BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

In Re: BZA Appeal No. 16701

MOTION FOR RECONSIDERATION AND
TO REOPEN THE RECORD

I.
Introduction

The George Washington University ("**University**"), the Intervenor in the above-captioned matter, hereby moves the Board of Zoning Adjustment ("**BZA**"), pursuant to 11 DCMR § 3126.2, for reconsideration of its decision granting, in part, BZA Appeal No. 16701. In granting this appeal, the Board concluded that the Zoning Administrator exceeded his authority in approving Building Permit No. B434036, which authorized the construction of a mixed-use building at 1957 E Street, N.W. (Square 122, Lot 835), pursuant to a Planned Unit Development ("**PUD**") granted by the Zoning Commission in Zoning Commission Order No. 746 ("**PUD Order**").

BZA Order No. 16701 ("**BZA Order**") states that certain minor modifications to the building plans, as approved by the Zoning Administrator, were beyond his discretion. These modifications are noted as: (i) the elimination of open balconies in the residential portion of the building; (ii) the "change" in materials from granite or limestone cladding, as shown on the PUD plans, to limestone for the first two floors and a limestone/pre-cast blend for the upper levels; (iii) the elimination of one of two garage entrances; and (iv) a change in use permitted in the PUD.

BZA
Case No. 16701
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.56A1

The University hereby requests that the BZA reconsider its decision granting the appeal (in part) and reopen the record for further evidence because the BZA erroneously and incorrectly evaluated the evidence in the record, overstepped its authority on appeal, "read" conditions into the Zoning Commission's PUD Order which do not exist, failed to properly recognize the statutory role of the United States Commission of Fine Arts ("**CFA**") and, more importantly, failed to understand the CFA's role as it was specifically addressed in the PUD Order. The Zoning Commission, in its approval of this PUD, recognized that, due to the property's location within the CFA's jurisdiction, certain changes would likely come about as the design detail evolved and as the CFA review proceeded. The PUD Order specifically reserved design details -- that is those details which do not impact size, bulk, height or uses in the building -- to the purview of the CFA. Chairperson Cross-Reid recognized this during the BZA's decision meeting on this case when she stated that she wished that she could have seen the CFA transcript(s).[1] Contained herein, as Exhibit A, is further documentation of the CFA's position, including the transcript, which we believe will be helpful for the BZA in understanding the overlap of review jurisdictions involved with this property. This documentation shows the extensive review of the design undertaken by the CFA.[2]

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1 Chairperson Cross Reid: And another issue was raised - - thank you Ms. Hinton - - was in regard to the Commission of Fine Arts, and the assertion that it had been that they had recommended the elimination of the balconies. In that particular instance, while it may have - - we don't know for sure if, in fact, it had come up in discussion. Nonetheless, on the CFA letter from the Commission of Fine Arts, it does not make reference to those balconies, and it would have been very helpful to us had we been given maybe a transcript of the meeting where there was some discussion or something that would defend that position that the balconies were - - that the Commission of Fine Arts had recommended the balconies being removed. (Transcript, June 5, 2001 BZA Meeting, pp. 27-28)

2 This new evidence, contained in the Exhibits of this Motion, is intended to give the BZA a full understanding of the CFA process as "wished" for by the Chairperson. It does not require a rehearing of the issues. All parties to this appeal have the right to respond to this Motion and the evidence in writing for the BZA's review and decision.

It is important to note that none of the bases for granting the appeal were the subject of testimony or other credible evidence from the appellant. Thus, the University had no opportunity to rebut any such "evidence" prior to the June 5, 2000 decision meeting of the BZA. Moreover, the assertion that the Zoning Administrator "approved" a change in the use permitted under the PUD Order was not even referenced in the BZA's oral decision. This action by the BZA deprived the University of its due process rights on an issue which has a grave impact on the University. It should be noted that, currently, the foundation of the building has already been constructed and work is progressing on the first floor.

As detailed below, the BZA's decision was legally incorrect and fundamentally unfair because it conflicts with the inherent flexibility of the PUD Order provided specifically in Condition No. 15 as well as the statutory jurisdiction of both the CFA and the Zoning Administrator. The new evidence presented with this Motion makes it abundantly clear that the University, acting in good faith and in reliance on the PUD Order's actual grant of discretion, the long-standing administrative processes in the District of Columbia for approval of building permits and a thorough analysis by every agency which reviewed this application, followed the rules and now is facing extreme consequences due to the BZA's reversal of the Zoning Administrator's ruling.

II.
Background

In 1993, the Associated General Contractors ("**AGC**") obtained approval for a PUD from the Zoning Commission pursuant to Zoning Commission Order No. 746, dated December 10, 1993. This PUD and related amendment to the Zoning Map changed the zoning of the property from SP-2 to C-3-C and allowed for the construction of a mixed use project, with a floor area

ratio ("FAR") not to exceed 7.96, of which not more than 5.79 FAR was to be devoted to commercial use and not less than 2.17 FAR was to be devoted to residential use.

Order No. 746 changes the zoning of the property and does not restrict use of the property except to commercial uses and to require, at least 2.17 FAR for residential use and limit retail use to 5,000 square feet. Order No. 746 includes a substantial amount of flexibility, not uncommon in PUDs especially when the Zoning Commission is aware that a sister agency, like the CFA with design expertise, has final review and approval of the design. Condition No. 15 of the Order specifically states:

15. The applicant shall have the flexibility on the final detailing of the proposed project to:

(a) Vary the number of residential units to allow for larger or smaller units, in response to market conditions, so long as there are not less than 47, nor more than 56, residential units at the site with no reduction in the gross square footage devoted to residential use;

(b) Change the location and design of all interior components including partitions, structural slabs, doorways, hallways, columns, stairways, location of elevators and electrical/mechanical rooms, so long as the variations do not change the exterior envelope of the building including the penthouse;

(c) Make minor adjustments in the window detailing, including the flexibility to shift the location of entrance doors on the ground floor to accommodate tenant uses;

(d) Make minor design changes in response to requirements and final approval of the Commission of Fine Arts;

(e) Provide not more than 5,000 square feet of ancillary, retail space on the ground floor of the project; and

(f) Change the location and types of parking spaces provided, increase the number of spaces provided and make other modifications to below-grade space to accommodate the needs of office tenants, residential tenants and handicapped persons, including the potential elimination of a level of commercial parking without reduction of the total number of required spaces.

(Emphasis Added.)

Between 1993 and 1999, the AGC obtained two extensions to the time limits set by Order No. 746.[3] In spring 1999, the AGC decided that it would not maintain its headquarters in the District and it began intensive negotiations with the University regarding the sale of the property to the University.

When the University began to seriously contemplate purchase of the property, it also began to study carefully what would, and would not, be allowed pursuant to the PUD Order. As part of its due diligence, the University hired the same architectural firm that had designed the building for the AGC to determine whether the University's needs could be met given the constraints of the PUD. During this study period, in April 1999, the University's architect, and its land use lawyer, met with representatives of the Office of the Zoning Administrator (the Acting Zoning Administrator and his two senior zoning technicians, Messrs. Ed Nunley and Denzel Noble) in order to understand the flexibility provided to the owner under the PUD Order.[4] As a result of this meeting, Acting Zoning Administrator Armando Lourenco confirmed that certain changes to the approved plans contemplated by the University would be consistent with the PUD Orders. The Acting Zoning Administrator verified that the commercial FAR could be reduced from 5.79 FAR to 4.34 FAR, and the overall project FAR could be reduced to 6.62, provided that, at least, 2.17 FAR was to be devoted to residential use, and that, implicitly University use could occupy the building for "academic" as well as office uses because those uses are a matter-of-right in the C-3-C Zone and the Zoning Commission did not otherwise restrict the uses. Additionally, Mr. Lourenco confirmed that the elimination of the garage on 20th

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3 Order Nos. 746A and 746B did not modify any conditions, rights or restrictions of Order No. 746, but merely extended its validity.

4 Gladys Hicks, a former Zoning Administrator and recognized by the BZA as a expert in zoning in this appeal, testified that this process is typical of how a property owner evaluates its options as it proceeds to develop a parcel of real property.

Street was permissible pursuant to the flexibility of the PUD Orders. The confirmation letter, which is already in the record, is attached as Exhibit B.

Pursuant to the Shipstead-Luce Act, Public Law 231, the design of a building on this site is subject to CFA review and approval. The Zoning Commission recognized this fact, and provided for this in Condition No. 15 of Order No. 746 which granted flexibility to the owner to make design changes in response to the CFA's aesthetic judgement.

The AGC obtained concept approval for the PUD from the CFA on April 8, 1993. However, that concept approval had lapsed by the time the University purchased the property, and it was necessary for the University to have the PUD reviewed again by the CFA. As detailed below pursuant to a series of stringent reviews, the University obtained final CFA approval in March 2000.

Once the University purchased the PUD site, it moved ahead with the necessary steps to begin construction. On December 7, 1999, it applied for a building permit with a set of plans showing slight modifications from the plans approved as part of the PUD. The Zoning Administrator testified at the public hearing in this appeal that the building permit application was subject to intense scrutiny by his office. During the pendency of the building permit application, Mr. Johnson had several meetings with representatives of ANC 2A and the West End Citizens Association ("WECA") during which these groups made arguments to Mr. Johnson as to why he should refuse to issue the permit. Knowing that the issuance of the subject permit would be quite controversial, Mr. Johnson sought the advice of Corporation Counsel and sent a letter to WECA explaining why the University's plans for the subject site were not in violation of the Zoning Regulations or the PUD Order. This letter, which is also a part of the record, is

attached as Exhibit C. Mr. Johnson believed that the changes the University had made to the plans were minor and that approval of the building permit application based on these plans was within the flexibility granted to the AGC in the PUD Orders and his discretion. On December 28, 2000, over a year after the University filed its permit application, the Department of Consumer and Regulatory Affairs issued the subject building permit.

