

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
: :
MAP AMENDMENT, SPECIAL : Case No.
EXCEPTION, AND VARIANCE: : 10-27
3052 R STREET, N.W. (SQUARE :
1282, LOT 276) :
-----:

Thursday,
April 7, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 10-27 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Konrad Schlater, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

KONRAD SCHLATER, Chairman
MICHAEL G. TURNBULL, FAIA,
Commissioner, (OAC)
PETER MAY, Commissioner (NPS)
GREG SELFRIDGE, Commissioner

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

The transcript constitutes the minutes from the Public Hearing held on April 7, 2011.

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

6:33 P.M.

VICE CHAIRMAN SCHLATER: Good evening, ladies and gentlemen.

This is a Public Hearing of the Zoning Commission for the District of Columbia for Thursday, April 7th, 2011. My name is Konrad Schlater. Joining me this evening are Commissioners Greg Selfridge, Peter May and Michael Turnbull.

We're also joined by Office of Zoning staff, Sharon Schellin.

This proceeding is being recorded by a Court Reporter and is also webcast live.

Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case No. 10-27. This is a request by 3050 R Street Partners for approval of a Map Amendment, Special Exception and Variance for property located at

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1 Square 1282.

2 Notice of today's hearing was
3 published in the D.C. Register on February
4 18th, 2011, and copies of that announcement
5 are available to my left on the wall near the
6 door.

7 This hearing will be conducted in
8 accordance with provisions of 11 DCMR, Section
9 3022 as follows: Preliminary matters;
10 Applicant's case; report of the Office of
11 Planning; report of other Government agencies,
12 if any; report of ANC-2E; organizations and
13 persons in support; organizations and persons
14 in opposition; rebuttal and closing by the
15 Applicant.

16 The follow time constraints will
17 be maintained in this meeting. The Applicant
18 twenty minutes, organizations five minutes and
19 individuals three minutes.

20 The Commission intends to adhere
21 to the time limits as strictly as possible in
22 order to hear the case in a reasonable period

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1 of time. The Commission reserves the right to
2 change time limits for presentations, if
3 necessary, and notes that no time shall be
4 seeded.

5 All persons appearing before the
6 Commission are to fill out two witness cards.

7 These cards are located to my left on the
8 table near the door.

9 Upon coming forward to speak to
10 the Commission, please give both cards to the
11 Reporter sitting to my right before taking a
12 seat at the table.

13 When presenting information to the
14 Commission please turn on and speak into the
15 microphone, first stating your name and home
16 address. When you are finished speaking,
17 please turn your microphone off so that your
18 microphone is no longer picking up the sounds
19 or background noise.

20 The decision of the Commission in
21 this case must be based exclusively on the
22 public record. To avoid any appearance to the

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1 contrary, the Commission requests that persons
2 present not engage the members of the
3 Commission in conversation during any recess
4 or at any time.

5 The staff will be available
6 throughout the hearing to discuss procedural
7 questions.

8 Please turn off all beepers and
9 cell phones at this time so as not to disrupt
10 these proceedings.

11 Would all individuals wishing to
12 testify please rise and take the oath.

13 Ms. Schellin, would you please
14 administer the oath?

15 MS. SCHELLIN: Please raise your
16 right hand. Do you solemnly swear or affirm
17 the testimony you'll give this evening will be
18 the truth, the whole truth and nothing but the
19 truth?

20 Thank you.

21 VICE CHAIRMAN SCHLATER: At this
22 time, the Commission will consider any

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1 preliminary matters. Does the staff have any
2 preliminary matters?

3 MS. SCHELLIN: Staff will advise
4 since we got your package that we have
5 received the affidavit of maintenance. It is
6 n the record. And also the Applicant has one
7 expert witness that they're proffering and
8 that's all the staff has.

9 VICE CHAIRMAN SCHLATER: Great. I
10 guess we have to consider the expert witness.

11 It's Philip Anderson of Sorg and Associates.

12 Does anyone have any objection to
13 granting expert witness status to Mr.
14 Anderson?

15 Seeing none, Mr. Anderson will be
16 admitted as an expert witness which means we
17 can move onto the Applicant's case.

18 MS. BROWN: Good evening, Members
19 of the Commission. For the record, I am
20 Carolyn Brown with the law firm of Holland &
21 Knight. With me tonight is Gilberto Cardenas
22 of Argos Group and 3050 R Street Partners,

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1 LLC. He's to my immediate left. And he's
2 with the contract purchaser of the property.
3 And to his left is Mr. Philip Anderson who you
4 so kindly just admitted as an expert witness.

