

goulston&stорrs
counsellors at law

Allison C. Prince
aprince@goulstonstорrs.com
202-721-1106 Tel

Cary R. Kadlec
ckadlec@goulstonstорrs.com
202-721-1113 Tel

2012 MAY 14 PM 2:55

RECEIVED
D.C. OFFICE OF ZONING

May 14, 2012

VIA EMAIL

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Z.C. Case No. 11-13 – Applicant's Responses to CSCA's Proposed Conditions

Dear Chairman Hood and Members of the Commission:

At the public meeting on April 30, 2012, the Commission asked the Applicant to respond to the six conditions of approval that the Carrollsburg Square Condominium Association (“CSCA”) proposed. This letter responds to each of the six conditions in turn.

1. *Tree Protection and Additional Trees in Courtyard*

The Applicant and the CSCA are finalizing the terms of the Tree Protection Agreement (“TPA”) for the trees along the border between the two properties. The Applicant agrees to include the TPA as a condition of approval, and the final TPA will be submitted to the record prior to final action. The final terms of the TPA will include the minimum size of the replacement trees, should one of the existing trees die as a result of construction.

The CSCA requested that the Applicant provide more trees in the courtyard. However, the Applicant already agreed to this, and the latest plans submitted to the Commission incorporate additional trees in the courtyard. It is unnecessary to include this as a condition of approval.

ZONING COMMISSION
District of Columbia
CASE NO. 11-13
EXHIBIT NO. 105

ZONING COMMISSION

District of Columbia
CASE NO. 08-06
EXHIBIT NO. 105

May 14, 2012

Page 2

2. Landscaping at M and 3rd Streets

The Applicant agrees to provide new landscaping at the corner of 3rd and M Streets, as requested by the CSCA. The Applicant agrees to include this as a condition of approval.

3. Fence and Gate

The Applicant agrees to provide a fence and gate between the courtyard and the CSCA along the southern property line, as requested by the CSCA. The Applicant agrees to include this as a condition of approval.

4. Quality Building Materials

The CSCA requested that the Commission require “high quality building materials on all sides of the building” as a condition of approval. The Applicant is unable to agree to such a nonspecific condition of approval, but the building’s design already includes high quality materials. These materials on all sides of the building were represented in the Applicant’s presentation and submissions. The exemplary architecture is one of the benefits of the project, and the high quality materials are part of that. The Applicant is obliged to construct the project approved by the Commission, and this includes the design and materials.

5. Construction Management Plan and Point of Contact

The CSCA requested a copy of the Applicant’s construction management plan (“CMP”) and that the Applicant provide a point of contact during the construction process. The Applicant is working to finalize a CMP and will provide a CMP to the CSCA prior to the commencement of construction. The Applicant will abide by all applicable laws and regulations during the construction process to minimize debris, dust, noise, and other possible disruptions. The Applicant will work with the CSCA on all of its concerns during the construction process, and the Applicant will provide a point of contact for the duration of the construction process.

6. Pool and Fitness Center Memberships

The CSCA requested that their residents be allowed to purchase memberships to use the building’s pool and fitness center. The Applicant is unable to agree to this condition of approval. Allowing nonresidents to use the pool and fitness center would create security and building access concerns. In addition, it would raise insurance and liability issues for the Applicant. Further, the Applicant may risk violating anti-discrimination laws by opening these facilities to a select few (the CSCA) and not to other DC residents. The building will not be set up to run a public fitness or pool facility. The Applicant cannot afford to hire the additional staff, obtain the

May 14, 2012

Page 3

requisite business license, and purchase the necessary insurance that would be required to operate such facilities.

Sincerely,



Allison Prince



Cary Kadlecik

DCDOCS\7061852.1

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2012, copies of the attached letter were delivered via email to the following:

Paul Goldstein
D.C. Office of Planning
paul.goldstein@dc.gov

Jamie Henson
District Department of Transportation
jamie.henson@dc.gov

ANC 6D
office@anc6d.org

Robert Weller
bob@weller.org

Catherine Herridge
cvdh64@hotmail.com

Michael Krause
mdetlefk@aol.com

Carrollsburg Square Condominium Association
c/o Jonathan & Kathleen Beeton
board@carrollsburgsquare.org
jonathanbeeton@gmail.com



Cary Kadlecek