

OFFICE OF PLANNING STAFF PRESENT:

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The transcript constitutes the minutes
from the Public Hearing held on March 2, 2006

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

6:30 p.m.

VICE-CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, March 2, 2006. My name is Anthony J. Hood. Joining me this evening are Commissioners Gregory Jeffries, John Parsons, and Michael Turnbull.

The subject of this evening's hearing is Zoning Commission Case 70-16A. This is a request for CESC 2101 L Street, LLC for approval of a modification to a previously approved planned unit development for property located at 2101 L Street, N.W., and known as Lot 76 and Square 72.

Notice of today's hearing was published in the D.C. Register on January 13, 2006. Copies of today's hearing announcement are available to you and are located to my left on the table near the door. The hearing will be conducted in accordance with provisions of 11 DCMR 3022.

The order of procedure will be as follows: preliminary matters, Applicant's case, report of the Office of Planning, report of other government agencies, if any, report of the Advisory Neighborhood Commission 2-A, organizations and persons in support,

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1 organizations and persons in opposition.

2 The following time constraints will be
3 maintained in this meeting. The Applicant, 30
4 minutes; organizations, 5 minutes; individuals, 3
5 minutes. The Commission intends to adhere to the time
6 limits as strictly as possible in order to hear the
7 case in a reasonable period of time.

8 The Commission reserves the right to
9 change the time limits for presentations, if
10 necessary, and notes that at no time shall be seated.

11

12 All persons appearing before the
13 Commission are to fill out two witness cards. The
14 cards are located to my left on the table near the
15 door. Upon coming forward to speak to the Commission
16 please give both of those cards to the reporter who is
17 sitting to my right.

18 Please be advised that this proceeding is
19 being recorded by the court reporter and is also
20 webcast live. Accordingly, we must ask you to reframe
21 from making any disruptive noises or actions in the
22 hearing room.

23 When presenting information to the
24 Commission please turn on and speak into the
25 microphone first stating your name and home address.

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1 When you are finished speaking please turn off the
2 microphone off so that the microphone is no longer
3 picking up sound or background noise.

4 The decision of the Commission in this
5 case must be based exclusively on the public record.
6 To avoid any appearance of the contrary, the
7 Commission request that persons present not engage
8 members of the Commission in conversation during a
9 recess or at any other time. The staff will be
10 available throughout the hearing to discuss procedural
11 questions. Please turn off all beepers and cell
12 phones at this time so as not to disrupt the
13 proceeding.

14 At this time the Commission will consider
15 any preliminary matters. Does the staff have any
16 preliminary matters?

17 MS. SCHELLIN: No, sir.

18 VICE-CHAIRPERSON HOOD: Okay. Would all
19 individuals wishing to testify please rise to take the
20 oath.

21 Ms. Schellin, would you please administer
22 the oath.

23 (Whereupon, the witnesses were sworn.)

24 VICE-CHAIRPERSON HOOD: Okay. Mr. Feola.
25 Let me just say, Mr. Feola, the Commission has read

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1 your submittals and we'll take it from there

2 MR. FEOLA: Thank you, Mr. Chairperson.
3 Phil Feola, Pillsbury Winthrop Shaw Pittman on behalf
4 of the Applicant with my colleague Christine Roddy.
5 The one preliminary matter that we have is we would
6 like to qualify Mr. Eric Leibman as an expert in
7 architecture. I believe staff is passing out his
8 resume as we speak.

9 VICE-CHAIRPERSON HOOD: You are proffering
10 him as an expert in architecture?

11 MR. FEOLA: Yes, sir.

12 VICE-CHAIRPERSON HOOD: Just give us a
13 moment.

14 MR. JEFFRIES: For whatever it's worth,
15 Mr. Leibman is certainly qualified to be an expert
16 witness here.

17 VICE-CHAIRPERSON HOOD: All right. Okay.
18 Anybody have any problems?

19 MR. TURNBULL: I agree.

20 VICE-CHAIRPERSON HOOD: All right. We
21 will qualify Mr. Leibman as an expert. Okay. You may
22 begin.

23 MR. FEOLA: Thank you, Mr. Chair. We are
24 here before you tonight on behalf of the Applicant
25 seeking a modification to a planned unit development

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1 that was approved in 1973. It was built and
2 constructed and completed around circa 1976 at 2101 L
3 Street on about a 51,000 square foot lot.

4 Pursuant to the 1973 Zoning Commission
5 order the site is zoned C-3-C as we speak. It was
6 approved and built at 7.0 FAR to a height of 110 feet.
7 It is about 360,000 square foot office building with
8 ground floor retail and below-grade parking.

9 The Applicant has really two main goals in
10 this application. The first, in no order of
11 importance, is to modernize the building both internal
12 and external to bring this 30-year-old structure into
13 the modern vernacular, if you will, and to reposition
14 the retail that is in this building, or is supposed to
15 be in this building, in a way that meets the
16 requirements of retailers and activates the street as
17 the city, I believe, wants.

18 There are two major components that we are
19 going to present to you tonight in this. The first is
20 a resurfacing with design improvements to the public
21 facade of this building on 21st Street and L Street
22 and the elimination of the retail arcade which, as
23 everyone who is involved in this substantive area,
24 knows that it is not a preferred urban design solution
25 for retail nowadays.

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1 In fact, the District of Columbia
2 comprehensive plan, Section 1108.1(s) actually calls
3 for the Zoning Commission to do what it takes to
4 eliminate arcades when those things are before you.
5 So all in all the rest of the PUD stays in place.

6 The size of the building doesn't change
7 virtually except for the increase of the ground floor
8 by bringing the retail out and the parking and height
9 of the building, the penthouse location, the open
10 courtyard in the rear of the building should stay
11 virtually the same. We seek this minor modification
12 to bring this building up a bit aesthetically and
13 hopefully bring this corner a little bit more activity
14 than it currently has.

15 We really have just two witnesses tonight
16 and I would like to call Mr. Eric Leibman to talk
17 about the design intent of the design.

18 VICE-CHAIRPERSON HOOD: Let me just ask
19 one question. You said minor modification. You
20 didn't present it as a minor modification. I may be
21 minor in nature but it's not a minor modification.

22 MR. FEOLA: I stand corrected.

23 VICE-CHAIRPERSON HOOD: I just wanted to'
24 -- I'm not giving you a hard time but minor
25 modification makes me go haywire.

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1 MR. FEOLA: We wouldn't had to come and
2 visit you tonight if it were a minor modification.

3 VICE-CHAIRPERSON HOOD: Right. Okay.
4 We're on the same page.

5 MR. FEOLA: Not that we don't enjoy
6 spending the evenings with you guys.

7 MS. SCHELLIN: Our hand-held mic is not
8 being picked up by the court reporter so if that one
9 will reach and you can pull over, you certainly can,
10 or you can move those closer.

11 MR. LEIBMAN: Eric Leibman, a principal at
12 WDG Architecture, 1025 Connecticut Avenue. I'm here
13 tonight to testify. I appreciate the opportunity.
14 I'm here with my partner, Jeff Morris. I guess if you
15 are all familiar with the existing building at 2101,
16 I think you would know it as a particularly
17 nondescript building. Is this fine?

18 VICE-CHAIRPERSON HOOD: If he can hear
19 you. Just speak loud enough so that he can hear you.

20 MR. LEIBMAN: Okay. It's flat and boxy
21 and lacking in any architectural hierarchy. Because
22 the lead tenant is vacating the building, Smith
23 Commercial Realty tasked us with the repositioning of
24 the 30-year-old property giving it a complete
25 makeover. Only the structure of the existing building

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1 will remain.

2 However, because that structure virtually
3 comes to the property along both street fronts,
4 substantial massing changes were precluded. The
5 transformation became a more challenging task. Again,
6 the existing building is lacking in any architectural
7 hierarchy. You see it here. It is virtually
8 symmetrical about the corner. Nothing suggest the
9 location of the main entry. This is the 21st Street
10 facade. This is the L Street facade. The entry,
11 though you wouldn't know it, is located right here.

12 The existing precast is dull. The glass
13 is darkly tinted camouflaging any suggestion of human
14 activity within. The second and ninth floors of the
15 existing building are recessed three feet I believe as
16 an abstract reference to a classical division of base,
17 middle, and top.

18 The first floor, which is deeply shadowed,
19 is setback a full 10 feet behind the property line and
20 that is a condition which is exacerbated by the fact
21 that there is also a projecting spandrel at the second
22 level. The result is a very compromised retail store
23 front which is very unfriendly to both retailers and
24 shoppers. Again, we believe our renovation will
25 positively address all these deficiencies.

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1 In addition, the streetscape is going to
2 be greatly upgraded. This is a plan of the existing
3 building L Street 21st Street. Existing condition
4 with a storefront setback 10 feet beyond an arcade.
5 This is a proposed condition where we are coming at it
6 straight to the property line with our first-floor
7 store front. The other elements of the building
8 remain in place.

9 The main lobby is where it has always
10 been. Loading dock and garage ramps remain the same.
11 The existing courtyard will remain as is. The primary
12 upgrade to the streetscape will be all new pavers
13 which will be a combination of London pavers and
14 granite pavers. Probably more significantly we will
15 be removing a series of 12 existing raised planters
16 which sort of serve the functional purpose of air
17 intake underneath them for the garage.

18 However, they become real obstacles to the
19 flow of traffic. They kind of block the retail entry
20 so we are getting rid of all those. The intake will
21 now take place all within the courtyard away from the
22 public way and you will have a clean access to
23 pedestrian activity and the retail.

24 At the setdown meeting back in December
25 there were some concerns raised about the proposed

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1 architecture, specifically the decorative cornice
2 element above the 21st Street facade.

