



OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
ELLEN McCARTHY

The transcript constitutes the minutes  
from the Public Hearing held on May 25, 2006.

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

7:30 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, May 25, 2006.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull, Greg Jeffries, and John Parsons.

The subject of this evening's hearing is Zoning Commission Case No. 06-03. And this is a request by 100 M Street S.E. LLC for approval of a new development along M Street S.E., pursuant to the Capitol Gateway Overlay District Provisions set forth in Section 1604.

In addition, the Applicant seeks special exception approval pursuant to 11 DCMR Section 1604.9 from the Rear Yard requirements set forth in Section 774, and variance approval also pursuant to 11 DCMR Section 1604.9, from the court requirements of Section 776.

The subject property is located at 100 M Street, S.E., and is known as Lots 58-61, 63-66, and Lots 801-805, 813, and part of Lot 822, in Square

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1 743N, and a portion of the public alley that was  
2 enclosed.

3 Notice of today's hearing was published in  
4 the D.C. Register on March 17, 2006, and copies of the  
5 hearing announcement are available to you and they're  
6 in the wall bin by the door.

7 This hearing will be conducted in  
8 accordance with the provisions of 11 DCMR, Section  
9 3022, and the order of procedure will be as follows:  
10 we'll take up any preliminary matters, then we'll have  
11 the presentation of the Applicant's case, the report  
12 by the Office of Planning, reports of any other  
13 government agencies, report of the affected Advisory  
14 Neighborhood Commission, and in this case it's 6D,  
15 organizations and persons in support, and  
16 organizations and persons in opposition.

17 The following time constraints will be  
18 maintained in this hearing. The Applicant will have  
19 30 minutes. Organizations will have five minutes.  
20 And individuals will have three minutes. The  
21 Commission intends to adhere to these time limits as  
22 strictly as possible in order to hear the case in a  
23 reasonable period of time. The Commission reserves  
24 the right to change the time limits for presentations,  
25 if necessary, and notes that no time shall be ceded.

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1 All persons appearing before the  
2 Commission are to fill out two witness cards. Those  
3 cards are on the table by the door. Upon coming  
4 forward to speak to the Commission, please give both  
5 cards to the reporter who is sitting to our right and  
6 who's waving the witness cards for your benefit.  
7 Thank you.

8 Please be advised that this proceeding is  
9 being recorded by the court reporter and is also being  
10 webcast live. Accordingly, we ask that you refrain  
11 from making any disruptive noises in the hearing room  
12 during the hearing.

13 When presenting information to the  
14 Commission, please come forward as these folks have  
15 done and turn on and speak into the microphone, first  
16 stating your name. When you are finished speaking,  
17 please turn your microphone off so that it doesn't  
18 pick up any background noise.

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

25 Ms. Schellin will be available throughout

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1 the hearing to answer any questions that you may have.  
2 I'd ask you to turn off all beepers and cell phones so  
3 as not to disrupt the hearing.

4 And, at this time, we'll take up any  
5 preliminary matters. Ms. Schellin?

6 MS. SCHELLIN: Staff has no preliminary  
7 matters.

8 CHAIRPERSON MITTEN: Mr. Glasgow?

9 MR. GLASGOW: Madam Chair, we are prepared  
10 to submit on the record, if that's the desire of the  
11 Commission, or we can give a presentation with the  
12 witnesses that we have. We are at your disposal on  
13 that.

14 CHAIRPERSON MITTEN: Okay. I sort of  
15 previewed that with the Commission and I think we  
16 might have a few questions for you, but we'd be more  
17 than happy for you to stand on the record.

18 MR. GLASGOW: All right. Then we'll stand  
19 on the record.

20 CHAIRPERSON MITTEN: Thank you. I'd just  
21 ask, in case we do ask you questions or we have  
22 additional testimony, anyone who's planning on  
23 testifying this evening, I'd ask you to rise now,  
24 raise your right hand, and direct your attention to  
25 Ms. Schellin and she'll administer the oath.

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1 (Whereupon, the witnesses were sworn in by  
2 Ms. Schellin.)

3 CHAIRPERSON MITTEN: Thank you all. All  
4 right. Then we'll just move into Commissioner  
5 questions. Do you have some questions? Go ahead.

6 COMMISSIONER TURNBULL: Yes. I guess one  
7 of the questions I have is on the -- by the alley, the  
8 triangular piece that's there that you have by the  
9 alley which isn't yours, maybe could you talk a little  
10 bit about that?

11 MR. COHEN: I'd be glad to. Thank you.  
12 My name is Steve Cohen and I represent Opus East LLC.  
13 We're the developer of the project. And my role is  
14 Project Manager.

