

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

NOVEMBER 13, 2001

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The Special Public Meeting came to order at 9:20 a.m. in Suite 220, 441 4th Street, N.W., Washington, D.C. 20001, Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
DAVID LEVY	Member

ZONING COMMISSIONER PRESENT:

JAMES HANNAHAM	Commissioner
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COMMISSION STAFF PRESENT:

Beverly Bailey, Office of Zoning
John K. A. Nyarku, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

<u>AGENDA ITEM</u>	<u>PAGE</u>
OPENING REMARKS.....	4
<u>APPLICATION OF 1108 K STREET ASSOCIATES</u>	
<u>16778</u>	4

9:20 a.m.

1
2 CHAIRPERSON GRIFFIS: Okay. Good morning, ladies
3 and gentlemen. This is a Special Public Meeting of Tuesday,
4 November 13, 2001.

5 We are looking at our first and only case this
6 morning in the public meeting. Does Staff want to call that?

7 MS. BAILEY: For the public meeting, yes, Mr.
8 Chairman.

9 CHAIRPERSON GRIFFIS: Thank you.

10 MS. BAILEY: Call the case. Do I call it? You
11 ready?

12 CHAIRPERSON GRIFFIS: Sure.

13 MS. BAILEY: Application Number 1108 -- I'm
14 sorry. Application 16778 of 1108 K Street Associates pursuant
15 to 11 DCMR 3103.2 for a variance from the loading berth
16 requirements under section 2201. A variance to allow stacked
17 parking less than 75 spaces that are required under subsection
18 2115.9. A variance pursuant to 11 DCMR 3104 for a special
19 exception from the roof structure provisions under subsection
20 411.11 to allow a hotel as part of a combined lot development
21 with an apartment house located at 1210 Massachusetts Avenue
22 N.W. in the D-D-C-3 District at premises 1108 K Street, N.W.
23 Square 317, Lot 25.

24 Mr. Chairman and members of the Board, just as a
25 reminder, the applicant did withdraw the request for a variance

1 under subsection 1706.13 and 1708.1F.

2 And Mr. Chairman, this case was heard by the
3 Board on October 30th. Several items were requested. They have
4 been provided to the record. The Board members who participated
5 are seated at the dais and the case is now ready for a decision
6 this morning.

7 CHAIRPERSON GRIFFIS: Thank you very much, Ms.
8 Bailey.

9 Board members, just to refresh, we did grant a
10 party status to the Ashbury United Methodist Church and we did
11 hear from them and as has been alluded to, we did ask for
12 several things that have been submitted.

13 If we want to take a moment just for
14 clarification, it was submitted on Friday. Friday was a holiday
15 at the office. So, we have received it this morning. So, we
16 may want to briefly take time to go through that as we go
17 through this, but I wanted to reiterate that -- and I think some
18 of that is evident in the submission of things that we had been
19 asking for and actually that the church had indicated that they
20 were concerned about and that is the documentation of the
21 existing structure and then, of course, any recourse for
22 repairing and reconstructing damages that may have been caused
23 by construction and then we have the typical things in terms of
24 construction noise and construction schedule. Sunday, of
25 course, being a very important day for the adjacent church.

1 Parking and then, of course, soil contamination
2 was one of the other quick issues, but why don't we take quick
3 comments and discussion on this. We are looking at the variance
4 from the loading berth. If you recall, that they had basically
5 kind of a swing loading berth design that I thought was quite
6 efficient and effective especially for this unique site which is
7 small in size also and part of its uniqueness. But, I think it
8 also facilitates the growing and contemporary loading needs of
9 hotels as expressed by the applicant.

10 We were also looking at allowing for stacked
11 parking with less than 75 spaces that's required and I think the
12 applicant laid out fairly clearly what that situation was in
13 terms of allowing to go beyond if I recall correctly the 75
14 spaces if they were able to stack and it didn't seem to be a
15 huge problem based on the load.

16 And, of course, the favorite. Special exception
17 for the roof structures under 411 of which they have a
18 particular need and they are getting relief from the setback
19 requirement.

20 With that brief overview, I think quick
21 discussion at anyone's pleasure.

22 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I think
23 we can move ahead with this case. The material that the Board
24 has received seems to be very complete.

25 The agreement that has been given to the Board is

1 tightly constructed and I think the Board would like to see the
2 signature of the church on the documents prior to the issuance
3 of the order.