3 We believe much of your concern was
4 predicated by a review of a preliminary marketing
5 perspective which is a two-point perspective which
6 dramatized the corner condition and I think, in this
7 case, substantially exaggerated the scale of the
8 cornice element. Nonetheless, we did take your
9 concerns very seriously and are further developing the
10 cornice element, refined its design, and substantially
11 reduced its size.

12 We have commissioned a physical model so
13 there will be no confusion about the massing we are
14 proposing. This is the model here. It is exactly in
15 scale. The skin is reading a little bit dark here.

16 VICE-CHAIRPERSON HOOD: Excuse me. Are
17 you still picking us up? Okay. We'll cut that one on
18 and cut the other one off, Mr. Feola. Thank you.

19 MR. LEIBMAN: Can you see this model
20 adequately? I'll just briefly kind of tip it up to
21 give you sort of a sense of the relative dimensions of
22 the cornice relative to the building plane and height
23 as well as projections. Let me just quickly run
24 around the design for the model. It might be helpful.

25 There are subtle plane changes along the

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1 facades as structure allowed. Those plane changes are
2 underscored by the application of different skin
3 types. Along L Street the top floor is set back and
4 the mullion pattern is simplified to address the
5 scales of the lower residential buildings to the west.

6 As we transition towards the corner and
7 address the more commercial presence toward the east,
8 the building rises up transitioning at this vertical
9 pier and spire. Then as we turn the corner, again
10 toward 21st Street, the facade is capped by a
11 continuous cornice element. The element is paralleled
12 at the ground plane probably about 12 feet above grade
13 with a three-bay glass and metal canopy. Together
14 these elements help create a building hierarchy which
15 establishes a dominant entry facade.

16 In terms of the scale of the cornice, we
17 have reduced it as far as we could without losing its
18 meaning. The height and projection along 21st Street
19 are both being reduced by 30 percent. Right now the
20 top of this element stands 20 foot above the top of
21 our parapet. The projection along 21st Street has
22 been reduced to 42 inches.

23 Commissioner Jeffries last time commented
24 at the setdown meeting that the element appeared
25 disconnected to the building. We have created a more

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1 clearly defined columns. We have brought them closer
2 to the front. They are now six feet back from the
3 face of the building. I think what has happened here
4 is that the element will still float above but you
5 will still see the connection to the building below.

6 There was a back wall on this element
7 which caused it to be quite dark. We have removed
8 that back wall in its entirety except at the corner
9 where we have to disguise some structure at this
10 corner. Even at the corner we have created a wall
11 with perforated metal so you can see light behind.

12 I think the difference is rarely profound.
13 We have looked at it in a digital model as well as in
14 a physical model and the reflected light creates much
15 more light on the underside. Plus, we have night
16 lighting up and that light could also if it needed to
17 be supplemented could light the thing at all times.
18 Again, looking up at the building, I think probably
19 the perception is more like this than looking down on
20 it.

21 We have also produced a series of before
22 and after photo montages to, I think, again give you
23 a very accurate idea of what this building is going to
24 look like when it is completed. What we have done is
25 we've taken a series of photos and taken out the

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1 existing building and sort of at an exact angle built
2 an accurate digital model on top of the place. You
3 can see before and after.

4 The first view is showing approaching the
5 project along the street from the west. Again, you
6 can see that the breakdown in building base, middle,
7 and top. The top floor is set back a foot. The skin
8 has been simplified. This plane of the middle reacts
9 to the adjacent building just to the west in terms of
10 scale.

11 You can see how it steps up at the spire.
12 You can begin to see the cornice beyond to announce
13 entry and that it's a dominant facade. We have also
14 fully changed the facade at the alley. We have a
15 simple ribbon window facade but, again, it's all in
16 the same pallet of white, metal, and a clear low-E
17 glass.

18 As we continue on to the corner, this is
19 obviously the view from the corner of 21st and L, the
20 existing condition, the very dark recessed areas, a
21 much brighter, clearer building. I think this view
22 very much shows the spirit of the redesign. We have
23 a strong articulated entry, a classical division of
24 base, middle, and top.

25 The solution, I believe, is bright, clean,

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1 eloquent and classically modern. Again, the same
2 pallet. Let me just keep going. The next view is the
3 same view at a pedestrian level. I think it really
4 clarifies the change in walking next to this building.

5 In the existing condition you are going
6 through a series of obstacles both trying to get
7 between the bus stop and the raised planters, the dark
8 retail. We brought it out. There is a continuous
9 eyebrow of metal and glass than the large three-bay
10 canopy projecting beyond new paving and, I think, sort
11 of a very animated retail experience. This is retail
12 signage hanging from that.

13 Finally, a typical curtain wall bay.
14 Again, we are trying to do a very eloquent skin. It
15 is still a flat building. I think it is going to be
16 a lovely building but it's going to be very subtle.
17 This is to sort of to look at the curtain wall.
18 Again, our existing condition is very dark and flat.
19 The new curtain wall, I believe, is a very
20 sophisticated hierarchy of very refined horizontal and
21 vertical elements.

22 These are not clunky two-and-a-half-inch
23 mullions. These are one-half inch kind of a butt-
24 glazed system. There is a two-level reading and just
25 a rich articulation of architectural elements. I

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1 think that is what we are trying to do. I think when
2 the building is done it will be perceived as a new
3 building and hopefully a wonderful upgrade to what
4 exist there now. Thank you.

5 MR. FEOLA: Mr. Leibman, I would like to
6 direct your attention to the Office of Planning Report
7 if I might. One of the conditions that the Office of
8 Planning has suggested, 8A, suggest that the
9 installation of the ornamental cornice if this project
10 is approved by the Zoning Commission rises no more
11 than 12 feet above the roof and project no further
12 than three feet, six inches from the property. Is
13 that suggestion consistent with the plans that you
14 just described?

15 MR. LEIBMAN: Actually the top is 13 feet
16 above the roof, 10 feet above the parapet, as I said.
17 It projects 42 inches for the length along 21st
18 Street. It projects five feet, which is the accepted
19 length of cornice elements in the District at L
20 Street. That is to sort of allow this vertical
21 element to pop through.

22 MR. FEOLA: Condition 8B the Office of
23 Planning suggest that a recess of one foot, 10 inches
24 deep be provided at the second floor. Is that
25 consistent with the plans you just described?

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1 MR. LEIBMAN: That actually should be
2 corrected. It's one foot back. The setback planes at
3 the top level as well as grade because the column
4 structure is one foot back. These are all one foot
5 back behind the property line.

6 MR. FEOLA: Finally, in 8I, I believe, the
7 Office of Planning suggest that the Zoning Commission
8 if it were to approve this application would place a
9 requirement that there be a door placed every 40 feet
10 or so on center. Could you comment on that? You may
11 need to look at the plan.

12 MR. LEIBMAN: That is a challenging
13 requirement by just the coincidence of the
14 architecture. We have a 10-foot module and the way we
15 have located our typical doors it really couldn't do
16 a 40-foot on center. We could conceivably do 50 or 60
17 feet. Typically it has been my experience that the
18 location of the doors is absolutely dictated by the
19 retailer. Most retailers wouldn't want too many
20 doors. In a typical white tablecloth restaurant it
21 would be unlikely they would want doors that close
22 together.

23 MR. FEOLA: The existing restaurant?

24 MR. LEIBMAN: Existing Galileo, right.
25 Here, again, this is one restaurant. They only really

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1 want one entry door location. Another entry door
2 becomes disruptive because these entry doors are also
3 set back in so the doors aren't opening out onto the
4 public space. It is a challenging requirement.

5 MR. FEOLA: Thank you. My next witness is
6 Mr. Daniel Karchem, Senior Vice President of Charles
7 E. Smith Commercial Realty. Our next and final
8 witness.

9 Mr. Karchem, state your name and address
10 for the record, please.

11 MR. KARCHEM: My name is Daniel Karchem.
12 My address is 7500 Meadow Lane, Chevy Chase, Maryland.

13 MR. FEOLA: Would you care to comment on
14 the retail efforts that are being made here and some
15 of the suggestions made by the Office of Planning?

16 MR. KARCHEM: Yes, I would like to. I
17 have been meeting with Roberto Donna, the owner of
18 Galileo Restaurant, to restructure and recast his
19 lease in hopes of retaining the Galileo Restaurant in
20 the building. I believe we are very close to
21 finalizing a deal. I am pleased to say that he'll be
22 coming back.

23 The difficult that we are having is
24 finding tenants for this particular market place. The
25 depth of the building at this location from 21st

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1 Street --

2 VICE-CHAIRPERSON HOOD: Are you picking
3 him up? Please speak up. You might want to talk a
4 little bit louder.

5 MR. KARCHEM: It's approximately 140 feet
6 from the front of the building to the back of the
7 restaurant. That is not ideal retail space. It is
8 pretty much a bowling alley. The space by moving
9 forward really doesn't create much of an opportunity
10 for retail tenants. It is great visibility on the
11 street but this space behind here and back here is not
12 desirable retail. It is essentially storage space for
13 retail tenants.

14 Roughly in this direction I think it's
15 close to 100 feet or 70 feet depending on where we hit
16 in the corridor. I would humbly request that you
17 consider the retail tenants that are likely to
18 entertain coming to this location. We have every
19 intention in the world to bring lively tenants. We
20 have identified a white tablecloth restaurant,
21 Galileo.

