

Elizabeth Solomon  
440 M St. NW Apt. 4  
Washington, DC 20001  
(202) 789-7864

DIVISION OF PLANNING  
MAY -8 P1:04

Chairman Anthony Hood  
Zoning Commission of the District of Columbia  
441 Fourth St. NW  
Washington, DC 20001

**Re: Zoning Commission Case No. 00-01  
(Yale Laundry Hotel Towers)**

May 8, 2000

Dear Chairman Hood and Members of the Zoning Commission,

This letter is to request your continued oversight on and attention to a problematic zoning issue for which you requested Office of Planning review and recommendations and for which Zoning Commission action may be needed.

On February 14, 2000 the D.C. Zoning Commission voted to postpone consideration of the Yale Steam Laundry case, Zoning Commission Case No. 00-01.

At that time, Commissioners noted strong community concerns that the underlying zoning on the site (currently vacant land with several small-scale structures) would allow future construction of 130-ft. towers in a National Register Historic District comprised of average 40-ft. residential rowhouses.

This unprecedented height disparity appears to be an unintended result of 1990 zoning regulations whose consequences were not apparent until construction was proposed on the Yale Steam Laundry site late last year. The 1990 zoning also predated the creation of the Mt. Vernon Square Historic District in 1999.

Commissioners raised these concerns to the Office of Planning February 14, asking for a review and recommendations as part of OP's Large Tract Review of the project.

The Office of Planning stated that, "...the designation of the Mt. Vernon Historic District up there means that the Office of Planning should look at whether we need to change zoning in the Mt. Vernon area as well, in light of the kinds of things that were done [elsewhere near the downtown]... where we tried to make sure that the zoning was consistent with the character of the historic area that had been designated." (attachment)

The Office of Planning indicated that text changes or an overlay might be needed to correct the height disparity and protect the new historic district.

ZONING COMMISSION

CASE No. 00-01

EXHIBIT No. 22

ZONING COMMISSION  
District of Columbia  
CASE NO.00-01  
EXHIBIT NO.22

Since February 14 hearing, the Historic Preservation Review Board voted 6-4 to give conceptual approval to reduced-height towers of 120 ft. and 100 ft. Supporters of these heights used the rationale that the underlying zoning allowed 130 ft. as a “matter of right.”

Clearly, this oversight in the zoning regulations of 1990 has already had consequences. On the other hand, historic districts in Georgetown and Dupont Circle have been protected against such damage.

Given the strong concerns of the community, members of the D.C. Council, the Committee of 100 on the Federal City, and others, appropriate action should be taken before damage is done to the Mt. Vernon Square Historic District and existing and future downtown housing in that area that could be destabilized if the zoning disparity is not resolved. The new historic district in Shaw should get the same protection as districts in more affluent parts of the city.

We request that the Zoning Commission will seek draft map and text amendments from the Office of Planning and promptly schedule hearings thereon.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Solomon". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Elizabeth Solomon

Attachments

Cc: Andrew Altman, D.C. Office of Planning  
Ellen McCarthy, D.C. Office of Planning  
Councilmember Sharon Ambrose  
Councilmember Phil Mendelson

To: Zoning Commission  
From: Elizabeth Solomon <beth@planetvox.com>  
Subject: 3D Rendering of Yale Laundry towers in Mt. Vernon Sq. Hist. Dist.  
Cc:  
Bcc:

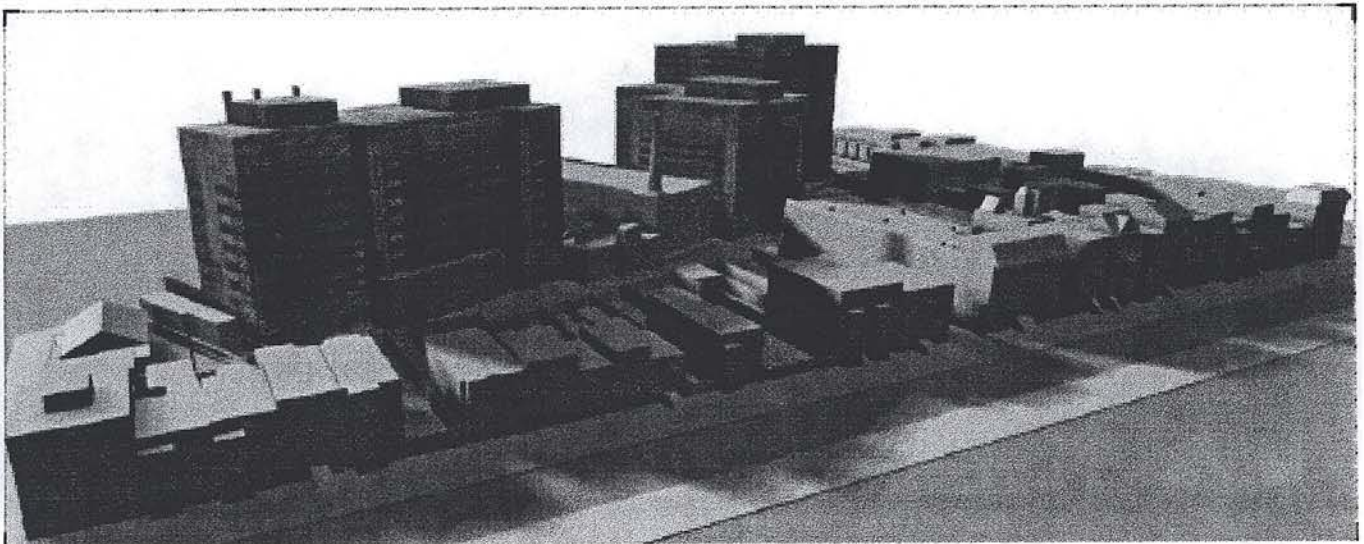
X-Attachments:

Looking South at 400 Block of M St. NW

East Tower = 110'

Middle Tower = 100'

West Tower = 130'





# Zoning dispute over Yale Laundry project lingers

By THOMAS C. HALL  
Staff Reporter

The District's Zoning Commission is asking city planners to resolve a design dispute that has arisen over a new hotel planned at the historic Yale Steam Laundry site at 400 New York Ave. NW.

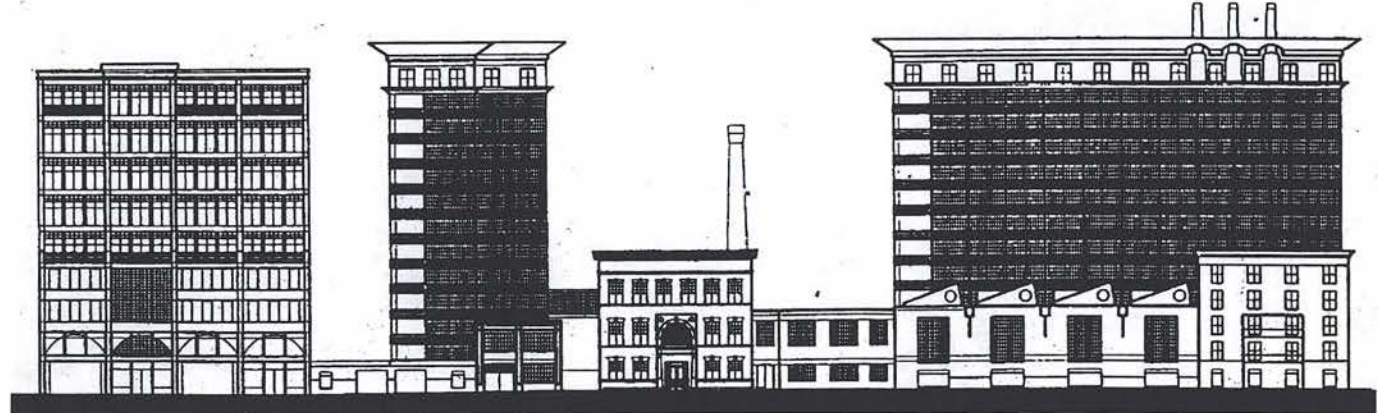
The project, currently undergoing large tract review, recently appeared headed for approval. But residents are challenging developer Michael Minkoff's plan, which includes a 406-room hotel with twin 130-foot towers, with an equally tall apartment building next door.

Although the site is zoned to allow buildings that size, some city officials are concerned that the project will tower over other buildings in the neighborhood. Most nearby homes in the Mount Vernon East Historic District are less than 50 feet tall.

"There is no other height disparity like that anywhere in the city," said Zoning Commissioner Carol Mitten, an architect.

