

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
HISTORIC PRESERVATION REVIEW BOARD

EXCERPT OF PUBLIC HEARING:

Capitol Hill Historic District
Apple Tree Institute
138 12th Street, N.E.
HPA #05 -522

Thursday, December 15, 2005

Room 220 South
441 4th Street, N.W.
Washington, D.C. 20001

The Board convened the hearing on
construction permit applications and other items,
pursuant to notice.

Board Members Present:

TERSHER BOASBERG, Chairman

KATHY HENDE RSON
DENISE JOHNSON
JAMES S. KANE
ANNE LEWIS
GAIL S. LOWE
RONNIE W. MCGHEE
JACQUE PATTERSON
ROBERT SONDERMAN
JOHN VLACH
AMY WEINSTEIN

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P R O C E E D I N G S
Capitol Hill Historic District

Apple Tree Institute

138 12th Street, N.E.

HPA #05 -522

(concept/alteration, rear addition)

12:18 p.m.

CHAIRMAN BOASBERG: Let me just call this
matter up, which is 138 12th Street, N.E. This is
an application by the Apple Tree Institute for
Education for an expansion of the facility there,
and it's obviously a contentious issue because this
was one of the only commercial structures on a block
of residential structures and the use, obviously the
proposed use is not residential.

Now, we as a Board do not get into use. We
have no control over what goes on inside the
structure. It could be a bomb -making facility for
all we're concerned. We don't have anything to do
with use. Use is an issue that's taken up by the
Zoning Commission, as you know.

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Our jurisdiction also does not relate to traffic, and many of you were here before when we heard the previous case. We don't get into traffic, appropriate traffic; not appropriate traffic, except to the extent that it might shake the structure so much, like the St. James Church that we are concerned about.

So don't mention traffic and don't mention use, because we can't deal with that at all, and it just shows that you're not focusing on what the real issues are before us, the Historic Preservation Review Board. And those real issues are, is the addition compatible with the neighborhood as a whole, not necessarily with just this street but with the Capitol Hill Historic District as a whole. Is it compatible?

And obviously it matters what you see from the street, which is not going to be very much, if anything, but also the public alley behind there and what you see in that, elements of compatibility. What else is back there? What is on either side?

What else is in the alley? Those are considerations.

We know that you also have --to the citizens, now --other concerns with it, but again, those are out of our purview. We do have some additional letters. What I would like to do is, I would like to have Emily sort of discuss her issues with the case because she has been on top of this for a while. There has been a great deal of modifications since the case started. She is aware of that.

And then we will hear from the application, not to why you need the space or how much you need the space, or you've been looking all over for a space and you can't find anything, and this is the only place possible in the whole world that you could do this. We understand that. We're interested in, you know, what you're going to do, specific things you're going to do, as well.

And then for the neighborhood, let me just get an idea. First we will listen to groups. That's the ANC, if there an ANC. Is there an ANC

here that's going to testify? Yes, sir. And is there a neighborhood organization, not an individual, an organization? Okay. Then you're going to be next. Okay? We would like you, if you can, to limit the organizational testimony to five minutes.

And then if there are members from the community that feel that they need to speak out because their views have not been represented, or they feel compelled to speak out on a cold day like this, then we will hear from you but we'll limit that to three minutes. To the extent that you can combine your testimony, that would be helpful to us. Okay?

So let's get started. We're very pleased that you have come down on a day like this. Obviously it's of concern to you, and most of us are very concerned citizens who live in the historic districts as well, so we're very much aware of your concerns, but let's limit ourselves to the issues today.

Emily?

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MS. PAULUS: Thank you very much, Mr. Chair. I think you stole maybe a little bit of my thunder there, but I appreciate the comment, particularly about the zoning. The staff is very well aware that there are some pretty serious zoning issues that have yet to be resolved on this project and we are well aware that those issues will appropriately be addressed through the Zoning Administrator's office and DCRA.

So, with that, I will just give a brief overview of the proposal and just set the stage a little bit for the location and the context of this particular project. What is before you this afternoon is concept for a three-story with partial rooftop addition to the rear of a contributing former commercial property in the Capitol Hill Historic District. This building would accommodate the conversion of the property, which is currently vacant, into a charter school for the Apple Tree Institute for Education.

MR. KANE: I'm sorry to interrupt, but I'm unfamiliar with your use of the words "charter

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school" here. Has this school been chartered by either of the chartering authorities here in the District of Columbia?

MS. PAULUS: I will perhaps let the applicant answer that.

MR. KANE: Okay. Then I'll wait until later. But "charter school" means something. I'm on the board of a charter school, and so it makes a real, real difference --

MS. PAULUS: Yes, and frankly, I think that has been kind of the crux of the issue.

MR. KANE: But it's one that I would like to understand at the time. Thank you. Sorry to interrupt your presentation.

MS. PAULUS: Okay.

CHAIRMAN BOASBERG: Can we refer to the building as a -- how would you like to refer to the building?

MS. PAULUS: An educational --

MR. KANE: Educational, until we find out that it's a charter school.

MS. PAULUS: Okay.

MR. KANE: Thank you.

CHAIRMAN BOASBERG: Let's just talk about it as educational.

MS. PAULUS: Okay, and I'm sure the applicant will address Mr. Kane's question directly.

CHAIRMAN BOASBERG: Yes. Go ahead.

MS. PAULUS: Okay. The property is located mid-block on the west side of 12th Street, N.E., just north of Lincoln Park. The immediate vicinity is composed primarily of row houses standing two and three stories in height, so the surrounding character is predominantly residential, and the subject property is really the only commercial or institutional facility on that particular block.

We know from some research that was conducted by the applicant that the property or the building on the site was constructed sometime in the 19-teens. We know it was there by 1916, when it first appears in the city directories, and at that time it was being used and functioned as an office facility.

Today the building, it's fair to say, retains a high degree of its architectural integrity. It has experienced very minor alterations on the exterior over the years, some very minor cosmetic modifications on the facade. Other than that, it is very much intact.

I just want to give a brief overview of how this project has evolved to the point that it is today. I have been working with the applicants over the past couple months, and there have been some substantial modifications made.

When this project first came to the staff back in late October, early November, the addition measured about 54 by 36 feet and had a lot occupancy of about 80 percent. The plans also included an outdoor play or recreational space on top of the second floor addition, and the elevator core was located within the original main block of the building.

After a staff report was issued and some discussion with the applicant, they did decide to withdraw that proposal from consideration at the

November HPRB meeting, and they went back to the drawing board and made some revisions, and that is what is before you today. As you can see, the project or the addition has been scaled back to about 60 percent lot occupancy, with the revised footprint measuring about 30 by 36 feet. The rooftop play area has been eliminated, and now there is a sunken courtyard at the basement level, which you can see in the site plan and in the building section.

The partial third floor addition does remain, and it includes a small classroom, bathroom, staircase, and the elevator shaft. It would be set back about 26 feet from the front facade, and the staff is relatively comfortable at this point that it would not be visible from 12th Street, although we are asking the applicant for some additional perspective views to ensure that invisibility. The elevator as well would be housed within the addition, as I mentioned, and that has addressed staff concerns that previously existed regarding the extent of demolition to the historic building.

