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THE COMMISSION OF FINE ARTS

COMMISSION MEETING

Washington, D.C.

* * *

The meeting of the Commission of Fine Arts was convened at 8:11 a.m., Thursday, October 16, 2003 at the Pension Building, 441 F Street, N.W., Suite 312, Washington, D.C. 20001, DONALD CAPOCCIA, Vice Chairman, presiding.

In Attendance:

Members of the Commission of Fine Arts

DONALD CAPOCCIA, Vice Chairman

BARBARALEE DIAMONSTEIN-SPIELVOGEL

PAMELA NELSON

DIANA BALMORI

EARL A. POWELL, III

Staff:

Charles Atherton, Secretary
Frederick Lindstrom, Assistant Secretary
Sue Kohler, Historian,
Jose Martinez-Canino, Architect
Kristina N. Alg, Architect
Susan M. Raposa, Information Specialist

ZONING COMMISSION
District of Columbia
Case 03-29
Exhibit 15

ZONING COMMISSION
District of Columbia
CASE NO.03-29
EXHIBIT NO.15

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District of Columbia Department of Consumer and Regulatory Affairs

Shipstead-Luce Act

S.L. 03-138, 2025 F Street, N.W. (Square 103) George Washington University. New 103-unit residence hall (dormitory). Concept. 336

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MS. ALG: Mr. Chairman, the next item on the agenda is 2025 F Street. It's a project for George Washington University. It's a residence hall and we have a number of hand-outs from the ANC.

The letter that you're receiving now is, of course, one that we received yesterday disputing our ability to review a project in this jurisdiction.

Adam Gross will be making the architectural presentation but Allison Prince, the author of the letter, would like to say a couple of words.

MS. PRINCE: Good afternoon. I'm Allison Prince with Shaw Pittman. I'm here today on behalf of the George Washington University. The letter was really for the record and I don't feel, unless you would like to hear argument on the letter, I won't address that.

I have some brief comments, two brief comments before Adam Gross of Ayers, Saint Gross does

his presentation on the plans and we do appreciate the opportunity to appear before you again on this project, this residence hall project. We were last here in July.

First, just to be clear on the issue, there's no height variance or relief from the Height Act that's required for the proposed building. The requested height is permitted under the zoning that is being requested, C-3-C. The 100-foot width of F Street allows 120-foot building height in the C-3-C zone.

Second, since the building is being processed as a PUD, there's a certain flexibility in the building envelope that will allow the maximum number of beds within the permitted height. The university's need to maximize beds on campus is immediate and it's urgent. Since we were last here in July, on September 11 the D.C. Court of Appeals reinforced the university's obligation to provide on campus more than 5,600 beds by the fall of 2006 and that's the reason for the timing of this project. This project is on a schedule that would allow its completion by that date.

The need to concentrate density within the campus plan boundaries is a concept that goes back almost four decades. When the National Capital

Planning Commission studied the campus in 1959, at that time NCPC itself made the comment that density needs to be concentrated within the campus plan boundaries. It was also a continuing theme articulated by both G.W. and the Office of Planning during the four hearings governing the campus plan proceedings in 2000.

If you have no specific questions on these matters we can proceed with the presentation of Adam Gross from Ayers, Saint Gross.

VICE CHAIRMAN CAPOCCIA: I had a question. You say that the height is as of right.

MS. PRINCE: That's correct, under the PUD.

VICE CHAIRMAN CAPOCCIA: The PUD, which is an overlay opportunity for--

MS. PRINCE: We're seeking the rezoning of the property from R-5-D to C-3-C. In the 3-C-3 zone 120-foot building height is permitted on the site, given the street width of--

VICE CHAIRMAN CAPOCCIA: And the C-3-C zone exists in adjacent proximity to this property?

MS. PRINCE: Yes, the C-3-C zoning is in great abundance immediately east of the property, central business district.

MS. NELSON: But you do not have that yet.

MS. PRINCE: No, our site is zoned R-5-D and the case is being processed as a planned unit development to rezone the property to C-3-C.

VICE CHAIRMAN CAPOCCIA: So which of the two properties that we're looking at on either side of this building are currently zoned C-3?