15 As you probably surmised from the summary  
16 at the outset, this was a rather complicated  
17 assemblage. There were many individual lots in the  
18 block. I won't take credit for assembling them all.  
19 Several land people assembled them over many years.  
20 But, at the end of the day, there were basically two  
21 developers, Opus and Faison, who put together most of  
22 the lots on the block.

23 We attempted to include all the lots on  
24 the west side of the alley, but were unable to come to  
25 adequate financial terms with the owners of that

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1 triangular piece.

2 COMMISSIONER TURNBULL: Yes. On one of  
3 your sheets, you've -- I think it's on page L-1, you  
4 say with adjacent property owner's approval,  
5 landscaping may be extended onto Lot 800, if this can  
6 be done without triggering further review.

7 Is this lot -- I mean, this -- I guess  
8 what I'm trying to figure out what's happening here is  
9 you've got an alley that's going to be happening there  
10 and you need access into that, into your loading dock  
11 and everything else. This triangular piece is --

12 MR. GLASGOW: Well that -- Mr. Turnbull,  
13 that does not cut off our access --

14 COMMISSIONER TURNBULL: It doesn't?

15 MR. GLASGOW: -- to the alley. Not at  
16 all.

17 COMMISSIONER TURNBULL: Okay. Well maybe  
18 you could explain how you get in and out then?

19 MR. GLASGOW: Sure. Do you want to do  
20 that?

21 MR. LIEBMANN: Sure.

22 CHAIRPERSON MITTEN: I have a hand held  
23 that you'll have to be on if you're going to speak.

24 MR. LIEBMANN: Hi. I'm Eric Liebmann.  
25 I'm the Design Principal with WDG Architecture. We

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1 designed the project. Our -- it doesn't quite show on  
2 this, but there is a tiny spit of land, a triangular  
3 parcel right here. Our property line is on the alley  
4 at the back of the alley, but it does -- our access to  
5 the alley is virtually unchanged. Our -- our --  
6 actually, let me get the first floor plan.

7           So this -- this is the parcel that's  
8 directly on the public alley. We -- we -- our plan is  
9 to -- is to build this facade as though there was no  
10 building, with the assumption it's going to be a very  
11 challenging site to develop. It would make an  
12 interesting condo, I guess.

13           But -- so -- so, essentially, it doesn't  
14 have any impact on the circulation through the site.  
15 You know, trucks will come through here, no matter  
16 what. Our alley is back here. There's a residential  
17 garage entry, as well. This is to the residential  
18 parcel to the north. There's another entrance to the  
19 -- to the alley from, I guess that's L Street.

20           And it's fairly straight forward. It's --  
21 it's sort of a little bit of a challenge; something to  
22 think about. But we've chosen to ignore it because  
23 we've had no -- no choice. And we're trying to still  
24 design it.

25           COMMISSIONER TURNBULL: Do you feel that

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1 you've got the turning radius there for trucks to be  
2 able to get into the loading dock?

3 MR. LIEBMANN: Yes. I -- I -- we've  
4 looked at it. We're confident there's no problem. In  
5 the loading dock back here, we've tested it.

6 COMMISSIONER TURNBULL: Right. Yes.  
7 We've just looked. It's only 14 feet wide and it just  
8 -- it just looked a little tight in places, for it,  
9 especially if you had a big semi going back in there.

10 MR. GLASGOW: Mr. Turnbull, we -- we did  
11 that with the -- when we went through the alley  
12 closing process, we went through all of that with  
13 DDOT.

14 COMMISSIONER TURNBULL: Did you?

15 MR. GLASGOW: Yes, sir. We did.

16 MR. COHEN: And maybe just to give you  
17 some comfort, from our loading dock north to L Street,  
18 the residential developer has agreed to hold that  
19 width at 20 feet. In other words, giving us access  
20 easement that would allow truck movements both in and  
21 out if they chose to go that way.

22 COMMISSIONER TURNBULL: Okay. Okay.

23 Thank you.

24 CHAIRPERSON MITTEN: Anyone else?

25 Questions? Mr. Parsons?

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1                   COMMISSIONER PARSONS: Yes. Mr. Liebmann,  
2 I -- I'm struggling with a new period of architecture  
3 here in this city. We went through our tower period  
4 in the '90s, and now apparently we're going into the  
5 trellis period.

6                   And I find your building very handsome  
7 except for the trellis and the -- and the vertical  
8 shaft that connects it to the ground. So I wanted you  
9 to tell us about this new phenomenon. It's not  
10 peculiar to Washington. It's happening all over the  
11 country.

12                   But in Washington, the general urban  
13 design principle we have is to focus people's views  
14 down the street towards memorials or public buildings  
15 on access of these streets, not that there's any in  
16 this vicinity. But it's seldom that we want to  
17 attract the view up into the roof.

