

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
URBAN INVESTMENT : Case No.
PARTNERS - MAP AMENDMENT TO : 10-25
REZONE PROPERTY :
 :
-----:

Thursday,
January 20, 2011

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

The Public Hearing of Case No. 10-25 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 (AOC)
PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
PAUL GOLDSTEIN

The transcript constitutes the minutes from the Public Hearing held on January 20, 2011.

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

2 6:36 p.m.

3 VICE CHAIRMAN SCHLATER: Good
4 evening, ladies and gentlemen. This is a
5 Public Hearing of the Zoning Commission for
6 the District of Columbia for Thursday, January
7 20, 2011. My name is Konrad Schlater and
8 tonight I'm joined by Commissioners Peter May
9 and Michael Turnbull. We're also joined by
10 Office of Zoning Staff, Sharon Schellin and
11 Donna Hanousek.

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

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

17 The subject of this evening's
18 hearing is Zoning Commission Case No. 10-25.
19 This is a request by Urban Investment Partners
20 for approval of a Map Amendment to Rezone
21 Property in Square 2843, Lots 8, 10 and 808.

22 Notice of today's hearing was

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1 published in the D.C. Register on December
2 3rd, 2010, and copies of that announcement are
3 available to my left on the wall near the
4 door.

5 This hearing will be conducted in
6 accordance with the provisions of 11 DCMR
7 Section 3022 as follows: Preliminary matters,
8 Applicant's case, report of the Office of
9 Planning, report of other government agencies,
10 if any, report of ANC 1A, organizations and
11 persons in support, organizations and persons
12 in opposition, rebuttal and closing by the
13 Applicant.

14 The following time constraints will
15 be maintained in this meeting. The Applicant
16 45 minutes, organizations 5 minutes,
17 individuals 3 minutes.

18 The Commission intends to adhere to
19 the time limits as strictly as possible in
20 order to hear the case in a reasonable period
21 of time. The Commission reserves the right to
22 change the time limits for presentations, if

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1 necessary, and notes that no time shall be
2 seeded.

3 All persons appearing before the
4 Commission are to fill out two witness cards.

5 These cards are located to my left on the
6 table near the door. Upon coming forward to
7 speak to the Commission, please give both
8 cards to the Reporter sitting to my right
9 before taking a seat at the table.

10 When presenting information to the
11 Commission, please turn on and speak into the
12 microphone, first stating your name and home
13 address. When you're finished speaking,
14 please turn your microphone off so that your
15 microphone is no longer picking up sound or
16 background noise.

17 The decision of the Commission in
18 this case must be based exclusively on the
19 public record. To avoid any appearance to the
20 contrary, the Commission requests that persons
21 present not engage the members of the
22 Commission in conversation during any recess

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1 or at any time. The staff will be available
2 throughout the hearing to discuss procedural
3 questions.

4 Please turn off all beepers and
5 cell phones at this time so as not to disrupt
6 these proceedings.

7 Would all individuals wishing to
8 testify please rise to take the oath? Ms.
9 Schellin, would you please administer the
10 oath?

11 SECRETARY SCHELLIN: Please raise
12 your right hand. Do you solemnly swear or
13 affirm that the testimony you will give this
14 evening will be the truth, the whole truth and
15 nothing but the truth?

16 Thank you.

17 VICE CHAIRMAN SCHLATER: At this
18 time, the Commission will consider any
19 preliminary matters. Does the staff have any
20 preliminary matters?

21 SECRETARY SCHELLIN: Just two. One
22 to check to see if the Applicant has the

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1 Affidavit of Maintenance. And then, I
2 believe, the Applicant has two experts that
3 they're going to proffer. And that's it.

4 MR. KADLECEK: Good evening, Members
5 of the Commission. I'd like to proffer two
6 experts. One is David Haresign of Bonstra
7 Haresign Architects. I'd like to proffer him
8 as an expert in master planning and also from
9 Bonstra Haresign I'd like to proffer Jack
10 Devilbiss as an expert in architecture.

11 I believe you have both of their
12 resumes.

13 VICE CHAIRMAN SCHLATER: We do
14 have both resumes on record. Are there any
15 objections to bring these two individuals in
16 as experts?

17 COMMISSIONER MAY: I don't have any
18 objection. I'm just curious, have either been
19 qualified before?

20 MR. KADLECEK: David has been
21 qualified before, yes.

22 COMMISSIONER MAY: I have no

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1 questions and no trouble.

2 VICE CHAIRMAN SCHLATER: We will
3 accept both witnesses as experts as well.
4 Thank you. Now, you may proceed with your
5 case.

6 MR. KADLECEK: Great, thank you.

7 Good evening, Members of the
8 Commission. I'm Cary Kadlecek of the law firm
9 of Goulston & Storrs. Also from Goulston &
10 Storrs with me is Allison Prince. We are
11 counsel for the Applicant in this case.