MS. PRINCE: Not any abutting property. One square to the east, square 121, was rezoned to C-3-C, as well. Then to the north of that square and the south of that square.

MS. ALG: It might help if you pointed it out.

MS. PRINCE: C-3-C zoning predominates in this entire area. I believe we have another exhibit that shows the zoning in the immediate area. This was rezoned to C-3-C in connection with a PUD. This site's C-3-C. This site's C-3-C. This site's C-3-C. This site is C-3-C.

VICE CHAIRMAN CAPOCCIA: Okay. So my point is you're requesting a rezoning here, not from us but--

MS. PRINCE: We are. Not from you but from--

VICE CHAIRMAN CAPOCCIA: But it's a rezoning. And this height would be allowed if you are rezoned.

MS. PRINCE: Exactly. I simply wanted to clarify that because there were statements made that reflected some confusion on the issue in July, some statements about a height variance and there is no height variance requested.

MS. ALG: And just to remind the Commission, at the last meeting where we saw this project the two major concerns were the height and the west elevation.

VICE CHAIRMAN CAPOCCIA: You know, we have, of course, your correspondence. We saw it this morning. In discussions with our staff it seems that the Shipstead-Luce Act, as we all know, has been amended numerous times over the last 70 years and at this point we certainly believe that this property falls within one of those amendments and we will have our counsel confirm that.

MS. PRINCE: We'd be happy to review the amendments. We tried to locate one and couldn't but we're very open to the possibility of such an amendment. We just couldn't locate one.

VICE CHAIRMAN CAPOCCIA: And as just one last comment, with the idea of concentrating density in an area that perhaps has never been as dense and your requirement to do so as an educational

institution does not really have bearing in this body.

MS. PRINCE: I simply thought it might be of interest that this isn't a new concept. It goes back decades.

VICE CHAIRMAN CAPOCCIA: Okay. Thank you. Unless anyone has any other questions. Thank you.

MR. GROSS: Good afternoon. I'm Adam Gross with Ayers, Saint Gross. It's very nice to see you all. Thanks for having the time to see us.

I wanted to refer just briefly as a starting point to where we were last time this project was presented and there was a follow-up letter which David Childs sent to Michelle Honey, who's the university architect for George Washington University that I think is a good starting point for our discussion today.

He in this letter--this is a letter dated July 24 of 2003--he says that "If definitive presentation material, such as a massing model" which you see here before you now, "including neighboring buildings, that might, in fact, strengthen the argument for some additional height. However, the west elevation requires additional investigation and should include windows where permitted by code. The bays in the low part of the building provide a good

street presence but the design in general is a bit overwhelming in the block."

So we've really been working on trying to respond specifically to that letter and to the discussion that occurred last time this project was presented.

Our firm and myself in particular have been working for George Washington University for about 16 years on and off and I think one of the things that is clear is it's a very diverse part of the District. It's been both proactively developed by the university through new construction, as well as through the purchasing of existing buildings that have been converted to university use, so there's a great variety of scale from Pennsylvania Avenue and Red Lion Row, which is quite tall, up in about the 110-foot height, to buildings that are obviously very small as it segues over to Foggy Bottom.

So I really just wanted to, again using that letter as a starting point, and I encourage you all to get up if it's helpful for you to go up closer to the model. The site that we're going to be talking about is here, so I know it's a little bit blocked by the buildings in front, but this is the site that we'll be discussing. So this is F Street here, north is toward me. This is 20th Street and

21st. These are primarily World Bank buildings over here. The Red Cross sits right here, which is a bit taller. It's about 108 feet to its parapet. And then, as I mentioned, Red Lion Row is over here, which is about 118 feet, I believe--124; I'm sorry--to its parapet.

MR. POWELL: So that's the site.

MR. GROSS: So that's the site, yes, sir. This is a building that houses currently a lot of G.W. functions--facilities, shops and administrative offices. This is actually Thurston Hall, which is an old apartment building which has been converted into a residence hall for the university system. So the campus really is kind of all around interspersed in this area. The main green of the campus is right here.

