

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

APRIL 22, 2008

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The Special Public Meeting
convened in Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 9:30 a.m., Ruthanne G. Miller,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

RUTHANNE G. MILLER, Chairperson
MARC D. LOUD, Vice Chairperson
MARY OATES WALKER, Board Member
SHANE L. DETTMAN, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
BEVERLEY BAILEY, Sr. Zoning Specialist
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Special Public Meeting held on April 22, 2008.

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

2 9:46 a.m.

3 CHAIRPERSON MILLER: Good morning.

4 This meeting will come to order. We have this
5 morning a quick special public meeting first
6 and then we have a hearing for a few cases.
7 So, I'm going to be calling the meeting first.

8 And my name is Ruthanne Miller.
9 I'm the Chair of the BZA. To my right is Mr.
10 Marc Loud. He is our Vice Chair and next to
11 Mr. Loud is Mr. Turnbull from the Zoning
12 Commission sitting on the Board with us today
13 and to my left is Mary Oates Walker, Board
14 Member and Shane Dettman, Board Member and
15 next to Mr. Dettman is Mr. Clifford Moy from
16 the Office of Zoning, Sherry Glazer from the
17 Office of Attorney General and Beverley Bailey
18 from the Office of Zoning.

19 Copies of today's meeting agenda
20 are available to you and are located to my
21 left in the wall bin near the door.

22 We do not take any public

1 testimony at our meetings unless the Board
2 asks someone to come forward.

3 Please be advised that this
4 proceeding is being recorded by a court
5 reporter and is also webcast live.
6 Accordingly, we must ask you to refrain from
7 any disruptive noises or actions in the
8 hearing room. Please turn off all beepers and
9 cell phones at this time.

10 And does the Staff have any
11 preliminary matters?

12 MR. MOY: No, Madam Chair.

13 CHAIR MILLER: Okay. In which
14 case, let's proceed with I believe we have one
15 case on our special public meeting agenda.

16 MR. MOY: Yes, good morning, Madam
17 Chair, Members of the Board.

18 That case is a request for a
19 modification of approved plans to Application
20 Number 17706 pursuant to Section 3129 of the
21 Zoning Regulations. This modification as the
22 Board will recall is to originally approved

1 Application Number 17706 of DC CAP Hotelier,
2 LLC pursuant to 11 DCMR 3104.1 for a special
3 exception to allow additions to an existing
4 hotel under Section 512 and a special
5 exception from the roof structure setback and
6 uniform height requirements under Subsection
7 411.11 in the SP-2 District at premises 1200
8 16th Street, N.W. which is in Square 182, Lot
9 826.

10 The Board will recall also that
11 the hearing date of the original application
12 was January 29th, 2008. The Board decided
13 this application on February 5th, 2008 and the
14 summary order was issued February the 7th,
15 2008.

16 On March 21st, 2008, the Board
17 received this request for modification from
18 the Applicant. This is identified in your
19 case folders. Identified as Exhibit 38.

20 To date, no other parties have
21 filed written comments to this request for
22 modification.

1 Essentially, Madam Chair, the
2 Applicant is requesting two things. One is to
3 approve revised sheets 2.04R and 3.01R in this
4 exhibit in order to increase the height of the
5 screen wall as shown on these sheets as I've
6 just pointed out and that's your exhibit.
7 Which is contained in your Exhibit 38.

8 The second request the Applicant
9 is requesting of the Board is that on the
10 summary order that was issued there's a
11 reference made to approved plans to Exhibit
12 Number 26 and so, the Applicant's asking that
13 Exhibit Number 34 which is in the record also
14 be added to that summary order because Exhibit
15 34 contains sheet number 0, not 0, 0.03A, A as
16 in alpha, which was the revised sheet to 0.03
17 submitted at the time of the hearing on
18 January 28th and that completes the Staff's
19 briefing, Madam Chair.

20 CHAIRPERSON MILLER: Thank you,
21 Mr. Moy. That really was excellent because
22 you've characterized the revisions that are

1 being requested here.

2 It seems to me we should have
3 referred to Exhibit 34 the plans that were
4 revised and reflected there anyway. So, the
5 only real issue I think is the change which is
6 the raising of the screen as I understand it
7 and our standard for a minor modification is
8 that it doesn't change the material facts that
9 the Board relied on in approving the
10 application and I'd like to take, you know,
11 some comments on that.

12 But, I just want to also remind
13 the Board that the case itself involved fairly
14 minor changes to the hotel. So, I think that
15 this is like minor modifications to minor
16 changes. So, in my view, it doesn't change
17 the facts that we relied on. We were looking
18 at bulk and height which were not affected by
19 the original changes.

20 Are there comments on the revised
21 plans?

22 VICE CHAIRPERSON LOUD: Very

1 brief, Madam Chair, just to indicate my
2 support for the Section 3129 modification. I
3 agree with you that it's minor in nature.

4 CHAIRPERSON MILLER: Other
5 comments? I would also note if Mr. Moy
6 didn't, I'm not sure if he did, that the other
7 parties such as the ANC did not file any
8 opposition to this as well. Okay.

9 Any other comments?

10 Then I would move approval of BZA
11 Application Number 17706 of DC CAP Hotelier,
12 LLC requested modification of approved plans
13 pursuant to 11 DCMR Section 3129.

14 Do I have a second?

15 VICE CHAIRPERSON LOUD: Second.

16 CHAIRPERSON MILLER: Further
17 deliberation? All those in favor say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? And would you
21 call the vote please?

22 MR. MOY: Yes, Madam Chair, the

1 vote is 5-0-0. This is on the motion of the
2 Chair Ms. Miller to approve the request for
3 modification of approved plans. Seconded by
4 Mr. Loud. Also in support of the motion Ms.
5 Walker, Mr. Dettman and Mr. Turnbull.

6 CHAIRPERSON MILLER: Thank you and
7 I don't believe we have anything else on the
8 agenda for the public meeting today. Do we?

9 MR. MOY: No, Madam Chair. Is
10 there a wish for the Board to waive the rules
11 for the Staff to write a summary order?

12 CHAIRPERSON MILLER: Yes, there
13 is. Thank you very much. There's no party in
14 opposition. Thank you.

15 MR. MOY: Thank you.

16 CHAIRPERSON MILLER: So, this will
17 be a summary order.

18 Okay. So, that will conclude our
19 special public meeting.

20 (Whereupon, the meeting was
21 concluded at 9:53 a.m.)
22