Mitten joined the other four commissioners in asking the D.C. Office of Planning to resolve three issues being contested by some historic preservationists and residents:

- The height of the project;
- Whether it is "appropriate" to exempt the site from housing requirements, as the city's zoning administrator has ruled; and
- Whether the historic landmark designation should apply only to the Yale Steam Laundry building, which was built



Some residents say the 130-foot towers planned next to Yale Steam Laundry would dwarf the area.

in 1902. The surrounding land also was granted landmark status, which allows Minkoff to avoid the housing requirement.

Minkoff asked the Zoning Commission to postpone consideration of his request to build a pedestrian bridge linking the hotel tower to the original Yale structure, which would be converted into a lobby for the hotel.

But Minkoff vowed to stick to his design, which he said is being built "100 percent matter of right," according to existing city zoning rules.

"I'm redesigning nothing," Minkoff said. "I just want to wait until all the permits are complete before we proceed."

Nearly four dozen members of the Mount Vernon Square Neighborhood Association met Feb. 15 and endorsed

Minkoff's plan by a 2-1 margin. Some, however, expressed reservations about the project's size and height.

"We're not concerned about the hotel usage, but we have a real problem with the height," said attorney Clarene Martin, who lives near the project site. "This is a downtown-scale building, butting smack-dab up against a residential neighborhood."

Minkoff, however, contends that the project's design was made taller at the request of the D.C. Historic Preservation Review Board, which asked architect Suman Sorg to provide more setback from the historic Yale plant.

Minkoff said if the project were developed strictly as housing, as the original zoning dictates, it would be just as tall, but as much as 40 percent more

massive. Exempting the housing requirement lessens the allowable density, he said.

Kirk White, a zoning attorney and member of the Committee of 100 on the Federal City, said the neighborhood is eager to see the site developed but also has concerns about its height.

"This is a situation where a little compromise is in order," White said.

Minkoff said he has already made several design concessions to address neighborhood concerns, and the District-based developer is frustrated that the design is coming under attack in the latter stages of approval.

"The real tragedy is that this is the first big project that is being built for the convention center, and for the city," Minkoff said.



MARCH 31-APRIL 6, 2000

# Yale Laundry developer hits low point in project

By THOMAS C. HALL  
Staff Reporter

In the case of the incredible shrinking hotel, developer Michael Minkoff is being forced to slice as much as 40 feet from the height of a huge project he hopes to build in the 400 block of New York Avenue NW.

After neighboring residents and civic groups expressed concern over the project's 130-foot height, D.C.'s Historic Preservation Review Board (HPRB) sent Minkoff back to the drawing board March 23.

Minkoff plans to convert the historic Yale Steam Laundry into a luxury hotel, with apartments next door. But when HPRB balked at approving Minkoff's original plan for three 130-foot buildings, Minkoff started counting down: 120 feet ... 100 feet ... 90 feet.

No dice. Not yet.

Although a majority of board members were persuaded to approve the project as its height receded, no final vote was taken.

"I don't think it makes sense to design a building this way," said HPRB Chairman Tersh Boasberg.

The decision puts the ball back in Minkoff's court. If the project is downsized, the hotel likely would contain fewer than the 430 rooms first envisioned, and perhaps the nine-story apartment building would have to lower its profile as well.

Although Minkoff earlier had insisted the project could not be built at a lower height, his lawyer, Peter Maszak, proposed a compromise. The developer would "take away" one story, or about 10 feet, if HPRB would approve the project that day. A motion to that effect, however, fell short of a majority.

A few minutes later, Maszak was back at the microphone, as HPRB members debated the impasse.

"I know this is very unusual," Maszak said, "but my client has authorized me to lower the project to 90 or 100 feet, to obtain a positive vote by the board."

Minkoff instead was asked to reconcile the design with neighborhood concerns. Final approval is expected in April.

The outcome didn't please Minkoff, who has owned the Yale site for 18 years. "Don't call me, and don't quote me," he said after the hearing.

## Shadowed neighbors

The project literally has had its ups and downs. In November, the same review board suggested the hotel's twin towers be taller, to the full 130-foot limit permitted on the site. The taller height, the board reasoned, would allow more setback from New York Avenue to better showcase the Yale Steam Laundry, a historic landmark built in 1902.

Although HPRB granted conceptual

approval for the project, civic groups began criticizing its mass and height. Studies indicated the hotel towers would keep homes along nearby M Street NW in perpetual shadow.