So this is the scheme that you saw last time and as Allison mentioned, we were operating with the assumption that we were working with the 1910 Height Act based on this PUD application, which would suggest that with the 100-foot dimension of the street, of F Street itself, that we'd be adding the 20 feet as the 1910 Height Act prescribes to get to a height of 120 feet, which is this elevation here.

In terms of again context, most of these buildings are 130 feet over here. I mentioned some

of the other buildings--that 108 feet and 124 and then stepping down to predominantly 90 feet in this general area.

So this is the scheme you saw. There were positive comments about the base of the building. It's primarily a brick structure in the areas that are shaded and we'll have some colored drawings here for you to look at in a minute. The areas that are shaded are brick; the lighter area is limestone.

Trying to maintain a lower scale, articulate a series of bays on the ground floor, and then this west elevation is actually a T form, so let me just show you the form of the building. The building's in a T. The elevation that we're looking at here is this elevation and this is the west elevation, which got, I think, a lot of good critique from you and there was discussion about that being a little bit blank and dreary, to say the least, so we looked very carefully at that facade.

I'll put this in the model. The new facade of that wall--initially what we looked at, which is in the material that you've received, looked at adding a large window at the end of the corridor and then I'll show you another version that actually has more windows. So that's one thing that we did.

But generally this is basically just an enlarged version of that original scheme at the height of 120 feet and then the penthouse you see here is set back in this location.

MS. BALMORI: It's all mechanical.

MR. GROSS: Yes, it's all a mechanical and elevator penthouse.

MS. BALMORI: And what's the height of the mechanicals?

MR. GROSS: The total height--

AYERS SAINT GROSS MEMBER: Eighteen feet and a half feet.

MR. GROSS: We're looking at possibly ways to lower that by about seven feet through the use of a different type of elevator, which we're hopeful we can do. So that would decrease the overall--the majority of the penthouse space seven feet. However, the cooling tower would still go up to that full 18 feet. So we might be able to actually lower this portion, which we're still looking at technically, down by another seven feet, although the cooling tower portion of it would have to remain tall.

So that was where basically we were and then began to look at this west elevation. In working this through, one of the goals, as has been mentioned and I realize it's not within your purview

to comment on this, was to maximize the beds within the envelope as we understood it that would be achievable through the PUD, which is 506 beds in this project. And the university's very set on achieving that based on pressures it's received from the community and from the city about housing their students on campus.

With that in mind, however, we actually looked at how we could sculpt the building to respond to some of the concerns that were presented last time, so I'm going to put up these two drawings as comparisons to the one you saw before. What we're looking at here is a new scheme which sets back the top two floors of the building, which would then describe an elevation rather than 120 feet along the street, as in this scheme where the entire building was flush to the street, but a building that simply steps back. We lose in the process about 41 beds, which the university is not pleased about, but very much wants to obviously move forward with this project.

So this scheme would sit along the street at 103 feet with this setting back about 14 feet and then the 120 feet would be back here. Again our hope is to get the penthouse to be a little bit lower.

So I think looking at this really from the street perspective is most informative but hopefully you can--

MS. NELSON: The next-door neighbor is at 90 feet, right?

MR. GROSS: These actually are not as flat as it appears in the model but generally about 90 to 93 to 94, in that area. And this is at 86.

We also have, if it's helpful, a more articulated version of this scheme, of the first scheme, which just shows you the window patterns and the base.

But generally our sense from an urban design point of view is because the neighborhood is quite varied, that this building would be comfortable in the scale of F Street as it steps up from much lower scale buildings to the west and stepping up to the east.

And our concern also is as the building starts to get lower, then it starts to appear a little bit squat in terms of its overall proportions as an elevation on the street. Having the building feel a little bit more vertical on the street would actually be advantageous aesthetically is our sense.

So that's where we are. We're very interested in your comments and any direction you can give us in terms of where we might head.

VICE CHAIRMAN CAPOCCIA: Firstly, I think we have some comment from the public. Does anyone wish to speak?

MR. GROSS: Michelle, did you want to add anything?

MS. HONEY: No, that's fine.