18                   So please help me with why this building  
19 wouldn't be better off without that trellis and the  
20 vertical shaft that connects to it?

21                   MR. LIEBMANN: Thank you for the  
22 opportunity. It's -- it's, you know, I -- I think the  
23 reason that -- that -- that, in general, architects  
24 build things on roofs is because sort of the  
25 repressive nature of the zoning makes all our

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1 buildings, if -- if we just follow the lines of the  
2 buildings, into boxes. Into boxes and, when somebody  
3 calls a building a box, it's usually very negative.  
4 I've -- I've seen these garages in front of the  
5 ballpark referred to as boxes and then, as an  
6 architect, I'm desperately trying to fight the box.  
7 And then -- and then, often we're challenged when we  
8 do. But, without doing a gesture like that, we are in  
9 a box.

10 I think this site is -- is a wonderful  
11 site and it's evolving day to day. I think if we'd  
12 designed this building, you know, ten years ago, it  
13 would have been absolutely frontal towards M Street,  
14 because that was the -- that's been the long standing  
15 east/west connector.

16 Now that First Street is so prominent,  
17 that it was important, I think, to make a very  
18 powerful gesture toward First Street, and especially  
19 at the corner.

20 One of the challenges, you know, besides  
21 the ascetic challenges of this design is -- is that we  
22 need to make this project economically viable. We  
23 need to max out our density. We have a 10 FAR density  
24 and -- and to get our 10 FAR within 12 stories, we  
25 pretty much have to hold to the box.

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1           So I think, as an architect, we have to be  
2 pretty clever to sculp the building. And by having  
3 very subtle set backs, and this is a series of set  
4 backs along M Street, the top two floors and the  
5 bottom two floors are set back five feet.

6           Along First Street, rather than just kind  
7 of setting it back continuously five feet, to break  
8 the box, it's been sort of set back deeper in the  
9 middle. And what -- what's -- so the -- but yes, I  
10 guess many questions.

11           The -- the -- the top, the spire, I -- I  
12 think it all works together. I guess it's a modern,  
13 in this case, equivalent of a tower. It's a very  
14 modern, in this spirit of this new neighborhood,  
15 building.

16           And yet, when it comes to sort of the main  
17 focal point, I think we want to revert to much more of  
18 a -- of a vertical funicular to -- to punctuate this  
19 important corner; to punctuate the importance of First  
20 Street. Even though this is not a building of the  
21 magnitude of the stadium, it's large enough that I  
22 think it should be gestural toward First Street.

23           And it's hard to do within a box. So  
24 we've established this vertical spire as it emerges  
25 above the roof. It becomes an architectural

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1 embellishment and -- and it's crowned by this -- this  
2 horizontal element.

3           The horizontal element is -- is well  
4 within the property line. It's meant to be open and  
5 I don't think it's quite a trellis. It's meant to  
6 again do, in another time, what a cornice might do.  
7 But -- but the building to -- and sort of the limits  
8 we have and the need to fill out a site and have a  
9 very well proportioned building, it's hard to ignore  
10 the top and the bottom of the building and -- and  
11 achieve what I think a site like this demands.

12           So, that's -- that may be a long answer,  
13 but that's my answer.

14           COMMISSIONER PARSONS: Yes, it was. But I  
15 guess the concern I have, and you don't have to talk  
16 about your design, is -- is this -- and I guess we've  
17 seen five in the last two months, of -- of trellis --  
18 of trellises.

19           And here we struggle for so long to -- to  
20 set back penthouses in a very crude fashion, you know,  
21 one to one set back, 18 1/2 feet, to get rid of them  
22 from the street. So that the buildings, whatever  
23 height the Height Act dictates, will be that height.

24           So -- so now we're having a -- a -- these  
25 other things looming up. They're not penthouses.

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1 They're -- one architect called them cornices and we -  
2 - we finally got to the word trellis. I guess that's  
3 the word you're using. And -- and it essentially, at  
4 this corner, extends the height of the building by  
5 probably 15 feet, that we wouldn't normally see.

6 So, to me, this is a major decision. Not  
7 your building, but for us, as to whether we're going  
8 to start seeing all of our buildings have trellises  
9 over -- not overhanging the property line, but  
10 overhanging the shadow of the street.

11 And I just think your building's fabulous  
12 with those two facades pulled out to -- to give it  
13 some articulation on the box, if you will. And I just  
14 don't think it needs it.