5 We're very please to be here
6 tonight to present our case for a Map
7 Amendment from the DR-1B to the DR-5A District
8 at 3052 R Street, N.W., to allow a new 15-unit
9 residential development in the former Hurt
10 Home for the Blind in historic Georgetown.

11 We have the full support of the
12 Georgetown ANC and, in fact, are not aware of
13 any opposition to our case. We also have
14 reviewed the Office of Planning Report and
15 fully support their recommendation for
16 approval.

17 Given this overwhelming support,
18 we propose to keep our presentation very short
19 and address the consistency with the
20 Comprehensive Plan standard just very quickly
21 and then focus primarily on the Special
22 Exception standards for the R5A development.

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1 Alternatively, we are happy to stand on the
2 record whichever you wish for our
3 presentation.

4 VICE CHAIRMAN SCHLATER: Well, I
5 do think the record is quite full tonight.
6 I'd ask the other Commission members whether
7 they'd like a short presentation.

8 COMMISSIONER TURNBULL: Yes, I
9 think a short presentation would be in order.
10 The only letter that we have which sort of
11 touches on some aspects is our Exhibit Number
12 28 for some issues of accessing the parking
13 lot. It's not really an opposition but some
14 concerns about it.

15 VICE CHAIRMAN SCHLATER: Okay.

16 MS. BROWN: We'll be happy then to
17 go forward with a very short presentation.

18 COMMISSIONER TURNBULL: You don't
19 need much.

20 MS. BROWN: Okay. And the last
21 time we checked the record, the Exhibit 28 was
22 not available which was yesterday. So, we

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1 don't have a copy of that yet, but hopefully
2 we'll be able to get a copy staff.

3 VICE CHAIRMAN SCHLATER: I'm sure
4 we can get you a copy of the --

5 MS. BROWN: Thank you.

6 VICE CHAIRMAN SCHLATER: --
7 exhibit. In fact, you can take mine if you
8 like.

9 MS. BROWN: Thank you.

10 As set forth in our application
11 materials and our pre-hearing submissions we
12 believe we're fully consistent with the
13 Comprehensive Plan with the future land use
14 map, the generalized policy map, the land use
15 elements, the housing element, the historic
16 preservation element and urban design. And I
17 think that's fully established in our
18 materials so I won't go into that.

19 We also fully meet the Special
20 Exceptions standards for the development in
21 the R5A District and that is designed to
22 insure that the facilities in the neighborhood

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1 are sufficient to support the residents of the
2 new development and to insure that there are
3 no adverse impacts on the surrounding area.
4 Mr. Anderson will focus his presentation on
5 that tonight.

6 Since our last submission we have
7 confirmed with the Historic Preservation
8 Office that the property can be certified as a
9 contributing building to the Historic District
10 and the effect of that is that we no longer
11 need the variance relief for the parking under
12 Section 2120 of the Zoning Regulations.

13 So, without clarification, I will
14 turn it over to Mr. Cardenas.

15 Thank you.

16 MR. CARDENAS: Good afternoon. My
17 name is Gilberto Cardenas. I'm with Argos
18 Group and I'm also representing 3050 R Street
19 Partners in this project.

20 Our firm is a local firm and here
21 in Washington, D.C. We've been in business
22 for about four years. We currently have

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1 presently four projects I'm developing right
2 now out of which two of them are historic --
3 renovation of historic properties in relation
4 to historical.

5 We're very excited about the
6 project, very committed to the community and
7 we have been involved with different community
8 groups and with the ANC for the past two years
9 on this particular project.

10 Our first meeting took place back
11 in the summer 2009 and our project has changed
12 substantially since our first initial
13 submission to the city. We've made changes
14 from density. We have increased parking. We
15 have changed the landscaping plan and the most
16 recent change was to accommodate some of the
17 needs of the community and of the project to
18 try to widen the alley referring to the
19 comment from Mr. Turnbull a couple of minutes
20 ago.

21 We are 100 percent behind them.
22 We think this is needed and, you know, we've

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1 been working with the community for a long
2 time on this project.

3 Thank you.

4 MS. BROWN: If I could just direct
5 a couple of questions to you, Mr. Cardenas.

6 If you could highlight for us some
7 of the commitments that you've made as part of
8 the -- through the agreement with District
9 about First Source/CBE Affordable Units.

10 MR. CARDENAS: Yes, we have a
11 total of three affordable units on the
12 project. The total number of units is 15
13 units. So, we agreed so have three affordable
14 units. And we also agreed to have 30 parking
15 spaces which is, you know, substantially
16 higher than what is required.