MRS. MILLER: I'm Commissioner Dorothy Miller and I'm chair of ANC 2A and I came before you in July and because we didn't have a meeting in August, I hadn't gotten approval but I do now have the approval of the commission to speak on behalf of the commission, because only the chair can do that.

I brought some pictures to show you and I think she's handed them out to you. One was the location. If you look at the map, that's the location of where that's going. That building is about six stories taller than any of the buildings around it. That was one thing.

The other thing was this is the story that was done by the school paper and I gave you all--which covers what went on before, to bring you up to date.

Then the other interesting thing is that you read in the paper recently, I'm sure, that the old hospital caught fire and blew up. That could handle all the students that G.W. wanted to put in there and they're 3,000 over their quota already.

And I should bring you up to date on the court. They have filed again in court to ask the court to hear the case en banc. The District has filed against that because we feel they were the ones that made the suggestion that they wanted the students on campus and that they would do it and do it by a given time. The only thing is they're in violation of the campus plan now, so they're not supposed to be getting any things that they can do. The other thing is the Supreme Court has declined to hear the case.

And you said you read the letter from the Foggy Bottom Association and it's the opinion of the commission that they have not gone before the Zoning Commission and the Office of Planning said to the Zoning Commission that they would not write a report until you all finished your hearing of it and what you decided to do.

And we feel that it violates the Shipstead-Luce Act. It is a building six stories taller than any of the buildings around it on the tiny little

street and it has not been approved for a PUD; nor has it been approved for a change in zoning yet. And the community and the ANC are against both of those things because we feel that's just too many students in too small a space.

Now the hospital that's sitting up there empty now and almost torn down could handle all the students they wanted to put there and the problem on that is that when they put in the new hospital, we had an environmental impact study done and nobody bothered to check the facts that were turned in and most of them were incorrect because they did not include all of the things that G.W. had put on their campus, including doubling the law school, which would have changed things tremendously.

But what they did rule was there was less than 2 percent air space left at the Washington Circle and now that we have about six apartment buildings coming in there, you're not going to have any air space.

And I brought you the picture of the fire. Nature helped them tear the hospital down real fast. They could put all the students they wanted on campus. That's on campus. But they want to commercialize that in an area that can't take any

more traffic and would destroy the residential neighborhood.

And I would like to ask you to please say no. You said you read the letter from the Foggy Bottom Association. Now between the Foggy Bottom Association and the ANC, we cover most of the residential areas of the Foggy Bottom area, that which is left of it, that G.W. has not taken over, and we highly recommend that you deny their right to put this building because the place is not appropriate, it does violate the Shipstead-Luce Act, you can see it from the monumental core and it's taller than everything else around it and they don't have approval for a PUD and they're trying to use the PUD to offset the campus needs because they haven't been approved for a PUD and we don't plan to recommend they approve a PUD there because what they're trying to do is to lower the FAR and they think a PUD will do that, but that's a violation of the campus plan.

So I highly recommend that you say no to this building at this location because they do have other places and this really was not the place--I thought it was supposed to be academic. Now I haven't had a chance to check that but I was told by one who did that it was zoned for academic, not

residential. And that would put too many students on one tiny little street that's one way. F Street is just a one-way street and if you look at the map, that tiny little space, they want to stick that building with that many students in it and that's across the street from a building that has 1,400 students in it. Can you imagine that many students on one block? Blows your mind.

VICE CHAIRMAN CAPOCCIA: Our charge here is to evaluate the aesthetics of the structure that's been put forth and I'm wondering, because this is now an amended submission, I'm wondering if you've had an opportunity to look at this yet, with the setback of the upper two floors.

MRS. MILLER: They did not give us one. I came down here to take a look at it and it's the tallest thing between 17th Street and the river.

VICE CHAIRMAN CAPOCCIA: Okay. Well, I think what they're trying--with the setbacks they're trying to address the height of the building in a more palatable way.

MRS. MILLER: They're trying but it really doesn't achieve the quota.

VICE CHAIRMAN CAPOCCIA: Thank you.

MS. DIAMONSTEIN-SPIELVOGEL: We have other members of the public who want to speak.

MS. HONEY: Can I just make one comment? Michelle Honey. For the record I'm the director of architecture, engineering and construction. I introduced the project last time.