22 We probably will seek a coffee luncheon
23 restaurant, something like a Starbucks or Cozy or
24 Corner Bakery, name recognition using not necessarily
25 those particular tenants, financial institution, a

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1 bank. Generally, as you know, most of the retailers,
2 particularly the service type tenants like a dry
3 cleaner, are very conscious of how many square feet
4 that they have. They like store frontage. They don't
5 like depth and that is the challenge that we are
6 working with.

7 I think as far as the building is
8 concerned, we are replacing all the existing
9 mechanical and electrical systems. We are upgrading
10 and becoming much more efficient in how we conduct
11 business. Hopefully it will be a pleasure to the
12 city.

13 MR. FEOLA: One final question if I might.

14 VICE-CHAIRPERSON HOOD: Sure. You have
15 time. Go ahead.

16 MR. FEOLA: Ms. Schellin set us at 20
17 minutes even though we asked for 30. She's sneaky.
18 The Office of Planning's Report suggest recommending
19 approval subject to a benefit and amenities package
20 that was acceptable. Are you prepared to make an
21 offer as to what that might be going forward?

22 MR. KARCHEM: Yes. The Office of Planning
23 has requested that we make a contribution of \$100,000
24 to the Housing Trust Fund and a \$25,000 contribution
25 to the ANC Greenspace. I trust this is consistent

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1 with everyone's understanding.

2 MR. FEOLA: Okay. That's our direct
3 presentation. We'd like to reserve some time for
4 rebuttal if that's necessary and we stand ready for
5 questions.

6 VICE-CHAIRPERSON HOOD: Okay. Thank you.
7 Commissioners, any questions? Who wants
8 to go first?

9 MR. TURNBULL: Mr. Chairman, I just wanted
10 to ask Mr. Leibman a question. Getting back to the L
11 Street facade, the arcade, the canopy up on the roof.
12 Is it anticipated that people are going up there to
13 use this space?

14 MR. LEIBMAN: On the 21st Street facade
15 there is actually a roof deck. There will be a roof
16 deck basically in this location. That was perceived
17 as the best view from the roof.

18 MR. TURNBULL: Are you proposing any
19 facility up there? Are you having a restaurant or any
20 kind of other facility? Are you proposing anything up
21 there at all? It's just to come up and view?

22 MR. LEIBMAN: I think generally rooftops
23 are being used for people to have casual meetings or
24 lunch or something for staff to go up but generally
25 they are not used for heavy occupancy. We don't plan

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1 any type of facility up there.

2 MR. TURNBULL: I think we just need to
3 clarify that. I think we want to know what the intent
4 of that space is because it's going through a lot of
5 gymnastics to create this canopy up there as part of
6 the facade and sometimes it gives the appearance that
7 there is more to it than just part of the
8 architectural facade.

9 MR. LEIBMAN: The architecture predated
10 the programmatic requirement for a roof deck, quite
11 honestly, so it's just something that we put up there
12 because it is an amenity and it's an easy amenity.
13 Even at that point it is away from the -- it's not
14 underneath. The cornice is not to serve as a canopy
15 or a trellis to serve as the roof deck. They are
16 separate.

17 MR. TURNBULL: Okay. I see there is an
18 item at the one corner called a spire. It's not a
19 flagpole, it's a spire. Again, is this just an
20 architectural embellishment? It's not a lightening
21 rod, it's a spire.

22 MR. LEIBMAN: I cannot guarantee that
23 lightening will not strike it but I don't think that
24 will happen. It is strictly architectural
25 ornamentation.

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1 MR. TURNBULL: Okay. Getting further down
2 to the streetscape and getting down to the entrance
3 canopy which appears to be glass?

4 MR. LEIBMAN: It's glass and metal.

5 MR. TURNBULL: And it also looks like if
6 I was to extend -- it looks like there is an extension
7 of that canopy which begins to wrap the facade at the
8 first floor level. It looks like there is glass.
9 There is an element protruding along that elevation.
10 I'm not exactly sure what I'm looking at.

11 MR. LEIBMAN: I'm not sure.

12 MR. TURNBULL: You have a close-up
13 perspective of that corner? It's that little eyebrow.
14 As I'm looking at this, what is that? That's glass
15 and what else?

16 MR. LEIBMAN: This is a projecting eyebrow
17 to hang signage. It's very thin. I can tell you the
18 dimensions but I'm not quite sure of them. I think
19 the metal is about a foot deep but I would have to
20 double check that. Then there is a thin piece of
21 glass on top that. It just creates a continuous kind
22 of horizontal line and also serves to --

23 MR. TURNBULL: Is it only on that
24 elevation?

25 MR. LEIBMAN: It is on both elevations.

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1 You can see it here. Basically it travels all around
2 the building. It's actually only around here. It
3 comes to this point here, stops at the corner, and
4 then recommences at these first two bays. It stops
5 before the entrance canopy.

6 MR. TURNBULL: Is that glass lighted from
7 behind?

8 MR. LEIBMAN: No.

9 MR. TURNBULL: There's no lighting?

10 MR. LEIBMAN: It's not lit. There would
11 be a fret pattern on it so you would be able to read
12 it. Again, the concept is a very thin member which
13 will allow a way to gracefully hang a sign so nothing
14 is too bulky. The whole idea of the building is for
15 it to be elegant and light.

16 MR. TURNBULL: Okay.

17 MR. LEIBMAN: The antithesis of what is
18 there now.

19 MR. TURNBULL: Is there anything -- it
20 appears there is nothing being done to the courtyard.
21 There is no upgrades, no amenities or anything planned
22 for the courtyard at the back.

23 MR. KARCHEM: It is anticipated that the
24 landscaping and the planters will be refurbished and
25 basically we are not redoing any other structure.

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1 Again, one of the things in our negotiations with
2 Galileo is to determine if they will have any use for
3 the courtyard tenants. As we market the building we
4 are trying to determine the need and the use.

5 MR. TURNBULL: The new air intakes for the
6 garage are located in this courtyard. They are an
7 architectural element. How high are they raised?
8 What are they going to look like?

9 MR. LEIBMAN: I'm not sure we have
10 thoroughly detailed this.

11 MR. KARCHEM: They are flush grills.

12 MR. LEIBMAN: They are flush grills with
13 a grade so they are right on the horizontal so they
14 would look like a transformer.

15 MR. TURNBULL: So they are flush with
16 whatever paving is there?

17 MR. LEIBMAN: Right. Right.

18 MR. TURNBULL: Okay. I guess my only
19 other question, and maybe I can defer this, is
20 regarding the amount of detail space which seems less
21 than what we had been talking about before. It's only
22 24,000 square feet. I think we were looking at 30,000
23 before in a previous --

24 MR. LEIBMAN: I've struggled with trying
25 to figure out how the number of 30,000 square feet

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1 came up. We are using the entire first floor as
2 essentially retail at this time. We have added a fire
3 control room, shuttle elevators. I'm not sure how the
4 original 30,000 square feet was calculated but
5 everything that is currently retailed today is planned
6 to be retailed in the future.

7 MR. TURNBULL: Okay. Those are my
8 questions.

9 VICE-CHAIRPERSON HOOD: Any other comments
10 or questions?

11 Commissioner Parsons.

12 MR. PARSONS: You know, in the 1990s when
13 we went through our tower period in the city, that is,
14 we started creating architectural embellishments that
15 were towers. This is our first horizontal member, if
16 you will. I was troubled by it when I first saw it
17 and I'm glad you have reduced it in some respects. It
18 still pokes over the building, if you will. Three
19 foot, four inches doesn't seem like much.

20 It's been reduced but the apparent height
21 of the building is no longer 110 feet. There is just
22 no doubt about it. I wanted to just chat with the
23 architect about why we couldn't pull this cornice, as
24 you call it, back to the facade of the building. That
25 is, to the same level and not protruding into the

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1 public space as you have designed it.

2 MR. LEIBMAN: Well, I mean, again it's
3 always challenging working within the constraints of
4 the city, and especially on this building where
5 literally the structure comes virtually to the
6 property line. In order to create a building
7 hierarchy, I think we have had to do things that we
8 might not do on another design.

9 As you walk around the streets of
10 Washington there are so many buildings that have
11 comparable horizontal elements both at the top of the
12 building. Literally next to my building I can count
13 20 buildings that also float them at the penthouse
14 level. That's not saying they are all good but it
15 does allow an opportunity to do a graceful balance of
16 classical design.

17 Because this building comes all the way up
18 to the top, there is really no opportunity. I would
19 love an opportunity to pull the top floor back, you
20 know, 10 feet and then put a cornice which would have
21 a presence on its own. I believe that we pulled it
22 back to the point that you pull it back more and it
23 absolutely weakens the notion and, therefore, weakens
24 the presence of what I believe is evocative of a
25 classical order.

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1 I mean, a typical cornice element just as
2 of right is allowed at 60 inches. This is 18 inches
3 less than that. It's typically then we will stick on
4 a lot of buildings. Because it's floating up it does
5 have more prominence so it is not a literal cornice.
6 It is more of a modern horizontal element which is
7 reflective of a cornice. We have absolutely worked in
8 great detail.

9 The original one you saw we did pull that
10 back and I think it made a real positive difference.
11 I think it made a wonderful difference opening the
12 back of it because that really allows reflected light.
13 The original perspective was literally modeled and
14 because they have opened this up suddenly this is
15 white where it was dark. I think all of that was very
16 positive but I believe we pulled it back.

17 I think if we pull it back further -- and
18 we have looked at it ad infinitum. We did so many
19 models and this seemed as far back as it wants to go.
20 I think the next step makes it very minor and because
21 this building is a big building I think needs a strong
22 element. We are trying to do very simple refined
23 facades.

24 As a counterpoint I think we need a
25 substantial element. I don't think this element is

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1 going to look revolutionary or radically modern. I
2 think it's going to look sensitive and conservative
3 and elegant.