The design of the addition, the staff is very comfortable with, brick with paired and single double-hung windows, very much in keeping with the character of this historic district. The minor cosmetic alterations on the front facade include straightforward window replacements, new doors, etcetera, which the staff has no issue with at this point.

We take no issue really with the fundamental aspects of this proposal. The addition and the partial rooftop addition are not uncommon projects that have been reviewed and approved by this Board. We feel that the reduction in the overall scale and size of the addition is much more in keeping with the character of this block and is much more proportional to the building that it's being added to, so we are very comfortable with the overall size and massing of the addition.

The proposed height of the addition with the partial third floor is not a concern in this instance for the staff. Certainly there have been many partial rooftop additions approved by this

Board in Capitol Hill, and I think the sort of main -the first thing that the staff looks like is the overall immediate context. In this alley you have buildings of two and three stories in height, as opposed to a very consistent or cohesive two-story height, so for that reason we are comfortable with the resulting height along the alley.

Certainly this lot in particular is wider than a typical Capitol Hill lot. It's about 36 feet wide, so the resulting mass will be larger than a typical row house addition. However, that's the historic condition of this particular property, and it's different than a situation of two row houses being combined to create one large addition, where we have seen that and that has presented some issues for the staff in other cases, but here we have no concern with that.

I think that generally wraps up the staff issues. Again, the visibility is always a concern, and I think as this project moves forward into design development, the staff would expect a flag test and some additional information on visibility,

just to ensure that the third floor is completely invisible from 12th Street. We will want to take a closer look at the sunken courtyard proposed for the rear and give a little bit more thought to how that would be treated and how that would actually impact the rear of the property.

So with that, I think I'll turn it over to the applicant.

CHAIRMAN BOASBERG: Thanks, Emily.

And could you identify yourselves? Make sure everybody who has testified will fill out a card. It's on the witness table. Give it to the reporter. Thank you.

Yes, sir. Who would like to proceed?

MR. MCCARTHY: My name is Jack McCarthy.

CHAIRMAN BOASBERG : You'll need to press your mike. You'll need to talk into the mike because everything is being recorded. Yes, Mr. McCarthy.

MR. MCCARTHY: My name is Jack McCarthy, and I'm the managing director of Apple Tree

Institute, and I would like our other people to introduce themselves.

MR. WILLIAMS: Hi. I'm Russ Williams. I'm the executive director of the Apple Tree Early Learning Public Charter School.

MR. deBETTENCOURT: And I'm Dan deBettencourt, president of DBF Associates, architects, the architect working on the project.

CHAIRMAN BOASBERG: Okay.

MR. MCCARTHY: And we were going to have Dan just kind of go over the information.

CHAIRMAN BOASBERG: Go ahead.

MR. MCCARTHY: Thank you.

CHAIRMAN BOASBERG: And we're not getting into use, whether you need it, whether we need the school, whether we don't need the school, what it is. Go ahead.

MR. deBETTENCOURT: I'm going to talk about what we're doing and what we're not doing. We're not doing anything to the front --

CHAIRMAN BOASBERG: Put your mike on.

MR. deBETTENCOURT: The front of the building, as Emily said, we are leaving essentially intact. We are going to be replacing a rotten gutter/downspout, repainting, replacing single glazed windows with double glazed windows, essentially leaving the building intact.

And we do want to add some awning across the front. We have some evidence, from some rivets and holes in the front, that at some point in time there has been some type of awning there. But that's all we're doing to the front of the building.

The existing building is two stories plus a basement, extends 40 feet deep, for a total of 4,320 square feet. We're extending that building back to 70 feet. To my right you see a series of photographs showing our building and then the building to the left and the building to the right, as you look at it from the rear. The building to the right extends to 70 feet deep, and we are going to be lining up exactly with the rear of that building. That's a two and a half story structure,

of course above grade, because they have a third story partial basement on that one.

The height of the front of our building from 12th Street is 29 feet, between 29 -2 and 29 -4, given the condition of the copper roof roll that's on top of the building. The height of our addition as we place it on the back will be 34 feet 4 inches, or it will stand 5 feet above the top of the copper roof roll.

In addition to that, though, there is an elevator shaft, and as Emily mentioned earlier, we had initially placed the elevator inside the existing building. At staff's suggestion, and we've been talking to several construction experts to see about this, we have decided to move the elevator outside of the existing building. It does two things.

We had actually done a flag test before. When the elevator projected forward at its height of 13 feet 4 inches above the top floor landing, which elevators must, about the top 10 inches of the elevator was visible from an oblique angle on 12th

Street. Now that we've moved the elevator back an additional 12 feet, I'll just get up and I'll show you something.

CHAIRMAN BOASBERG: Yes, but you've got to talk into the mike.

MR. deBETTENCOURT: I understand. I'm just going to put a drawing up.

CHAIRMAN BOASBERG: Go ahead. Don't talk. You could yell, actually.

MR. deBETTENCOURT: On the wonderful weather we had yesterday, this photograph shows me standing on top of the building holding a flag that's 13 feet 4 inches tall. Russ Williams took a camera -- I first moved backward from the building until it was not visible, and this is the location of the front of the elevator shaft. Russ walked up and down 12th Street in every area, and it's not visible from 12th Street.

Now, one of the reasons is, on both sides of us are facades, and then two buildings down the building structures are much taller. So it's not visible --

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CHAIRMAN BOASBERG: I'm sure Mr. Williams is objective, but you'll have to do it with Ms. Paulus.

MR. deBETTENCOURT: That's correct.

CHAIRMAN BOASBERG: Okay, thanks.

MR. deBETTENCOURT: I just wanted to make sure that you knew the weather yesterday, as much as anything else.

CHAIRMAN BOASBERG: You didn't want to try it today?

[Laughter.]

MR. deBETTENCOURT: Too late today.

CHAIRMAN BOASBERG: No, I understand.

MR. deBETTENCOURT: The rear of the building will be 70 feet back from the front property line. The property is about 117 feet and change deep, so we will stand 47 and a half feet off of the rear property line.

The rear of the property, as you can see right now, the rear photograph when you look at it shows a building of single and paired arched openings with double and triple header course brick

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arches on top of those. We have strived to use the same architectural vocabulary on the back of the building.

Once again, this building we recognize is 36 feet wide, and it's a difference and a departure from the existing row homes that are built in the area. Our architecture, what I tried to do in the architecture was to mass paired windows in the center on the rear, have single windows on the side, and as I got to the top floor, to use individual arched window openings to break the vocabulary a bit, instead of standing three stories tall.

As you can also see from the photographs that I have, I have another series of photographs looking across the alley, this vocabulary is found in the neighborhood. I will stand up one other photograph. This photograph on the top shows an aerial satellite photograph of the neighborhood. The buildings in this neighborhood, as Emily talked about before, are a combination of two and three stories.