Just for the record, we approached the ANC twice. We have a letter to them requesting review of the project and in both cases we were denied review. Now we're hoping to go forward and present the project to the ANC in November and I have that in writing from Dorothy, just to correct her comments.

VICE CHAIRMAN CAPOCCIA: Thank you.

MRS. MILLER: May I please respond?

VICE CHAIRMAN CAPOCCIA: Yes, you may. This will have to be the--

MRS. MILLER: That's it. I just wanted to say the Office of Planning hasn't done a report. It hasn't been set down for a hearing by the Zoning Commission. So I felt it was premature for them to come before us with what they wanted to tell us without any information from the city of what we should be looking for, what we could accept and couldn't accept.

VICE CHAIRMAN CAPOCCIA: I understand.

MRS. MILLER: That's my point. Thank you.

MS. DIAMONSTEIN-SPIELVOGEL: Are there any other members of the public?

Excuse me, Donald. Another member of the public would like to speak.

VICE CHAIRMAN CAPOCCIA: Please.

MR. LEHRMAN: I'm David Lehrman. I live directly across from the where this building would be constructed. I live in the Statesman at 2020 F Street. I've been there about 11 years. I'm also an ANC commissioner for the 2A-01 area, that area which is part of the zip code of 20006. So by night at times my colleague and chairwoman Dorothy Miller addresses the issues of that area and then by day I'm a regulatory attorney for the U.S. government.

In the time that I've been there what I've sensed is how the scales are balanced between the aesthetics of a building such as this and the population explosion that the students represent in commercial private property.

The Statesman is a residential rental property of Charles Smith and what you've seen in the last 11 years is how it's made a transition from 50 percent students and 50 percent working professionals to 95 percent students. I think something like this alleviates some of that population pressure.

It's true that right now you look at essentially an empty vacant parking lot in that area there and now you're going to build on it. But that

in itself is an irregularity in terms of the aesthetics of the street, as well. You have a kind of a zigzag as you look down the street to where you have this vacant little canyon there.

So now you're going to build up a little bit higher but the building height is not inconsistent with other taller buildings in the area. It's about 120 feet. The World Bank is 130 feet. IMF is 130 feet. The new G.W. Elliott School is about 17 feet above a 90-foot limit.

So there are others like that and I think you have a balancing act. I think that the scales tip somewhat decidedly in the direction of a place for more students to be housed in fulfillment of the campus plan and at the same time you do, I think, reduce some of the population pressure on the residential properties.

So thank you for your consideration.

VICE CHAIRMAN CAPOCCIA: Thank you.

MR. POWELL: Which is the Statesman?

MR. LEHRMAN: Okay, I was watching with some confusion when the architect was trying to say where we all are here, so perhaps he can--

MS. NELSON: Would you point out the building?

MR. LEHRMAN: I want to see where it is, too. I was curious.

MR. GROSS: I believe it's right here.

MR. LEHRMAN: Okay, right. And the empty space--

MR. GROSS: The empty space is here.

MR. LEHRMAN: Okay, and that's where you would go. So when I go out my main entrance, I look to the right and that's where the building would be. Thank you all very much.

MR. LINCOLN: Good afternoon, ladies and gentlemen. My name is Don Lincoln and I reside at Watergate East, 2500 Virginia Avenue, N.W.

I've prepared a brief statement; I'd like to read it to you. I'm afraid if I speak extemporaneously I'll probably miss half of what I've got here.

I'm here to testify in support of George Washington University's plans for square 103 to convert the existing parking lot into a student residence.

Let me tell you a little bit about myself. I'm a graduate of Northwestern University School of Business and I've spent my entire working career with the Air Force, first as an officer, later as a civilian, primarily in the field of cost estimating

and analysis. Although I haven't been formally trained in these areas, I have a keen and long-time interest in art, architecture and interior design. I currently serve as the treasurer of the local Washington-Baltimore chapter of the Patrons of the Arts in the Vatican Museums and on the Finance Council of St. Matthew's Cathedral, where I often conduct tours for visiting groups. I'm a member of the Circle of the National Gallery of Art, the Phillips Collection, and the Smithsonian.