15 But do you plan to illuminate this at  
16 night? The trellis?

17 MR. LIEBMANN: We -- we really haven't  
18 focused on it. I -- I would expect that -- that  
19 perhaps we'd investigate doing it in a very  
20 understated way. I mean, we wouldn't want this thing  
21 to -- to -- we're not trying to battle the stadium  
22 for, you know, for the nighttime view. And I -- I'm  
23 never -- there -- there will be a roof deck up there.  
24 There's no -- there's no adjacent, you know, interior  
25 uses. But there will be a roof deck at the top, sort

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1 of overlooking the stadium precinct.

2 I -- I do believe that getting some subtle  
3 up lighting would -- would be positive. I mean, I  
4 think animating these buildings at night is a positive  
5 for the neighborhood, not a negative. We wouldn't  
6 want to compete with buildings of more import. We're  
7 not competing with the Capitol. We're not competing  
8 with the stadium. But I think we would try to, in an  
9 understated way, up light that.

10 COMMISSIONER PARSONS: But you wouldn't be  
11 illuminating the front facade of the building, right?

12 MR. LIEBMANN: I -- again, like I said --

13 COMMISSIONER PARSONS: Please say no.

14 MR. LIEBMANN: -- probably not typically  
15 no. But, in certain understated way, I mean, a lot of  
16 times, we do. We -- we will -- we might up -- we  
17 might do some up lighting at that set back along the  
18 10th story -- 10th level. I mean, with all -- with a  
19 glassy building, it's kind of hard to light a  
20 building.

21 COMMISSIONER PARSONS: Sure.

22 MR. LIEBMANN: But -- but, I think,  
23 typically, if there's a major architectural component,  
24 you want it to read at night in a comparable way and  
25 give it the comparable significance it carries during

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1 the day. So, we'd study it. We plan to study it. We  
2 haven't done thorough design development of every  
3 aspect. But we would look toward probably some  
4 understated lighting or the approval of it.

5 COMMISSIONER PARSONS: Well, is this  
6 concept of a trellis something that's spreading  
7 throughout the country? I mean, it's -- it's --

8 MR. LIEBMANN: Well, I -- I -- I don't  
9 think so, but -- but I think in most parts of the  
10 country, you know, buildings have a little more  
11 freedom, you know, sculpturally to -- to -- I mean, if  
12 you look at the old K Street, you know, it's -- it's  
13 very, you know, chopped off. It's got a big crew cut  
14 all the way down and it's hard to -- to really read  
15 one building from the next. And each facade, you  
16 know, becomes a wallpaper.

17 So I -- I -- I thought that the zoning  
18 sort of allowed architectural embellishment. I mean,  
19 you know, in a lot of --

20 COMMISSIONER PARSONS: We do.

21 MR. LIEBMANN: It's fairly liberal and --  
22 and I think in -- it can be done well. It can be done  
23 badly. I'm not speaking for every building. I don't  
24 say every building wants a top. I think it can become  
25 very cliqued. I think in this case it's not a clique

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1 because I'm confident it's very well done. And I  
2 think it will be of great benefit to the building.

3 COMMISSIONER PARSONS: Well, what I  
4 imagined is a K Street kind of like environment, which  
5 M Street is becoming, with each one having a piece of  
6 sculpture on the roof. And -- and our attention,  
7 rather than on the streetscape and retail and so  
8 forth, will be, oh, look at that one. Oh, that's a  
9 neat one. Oh, that's a neat one. Because that's what  
10 we're getting before us in all of our PUDs is -- is  
11 sculptural elements on the roof. And I'm just  
12 troubled by that. But we can stop the dialogue. I'm  
13 not sure we're going to get anywhere. But it's been  
14 an -- it's been interesting. I appreciate it.

15 MR. LIEBMANN: Thank you.

16 CHAIRPERSON MITTEN: Anything else?

17 COMMISSIONER JEFFRIES: You know, if I  
18 recall, I thought this whole cornice discussion was on  
19 that case we looked at on 21st and L?

20 COMMISSIONER PARSONS: Yes.

21 COMMISSIONER JEFFRIES: Which I think is  
22 the same architect. So I think this is the second  
23 time that either he's come before us with this figural  
24 trellis/cornice thing that's at the top.

25 I, you know, I think this is an absolutely

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1       stunning building, quite frankly. I hope that it  
2       looks as good as it does on that rendering there. And  
3       I -- I clearly understand this whole notion of, you  
4       know, needing to max out on FAR, given the land prices  
5       and so forth and -- and wanting to create some level  
6       of animation on some of these buildings.

7                   And I think it's a wonderful opportunity  
8       for this area, you know, in the early stages of  
9       starting to develop, to -- to try to create a new, you  
10      know, design paradigm. And -- and one that's  
11      contemporary. You know, we certainly have enough of  
12      the federal and so forth.

13                   So, you know, I -- you know, I just -- in  
14      comments on it, I think it's a, you know, a wonderful  
15      sort of response or a start. And the good news is  
16      that we will be able to review most of these anyway.  
17      So you'll get the chance to comment going forward.

