GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING
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TUESDAY

SEPTEMBER 26, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ROBERT N. SOCKWELL	Vice Chairperson
RODNEY L. MOULDEN	Board Member
ANN RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD	Commissioner
CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress	Director
Sheri Pruitt	Secretary, BZA
Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist
John Nyarku	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Andrew Altman	Director, Office of Planning
Steven Cochran	Office of Planning
David King	Office of Planning
Kenneth Laden	Department of Public Works
Ellen McCarthy	Office of Planning
Julie Wagner	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.

C O N T E N T S

AGENDA ITEM PAGE

APPLICATION OF NJA DEVELOPMENT PARTNERS, L.P., 16601 ANC-6B 4

P-R-O-C-E-E-D-I-N-G-S

(9:57 a.m.)

CHAIRPERSON REID: Good morning.

Prior to our hearing today, we will commence with a meeting, a very short meeting, a preliminary matter. Actually it's not a preliminary matter. It's a short meeting prior to our regular hearing.

Mr. Hart -- well, I guess I should also say this is the September 26th meeting of the Board of Zoning Adjustment, which will precede the September 26th hearing.

Mr. Hart, would like to call the point of the meeting, the points?

MR. HART: Good morning, Madame Chair, members of the Board.

This special public meeting is to decide Case No. -- Application No. 16601 of NJA Development Partners, L.P., pursuant to 11 DCMR 3103.2 and 3104.1, for variances from Subsection 1709 for the requirement to use TDRs and from Subsection 773.3 for the residential recreation space requirement and for a special exception under Subsection 411.11 for multiple roof structures set back less than one to one from the edge of the roof to the construct. One thirty foot 9.6 floor area apartment house to contain approximately 371 units and hotel to contain approximately 170 rooms, with optional ground floor retail and/or office uses in a C3C district receiving zone at premises New

Jersey Avenue, K, L, and Second Streets, S.E., Square 741, Lots 7, 8, 13, 14, 16 through 18, 20 through 36, 801, 803, 804, 807 through 809, and the public alley proposed to be closed.

This case was heard on September 19th and the decision date is to be today. The Board determined that a decision on the application would be made today.

Board members present in that meeting were Mr. Sockwell, presiding, Ms. Renshaw, and Mr. Hood.

Thank you.

CHAIRPERSON REID: Thank you, Mr. Hart.

In that I was not present at that meet and Mr. Sockwell presided, I'll now allow him to commence with the discussion of the issues as they pertain to this particular case.

VICE CHAIRPERSON SOCKWELL: This project, in part, revolved around a TDR issue, a waiver of the requirements for the use of transferrable -- a variance rather of the requirements for the use of transferrable development rights to construct and was reviewed for various issues pertaining to its viability as a project in an area that is considered to be an emerging development area of the city.

There are a series of provisions as conditions that have been proposed, some of which by the Advisory Neighborhood Commission, among others, and we have those provisions now revised to a point where they can be, I suppose, read into the record, if that would be appropriate, and they have not yet been reviewed by

the Advisory Neighborhood Commission, and there will be some discussion about that.

Proposed conditions for BZA Application No. 16601 shall clarify the location of the emergency egress stair -- this is what the Applicant shall do -- shall clarify the location of the emergency egress stair for the hotel, clarify that it is in the location shown in Appendix C, Sheet 4 of the plans submitted.

The Applicant shall design the roof structure as if they were towers above the main building, that is, face all sides of the roof structures with the same -- with materials of the same type and/or appearance as those of the principal building facades.

That the footprint of the structures shall be approximately the same size; that the height of all three roof structures be a uniform 18 foot, six inches per the plans, and the fourth roof structure over the stair tower be of a lower height; that there be a clear termination to the top of the roof structures consistent with the detailing of the top of the principal building facades.

The Applicant shall meet the design guidelines specified in the plan for all structures. The Applicant shall set back in a ratio of one to one ratio the roof structure that is now flush with the wall at the property line shared with Lot 19. The Applicant shall refine the design of the blank wall adjacent to Lot 19 so that it incorporates patterns and on the upper floors and with respect to the windows where permitted by the building

code reflect the rhythms, fenestration, and materials of the proposed apartment building facade on Second Street.

The Applicant shall reserve at least 20 percent of its total number of apartment units for affordable housing subject to the terms and conditions of an agreement with DCHFA -- that's the D.C. Housing Finance Agency -- and its bond financing.

