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February 2, 2007

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Zoning Commission Case No. 06-13
1000 Connecticut Avenue, N.W. PUD

Dear Members of the Commission:

On behalf of Connecticut Avenue Associates and PNC Bank, Trustee, the Applicants in the above-referenced case, we hereby request leave to file with the Zoning Commission record corrected drawings submitted to the National Capital Planning Commission ("NCPC") in connection with NCPC's review of the planned unit development ("PUD"). The Applicants request a waiver from section 3024 to submit these materials after the close of the record to ensure the Zoning Commission has a full record of the NCPC proceedings prior to taking final action on the PUD application.

The attached drawings clarify that the architectural embellishment at the roof edge is not a parapet and therefore does not violate the provisions of the Height of Buildings Act of 1910 ("Height Act"). During its review of this matter, NCPC was uncertain as to whether the feature should be construed as a parapet or an embellishment. While NCPC staff suggested in its draft report that the feature was a parapet that exceeded the allowable height, NCPC did not agree. Instead, it revised the Executive Director's report to delete the word "parapet" and stated that the "feature at the roof edge *may* violate" the Height Act. It further recommended that NCPC staff and the Office of Planning work together to better define the words in the Height Act.

Significantly, NCPC did not want its recommendation to overturn or otherwise preclude final approval of the PUD in any way, as the following excerpts from the NCPC transcript demonstrate:

MR. COGBILL: My thought would be that we don't stop this [project].
All we do is make a recommendation that it [cornice definition] be reconsidered.

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District of Columbia

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EXHIBIT NO.

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MR. GALVEZ: ... I agree. We really can't stop this building. I don't think they [the Applicants] have done anything that makes it good for us to try and stop it. But I do think that there needs to be a fresh look at how the law is written and defined.

* * *

MR. COGBILL: We would be approving it.

MR. AMES: Okay. So we are going to approve – okay; that's fine as long as we are – I don't want to just leave them [the Applicants] out there –

MR. COGBILL: No. We would approve it. I think it goes to my point that we recognize that there is a good-faith effort on the part of the –

MR. QUIN: I'm sorry; I don't understand what you have just said. You said that we approve "it," is "it" the building or is "it" the recommendation?

MR. COGBILL: No, it is not the recommendation. We are basically not – we are taking out the second bullet [in the draft EDR] which recommends that the Zoning Commission require the applicant to modify the design and substituting for that a recommendation that the NCPC staff and the Office of Planning staff work together to better define the elements that make up a parapet, cornice or other architectural embellishments that would be considered consistent.

* * *

MR. AMES: We are recommending to the Zoning Board that what has been presented we accept.

MR. MCGILL: We are not opposing it.

MR. COGBILL: We are not opposing it.

NCPC Transcript, January 4, 2007, at 70-71, 75, 76-79 (copy attached).

For that reason, NCPC rejected the language of the draft Executive Director's Report (EDR) to require the applicant to modify the design to eliminate the "parapet." We therefore respectfully request that the Zoning Commission accept the updated drawings after the close of the record and take final action to approve the PUD, consistent with its preliminary action and recommendation from NCPC.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Whayne S. Quin
Whayne S. Quin

By: Mary Carolyn Brown
Mary Carolyn Brown

Attachments

cc: Maxine Brown-Roberts, OP (w/attach.)

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December 22, 2006

VIA HAND DELIVERY

Christine Saum, Director
Urban Design and Plan Review Division
National Capital Planning Commission
401 9th Street, N.W., Suite 500 North
Washington, D.C. 20004

Re: ZC Case No. 06-13
PUD – 1000 Connecticut Ave., N.W.

Dear Ms. Saum:

On behalf of 1000 Connecticut Avenue Associates and PNC Bank, Trustee, the Applicants in the above-referenced case, we are forwarding corrected drawings pertaining to the cornice of the proposed Planned Unit Development. These drawings respond to your request for clarification on the height of the building, which will be no more than 130 feet as measured from the center of the curb opposite the building to the highest point of the roof. While certain architectural detailing has been added at the roof edge to articulate the cornice, as described in the attached summary prepared by the architect, it is similar to the type of embellishment permitted under the Height of Buildings Act of 1910, such as a tower, spire or dome, and is fully consistent with the federal law.