On January 19, 2001, the ANC filed an appeal of the issuance of the building permit. Public hearings were held on May 1 and 8, 2001. On June 5, 2001, the BZA verbally announced its decision granting the appeal and its written order ("**BZA Order**") was signed on July 12, 2001.

III.
Basis for the Request

The University believes that upon reconsidering the facts, circumstances and the new evidence presented herein, the BZA will agree that granting the appeal was erroneous.

A. Elimination of the Open Balconies

BZA Order No. 16701 finds that the "balconies are part of the PUD amenities and public benefits package" (Finding of Fact #48). Nothing in the PUD Order comes close to supporting this conclusion and such a reading of that Order so stretches the express wording of the PUD Order that it constitutes a gross misrepresentation of the Zoning Commission's action. Nowhere in the twelve (12) page, single-spaced PUD Order does the Zoning Commission even mention "balconies"; not in a Finding of Fact, a Conclusion of Law, not the Conditions. For the BZA to

determine, absent any evidence in the record, that two rows of balconies representing 1% of the entire gross flow area of the building[5] is a PUD amenity and a public benefit is without merit.

Apparently, the BZA's finding was based on a statement by a citizen, with no architectural expertise testifying in support of the appeal (BZA Order, Finding of Fact No. 47). This finding completely ignores expert testimony from the University's Architect, its zoning expert and two Zoning Administrators. Simply put, the BZA's Finding and Conclusions on this point are not substantially related to the evidence in the record and are in error.

The open balconies were eliminated as a result of consultation between the University, its architects and the CFA. The BZA Order apparently turns on the distinction of whether the University or the CFA initiated the idea of the elimination of the open balconies (BZA Order, Finding of Fact No. 50). The BZA misunderstands the CFA process. It is a "give and take", not a "demand" process. Architects present schemes and rationale, the CFA reacts to them. It is an iterative process, where the result matters, not assigning credit to who makes the suggestions. Condition No. 15 (c) and (d) of Zoning Commission Order No. 746 specifically state that the owner of the PUD has flexibility to "[m]ake minor adjustments in the window detailing . . . [and to] [m]ake minor design changes in response to requirements and final approval of the Commission of Fine Arts." Enclosing the open balconies was properly viewed by both the CFA and the Zoning Administrator as a window detail. Enclosing these balconies did not significantly alter the design of the building, as approved by the Zoning Commission, it only strengthened it.

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[5] The total gross floor area of the balconies is 2520 square feet. The permitted gross floor area of the building is 240,000 square feet. Thus, the balconies represent approximately 1% of the gross floor area.

Footnote continued on next page

When the University began its task of moving forward with the design, it re-evaluated this element of the façade treatment. It rethought the desire, and need, for open balconies. After numerous discussions with the architectural team and a careful study of the flexibility allowed by Order No. 746, the University concluded that the open balconies were not needed and, in fact, did not make good design sense. As testified at the BZA hearing by the University's architect, Thomas Butcavage of the Smith Group Incorporated, recognized by the BZA as an expert in architecture, this change is very typical of the evolution of a design from the level of detail contained in a PUD set of drawings and the level of detail contained in construction documents. As he also testified, the CFA believed the enclosing the balconies resulted in a better design.

The ultimate authority with regard to this design detail was delegated by the Zoning Commission to the CFA pursuant to Condition No. 15. The University presented its idea to the CFA and the CFA was of a similar opinion. It felt certain that its jurisdiction covered the balconies and found the presence of open balconies on the west portion of the main façade to be inconsistent with the design of the building. In the words of the CFA, it "worked closely with the University and its design team throughout the development of this project to ensure that the design and materials selected were of the highest order and appropriate to the E Street corridor" (see Exhibit A).

The BZA Order found that the only provision of the PUD Order which could arguably allow the elimination of the open balconies was the CFA's discretion pursuant to Condition No. 15(d) (Finding of Fact #42). However, as the Zoning Administrator found, Condition No. 15(c)

Footnote continued from previous page

The Zoning Administrator has the authority to permit a change in the gross floor area of a PUD "not to exceed 2%". 11 DCMR §3409.6(a).

also permits the owner to make "adjustments to the window detailing" (PUD Order, Condition No. 15(c)). The enclosure of the balconies is a glazing issue; a window detail. Thus, reading Conditions No. 15(c) and 15(d) together, the Zoning Commission granted the property owner the flexibility necessary to make this design modification. The Zoning Administrator agreed.

There is nothing in the BZA record to support the BZA statement that "the provision of balconies, which are typical of upscale residential projects, was a PUD amenity and public benefit" (BZA Order, page 17)[6]. More importantly, there is nothing in the PUD Order, since the balconies are never mentioned, which makes the open balconies so crucial to the exterior design as to affect the "balance of interests struck by the Zoning Commission in approving the PUD," (BZA Order, page 17).

Thus, the elimination of the open balconies does not represent a change in the design so much as it represents a design refinement and improvement, made in response to the building's use and location and in close consultation with the CFA. This type of design refinement is standard in the design of a building as it progresses from schematic to final, and it is exactly what was contemplated by the Zoning Commission in Conditions No. 15(c) and (d). Further, the balconies only constitute 1% of the building's gross floor area, well within the Zoning Administrator's discretion to permit modifications to PUDs pursuant to the Zoning Regulations.

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6 In fact , most recent "upscale" residential projects in the District do not have open balconies, see, for example, The Saratoga (Horning Brothers); Jefferson at Penn Quarters (JPI); 1499 Massachusetts Avenue, N.W. (Post Properties); Massachusetts Court (Clark Realty Capital); 900 – 15th Street, N.W. (Summit Properties); 1221 – 24TH Street, NW (Pritzger Residential); 26th and Pennsylvania Avenue, N.W. (L. Brandt and Associates).

B. Materials

Condition No. 15(d) of Order No. 746, grants the property owner the flexibility to "[m]ake minor design changes in response to requirements and final approval by the Commission of Fine Arts." Historically, the CFA's approval has included careful consideration, and approval, of building materials. The PUD plans included a notation that the exterior materials would consist of "granite or limestone cladding." However, there is no specific mention of the materials in the text of Order No. 746 in either a Finding of Fact or a Condition. It would seem that if limestone cladding had been a priority for the Zoning Commission, it would have, at least, made some reference to it in the text of the Order. The reason the Zoning Commission did not feel compelled to specify materials in this case is because it knew that the building materials would have to be approved by the CFA, a commission whose expertise lies in aesthetics. Like the issue of open balconies, the BZA's finding that the "nature and quality of the materials is a PUD amenity and public benefit, weighed by the Zoning Commission" is not substantiated by anything in the record. The PUD Order simply is not susceptible to such an interpretation.

When a property is subject to CFA review, one matter uniformly covered by the CFA is that of building materials. As Charles Atherton, Secretary of the CFA, writes, the selection of materials was arrived at in close consultation with the CFA, as is required (see Exhibit A). At the September 16, 1999 CFA meeting, the materials for the PUD were discussed. The architects for the University presented a palette of materials consisting of a granite water table and a combination of limestone for the facades. A photograph of the palette is attached as Exhibit D. Significantly, the materials finally approved by the CFA in April 2001 appear identical to limestone and are, in fact, cast from a stone aggregate that is eighty percent limestone. Thus, the

BZA is in error in suggesting that the material from the building deviates from that approved by the Zoning Commission because, in fact, the cast stone approved in the building permit is largely limestone.

The University was quite surprised that the Board's decision to grant this appeal was based in part on the perceived "change" in materials. The issue of materials was not raised by the appellant in this case, and in fact, was never directly addressed during the public hearing. The University did not have the appropriate opportunity to respond to this concern. Therefore, on reconsideration, the BZA should take the facts detailed above, that the material is 80% limestone, into account. Further, because the BZA only raised this issue at its decision session, after the record was closed, the University did not have an opportunity to explain that the "pre-cast" is really 80% limestone.

C. Garage Entrance

The BZA also highlighted the elimination of the 20th Street garage entrance as a "modification" beyond the discretion of the Zoning Administrator, because the flexibility in PUD Order Condition No. 15(b) only applies to interior components; and 15(c) refers "only" to entrance doors to accommodate "tenants". The BZA finds that elimination of a garage entrance, somehow, is a major land use issue. The University urges the Board to revisit this decision based upon the fact that interior design changes permitted by the PUD Order have rendered the second garage door superfluous. The University has the flexibility, pursuant to the PUD Order, to rearrange any, and all, interior components including structural slabs, and the location of parking spaces. This flexibility makes it clear that the University could eliminate the automobile ramp (an interior component) from the garage entrance on 20th Street to the garage. The BZA's

Order suggests that if the University made these interior changes, as it is permitted, it would still be "required" to keep the roll-down garage door on the façade. Clearly, this would be a ridiculous result. Further, the University relied, in good faith, on the determinations of two Zoning Administrators and their staffs, to resolve this inherent conflict between the PUD-granted flexibility and the exterior design.

The PUD drawings provided for two garage entrances/exits: one on 19th Street and one on 20th Street. These two garage entrances were needed originally because the project was to be built in two phases as provided in Condition No. 11 of Order No. 746[7]. A second garage entrance was not provided as a response to a specific traffic circulation problem or pattern, but rather, it was provided so that access to the garage would be available to Phase I as Phase II was being constructed. As a result, the original PUD drawings show garage entrances on 19th and 20th Streets merely to accommodate the originally planned phasing in construction and operation.