Some of the buildings --there is a building across the street and down from us that is four units wide, that actually extends to an 80 percent lot coverage, about 80 feet deep, and stands a full 1 three stories tall. That being the one three-story rear facade, that was one of the reasons I felt comfortable with breaking the vocabulary from paired arched openings to single arched openings at the top, in reflection of what we saw for three stories of full rear walls.

In addition, once again I want to stress that we do not project beyond the building that you see on the rear of the elevation to the right. We will stand taller than that, of course. The existing buildings are not 34 feet 4 inches tall. We are.

The construction of our building by code must be noncombustible exterior walls. We will be building the exterior of this building out of masonry. All exposed sides and rear of the building will be masonry, and I think I have identified that with Emily, on a presentation to her.

The below -level courtyard is intended to be an extension of what's called a rainy day room, which is an activity center. We have three classrooms and a rainy day room. And that would be capped and surrounded, as it 's shown in the elevation, with a protective railing around that courtyard.

So I think that that's enough discussion. If you want to hold the discussion to the building, that's a discussion of the building.

CHAIRMAN BOASBERG: And the courtyard.

MR. de BETTENCOURT: And the courtyard.

CHAIRMAN BOASBERG: That's fine, and you'll have a chance, if there's something that's raised that you feel you have to reply to, that hasn't been raised, you know, we'll do it. Okay.

Now, Mr. McCarthy, Mr. Williams, do you have anything else to say? Yes? Architecture. Go ahead.

MR. MCCARTHY: Well, I wanted to answer Mr. Kane's question.

CHAIRMAN BOASBERG: Yes. Go ahead.

MR. MCCARTHY: Apple Tree Early Learning Public Charter School is chartered by the District of Columbia Public School Charter Board. We have a charter.

CHAIRMAN BOASBERG: Okay.

MR. KANE: Just so you know, there are two chartering authorities in the District of Columbia. One is the public school and one is the chartering authority.

MR. MCCARTHY: By the Mayor.

MR. KANE: Yes.

CHAIRMAN BOASBERG: So we can call it a charter school?

MR. KANE: If he represents it that way, yes.

CHAIRMAN BOASBERG: All right. Strike "educational institution," put "charter school." It's a little shorter, so that's good. Thank you Mr. Williams, anything?

MR. WILLIAMS: Not at this time, sir.

CHAIRMAN BOASBERG: Thank you.

Okay, why don't you guys sort of relax a little bit, go back to the seats, and let's hear from the neighbors. First the ANC, then the neighborhood associations, then individuals.

Okay, you heard our admonition at the top of the program.

MR. ALBERTI: Yes, and I will respect it.

CHAIRMAN BOASBERG: I know you will. Give us your name, and again, fill out your card.

MR. ALBERTI: My name is Nick Alberti, and I represent ANC 6A. The SMD I represent is actually across the street from the proposed structure. I thank you for hearing me today.

I believe that the Board has gotten a letter from the ANC several weeks ago. In that letter we voiced many concerns based on the original drawings and plans that we saw. Those concerns still apply to the revised plans, so I want to point that out.

I just want to say --

CHAIRMAN BOASBERG: Do we have such a letter, Emily?

MS. PAULUS: I don't think you do. I can pass it out. I didn't include it in the packets because it was specific to the earlier --

CHAIRMAN BOASBERG: To the earlier proposal.

MS. PAULUS: --proposal, so I don't know if maybe perhaps --

CHAIRMAN BOASBERG: Well, Mr. Alberti, maybe you could comment on --in the first place, maybe you didn't get a chance to see the revised proposal.

MR. ALBERTI: Well, I have seen the drawings from two weeks ago, I believe. I'm not sure about that date. But many of the points that I will make are points that were made in the letter, and they apply today, and hopefully you will have a chance to see that letter.

CHAIRMAN BOASBERG: That's fine. Sure.

MR. ALBERTI: I think the overall design is something that the ANC opposes. I want to point out that care needs to be taken with the addition to this building because this building is the width of

two regular lots in a historic residential neighborhood. 12th Street is a very narrow residential street. This building, I think many of the concerns are going to center around the rear addition, so they really kind of are with respect to the alley.

The alley lies between two residential streets, 11th Street and 12th Street, both of which are residential blocks. Perpendicular, partway up the block, is another alley which is now named Walter Hoop Court, which is a residential alley. And the alley itself spills out onto Constitution Avenue, right in the middle of the block of Constitution Avenue, so when you're looking on Constitution Avenue you do see right down this alley and can see the rear of those homes from Constitution Avenue, so I want to point that out.

Although this building has a commercial past, its design fit into the residential neighborhood because the double width rested on a footprint that was less than 40 percent, so it didn't seem to loom over the neighborhood or be

obtrusive. The remainder of the lot in recent history has been used for parking, and much of this area will still be needed, under the proposed use, for parking requirements.

The proposed design does not fit into the residential context as a three story box. Regardless of how you decorate the windows in the back and what architecture is used, the rear wall of this building will be 36 feet wide, and as you have heard, it will be three stories tall, 34 feet tall, plus an elevator shaft extending above that.

I want to point out that more than 60 percent of the footprint of this building is going to be a full three stories, which is much different than the current building or surrounding properties. The surrounding contributing structures tend to step down as they approach the alley, and the back is highly articulated, with doglegs, porches, green space, and other features that soften the rear of the buildings, the rear massing. As proposed, the structure would dwarf those surrounding contributing

structures and it would dominate the other residential properties.

MR. MCGHEE: What is the height of the adjacent properties on either side?

MR. ALBERTI: I don't know the exact height at this point, but they are two stories above a sunken half -basement, an English basement. So I don't know exactly what they are at this time.

CHAIRMAN BOASBERG: I think the gentleman said that their roofs would be about five feet higher than the adjoining --

MR. deBETTENCOURT: I'll respond later.

CHAIRMAN BOASBERG: Okay.

MR. ALBERTI: And I think maybe some of the neighbors might have details on that.

CHAIRMAN BOASBERG: Okay. Thank you.

MR. ALBERTI: We have serious concerns about the visibility of various structural and mechanical elements that I don't think have been adequately addressed by the applicant. I mean, today is the first time we have heard anything about the flag test, and so we haven't had a chance and

neither have you had a chance to digest any of that information.

I think in particular we have concerns about the visibility of the rear structure from Constitution Avenue and the mechanical equipment that will sit on the roof. From Constitution Avenue you look down this wide alley, and it's a fairly wide alley, you look down this wide alley from Constitution Avenue. This property sits towards that end of the alley, and so you will see this, it's likely that you're going to see this rear addition from Constitution Avenue, which will be a huge box.

What we haven't heard anything about is the mechanical equipment that's going to sit on the roof. Presumably this is going to be a substantial amount of equipment. They're talking about housing 54 students and 20 staff, so the mechanical equipment will not be insubstantial, and it's going to sit in front of that addition on the 12th Street side. And we have heard no information about the height of that or the visibility of that mechanical

equipment or the massing of it, so that information is missing from us and from you.

I would like next to talk about the courtyard, that play area that they talk about. It's kind of an extension of the building, as they said. It's an extension of the basement area that juts out. We have very little information about the design of that courtyard.