The architectural treatment of the cornice was discussed at length by the Office of Planning and the Zoning Commission in its review of this project and was refined several times in response to those comments. The design intent is to complement the cornices of the building directly to the south at 1700 K Street, N.W., a PUD designed by Pei Cobb Freed & Partners, the same architectural firm for the proposed project. Across the street at 1700 K, the east façade was extended away from the building wall and above the roofline to create the effect of a floating masonry façade. In a similar fashion, the east façade of the proposed PUD extends above the roofline to recall the same architectural effect. Likewise, Pei Cobb Freed designed the K Street cornice of 1000 Connecticut to complement the 1700 K Street cornice, which features an aluminum pergola or bris soleil. The proposed PUD echoes this element with a masonry "bris soleil." As originally designed, it was a much more substantial embellishment but has since been

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reduced in size and configuration to create a lighter appearance. The Zoning Commission was pleased with these revisions and approved the design accordingly.

The architectural embellishments at the roofline of 1700 K Street and the proposed 1000 Connecticut Avenue are modern interpretations of last century's spires and domes, and are consistent with many other buildings approved by NCPC. As such, they are fully consistent with the spirit and intent of the 1910 Height Act.

Should you have any questions or need any additional information, please do not hesitate to contact us. We look forward to the Commission's meeting on January 4, 2007.

Very truly yours,

Handwritten signature of Whayne S. Quin, followed by the initials "CB".

Whayne S. Quin

Handwritten signature of Carolyn Brown.

Carolyn Brown

Encl.

cc: Office of Zoning

**1000 CONNECTICUT AVENUE NW, Washington, D.C.
ZC #06-13 Consolidated PUD**

Description of Roof Level Architectural Embellishments

The proposed height of 1000 Connecticut Avenue will be measured from the level of the K Street sidewalk curb, opposite the mid-point of the combined existing properties, to the highest point of the main roof.

Along the main roof perimeter the roofline is embellished at three locations in order to define layered planes and volumes that collectively change and enrich the impression of the building's appearance from different vantage points, adding sculptural mass and greater urban variety:

1. **K Street:** Along the top of the "stone" pavilions at K Street, a stone clad "cornice" provides important distinction and depth to each pavilion (ref. A-32, left hand image). The vertical dimension of the cornice extends 4 feet above roof level, while the horizontal section extends out to, but not over, the K Street property line.
2. **Connecticut Avenue:** On Connecticut Avenue, the bay windowed façade is framed by broad stone-clad piers at its north and south ends. At the roofline, the stone cladding carries across the top of the window bays and 4 feet above roof level, creating a stone screenwall that functions as a surround and essential background "staff" for the unique visual staccato of the zigzag window bays (ref A-32, right hand image).
3. **Corner:** At the corner of K and Connecticut, the corner façade introduces an embedded, yet discrete, "tower" form. The tower form, a pairing of large windows at its center, is articulated and framed top to bottom by deeply recessed symmetrical glass sidelights. At its top, the tower form pronounces itself by extending, as a somewhat transparent figure, above the roof level (as established by the flanking sidelights); but extending only to a height in union with that of the flanking K Street cornice and Connecticut Avenue screenwall. (Ref. image on A-32.1.)

MR. COGBILL: We will now move to Agenda Item 4A. This is the Consolidated Planned Unit Development and Map Amendment for a Mixed-Use Development at 1000 Connecticut Avenue, Northwest. Ms. Goldkind.

**Consolidated PUD and Map Amendment
for a Mixed-Use Development in Square 163**

MS. GOLDKIND: Good afternoon, Mr. Chairman, members of the Commission. The Zoning Commission of the District of Columbia has submitted for comment the proposed planned unit development for mixed-use commercial development in downtown Washington, D.C.

The project is in the heart of Washington's central business district close to the White House and a short distance from the National Mall. The project site is at the northwest corner of Connecticut Avenue and K Street, Northwest, diagonally across from Farragut Square. There are currently two office buildings on that site, shown in the upper left. They will be demolished to make way for the new building.

The proposed design divides K Street facade into three sections to break up the long expanse of more than 300 linear feet. The

materials include a combination of granite, steel and glass. The building will have ground-floor retail, shown here, and will be topped by a tapering parapet that will also serve as a rooftop guard rail to protect users of the green roof that is being proposed. That is here.

There is a penthouse that is set back significantly from the roof edge and is not in violation of the Height Act.