17 We have also agreed to have a very
18 dense landscape plan so the property can be --
19 this is on the south portion of the property,
20 have vegetation in that areal, as well as the
21 issue related to the holly that I just
22 mentioned a few minutes ago.

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1 In reference CBE, we're committed
2 to the 35 percent requirement CBE. From the
3 contractor's standpoint, we have a goal of 50
4 percent. We have CBE equity in the deal and
5 we have also signed an agreement for First
6 Source.

7 MS. BROWN: Thank you.

8 With that I'll turn it over to Mr.
9 Anderson.

10 MR. ANDERSON: Thank you, Carolyn.

11 My name is Philip Anderson. I'm
12 here representing Sorg Architects. I am the
13 Project Manager for the Hurt Home Condominiums
14 and briefly I'll run through a quick overview.

15 I'm going to focus my presentation
16 this evening on Chapter 353.4 in the Zoning
17 Regulations, which speak to the Special
18 Exception requirements. Briefly, I'm going to
19 speak to the issues of provisions of light,
20 air, parking recreation, landscaping and
21 grading. I believe you have OP's Report on
22 the site plan arrangements, buildings and

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1 structures as well.

2 This is a brief overview of the
3 immediate context to the -- north is up on the
4 -- this is page 8 from the brochures that you
5 have. Montrose Park, directly across R Street
6 from the subject property. The former Hurt
7 Home for the Blind at 3050 R Street.

8 As you can see there's quite a
9 great deal of vegetation in the immediate
10 area. The buildings are fairly well set back.

11 There are several other buildings immediately
12 adjacent which are similar in bulk to the
13 subject property. Jackson Art Center which is
14 immediately to the east and there is a
15 Dunbarton Court Co-op which is due south of
16 the property in addition to other townhouses
17 immediately around.

18 You can see the site is open to
19 the south. There's a significant amount of
20 space which separates the building from
21 adjacent properties. So, we think that there
22 is ample light and air both to the subject

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1 property for residential use and to the
2 adjacent properties. We are not proposing to
3 increase the footprint of the existing
4 building at all, but in fact reduce it
5 slightly. So, there should be no adverse
6 effects on any of the adjacent properties.

7 This is a new drawing which we
8 deposited a few copies of this with you. It's
9 just a colored version of the existing site
10 plan that you have in your packet. It's been
11 colored to highlight a couple of items. One
12 is the relative size of the footprint of the
13 extant building to the over site. It's
14 approximately a one-acre site. And the size
15 and location of the existing parking lot, you
16 can see there are three main areas of proposed
17 demolition at the rear of the building.

18 The front we're proposing to
19 renovate and return to its original state.
20 Also, one other item you can see here directly
21 to the south of the existing parking lot,
22 which would be up in this drawing is there's a

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1 very large tree. It's a 50=odd inch caliper
2 Osage-orange tree which is in fair to good
3 condition currently. We are taking great
4 pains to preserve the health of that tree and
5 make sure that it survives construction.

6 In the proposed site plan you can
7 see that we have modified the existing parking
8 lot to go around the drip line of the tree in
9 an attempt to preserve that tree. We are
10 fitting all 30 parking spaces on the site.
11 The entrance to the proposed parking lot
12 actually has been moved up towards the main
13 street a feet. We are also proposing to widen
14 the alley. You can see along the alley
15 there's a gray line -- indicate this. This
16 gray area is all new asphalt that we're
17 proposing to place to widen the existing 14-
18 foot alley to 20 feet. The curb cut itself
19 when we met with DDOT they objected to
20 widening the curb cut for a number of reasons.

21 So, since they have opposed that, we have
22 removed that from the project for the time

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1 being.

2 MS. BROWN: Mr. Anderson, would
3 you mind explaining the reasons for the
4 decision of DDOT not to widen the alley?

5 MR. ANDERSON: Yes.

6 MS. BROWN: Or the curb cut?
7 Thank you.

8 MR. ANDERSON: Yes. DDOT's
9 opposition to widening the curb cut had to do
10 with pedestrian safety. They felt that
11 widening a 14-foot alley to a 20-foot alley
12 would make it more dangerous for pedestrians to
13 cross that alley. They want to promote slower
14 entry and egress from the alley itself. In
15 addition, they recognize that there is an
16 issue with visibility from the alley as you
17 are leaving the alley and looking to the left
18 which would be to the right on this drawing.

19 There is an existing street
20 parking spot which obscures the view. They
21 are proposing to remove that street parking
22 spot to increase visibility.

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1 If we were to enlarge the curb cut
2 to the left on this drawing, they are telling
3 us that they would then need to remove an
4 additional street parking spot and they
5 objected to that as well. So, the widening of
6 the alley on private property, they agree that
7 that would enhance maneuverability within the
8 alley and they felt that that should be
9 sufficient to enhance ingress and egress from
10 the parking lot.