4 MR. PARSONS: I am also troubled by the
5 concept of illuminating this at night. I assume you
6 are not going to illuminate the facade of the building
7 but rather the underside of the cornice. Is that
8 right?

9 MR. LEIBMAN: I don't think we are going
10 to illuminate the facade and I think the idea of the
11 underside of the cornice was just a very understated
12 light. I mean, typically I think a building that is
13 well lit in the city you are really not aware of the
14 specific source of the light because this is something
15 that can be lit fairly easily. We will put lights
16 down here. We can certainly control that.

17 I can't tell you how many foot-candles we
18 are putting up there. We are not trying to create,
19 you know, a Christmas-time effect. We just want to
20 put a little bit of glow to sort of make the building
21 understandable at night. It is just something I think
22 that is a benefit to the city. I believe the
23 provision for architectural ornamentation at the top
24 is a way to sort of create some activity on the
25 skyline and to improve it.

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1 Again, it's not that critical that this
2 thing is heavily lit. We just want a subtle
3 understated light which is appropriate. I mean, the
4 lower part of the building is naturally lit by the
5 street lighting and then on top just a little more.

6 MR. PARSONS: I'm troubled by that notion.
7 You shouldn't have to pay the price of what others
8 have done. There is a building on 16th Street. I
9 don't know if you are familiar with it. It was built
10 as a matter of right. Now when one looks at the -- I
11 don't know the address. When one looks the White
12 House, and that's not your circumstance -- when one
13 looks at the White House now from Constitution Avenue
14 what is seen is the tower of the structure on 16th
15 Street behind it. It's obnoxious. It's outrageous.

16 What I don't want this Commission to do is
17 to start encouraging illumination of amenities on the
18 roofs of buildings throughout the city that would
19 upstage the Washington Monument or other things. I
20 just wanted to inquire how important this is, the
21 lighting, illumination of the underside of this, is to
22 you. Not that you are going to intrude on the White
23 House but everything we do is a precedent for the next
24 guy. "Well, you did it over here."

25 MR. LEIBMAN: There is a circumstance that

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1 there is a very large penthouse existing behind this
2 building.

3 MR. PARSONS: Yeah, I wanted to ask you
4 about that, too. How the heck do we get 24 feet
5 there? I guess it predates our regulation that we
6 passed in the '80s that says 18 1/2 feet. I'm
7 shifting subjects but it's at 24 so you have kept the
8 24 height that is there and expanded it. Is that
9 correct?

10 MR. LEIBMAN: No, we haven't changed the
11 penthouse.

12 MR. PARSONS: The penthouse remains the
13 same?

14 MR. LEIBMAN: Right.

15 MR. PARSONS: Because your drawings say
16 things like penthouse behind and I wasn't sure I
17 understood that.

18 MR. LEIBMAN: I believe that's just a
19 reference, I guess, to the penthouse behind this new
20 element which I think helps kind of shields the
21 penthouse. The penthouse remains unchanged. It's the
22 existing penthouse so I think it serves a positive
23 aspect as well of obscuring not a particularly nice
24 penthouse.

25 MR. PARSONS: Let's try sheet 12 just

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1 because it's handy to me. It says, "Existing
2 penthouse beyond painted white." What does that mean?

3

4 MR. LEIBMAN: It is just the existing
5 penthouse, I guess, right now. It's the same precast
6 or is it brick? It's the same precast. All we're
7 doing is essentially painting it to match the color of
8 the rest of the building keeping it in place. That's
9 all we're doing to it. We're painting it. We're
10 cleaning it up so it's not dark and dirty.

11 MR. PARSONS: All right. So the label
12 would be better to say behind rather than beyond.

13 MR. LEIBMAN: That's fair.

14 MR. PARSONS: Not to change the drawing.
15 Now I understand.

16 MR. LEIBMAN: Okay.

17 MR. PARSONS: I guess those are my
18 questions. I would continue to express concern about
19 the lighting, even if it is on a rheostat. Long after
20 you have left the scene -- I don't mean you're dead --

21 MR. LEIBMAN: Thank you.

22 MR. PARSONS: -- you would drive back down
23 L Street and say, "Oh, my God. Why is it red, white,
24 and blue?"

25 VICE-CHAIRPERSON HOOD: Mr. Jeffries.

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1 MR. JEFFRIES: Some of the beauty of the
2 Zoning Commission is obviously its diversity. That is
3 the good news. Also sometimes independence from the
4 Office of Planning. I think it is actually a very
5 eloquent building. I think the modern vocabulary is
6 quite refreshing given so much of what is around the
7 downtown area, particularly on K Street and all the
8 precast. I mean, it's just a beautiful curtain wall.

9 I agree with the architect that this
10 cantilevered cornice, you know, at some point if you
11 dilute it too much, then it really loses its statement
12 and it becomes something else. If there is some
13 statement that needs to be made, it needs to be
14 substantial enough to make it because then when you
15 pull it back, then it starts to look perhaps like a
16 mistake or something that is just a little bit
17 diluted.

18 I will defer to Commissioner Parsons on
19 the illumination, although I don't particularly have
20 an issue with that but he spoke so passionately about
21 it that I will certainly defer to him on that point.
22 But, you know, I have to tell you I look at the Office
23 of Planning's Report and I look at the amount of
24 relief that is being requested here and it's so
25 heavily prescriptive about sort of designing this.

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1 I'm just a little perplexed by that. I
2 think it's a perfectly wonderful improvement to that
3 location. I know it very well because I used to be in
4 the building just north of that for a year and a half.
5 I'm happy about this addition. Unless I hear anything
6 else, I'm very much engaged to move forward on this
7 one.

8 VICE-CHAIRPERSON HOOD: Okay. I have a
9 number of questions I can ask but I'm probably not
10 going to do that. I don't usually delve too much into
11 the architecture. I was looking at this which I don't
12 know whether it's a canopy cornice. I probably share
13 some of the same concerns of Commissioner Parsons but
14 I'm not sure because I left my degree. I left the
15 school.

16 When I first looked at it I thought it was
17 great and I thought it was -- I don't understand the
18 purpose of it. You don't have to -- just give me a
19 sound byte answer. I don't understand the purpose of
20 it. Also, when I looked at the building, I'm not
21 bringing it down because I think it look good but I'm
22 not sure if it may be a little huge.

23 Unfortunately, for me, when I go through
24 the city and some of the buildings, and I don't mind
25 admitting it, some of the buildings I look back and

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1 say, "Man, did we do that?" I'm not going to say that
2 in this case but I'm just curious. What is that
3 cornice? What is the purpose of it?

4 I understand you may do something on the
5 roof top but, to me, to stand that close to the edge
6 I don't know if I would want to go up there and do
7 that. I don't know. Maybe I'm out of context. Maybe
8 somebody, the architect, can just explain to me what
9 is the purpose of it? Is it for decorative or what is
10 the purpose?

11 MR. LEIBMAN: The purpose I think is
12 decorative to allow the building to have overall
13 proportions and presence that will make it an eloquent
14 and beautiful building. I think without it the
15 building is very -- because the building is such a
16 shoe box and you can do a beautiful -- as much
17 beautiful skin as you want but it is still a shoe box
18 reminiscent of kind of the '70s buildings that we are
19 trying to avoid.

20 The element allows it to be a classical
21 building which I think is in the tradition in a
22 classical way of all the great horizontal buildings
23 with cornices on top. There are so many wonderful
24 government big, broad buildings of a comparable scale
25 and that's why I think so many Washington architects

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1 have used this element because we can't build vertical
2 towers so we need to build intelligent well-
3 proportioned horizontal buildings.

4 VICE-CHAIRPERSON HOOD: Okay.

5 MR. JEFFRIES: So it's like a modern
6 interpretation of some of the classical buildings and
7 the cornices. It doesn't look exactly like the
8 traditional federal style but it brings
9 interpretation.

10 VICE-CHAIRPERSON HOOD: It brings it into
11 modern day. It makes it look -- okay. I understand.
12 I was down playing it or picking on it.

13 MR. LEIBMAN: No, I understand.

14 VICE-CHAIRPERSON HOOD: I was just trying
15 to understand the architectural language and the
16 significance of it. Actually I think it brings it
17 into modern day in layman's terms but I was just
18 trying to understand the purpose and make sure this is
19 just not humongous.

20 The other thing is, Mr. Karchem -- did I
21 pronounce your name correctly? Karchem?

22 MR. KARCHEM: Yes, sir.

23 VICE-CHAIRPERSON HOOD: Okay. I noticed
24 in one of the submittals from the West End Citizens
25 Association, since we have you up, what is going on in

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1 the basement now as we speak?

2 MR. KARCHEM: Currently I think the law
3 firm of Dikstein has a fairly large resource back of
4 the house production facility downstairs.

5 VICE-CHAIRPERSON HOOD: So there is no
6 retail? There never has been retail down there?

7 MR. KARCHEM: I honestly can't answer that
8 question if there has ever been any retail down there.
9 I just know there's not very much demand or success
10 for basement retail.

11 VICE-CHAIRPERSON HOOD: So you understand,
12 or whoever can answer, maybe the architect can answer,
13 Mr. Leibman, the arcade, I guess nowadays that will
14 enhance people, I guess, going into those retail
15 facilities. Now that we are closing the arcade people
16 will go into those facilities because it's right there
17 as opposed to walking up under something to go in. Is
18 that the gist of it? Is that where we are going?