Today for the first time it was mentioned that there will be fencing around that sunken area, which one would expect, since it's a children's play area. But this is historic back yards and gardens, and we don't know what that fencing will look like. We have no information.

This is a play area. Presumably it will have age-appropriate play equipment for 54 students, so presumably they're going to have play equipment that is of the nature that you would find in a public playground, not insubstantial play equipment. It's a play area that needs to be protected, so presumably there will be surfacing. We have no information on what that surfacing will be and how

it fits into the context of the neighborhood. So those are very much of concern to us.

I have sort of, I think, gone over our major concerns, and you'll hear more details from the neighbors and so I don't want to belabor that. But I would like to make a recommendation to the Board, and that is that we delay this review by your Board until DCRA has a chance to review the permit process.

As you know, there are open zoning issues on this building, and they may have a large impact on the building's footprint, the massing and the size, depending on what the Zoning Administrator rules. And I think that these questions should first be resolved, as they will have a large impact on the design that is submitted to your body. Despite, and I think this was said in the staff report, that the previous Zoning Administrator had ruled this as a matter of right, despite that ruling, the current Zoning Administrator has very clearly told us that that ruling is now under review.

CHAIRMAN BOASBERG: Okay, okay.

MR. ALBERTI: And just as a matter of as it relates to charter schools, I'll say that how charter schools are treated in the zoning laws is the crux of that zoning issue. I just want to point that out.

You know, as I said, there are open issues about the visibility and the features of the mechanical equipment. The applicant has had ample time and ample notification to provide full information to you and to the community, but they haven't done that yet. So I see no reason why HPRB could not defer this case until the applicant has submitted plans for permits. This deferral would likely generate additional information that would be useful to HPRB.

CHAIRMAN BOASBERG: Okay. Thank you.

MR. ALBERTI: Just in conclusion, let me just summarize what we would like to see happen. I mean, if you don't defer this, what we would like to see happen is that HPRB take steps, have Apple Tree take steps to reduce the looming institutional

presence of this addition, and further to submit exhibits that will allow us to properly evaluate all of the features that we are lacking information on now.

Thank you very much.

CHAIRMAN BOASBERG: Thanks, Mr. Alberti. Very constructive, very helpful. Thank you.

Yes, sir?

MR. FALING: First of all I would like to take this opportunity to thank the Board for giving us an opportunity to express our views and our concerns related to Apple Tree's proposed institution.

I would like to introduce myself. My name is Herb Faling. I have lived on Capitol Hill for over 25 years. I have lived within a four-block radius of this proposed site throughout those 25 years. I currently live at 143 11th Street, where I have lived for the last 15 years with my family. It borders the alley just north of the proposed site. And for what it's worth, I have been involved in the construction business throughout my career. I am

vice president of construction operations for
Civo(?) Construction.

I have looked at the information that we
have received from Apple Tree. We have seen
different iterations of the building, and we have
had many concerns that have been expressed here, but
what I would like to try and do is underscore many
of the things that Nick was saying. And I think one
of the things that's important is, to put this in
context, I would like to use some visual aids, and
if I can ask the architect, I would like to use
their easels.

CHAIRMAN BOASBERG: Sure, you can ask them.
Are those their easels?

MR. FALING: Okay. The first board that
you see here is a bird's eye panorama of the 12th
Street alleyscape, and Nick had mentioned how the
rooflines descend. What we need to keep in mind is
that most of these buildings are 16 to 18 feet wide.
The majority are two-story with English basements.
There are some three-story buildings on that block,
but the buildings waterfall to back gardens, and

many of the existing structures have their original
carriage houses, or they have been replaced with
garages that blend in with the historic nature of
that particular block.

What I think is important about that
particular concept is that from our perspective,
this particular alley is a very wide alley, and it's
very important to the neighbors in that alley as an
architectural feature. When you're driving down
that alley, it's wide, it's clean. The back yards
are clean. The garages are clean. And everything
is descending, so that the mass is to the front, to
the 12th Street side.

What Apple Tree has proposed to do is to
extend the building back and up. The third story
will actually be a full story above the adjacent
properties, and it's going to be overwhelming to the
adjacent properties.

The parapet on the building to the left is
approximately 18 inches above the roofline of the
existing Apple Tree Building at the rear. So they
are relating it to the front elevation, but I think

you need to relate it to the rear elevation to be able to get a perspective of what this building is going to look like.

And with the information I had, I have attempted, we have attempted to create some massing diagrams of what the bulk of the building is going to look like. Now, again, I've done this with limited information and I've had to extrapolate from limited dimensional information that has been provided to us, but I have been able to extrapolate that off of their plans and then correlate that to the photographs that you see in these pictures.

And I would argue that in reality they are proposing to occupy 80 percent of the lot, because they are extending the basement out 24 feet beyond the back face of a three -story wall. In essence, it's going to be a four -story wall, and it's going to have a very institutional appearance, particularly because of the width of the lot. With the lot being 36 feet wide, this is going to be a massive structure embedded into these row homes.

The other element that this eliminates is green space at the back of the structure. I don't think we can take this totally out of context of what this building is going to be used for, because we don't know 5 or 10 years down the road what this building will be used for. And by allowing them to extend the basement out, it virtually takes away the opportunity to ever restore the back yard to the characteristics of the other adjacent properties. They have also proposed three parking places behind the sunken pit area that is their play area.

So we're very concerned about the mass, the institutional look, and the overwhelming nature of this building.

CHAIRMAN BOASBERG: Thanks, Mr. Faling.

Any other groups? Any other individuals that feel that they have not had their say?

Ms. Metzger, when do you want to go? Now later?

MS. METZGER: I'll go later.

CHAIRMAN BOASBERG: You'll go later. All right. Let's have the individuals up, if you could,

as quickly as possible, and if you could take your seats as quickly as possible. Could you come up together? You've got three minutes.

Mr. Kane, I appoint you official timekeeper.

MR. KANE: Thank you. I'm going to decline. I don't have a watch, Mr. Boasberg.

CHAIRMAN BOASBERG: Mr. Kane, you are pretty casual, I will say. Do we have the time here? Anybody wealthy enough to have a watch, who could be the timekeeper? Oh, there it is. Okay, Mr. Kane, all you have to do is watch.

MR. KANE: Okay, I'll watch.

CHAIRMAN BOASBERG: Thanks.

MR. KANE: Are you ready?

CHAIRMAN BOASBERG: Yes. Go. Yes, ma'am?

MS. HOLWILL: Good morning. I'm Margaret Holwill.

MR. MCGHEE: Can you turn the mike on?

CHAIRMAN BOASBERG: Just press the red button. Talk into the mike. Thanks.

MS. HOLWILL: Good morning. I'm Margaret Holwill. I have resided at 145 11th Street, N.E. for 30 years. My home is across the alley from the property at 138 12th Street, N.E.

I am here because I will have to look at the rear facade of that building for a very long time. Apple Tree Corporation won't. They won't live there. Nobody will. This is ultimately a commercial building, and it looks like it.