The University however, is developing the project in a single Phase; therefore the two garage entrances are no longer necessary. While the AGC had planned to operate the commercial side of the facility separately from the residential, the University will operate the facility as an integrated whole. The University is now the "tenant" and elimination of the garage door can be done to "accommodate" the tenant pursuant to Condition No. 15(b). It is extremely relevant that there is nothing in Zoning Commission Order No. 746 that requires, or hints at the necessity of, two garage entrances. It simply was not an issue that even warranted discussion during the Zoning Commission deliberations on the AGC PUD. Further, as the letter from

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7 "The entire PUD project may be developed in two phases; that is, the residential component being one phase and the office component being the other phase."

Gorove-Slade Associates demonstrates, no adverse traffic effects result from eliminating one garage entrance (see Exhibit E). Finally, there is no evidence in the record which supports the BZA' s conclusions that the second garage entrance was a major land use decision issued by the Zoning Commission.

Upon reviewing the terms and conditions of Order No. 746, the University believed that Condition No. 15 (b), (c) and (f), provided the flexibility necessary to permit the elimination of the 20th Street entrance. These conditions specifically granted GW the flexibility to

> b. Change the location and design of all interior components including partitions, structural slabs, doorways, hallways, columns, stairways, location of elevators and electrical/mechanical rooms, so long as the variations do not change the exterior envelope of the building including the penthouse;
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> c. Make minor adjustments in the window detailing, including the flexibility to shift the location of entrance doors on the ground floor to accommodate tenant uses;
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> f. Change the location and types of parking spaces provided, increase the number of spaces provided and make other modifications to below-grade space to accommodate the needs of office tenants, residential tenants and handicapped person, including the potential elimination of a level of commercial parking without reduction of the total number of required spaces.

(Emphasis Added.)

However, to be totally certain of its interpretation of Order No. 746, the University obtained confirmation from Armando Lourenco, the Acting Zoning Administrator (see Exhibit B). The current Zoning Administrator, Michael Johnson, then confirmed Mr. Lourenco's determination that the 20th Street garage could be eliminated pursuant to the flexibility of Order No. 746. It is difficult to see how the University could have been more thorough and/or diligent. It seems extremely unfair to punish the University for its justified reliance on the determinations of two consecutive Zoning Administrators.

The University has relied on a validly issued building permit and begun construction. If the University is required to construct the 20th Street garage entrance, the cost will be staggering: the second ramp to be provided in this garage will displace an already constructed portion of the foundation of the building, at a cost in excess of $16 million. More important than the cost, however, is the potential delay in the provision of housing for the University's students. The current project will be completed by the fall semester 2002. If the University is required to cease construction and redesign the building, the availability of this housing will not likely be available until fall 2004, if at all. This is not a situation where the University plowed ahead with its plans, failing to seek outside input; rather, this is a situation where the University went through all the proper channels, checked and double-checked. To impose a $16 million punishment on GW would be unfair and punitive.

D. Use

The BZA found that the Zoning Administrator lacked authority to approve a "change of use" in the PUD. This finding, however, was not based on any testimony or other evidence in the record and was not even mentioned during the BZA's June 5th decision meeting. The conclusion that the use approved by the Zoning Administrator has changed from that permitted by the PUD Order is seriously flawed, contrary to existing law and without basis of evidence in the record.

The University's proposal does not change the use as permitted by the Zoning Commission's Order. The Board mistakenly suggests that the PUD Order permits only "commercial office uses" (Emphasis added, BZA Order, Finding of Fact #69, Finding of Fact #73, Conclusions of Law page 20). However, Zoning Commission Order No. 746 contains

no such constraint. Condition No. 2 of Zoning Commission Order No. 746 states "the PUD site shall be mixed developed with mixed use buildings including residential and commercial uses with below grade parking." Condition No. 3 also sets FAR limitations on the "commercial use" and the "residential use" without further limiting the types of commercial and residential uses permitted. The Zoning Commission Order imposes no constraint on who, or what uses, can occupy the commercial portion of this building, nor does it restrict what type of residential uses may occupy the building.

There are a many uses that are permitted as a matter of right in the C-3-C Zone District including a university. This issue of whether a university use is permitted in a commercial zone has been resolved by the District of Columbia Court of Appeals. In fact, the Court stated that the BZA does not have the power, or the authority, to amend the Zoning Regulations and to prohibit a university use from a commercial zone, where it is permitted as a matter of right, because it would be exercising powers reserved exclusively to the District of Columbia Zoning Commission. Spring Valley Wesley Heights Citizens Association v. District of Columbia Board of Zoning Adjustment, 664A.2d434, 436 (D.C. 1994). To read the PUD Order, as the BZA has done, would essentially require the PUD owner to ignore all other permitted uses and restrict its marketing of the commercial portion of the building to one use - office.

Clearly, this is not what the Zoning Commission intended. In fact, the Zoning Commission's own precedents in other PUDs suggest that when the Zoning Commission determines that a particular use -- notwithstanding that it is allowed as a matter-of-right in the underlying zone -- is not desired in the PUD, it specifically calls out a prohibition as to that use. This is the manner that the Zoning Commission has regulated PUDs since the 1970's and continues to do so through the present.

A brief review of Zoning Commission Orders has produced numerous PUD Orders where the Zoning Commission has granted a PUD and contemporaneous Zoning Map amendment and then specifically excluded particular uses that would normally be permitted as a matter-of-right in the new zone category. For instance:

(1) Zoning Commission Order No. 457, June 7, 1985, (Brookings Institution). The zoning of the subject property was changed from the R-5-D Zone District to the SP-2 Zone District and the Zoning Commission specifically limited uses permitted in the PUD to only "office and support uses and residential uses." It further limited the office use to only "those office uses permitted in the SP District" and the residential to "single family dwellings, flats or apartments [but not] any transient accommodations." (Z.C. Order No. 457, Condition No. 2.)

(2) Zoning Commission Order No. 519, April 3, 1987 (Abrams and Associates).The Zoning Commission established comparable prohibitions on certain matter-of-right uses in Order No. 519, which approved a mixed-use development at Wisconsin Avenue, Jenifer and 43rd Streets, N.W. This Order rezoned the subject property to the R-5-C and C-3-B Zone Districts, but specifically excludes "any professional office, e.g., doctors, dentists, attorneys, and other professions" notwithstanding that these uses could be permitted as a matter of right in the new zones. (Z.C. Order No. 519, Condition No. 4.)

(3) Zoning Commission Order No. 528, May 8, 1987, (Miller Companies). Similarly, in Order No. 528, the zoning was changed to R-5-C and C-3-B, but the Order specifically prohibits "movie theaters" and "any professional office uses, e.g., doctors, dentists, attorneys and other similar professions" (Z.C Order No. 528, Condition No. 2).

(4) Zoning Commission Order No. 638, November 13, 1989 (Gramercy). Likewise, the PUD and Zoning Map amendment approved by Order No. 638 which changed the zoning to the C-4 Zone specifically forbids any "hotel, motel, boarding house and private club uses or activities of any kind" on certain floors of the development; requires that residential leases be "for a minimum of 12 months"; and that no residential unit in the building be "leased to any corporation, partnership, association, joint venture, government agency, trust, estate, or the like." (Z.C. Order No. 638, Condition Nos. 11, 12 and 13). These uses would normally be permitted pursuant to the rezoning of the subject property from SP-2 to C-4.

(5) Zoning Commission Order No. 404, October 8, 1999 (4717-4727 Wisconsin Avenue). In a similar vein, Order No. 904 which rezoned the subject property to the C-2-B Zone District, specifically excludes "fast-food establishments, dry cleaning establishments, establishments that hold or intend to hold a liquor license . . . or establishments that operate 24 hours a day" that would otherwise permitted in the new zone. (Z.C. Order No. 904, Condition No. 8.)

(6) Zoning Commission Order No. 484, March 10, 1986 (Catholic Conference). The Zoning Commission rezoned the property to SP-1, but restricted the use of the property to "offices of the National Conference of Catholic Bishops and the United States Catholic Conference, any successor affiliated organization, or other non-profit organizations which are related to the other institutional uses in the area" (Z.C. Order No. 484, Condition No. 2).

(7) Zoning Commission Order No. 906, November 24, 2000 (Solar Building). Very recently, in the Solar Building Order, the Zoning Commission approved a change in zoning to the C-4 zone but restricted the types of retail uses to: "bank or financial institution, bar or

cocktail lounge only as part of a restaurant, optician, jewelry store, restaurant (not including fast food), reproduction services (in basement only). In addition, the following amenities may be offered as part of a concierge service: dry cleaning, shoeshine, flower stand and parcel delivery. For the purposes of this condition, a restaurant shall be a place of business where food, drinks or refreshments are prepared and sold primarily for consumption on the premises to customers seated at tables with wait service and without routine carryout service." (Z.C. Order No. 906, Condition No. 6.).

As illustrated by these precedents, when it believes it to be necessary, the Zoning Commission will prohibit specific uses otherwise permitted in the new zone through the plain language of a PUD/Zoning Map Amendment Order. If, in fact, the Zoning Commission had intended to restrict the uses in the new C-3-C Zone District it would have done so in its Order like it did in the aforementioned PUD cases. Nowhere in the PUD Order, however, does the Zoning Commission exclude college and university use from the PUD. In fact, had the University not purchased this property and had it been built by the AGC, the AGC would have, by law, been able to rent space in the AGC building to the University for college and university purposes.