11 Two slides here on the landscape
12 plan. These are pages 17 and 18 in your
13 handout. A quick look at the front, proposed
14 front landscaping. We will retain some mature
15 trees. We will also plant evergreen hedges
16 along the sidewalk. There are existing Pepco
17 utility vaults in the front yard which these
18 evergreen hedges will help to screen.

19 At the rear we're proposing a very
20 lush dense landscaping. This landscaping
21 would be an amenity to the buyers of the
22 condominium as well as a pleasant view we

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1 think for all of the surrounding neighbors.
2 Would be active landscape. There are paths,
3 sitting areas at the southern end which would
4 be at the top of this drawing. We're
5 proposing a rain garden. We are in the
6 process of assessing the suitability of the
7 site. A geo-technical engineer is
8 investigating to determine if this is going to
9 be a realistic possibility or not. Our goal
10 is to treat all of our storm water on site
11 from the parking lot. And we'll see if that's
12 going to be possible or not.

13 Two floor plans that I'd like to
14 show. This would be the ground floor plan.
15 This is significant because this would be --
16 this shows the main entrance that the
17 residents would use coming from the parking
18 lot at grade. They would enter through a
19 stall hall and access the elevator and then up
20 into the building. That's where the mail room
21 would be.

22 We have four units that we're

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1 showing at the ground floor. The first floor
2 which is the main entrance level from the
3 street, we'll retain the monumental stair in
4 the main lobby. In the front there would be a
5 waiting area there and more units on this
6 floor. Above that, the units are two-story
7 units. S, there's one more floor of elevator
8 access in corridor.

9 The front elevations, page 24 of
10 your package, as I said before we're going to
11 renovate that. Will remain substantially in
12 tact. The first and second floor windows are
13 historic and will remain. The third floor
14 windows have been replaced in the past with
15 double insulated double glazed windows. Those
16 will be retained as well. The basement
17 windows, we are proposing to lower some of the
18 basement windows in area wells to get a little
19 more light and air to the basement units.

20 At the rear, most of the
21 demolition here is identified in the areas
22 that are outlined in red. Those are the three

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1 areas that I showed earlier in the site plan.

2 They're all later editions subsequent to the
3 original 1913 construction and the 1924
4 edition that we'll be removing those and
5 returning the rear facade to its original
6 fabric. We have uncovered the original window
7 openings and we will be returning those to
8 their original configuration.

9 These pictures give you a little
10 better idea of the demolition that we're
11 proposing at the rear. Across the top from
12 left to right the first two images are later
13 editions at the rear. The third one on the
14 right is a side elevation along with the
15 bottom left image. The east and west
16 elevations where we'll be re-configuring some
17 windows in existing stairwells to better
18 conform to the residential use. The bottom
19 center image is the rear elevator shaft that
20 we'll be removing and then the bottom right
21 image are the ground floor front facade
22 windows that we'll be enlarging into area ways

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1 to increase light and ventilation.

2 And with that, I'll conclude and
3 take any questions that you may have.

4 MS. BROWN: That concludes our
5 presentation on direct. I would note that the
6 Old Georgetown Board convened today and
7 approved the drawings that you're seeing today
8 so they will only need to go back for final
9 permit drawings when they finish that stage.

10 And I would also note that we
11 would ask for three areas of flexibility for
12 this. One is in the layout of the parking
13 lot. They're still making final adjustments
14 to the layout in order to insure that that one
15 tree is protected and the tree roots. So, as
16 long as it doesn't require any additional
17 areas of relief, we would ask flexibility for
18 that.

19 Any other final adjustments to the
20 design that come up through Old Georgetown
21 Board of Historic Preservation in the final
22 layout of units, for example, the Historic

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1 Preservation says that a window needs to be
2 shifted and we can't have a bedroom there, so
3 we would like some flexibility with the
4 partitions.

5 So with that, that concludes are
6 direct presentation.

7 VICE CHAIRMAN SCHLATER: Thank you
8 very much for your preservation.

9 Commissioners, do you have any
10 questions?

11 Mr. May?

12 COMMISSIONER MAY: Yes, I have one
13 quick one.

14 Is there going to be any kind of
15 controls over the parking lot? Will there be
16 a gate of any sort or is it just going to be
17 open?