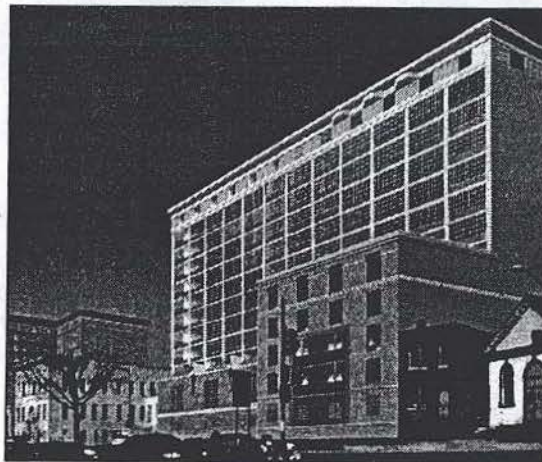
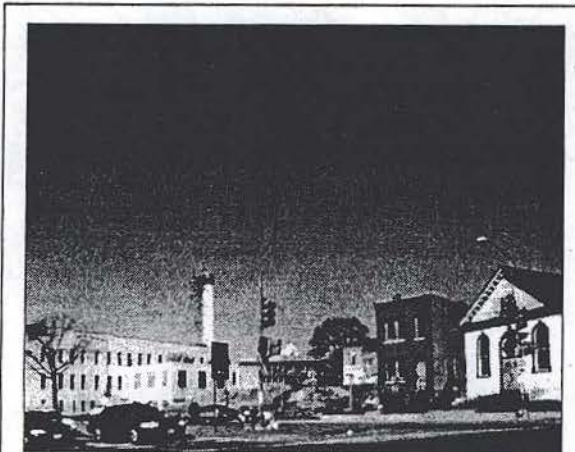
Architect Joe Passonneau, testifying on behalf of the Committee of 100 on the Federal City, showed slides of Connecticut and Massachusetts avenues, both lined with 90-foot tall commercial buildings. Passonneau recommended a similar height limit for New York Avenue, to avoid stark contrasts with a neighborhood where most buildings are no taller than 50 feet.

Passonneau said the citizens' planning group likes the project but called its current design "grossly, grossly too large and too high."

While 130-foot buildings are commonplace downtown, HPRB members were persuaded that such a height would clash with the Mount Vernon Square Historic District, which includes the Yale Steam Laundry site.

The board had been more concerned with the project's impact on the Yale landmark, HPRB member Edith Roberts said, when it granted conceptual approval last fall. "I think we maybe lost sight last time of the residential district that's behind the Yale Laundry," Roberts said.

Jerry Maronek, administrator for the D.C. Preservation League, said the group also is concerned about the height issue but feels the design by architect Suman Sorg is a "compatible solution" for a large-scale project that preserves a historic landmark.



D.C.'s historic preservation panel gave conceptual approval to a planned hotel in a Northwest neighborhood, top rendering, but reconsidered when neighbors voiced concern over a project they consider 'grossly, grossly too large and too high,' bottom rendering.

RENDERINGS PROVIDED BY COMMITTEE OF 100



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VOICE 202.588.0215  
KATERIELLISON@AOL.COM

Andrew Altman  
Director  
D.C. Office of Planning  
801 North Capitol St., NE  
Washington, DC 20002

**Re: Large Tract Review of Yale Steam Laundry Site**

March 9, 2000

Dear Mr. Altman,

The Board of Trustees of the Committee of 100 on the Federal City has voted upon and approved the following position regarding your Large Tract Review of the Yale Steam Laundry site:

The development of the Yale Laundry site has significant implications for the Mt. Vernon Square Historic District, the Shaw neighborhood to the north and the NoMa area to the south. In reviewing the proposed development, the Office of Planning will express its views on a specific proposal as well as its vision for downtown and downtown housing. Setting down clear principles now, rather than later, will guide development and prevent future proposals that threaten the integrity of the L'Enfant Plan and the Comprehensive Plan.

We ask that the issue be approached from the standpoint of sound planning and zoning, not just economic development of a specific site.

The Comprehensive Plan articulates a vision for the Mt. Vernon

(over)

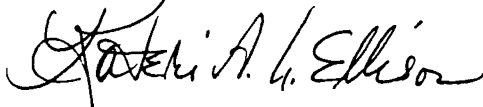
Square area that we fully support. These objectives include "new construction of new housing and retention of existing housing so that a sizeable residential component is created that will help accomplish the balanced mixture of uses essential to a 'Living Downtown'" and creating "the greatest concentration of housing in the Mt. Vernon Square area."

