

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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This transcript constitutes the minutes from
the meeting held on Tuesday, July 20, 2004.

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The Public Meeting convened in Room 220
South, 441 4th Street, N.W., Washington, D.C. 20001,
pursuant to notice at 1:00 p.m., Geoffrey H. Griffis,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice Chairperson
JOHN A. MANN, II	Board Member (NCPC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Acting Secretary
BEVERLEY BAILEY	Zoning Specialist
JOHN NYARKU	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL:

SHERRY GLAZER, ESQ.

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WELCOME/OPENING REMARKS:

Geoffrey Griffis 3

LOGAN II, LLC

APPLICATION NO. 17183: 4

VOTE TO APPROVE APPLICATION: 12

ADJOURN:

Geoffrey Griffis 12

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

1:20 p.m.

CHAIRPERSON GRIFFIS: Good afternoon, ladies and gentlemen. Let me call to order the afternoon Special Public Meeting of the Board of Zoning Adjustment of the District of Columbia. My name is Geoff Griffis. I'm the Chairperson and joining me today is Vice Chair Ms. Miller and representing the National Capital Planning Commission with us is Mr. Mann.

For those here for the afternoon hearing, this will take us but a brief moment. This is a Special Public Meeting, which means that we have already heard a case and this is the time where we will decide it. So you will hear our deliberation. There is no time for additional testimony or furthering the record. I'm going to dispense with my normal openings for the Special Public Meeting, because it will be a repeat when I open up the hearing and I would like to get as quickly to the hearing as possible, as I know you are all here for that.

So let us move ahead and, Ms. Bailey, with the Office of Zoning on my very far right is with us.

Mr. Moy from the Office of Zoning is with us also and Mr. Nyarku representing the Office of Zoning. Why

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1 don't we call the first case for decision making this
2 afternoon and move right ahead?

3 MR. MOY: Yes, good afternoon, Mr.
4 Chairman, Members of the Board. The case for decision
5 making in the Special Public Meeting is Application
6 No. 17183 of Logan II, LLC, pursuant to 11 DCMR
7 3104.1, for a special exception from the roof
8 structure requirements under section 411, and pursuant
9 to 11 DCMR 3103.2, for a variance from the residential
10 recreation space requirements under section 773, to
11 permit the development of a six-story apartment house
12 in the Arts/C-3-A District at premises 1529 14th
13 Street, N.W., Square 241, Lots 803 through 807 and
14 848.

15 On July 6, 2004, the Board completed
16 public testimony on the application and scheduled its
17 decision at a Special Public Meeting on July 20, 2004.

18 The Board kept the record open to allow persons at
19 the hearing to file their testimony in writing. No
20 filings were submitted. However, the applicant did
21 submit a letter confirming that no submissions have
22 been filed in the Office of Zoning, and that is in
23 your case folders identified as Exhibit 32, dated July
24 15, 2004. And that concludes the Staff's briefing,
25 Mr. Chairman.

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1 CHAIRPERSON GRIFFIS: Good. Thank you
2 very much, Mr. Moy. Board Members, I think it would
3 be most expeditious if we did our deliberation under a
4 motion and I would move approval of Application 17183
5 of Logan II, LLC for the special exception from the
6 roof structures under section 411, and also for a
7 variance from the residential rec space requirements
8 under 773. This would, of course, as Mr. Moy has
9 outlined, permit the development of a six-story
10 apartment house in the Arts/C-3-A District at the
11 premises of 1529 14th Street, N.W., and I would ask for
12 a second.

13 VICE CHAIR MILLER: Second.

14 CHAIRPERSON GRIFFIS: Thank you very much,
15 Ms. Miller. I'm going to take these one at a time.
16 Of course, what is fascinating about this case is that
17 they are actually combined. When you look at the
18 complexity of, one, the application in that it has an
19 existing structure, not only is there an existing
20 structure, but it's a contributing structure to the
21 District, and that precludes an awful lot.