I'd like to address two areas of concern--first, the building's height, which I know is a matter of concern to all of us, and the need for additional student housing.

I attended a briefing on the proposed new building on September 2 and was impressed by what I considered to be a well designed building. It was immediately obviously that the proposed building's height would be a matter of concern. I've personally examined the site and don't believe it really presents a serious obstacle. Although there's pretty much uniformity on F between 20th and 21st on the opposite side of the street as far as building height goes, that's not the case for the site of this proposed building.

I believe that the proposed structure will have minimal impact on the neighborhood as far as impeding views, light and air, and I applaud the university for proposing to make optimal use of scarce Foggy Bottom land by building a handsome structure to replace a not-so-beautiful parking lot.

On the matter of the need for more student housing, both the Board of Zoning Adjustment and the Federal Appeals Court have made this need quite clear. Thinking back to my own university experience, I believe it's in the best interest of both the university and the students to have as many housed on the campus as possible. The proposed project will significantly aid the university in achieving this goal.

In summary, I strongly urge that the committee give favorable and timely consideration to the university's proposed square 103 project. Thank you very much.

VICE CHAIRMAN CAPOCCIA: Thank you very much.

Are there any other comments from the public?

MS. ALG: Adam wants to add some comments.

MR. GROSS: Just very brief. You may not know that much about our firm but all we do is work

for colleges and universities. We're working on about 40 campuses around the country. I just want to respond to a couple of points.

One very important one is that it's an absolute proven fact, and I know this doesn't fall under your purview but since these points have been brought up, I just wanted to respond--it's absolutely certain and proven that students are going to do much better if they're in a program residence hall, as opposed to living in apartments.

The other interesting thing is that the vast majority of clients we're working for around the country that have very charged town-gown relationships are all looking to build more housing and I think the vibrancy that students will add into this street. And I think it's been proven out by Thurston Hall, which is this building right here, actually could be argued to really add a great deal to the sense of liveliness, the sense of security, a kind of 24/7 character to the area that it really doesn't have as much as it could right now.

VICE CHAIRMAN CAPOCCIA: Thank you.

Any comment or discussion from members?

MS. BALMORI: Just a brief question. The issue of the mechanical and the issue of the state of the design of the building, although it has gotten a

bit better, its definition at the top of that area above with the larger windows, it has not proceeded as far as design, at the same level of design. So from the point of view of our charge of looking at the aesthetics, there's not significant change.

MS. DIAMONSTEIN-SPIELVOGEL: We haven't even addressed the aesthetics today.

MS. NELSON: I think that's the main--

MS. DIAMONSTEIN-SPIELVOGEL: And I think w really have to address it. But they may have an issue to address before we address that. Would you not agree?

MS. BALMORI: Yes.

MR. POWELL: There are zoning and city issues.

MS. DIAMONSTEIN-SPIELVOGEL: Exactly.

MR. POWELL: I think for us to opine on a building that hasn't got its zoning and city approvals yet kind of wastes all of our time, in a way.

VICE CHAIRMAN CAPOCCIA: I would agree.

MS. DIAMONSTEIN-SPIELVOGEL: So we will hold that in abeyance.

MS. NELSON: I do think the thinking that it would be too squat, there's ways to do that

usually. Also, you can't get very far away from it, so you're seeing it only--

MR. GROSS: Seeing it obliquely.

MS. NELSON: So obliquely, I wouldn't worry about the squattiness of it. But I do think it needs to have a little more design sparkle in the--I know you're just kind of responding every time to the height but I think there's real design issues there. There's a reason for the height.

VICE CHAIRMAN CAPOCCIA: To perhaps finish this up I'd like to state that for the record several months ago we ran into the same issue with another project and it is probably not appropriate for us at this point to comment on the project any further until you get your necessary approvals, your rezoning in particular.

So with that, we'll move on the next project and see you when you've completed that.

MS. DIAMONSTEIN-SPIELVOGEL: And we will have much to say about the design.

MS. PRINCE: If I might add, we find ourselves in a Catch-22 position, then, because the Zoning Commission will not consider the project without your input. So we have not been able to get a setdown of our hearing. The Office of Planning has

held its report in abeyance because it doesn't have input from the Commission of Fine Arts.