18 MR. CARDENAS: It's going to have
19 a gate.

20 COMMISSIONER MAY: It's going to
21 have a gate. Okay.

22 Will it be positioned in such a

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1 way that someone could actually make a K-turn,
2 you know, get turned around in the alley
3 there? Because I think one the concerns that
4 was voiced in the letter, Exhibit 28 was
5 vehicles being able to turn around in the
6 alley?

7 MR. CARDENAS: The final location
8 of that gate hasn't been determined. And how
9 the system is going to be working for that
10 gate hasn't been determined. What I can tell
11 you that it's most going to be a gate that's
12 going to have an access control system. So
13 that when people is driving get close to that
14 gate, they can push a button, the gate will
15 open. That has to -- the location and whether
16 we can have a turning radius there I couldn't
17 -- I couldn't answer that.

18 COMMISSIONER MAY: Okay. Well, I
19 think that's something that needs to be
20 considered given the constraints on that
21 alley. And I think one of the things that was
22 stated in the letter if I understood it

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1 correctly is that people do use the existing
2 parking lot to be able to turn around in the
3 alley.

4 I'm going to have something to say
5 about that curb cut but I'll wait at least for
6 the Office of Planning to ask a question about
7 that.

8 And I also just want to say I'm
9 glad that this is just a renovation of the
10 existing building and that there was no
11 attempt to put on an inappropriate addition
12 or, I don't know, jam in 10 or 15 townhouses
13 that sometimes people try to do on sites like
14 that.

15 Thank you.

16 MS. BROWN: Just to follow up on
17 your comment. We will attempt to make that
18 gate, the access gate. And I believe from the
19 drawing you can see there may be room to pull
20 it off the alley so that there would be room
21 to maneuver a K-turn.

22 Thank you.

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1 VICE CHAIRMAN SCHLATER: Any other
2 questions?

3 COMMISSIONER TURNBULL: I just
4 have one.

5 Will you be using an arborist for
6 any expertise on the tree and --

7 MR. ANDERSON: Yes, we have an
8 arborist on board. We have obtained an
9 arborist report and, in fact, the Old
10 Georgetown Board has been very interested in
11 that. We left a copy of the arborist report
12 with them this morning. They asked about
13 measures that we'll be taking to preserve the
14 tree and I told them that when we issue our
15 CBE specifications and we go back for our
16 permit review, we will present them with that
17 specification section which outlines all of
18 the stress reduction measures and other
19 activities that we'll be undertaking to
20 preserve the health of that tree.

21 COMMISSIONER TURNBULL: Okay.
22 That's a big tree.

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1 MR. ANDERSON: Yes.

2 COMMISSIONER TURNBULL: It's a big
3 tree and you're saying it's an Osage-orange?

4 MR. ANDERSON: Yes.

5 COMMISSIONER TURNBULL: They have
6 -- I don't think I ever want to be parking on
7 the one side.

8 MR. ANDERSON: That is -- that is
9 one of our concerns.

10 COMMISSIONER TURNBULL: They have
11 big fruit.

12 MR. ANDERSON: Yes, they have big
13 fruit which are very damaging to expensive
14 cars. Yes, and we have looked into that.

15 One of the measures that we'll be
16 taking is there is one particularly large
17 branch which is leaning over the -- in the
18 direction of the parking area. We'll be
19 pruning that branch, not just for the fruit,
20 but also because it has a number of voids,
21 cavities in it which apparently are potential
22 sources of future infection. And that branch

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1 also has -- an existing guy-wire has been
2 placed on it. So, someone has noticed in the
3 past that it's a dangerous branch and there's
4 a lack of buttress roots on that side of the
5 tree. So, by removing that branch or a
6 significant amount of that branch, we think we
7 can resolve a number of problems.

8 COMMISSIONER TURNBULL: Okay.
9 Good. Thank you.

10 COMMISSIONER MAY: Mr. Turnbull,
11 you know all about those Osage-orange dropping
12 cars on Senate staff, right?

13 COMMISSIONER TURNBULL: Well, yes,
14 and house owners get upset --

15 COMMISSIONER MAY: Oh, yes.

16 COMMISSIONER TURNBULL: -- and the
17 Architect of the Capitol gets called on the
18 carpet for --

19 COMMISSIONER MAY: What do you do
20 with a tree like that though?

21 VICE CHAIRMAN SCHLATER: Keep it.

22 COMMISSIONER MAY: Lay them on

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1 homestead.

2 VICE CHAIRMAN SCHLATER: That's
3 right. Commissioner Selfridge?

4 COMMISSIONER SELFRIDGE: Two quick
5 questions.

6 You have three affordable housing
7 units in the development. What level of
8 affordability are those units at?

9 MR. CARDENAS: Eighty percent.

10 VICE CHAIRMAN SCHLATER: So, at
11 what price will you be able to sell those
12 units?

13 MR. CARDENAS: It really depends
14 on the final type of units that we have. If
15 you have a three bedroom it's different than
16 having a two bedroom.