This entire exercise may be moot. The proposed building will exceed the 40 percent lot occupancy limitation allowed for non-residential use under the zoning codes. But that can be decided by the Board of Zoning Adjustment.

I am concerned about the destruction of the architectural character of my neighborhood and the incompatibility of this design with the alley. The proposed building does not appear residential and it will not blend in with the adjacent buildings. None has a sheer, unbroken, three-story wall across an entire two-lot-wide rear facade. It lacks the waterfall effect referred to by Herb Faling in his

testimony. Its mass is such that it will overpower the row of historic homes and carriage houses over which it will loom.

I would like to call attention to three additional issues: the proportion of the windows, the color of the brick, and the refuse shed. I ask that the Historic Preservation Office pay particular attention to these details.

Although there are no specifications provided on the plans given to us by Apple Tree, the windows do not appear to be the Baltimore Standard windows common in every other building facing the alley. This further interrupts the rhythm of the alleyscape.

Should this great wall be constructed of any color brick other than the soft red of the period around 1900, it will appear even more commercial and be greatly intrusive. There is no possibility of landscaping to soften the reflection of light from a blond brick rear wall, due to the proposed sunken pit in the rear yard. This would have an enormous visual impact on the entire alley.

The refuse shed has the appearance of a privy or an old-fashioned outhouse. Its size appears small for the proposed number of occupants and their trash output, which could lead to the placement of unattractive dumpsters in full view of the neighborhood.

MR. KANE: One more minute.

MS. HOLWILL: This is unacceptable in a historic residential neighborhood. The commercial appearance of the design is inappropriate in a neighborhood that has been almost totally residential from the day construction began in the late 1890's.

Our alley has remained largely unchanged since the historic row houses and their carriages and garages were built around 1900. We have exchanged the old wooden doors used for horses and carriages for modern garage doors to accommodate our cars. Sadly, the District of Columbia covered our lovely cobblestones with asphalt. Other than those changes, our alley is pretty much the same as it has been for more than a century.

The proposal by Apple Tree threatens the historic character of that alley. It may not seem important to citizens in another state, but any erosion of the character of one small alley and one street is an assault on the very idea of a historic district. I respectfully request that you reject any design which does not mirror the residential style of our historic neighborhood and detracts from the character of our homes.

Thank you for your consideration of our arguments today. I hope that you can tell we care very deeply.

CHAIRMAN BOASBERG: Yes, we can tell.
Thank you, Ms. Holwill.

Yes, ma'am?

MS. HOLMES: My name is Shauna Holmes. I live at 919 Massachusetts Avenue, N.E., which is just a couple of blocks from the project site.

I just want to, in addition to saying that I agree with the points made by Mr. Alberti and Mr. Faling and Ms. Holwill, speak to an issue that has been mentioned earlier this morning and that I think

is very important. And that is to underscore the residential nature of this neighborhood.

The Capitol Hill Historic District, as I understand it, is the largest in the city and one of the largest in the country. It encompasses a wide variety of buildings and functions. And if you look on the perimeter, beyond the boundaries of the Capitol Hill Historic District, you will find the Capitol complex and all sorts of other things.

I respectfully disagree with the concept that because there are big office buildings in other places on the Hill or near the Hill Historic District, that any of those kinds of buildings therefore is appropriate in all parts of the Capitol Hill Historic District. This is residential. The people who live in this residential part of the historic district have chosen it because of its residential nature, and chose not to be closer to the Pennsylvania Avenue commercial and office strip, or Barracks Row, etcetera, with its many uses.

I just urge the Board to please view this in the context of the very large, almost exclusively

residential area that this is, and in particular that this block is. Thank you.

CHAIRMAN BOASBERG: Thanks, Ms. Holmes.

Anybody else? Yes, ma'am. Come on up.

Anybody else? Ms. Metzger, you come on up, too, and why don't you ladies retire? And we'll ask the architect to come up so he can sort of stand in the wings.

Yes, ma'am? Thank you.

MS. BLINICK: Thank you. My name is Ilene Blinick, and I am the unfortunate owner of the two houses north of the building in question, one of whom shares a party wall with 138 12th Street.

I would ask that you not act on this proposal because it's so incomplete. The neighbors have not been given ample time nor information to prepare a good refutation of the plans. We have been given information, the information has changed, it has not always been accurate, and we have had the unfortunate opinion that perhaps we were not all -- well, perhaps that maybe the petitioners were being

somewhat careless with the truth in what they told us.

We would then urge you to please make sure that you have very definitive plans before you, before you act. Also, I was very concerned to hear that the historic windows were going to be replaced. The front of the building, and I believe the rear, have the original windows. The two houses, the three houses that I have done on that street, I was required in all cases to reuse the windows. We had to rebuild them and put them back in. Actually, only two. One of them, the windows had already been replaced. I am wondering what is different from this proposal, that this applicant is permitted to replace the historic windows.

I won't belabor the issues that have already been raised, but I urge you to delay consideration of this until all the facts are before you.

CHAIRMAN BOASBERG: Ms. Blinick, I appreciate it.

Ms. Metzger?

MS. METZGER: Nancy Metzger, Capitol Hill Restoration Society. As Emily said, in the two months since we first saw the project, Apple Tree has responded to many of our concerns, and she mentioned those in particular. The restoration of the front facade of course will be a benefit to the block, even though it is minimal, but we would urge that any canopies, landscaping, signage, all be of a residential rather than an institutional nature. Those have not been --at least I haven't seen anything on that.

The sight line studies that have apparently been done are very important, and I will depend on the staff to really look at those. But we would also urge that the stucco of the third floor addition not be a blinding white color. Usually these third floor additions, I don't think we've ever been totally successful in being attractive, and I think the color choice should be dealt with with the staff so that it's not as obvious, because the people on the other side of 12th Street will

obviously be looking at this even if you can't see it from the ground.

MR. MCGHEE: Ms. Metzger, I thought the gentleman said it was masonry on all sides, did he not?

MS. METZGER: That was the addition.

MR. MCGHEE: The addition. Is there stucco there now somewhere?

MS. METZGER: Well, they had been at one point saying stucco on the --

MR. MCGHEE: On the front?

MS. METZGER: --the front.

MR. MCGHEE: The front. I see. All right. Thank you.

MS. METZGER: And while we appreciate the move of the play area from the roof, the construction of a deeply sunken play area presents its own problems of incompatibility with the historic residential neighborhood. We believe this area should really be very carefully studied. I mean, this is a very --it's not just sunken, it's

buried. It's 10 feet deep, I think, which is a very unusual thing.

Obviously window wells will be needed to let light into the basement room, but perhaps a multi-level play area would serve the children and the neighborhood better, with perhaps different levels, many of them closer to the ground level, but definitely having an area for plantings, trees, bushes. Two of our schools, Peabody and Watkins School, both have very attractive schoolyard gardens. This is another case where a very experienced designer needs to be looking at this issue, because the rear landscape is a very tricky element in this particular adaptation.

And, finally, the residents have given a very good presentation of how they view their alley and back yards, with the waterfalls and the doglegs. The lack of a prepared rear facade drawing where you could see the facades of the adjoining buildings made the residents approximate, do as best as they could to show the impact of that juxtaposition.