19 MR. KARCHEM: I think that's right. I
20 think the Office of Planning decided, and rightly so,
21 that pulling all the retail store front back in off
22 the facade, although it's a great idea when it's
23 raining outside, cast a shadow and the space becomes
24 dark and, therefore, you can't see what is going on in
25 the space. What we have agreed to do is move the

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1 retail out to the street front and illuminate the
2 entrances so that way people feel comfortable and safe
3 and the streetscape is active.

4 VICE-CHAIRPERSON HOOD: Okay. That's all
5 the questions I have. Thank you for indulging me.

6 Any other questions, colleagues? Okay.

7 MR. TURNBULL: I guess just going back I
8 would echo Mr. Parsons' concerns about the lighting on
9 that feature. I think it is a substantial element
10 that we need to be careful about. I see the intent of
11 the architect and what he's trying to do. I would
12 like to rip that spire off. To me the spire is too --
13 if you are going to do a spire it's got to be a spire.
14 To me it's a stick. It's a toothpick sticking up that
15 is going to be banal and it's like an afterthought of
16 some architectural thesis.

17 It just doesn't make sense. I mean, it's
18 not a significant feature that really identifies
19 anything. I don't think anyone is ever going to see
20 it. You're not going to see it at night unless you're
21 going to light it. During the day it's going to look
22 like a lightening rod.

23 MR. LEIBMAN: We have put an element here
24 so there actually is -- through the cornice element
25 which allows it to pass through. I think it will look

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1 more integrated.

2 MR. TURNBULL: I'd like to rip it off.
3 That's my feeling. To me it just doesn't do anything.
4 I am concerned about the impact. I can see this
5 becoming a very heavily used space is my concern. I
6 just see this thing growing and being lit. It's
7 almost like a parade route, a place where you want to
8 be and have flags draping around here and watching
9 something.

10 I'm just concerned that it becomes more
11 than simply a cornice. I'm very concerned that it has
12 the appearance of being more than a cornice. I would
13 just hate to see that somehow grow into something
14 else. That is my only concern about that feature,
15 that it is becoming more than what it is really
16 supposed to be.

17 VICE-CHAIRPERSON HOOD: Okay. All right.
18 Any other questions? All right. Thank you.

19 Hold on. Mr. Micone is here. Do you have
20 any questions, a cross-examination of the Applicant?

21 MR. MICONE: I do not.

22 VICE-CHAIRPERSON HOOD: You don't? Okay.
23 We have no parties so the ANC is the only person who
24 would have a right to cross-examine. Okay. Thank
25 you. Now we'll have the report of the Office of

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1 Planning, Mr. Jackson and Ms. Steingasser. Good
2 evening.

3 MR. JACKSON: Good evening, Mr. Chairman,
4 members of the Commission. My name is Arthur Jackson.
5 I'm a Development Use Specialist in the District of
6 Columbia Office of Planning and I'll present a brief
7 summary of the Office of Planning's report.

8 You have heard the presentation of the
9 Applicant and their responses to the comments earlier
10 made by the Commission and the Office of Planning.
11 Based on the proposal we think the existing --
12 obviously the existing and proposed office retail and
13 service uses are not inconsistent with the generalized
14 land use map designation for the property which is for
15 mixed-use high-density residential and medium density
16 commercial.

17 Proposed changes also support the major
18 theme in the plan for improving the physical character
19 of the District. The Office of Planning determined
20 the overall architectural elements, vehicle and
21 bicycle parking required by final order No. 73 was
22 implemented.

23 The Office of Planning did note that there
24 were some uses on the ground floor which were not
25 consistent with the requirements of the final order.

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1 However, the Applicant is addressing that issue.

2 Through the prehearing statement and other
3 communications the Applicant has addressed most of the
4 issues raised by the Office of Planning in the earlier
5 report and by the Commission during its setdown
6 meeting. Office of Planning continues to think that
7 the proposal is a distinct change that would make the
8 existing ground floor retail space more marketable to
9 potential tenants and make tenant spaces more
10 accessible to pedestrian traffic.

11 As noted, the Department of Transportation
12 expressed no objections about proposed modifications
13 and the Applicant has proceeded to rescind proposals
14 for the public space to the public space office for
15 their comment.

16 Therefore, the Office of Planning has no
17 objection to proposed changes or other improvements.
18 We think the amenities that are proposed by the
19 Applicant are acceptable with regard to the package we
20 think this Applicant deserves.

21 We provided a preliminary list of
22 recommended changes to order 78 but note that a number
23 of our changes were updates such that we are using the
24 current regulations as opposed to past regulations and
25 we are trying to reflect the current character of the

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1 ground floor.

2 If you visited the site, you would note
3 that most of what is along the L Street frontage, most
4 of the entrances to the retail spaces, are 10 or 15
5 feet apart. We think that as a pattern it doesn't
6 have to be uniform across the building but on average
7 we would like to see more doors because that is a more
8 active street front.

9 If you have individual shops and stores,
10 be they retail or service, and people are going in and
11 out of them, that is more active retail. As opposed
12 to that, the situation you have across the street
13 where you have a CVS store that is basically solid
14 glass all the way down to the entrance and no
15 doorways, that is a frontage that is not as active.

16 We can work with the Applicant, I think,
17 to come up with a compromise where we could have some
18 sort of standards that would encourage an active
19 street front but not limit the opportunities they have
20 with the existing tenants because I would note that
21 the provisions that we provided in terms of doorways
22 and openings exist today, at least they did until they
23 started tearing out the ground floor.

24 The other observation that we would make
25 is that I know the requirements that we are including

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1 were really only intended to reflect what was in the
2 plans. With the modified plans we have no concerns
3 about changing the modifications assuming that they
4 were agreeable to the Zoning Commission so if the
5 Zoning Commission agrees to 3.6 feet, that is what we
6 put in the -- we suggest making that change to the
7 final order such that it's all consistent going
8 forward.

9 With regard to the provisions under F, G,
10 and H, we really were looking at -- we are focusing on
11 the neighborhood character that we would like to see
12 in this commercial strip. It has to stand by itself.
13 Essentially there's one side of the street that this
14 building is on that is where the stores would be.

15 At some point in the future L Street might
16 be redeveloped across the street and we think a
17 pattern here that was creative and exciting and had a
18 lot of activity would be mirrored across the street
19 because it obviously would have been seen as a
20 workable solution in that location. This is at the
21 very edge of the downtown and, as such, we don't think
22 it is a strong place for retail uses.

23 However, we think the appropriate mix with
24 the right architecture which is pretty much in place
25 and the right opportunities to have interaction

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1 between the interior and exterior of the buildings
2 which would include entrances would really make a
3 difference and make this the shining example it is
4 attempting to be.

5 It may be a little more detailed but we
6 were trying to document the types of elements that are
7 in the plan that we expect to be part of the final
8 order and the character that we expect to see in the
9 building in order for it to be a good neighborhood and
10 exciting street frontage. With that, we will include
11 the Office of Planning Report. Again, we highly
12 recommend the proposal and we think the Applicant's
13 solution as presented addresses a number of our
14 concerns.

15 VICE-CHAIRPERSON HOOD: Thank you, Mr.
16 Jackson.

17 MS. STEINGASSER: Mr. Vice-Chairman, if I
18 could also add we would also like to emphasize our
19 support for the amenity package as provided this
20 evening, especially the contribution to the Housing
21 Trust Fund and the street trees. We think that is
22 very adequate and we appreciate that amenity package.
23 It far exceeds the flexibility.

24 VICE-CHAIRPERSON HOOD: Okay. Thank you.

25 Commissioners, any questions of the Office

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1 of Planning?

2 MR. JEFFRIES: I have to keep going back
3 to just the amount of relief that is being requested
4 here. I do think that the amenities package and what
5 we are actually receiving in consideration is quite
6 overwhelming. I guess my understanding about retail
7 along L Street it almost seems as if west of 21st
8 Street on L Street the retail just sort of falls off
9 a bit.

10 It starts to take on sort of a residential
11 character. I think we all love to say we like active
12 streets and retail-driven kinds of experiences but
13 sometimes they don't quite work. I'm certainly in
14 favor of perhaps an entrance or two on L Street.

15 I'm not opposed to that but I would hate
16 to overburden this Applicant, particularly given
17 market conditions and some of the wishes of the retail
18 community in terms of how that will be handled. I
19 would really like to hear that the Applicant when they
20 come back to sort of address that as they have to some
21 degree this evening.

22 MS. STEINGASSER: Perhaps, Mr. Jeffries,
23 we could rephrase. We really weren't meaning to be
24 prescriptive. We were just trying to capture the
25 amendments that were shown to us through the proposed

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1 design. If there is confusion, we really like the
2 design proposal.

3 MR. JEFFRIES: Oh, okay.

4 MS. STEINGASSER: Let me just state it
5 right out there we think it is a very nice modern
6 interpretation. It is very much a stark improvement
7 over the existing building. And what it does for the
8 retail, we would much rather have that retail brought
9 out to the building edge than to have it set back and
10 below grade.

11 MR. JEFFRIES: Absolutely. No, that's the
12 right thing.

13 MS. STEINGASSER: We're definitely -- I
14 don't want that to be confused. Perhaps it just be
15 that the ground floor not preclude additional doorways
16 because we certainly don't want doorways to nowhere
17 and we don't want Galileo to go.

18 MR. JEFFRIES: No, that's a wonderful --

19 MS. STEINGASSER: Self-servingly we don't
20 want -- maybe it will just be that it can't be
21 precluded so that in the future if multiple tenants
22 came in, the panels could be readjusted.

23 MR. JEFFRIES: No, that's fine. If you
24 are looking for ground floor flexibility on L Street,
25 that's fine. Of course, I think you are absolutely

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1 right in terms of bringing that retail right up to the
2 face of the building. Again, I just have to emphasize
3 it is effectively a box and I think they have done a
4 pretty decent job of articulating this thing and
5 giving it some texture.

