And,
566 yet, we do not get the height and setback allowances that are concomitant with the zoning
567 providing us as-of-right twice as much floor area as the R-8 (b) height and setback would
568 ordinarily provide. That, also, can be considered, I think, by the Board a fair grounds - -
569 fair grounds for a hardship.

570 CHAIR SRINIVASAN: Any questions or comments?

571 COMM. OTTLEY-BROWN: Just a comment back that
572 it's my opinion that residential use to raise capital funds to correct programmatic
573 deficiencies is not in and of itself a programmatic need. It may be a resolution to a
574 problem or a way of financing a resolution to a programmatic need.

575 And, I think if we open the door, here, and allow that argument in, we're going to
576 have a hard time turning down every other religious institution that wants to place
577 residential in their backyard in order to finance expansion.

578 I think it's an easier case to make, a clearer case to make, if you draw a distinction
579 between the issues that you have regarding your community facility and the need for
580 those waivers and the issues that you have regarding the potential development square
581 footage that you have for residential and the actual logistical problems of using that space
582 on that portion of the lot that you're allowed, using the community facility argument only

583 as an incidental to explain the fact that any residential use would have to start 49 feet up
584 and be contained by your height limitations in that district.

585 MR. FRIEDMAN: We will take a look at how we can re-
586 present that, re-present that to you.

587 Would it be helpful to hear from Mr. Freeman on this point since I think his
588 analysis unlocks some of the concerns that you have on these questions?

589 CHAIR SRINIVASAN: Well, I think we've read through
590 the financials. We may disagree with Mr. Freeman's assumptions, so I don't think Mr.
591 Freeman needs to explain to us what he's done on his financials. We've seen it. I think
592 we have some concerns which we raised yesterday and either he can go back and look at
593 that or we can state them for the record, but I think some of the issues have to do with
594 how the site is valued and how a good portion of what is anticipated as the developer
595 paying for that site is not going to be used by the developer because it's being used by the
596 synagogue.

597 So, it's almost like you should take that out of the equation and then you have this
598 value on this property without that 20,000 square feet that's being used for the
599 synagogue.

600 And, then, I think it's about looking at what Commissioner Ottley-Brown said.
601 It's how do you use that on the site?

602 Because, otherwise, it goes back to the same thing; that \$10 million worth is
603 really just paying for the synagogue.

604 And I think it - - then it still remains a door opener so we've seen a lot of cases
605 before the Board which is based on programmatic needs there; enlargements of existing