Zoning Regulations, established to carry out these goals, describe an area called the Mt. Vernon Square North Housing Priority Area which sets out specific housing requirements to be included in development within its boundaries. The site under Large Tract Review lies within the Mt. Vernon Square North Housing Priority Area.

It is imperative that existing residential neighborhoods near the downtown be protected. The Mt. Vernon Square neighborhood is a beautiful residential area that is home to families, working people, and senior citizens. It must not be overwhelmed or destabilized by very tall towers.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kateri A.L. Ellison". The signature is written in black ink and is positioned above the typed name.

Kateri A.L. Ellison  
Chairman



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C 20001

Phil Mendelson  
Councilmember-At-Large

Office: (202) 724-8064  
Fax: (202) 724-8099

April 24, 2000

Mr. Tersh Boasberg, Chairman  
Historic Preservation Review Board  
941 North Capitol Street, N.E. #2W15  
Washington, D.C. 20001

RE: Yale Laundry Site

Dear Mr. Boasberg:

I am writing to join the many residents advocating a lower height for the proposed development at the Yale Steam Laundry Site (400 block of New York Avenue, N.W.) Press reports indicate that the developer was willing to accept a 90' limit at your March 23rd hearing. This may not be enough.

When I authored the Ward 3 element to the city's Comprehensive Plan, I included design guidelines I had received in relation to historic districts; these can be found at 11 DCMR 1406.9. I realize that ward plan does not govern your consideration of the Yale Laundry site, but the guidelines are nonetheless instructive because they relate to historic preservation anywhere. Two are especially relevant:

*Height:* Relate the overall height of new construction (including additions) to that of adjacent structures. As a general rule, construct new buildings to a height roughly equal to the average height of existing buildings. Avoid new construction which greatly varies in height (too high or too low) from older buildings in the vicinity.

*Scale:* Relate the size and proportions of new construction to the scale of adjacent buildings. New construction should maintain the scale of existing buildings, regardless of size. Avoid new construction which in height, width, or massing violates the existing scale of the area.

I note that the predominant height of structures along Massachusetts Avenue -- where there has been post-war development -- is 90' or less. The same is true for other great avenues such as Connecticut. The Yale Laundry buildings themselves are 60' or lower.

I also note that the Yale Steam Laundry site abuts residential Shaw, which, of course, is characterized by 40' row houses. It is also proximate to the historic, two-story Fletcher Chapel at 4th & New York Avenue. Setting back the towers impacts Shaw; no setback impacts the landmarks. Either historic Shaw suffers, the Laundry & Chapel suffer, or the proposed height must both be lowered substantially and varied. I urge you to consider the latter.

Sincerely,

Phil Mendelson

cc: Andrew Altman  
Margaret Limehouse  
Scott Hoffman  
John Boardman





COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20001

March 9, 2000

Mr. Lloyd Jordan, Director  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, N.E.  
Washington, DC 20001

Re: Building and Land Administration -- Yale Steam Laundry

Dear Mr. Jordan:

I am concerned that a recent decision by the Zoning Administrator regarding a proposed hotel at the Yale Steam Laundry site on New York Avenue may demonstrate inappropriate action. The action highlights a potential pattern of continued problems in the Zoning Administrator's office: a pattern that is potentially very destructive to the integrity of zoning and land use in the District and destabilizing to neighborhoods.

The Zoning Administrator issued an opinion on September 25, 1998 effectively waiving housing requirements articulated in the Zoning Code of the District of Columbia (DCMR Section 1707.3) at the request of a private developer. This opinion, if followed, would amount to an impermissible zoning change. Zoning changes are the purview of the Zoning Commission; the Zoning Administrator went beyond the statute to grant the exemption. This is not acceptable and should be reversed by you as the Director of the Department of Consumer and Regulatory Affairs.

In a memo dated September 25, 1998, attorneys representing the owner of the Yale Steam Laundry asserted that certain historic landmarks like the Yale Laundry should be exempt from housing requirements. The Zoning Administrator signed this memo, stating "CONCUR." The opinion, if followed, would amount to a change in the zoning regulations of the District of Columbia.