18                   CHAIRPERSON MITTEN: Anyone else? Mr.  
19      Turnbull?

20                   COMMISSIONER TURNBULL: I just had one  
21      last -- one last item. And I -- I can -- I sense  
22      Commissioner Parsons' angst at these ornaments that  
23      are going on top of buildings.

24                   And maybe it's the language that we have  
25      in the present that allows us to go on. And it's --

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1 it's different from what it was back in the `50s when  
2 you had either a tower or a turret. There is a -- you  
3 had a -- you could understand what that is. But now  
4 it seems to be growing maybe beyond what the intent of  
5 the language allows.

6 And maybe that's good or maybe that's bad.  
7 It depends upon -- I'm not really opposed to this, but  
8 I -- it's getting -- they're getting bigger. And I  
9 think that's what Mr. Parsons' concern is too, is that  
10 these trellises are getting to be a little bit large  
11 and they are becoming hood ornaments on -- on  
12 buildings where your eye is taken to something other  
13 than what the intent of the design of the city is.

14 I guess my only concern is, is there going  
15 to be green roof? Are you planning anything up there  
16 at all for us?

17 MR. COHEN: At this point, we haven't  
18 decided to do that. No.

19 COMMISSIONER TURNBULL: Oh. Okay. I  
20 guess it's -- we're going to keep running into -- as  
21 Mr. Parsons is -- is fearing, we're going to keep  
22 running into this from -- and I don't know if we need  
23 some kind of guidelines or -- or what. How do we  
24 start spelling things out? I mean, we don't want to  
25 be too rigid, but we want to have some flexibility.

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1 But are we leaving ourselves open for some rather  
2 rancid debates in the future?

3 CHAIRPERSON MITTEN: Well, it will be  
4 interesting for us to debate this. But keeping in  
5 mind that in certain areas they're -- they're here  
6 before us because they're in the Capitol Gateway  
7 Overlay. There will be other areas where there won't  
8 be any controls on what a -- what a particular roof  
9 top embellishment might look like.

10 So, if our goal is to stamp them out, I  
11 don't think we're going to be able to. So I think we  
12 need to accept that it's something that's happening  
13 and do the best we can to make sure that they're well  
14 done.

15 COMMISSIONER JEFFRIES: I was just in Cape  
16 Town. I saw a number of these wonderful, as you call  
17 it, trellis and so forth. So I mean, I -- you know,  
18 it just seems to be sort of a modern language. And,  
19 I mean, I understand your concern, but I -- at least  
20 for this area again, I mean, we're going to be able to  
21 -- we'll have a chance to sort of comment. And --  
22 and, you know, we'll line them up and see how they  
23 comport together.

24 CHAIRPERSON MITTEN: Anyone else? Mr.  
25 Hood?

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1           VICE CHAIRPERSON HOOD: Madam Chair, I may  
2 have missed this. But again, the trellis, cornice, or  
3 whatever it's called, and I may have asked this  
4 before, but forgive me for asking it again. But is  
5 the rationale behind doing that, is that to accent the  
6 building or bring the building out? What is the  
7 rationale? You may have answered this earlier. I'm  
8 not sure. What is the rationale?

9           Actually, I'm going to tell you the truth.  
10 Honestly, I like it. I think -- I think it's  
11 befitting of the building. It brings the building  
12 out. Is that the rationale for doing it?

13           MR. LIEBMANN: Yes. I -- I think the  
14 rationale is to create an architectural hierarchy to  
15 within, you know, within very, you know, limited  
16 layering and massing. I mean, if this building was  
17 out in the suburbs and you could shape the building  
18 any way you wanted it, it could -- you know, it could  
19 be a -- a kind of a half round building. You would  
20 understand where the center of gravity of that  
21 building was. You wouldn't need to do something  
22 necessarily at the top.

23           And, you know, a lot of times in  
24 Washington, we have very simple rectangles. So we  
25 need to do a little more. Yes. So it -- it is, the

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1 idea, it's -- it's a decoration. And I think if it's  
2 well integrated, it can add great beauty to a  
3 building. You know, just like a classical building has  
4 a base, a middle, and a top, that -- that building has  
5 a base, a middle, and a top.

6 It -- it's -- it's different and the  
7 components, in a modern building, the components kind  
8 of float freely as opposed to being absolutely, you  
9 know, part of the building. But that's kind of modern  
10 architecture, versus traditional. But the components  
11 are doing the same thing.