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With a height of 11 feet on that third story, it is I think possible that some height reduction of that third story could be found, and any effort to reduce the bulk and the impact of that rear facade with its flatness would be very helpful in the future. Thank you.

CHAIRMAN BOASBERG: Okay, thanks.

Architect? I'm sorry, let me just say if you could reply to anything specifically that's incorrect, and give us your name.

MR. deBETTENCOURT: I'm Dan deBettencourt, again, DBF Associates, architects. Yes, I want to confine my responses to comments that I've heard, and I'll take the last one that Nancy has just mentioned about a multi-level play area. That's a wrong thing to do when we all look at the issue of handicapped accessibility to various places. We would have a difficult time supporting a multi-level play space that's accessible to all.

Nancy mentioned a question about can we reduce the rear height of the building. The existing floor height in the building is 11 feet 8

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inches, for a second floor roof level, current roof level of 23 feet 4 inches. We have done that. We have reduced that down to 10 feet. It's not 11 feet 8 inches on the third floor.

There is a question that you have on your submission I have. The question was raised by Nancy Metzger about where would the mechanical equipment go, which we responded to and then added to the latest submission that we gave back to you. If you look at the roof plan, it shows roof plan and mechanical equipment.

The mechanical equipment for this is the decentralized, low -height mechanical equipment, and it will --the front parapet on our building, when I talked about the front height, I'm sorry, the 29 foot 2 inch front height --

MR. KANE: Excuse me , sir.

MR. deBETTENCOURT: Yes, sir?

MR. KANE: I just need a little clarification here. When I'm looking at the drawing, it says "proposed third floor plan." It says "existing roof and mechanical equipment."

MR. deBETTENCOURT: That is correct. That is correct.

MR. KANE: So --

MR. deBETTENCOURT: We are putting mechanical --

MR. KANE: May I finish? Thank you very much.

That's fairly ambiguous to me, and as Bob has been here 14 years, so have I. So when I see "existing roof and mechanical equipment," does that mean that there is existing mechanical equipment up there, or is this where you're going to put the new mechanical?

MR. deBETTENCOURT: I apologize for the ambiguity. The new mechanical equipment goes on the existing roof there. It's "existing roof and mechanical equipment."

MR. KANE: Okay. Thank you.

MR. deBETTENCOURT: It was important that the mechanical equipment go there and will be blocked by the parapet in the front, which is

approximately 70 inches to 72 inches tall, as well as the addition on the back.

The courtyard does have a protective railing. I wanted to talk about the --you have heard there are 54 students in this school. Obviously -- not obviously, but it would be a set -up that one class would use the courtyard at a time, so there would never be 54 children intended --

CHAIRMAN BOASBERG: We're not into that. That's use. Okay?

MR. deBETTENCOURT: And the brick, on my earliest presentation to Emily we certainly talked about compatibility of the brick. The brick on the building to the left as you look at it from the rear appears to be original brick. The brick on the right appears to have been a later brick. It certainly would be our intention to add a brick --we have worked at it with staff --compatible to these.

CHAIRMAN BOASBERG: All right. We understand that. Go ahead.

MR. deBETTENCOURT: I think that's all, to respond to the comments.

CHAIRMAN BOASBERG: Okay. You just stay there, and we'll see if there are questions or comments that Board members have. Let me just remind the Board members it's 1:15 now. This case was supposed to end at 1:00. No problem with the case, give it the full time, but just to remind the Board members.

Comments that you may have on this, two comments. One is, is a delay proper? That has been raised. Not for zoning reasons but because of anything else, incompleteness of the design, the drawings, the so -called play area. I want to talk to you about that. And then, secondly, comments that you might have to make about the compatibility of the addition. Who would like to start? Mr. Kane, is that your hand?

MR. KANE: I did, thank you. From what I can tell, it looks like there is a complete demolition of everything on the inside of the building plus the removal of the floor of the basement, but for where it attaches to, where the

slab attaches to the wall. Is that correct? And the rear, and the complete removal of the rear wall.

MR. deBETTENCOURT: After we prepared this presentation, we met once again, I told you earlier, with some construction talent, and the suggestion was made to keep the rear wall from the standpoint of cost. It is our intention --

MR. KANE: All I can do is go on the drawings I have.

MR. deBETTENCOURT: But it is, in response to your question, it is our intention to keep the rear wall of the building. But you are correct, it is our intention to perform demolition, pretty extensive demolition on all the interior partitions on the first and second floor.

MR. KANE: Given the amount of demolition here, including complete removal of the front windows, I don't think we have ever had a project where someone has come in and we have approved the wholesale replacement of exterior windows. I'm surprised that this doesn't have to go to the Mayor's Agent, given the extent of the demolition on

the inside. I think that would be my suggestion, is that we somehow have the staff look at that for a Mayor's Agent case, given the interior demolition. Thank you.

CHAIRMAN BOASBERG: Well, let me get Emily to talk about that. Where are we on that?

MS. PAULUS: We will go back and look at that, Mr. Kane. I think when we looked at the extent of demolition against what is outlined in the preservation law, we felt at that point that this was within the parameters of what's acceptable in the historic preservation law, that wouldn't require referral to the Mayor's Agent.

But we can certainly take a second look at that. Particularly if the applicant is representing that at least a portion of the rear wall would remain, I think that would be significant to us. But removal of interior partitions is something that has been approved by --

MR. KANE: It's 100 percent of existing windows on the front facade. It's the lower entrance to the basement. It's the basement slab.

It's the stairways and, as we had been presented, it was the rear wall. They're now saying there was a modification of that. But given the level of demolition, certainly in other cases that we have had that has usually triggered a Mayor's Agent case.

MS. PAULUS : Well, we can certainly go back and take a look at that.

MR. KANE: Okay. The other point that I have to make and would like you to explore, is I think that the questions about the 9 -foot, and it has been described as a "pit" versus an outdoor play area, and I don't want to use any of those words, but a 9 -foot excavation in the back of a historic building really causes me some trouble.

We have shied away now from the exterior, the lower light wells on the front. At night, if this is lit at all, this is just going to look like just a lunar landing down there. And if we approve this, we must then have to approve other cases. You know, the architect said that they can't accommodate a multi -level play area in this building. It might be the wrong building for their program.

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CHAIRMAN BOASBERG: Okay, Mr. Kane. Thank you. Now, let's get others, and I think I am going to start at this end this time, and we'll start with Ms. Lewis, please.

MS. LEWIS: Thank you, Mr. Chairman. I'll just briefly address three issues. One is the floor height on the second and third floors. I don't see why you can't lower the floor height on both the second and third floors, and take a good two and a half to three feet out of that. There doesn't seem to me to be any reason to have 11 foot 8 on the second floor, either, and I would like to suggest that we do lower this building by two and a half to three feet. I think it can be done, and it would help the rear facade.