DCMR Section 1707.3 states that "landmark sites within in the DD District are governed by the underlying zones and the special use requirements and incentives provided in Sections 1703 through 1706 of this chapter." The Yale Laundry site sits in a Housing Priority Area of the Downtown Development District (DDD) as defined in Title 11, Section 1706.8 of the District of Columbia Municipal Regulations. One of the stated objectives of the DDD is "to create the greatest concentration of housing in the Mt. Vernon Square area." (DCMR Title 11, Section 1706.1) As such, the C-2-C/DD zoning includes a residential requirement, defined as "no less

than 4.5 FAR of residential use." (Section 1706.4 (b)) In other words, development on the Yale Laundry historic site should include at least 4.5 FAR of housing - a potential of hundreds of units. Despite this clear instruction in D.C. law, the Applicant sought a waiver of the housing requirement through a **non-public** process involving the Zoning Administrator at the Department of Consumer and Regulatory Affairs. The Applicant claimed to be exempt from the housing requirement based on the landmark status of the Yale Laundry buildings and surrounding lots.

DCMR Title 11, Section 1706.20 **specifically** lists squares and lots that are exempt from the Downtown Development District residential requirement. Square 514, in which the Yale Laundry sits, is **not** on the list. On the contrary, Section 1707.3 states that "Uses within buildings in the historic districts and landmark sites within in the DD District are governed by the underlying zones and the special use requirements and incentives provided in Sections 1703 through 1706 of this chapter."

This misuse of authority and effective zoning change should be nullified. The matter should return to the proper forum for adjudication: the Zoning Commission. Thank you for your prompt attention to this matter. Please let me or Esther Bushman, my Committee Clerk, know if you have any questions whatsoever. We may be reached at 724-8072.

Sincerely,



Sharon Ambrose, Chair  
Committee on Consumer  
and Regulatory Affairs

cc: Eric Price, Deputy Mayor for Economic Development and Planning  
Andrew Altman, Director, Office of Planning  
Tersh Boasberg, Chair, Historic Preservation Review Board  
Sheri Pruitt-Williams, Interim Director, Zoning Commission  
Darlene Taylor, Director, Office of Intergovernmental Affairs

1       McCarthy, back on our hearing action dealing with  
2       Case 00-01, use of air space, Yale Laundry.

3               The question was we received a letter from  
4       Ms. Beth Solomon -- I mean, excuse me, Ms. Elizabeth  
5       Solomon.     And it had some questions and some  
6       situations that needed to be addressed.     I think  
7       Commissioner Mitten wanted to pose whether or not some  
8       of those -- first of all, have you seen the letter?

9               MS. MCCARTHY:   I have.

10              CHAIRMAN HOOD:   Okay.   And some of the  
11      situations that need to be addressed, could they be  
12      addressed by you today?

13              MS. MCCARTHY:   No.   We have asked -- we  
14      have been trying to set up a meeting with Corp.  
15      Counsel's office, the Zoning Administrator, the  
16      Historic Preservation Office, and the Office of  
17      Planning, because we want the government to be  
18      speaking with one voice.   And there seems to be  
19      possibly some differences of opinion about whether or  
20      not the housing requirement applies to the site.

21              CHAIRMAN HOOD:   Okay.   Commissioner  
22      Mitten?

23              VICE CHAIRPERSON MITTEN:   There's also  
24      another issue raised about the height of -- the height  
25      that's permitted.

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1 MS. McCARTHY: Well, the 130-foot height  
2 is permitted throughout the downtown development  
3 district.

4 VICE CHAIRPERSON MITTEN: I understand  
5 that. I guess the issue is whether or not that was  
6 maybe -- I know there are people here who participated  
7 in setting these regulations forward, but I'm not sure  
8 that that was fully thought out when you look at the  
9 map and you see that what the -- what the combined  
10 provisions allow is 130-foot height up against a zone  
11 where the maximum height is 50 feet.

12 I mean, that's, as far as I know,  
13 unprecedented in the city. And while I understand  
14 that's what the text says, I believe I heard something  
15 about avoiding train wrecks over the weekend. And I  
16 want to make sure this isn't one coming at us.

17 MS. McCARTHY: Well, and that's one reason  
18 why we wanted to meet with the Zoning Administrator  
19 and the Historic Preservation Division.

20 But we also have talked about the fact  
21 internally that the designation of the Mount Vernon  
22 Historic District up there means that the Office of  
23 Planning should look at whether we need to change  
24 zoning in the Mount Vernon area as well, in light of  
25 the kinds of things that were done with the downtown

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1 development district, historic district, and Foggy  
2 Bottom, Overlay District, and others, where we tried  
3 to make sure that the zoning was consistent with the  
4 character of the historic area that had been  
5 designated.