Further, the Board's entire discussion of "institutional" use is misplaced. There is no such use defined in the Zoning Regulations. There is no zone district in the Zoning Regulations which permits an "institution." "Institution" does not exist as a use in the Zoning Regulations. The Board's interpretation of this point suggests that the AGC would have been prohibited from renting space to "institutions" such as the World Bank, the International Monetary Fund, the State Department, the Federal Reserve, the University or other logical users in the vicinity of the property because they are "institutions". In fact, as the record in the PUD case indicates (in the

extensions of the time sought by the AGC), the AGC's marketing efforts were directed towards attracting these types of institutions as tenants. The Zoning Commission, certainly aware of these marketing efforts, did not clarify or require that the marketing efforts should be limited to prohibit institutional uses.

The BZA errs on this issue as a matter-of-law. It reads into the PUD order words that do not exist and conditions that have not been approved. The BZA's interpretation flies in the face of 25 years of Zoning Commission PUD Orders and interpretations of such by the Office of the Zoning Administrator. Further, the cases cited in the BZA Order do not support its position. They stand for the proposition that when, and if, the Zoning Commission affixes a condition as to use, then a change in that use requires a review and approval by the Zoning Commission. In the case at bar no such change is needed. The Zoning Commission Order is quite explicit. It specifically allows commercial, residential and parking uses limited only by the caveat that no more than 5,000 square feet of the building can be used for retail uses. It contains no statement excluding use of the property by institutions, colleges or universities, churches, non-profits or any of the other hundreds of permitted uses in the C-3-C Zone District.

The BZA Order suggests that the zone change was granted only to accommodate the higher density sought by the AGC. This argument overlooks the Comprehensive Plan land use designation of the property at the time of the PUD approval, which is the reason for the Map Amendment. The property was (at the time of the PUD approval) located in the Central Employment Area and was in the "high density" commercial category on the Land Use Map (Zoning Commission Order No. 746, Finding of Fact No. 11). In fact, the then-existing zone (SP-2) was inconsistent with this Comprehensive Plan Land Use Designation. The

Comprehensive Plan designation (high density commercial) of the site was the legal justification for the Map Amendment to C-3-C.

E. Appellant Did Not Meet Burden of Proof

Finally, the University asks the Board to reconsider whether the appellant in this case met its burden of proof. As this Board concluded in BZA Appeal No. 16604 an appellant must prove by a preponderance of the evidence that a building permit has been issued in error because the proposed building would violate Zoning Regulations. Therefore, the onus was on the appellant to show by a preponderance of the evidence that the permit was wrongly issued. The appellant did not make such a showing. The focus of the appellant's entire case was on the fact that the owner and developer of the University had changed from the AGC to the University. The appellant barely mentioned the elimination of the balconies and one garage entrance as a reason the permit was improperly issued, and the appellant never mentioned the materials issue cited by the Board as a grounds for granting the appeal. Further, no issue of change of use to institutional was ever discussed.[8] It was up to the appellant to provide a preponderance of the evidence and it failed to do so. In the absence of this showing by the appellant, the Board is compelled by its own precedents to support the Zoning Administrator's decision.

IV.
Conclusion

The University respectfully requests that the Board reopen the record and reconsider its decision to grant the appeal in this case. As herein shown, based on the inherent flexibility of

---

[8] The only change in use issue raised by the appellant was a change in the residential use, an unsubstantiated claim that it was, originally, to be a condominium, not a residential use for students.

Order No. 746, and the discretion and jurisdiction given to both the Zoning Administrator and the Commission of Fine Arts, the building permit was properly issued.

Respectfully submitted,

Phil Feola

Sarah E. Shaw

Document #: 1128484 v.3

EXHIBIT A

EXHIBIT A-1
CFA RECENT
LETER

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

20 June 2001

Dear Ms. Kress, Jerrily,

It has come to our attention that the BZA has granted an appeal of ANC 2A and a local citizen's association on the grounds that changes to a PUD design approved by the Zoning Administrator exceeded his authority on the Elliot School of International Affairs Project for George Washington University, at 1957 E Street, NW, which is now under construction. We understand that the BZA has requested changes that could significantly alter the final design approved by the Commission last year. The changes include (1) replacing cast stone as exterior cladding material above the second level with limestone, (2) adding an additional garage entrance, and (3) adding balconies to the dormitory portion of the building. The Commission has worked closely with the University and its design team throughout the development of this project to ensure that the design and materials selected were of the highest order and appropriate to the E Street corridor.

The Commission is concerned that this BZA action mandating aesthetic design changes after the issuance of a valid building permit (and in mid-construction), would be not only contrary to the established public review process, but detrimental to the approved design for 1957 E Street. Any changes to the current approved design would require that a modified design permit be submitted to the Commission for review. This will cause unnecessary delay and expense to the University and appear to overturn our careful deliberations on this project. Therefore the Commission respectfully requests that the BZA reconsider its recommendation and let the project proceed without further delay or modification.

Sincerely,

Charles A. Atherton
Secretary

Jerrily Kress, FAIA
Director, DC Office of Zoning
2nd Floor
441 4th Street, NW
Washington, DC 20001

CC to: Charles Barber, GWU
Phil Feola, Shaw Pittman
Coke Florence, SmithGroup
Thomas A. Butcavage, SmithGroup

EXHIBIT A-2
CFA MATERIALS APPROVAL

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

16 April 2001

Dear Mr. Menendez:

The staff of the Commission of Fine Arts has reviewed the material sample panel for George Washington University's new building at 1957 E Street, NW, and has no objection to the final selections as indicated in your letter of 12 April 2001 and illustrated in the drawing and photograph received and dated 13 April 2001 (copies attached). One item not listed in your letter is the color of the handrail. During the staff's inspection, it was noted that the railing in the mockup was painted a dull gray, where as the original intent was to have it more closely resemble the brushed aluminum of the window frame. We agree the railing color should approximate the appearance of the aluminum window frames.

We commend your project team for its careful consideration of materials for this structure. We look forward to the building's completion.

Sincerely,

Charles Atherton
Executive Secretary

Mr. Frank Menendez
SmithGroup Incorporated
Suite 250
1825 Eye Street, NW
Washington, D.C. 20006

Attachments

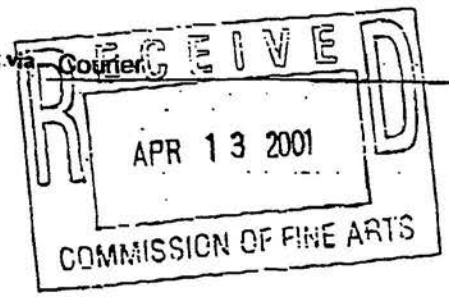
Memorandum of Transmittal

SmithGroup

SmithGroup Incorporated
1825 Eye Street NW
Suite 250
Washington, DC 20006
t: 202 842 2100
f: 202 974 4500
www.smithgroup.com

Frederick Lindstrom	April 12, 2001	25144
Name	Date	Project No.
Commission of Fine Arts	GWU - 1957 E Street Project	
Address	Project Name	
National Building Museum	Washington DC	
	Location	

We are sending to you, ☒ Attached? ☐ Under separate cover, via Courier the following:



Comments

Dear Mr. Lindstrom,

As per our conversation during your site visit today, the following is a requested list of the materials to be used in the façade of our building. These are consistent with our previous presentation to you and the full Commission of Fine Arts. Attached you will also find a sketch (SKA-186) and a photograph of the site mock-up indicating the materials shown.

Designation	Material	Building location
ST-1	Verigated Limestone (1)	Base of building on all three sides, up to the second floor level.
ST-2	French Limestone (Bayonne Gris, shown on right side of mock-up).(2)	Horizontal accent banding within verigated limestone base.
ST-3	Woodbury Granite (University standard)	Located at ground line, all three sides of building.
ST-4 & 6	Granite paving	Paving (in a pattern) at all three main entry points of building.
PCC-1	Precast panel (3)	Second floor and above, at each of the two side pavillions and East and West sides of building.
PCC-2	Precast panel (4)	Second floor and above, at central body of building and across entire 7th floor level.
PCP-1	Precast paving	Sidewalk paving at 19th, 20th and E Street sides of Project site.

Window Glazing	Four types used throughout: Vision glass at multiple locations. Shadow box at Bay window floor levels. Spandrel glass at various locations. Translucent glass at areaway windows (Basement Lobby).
Window system and railings	Throughout building. Colors to match.

Notes:

1 Please note that entire Mock-up was wet due to overnight rain. True color of stone's mid-range can be seen in photo as loose 12x12 sample (right side, at base).

2 Two different stones were provided for mock-up. The Bayonne Gris (right side) has been selected and approved for the project.

3 Color of PCC-1 installed on mock-up was previously deemed as too "tan". Color modulation selected for project can be seen at loose central 12x12 at base of mock-up.

4 Color sample of PCC-2 was not installed on mock-up. It can be seen at loose 12x12 sample on the left side of base.

We would like to thank you for your help this morning and throughout the various presentations to the Commission. We would also like to thank you for your offer to follow up today's visit with a short summary of the issues discussed.