So to put ourselves in that box we can't--

MR. POWELL: What kind of response do they want from us in matters of zoning?

MS. PRINCE: They would like a response on your reaction to the aesthetics of the building under the Shipstead-Luce Act.

MR. GROSS: And to the height, as well?

MS. PRINCE: And to the height, a response on the height issue.

MS. DIAMONSTEIN-SPIELVOGEL: We should be looking at our Shipstead-Luce reg and amendment and we should be examining what she has just stated, as well.

MR. GROSS: I think one thing we could really use is if you feel this is moving in the right direction or if you don't feel this is low enough, just in terms of massing and scale.

VICE CHAIRMAN CAPOCCIA: What are you looking for? Concept approval?

MS. PRINCE: Concept approval only. Concept approval only.

MR. GROSS: And then we have a lot more work to do on the facades and--

MR. LINDSTROM: Mr. Chairman, if I may clarify, the Shipstead-Luce Act does not set building heights but it does allow the Commission to regulate building height from an aesthetic standpoint.

So I guess the question here is they're in a Catch-22. They're in a quandary with Zoning. Zoning won't move forward until they know whether additional height in this area would be acceptable to the Commission.

Now we haven't addressed the issues of the design of the building. It's a matter of just the height. Is the height aesthetically acceptable at this location?

MS. DIAMONSTEIN-SPIELVOGEL: But haven't we followed certain amenities here of listening to what the ANC has to say and other community groups? Charles, is that correct?

MR. ATHERTON: I'm not sure I understand your question.

MS. DIAMONSTEIN-SPIELVOGEL: Before we make certain judgments do we wait to hear the report of certain community groups with projects of this sort?

MR. LINDSTROM: I think you just did.

VICE CHAIRMAN CAPOCCIA: You know, the applicant has been here once seeking concept approval

and has received recommendations from us at that time and have now returned.

MR. LINDSTROM: The last time they were here you had requested additional materials, more drawings, particularly this model so that they could make their case that the extra height would be visually acceptable in this area of the city.

VICE CHAIRMAN CAPOCCIA: Well, if we're going to continue the discussion just briefly I, for one, would say that the density and the height that's being displayed with this model is not inconsistent in the context of this general neighborhood.

With regard to the specific design of the building, there's probably a lot more to be said.

MS. DIAMONSTEIN-SPIELVOGEL: If you look at the drawing and if you look at the model, there's a greater disparity in the drawing.

VICE CHAIRMAN CAPOCCIA: Well, the drawing's two-dimensional. The model gives you an opportunity to see the setbacks and see the--

MS. DIAMONSTEIN-SPIELVOGEL: No, but you also see a greater disparity in the height in the drawing than the model.

I think that--

MR. GROSS: It should be pretty accurate. This building here in its relationship to this line,

which is this line, I think is pretty accurate. Then the two stories here are these two. This is all set back.

VICE CHAIRMAN CAPOCCIA: Commissioner Diamonstein is referring to--

MS. DIAMONSTEIN-SPIELVOGEL: That looks much better. But I do think the building is lacking really a style. It is almost a no-style building.

VICE CHAIRMAN CAPOCCIA: But I think without though addressing the actual design of the building, just to address the bare bones issue that needs to be resolved here, I believe, before you can proceed to city planning or whoever grants your zoning change, the issue of height is what I'd like to discuss here at the moment. And as I say, I, for one, do not see this height as being inconsistent, especially given the fact that it's now been revised and there have been setbacks incorporated into the project, which of course would make the building itself less intrusive from the street.

MR. POWELL: I agree with that. I think the setback is a much more appealing direction. I think the design, for me it looks like a dormitory.

MS. DIAMONSTEIN-SPIELVOGEL: Exactly.

MR. POWELL: I would hope that as it moves forward--

MS. BALMORI: Yes, it looks like a '30s building.

MR. POWELL: --that it would take on the character of something that's just been moved from Kalorama over here. But I agree with the chairman on the height.

MS. BALMORI: The mechanical height of the building is way too high.