4 CHAIRPERSON GRIFFIS: An excellent point and I
5 think other members would concur with that and just to make that
6 incredibly clear that then if this was approved that any
7 issuance of the order would be delayed until the submitted
8 agreement signed by all parties was submitted to record. Good.

9 Yes, Mr. --

10 MEMBER LEVY: I concur. Mr. Chairman, I concur.

11 CHAIRPERSON GRIFFIS: Good.

12 MEMBER LEVY: Mr. Chairman.

13 CHAIRPERSON GRIFFIS: Yes.

14 MEMBER LEVY: For the record, I just want to note
15 that we did receive a letter from the hotel and restaurant
16 employees' union, Local 25, which we had requested during the
17 hearing and the letter authorizes Mr. Johnson who I believe
18 spoke at the hearing authorizes him to speak on their behalf.
19 So, I just wanted to note that for the record.

20 CHAIRPERSON GRIFFIS: Excellent point. We had
21 because -- we did receive oral testimony not written testimony.

22 MEMBER LEVY: Right.

23 CHAIRPERSON GRIFFIS: And we wanted just to
24 affirm for the record that he was speaking for the local.

25 MEMBER LEVY: Right. And I thought we might just

1 talk about the penthouse structure if we could for a few moments
2 and I wanted to make the point and we didn't discuss this in
3 great detail at the hearing. Perhaps we should have. But, I
4 just wanted to point out that the drawings provide not a great
5 amount of detail about the mechanical penthouse structure. It
6 appears to be made of -- it indicated as being constructed of
7 pre-finished metal panels and it appears to have some type of
8 articulation identified on drawing number -- noted on the 12th
9 Street elevation as some type of articulation that appears as
10 vertical lines.

11 I just wanted to make the point that I think it's
12 important that the design of penthouse structures be
13 incorporated into the design of the architecture. Often we see
14 them treated as appendages really that are not, you know, seen
15 from the ground, but I say that they're large structures and
16 they're often very visible and it's a makes a big difference
17 from an architectural design standpoint whether they're well
18 integrated and well designed.

19 CHAIRPERSON GRIFFIS: Thank you. I think that's
20 an excellent point. I think the case was clearly meant for the
21 special exemption with the roof structure, but you touch upon an
22 issue that is I think of great importance also. In terms of the
23 penthouse, it will be a visible element and a prominent element.

24 I think there has been some care and attention paid to the
25 corner and the entrance creating a tower element.

1 I would absolutely concur that based on the
2 record of the elevations that were submitted, that there is
3 articulation proposed and material proposed that would integrate
4 with the main facade and I would stress and underscore strongly
5 that our approval of the special exemption for this if that is,
6 in fact, the way we proceed would be based on the record
7 drawings shown and would be based, therefore, on the
8 articulation -- the architectural articulation and detailing of
9 that penthouse so that it may blend well.

10 And I think we aren't going off course here in
11 terms of creating a design review board although I may like to,
12 but no, we won't. Because under section 411.11, it does, in
13 fact, give this Board -- in fact, I will just cite it. "The
14 Board of Zoning Adjustment shall be empowered to approve
15 location, design, number, and all other aspects of such
16 structures."

17 So, therefore, I think we're well within our
18 purview and I think we put this as obviously the basis for our
19 decision making on special exemption whichever way we go and
20 underscore it several times as a very important aspect.

21 We that any other comments, questions,
22 discussion?

23 Very well, then.

24 VICE CHAIRPERSON RENSHAW: I think we're ready to
25 move ahead, Mr. Chair.

1 CHAIRPERSON GRIFFIS: I would absolutely support
2 it.

3 VICE CHAIRPERSON RENSHAW: All right. Well, Mr.
4 Chairman, I move to approve application of 1108 K Street
5 Associates pursuant to 11 DCMR 3103.2 for a variance from the
6 leading berth requirements under section 2201, a variance to
7 allow stacked packing when less than 75 spaces are required
8 under subsection 2115.9, and pursuant to 11 DCMR 3104.1 a
9 special exception from the roof structure provisions under
10 subsection 411.11 to allow a hotel as part of a combined lot
11 development with an apartment house located at 1210
12 Massachusetts Avenue, N.W. with the DDC3C District at premises
13 1108 K Street, N.W. Square 317, Lot 25.