Sincerely,

Frank Menendez

cc: M.Honey/GWU
D.Wellman/GWU
T.Butcage/SG
25144/3.06

EXHIBIT A-3
GWU's PROPOSAL FOR MATERIALS

Memorandum of Transmittal

SmithGroup

SmithGroup Incorporated
1825 Eye Street NW
Suite 250
Washington DC 20006
t: 202 842 2100
f: 202 974 4500
www.smithgroup.com

Frederick Lindstrom	April 12, 2001 25144/306
Name	**Date** **Project No.**
Commission of Fine Arts	GWU - 1957 E Street Project
Address	**Project Name**
National Building Museum	Washington DC
	Location

We are sending to you, the following: ☒**Attached?** ☐**Under separate cover, via** Courier

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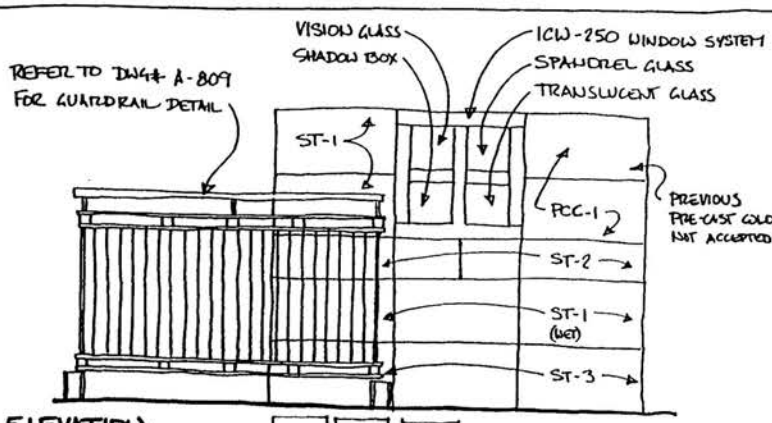
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Sincerely,

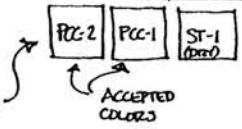
Frank Menendez

cc: M.Honey/GWU
D.Wellman/GWU
T.Butcage/SG
25144/3.06



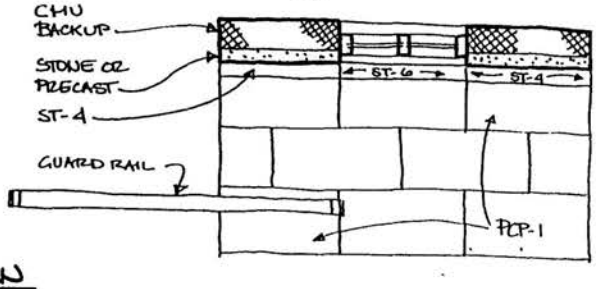


ELEVATION
N.T.S.

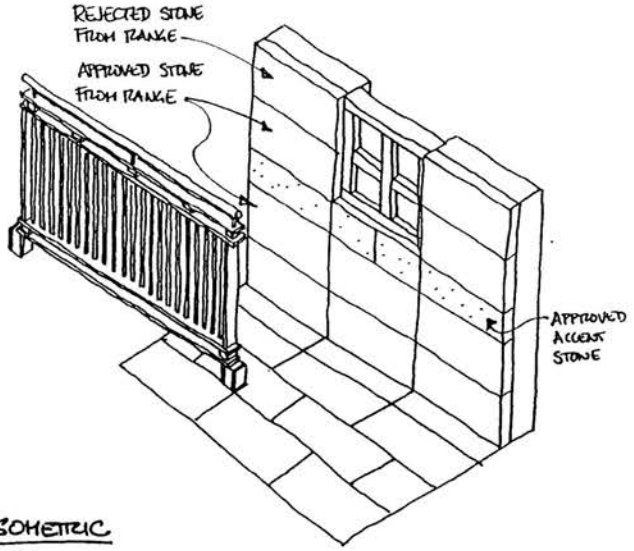


12x12'S
SHOWN IN
PHOTOGRAPH

ACCEPTED
COLORS



PLAN
N.T.S.



ISOMETRIC
N.T.S.

PROJECT: GEORGE WASHINGTON UNIVERSITY - 1957 E STREET PROJECT		PROJECT NUMBER: 25144	DATE: 4/12/01
TITLE: COMMISSION OF FINE ARTS - BUILDING EXTERIOR MOCK-UP		SCALE: NTS	SHEET: SKA-186
KCF-SHG			

EXHIBIT A-4
GWU's CFA
PROJECT
APPROVAL

25144/3.02

COMMISSION OF FINE ARTS

NATIONAL BUILDING MUSEUM
441 F STREET, NW, SUITE 312
WASHINGTON, DC 20001

PHONE: 202 504-2200
FAX: 202 504-2195

FACSIMILE

Date: 8 JUNE 2000

To: FRANK MENENDEZ **From:** F.J. LINDSTROM

Org:

Fax: (202) 974-0750

Phone: (___)

☐ Urgent ☐ Reply ASAP ☑ As Requested ☐ For Action ☐ FYI

REMARKS:

S.L. 00-052 Action

AS PER your REQUEST

F.

PAGE 1 OF 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

RECEIVED
MAR 3 2000
COMMISSION OF FINE ARTS

RECEIVED BY

Date 1 1

Filing Date 2-28-00

Staff

TRANSMITTAL LETTER - COMMISSION OF FINE ARTS

TO: The Commission of Fine Arts

The Accompanying application HPA No. _____ and SL 00-052 No. _____ is referred for considerations and appropriate action in accordance with the provisions of D.C. Law 2-144 The Historic Landmark and Historic District Protection Act of 1978 and in accordance with the following Act (s):

( ) The Old Georgetown Act, Public Law 808, 81st Congress
( ) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
1957 E ST. NW.	835	122.

Complies with the D.C. Zoning Regulations

The submitted documents were checked for general compliance of the exterior features with the D.C. Construction Codes: No objections to filing with CFA. This clearance does not constitute an approval for building permit.

Cleared to file with CFA by Permit Information Branch

NOTE BOARD
NOT FINAL ZONING APPROVAL

Zoning Division

2/28/00
Structural Section

Permit Branch

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144.

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

Recommendation: No objection to issuance of permit for proposed new mixed use building to replace the existing structure as shown in drawings received and dated 3 March 2000. See previous Action (S.L. 99-114).

J. Carter Brown, Chairman

Date 3/20/00

White=PPD Canary = HPD Pink = Record Goldenrod = Applicant

EXHIBIT A-5
MEETING
MINUTES WITH
CFA STAFF

GWU - 1957 E Street
Review Meeting

MEETING MINUTES

Meeting Date:	January 13, 2000
Meeting Time:	2:30 PM – 3:30 PM
LOCATION:	Commission of Fine Arts

PARTICIPANTS:

Commission of Fine Arts
Frederick Lindstrom
Jeff Carson

The George Washington University
Frank Poli
Michelle Honey

KCF-SHG
David King
Mark Maves
Tom Butcavage
Frank Menendez

SmithGroup

SmithGroup Incorporated
1825 Eye Street NW
Suite 250
Washington DC 20006
t: 202 842 2100
f: 202 974 4500
www.smithgroup.com

Prepared By: Frank Menendez, KCF-SHG

CC: Participants
25144/202

The purpose of the meeting was to review the incorporated CFA recommendations from the September 16, 1999 CFA presentation. The following comments were made:

1. **Bay windows at central portion of building:** KCF/SHG explained the modifications made to the depth of the central bay windows to reflect the comments made by CFA at the September 16, 1999 presentation. The CFA Staff concurred with the modifications. Mr. Lindstrom and Mr. Carson agreed that the modifications reflect the comments, although there was discussion of the merits of both the original and the current design. This issue will hopefully be resolved at the next working drawing presentation to the Commission.

2. **Paving at adjacent sidewalk:** KCF/SHG asked for comments on the material to be used at the site sidewalks. The current PUD documents call for concrete pavers, but the Client would like to explore the use of a brick or brick-sized paver (6"x12"). The CFA Staff suggested to retain concrete as the material or color, but to explore a paver size that approximates a brick pattern and size. KCF/SHG will present recommendations at the next meeting.

3. **Building entry canopies:** The CFA staff asked that the design and detailing of the entry canopies be further documented at the next meeting.

4. **Building flagpoles:** The CFA staff indicated that the flagpoles as presented were too short in proportion to the building height. In addition, they suggested that the flagpole base be studied and further developed to provide better visual anchoring to the ground.

5. **Material detailing at corners:** The CFA staff asked that careful attention be paid to the detailing of the building's corners so as to avoid a reading of veneer edges (for stone or pre-cast panels). The detailing of these elements will be fully documented for the next CFA presentation.

6. **Next CFA presentation:** The next working drawing presentation for this project to the full Commission will be scheduled for March, 2000. KCF/SHG will request the review to be included in that month's agenda.

These meeting minutes represent the opinion of the writer. Should you have any clarifications, comments, revisions or additional information to provide with regard to the information contained within these meeting minutes, please provide a written response within 5 days of receipt.

EXHIBIT A-6
CFA's CONCEPT APPROVAL OF GWU PROJECT

fabric of the house. Mr. Martinez said there had been some concern expressed by the staff of the Historic Preservation Review Board, who felt the original windows should be kept if they were in good condition, and interior storm windows used for energy savings.

The Vice-Chairman thought that as long as the one-over-one configuration was kept in the same proportions and details, the replacement should be acceptable. The Assistant Secretary explained that what concerned the Board had been the mechanism for raising and lowering the window, which could be seen from the street. The architect, Michael Beidler, was then introduced, and he said that the traditional weight system could be used with the new sash, and that would eliminate the unsightliness objected to by the Board. The Chairman asked the staff to monitor this and work with the Board; Mr. Lindstrom suggested that one sash be installed for everyone to see, and if there was no significant change, Mr. Kaye could be authorized to go ahead. There was agreement among all the members that this should be the procedure. The remainder of the Appendix was then unanimously approved.

2. Shipstead-Luce Act

(The agenda order was changed and item H.2.b. discussed first.)

b. SL 99-114, 1957 E Street, N.W. George Washington University. New mixed-use building. Concept design. (Previous: SL 93-70.) Mr. Lindstrom said this building would be just to the east of the Red Cross building, discussed earlier in the meeting. It would be a new mixed-use building for The George Washington University. He recalled that the same firm, KCF/SHG, had submitted a design for the site in 1993, and he said the new proposal would have the same PUD limitations placed on the property in that year. He introduced David King and Tom Butcavage from KCF/SHG, who then introduced Frank Poli, director of facilities for the university. Mr. Poli said they were very excited about this project and the creation of a new south entrance to the university from Rawlins Park, and he hoped the Commission, too, would be pleased with it.