12 ACTING CHAIRPERSON HOOD: Okay. Because  
13 the other day, I was on 12th Street and I just, since  
14 I've been on the Commission, I've started to look up  
15 at -- up at roofs. I usually normally don't do that.  
16 And I started looking at roofs. And it's very  
17 interesting. Very interesting. And looking at a  
18 couple of these, maybe I'll probably be looking at a  
19 lot of them, you know. I don't know. We'll see. But  
20 I -- I think -- I think it's befitting. I may  
21 disagree with my colleagues to a point. But then  
22 again, I preference my remarks with not having any  
23 formal training. Thank you, Madam Chair.

24 CHAIRPERSON MITTEN: Thank you. I just  
25 had a couple of questions. In walking us through in

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1 the submission, your written submission in the  
2 discussion, it's a sort of recurring explanation in  
3 courtyard number 1 and then again in each of the  
4 subsequent courtyards. And I want to be sure that I  
5 understand. And I was thinking perhaps I wasn't clear  
6 on which courtyards I was looking at. So maybe if  
7 you'd put up the drawing that shows the courtyards.

8 But in the -- when you were walking us  
9 through the variance test in the submission. So just  
10 -- I'll just make reference specifically to page 12.  
11 And this is related to courtyard number 1. And in the  
12 second prong of the variance test, it says meeting  
13 minimum width, and particularly minimum area  
14 requirements, would result in a loss of nearly 16  
15 percent of each floor's total area, over and above  
16 areas lost to other required set backs and yard areas.

17 And that's in reference to court number 1,  
18 which I thought was like a tiny notch.

19 MR. WILLIAMS: Madam Chair, Lindsley  
20 Williams for the record. Court 1 is the tiny notch.  
21 It would be a court niche, but for the fact that there  
22 is this adjacent triangular lot which means that it's  
23 not opening onto a yard or an alley or another space.

24 And when you take the height of the  
25 building, it calculates out a certain width that is

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1 going to be required for a closed court, which is what  
2 this is because it is on that private property line.  
3 And a closed court has not only a requirement for  
4 minimum width, it also has a requirement for a minimum  
5 area, which is twice the square.

6 CHAIRPERSON MITTEN: Okay. Let me just  
7 interrupt you there. So when you make this statement  
8 about meeting the minimum width and minimum area  
9 requirements, you mean if we did a court and it  
10 conformed, this would be the negative consequence?

11 MR. WILLIAMS: Yes.

12 CHAIRPERSON MITTEN: But the fact that  
13 there's a little carve out is purely optional?

14 MR. WILLIAMS: Yes. That's right.

15 CHAIRPERSON MITTEN: Okay. That was the  
16 part I was, you know, I was unclear about.

17 MR. WILLIAMS: To build it into a sized  
18 court that would meet the firm requirements would  
19 destroy the -- the rest of the property.

20 CHAIRPERSON MITTEN: Okay. I got that  
21 part. Okay. I get it now. Okay. I understand.  
22 Then on page 22 of the submission, reference is made  
23 to requested flexibility and it's expressed on the  
24 pages of the plans. And I just wanted to be sure that  
25 I understood that this is related to the -- to the

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1 type of glass; the shading coefficient; the louvers on  
2 the mechanical penthouse; and then the size of the  
3 penthouse itself. Is that -- have I -- have I looked  
4 at everything? Are those the three general areas of  
5 flexibility?

6 MR. LIEBMANN: Yes. I -- I believe so.  
7 I mean, we're -- we're not 100 percent done developing  
8 every detail of the design. So yes, we're -- we're  
9 going to make final selections of things like the  
10 glass.

11 CHAIRPERSON MITTEN: Oh, Okay.

12 MR. LIEBMANN: And we -- we haven't  
13 exactly designed the penthouse yet. So I think the  
14 changes will be kind of, I think, very minute in their  
15 ascetic consequence.

16 CHAIRPERSON MITTEN: Okay. I just wanted  
17 to be sure I'd seen everything.

18 MR. LIEBMANN: Right.

19 CHAIRPERSON MITTEN: If we're going to  
20 pass on something that has flexibility built into it,  
21 I'd like to just know where it is.

22 Okay. Any other follow-up questions?

23 Okay. Thank you, very much.

24 MR. LIEBMANN: Thank you.

25 CHAIRPERSON MITTEN: Now we're ready for

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1 the Office of Planning report. Mr. Lawson, welcome.

2 MR. LAWSON: Thank you, Madam Chair. Good  
3 evening. I think, like the Applicant, I'm willing to  
4 let the report stand on the record. I'll simply kind  
5 of reiterate that we feel that this proposal meets or  
6 exceeds all of the criteria for Zoning Commission  
7 review along M Street and Capitol Gateway Overlay  
8 District. And we'll be available for questions.  
9 Thank you.

10 CHAIRPERSON MITTEN: Thank you. Any  
11 questions for Mr. Lawson? Any questions? Mr.  
12 Glasgow, did you have any questions for Mr. Lawson?