Also on the rear facade, I think it's too unrelieved. One of the reasons that it doesn't appear residential, as some of the residents have pointed out, is that it's too monotonous, and I think you need some kind of relief, for example, an oriel window on the second floor or something that is of a residential nature. I'm not speaking of

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extending it very far, a foot or something like that, but something just to break up this unrelieved wall of brick and double -hung windows I think would go a long way.

The awnings, what you have designed are awnings that are probably really too high to be functional, and look very commercial, and also are on a window that doesn't really need an awning. So if you deal with the door coverings, I think they should be lower. They should actually relate to the door, and they should be only on those doors where you actually need them. That's something that is a very important part of this design, and I think we really need to see complete detail and materials of whatever coverings there are on the windows.

The most important thing of all my comments is the courtyard. I find, you know, it's an interesting philosophical question of whether something that you may not be able to see visually affects your sense of a historical environment, I guess is the word.

And there's no question that if I lived next door to this courtyard, even though I couldn't see the courtyard, I would have a very different impression of my sense of space. If the courtyard had been in the front, we very clearly would have denied it.

And although we're more lenient on the back, I find that the courtyard is completely inappropriate with the residential area, and I would suggest that the courtyard be eliminated in favor of the small kind of areaway window that you would see in a residential area.

Now, I recognize that this may, the community may --there is a noise issue here, which is not part of our purview. But if the community prefers a courtyard to an outdoor play area with 54 children, I would defer to the community. I think part of your mission here is to work with your community and get something that's mutually acceptable.

But from a purely aesthetic point of view and maybe you want to do some sound studies of, you

know, whether the sound above -grade is worse than the sound below -grade, because it may serve as an echo-reflective chamber that actually increases the noise. But, one, I think you need to work with the community on this, and two, from a purely aesthetic point of view, I don't think it's appropriate to have such a courtyard in the rear at all

CHAIRMAN BOASBERG: Okay, thanks.

Ms. Henderson?

MS. HENDERSON: Thank you. I absolutely concur with Ms. Lewis regarding the height, and I do think you should reduce it accordingly. Two to three feet is fine.

I wanted to ask Commissioner Alberti, where does your single member district impact this property, in the front or in the rear?

CHAIRMAN BOASBERG: Mr. Alberti, you've got to come up here, and you've got to speak loudly or into one of the mikes. Okay?

MR. ALBERTI: First of all, let me point out that the person whose single member district

this does impact on the rear, who is 12th Street going west, was called out of town.

MS. HENDERSON: No, I want to know where

MR. ALBERTI: So my point is, is that I'm representing him and his views because we have worked closely on the points that I made.

MS. HENDERSON: Do you have a letter authorizing you to represent him?

MR. ALBERTI: No, I do not have a letter.

CHAIRMAN BOASBERG: We have a letter from the ANC.

MR. ALBERTI: Yes.

CHAIRMAN BOASBERG: And to the extent that your testimony is consistent with that, I think is what --

MS. HENDERSON: I don't have a copy of that letter.

CHAIRMAN BOASBERG: Does somebody have the letter down there? It's coming. Sorry. Thank you.

MR. ALBERTI: But just to answer your question directly, what you did ask us, is my SMD,

12th Street is the border of my SMD and it lies to the east, going east from that property.

MS. HENDERSON: Thank you.

CHAIRMAN BOASBERG: Okay, let's see. Mr. Sonderman, anything?

MR. SONDERMAN: Sure. On the front facade, I'd like a little clarification from Emily in terms of the amount of window replacement that's taking place. Are the windows just being replaced, or is the actual punched openings, the configuration going to change? What is actually taking place?

MS. PAULUS: To be perfectly honest with you, Mr. Sonderman, we haven't gotten into extensive detail regarding the window replacements. It was my understanding that this would be typical window replacement that's generally approved at the staff level, either just a sash replacement or a full sash and frame replacement, in kind. Obviously they would need to be consistent with the historic windows in order to meet our window standards.

MR. SONDERMAN: So the basic configuration of the front facade is not going to change?

MS. PAULUS: Correct.

MR. SONDERMAN: Let me ask a second question. Above the, sort of the storefront door, there is a closed or bricked-in window. Is that original?

MS. PAULUS: Let me get the photograph in front of me, because I don't know it off the top of my head.

MR. SONDERMAN: I mean, it looked like it to me when I stood there in front of it for half an hour the other day.

MR. deBETTENCOURT: May I respond to that?

CHAIRMAN BOASBERG: Sure.

MR. deBETTENCOURT: I have looked at that from the inside and out, taken a ladder and taken a peek at it. I can't find any evidence of any caulking or anything, that there ever was a window in that place. I think that is original.

MR. SONDERMAN: Okay.

MS. PAULUS: Oh, the blind opening on the first floor?

CHAIRMAN BOASBERG: Right.

MR. deBETTENCOURT: It's a different width than the windows on either side of it.

MS. PAULUS: Yes. Frankly, that may just be a design, a blind window.

MR. SONDERMAN: Okay, that's fine. I think my final comments will be about the rear. This is a gigantic alley. I live on 8th Street, N.E., and my alley is 12 feet wide. So when I walked in the back of that alley, I went, "Whoa, man, we could have a gigantic football game back here."

But, be that as it may, I think Ms. Lewis's comments are well-placed and I would concur with everything that she suggested. I think the pit thing is just a non-starter. Something else has to be designed for that space, and I think that has to be done in conjunction with the immediate neighbors, who are going to be the ones most impacted.

And I will just stop there.

CHAIRMAN BOASBERG: Okay. Ms. Johnson?

MS. JOHNSON: Thank you. First I would like to go back to Mr. Kane's comments about the windows, and I think Ms. Paulus addressed that as

well. In my experience with the Board, if we have an applicant that wants to replace the windows and replace them in like kind or with the appropriate windows, that is not considered to be demolition.

I also have an issue with the play area and the way it's currently designed. I would like to see you do something different, other than a sunken play area.

Third is, the awnings that are described I think are going to be problematic. That's not typical for a historic building, so I would suggest that you work with Ms. Paulus on that, but I would presume right now that awnings would not be appropriate.

In terms of the concerns of the community, and as much as I am sympathetic to your concerns and sympathetic to the fact that it is a residential neighborhood, it's also a commercial building, which is not necessarily unusual sometimes in a residential neighborhood. And so if the building was originally commercial --and I'm assuming it was, Emily -- I have less of an issue with the addition,

with the rear addition, and with that rear addition being the size that it is.

I think one of the advantages that we have with this applicant is the fact that the applicant has provided a significant amount of detail on the rear of the building, where oftentimes when we see rear additions, because it is the lesser facade of the building, we don't see that level of attention.

So one of the things that I would like to suggest to the community as a way to try to reach some middle ground with this, is to try to work with the applicant on some of the details of that rear facade, as well as some of the landscaping of the rear facade, to see if you can reach some middle ground in terms of a comfort level of having a commercial building in your historic district and facing onto that alley.

And that's it for me.

CHAIRMAN BOASBERG: Mr. McGhee?

MR. MCGHEE: Yes, I have a couple of different comments. I am in disagreement with two of my colleagues' comments.

First of all, as Ms. Johnson has said, we routinely allow windows to be replaced unless there are significant design -- we want to keep the exact material the same. We don't call it demolition.