Mr. King then discussed the design. He said that like the 1993 proposal, it was comprised of three distinct elements: in this case they would include a residential portion on the west, consisting of an apartment-style dormitory; a block of undergraduate classrooms in the center topped with offices; and on the east, accommodations for the Elliott School of International Affairs. He observed that the original tripartite massing with pavilions on the ends and a gallery in between made a lot of sense for the university's program, and it had been retained in its entirety. He noted on the drawings the strongly-expressed pavilions with basically a punched window treatment and the set-back center section with its different window articulation and large amount of glass above the second story. Mr. Butcavage showed a photo of the nearby GSA building with a similar massing and also showed the floor plans, describing the various office, classroom, and dormitory spaces. Mr. King pointed out differences between the original and the proposed buildings, noting that the setbacks at the

top, the penthouses, and the overall height remained the same as approved in 1993. He said the ornamentation was a little simpler, the balconies for the original condominiums had been removed, and the corners were a little stronger, not as glassy as before. The principal entrance would be in the center section, with other entrances into the dormitory and Elliott School sections. The Chairman asked about the north facade and entrances there, and Mr. King said it was primarily a party wall condition; the building would adjoin an existing dormitory and there would be no entrance on that side. He then showed drawings of the east and west elevations, which tended to be extensions of the treatment of the south facades of the pavilions.

Turning to the materials, Mr. King said they were proposing a granite water table and a combination of different limestones for the pavilions and the recessed center section. The color would be slightly more grey in the center section and the set back top story. He said the university would like to get the Commission's permission to use precast above the base if the limestone proved to be too expensive. The Chairman said some of the new cast stone was quite beautiful and could be used as long as it was not too close to eye level. Window frames would be blond or putty color with clear glazing. Mr. King also talked about increasing the crystalline character of the bay windows and diminishing the horizontal demarcation of the floors.

The Chairman thought the central section really should be set back a little farther to get more of the sense of a U-shaped building, similar to other buildings in the neighborhood, if it didn't cut into the square footage too much. Mr. King said the masonry actually dropped back six feet, but the bay windows then came forward a couple of feet. Mr. Brown said that might be the problem; the setback was negated by the projecting bays which really did not provide that much more usable space on the interior. He thought the important thing for the streetscape was to break up the long facade and reinforce the idea of three buildings rather than one. The Vice-Chairman agreed, saying he liked the bookend effect of the pavilions holding the glass center in a U-shape. In general, the Commission was pleased with the concept design, and it was unanimously approved, with the request that Mr. King bring in another version of the north facade with a stronger sense of a center setback.

a. SL 99-112, 2600 Pennsylvania Avenue, N.W. New apartment building. Concept design. Mr. Lindstrom said this would be a new apartment building on the site of a recently-demolished gas station, next to the Salvation Army building at the bridge crossing into Georgetown, bounded by 26th Street, Pennsylvania Avenue, and L Street. He then introduced the architect, Stephen Banigan, to make the presentation.

Mr. Banigan said one of the unusual features of the site was that it was bounded by small triangular green spaces on three sides. He noted that the adjacent Salvation Army building was five stories high, and said his building would be 90 feet high, the limit for the site. There would be eight stories, seven residential with four apartments each, with retail on the ground

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

21 September 1999

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

S.L. 99-114	1957 E Street, NW George Washington University	New mixed-use building. Concept.

RECOMMENDATION: No objection to the concept design for a new mixed use building to replace the existing structure as proposed in drawings received and dated 3 September 1999. Recommend further study of the cental portion of the south facade to increase the setback of the main mass without diminishing the plasticity of the glass bays. File new submission of working drawings and construction documents including details and material samples, with permit application for review by the Commission when ready. See previous Action: (S.L. 93-70).

LOTS - 800, 801, 829, 830 & 832 SQUARE - 122

Jeffrey R. Carson
Assistant Secretary

THE COMMISSION OF FINE ARTS

COMMISSION MEETING

Washington, D.C.

* * *

The meeting of The Commission of Fine Arts was convened at 10:13 a.m., Thursday, September 16, 1999, at the Pension Building, 401 F Street, N.W., Suite 312, Washington, D.C., J. CARTER BROWN, Chairman, presiding.

In Attendance:

J. CARTER BROWN, Chairman

HARRY G. ROBINSON, III, Vice Chairman

ANN TODD FREE, Commissioner

EMILY MALINO, Commissioner

EDEN RAFSHOON, Commissioner

Staff:

Charles Atherton, Secretary
Jeffrey Carson
Fred Lindstrom
Jose Martinez
Susan Kohler

EXHIBIT A-7
MINUTES AND TRANSCRIPT FROM CFA SESSION APPROVING GWU PROJECT

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

TO: FRANK MONEMDEZ
KCF
FAX 974-4500

FROM: F. J. LINDSTROM

FAX NUMBER: (202) 504-2195

CONSISTS OF 2 PAGES FOLLOWING THIS SHEET

DATE: 1 Nov 99

TIME SENT: 11:40

If you do not receive pages as indicated, please phone

(202) 504-2200

As per your request for a copy of the minutes RE: SL-99-114

F.

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Status Report: Taft Bridge Lions 9

SUBMISSIONS AND REVIEWS

National Park Service

CFA 16/SEP/99-1, Mahatma Gandhi Memorial. U.S. Reservation 58, Massachusetts Avenue and 21st Street fronting the Embassy of India. Inscriptions, site design and base: revisions. Design Development. (Previous: CFA 15/JUL/99-2.) 18

National Red Cross

CFA 16/SEP/99-2, American Red Cross Building. 2025 E Street, NW. Addition of new building. Final. (Previous: CFA 20/MAR/97-3 for design development and 15 October 1998 for Administrative discussion of proposed MOA.) 39

Department of the Army

CFA 16/SEP/99-3, Fort McNair, New Landscaping and perimeter security additions for the P Street, SW., entrance. Design. 92

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Federal Communications Commission

CFA 16/SEP/99-4, Federal Communications Commission. Portals II Building. 445 12th Street, SW., Roof-top multiple antennae installation. Design. 105

General Services Administration

1. CFA 16/SEP/99-5, Federal Aviation Administration Building (FOB 10A). Independence Avenue and 7th Street, SW. Perimeter security alterations. Revised Concept. (Previous: CFA 15/ JUL/99-9). 105

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6. CFA 16/SEP/99-10, Ronald Reagan Building and International Trade Center. 1300 Pennsylvania Avenue, NW. Federal Triangle. Signs. Final. (Previous: CFA 18/FEB/99-5). 139

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7. CFA 16/SEP/99-11, Ronald Reagan Building and International Trade Center. 1300 Pennsylvania Avenue, NW. Federal Triangle. Perimeter security alterations. Design. 147

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1. Old Georgetown Act

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2. Shipstead-Luce Act

   a. SL 99-114, 1957 E Street, NW. George Washington University. New mixed-use building. Concept design. (Previous: SL 93-70.) 212
   b. SL 99-112, 2600 Pennsylvania Avenue, NW. New apartment building. Concept design. 235

MS. MALINO: Right here.

MR. KING: That's right. That's from the old days. And the third is a block on the east for the Elliott School and that planning, that program now is sort of logically reflected throughout the building.

CHAIRMAN BROWN: Now the Elliott School is part of GW?

MR. KING: Yes, it is. All three components are part of GW.

CHAIRMAN BROWN: School of what?

MR. BUTCAVAGE: International affairs.

CHAIRMAN BROWN: All right.

MR. KING: Now, as a diagram, as I just mentioned, programmatically the Elliott School undergraduate classrooms and offices and a dormitory. So the original massing, the tripartite massing with the pavilions and the gallery in between actually ended up making a lot of sense for us programmatically and we've retained that in its entirety. There is two strong pavilion pieces at either end. There's a setback and representing the center section you have the windows articulated differently as you look straight to the south.

It is symmetrical and we think that's befitting its prominent location on the park. And as you'll see when we get through the drawings, then represented in two ends and a center very simply.

MR. BUTCAVAGE: Here is an image of the GSA building which sort of recalls that massing.

MR. KING: And as we move through some of the ornamental schemes and development of the architecture, keep that image in mind because as we went into the project, the second time around, that we felt some of the original moves were actually a little unfortunate and should be addressed. Very--

CHAIRMAN BROWN: Do you have any image of what's there now? Is that on that board?

MR. KING: Yes, we'll get to that in just a moment.

CHAIRMAN BROWN: Okay.

MR. KING: Very briefly we're able because of the original massing to actually capture the classroom volume by deleting some of the original office space so there's actually less overall density. There's--obviously modern classrooms require extra floor to floor heights and that is in the first level below grade and then in two grand levels as you move above grade.

The Elliott School then is located in the mid-section and it's fundamentally sort of an office type application and there's a proposed executive education, sort of post-graduate training facility, then on the top floor, which would have some training and some dining-type facilities, some lounge spaces. Those are represented in the pavilions and the center of the gallery and then on the left-hand pavilion is the residential, which is again configured like apartments, is used like a dormitory.

MR. BUTCAVAGE: We brought the floorplans just to look at fairly quickly. Again, the ground floor with a large classroom, level of classrooms in the basement. Moving to the second floor, another level of classrooms. On the third and fourth floor would then be the Elliott School spaces, also on the fifth and the sixth, and then at the penthouse level there's some program space along with mechanical space and that would enjoy terrace views into the park.