The Connecticut Avenue facade has similar materials but the configuration is different with projecting angular bay windows. Looking from Farragut Square, you can see the corner has a different treatment and it has been cut to facilitate movement around the site as well as to provide a main retail entrance to the building in the corner.

The identified federal interests relevant to this proposal is the Height of Buildings Act of 1910. Staff finds that the roof parapets along K Street and Connecticut Avenue are in violation of the act which limits the height of buildings at this site to 130 feet measured from the sidewalk at the building entrance.

These sections through the K Street

parapet show the rooftop surface at the maximum allowable building height of 130 feet with the highest parapet extending approximately 4 feet above that point. The section on the right is taken here and on the left here and this is the parapet.

The same is true on the Connecticut Avenue facade although the configuration is different.

Section 7 of the Height Act states that no parapet wall shall extend above the limit of height. As defined in Sturgess Dictionary of Architecture and Building, a parapet is a dwarf wall or barrier built on the edge of a terraced platform bridge, balcony or other elevated place as a protection against falling.

By this definition, the projecting elements which are coplanar with the building facades are clearly functioning as parapets and are, therefore, prohibited under the act. If they were set back from the roof edge, however, similar to the diagram shown here, they would not meet the definition of a parapet and may be permitted.

Therefore, it is the Executive Director's recommendation that the Commission advise that the parapet at the edge of the roof exceeds the

allowable height as mandated by Section 7 of the Height of Buildings Act which states that no parapet wall shall extend above the limit of height and recommends that the Zoning Commission require the applicant to modify the design to eliminate the parapet or set it back from the exterior walls to distances equal to their respective heights above the adjacent roof.

Thank you. I believe there is someone signed up to testify.

4A

[The staff recommendation and list of registered speakers follows.]

MR. COGBILL: Thank you. We do have an individual signed up to speak. Are there any questions of staff at this time?

MR. PARSONS: Mr. Chairman, I do. I wonder if we could go back to your sections. Now, as I understand it, the sketch on the right, or drawing on the right, what you are objecting to really the cantilever that extends off the top; that is, if you were to remove that wedged-shape cantilever, is the setback appropriate for 1 to 1?

MS. GOLDKIND: It is not.

MR. PARSONS: It would still have to go back further.

MS. GOLDKIND: It would still have to go back.

MR. PARSONS: How much further? It looks to be about a 45-degree angle. That is why I asked.

MS. GOLDKIND: Here is the roof. This is the property line. So if you went back 45 degrees, it would be about there. So, about to there.

MR. PARSONS: But that is the cure you are recommending, I assume. I mean, we are not trying to design it here, but to remove the cantilever--

MS. GOLDKIND: We are saying at a minimum

based on other elements in the Height Act that we might consider, or consider appropriate at least at 1-to-1 setback.

MR. PARSONS: What would the cure be on the drawing on the left?

MS. GOLDKIND: That would be left, half of that.

MR. PARSONS: 1-and-a-half feet; correct?

MS. GOLDKIND: It is a smidgen over 2 feet, I believe.

MR. PARSONS: Okay. You have looked at it closely.

MS. GOLDKIND: Whatever a smidgen is.

MR. PARSONS: Those sections are the ones in the recessed portion of the building; correct?

MS. GOLDKIND: Correct. Actually, yes; they might, indeed, comply given the setbacks on the property line.

MR. PARSONS: Right. That is my suspicion.

MS. GOLDKIND: I don't know for certain, but it is possible

MR. PARSONS: Because they are back from the property line. Thank you.

MR. COGBILL: Mr. Ames.

MR. AMES: Mr. Chairman, you know the guidelines the city used in the Zoning Commission voting to approve this. The reason I ask that, a lot of times issues such as this are taken up as a variance to an ordinance. So was this a vote as a variance to the height restriction?

MS. GOLDKIND: There was no record of that. The Zoning Commission action and the Office of Planning reports appear to deal more with the PUD requirements and the amenities that are being provided as well as the overall design of the building. I don't think the height--the design of the parapet was considered fairly carefully, but the height of it, I have no record of.

MR. AMES: I don't know the District's code of laws as to how they operate there. Generally, in cities throughout the country, you have zoning boards of appeal that you ask for a variance for an issue like this if it is under a certain percentage. If it is under an even more high percentage, the zoning administrators, themselves, are allowed to make that exception

I look at this exception of allowing this happen is so small and the effect that it will have is so little and the look that the building has

with or without is so great that I am in favor, unless somebody can convince me otherwise, that we allow this to go forward.