6 I think it is a wonderful refreshing light
7 statement from so much of the boxes I see around this
8 town. Again, I will acquiesce to Commissioner Parsons
9 on the illumination piece, although I don't have an
10 issue with that but I think the Applicant should
11 obviously revisit that one.

12 VICE-CHAIRPERSON HOOD: Mr. Parsons.

13 MR. PARSONS: I'm reminded of how
14 persuasive the Office of Planning was some 25 years
15 ago that we ought to have arcades. We all bought it
16 and 10 years --

17 MS. STEINGASSER: We didn't vote for it.
18 We just suggested it.

19 MR. PARSONS: Ten years later we knew it
20 was a mistake for the very reasons they have
21 articulated here tonight. In any event, I don't want
22 to make the same mistake. Mr. Leibman told me
23 something I didn't know and I would ask you to
24 research that the existing regulations, whatever they
25 are, allow a cornice to protrude 60 inches or five

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1 feet away from the facade.

2 That is news to me. But I also don't know
3 if this meets the definition. I don't mean our
4 definition but Webster's definition of cornice.
5 Cornice to me is something that is attached to the
6 upper reaches of the facade. It is not the roof. It
7 is not a free-standing structure that is on the roof
8 so I don't want the Commission to call this a cornice
9 if we don't mean it or accept their definition of the
10 word cornice.

11 Then we will go into our cornice period
12 and we will be ill-advised to use that term because I
13 can see -- I mean, this is a very compelling design
14 and I can see it will be picked up by many architects
15 going from our tower period to now something that is
16 much more horizontal and is essentially creating
17 another 10 or 13 feet of height to this building.

18 MR. TURNBULL: That might even be the
19 bigger issue.

20 MR. PARSONS: Pardon me?

21 MR. TURNBULL: That might even be the
22 bigger issue is you have now increased that height.

23 MR. PARSONS: It essentially is doing
24 that. It is casting shadow on the street. It is
25 doing all those kinds of things so if we started to go

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1 into this as a given in Washington, what have we
2 really done to the streetscape if this happens on both
3 sides of the street? I would ask you to research the
4 term cornice as to whether this is one. Secondly,
5 what is the matter of right? Is it to go out 50
6 inches? I mean, they are out 42 inches. Is that
7 correct? Three foot six or something like that?

8 MS. STEINGASSER: We would be happy to get
9 a copy. The public space does allow projections of
10 different types at different extensions and we would
11 be happy to get that clarified.

12 MR. PARSONS: Thank you. That would be
13 very helpful.

14 MR. JEFFRIES: Commissioner Parsons, we're
15 worms as we approach this building, right? I mean,
16 when we walk along this building, we are looking at a
17 worm's eye view of the cornice and so forth. We are
18 going how many feet up? I mean, I just don't see it
19 as being so incredibly foreboding. We can go into
20 definitions of cornices or whatever. I mean, someone
21 else could actually make the case that is a cornice.
22 I hear your comments. I guess I'm not so compelled.

23 MR. PARSONS: We have taken great pains to
24 establish a penthouse regulation that says once you
25 get to the roof you are going to setback one on one.

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1 The reason for that was so that we didn't shadow the
2 street or increase the height of the building. That
3 is what this project would do. It would say, "All
4 right.

5 We are willing to allow a cornice now
6 defined to come out and not only increase the height
7 of the building but, in this case, protrude over the
8 street, over the public space. This is the first.
9 This is the first time we have ever done this and I
10 want to do it carefully and make sure --

11 MR. JEFFRIES: Is this the first time,
12 Office of Planning? I mean, I almost -- I thought
13 there was something that we --

14 MS. STEINGASSER: Well, we have always --
15 there are several PUDs that we have approved that have
16 had bay windows that project in public spaces and go
17 full depth -- the full height of the building. The
18 Children's Museum had a rhythm of I think four-foot
19 projections up and down K Street.

20 MR. JEFFRIES: What about Esokoff? Did
21 Esokoff ever do something that had --

22 MS. STEINGASSER: That's the Children's
23 Museum. They had both public bay extensions and then
24 they had a roof trellis that surrounded their swimming
25 pool.

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1 MR. PARSONS: To embellish the
2 recreational space on the roof of a residential
3 building but it's set back. I mean, it was not
4 increasing the height of the building as seen from
5 across the street.

6 MS. STEINGASSER: If the Commission is
7 uncomfortable considering this as a matter of right,
8 perhaps it could be viewed as a roof structure and be
9 part of the relief granted and that would avoid a
10 matter of right interpretation. If the design is
11 acceptable but the process of getting there we
12 could --

13 MR. PARSONS: That's what I'm struggling
14 with.

15 MS. STEINGASSER: We could just call it a
16 roof structure and grant it relief.

17 MR. JEFFRIES: I can sign onto that. I
18 just do not want this architect to go back and start
19 fiddling with this until we get a watered down --

20 MS. STEINGASSER: I agree because when we
21 looked at the structure -- when you look at the
22 structure without the roof structure, it's just
23 another glass box.

24 MR. PARSONS: Oh, it's a beautiful glass
25 box. Don't do that to it.

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1 MS. STEINGASSER: It's one of the best but
2 it does give a different level of proportionality.

3 MR. JEFFRIES: Planes.

4 MS. STEINGASSER: That would be the other
5 option is the Commission just could consider it an
6 element for relief.

7 VICE-CHAIRPERSON HOOD: Okay. Any other
8 questions?

9 MR. TURNBULL: Without getting this --
10 becoming too anal on the subject but I think the one
11 thing that Mr. Parsons had brought up is that, again,
12 it's a semantics issue but we are talking about a term
13 of art that we don't want to find ourself trapped with
14 later on. I think we have to be very careful in how
15 we define it.

16 The idea of granting relief in that other
17 way is, if that is an option, it makes more sense but
18 I think your term is -- we can't clearly call this a
19 cornice when it isn't a cornice. I think getting to
20 your idea of the worm's eye view, if I look at this
21 elevation and I have that on top, I don't know if I
22 really identify that as a cornice as much as in some
23 of the other elevations they have shown. As a term of
24 art we do need to be careful as to what that is.

25 VICE-CHAIRPERSON HOOD: I would sign on to

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1 that. Maybe it's another way we can look at that and
2 hopefully Office of Planning or somebody can help us
3 with that. I would agree. It is funny that we were
4 sitting here having a discussion whatever things we
5 had overhanging and the Applicant just puts up a whole
6 picture of everything so obviously that's been done.

7 MR. JEFFRIES: But they are not cornices,
8 of course.

9 MR. LEIBMAN: I called it a cornice
10 element. I think by definition it's an embellishment.
11 A cornice cannot be above, I think, the roof line.
12 The cornice definition can't be above the roof of the
13 building. The five-foot limitation was based on a
14 cornice at the top of the building, or I guess
15 probably one floor below it. I said cornice element
16 just to sort of be descriptive about the architectural
17 role it serves to help explain why I put it there. In
18 terms of your definitions if you want to call it a
19 horizontal --

20 VICE-CHAIRPERSON HOOD: Okay. All right.

21 MR. LEIBMAN: I'll shut up. Thank you.

22 VICE-CHAIRPERSON HOOD: I don't know if I
23 can sign on with you, Commissioner Jeffries, about the
24 worm part. I don't know about that. Okay. Any other
25 questions?

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1 Commissioner Micone, do you have any
2 questions?

3 MR. MICONE: No.

4 VICE-CHAIRPERSON HOOD: Okay. All right.

5 MR. FEOLA: Mr. Chair --

6 VICE-CHAIRPERSON HOOD: Oh, I'm sorry.

7 MR. FEOLA: I don't have any further
8 questions.

9 VICE-CHAIRPERSON HOOD: Did you have any
10 questions of the Office of Planning?

11 MR. FEOLA: No, I don't but I just want to
12 make sure the record is clear. When I asked the
13 questions of Mr. Leibman about the different
14 dimensions and so forth, I wasn't criticizing the
15 Office of Planning because those dimensions, as Mr.
16 Jackson said, were based on the set of plans before.

17 I just wanted the record to be clear that
18 if you adopted OP's conditions in these plans and got
19 to the Zoning Administrator, there would be a butting
20 of heads. That is why I went through that
21 clarification. It wasn't a critique, if you will.

22 VICE-CHAIRPERSON HOOD: Okay. This is why
23 it's always good to have Carol Mitten because Carol
24 Mitten writes things down and I don't. Let me just
25 say that, Mr. Feola, you mentioned some things that

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1 were possible preliminary recommendations in the
2 Office of Planning Report when you were doing your
3 presentation. Can you tell me which numbers those
4 were again?

5 MR. FEOLA: Yes.

6 VICE-CHAIRPERSON HOOD: Did the Office of
7 Planning catch those when they were critiquing?

8 MS. STEINGASSER: We did and we would be
9 happy to withdraw those as conditions and just refer
10 to the plans as submitted and considered at the
11 hearing.

12 VICE-CHAIRPERSON HOOD: Plans as
13 submitted. Okay. And that will solve all those
14 like --

15 MS. STEINGASSER: I think that would --

16 VICE-CHAIRPERSON HOOD: I know 8A was one
17 and 8I was one. I'm not that bad, but I just didn't
18 write it down. I don't know what that one -- what was
19 that one?

20 PARTICIPANT: 8B.

21 VICE-CHAIRPERSON HOOD: Okay. All right.
22 Again, I apologize for forgetting to ask the Applicant
23 if you had any questions of the Office of Planning.
24 The Report of the Advisory Neighborhood Commission 2A,
25 Mr. Micone.