12 With me tonight is Steve Schwatt of
13 Urban Investment Partners, the Applicant in
14 this case. He's sitting to my right. To his
15 right is David Haresign of Bonstra Haresign
16 Architects. And then to his right is Jack
17 Devilbiss, also of Bonstra Haresign
18 Architects.

19 The case before you tonight is a
20 simple one. It is a straightforward instance
21 where rezoning the subject properties would
22 result in zoning more compatible with the

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1 existing buildings.

2 In this case, the Applicant
3 requests that the property containing two non-
4 conforming multi-family residential apartment
5 buildings be rezoned from the R4 to the R5B
6 Zone District.

7 As the witnesses will testify and
8 more importantly as the pleadings have shown,
9 the R5B Zone aligns better with the
10 characteristics of the existing buildings,
11 would allow for rehabilitation of the existing
12 buildings and would provide a smooth
13 transition between a higher density and a
14 lower density zone.

15 As you can see in the file, we have
16 complete support of the ANC and no opposition
17 in this case.

18 Accordingly, we are comfortable
19 resting on the record but we are happy to
20 answer any questions that the Zoning
21 Commission has.

22 VICE CHAIRMAN SCHLATER: Thank you

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1 very much, Mr. Kadlecek.

2 Do we have any questions of the
3 Applicant?

4 COMMISSIONER MAY: No, I'm sorry
5 that the Chairman is not here to hear this but
6 I have absolutely no questions.

7 VICE CHAIRMAN SCHLATER:
8 Commissioner Turnbull?

9 COMMISSIONER TURNBULL: No, I'm
10 fine.

11 VICE CHAIRMAN SCHLATER: I think
12 the record is fairly complete in this case.
13 I've read all the materials and I don't have
14 any questions either. So, in that case, I
15 think we'll just move on to the Report of the
16 Office of Planning.

17 Let's see. I'm new to this. Is
18 there anybody from the ANC here tonight?
19 Seeing no one I think we can move on to the
20 Report of the Office of Planning.

21 MR. GOLDSTEIN: Good evening, my
22 name is Paul Goldstein of the Office of

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1 Planning. Not to prolong this too much
2 further, I'll rest on the record and say that
3 we're supportive of the requested relief --
4 I'm sorry, rezoning, pardon me.

5 VICE CHAIRMAN SCHLATER: Thank
6 you, Mr. Goldstein.

7 Any questions of the Office of
8 Planning? Seeing none, we'll look for a
9 report of other Government agencies. I don't
10 think we saw much.

11 COMMISSIONER MAY: No, I would just
12 note that we have a Report from the ANC where
13 they voted seven to zero to support the
14 application.

15 VICE CHAIRMAN SCHLATER:
16 Absolutely. Duly noted. Nobody is here on
17 behalf of the ANC tonight but on the record
18 it's Exhibit Number 19, said after providing
19 sufficient notice for and with quorum of seven
20 present at it's October 13, 2010, meeting, ANC
21 1A voted with seven yeas, zero no and zero
22 abstentions to support the proposed rezoning

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1 of 1346 Park Road, Northwest and 1349 Kenyon
2 Street, Northwest.

3 With that, I think we'll move on to
4 testimony, if any. Are there any
5 organizations and persons in support? Any
6 organizations and persons in opposition?

7 Well, I think that leads us to the
8 closing by the Applicant.

9 MR. KADLECEK: I think my
10 introduction pretty well summarized it. With
11 that I just ask, given the lack of opposition
12 and the complete support from the ANC that the
13 Commission acts expeditiously in this.

14 Thank you.

15 VICE CHAIRMAN SCHLATER:
16 Absolutely. I think I would be in support of
17 moving on proposed action tonight.

18 Do I hear a motion?

19 COMMISSIONER MAY: Mr. Chairman, I
20 would move approval of Zoning Case No. 10-25,
21 Urban Investment Partners Map Amendment to
22 Rezone Property Located in Square 2843, Lots

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1 8, 10 and 808.

2 COMMISSIONER TURNBULL: Second.

3 VICE CHAIRMAN SCHLATER: I have a
4 motion to second.

5 All in favor say aye.

6 (AYES)

7 VICE CHAIRMAN SCHLATER: That's
8 three yes, zero no, two not here.

9 SECRETARY SCHELLIN: Yes. Staff
10 will record the vote, three to zero to two to
11 approve proposed action on Zoning Commission
12 Case No. 10-25. Commissioner May moving,
13 Commissioner Turnbull seconding, Commissioner
14 Schlater in support, Commissioner Hood and
15 Commissioner Selfridge not present not voting.

16 VICE CHAIRMAN SCHLATER: Very good.

17 Thank you everyone for coming out tonight.

18 MR. KADLECEK: Thank you.

19 VICE CHAIRMAN SCHLATER: This
20 hearing is adjourned.

21 (Whereupon, the above matter was
22 concluded at 6:46 p.m.)

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