The Applicant shall allow rear access to Lot 19 for so long as the property remains unincorporated into the proposed hotel and apartment project as part of the alley closing process. The Applicant shall landscape at least 80 percent of the 8,643 square foot courtyard and include active recreational uses in at least 30 percent of the courtyard area.

The Applicant shall provide a secure entrance and exit for apartment residents on the Second Street frontage or from the courtyard to Second Street.

The Applicant shall reserve the pool land the adjacent meeting room/party room for activities catering exclusively to residents of the apartment building for at least six hours per month at no cost.

The applicant shall provide assurances that the residential/apartment portion of the project shall satisfy the requirements for an apartment house use as set forth in the zoning regulations and shall not be used as an end or expansion of the hotel for so long as the TDR variance is granted pursuant to Section 1709 are utilized.

And finally, the Applicant shall enter into a first source employment agreement with the Department of Employment Services of the District of Columbia in connection with the development of the hotel portion of the project. The Applicant shall report quarterly to the ANC-6B as to job availability during the construction phase of the entire project.

Those conditions the -- probably the five ones, yes, and any comments on these?

MEMBER RENSHAW: Mr. Vice Chair, I looked through my notes as you were talking, and there was an additional comment that I made at the last meeting, and that was that any additional antennas or other visible additions to the roof such as tower satellite dishes be done in consultation with the ANC. I remember making that comment at the last meeting.

DIRECTOR KRESS: Yes, you did.

VICE CHAIRPERSON SOCKWELL: Yes, I recall that.

MEMBER RENSHAW: And I would propose that that be added.

VICE CHAIRPERSON SOCKWELL: Any other comments by Board members on that?

As you know, the antenna regulations will be the legal requirements by which the antennas can be constructed, but that the advisory -- the community should be consulted on anything that can be considered an eyesore, which is one of the reasons that the antenna regulations were initiated and passed in the

first place. That seems fine with me.

Incorporating the conditions of which there are now three -- 13, the 13 conditions as read, I would ask for a motion that we approve this application with the conditions, with the one additional factor that we would leave the record open for a period of 30 days to allow the Advisory Neighborhood Commission which had not seen the final conditions and is not represented here to day to review and comment on those conditions.

DIRECTOR KRESS: May I suggest you also include all parties --

VICE CHAIRPERSON SOCKWELL: All parties because all parties --

DIRECTOR KRESS: -- because no one has seen it final as you have just proposed it.

VICE CHAIRPERSON SOCKWELL: Right. Then we will make that all parties.

MEMBER RENSHAW: All parties 30 calendar days from the date of the letter, and then it's specific.

VICE CHAIRPERSON SOCKWELL: That's right.

Do we have a second for that motion?

MEMBER RENSHAW: Second.

COMMISSIONER HOOD: Is that a motion?

VICE CHAIRPERSON SOCKWELL: That is a motion.

CHAIRPERSON REID: Who made the motion?

VICE CHAIRPERSON SOCKWELL: I made a motion.

MEMBER RENSHAW: I second.

VICE CHAIRPERSON SOCKWELL: Anymore comments on that?

(No response.)

VICE CHAIRPERSON SOCKWELL: All in favor say aye.

(Chorus of ayes.)

VICE CHAIRPERSON SOCKWELL: Opposed?

(No response.)

VICE CHAIRPERSON SOCKWELL: Abstentions?

(No response.)

MR. HART: The Board --

VICE CHAIRPERSON SOCKWELL: And Chairman Renshaw -- I mean Chairman --

MEMBER RENSHAW: Thank you.

VICE CHAIRPERSON SOCKWELL: -- Reid abstains because she was not present.

CHAIRPERSON REID: No, I don't abstain. I'm not voting.

VICE CHAIRPERSON SOCKWELL: Present, not voting or whatever.

DIRECTOR KRESS: I'm sorry, Paul. Would you record the vote?

COMMISSIONER HOOD: The Board moves that the application be approved and that the record be left open for 30 days from the date of signature of the -- from the date of

signature to allow comments by the parties. The motion was made by Mr. Sockwell and seconded by Ms. Renshaw, Ms. Reid not voting not being present.

DIRECTOR KRESS: And the vote was?

COMMISSIONER HOOD: The vote was three to zero to one.

DIRECTOR KRESS: Thank you.

CHAIRPERSON REID: All right. If there's any further discussion, then that would then conclude this morning's meeting.

(Whereupon, at 10:09 a.m., the special Board meeting was concluded, to reconvene immediately in the scheduled public hearing.)