22 First of all, in the review going through
23 the Historic Preservation Review Board, the massing
24 was changed, the height, the total allowable FAR was
25 reduced, which really pushes all of the requirements

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1 compacting it into a building that had a very tight
2 site in terms of its width dimension and also in terms
3 of the amount of requirements based in zoning and, as
4 I say, in HPRB. Going to section 411, of course, the
5 requirement for the penthouse structure is to be one
6 structure enclosed all at the single height and
7 setback equal to its height.

8 Attendant to this application is several
9 of the complexities that make that not possible.
10 First, in the Building Code requirements itself for
11 the distance of travel and the separation of the
12 stairs, it puts the stair enclosures at the very
13 distant distance from each other at the extreme areas
14 of the footprint. There is actually one of the
15 existing over-runner penthouse structure, so there is
16 an additional structure there, and then there's the
17 center core structure of which, obviously, has to be
18 for efficiency and actually for layout of the
19 residential centrally located.

20 The Historic Preservation had the view
21 that, in fact, it was not best to have that all under
22 one, but rather to separate to try, in terms of the
23 design directive, to create three different looking or
24 at least differentiating facades and having three
25 structures on top lends itself. Really, the case that

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1 was presented even rises to more of a variance than a
2 special exception. As you see, I'm saying the
3 practical difficulty of combining them all. Once you
4 start to combine, it's a loss of space on the roof,
5 which was to be accommodated and maximized for the
6 residential recreation space, of course, the
7 requirement in the zoning, it starts to diminish.

8 So keeping them separate, clearly, does
9 not have any detrimental impact in terms of the
10 height, in terms of light and air, anything of the
11 adjoining neighbors. It seems to actually diminish
12 any sort of negative impact by creating three
13 different structures at differing heights and not
14 maximizing the heights of each of those structures.

15 Going to the residential rec, of course,
16 there is over 2,200 square feet of residential rec
17 made available on the roof. Of course, our
18 regulations allow it to be anywhere as long as at
19 least 50 percent is outdoor. The intent of that
20 provision in the regulations is to provide or maximize
21 the outdoor residential recreation space. Without
22 going into a whole lot of what is residential rec and
23 what is passive and active, which is an amusing
24 conversation, we don't have time for this afternoon
25 and we've done it numerous times, I'll move right

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1 ahead to the substance and particulars of this
2 specific application.

3 I think it is fairly clear in terms of,
4 one, the practical difficulties. Well, the uniqueness
5 of the site is numerous and I won't hit them all, but
6 I think the most persuasive for me, first of all, is
7 accommodating, one, an existing structure in terms of
8 an expanding and differing use. This was one of the
9 old automobile showrooms and now it is being converted
10 into a residential.

11 Attendant to that is the complexity of
12 elements, layout with the additions and the floor
13 levels, etcetera, also the dimension of the site
14 itself that now in a real sense practical difficulty
15 that has been created by the Historic Preservation
16 Review in citing and also the Code requirements for
17 citing the stair and the penthouse structures, starts
18 to diminish the availability for the outdoor
19 recreation.

20 By diminishing the massing, you also have
21 diminished the available space for residential rec on
22 the interior coupled with the requirement for retail
23 within the building. You see that we ask so much of
24 sites and most sites cannot, and specifically this
25 site cannot, accommodate it. You know, what is

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1 interesting is as you take away a floor off of a
2 project and then ask them to comply with all of the
3 zoning, you end up taking out more and more units in
4 order to provide residential rec, and it's kind of a
5 fine line of a balancing situation. As you lose a
6 unit, you don't have to have so much residential rec.