6 VICE CHAIRPERSON MITTEN: So is it --  
7 would it be fair to say that, in the context of the  
8 process that's already underway on this particular  
9 project, the large tract review, that there will be  
10 more -- that all of these issues will be explored  
11 before approval is given?

12 MS. MCCARTHY: Yes, that is correct.

13 VICE CHAIRPERSON MITTEN: Okay.

14 CHAIRMAN HOOD: Okay. Colleagues, we're  
15 back to the hearing action.

16 First, let me just ask the Office of  
17 Planning -- Ms. McCarthy, we're aware of the letter,  
18 but we would like from the -- coming from the  
19 Commission to Office of Planning, if we can address  
20 some of the issues that were brought up in Ms.  
21 Solomon's letter.

22 MS. MCCARTHY: Certainly.

23 CHAIRMAN HOOD: Okay. Colleagues, we have  
24 before us a request for postponement, and also we  
25 wanted to incorporate the letter from Elizabeth

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1 Solomon, also to the Office of Planning, so all of  
2 that can be in detail when it's presented back to this  
3 Commission. So I'd like to obtain a motion to  
4 postpone.

5 VICE CHAIRPERSON MITTEN: So moved.

6 CHAIRMAN HOOD: It's moved. Can I get a  
7 second?

8 COMMISSIONER FRANKLIN: Second.

9 CHAIRMAN HOOD: Moved and properly  
10 seconded. All those in favor, by the usual sign of  
11 voting.

12 (Chorus of ayes.)

13 CHAIRMAN HOOD: Any opposition?

14 (No response.)

15 CHAIRMAN HOOD: Staff, can you record the  
16 vote?

17 MR. BASTIDA: It's five to zero. Who is  
18 moving it?

19 CHAIRMAN HOOD: Commissioner Mitten.

20 MR. BASTIDA: Commissioner Mitten moved  
21 it, and Commissioner Franklin seconded.

22 CHAIRMAN HOOD: Okay. Thank you.

23 COMMISSIONER PARSONS: Mr. Chairman, this  
24 request is not to a time certain, so I presume that  
25 the next time this will come before us is at the

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1 request of the applicant. We didn't postpone it until  
2 next month or two months from now or three months from  
3 now. And it's just a clarification.

4 CHAIRMAN HOOD: Good point. Are we  
5 postponing it indefinitely?

6 COMMISSIONER PARSONS: Yes.

7 CHAIRMAN HOOD: I think we need to put a  
8 date on it.

9 MS. KRESS: That has been a problem in the  
10 past, for us to postpone things indefinitely. I think  
11 it would be more helpful if there was some time frame  
12 set -- six months, a year, whatever -- but some  
13 definitive time frame, rather than indefinitely.

14 CHAIRMAN HOOD: Let's try to coordinate  
15 that. Let me ask Office of Planning, what kind of  
16 time frame do you think you could get all parties  
17 together and just -- if you can give us just some type  
18 of ballpark.

19 MS. MCCARTHY: I have been able to talk to  
20 some people that we were trying to get hold of for  
21 this meeting who had tomorrow available, but I haven't  
22 been able to reach all of the parties. But I would  
23 think that we could certainly, within a month,  
24 straighten out the basic issues of whether, under the  
25 existing zoning -- the Zoning Administrator's

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1 interpretation is correct or not about this project.

2 If we take a look at the situation and  
3 feel that we need to recommend some text changes, or  
4 the creation of an overlay, obviously, you know, then  
5 we'd have to devise something, submit a request for a  
6 setdown, do a more detailed report. That would take,  
7 you know, two or three months before it actually came  
8 back to the Commission again.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER FRANKLIN: Mr. Chairman, I'm  
11 a little bit confused by this because it seems to me  
12 that what we heard from Mr. Bastida is that this  
13 project may be going back to square one in some  
14 respects, which would mean that they would be  
15 submitting to us a substantially or significantly  
16 changed package in support of a setdown hearing.

17 And I'm just wondering whether this  
18 shouldn't just simply be taken off the table and not  
19 postponed. I mean, I would be more than happy to hear  
20 from Mr. Bastida or Ms. McCarthy about the status of  
21 this project at this point.

22 MR. BASTIDA: How it was explained to me  
23 is that the applicant is not sure what HPRB is going  
24 to do, so rather than having it setdown at this point  
25 in time, and then doing a revision, is they would like

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