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1 MR. MICONE: Members of the Commission,
2 Vince Micone. I am the Chair of ANC-2A. Commissioner
3 Michael Thomas joining me. Thank you very much for
4 the opportunity to comment on the application.

5 The ANC considered the presentation of the
6 Applicant at our February meeting and voted in support
7 of the application contingent to our ability to
8 successfully negotiate a public amenity agreement
9 related to the relief that is being requested on this
10 PUD package. Just a few comments particularly as
11 someone who lives on the block and looks at this on a
12 daily basis. The bulk of the existing building is
13 big.

14 Frankly, the roof structure looks a bit
15 like a hat on top of the building. It is very large
16 as it currently exist and is somewhat visible. In
17 terms of looking at the perspective of the new
18 building, I think as a neighbor, and I'm not an
19 architect nor an attorney which probably makes me
20 unique in this room right now, the design is an
21 attractive improvement on the area including -- I
22 won't use the word cornice but the decorative roof
23 structure, I think, within those particular blocks, it
24 adds a bit of design.

25 It sort of breaks up what are a large

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1 number of buildings that were built in the '70s which
2 were built sort of as square buildings, concrete
3 looking buildings with roof structures. In many
4 respects as an observer who lives in the area, I
5 believe it adds to the building.

6 In fact, as a resident I wouldn't object
7 to modest up-lighting of the decorative roof structure
8 because, again, at night in that particular area it
9 becomes extremely dark and everything almost sort of
10 fades into a solid line because of the types of
11 buildings that are there.

12 In this particular case while I completely
13 understand and know, Commissioner Parsons, the exact
14 area that you are talking about above the White House,
15 and I have seen that when I'm running through town and
16 wondering how that ever occurred because it does
17 detract from the White House. I think some very
18 modest application of light may, in fact, add to the
19 streetscape in that area in the evening as long as
20 it's modest and is a contributing factor.

21 We entered into negotiations after the
22 meeting with the Applicant through Mr. Feola rather
23 extensively in terms of an amenity package to
24 Greenspace of D.C. Greenspace is already working on
25 improving parks and pocket parks, trees, grilling

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1 around trees and tree boxes.

2 Frankly, though there is a good amount of
3 money there from prior amenities, there is still a
4 need for additional funding to do the sorts of things
5 that we believe will add a great amenity to the entire
6 Foggy Bottom and West End area and, frankly, will
7 provide some greener spaces where people who are
8 working in the building may care to go during lunch
9 break to spend some time.

10 We actually had not been consulted with OP
11 and were unaware that they were seeking an amenity
12 package as well. Our amenity package was much larger
13 upon request but smaller than the full amenity package
14 that has been graciously offered by the Applicant.

15 Though we would like to see more money
16 going to Greenspace within our community as an amenity
17 from this package, we will reluctantly support the
18 proposal that OP has submitted for the division of the
19 amenity package.

20 VICE-CHAIRPERSON HOOD: Okay. So you are
21 speaking -- you all are both together, right?

22 MR. MICONE: Right.

23 VICE-CHAIRPERSON HOOD: You're speaking
24 with one voice?

25 MR. MICONE: Yes.

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1 VICE-CHAIRPERSON HOOD: Okay. Mr. Thomas,
2 do you have anything you want to add?

3 MR. THOMAS: Mr. Chairman, I have just
4 been sworn in as the ANC Commissioner for this SMD so
5 our chairman has been burdened with carrying this
6 case. I am glad to be here this evening but I have
7 nothing to add to what he said.

8 VICE-CHAIRPERSON HOOD: Good. I don't
9 whether to say -- I guess you're ANC. I can say
10 congratulations to you.

11 MR. MICONE: It depends on the meeting.

12 VICE-CHAIRPERSON HOOD: Good. Okay.
13 Commissioners, any questions of the ANC? No
14 questions?

15 Mr. Feola, any questions?

16 MR. FEOLA: No, sir.

17 VICE-CHAIRPERSON HOOD: Thank you,
18 gentlemen, for coming down to testify.

19 MR. MICONE: Ladies and gentlemen, I am
20 going to be leaving town tomorrow so I am going to
21 head home and finish packing.

22 VICE-CHAIRPERSON HOOD: Seems like two
23 people have that same issue.

24 MR. MICONE: Yes. Commissioner Thomas
25 will represent the ANC for the balance of the hearing.

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1 Thank you.

2 VICE-CHAIRPERSON HOOD: Okay. Moving
3 right along, report of other government agencies. I
4 will acknowledge and it was in the Office of
5 Planning's Report DDOT, Department of Transportation,
6 and they have no objections to moving with the
7 modification. I think that's about it.

8 Organizations. Well, we don't have any.
9 Any persons in support? Any persons in support? Any
10 organizations or persons in opposition if you would
11 come forward.

12 Ms. Kahlow, I believe you are representing
13 the West End Citizens' Association?

14 MS. KAHLOW: Yes, I am.

15 VICE-CHAIRPERSON HOOD: I'm sorry. I
16 should have waited until you said that.

17 MS. KAHLOW: I am. Thank you.

18 VICE-CHAIRPERSON HOOD: And you'll have
19 five minutes.

20 MS. KAHLOW: Yes. Thank you. I don't
21 think I'll take that long. I have a one-page
22 statement.

23 I'm Barbara Kahlow. I live at 800 25th
24 Street, N.W. in Foggy Bottom. I am testifying tonight
25 on behalf of the West End Citizens Association that's

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1 a frequent witness in front of the Zoning Commission
2 and the BZA.

3 This testimony is in furtherance of WECA
4 President Jack Batham's February 19th letter to which
5 Mr. Hood referred stating WECA's opposition to the
6 proposed modification of a previously approved Planned
7 Unit Development (PUD) at 2101 L. This PUD was
8 conditionally approved by the Commission in two 1973
9 Orders.

10 We were hopeful that our appearance
11 tonight would be unnecessary but, to date, the
12 Applicant has been unwilling to meet with the WECA to
13 discuss our concerns and possible mitigation measures.
14 The Commission originally approved this PUD and a
15 change in zoning from R-5-B to C-3-B based on the
16 proposed unique architecture, including "cut-outs"
17 (recesses) on the ground, 2nd and 9th floors, and with
18 a community amenity of two stories of retail,
19 including a guaranteed minimum square footage.

20 Today's proposed modification seeks to
21 remove the original distinctive architectural
22 features, thus creating another "box" structure. It
23 may be eloquent but it's still a box. In addition,
24 the proposed retail would be less than currently
25 required by the Commission's Orders.

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1 In fact, the Applicant is currently out of
2 compliance with the required minimum amount of retail
3 without any enforcement action to date by the City to
4 our knowledge. Also, the Commission's Notice of
5 Public Hearing states that "the development currently
6 on the site consists of a ten-story office building
7 with limited retail use." Specifically, the first
8 1973 Zoning Commission Order required 32,000 square
9 feet of retail on the 1st floor and possibly more in
10 the basement, with a total of 52,000 square feet.

11 The revised 1973 Order 32,700. Earlier
12 someone said it was 30,000. The revised order
13 required a minimum of 32,700 square feet on the first
14 floor and possibly 19,000 in the basement totally
15 51,700. The proposed modification application reveals
16 that, currently, there is only 41,187 of retail (some
17 on the first and some in the basement.

18 One of you asked about is there any in the
19 basement. I visited and yes, there is. Besides the
20 law firm there is retail. It is currently 9,240
21 square feet short of the required minimum on the first
22 floor.

23 The modification application incredibly
24 requests only 24,152 on the first floor which is even
25 less than currently required by 8,548 and zero retail

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1 in the basement level since the Applicant wants to
2 house a private fitness center there.

3
4 There are multiple fitness centers in the
5 immediate vicinity (such as the Sports Club/LA at 22nd
6 & M Streets) which gives discounts to all these large
7 firms.

8 As a consequence, the WECA questions the
9 need for this private facility. Instead, the WECA
10 believes that the Commission should require additional
11 retail either on the basement or second floors.

12 Also, the WECA believes that the Commission should
13 require additional community amenities to benefit the
14 immediately impacted Foggy Bottom-West End area, as
15 the PUD regulations require (see 11 DCMR 2403.13(b)).

16 The WECA suggested to the Applicant: (a)
17 funds for additional greenery in the West End, such as
18 additional trees, tree box fencing, and tree box
19 planting, and (b) a financial contribution for the
20 development of a West End Business Improvement
21 District (BID).

22 Specifically, the WECA requested that the
23 Applicant provide a \$200,000 Foggy Bottom-West End
24 community package independent of the housing trust
25 fund including \$75,000 for greenery, which is what the

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1 ANC wanted, and \$125,000 for the West End BID for
2 salaries.

3 The West End BID, as you know, would help
4 with security, cleanliness, and everything in this
5 area. We understand the Applicant thinks it is a
6 grand idea but just doesn't have room for it in its
7 amenity package. We hope that you can convince them
8 that it would be helpful to have a contribution to the
9 West End setting up a BID.

10 Thank you for your consideration of our
11 views.

12 VICE-CHAIRPERSON HOOD: Thank you, Ms.
13 Kahlow. You are aware that the Applicant has proposed
14 to do -- I forgot what the dollar amount is -- to the
15 Housing Protection Trust Fund and they also mentioned
16 with the Casey Trees as the ANC Chairman has just
17 mentioned.