MR. KING: And you asked about the original elevation. We've actually reconstructed that in a modern computer system to get an accurate rendition of it. It had a condominium apartment house on the left-hand side that actually had balconies, you know, the usual kind of thing, a series of widely spaced bay windows that are targeted toward an office rhythm and then a pavilion. Pavilions, you know, matched vaguely.

There were some other things in terms of the ornamentation we thought was to be reconsidered. There was a number of different strategies which as GW is a single user, we were uncomfortable with the representation.

CHAIRMAN BROWN: Sure. No, it's a new program. Yeah.

MR. KING: The cornice was a little bit of a holdover from a different day and age and a little different sensibility. And so the way we've addressed that is to try hard to get these pavilions to look very much the same. Happily with a dormitory style program, you can eliminate all the balconies and so we've taken and worked hard at a punched window rendition for both of those pavilions to get them to begin to blend more literally together.

You can imagine. There's a sectional change at this point because of the lower floor to floor heights and we've gone through with some great care to try to get that to blend into the very simple pavilion and base and pavilion scheme.

The first of the two-story high layers for the classrooms is clearly represented in the base. There is a second two-story high layer that moves through at this section point and then it's individual floors above. We retain the original setbacks at the top, retain the original height, and there was a very controversial discussion of the penthouses and their impact. All of that is as approved before.

We've gone through and, again in light of the GSA, our neighbor, and where the Red Cross is going, tried to get the ornamentation to be a little simpler, a little bit more straightly French Beaux Arts classical, the fairly simple overhangs for the cornices. Now stronger corners. We've got to introduce more masonry at the corners instead of having quite as glassy a treatment.

CHAIRMAN BROWN: Yeah, I'm not quite clear as to what you mean by those corners. They look like balconies still, but there is glass to the corner?

MR. KING: There is a shadow in here that probably provides more accent for it than it's really due.

CHAIRMAN BROWN: Yeah.

MR. KING: It's actually the same type of fenestration.

CHAIRMAN BROWN: sure.

MR. KING: As was rendered here in glass. We've added a masonry column at the corner and emphasized the masonry spandrels to try to get some solidity. When we actually did some 3D models, which you'll see in a moment--

CHAIRMAN BROWN: Yeah.

MR. KING: --the glass corner sort of split the walls apart--

CHAIRMAN BROWN: I mean, you know--

MR. KING: --in an awkward way. Now we've gone through and tried to create a hierarchy for the doorways so that both the residential doorway and what is the Elliott School doorway would be representationally closer together than they were originally and then GW's doorway really servicing the undergraduate classrooms has its sort of

Excerption from the transcript of 16 Sept. 1999 CFA meeting for the presentation on the 1957 E Street, NW proposal:

CHAIRMAN BROWN: All right. Thank you. Okay. Next is Shipstead Luce; right?

MR. LINDSTROM: Yes, and we're going to flip the order here because the next one up, the people for 2600 Pennsylvania are stuck in traffic. They had a slight delay. They had a tree come down in front of them. So we'll proceed with your permission to Case No. SL 99-114, which is for a new building at 1957 E Street, N.W., and it is the building that is actually to the east of the Red Cross Building.

CHAIRMAN BROWN: We know the neighborhood now quite well.

MR. LINDSTROM: This is a new mixed use building for George Washington University. There had been a proposal submitted by the same firm several years ago in '93. This design is using the exactly the same PUD limitations that were placed in '93 for this piece of property. So they're not breaking any new ground on that. They are working solely within what they had done previously.

Here today we have David King and Tom Butcavage--did I say it right--from KCF/SHG to talk about their design. David.

MR. KING: You did very well. Thank you. Mr. Chairman, if I could, very briefly, I'd like to introduce Frank Poli, who I hope you'll see a lot of in the future. He's director of facilities now for GW.

CHAIRMAN BROWN: Wonderful. Congratulations. Welcome.

MR. POLI: Thank you. And we're very pleased to be here and very excited about this major project to create a new entrance for the campus on Rawlings Park [phonetic], and we hope you like what KCF has done with this as we bring you forward and we are ready to proceed. So we hope you like what we have done.

MS. MALINO: Excuse me.

MR. POLI: Yes?

MS. MALINO: What is Rawlings Park basically? E?

MR. POLI: E Street.

CHAIRMAN BROWN: It's the one with all the magnolias that come out in the spring and just--

MR. KING: As was mentioned by Fred earlier, this is a reconsideration of a building we did a number of years ago and happily we have GW as now the new owner of the project and it is comprised of three key ingredients. There is a residential portion on the western side of the site that is going to be a dormitory. That will be built as an apartment style dormitory.

MS. MALINO: It's right here.

MR. KING: There is a block of undergraduate classrooms and a center that are topped with offices.

MS. MALINO: We have a--

MR. KING: Excellent. You've already been--

MS. MALINO: From another project.

MR. KING: Oh, we can point to it.

character as a centerpiece, their seal above it in transparent metallic treatment as they're doing with gateways, et cetera.

CHAIRMAN BROWN: Well, the actual users of the classroom, unless they happy to be lucky enough to be in that dormitory and roll out of bed will have to be coming from the university to the north.

MR. KING: They will, around both corners.

CHAIRMAN BROWN: If they can, they will find a shortcut. Is there a way in from the other side?

MR. KING: They cannot shortcut through the dormitory. No, that would be impossible. They could--the lobbies do interconnect so they could, if they were coming down this side shortcut through the Elliott School doorway and get over.

CHAIRMAN BROWN: But there is no entrance on the north side? We haven't looked at the north side yet.

MR. KING: We have an elevation. It's relatively grim. It's mostly a party wall condition next to--

CHAIRMAN BROWN: I see because you're right--you're right next to yourselves; right? It's GW to the north?

MR. KING: Yeah. Could you find those, Tom? Yes. There's an existing dormitory behind this facade.

CHAIRMAN BROWN: Does save some of the--

MR. KING: This is actually a good way to look at it.

MR. LINDSTROM: Actually Miss Ross has very nicely providing--

CHAIRMAN BROWN: Yeah, right. Well, thank you.

MR. LINDSTROM: They have a parking lot here to the west and then to the east is one of the other GW dormitories.

CHAIRMAN BROWN: Uh-huh.

MR. BUTCAVAGE: Mitchell Hall. It's a dormitory.

MR. KING: And so where we have the ability and very few areas we'll be putting windows on a brick facade, but there's very little of it that you'll ever see from the street itself.

CHAIRMAN BROWN: So if the residents of that dorm worry about their view, they simply don't graduate.

[Laughter.]

MR. LINDSTROM: In all humor and just, we've made the suggestion for this back courtyard that they put one of these large posters like they have over at the MCI watching in and looking over the students.

MR. KING: So from the street edge it's largely--

CHAIRMAN BROWN: But if you're coming from another class, is there a way of getting into the building--

MR. KING: No.

CHAIRMAN BROWN: --this way rather than going around?

MR. KING: Unfortunately not. We don't control any of that. That's Mr.--

CHAIRMAN BROWN: Okay. You can't get through there. Okay.

MR. KING: Right. Moving into some more detail--excuse me--the site elevations which we failed to talk about. Then, as we turn on 20th Street, and again this is the residential component, the dormitory, there are two bay windows that we're utilizing to

sort of structure their composition away from the parking access. On the Elliott School side, it tends to be an extension of that pavilion treatment, the punched window treatment, down the sides. And we actually have good three-dimensional views of this in just a moment.

CHAIRMAN BROWN: Okay.

MR. KING: In terms of materials, before we get into those, GW understands the requirements of the PUD and what we're proposing is a granite water table and then a combination of limestones for the facade. And those are variegated Indiana limestone--

MS. MALINO: Same samples.

MR. KING: --for the front pavilions and the base so these pieces would be in the softer, blonder limestone, and then a slightly grayer limestone for the setbacks. So the top floor and the piece where the bay windows are now articulated would be slightly grayer to help that recede.

CHAIRMAN BROWN: Good.

MR. KING: They would like for you guys to consider whether they would be able to use architectural precast concrete basically above the base so that they would retain as an option the limestone, change the tones, but possibly introduce concrete if this pencils out as uncompetitive. So that's one thing for your consideration today.

CHAIRMAN BROWN: Well, even though it's against our religion, some of the cast stone is really so beautiful these days that you can get away with it as long as it's not too close to eye level.

MR. KING: A blond and a putty color window mullion system throughout as befitting those kind of traditional limestone buildings around town, clear glazing, and so then they'll--kind of funny tinted glass. We are proposing a shadow box style treatment on many of the spandrels to try to get the sort of crystalline effect on the bay window and not emphasize the horizontal striations of the floors. There are one or two conditions where we've introduced a little bit of metal spandrel and we're trying to articulate somewhere between a flatter panel and an articulated one a metal treatment for those.

CHAIRMAN BROWN: Now with the grade change down to the Potomac I would imagine that in that top story, you get one wonderful view; right?

MS. MALINO: How is that subdivided in terms of use, the top?

MR. KING: The residential portion at that party wall goes up and those are actually units. All of this is part of that professional executive training program and there would be some wonderful lounge and lobby and dining type facilities.

CHAIRMAN BROWN: And are those little punch windows going to do what you need? I mean they're fine aesthetically from our point of view, but I just wondered functionally is there any terrace we can go out there?

MR. KING: There actually is. Excuse me, Tom. Go ahead.

MR. BUTCAVAGE: There is a terrace and actually just because of the scale, each of those windows actually proves to be quite large. I mean enough to--there's a scale--

CHAIRMAN BROWN: How do you get out? Some of them are French doors or?

MR. BUTCAVAGE: Yes, yes.

CHAIRMAN BROWN: I mean eventually we'll be looking at some umbrellas up there or some--

MS. MALINO: What is that we're looking at right there? That element?