13 MR. GLASGOW: No questions.

14 CHAIRPERSON MITTEN: Okay. Thanks. I  
15 don't think we have any other government agency  
16 reports. Is there anyone here representing a  
17 government agency?

18 Mr. Brandes, would you like to make a  
19 report? I need you to be on the record if you're  
20 going to respond.

21 MR. BRANDES: Thank you, Madam Chair. Uwe  
22 Brandes, Director of Planning and Capitol Project at  
23 the Anacostia Waterfront Corporation. I had brief  
24 comments on the project.

25 One general which is that the -- I'm glad

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1 to report that the special exception process is  
2 working and that projects like this along M Street are  
3 coming to the Commission for the Commission's review.

4 I think this project especially shows  
5 dramatic improvements in the manner in which buildings  
6 are being designed along M Street, particularly with  
7 regard to the location, orientation of ground level  
8 uses, the retail elements in the building. I think  
9 they are a dramatic improvement over previously  
10 designed buildings along M Street, before the Capitol  
11 Gateway case was set down and enacted by the  
12 Commission.

13 I think that the issue challenging the  
14 neighborhood now is the issue of how buildings like  
15 this become friendly neighbors to many residential  
16 buildings that we hope to be built in the neighborhood  
17 and where the issues of streetscape and landscape and  
18 how the retail elements of the buildings are actually  
19 designed, become of great import to how liveable the  
20 neighborhood becomes.

21 Clearly, buildings like the ballpark will  
22 be major reference points for large office buildings  
23 like this. But the great opportunity that the  
24 buildings like this in the neighborhood bring to the  
25 neighborhood is actually the addition of retail uses

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1 to the street to enliven the streetscape of the  
2 neighborhood, which is obviously drastically in need  
3 of improvements.

4 And so, this building, I just want to go  
5 on record as saying that this building is certainly a  
6 major step forward for the evolution of design in the  
7 neighborhood. And I would hope that, as additional  
8 projects like this come forward, we place emphasis on  
9 how the retail and the design of the retail interacts  
10 with the streetscape, not only for the benefit of the  
11 office workers who are going to occupy these  
12 buildings, but hopefully the many residents that live  
13 around these -- these buildings. Thank you.

14 CHAIRPERSON MITTEN: Thank you. Any  
15 questions for Mr. Brandes? Questions? Mr. Glasgow,  
16 any questions? Okay. Thanks. Is there anyone here  
17 representing ANC 6D? Okay. Then I would just note  
18 for the record that at Exhibit 12, we have a letter  
19 from the ANC in support and it does the requirements  
20 to be given great weight.

21 Anyone who would like to testify in  
22 support? Anyone who would like to testify in support?  
23 All right. Anyone who would like to testify in  
24 opposition? Okay. Mr. Glasgow?

25 MR. GLASGOW: Just in conclusion, Madam

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1 Chair, we have spent a lot of time on this project,  
2 both with the Office of Planning and the others to get  
3 to the point that we're at. Also, we have been  
4 working with the owner that was referenced before of  
5 the northern parcel, the Fazon parcel, which is not  
6 coming before the Commission, so it's proceeding as a  
7 matter of right.

8 And these projects are -- we are desiring  
9 to build contemporaneously.

10 CHAIRPERSON MITTEN: Yes.

11 MR. GLASGOW: So that we build the garage  
12 at one time. We tear up the streets at one time. All  
13 of that type of thing. So we -- we're going to  
14 request, based on the record that we have that the  
15 Commission -- we would like to have bench approval, if  
16 we can do that, so we can make sure to keep on track  
17 with the residential building that's going to be built  
18 to the north.

19 CHAIRPERSON MITTEN: Okay. So can I just  
20 run down what I think are the items that are before us  
21 for a decision so that I'm sure we don't miss anything  
22 so we don't hold you up?

23 MR. GLASGOW: Sure. And we certainly  
24 would love -- we'll be happy to supply a draft order  
25 also.

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1 CHAIRPERSON MITTEN: That would be very  
2 desirable. Okay. You're looking for overall review  
3 of the project, pursuant to 1604.

4 MR. GLASGOW: Correct.

5 CHAIRPERSON MITTEN: Then we have three  
6 variances, courtyard 1, 3, and 7.

7 MR. GLASGOW: Yes. They're court  
8 variances.

9 CHAIRPERSON MITTEN: And then, the rear  
10 yard. And we will have to make a decision about  
11 whether we're granting special exception relief or  
12 variance there.