17 VICE CHAIRMAN SCHLATER: Yes.

18 COMMISSIONER SELFRIDGE: So, I
19 don't want to guess on the numbers. It really
20 depends on the AMI and on the size of the
21 units. It's actually lower than market, I can
22 tell you that.

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1 VICE CHAIRMAN SCHLATER: I believe
2 that.

3 What is AMI these days?

4 MR. CARDENAS: AMI should be
5 around \$95,000.

6 VICE CHAIRMAN SCHLATER: So, 80
7 percent of AMI is --

8 MR. CARDENAS: Well, it really
9 doesn't -- doesn't -- doesn't work strictly 80
10 percent of that. It really depends on how
11 many people you can have in -- the number of
12 incomes you have per unit. So, there's a
13 formula out of the Deputy Mayor's Office that
14 we have to follow.

15 VICE CHAIRMAN SCHLATER: Great.
16 This is not a PUD case so I'm not going to
17 drill you too much on it. But I was just
18 curious.

19 And the second thing is on the
20 areas of flexibility being requested. In
21 terms of the parking lot layout, I guess I
22 would be concerned if the area of the lot got

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1 significantly larger. I understand you're
2 trying to save the tree and figure things out
3 in terms of how to arrange things, but is
4 there some way we can limit that flexibility?

5 MS. BROWN: I'll let Mr. Anderson
6 respond to that but ultimately we need the Old
7 Georgetown Board's approval and they've been
8 very sensitive to the idea that keeping as
9 much of the land. And they have to approve
10 the landscape plan as well. So, that's one
11 guarantee that someone will make sure that it
12 doesn't get any larger than it needs to. But
13 I also understand Mr. Anderson configured
14 deliberately in that angled shape, butterfly
15 shape to try to work around that tree.

16 MR. ANDERSON: Yes, thank you.

17 Part of the original variance
18 request that we had filed but as it turns out
19 don't need to due to the historic nature of
20 the property, had to do with reducing the size
21 of the parking spaces and reducing the size of
22 the access aisle. So, we're definitely

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1 reducing the individual elements as much as
2 possible. We're trying to keep the footprint
3 of the parking lot as compact as possible.

4 We are obviously constrained to 30
5 parking spaces minimum per the agreement of
6 the city and the neighborhood requests. So,
7 we're attempting to do that in the tightest
8 fashion possible.

9 I can say that we believe and
10 again the final numbers will have to be worked
11 out. We believe we will have no net increase
12 in paved area on the site because there is an
13 existing basketball court to the side and some
14 other paved areas that we'll be removing.
15 Most of the landscaped area -- most of the
16 yard will end up being landscaped. The
17 walkways and paths that we're proposing will
18 be permeable spaces. And then the hopefully
19 the addition of the rain garden to handle
20 storm water management on site should in our
21 mind go quite a long ways to obviate any --
22 any paved -- the negative impacts of an paved

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1 area on site.

2 VICE CHAIRMAN SCHLATER: Do you
3 anticipate many changes between now and your
4 final design based on the Old Georgetown
5 Board, CFA, HPRB comments?

6 MR. ANDERSON: No, I don't. I
7 think we've done -- we've gotten quite far
8 with them. We showed them a landscape plan
9 this morning. They had no comments on it
10 which I take as a good sign. And the parking
11 lot layout works for us at the moment. We're
12 happy with it. We just -- the biggest
13 question mark in our mind is the infiltration
14 rate, the percolation rate of the soil and
15 whether we're going to be able to handle most
16 or all of our storm water on site or if we'll
17 have to put in a cistern sand filter and send
18 the storm water into the storm sewer.

19 VICE CHAIRMAN SCHLATER: Great.

20 I have no further questions. Any
21 further questions from the Commission?

22 Seeing no further questions, is

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1 there a representative from the ANC here
2 tonight? Okay. Seeing none, I think we can
3 move to the Report of the Office of Planning.

4 MS. THOMAS: Good evening, Mr.
5 Chairman, Members of the Commission. The
6 Office of Planning is happy to stand on the
7 record and be happy to take any questions.

8 Thank you.

9 VICE CHAIRMAN SCHLATER: Thank you
10 very much.

11 Any questions for the Office of
12 Policy and Planning?

13 COMMISSIONER MAY: I was just
14 going to ask to get their take on the curb cut
15 issue because it doesn't seem like if the --
16 I'm not sure that DDOT is on the right track in
17 terms of safeguarding pedestrians there. It
18 seems like you could make a good argument that
19 a 30-foot curb cut makes more sense than
20 trying to pinch thing there. But I'm
21 interested in hearing your perspective.