MR. BUTCAVAGE: This is a plan of, again, this would be the upper story of the residential side. This would be a plan of an executive training facility.

MS. MALINO: Oh, I see. I see.

MR. BUTCAVAGE: With a dining room and dining tables and a seminar room and a lounge.

MR. KING: Hopefully tables and chairs and not the umbrellas.

CHAIRMAN BROWN: Yeah. Well, the dining room is over then on the east end.

MR. KING: Right. The dining room is coming out of this portion.

CHAIRMAN BROWN: It should be great view.

MR. BUTCAVAGE: We did photograph from Mitchell Hall at that level and there are good views of the Mall, of the monuments.

MR. KING: So on the third dimension, that starts to look like this and again in looking at the neighbors and thinking about the GSA and everything, we wanted to work on the solidity of these corners to get this really to wrap and read as a pavilion with an axial orientation. We've pulled the bay windows out and actually down to try to get them to read as more crystalline and actually more effective.

Coloration, again, I think we're not going to be quite as dirty yet as the GSA is, but hopefully we'll be using close to the same materials. You can see in the detail the kind of ornamental, and like in a graphic treatment over the main doorway. We have not yet finished developing all the site work, but we'll do a good job, I think, of handling all those ramps and things that will come with those short staircases up into the building.

CHAIRMAN BROWN: I know it reduces your usable square footage, but my instinct is that that central panel really needs to be pushed back a little bit so that you get more sense of the U-shaped plan in context with those other buildings in the neighborhood that had deep bay recesses.

I know you're changing materials so that it's going to be helpful, but when you look at in three dimensions, you don't get much sense of it being set back. Now what happens inside there that couldn't give up a foot or two?

MR. KING: Well, the major circulation for our classrooms--Tom, you might get the lower floor--run right behind the front wall.

MR. BUTCAVAGE: On the second floor.

MR. KING: Right. So there's the pattern of the bay windows. The masonry actually drops back six feet. The bay windows come forward about a couple of feet to actually become bay windows. Now, obviously--

CHAIRMAN BROWN: Maybe that's your problem. I mean why do you need the windows to come back out? You're not really helping your circulation and it just seems, you know, if you could just tuck that a little further north, you would have a handsomer gestalt, but--

MR. KING: You mean flatten out the return on the bay windows with a little bit shallower or even eliminate it?

CHAIRMAN BROWN: Yeah, right. Or, you know, crimp them in, have a reverse of something. I don't know. It's, if no one else feels strongly about it, but I just worry that this is a megastructure and you've broken it up coloristically, but it's really got the field broken up three-dimensionally or it's going to read as one big long mother of a facade, which is the condition that you get further up Pennsylvania Avenue and a couple

of times where it's just too much darn building all at once. And the implication that you really have three separate buildings is the game here to help bring it back more to human scale.

And if these are not office modules that are worrying about the amount of space next to the computer, I mean if this is just circulation space, the kids can jostle each other between classes. I mean I don't think that is as critical as what it's going to look like on the outside.

MR. KING: I would agree. Obviously since we've left out a couple of floors to produce the classroom environment, there is some sensitivity to leaving more program on the table, but in terms of the depth of the bay windows themselves, maybe there's a window treatment that mimics this and in overall look it's actually much flatter or even doesn't project at all.

CHAIRMAN BROWN: Uh-huh.

MR. KING: And the other consideration might be to make sure that this second tier actually does retain its darker color.

CHAIRMAN BROWN: That's a point.

MR. KING: I noticed today driving around town in the rain that many of the--

CHAIRMAN BROWN: Now at eye level you don't recess at all, do you, virtually? I mean you just come back with a tiny fillet.

MR. KING: Between the bays is where you'll sense the masonry going down the six feet bank. The bays are closer to the front there, but--

MR. ROBINSON: Mr. Chairman, there's something very nice about the bookend effect and the sort of U-shape that holds the glass. That's the kind of expression that breaks that building up into three different pieces.

CHAIRMAN BROWN: No, I mean the classic example is the Warner Building which the Pacott Fried Building did, which is just a love. When they book-ended the old Warner and then they came out with one of the most elegant curtain walls, probably the most elegant curtain wall in this city, and that works even though it is one plane because the curtain wall becomes totally massless. I mean it is just very different thing and a rather modernist.

Here with the masonry and the three-dimensionality of the bays, you are still in the vocabulary, which is fine, of the rest of the building, but then if you're going to play that game, you've got to play it by its rules, it seems to me, to get it really embraced by your two pavilions. All right. Well, with that cavil, I mean is everyone else as happy as I am? It seems to be good contextual Washington building and is on one of our prettiest parks and it should be a great feather in GW's cap.

MR. ROBINSON: It's my favorite park.

MR. KING: Good. Thank you.

CHAIRMAN BROWN: Thank you very much. Okay. GW is after us again for a new mixed use building. All for that.

MS. MALINO: Isn't that it?

MR. LINDSTROM: That was it.

CHAIRMAN BROWN: Oh, that was it. It's mixed all right, yes.

MR. LINDSTROM: That's what we just did.

CHAIRMAN BROWN: Yes. Okay. So Appendix II is the Shipstead Luce.

MR. CARSON: We have one more project.

CHAIRMAN BROWN: All right.

MR. CARSON: It's the one prior to the GW.

CHAIRMAN BROWN: Oh, that's right. We skipped over. That's what was confusing me. Yeah. Okay.

MR. LINDSTROM: The last submission that we have under Shipstead is Case No. 99-112.

EXHIBIT A-8
MEETING
MINUTES WITH
CFA STAFF

KCF·SHG

25144
3.06

The George Washington University - 1957 E Street
8/10/99 – The Commission of Fine Arts
Presentation to Staff

KCF/SHG Incorporated
1425 K Street NW
Suite 250
Washington DC 20005
P 202.842.2100
F 202.974.4500

Attendees: Jeff Carson, CFA
Frederick Lindstrom, CFA
José Martinez, CFA
Frank Poli, GW
David King, KCF/SHG
Tom Butcavage, KCF/SHG

cc: Mark Maves, KCF/SHG
Frank Menendez, KCF/SHG
Su Sie Lim, KCF/SHG
Phil Feola, Wilkes Artis Hedrick & Lane

Prepared By: Tom Butcavage, KCF-SHG

Record of Meeting

1. The April 8, 1993 CFA concept approval has expired (concept approvals in effect for 4 years). Concept review of the project is required in addition to work drawing submission and on-site material sample review.

   KCF/SHG to file drawings with Building Department for a formal CFA concept review presentation by September 2, 1999. The presentation will take place on September 16, 1999. KCF/SHG will schedule a review session with CFA staff, to occur between September 2 and September 9, 1999. These notes will be reviewed at that meeting.

2. Generally, CFA staff members felt that the modifications to the original PUD (1993) design represent improvements to the building's appearance. Specific comments relative to the current design included:

   - The applied ornament occurring at the entrances, cornice, windows, and wall surfaces has been eliminated – the current design articulates these elements with architectural detail in a more abstract manner. The heavy curved cornice has been simplified; the current cornice consists of a deep horizontal overhang and occurs at the corner, mainly masonry, pavilions.

   - The bay windows should read as transparent and crystalline, an effect considered counter to that achieved with the reflective glass proposed.

     KCF/SHG will investigate use of clear glass and possible incorporation of "shadow-box" detail at spandrel.

   - The residential entrance and the Elliott School entrance should more strongly relate to each other – perhaps a similar overall frame with variations within each frame. This approach would be more consistent with the more symmetrical current design.

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- The 19th Street elevation appears very flat and could be articulated further. The large opening above the Elliott School entrance should read as a 'contained' bay window – more articulation is needed at the flat portion above the base.

3. Limestone and/or granite should be used as the primary material at the base (first two stories) of the building. Above that, it would be possible to use architectural pre-cast concrete in lieu of limestone.

4. Eliminating the residential balconies improves the building's appearance and contributes to the current design's more monumental, symmetrical character.

5. KCF/SHG proposes to eliminate the trellis element on the roof terrace. This was not discussed at the meeting and will be reviewed with CFA.

These meeting minutes represent the opinion of the writer. Should you have any clarifications, comments, revisions or additional information to provide with regard to the information contained within these meeting minutes, please provide a written response within 5 days of receipt.







EXHIBIT A-9
ORIGINAL CFA APPROVAL OF AGC PROJECT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

RECEIVED BY

Date___/___/___

Staff_____

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N OF FINE ART

CONCEPTUAL

TRANSMITTAL LETTER - COMMISSI

TO: The Commission of Fine Arts

The Accompanying application HPA No._____ and S.L. No. 93-70 is referred for consideration and appropriate action in accordance with the provisions of D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978 and in accordance with the following Act(s):

( ) The Old Georgetown Act, Public Law 808, 81st Congress
(X) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
1957 E Street, N.W.	835	122

Complies with the D.C. Zoning Regulations	The submitted documents were checked for general compliance of the exterior features with the D.C. Construction Codes: no objections to filing with CFA. This clearance does not constitute an approval for building permit.	Cleared to file with CFA by Permit Information Branch.
for Zoning Division	for Structural Section	for Michelle G.-Lyons Chief, PIB

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

Recommendation: No objection to concept design for proposed new building with phased office and residential components. Recommend further development of overall detail and use of limestone for finish material at lower floors. Submit working drawings and erect onsite material sample for review when ready.

J. Carter Brown, Chairman

Date 26 Apr. 93

C O N T E N T S [continued]

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c. Appendix II. 249

SL 99-113, 601 Pennsylvania Avenue, NW. Maloney & Porcelli Restaurant. 250