We do not -- I mean, the staff routinely approves interior demolition of buildings, contributing buildings in historic districts that do not come before this Board at all, so I wouldn't call that substantial demolition.

And then we routinely allow basements to be excavated to make higher ceilings in basements, routinely, that do not come before this Board, so that's not considered substantial demolition. And even together, the three elements would not be considered substantial demolition in previous, many previous applications that we have accepted here.

There's three or four applications that came before the Board today where they are going down in the basement, in the packet we have right now, that is not going to be considered substantial demolition, judging the staff reports that have come

forward by numerous staff members here . So I would be at odds with that.

The second comment is, we have never forced an applicant to reduce the height of a floor that's matching the height of the original floor. Why would we force the applicant to have a step -down on the second floor, if he 's matching the height of that exact floor? We've never forced an applicant to do that.

If we want to reduce the height of the floor above, step that floor down. If you want to reduce the height of the roof above, step that floor down. But we've never forced an applicant to have a fold in a floor to get the height to match, to get the height to match in the overall height.

And the height is not visible from the street. It is slightly taller, five or six feet taller than the houses around it. It is no t looming. It is not massive. It is wider. That is the issue that is on the table right now. And industrial buildings, commercial buildings,

typically are bigger than residences. So I don't accept that at all.

And then a couple of comments about the nature of the building being a school, so on and so forth. That, I am taken aback by the idea that a school in a residential neighborhood is not appropriate. Where do we put them, industrial districts? So that doesn't work for me.

So, anyway, I fully w ould not --I would be exactly in the community's position to have a school building, if a commercial building is next to me, the noise and all the other things that might be a factor. But when you deal with this on historic preservation terms, the applican t has provided a very restrained, which we have required applicants to do before, brick rear elevation here that is not at odds with other elevations we have required.

The window sizes are slightly larger. Ms. Paulus or Ms. Brockett can easily take care of that. The detail on the brick is there, better than the brick detailing I have seen on all the other ones in the back. The color of the brick in the back, I see

a variety of colors of brick in the back. I don't understand what we're talking about, that at this building is so significant, except it's wider than the other buildings. It is also, significantly, it's going to be matching up with the massing of the building adjacent to it. The applicant has already said that.

The one area that I think the applicant needs to respond to is that we have not allowed rear or front facades to have moats in front of the buildings from public or private space, so I think that that has to be solved. So if you manipulate your program so that you have a ground level playground, then that would be compatible to me.

Now, if the community, as one Board member said, if the community wants to have a wall or have some depression or something there to provide some noise abatement, I would be all for that. But the idea of a moat there, when I drive down that alley I can't see anybody playing because they're 11 feet down, would be inappropriate.

But I think that this building can work. I think the community needs to be a little more flexible. The building type does not allow you to have a 20-foot row house, so you're not going to be able to do that. So the community has to be a little more flexible and look at what they can mitigate if this is going to be a school.

And that would be my comments.

CHAIRMAN BOASBERG: Okay. Ms. Weinstein, comments?

MS. WEINSTEIN: The only thing I have to add to Mr. McGhee's would be that the only time I believe this Board has approved a depressed area in the rear of a building of the magnitude of this is behind the Penn Theater, between the office building and the condominium in the 600 block of Pennsylvania Avenue, and that was done in a very commercial environment where there were all just commercial buildings, not in this small scale of townhouse back yards. So I am troubled by that.

MR. KANE: And that was designed in 1981 or '82.

MS. WEINSTEIN: Or maybe '83 or '84, but --
MR. KANE: It was designed in --David Schwartz did the design --

MS. WEINSTEIN: Right. That's right.

MR. KANE: --started in about 1980 and finished it, because Siegel did the construction starting in about 1981 -82.

CHAIRMAN BOASBERG: All right. Let's go on. So, Ms. Weinstein, your feeling is it's inappropriate, I take it?

MS. WEINSTEIN: I think so, the depression, yes.

CHAIRMAN BOASBERG: Anybody else? Okay . I think --and Board members, just chime in --I think this project has got to come back here to the Board again, and here are the concerns as I understand them.

One, we have to make sure, of course, that it's completely invisible, anything, equipment, blah, blah, blah, from 12th Street.

Number two, there is a feeling that anything that can be done to reduce the height, we

feel that there should be some reduction of the height. And we're obviously concerned about the massiveness of the rear. I think that Ms. Lewis is concerned about, you know, some kind of added decoration, an oriel window or something else.

I think that the big problem seems to be the play area, and I think that there is a feeling among the Board that that, as shown to us, is not compatible with the historic district, that extensive amount. On the other hand, I think the Board is very, very sensitive to the neighborhood. It is a back yard, and if there was to be a play area on the ground, then you get these noise problems, and it's obviously a difficult problem.

Plus it's not a historic issue, but I think the Board is so concerned with what goes into these neighborhoods and the historicity and the concern for livability, that the Board might bend if the neighborhood felt absolutely strongly about that. But right now, we feel that that sunken play area as shown is not compatible.

I think that in good faith to Mr. Kane, I think that the staff needs to take a look at the question of demolition of fabric, if there is so much demolition. If not, then okay.

So I think that --let's see --and that the canopies, landscaping, signage, blah, blah, blah, you know, all that, that level of detail obviously would have to be worked out with the staff.

Anything else? Staff? Board? Okay, so with that, to change the motion, or put that in the form of a motion that we not approve it today, but it would come back with emphasis to try to clarify those other matters.

Now, that doesn't mean we're going to wait until the zoning decision. This is independent of the zoning decision, and the staff admonition would go to any zoning authority. But we are concerned with our own jurisdiction, what we can do ourselves, not with what other agencies --we're obviously aware of it, but we've got to deal with what we have on our plate.

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So with that as a motion, then --yes, I'm sorry?

MS. JOHNSON: Mr. Chairman, I'm not sure that all of us are saying that we would not adopt the staff report with those changes, so --

CHAIRMAN BOASBERG: And not have it come back?

MS. JOHNSON: It could still come back, but, in other words, I think some of us feel that the staff report is --

CHAIRMAN BOASBERG: All right. Let me change it. We're going to adopt the staff report with the changes that we have noted, that is, the reduction in height, the elimination of the sunken well, and the concern about --

MR. MCGHEE: To check on the demolition.

CHAIRMAN BOASBERG: --the demolition, and the canopies and landscaping, right? Okay, if that's acceptable, then, we'll make that a motion. Is there a second?

MR. MCGHEE: So moved.

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CHAIRMAN BOASBERG: And is there further discussion?

[No response.]

CHAIRMAN BOASBERG: All in favor, signify by saying aye.

[A chorus of ayes.]

CHAIRMAN BOASBERG: Opposed?

[One nay.]

CHAIRMAN BOASBERG: You 're opposed? Mr. Kane is opposed. Thank you.

Thanks very much, and we hope that you can work with the community on this. It is important. Thank you, sir.

[Whereupon, the Board recessed at 1:35 p.m., to resume at 2:05 p.m.]

[End of requested excerpt.]

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