22 MS. STEINGASSER: We rely on DDOT

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1 as the expert so we try not to openly
2 disagree.

3 If the Commission wants to take a
4 stand, I'm not sure if this will be going to
5 public space at all for anything and the
6 Zoning Commission might state your preference
7 that the driveway be widened at that time.

8 COMMISSIONER MAY: Okay. I mean,
9 did DDOT give you any -- I mean, can you add
10 anything in terms of what their rationale is?

11 Why it's -- why they think this is safer
12 because it seems to me they're sort of
13 creating this -- the potential for vehicle
14 conflicts which would actually potentially be
15 much more dangerous for pedestrians.

16 MS. STEINGASSER: DDOT has
17 historically taken the position that narrower
18 is better, that the pedestrian -- the smaller
19 the intrusion into pedestrian space is always
20 preferable to a larger vehicular space. But
21 they did not give us any written comments on
22 this at all in this case.

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1 COMMISSIONER MAY: Okay. I mean, I
2 understand that it's a general policy.
3 Unfortunately, very often what we wind up with
4 is general policies from DDOT that have not
5 been applied in a particular circumstances in
6 a way that makes sense to, at least to me, and
7 you know, not being an expert on it but seeing
8 a lot of these things and don't make sense to
9 the members of the public. So, anyway that's
10 it for me.

11 VICE CHAIRMAN SCHLATER: I think
12 it would be helpful to have DDOT out here to
13 explain that. They probably thought this was
14 not going to be much of an issue tonight. So,
15 it's not OP's fault.

16 I can see an argument either way
17 on it with respect to, particularly in
18 Georgetown. People losing street parking,
19 that would be a reason why they might not want
20 to widen it, maybe not wanting to lose a
21 street tree. Without them here it's kind of
22 hard to have that discussion.

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1 COMMISSIONER MAY: That's a good
2 question. I mean, it's not like there are
3 striped spaces, right? So, we're talking
4 about losing four feet out of a curb, right?

5 MS. STEINGASSER: We're really not
6 in a position to defend DDOT's --

7 COMMISSIONER MAY: And I'm saying
8 -- I'm not questioning the logic. I'm just
9 wondering if there's -- this is not a --
10 there's no striping or anything to indicate it
11 would actually eat up entire space, right?

12 MS. STEINGASSER: I don't think
13 there's meters or striping. There's
14 definitely not striping. Whether there's
15 meters or not, I just don't know -- no, there
16 are no meters on this block.

17 COMMISSIONER MAY: Right. Okay.
18 Thanks.

19 VICE CHAIRMAN SCHLATER: I'm sure
20 we could ask for DDOT to weigh in on that
21 issue before we take a vote if we wanted to do
22 that.

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1 Any other questions for the Office
2 of Planning? Seeing none, we'll look to
3 Report of Other Government Agencies and I
4 don't think we have a DDOT report in this case
5 or any other report of a Government Agency.

6 MS. STEINGASSER: There isn't a
7 Commission on Fine Arts?

8 VICE CHAIRMAN SCHLATER: Oh,
9 excuse me. But they're Federal.

10 COMMISSIONER TURNBULL: Yes, so?

11 VICE CHAIRMAN SCHLATER: What's
12 the exhibit number, I'm sorry.

13 MS. STEINGASSER: It's at the back
14 of the OP Report.

15 VICE CHAIRMAN SCHLATER: Oh.

16 MS. STEINGASSER: It basically
17 says no objection.

18 VICE CHAIRMAN SCHLATER: I see the
19 Commission of Fine Arts Report, January 21,
20 2011, saying no objection to the general
21 concept design for the proposed partial
22 demolition of rear additions and for

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1 alterations to the window and door openings.

2 They did recommend further study
3 of window placement and a few tweaks here and
4 there and I'm sure the Applicant is addressing
5 them.

6 So, next we're going to look for
7 the Report of ANC 2E which I know we have.

8 ANC 2E unanimously adopted the
9 following resolution. ANC 2E resolves that it
10 has no objection to the proposed relief for a
11 Zoning Commission Case 10-27 as it relates to
12 3053 R Street, Northwest. Seven commissioners
13 were present constituting a quorum,
14 unanimously adopted. So, it looks like this
15 meets our rules and we can give it great
16 weight.

17 Since there's nobody here from ANC
18 2E, I'll look to the audience to see if
19 there's anybody here who wants to testify in
20 support? Anybody in the audience who wants to
21 testify in opposition?