14 But, we have stricken the variance to allow a
15 certificate of occupancy to be issued to a nonresidential hotel
16 space in advance of the required residential space in a combined
17 lot development under subsection 1706.13 and 1708.1F.

18 CHAIRPERSON GRIFFIS: I would second that.

19 Did you want to speak to any of the conditions
20 that we had on any of those variances or the order?

21 VICE CHAIRPERSON RENSHAW: Well, Mr. Chairman, I
22 think that we have covered all of those in the discussion during
23 the hearing and the material that has been presented to us, the
24 variances are very straightforward. I believe that the
25 applicant has made the burden of proof along with the special

1 exception and I would look to my colleagues to present other
2 observations in support of the application.

3 CHAIRPERSON GRIFFIS: Okay. Yes, actually, I
4 just wanted to speak. I think we did reiterate the argument.

5 VICE CHAIRPERSON RENSHAW: Yes.

6 CHAIRPERSON GRIFFIS: And I think it does stands
7 on the record.

8 I wanted just to articulate the conditions if
9 there are any and discussions on that. Of course, we just
10 mentioned one which is a signed agreement between the party, the
11 church, and the developer and I don't frankly recall if there
12 were others and I don't think so because I think they're covered
13 in the agreement. Is that --

14 VICE CHAIRPERSON RENSHAW: They are covered in
15 the agreement.

16 CHAIRPERSON GRIFFIS: -- concurrent?

17 COMMISSIONER HANNAHAM: Right.

18 VICE CHAIRPERSON RENSHAW: Yes.

19 COMMISSIONER HANNAHAM: There was one question I
20 think that was properly responded to by the applicant and that
21 was with respect to the prior use of the lot as a filling
22 station and there was some question as to whether the tanks had
23 been removed and I think that that was verified about seven
24 years prior. You know, prior to it's use as a filling station,
25 that the tanks had been removed. So, that clears that and then

1 there was also the understanding in this agreement that other
2 government agencies will have a role during the course of the
3 construction of this project as well.

4 So, I would expect that aspect of it will be
5 pretty much covered.

6 CHAIRPERSON GRIFFIS: Good. Yes, and I think if
7 I'm not mistaken quickly reading it this morning, that actually
8 part of the agreement is the sharing of any tests that will be
9 done --

10 COMMISSIONER HANNAHAM: Right.

11 CHAIRPERSON GRIFFIS: -- on the site with the
12 church itself.

13 COMMISSIONER HANNAHAM: Right.

14 CHAIRPERSON GRIFFIS: And I think one of the big
15 ones and the issue is the soil contamination which, of course,
16 would have an impact on the adjacent property.

17 VICE CHAIRPERSON RENSHAW: And we condition this
18 order, Mr. Chairman, or we recommend that it be conditioned on
19 the receipt of a signed agreement with Ashbury United Methodist
20 Church.

21 But, I think the agreement as structure is very
22 respectful of the church's property. It lays out a plan to make
23 sure that the church's structure is shall we say protected in
24 all avenues and, of course, recognizes the need for church
25 parking on special days of funerals and other events that the

1 church is going to be holding.

2 So, with that, I think that we're ready to vote.

3 CHAIRPERSON GRIFFIS: Have the last word and that
4 would be that I think the applicant has taken great steps and
5 strides to work with the adjacent properties and owners.

6 So, with that, all in favor?

7 (Ayes.)

8 CHAIRPERSON GRIFFIS: Any opposed?

9 MS. BAILEY: Staff will record the --

10 CHAIRPERSON GRIFFIS: Please. Yes, I'm sorry.

11 MS. BAILEY: Staff will record the vote as 4-0-1
12 to approve the application.

13 The motion was made by Ms. Renshaw, Mr. Griffis
14 seconded the motion, Mr. Levy and Mr. Hannaham in agreement.

15 The condition being that the order will be issued
16 upon receipt in the Office of Zoning of a signed agreement into
17 the record with Ashbury United Methodist Church and this is a
18 full order, Mr. Chairman, because there was opposition to this
19 case.

20 CHAIRPERSON GRIFFIS: Thank you very much.

21 Are we done for the day? Indeed we're going to
22 take just a two-minute respite not -- while we change out
23 members.

24 (Whereupon, the meeting was concluded at 9:44
25 a.m.)

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