13 MR. GLASGOW: I think what -- it was  
14 advertised as a special exception. It was presented  
15 to the ANC as a special exception. I think there was  
16 just a miscommunication with respect to the production  
17 of this document. We are asking for the rear yard  
18 waiver --

19 CHAIRPERSON MITTEN: Okay.

20 MR. GLASGOW: -- as provided under Section  
21 774.

22 CHAIRPERSON MITTEN: Okay. Okay. Are you  
23 guys prepared to go forward?

24 ALL: Yes.

25 CHAIRPERSON MITTEN: Okay. All right,

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1 well you just heard me have a little conversation with  
2 Mr. Glasgow about what's before us. And I just need  
3 to recall your attention to the summary, as it relates  
4 to the last item, meeting the special exception test  
5 under 774 for the rear yard relief. And the Applicant  
6 has articulated how they meet the requirements of  
7 774.3 through 774.6, in order to qualify for a special  
8 exception. And given the completeness of the  
9 submissions and the fact that we've had all of our  
10 questions answered, I would move approval of Zoning  
11 Commission Case No. 06-03.

12 COMMISSIONER JEFFRIES: Second.

13 CHAIRPERSON MITTEN: Thank you, Mr.  
14 Jeffries. Any you know, I really do appreciate the  
15 conversation that Mr. Parsons had with Mr., is it  
16 Liebmann? And, when you were having the conversation,  
17 I wanted to flip the page and look at the view,  
18 looking from -- looking towards the west on M Street.  
19 And you really don't see the architectural  
20 embellishment very much there.

21 And than that looks much more like a K  
22 Street office building. And one of the things about  
23 the K Street office buildings, to me, as a lay person  
24 in architecture, is that many of them don't complete  
25 that -- that three part -- I mean, maybe they do and

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1 I'm just too -- it's not -- it's too subtle for me.  
2 But I feel that there's something lacking in some of  
3 those K Street office buildings.

4 And I think that this embellishment, while  
5 there's one tiny thing I would take issue with, but  
6 I'm not going to mention it, I think -- I think it is  
7 important to top -- to -- to complete that, in the  
8 sense that this three part notion is something that a  
9 lay person like me does react to. I can't always  
10 articulate it, but it does look plain when you don't  
11 finish it.

12 And I understand that when you're looking  
13 at it from towards the west, that the fact that the  
14 top finish is not the grey but it is the white and  
15 that is the way of finishing off the top, I think it  
16 works. I really do. I think the building's pretty  
17 neat looking, myself.

18 So, there may be some of these that come  
19 along that I'll be more in Mr. Parsons' camp with if  
20 it gets a little to wild up there. But I think -- I  
21 think this is -- this is fine and I can support it.

22 COMMISSIONER PARSONS: I'm going to vote  
23 against this, but he has given that same image that  
24 you were just talking about -- he's taken great pains  
25 to make the top of the building different. So there

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1 already is a top to it, as opposed to K Street, which  
2 goes whoosh, where most K Street goes.

3 CHAIRPERSON MITTEN: Yes.

4 COMMISSIONER PARSONS: And how he's  
5 articulated the facade here, I mean, it's -- it's a  
6 handsome building. And -- and, anyway, I'm not going  
7 to debate it anymore. But I -- when these things  
8 start to go around all four sides of the building,  
9 maybe you'll begin to agree with me that the building  
10 heights are being increased by these trellises. So  
11 let's move forward.

12 COMMISSIONER JEFFRIES: So wait. So -- I  
13 just want to understand. So you're not going to vote  
14 in favor of this because of the embellishment of the  
15 rooftop?

16 COMMISSIONER PARSONS: Correct.

17 COMMISSIONER JEFFRIES: Okay.

18 COMMISSIONER PARSONS: Otherwise, it's a  
19 handsome building. It would be much better without  
20 it. But I -- I sense I'm a minority in the room. So  
21 let's move on.

22 CHAIRPERSON MITTEN: Anyone else have any  
23 comments? Okay. Then, all those in favor, please say  
24 aye.

25 MOST: Aye.

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1 CHAIRPERSON MITTEN: Those opposed, please  
2 say no.

3 COMMISSIONER PARSONS: No.

4 CHAIRPERSON MITTEN: Ms. Schellin?

5 MS. SCHELLIN: Staff will record the vote  
6 four to one to zero to approve final action on Zoning  
7 Commission Case No. 06-03; Commissioner Mitten moving;  
8 Commissioner Jeffries seconding; Commissioners Hood  
9 and Turnbull in favor; Commissioner Parsons opposed.

10 CHAIRPERSON MITTEN: Thank you. And thank  
11 you all for being so helpful this evening. And Mr.  
12 Liebmann for the education in architecture. We -- we  
13 -- this is -- we're a work in progress. Thank you.  
14 We're adjourned.

15 (Whereupon, the hearing was adjourned at  
16 8:08 p.m.)

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