18 MS. KAHLOW: Excuse me. It's the
19 Greenspace instead of Casey and they --

20 VICE-CHAIRPERSON HOOD: Okay. It's
21 Greenspace.

22 MS. KAHLOW: They want \$100,000 trust
23 fund, only \$25,000 community amenity. However, the
24 regulations require a substantial amount of the
25 amenities. The Ward 2 Comprehensive Plan Provision

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1 says, "For all PUDs a substantial part of the PUD
2 amenities have to be for the immediately impacted
3 community.

4 In addition to the Comprehensive Plan
5 Provision there is a provision I cited in the normal
6 Zoning Commission regulations. I don't think \$25,000
7 is substantial enough and we really would like some
8 seed money for the West End BID.

9 VICE-CHAIRPERSON HOOD: Okay. We'll take
10 that under advisement and forgive me for saying Casey
11 Trees. Maybe it's the trees they put in my
12 neighborhood which is not spaced far enough away.
13 Anyway, that's another issue. We do have to balance
14 the flexibility to request it with what is being
15 proffered and we will take that under advisement.

16 MS. KAHLOW: Thank you.

17 VICE-CHAIRPERSON HOOD: Any other
18 questions of Ms. Kahlow? Does the ANC have -- well,
19 does the applicant have any questions?

20 MR. FEOLA: No, sir.

21 VICE-CHAIRPERSON HOOD: Does the ANC have
22 any questions?

23 MR. MICONE: No questions.

24 VICE-CHAIRPERSON HOOD: All right.

25 (Whereupon, briefly off the record.)

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1 VICE-CHAIRPERSON HOOD: Okay. Mr. Feola,
2 did you want to come back? You don't have to but if
3 you want to you can come back.

4 MR. FEOLA: Thank you, Mr. Chairman. I
5 only have one comment. I just want to clarify what I
6 think Mr. Karchem testified to real briefly. There is
7 a requirement in the 1973 Zoning Commission order that
8 the ground floor have 32,600 square feet of retail.
9 We have looked at this and the entire ground floor is
10 only 36,000 square feet total.

11 It had been at the time loading docks and
12 it has a court yard in the back and it has an entrance
13 to the office building. We can't figure out how any
14 body could have fit or tried to fit 32,000 square foot
15 of retail in a 36,000 square foot envelope carving out
16 all those other things so we are not sure where that
17 is but I think as Mr. Karchem said, except for the
18 office building entrance and the loading dock facility
19 in the courtyard, the rest of the ground floor we are
20 proposing to be retail turns out that it is only
21 24,000 square feet but that is the entirety of the
22 usable space on the ground floor absent those two
23 pieces.

24 With that I would just like to thank the
25 Commission for its time and we would be happy to

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1 provide anything else you need for the record and we
2 look forward to moving this project forward with your
3 permission. Thank you very much.

4 VICE-CHAIRPERSON HOOD: Okay. Thank you.
5 Did we ask for anything, Ms. Schellin?

6 MS. SCHELLIN: Two things that I wrote
7 down that I still need. One was to clarify use of the
8 roof top and the second thing was to revisit the
9 lighting on the top of the building. I'm not sure if
10 Mr. Parsons and Mr. Turnbull are satisfied with the
11 response on that.

12 MR. PARSONS: I guess I would not need any
13 clarification. I just think it's the wrong thing to
14 do.

15 VICE-CHAIRPERSON HOOD: I think your point
16 was well taken but it's how we word it in the orders.

17 MR. PARSONS: If I was to write the order
18 tonight I would say there would be an elimination of
19 the -- I don't want to call it a cornice.

20 VICE-CHAIRPERSON HOOD: I would agree with
21 you. I'm just trying to figure out how we get there.

22 MR. PARSONS: I don't think we need the
23 applicant to say it will be two foot-candles or that
24 kind of thing.

25 MR. JEFFRIES: You're not saying you don't

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1 want any light.

2 MR. PARSONS: I don't want any light.

3 MR. JEFFRIES: Okay. I'm not willing to
4 go along with that.

5 MR. PARSONS: I'm fearful of a rheostat on
6 it and then --

7 MR. TURNBULL: We want sensitive lighting.

8 MR. JEFFRIES: Commissioner Turnbull, I
9 guess what I'm saying as long as we can talk about
10 sort of lower convescent or --

11 VICE-CHAIRPERSON HOOD: Moderate as we
12 mentioned.

13 MR. JEFFRIES: I wouldn't sign on to
14 having the applicant just have no light.

15 VICE-CHAIRPERSON HOOD: We can deal with
16 that.

17 MR. FEOLA: If there's something between
18 no light and some light, we can provide a lighting
19 plan if you will.

20 VICE-CHAIRPERSON HOOD: Okay. I guess we
21 would need that. We are probably going to need that
22 from the discussion I'm hearing. We are probably
23 going to need something, moderate light or no light,
24 one or the other. Anything else? You mentioned one
25 other thing.

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1 MS. STEINGASSER: The rooftop. Clarify
2 the use of that.

3 VICE-CHAIRPERSON HOOD: And that was
4 coming, I think, from Office of Planning, right?

5 MS. STEINGASSER: Maybe intensity.

6 VICE-CHAIRPERSON HOOD: We don't want to
7 call it cornice. I'm not sure of the definition. I
8 want to make sure it's clarified in the order.

9 MS. STEINGASSER: Originally Commissioner
10 Parsons had asked us to look into the definition of
11 cornice and space projections but then I think we have
12 agreed to go with an architectural embellishment or
13 roof structure and include it in the relief.

14 VICE-CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: Vice-Chairman Hood, it was
16 actually Mr. Turnbull, Commissioner Turnbull, who
17 actually brought up, I believe, and wanted to know how
18 -- I guess the intensity of the use of the top. I
19 think you had asked is there going to be a rush drawn
20 up there.

21 MR. TURNBULL: I think my concerns were
22 going to the fact that the canopy, or whatever you
23 want to call it, the embellishment, looked like it was
24 leading you down the road to some other use up there
25 and I was just concerned that there wasn't anything

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1 else proposed that we are not aware of. I mean,
2 obviously there's no facilities up there to take care
3 of large crowds and I want to be sure there is nothing
4 else going on up there that we don't know.

5 MR. FEOLA: We could provide a roof plan
6 with a suggestion of how it is intended to be used and
7 you can either accept it or reject or modify it as you
8 go forward. It is intended to be passive recreation
9 space where people can come up and have a sandwich or
10 look at the fireworks. It is kind of a typical
11 Washington office building rooftop. No facilities, no
12 kitchens, no bathrooms.

13 VICE-CHAIRPERSON HOOD: Those two things
14 we will ask for. Do we have dates on them, Ms.
15 Schellin?

16
17 MS. SCHELLIN: You weren't expecting this
18 to come up in March, were you?

19 VICE-CHAIRPERSON HOOD: March's meeting is
20 next week.

21 MS. SCHELLIN: Okay. How much time would
22 you guys like for that?

23 MR. FEOLA: We need about a week maybe at
24 the most. Maybe two weeks.

25 MS. SCHELLIN: That will put us into our

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1 April meeting anyway.

2 MR. FEOLA: Right.

3 MS. SCHELLIN: Okay. We'll have the
4 additional filings due by March 16. That gives you
5 two weeks. It's not going to make any difference.
6 The April meeting is set. Then that will allow the
7 ANC until the 23rd for any response and then any
8 proposed findings, facts, conclusions of law, if you
9 would like to submit those also by the 23rd and then
10 we can consider this at our April 10th meeting.

11 VICE-CHAIRPERSON HOOD: Okay. Everybody
12 is on the same page. I thank you.

13 MR. TURNBULL: I guess just one point.
14 The only thing that I did notice on the roof plan. It
15 does look like you are proposing a men's and women's
16 washroom. It does look like there are two washrooms
17 now in the proposed plan.

18 MR. KARCHEM: I think just so that
19 somebody who goes upstairs can wash their hands. I'm
20 just confirming that there are none now but there are
21 two washrooms that are going to be proposed on the
22 roof plan.

23 MR. PARSONS: What does it show for a
24 washroom?

25 MR. TURNBULL: They look like they are

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1 basically one stall.

2 MR. KARCHEM: I think one exit. The
3 architect is correct that there is one existing and
4 one new. I think it's either an attempt when somebody
5 is up on the roof to have access to wash their hands
6 and use the restroom.

7 MR. TURNBULL: It simply looks like
8 there's one staff for each washroom. There's one
9 toilet in each one but there are now two washrooms.

10 VICE-CHAIRPERSON HOOD: Any clarification
11 needed on that? There's two now but there's going to
12 be one.

13 MR. KARCHEM: I think they were going to
14 get into the use. They were going to show us
15 something as to how they see the roof would be used.

16 MR. KARCHEM: I think it's going to be
17 used like any other commercial office building roof
18 deck where someone would go up like the Warner
19 building.

20 VICE-CHAIRPERSON HOOD: If we spell it out
21 I think -- if we spell out an order I think we will
22 all be clear.P

23 MR. KARCHEM: Okay.

24 VICE-CHAIRPERSON HOOD: All right. We got
25 the dates and we're all clear.

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1 MS. SCHELLIN: We are just clarifying that
2 the record is closed except for those specific
3 filings.

4 VICE-CHAIRPERSON HOOD: And I'm going to
5 read that where I left off. All right. The record in
6 this case is closed with the exception of the things
7 that have been asked for. If you need clarification
8 you can check with staff, Ms. Schellin.

9 The Commission will make a decision in
10 this case in one of its regular monthly meetings
11 following the close -- well, the record is already
12 closed. These meetings are held 6:30 p.m. on the
13 second Monday of each month. If any individual is
14 interested in following the case further, please
15 contact staff. I thank everyone for your
16 participation tonight.

17 (Whereupon, at 8:10 p.m. the hearing was
18 adjourned.)

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