MR. GROSS: We're anxious to lower that, as well.

MR. POWELL: I really encourage you to look for the alternative elevator project so that you can bring down the height.

MS. NELSON: Also by using different materials you emphasize that hat up there and maybe it stays one material all the way up.

MR. GROSS: Yes. The thought was that this would be precast and that this actually might be a pewter-colored metal panel and this also a metal panel and set back.

VICE CHAIRMAN CAPOCCIA: Let me suggest that there might be a motion among us that would have you return to us with further discussion and further developed plans but to say that in general terms the height and setbacks that are being described here

today, in concept, are acceptable. I don't know if any of our fellow members can--

MS. ALG: Are you suggesting approval of concept and massing?

MS. DIAMONSTEIN-SPIELVOGEL: I don't think we're ready to go that far.

MS. BALMORI: No.

VICE CHAIRMAN CAPOCCIA: Height.

MR. POWELL: The direction of the massing.

MS. DIAMONSTEIN-SPIELVOGEL: Well, I think it's too soon to go that far. I think they could reduce the height somewhat. I don't think that they need the full 14 stories. I think you could reduce the height somewhat. I think you can reduce the mechanicals somewhat and come closer to where you can be both a good neighbor and a good developer by reducing that height. I think because the developer asks for 14 floors doesn't mean that either the neighborhood or the client or the Commission should give that to them.

I think you should look at this design again and see how you can reduce this, certainly looking at the mechanicals and if you can reduce some of the floors of the building, as well.

So I'm not ready at first blush to approve the massing. I think you can reduce it somewhat.

VICE CHAIRMAN CAPOCCIA: In this zone that you're looking to rezone it's 120 height, correct?

MS. PRINCE: That's correct.

MR. GROSS: To this point. This is 103.

MS. DIAMONSTEIN-SPIELVOGEL: What was the height of the mechanical?

MS. PRINCE: Eighteen feet.

MS. BALMORI: That's enormous.

MR. GROSS: It's pretty similar to the other penthouse. I agree that it's taller than we'd like. It's just the functions that are in all of these penthouses that cause them to all typically be 15 to 20 feet tall. They're all at a one-to-one setback.

Just so you have a sense, in removing a floor it goes without saying we lose a significant number of beds.

MS. DIAMONSTEIN-SPIELVOGEL: I think we should ask them, in light of this discussion, to go back and rethink the size. I think we've been rather warmly responsive and to the general suggestion and some of us, at least this person, has said I don't think the building has to be that large and could be more aesthetically pleasing. And perhaps when you came back you would be pleasantly surprised by our

response and you could come back by next month. By then you would also see the ANC.

VICE CHAIRMAN CAPOCCIA: When is your scheduled appearance before the Zoning Board?

MS. PRINCE: Before your meeting next month.

MS. DIAMONSTEIN-SPIELVOGEL: You could also tell them that we are encouraging you, rather than discouraging you. There's an expression of encouragement rather than an approval. But I could not vote for that height and that design at this time.

VICE CHAIRMAN CAPOCCIA: Contrary to my fellow commissioner, I feel a responsibility to put forth an answer on this issue before you proceed to the next body. If there is no member able to make a motion, I will.

MS. BALMORI: I'm willing to make a motion because we're not judging here on height but we are judging on design and as far as the height, I think that it could be resolved but I do think that the design is not acceptable.

So I would make a motion that on the basis of what they're looking for as far as the height, if they resolve it in a way that is aesthetically good,

it's fine, yes. But as it is now, this is not a good aesthetic resolution.

VICE CHAIRMAN CAPOCCIA: So your motion would approve in concept the height but require a return to this body for the aesthetic treatment of the building itself.

MS. BALMORI: Yes.

VICE CHAIRMAN CAPOCCIA: Is there a second to that motion?

MR. POWELL: I second that.

VICE CHAIRMAN CAPOCCIA: All in favor?

[Chorus of ayes.]

VICE CHAIRMAN CAPOCCIA: Opposed?

MS. DIAMONSTEIN-SPIELVOGEL: Aye.

VICE CHAIRMAN CAPOCCIA: Carries four to one. Thank you very much.