7 Well, what is the great balance? And I
8 think a lot of that goes to what we have seen in this
9 particular situation. I think, the threshold of
10 balance is lessening for the city because of the fact
11 of how much we are trying to move people outside of
12 their buildings and to animate the streets and utilize
13 the facilities, the parks, the indoor recreation
14 spaces to really populate those and make them safe,
15 successful and enjoyable places to go. Not to mention
16 utilizing some of the health clubs or the retail or, I
17 don't know if shopping is an active recreating sport,
18 but, you know, I certainly get a lot of exercise doing
19 that walking down the beautiful avenues of Washington,
20 D.C.

21 So it certainly wouldn't impair the intent
22 of the Zone Plan, by any means, and it doesn't go
23 against the public good, by any means, either. I
24 think it, in fact, just does the opposite. It
25 actually encourages that we come to and have

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1 acknowledged as a very public good, and that is safe
2 and populated streets.

3 Also, I think lastly, just looking at the
4 amount of roof deck that is available. Of course, we
5 do have the dimension requirement of that square
6 footage that can count towards accomplishing the
7 required residential recreation space, and the
8 configuration of this is such that not all of it
9 counts, although it is made available for outdoor
10 space and looking at several thousand square feet of
11 available space.

12 And in addition, having I believe it was
13 nine units in the proposed development will have
14 private terraces that will also accommodate that type
15 of outdoor recreating. I don't have any hesitation
16 that there will be a negative impact, but also I note
17 that the configuration of the roof itself lends itself
18 to a practical difficulty in fully complying with all
19 of the square footage that would be required. But
20 that's my summation. Others?

21 VICE CHAIR MILLER: Mr. Chairman, I concur
22 with everything you have just stated and you have
23 covered most of my notes. I just want to add that
24 there was some open area on the ground floor outside
25 that could have been designated for residential

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1 recreation space, but the community wanted and the
2 building needs parking and that was determined to be a
3 better use of that space, that this would not have
4 been a high quality recreation space.

5 And the other point I would add is that
6 it's in the record that Office of Planning has
7 recommended that the applicant be encouraged to
8 continue working with DDOT and the HPRB staff on the
9 enhancement of the nearby public space as an urban
10 amenity area in lieu of providing the required
11 residential recreation space. And though we don't
12 have jurisdiction over public space, I would certainly
13 encourage that as well.

14 CHAIRPERSON GRIFFIS: Good. I think those
15 are two important aspects. One, not having,
16 basically, a parking space being counted towards
17 recreating as if someone might go out and utilize that
18 next to park cars didn't make us address something
19 that would have been somewhat of an absurdity. So I
20 think you're absolutely right. That's appreciated.

21 And I also agree with the fact that the
22 Board makes strong encouragement to have the developer
23 here, but also all the developers, which will only
24 benefit their own product and any others, especially
25 retail tenants, that come in and the quality of life

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1 of those that live in their buildings if they work on
2 implementing the streetscape that has already been
3 planned and be supportive in that endeavor.

4 Okay. Anything else that we need to
5 address on this? Very well. We have the motion
6 before us. It has been seconded and deliberated. I
7 would ask for all those in favor of the motion to
8 signify by saying aye.

9 ALL: Aye.

10 CHAIRPERSON GRIFFIS: And opposed? Yes.

11 MR. MOY: Staff would record the vote as
12 2-0-2 on the motion of the Chair, Mr. Griffis, to
13 approve the application, seconded by Ms. Miller. And
14 we have the Zoning Commission Member, Ms. Mitten, not
15 present, not voting and a Board Member not sitting on
16 the case. We also have, Mr. Chair, an absentee ballot
17 from Mr. Etherly who has voted in support of the
18 application. That would give the final vote as 3-0-2.

19 CHAIRPERSON GRIFFIS: Excellent. Thank
20 you very much. Is there any other business for the
21 Board in the Special Public Meeting this afternoon?

22 MR. MOY: Not to the Staff's knowledge,
23 Mr. Chair.

24 CHAIRPERSON GRIFFIS: Excellent. In which
25 case we can adjourn the Special Public Meeting.

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(Whereupon, the Special Public Meeting was
concluded at 1:33 p.m.)