22 Very good. I think we can move to

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1 the closing, Ms. Brown.

2 MS. BROWN: Thank you very much.

3 We believe the record is full in
4 this case and that we believe we've met our
5 burden of proof for the map amendment and for
6 the special exception for a new development
7 under the R5A standards. We would, therefore,
8 ask for your vote tonight if you're so
9 inclined.

10 With respect to DDOT, I'm not sure
11 that it's necessary to get them to weigh in at
12 this point or if you feel that it is
13 necessary, perhaps it's after preliminary
14 vote. But it's somewhat, you know, DDOT put
15 all of us in a difficult position when they
16 don't submit reports when they're supposed to
17 and it seems a little unfair to the Applicant
18 when we even had a preliminary design review
19 meeting with them to discuss this issue and
20 that's how they weighed in to us. But anyway
21 we appreciate your consideration of that in
22 this matter.

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1 Thank you.

2 VICE CHAIRMAN SCHLATER: Thank you
3 very much.

4 We don't have a lot of opposition
5 and we do have a very full record and
6 personally would be in support of taking
7 proposed action and then perhaps through OP
8 making a request that DDOT submit a report
9 before final action and specifically focus on
10 the alley and the alley width and what the
11 problems are with widening the alley from 16
12 to 20 feet.

13 Do I hear a motion? Do you want
14 to have a discussion about that?

15 COMMISSIONER MAY: No. I would
16 move that we take proposed action to approve
17 Zoning Commission Case No. 10-27. 3050 R
18 Street Partners Map Amendment and Special
19 Exception and we do not need the variance
20 anymore, right?

21 MS. STEINGASSER: Correct.

22 COMMISSIONER MAY: Map Amendment

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1 and Special Exception. That's where 1282 and
2 ask for a second?

3 COMMISSIONER TURNBULL: Second.

4 VICE CHAIRMAN SCHLATER:
5 Commissioners, we have a motion to approve
6 proposed action and it has been seconded. Any
7 discussion?

8 COMMISSIONER MAY: Mr. Chairman, I
9 would just say that I think the idea of
10 getting a report out of DDOT before we take
11 final action would be appropriate and I would
12 want at least for my purposes, I want to
13 express my skepticism of DDOT's judgment in
14 this case. And I'd like to hear a compelling
15 argument for any sort of decision. Or if
16 they're willing to, you know, consider it
17 further and talk to the Applicant and the
18 neighbors who may be concerned about it, you
19 know, that would be fine too.

20 COMMISSIONER TURNBULL: I would
21 agree with that.

22 VICE CHAIRMAN SCHLATER: Very

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1 good.

2 Okay. We have a motion. It's
3 been seconded. Let's take a vote.

4 All in favor of the motion say
5 aye.

6 (AYES)

7 VICE CHAIRMAN SCHLATER: All
8 opposed? None. Hearing none, the motion
9 passes.

10 MS. SCHELLIN: The staff would
11 record the vote four to zero to one to approve
12 proposed action in Zoning Commission Case No.
13 10-27. Commissioner May moving, Commissioner
14 Turnbull seconding, Commissioner Schlater and
15 Selfridge in support, Commissioner Hood not
16 present, not voting.

17 And Vice Chairman Schlater, I
18 would ask if you guys are also looking for the
19 Applicant to provide before final action also
20 a response regarding the location of the gate.

21 Are you still looking for that information
22 too before final action?

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1 COMMISSIONER MAY: Well, you know,
2 we received some assurance from the Applicant
3 tonight that that would be addressed and so
4 that they can do it.

5 MS. SCHELLIN: So, you don't need
6 that?

7 COMMISSIONER MAY: Well, I mean
8 that getting that in writing would be helpful,
9 you know, and we can get it incorporated into
10 the record of the case.

11 MS. SCHELLIN: Okay. And staff
12 would just ask the Applicant if they would,
13 per our new rules, if we could get a second
14 set of labels and draft findings of facts and
15 conclusions of law?

16 MS. BROWN: Absolutely. Thank
17 you.

18 MS. SCHELLIN: All right.

19 VICE CHAIRMAN SCHLATER: Thank
20 you, Ms. Schellin.

21 I think that -- does that conclude
22 our hearing, Ms. Schellin?

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MS. SCHELLIN: That's it.

VICE CHAIRMAN SCHLATER: That's probably the easiest way.

MS. SCHELLIN: Yes, it does.

VICE CHAIRMAN SCHLATER: Okay, thank you.

Hearing adjourned.

(Whereupon, the above matter was concluded at 7:13 p.m.)

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