We are not setting a precedent. It is a one-time issue. We have to decide what the precedent is the next time something comes up. I don't live on precedents, to be real honest with you. I live on what is here today and what we are voting on today.

With that being said, Mr. Chairman, I do not see the need to object to such a small variance in the design of this building. I am going to have a tendency to have to go along with the city zoning people on this issue.

MR. COGBILL: All right. We will move to--

MR. GALVEZ: Just a further clarification. Can you read to me again what the actual zoning law says about the description of where it is measured from?

MS. GOLDKIND: Yes. Where you measure from or the definition of how the parapet--

MR. GALVEZ: You mentioned the entrance to building, I think, originally, measured from the entrance.

MS. GOLDKIND: Oh; okay.

MR. GALVEZ: This is a slightly sloping site so where you do take this from?

MS. GOLDKIND: It was taken from the--

MS. SAUM: Excuse me. Can I just make the point that what we are commenting on here is the federal interest which is the Height Act of 1910 which is a federal law and not the District Zoning Regulations.

MR. GALVEZ: I just wanted get straight in my head that the true measured point, and how it--

MS. SCHIFFER: Mr. Galvez, I am happy to find it for you and I will, but I think that the issue of where you measure from is an issue in the next presentation and not so much of an issue in this one. But I will be pleased to find the information, what the provision--there are two provisions that are relevant to where you measure from.

The first is part of Section 5 which says, "No building shall be erected, altered or raised in any manner as to exceed the height of 130 feet on a business street or avenue as the same as now or hereafter may be lawfully designated," and then there is a Pennsylvania Avenue exception.

So, construing those words is one component of where you measure from. The second word of description of where you measure from is from Section 7 of the statute which talks about, which provides as follows, that, "For the purpose of this Act, the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of building to the highest point of the roof. If the building has more than one front," and then it goes on. And that will be relevant to the next item that we are talking about.

The provisions that are relevant to this one, Congress specifically provided as to parapets. It said, "The statute provides the height--" I'm sorry. Here it is. At the bottom of Section 7, which is the one with the sidewalk provisions I just said, the last sentence is, "No parapet walls shall extend about the limit of height." So it is quite specific about parapets.

MR. GALVEZ: It is very specific and very clear and known at the time the PUD was set up. So it is not a surprise to anybody.

MS. SCHIFFER: It was known as of 1908, or 1910. Yes.

MS. GOLDKIND: That was the point that was used by the design team to measure from.

MR. COGBILL: Mr. McGill?

MR. MCGILL: I assume that there are two issues here. One is how far back the penthouse is and the other is how high the parapet is.

MS. GOLDKIND: The penthouse does not violate the Height Act. It is set back quite far.

MR. MCGILL: So the parapet has no structural function in and of itself. It is simply decorative?

MS. GOLDKIND: I think it is important to start that the Height Act does make--

MR. MCGILL: No; I am not drawing a distinction about the Height Act. I am just asking why that structure is there. It appears to be a decorative element only. So it seems to me that there is another solution and that is to lower the parapet as opposed to eliminating the parapet because parapets can be desirable features on tall buildings in major American cities.

But it appears to me from the staff report that your only solution is to pull it back and, therefore, it ceases to be a parapet.

MS. GOLDKIND: You are correct. If the

parapet were lowered to the 130-foot level, it would not violate the Height of Buildings Act and there would not be a federal interest.

MR. MCGILL: Okay. Thank you. I am not challenging the Height of Buildings Act in any way.

MS. GOLDKIND: No; you are correct.

MR. COGBILL: Mr. Ames.

MR. AMES: Has the height in the Building Act ever been exceeded?

MS. SCHIFFER: Mr. Ames, do you mean the height of the Federal Building Act?

MR. AMES: Right.

MS. SCHIFFER: Congress has made it very clear that this is a statute--when the Home Rule Act--that is was a requirement in the Home--

MR. AMES: No; that is not my question. Hold on. You are going off in a direction I don't want to go. Have we allowed other people to exceed the federal act on building heights, whether it be a parapet or just the height of building, before?

MS. SCHIFFER: To my knowledge, NCPC has not since we specifically required, among other things, by implementation of the Comprehensive Plan, to implement the Height of Buildings Act and we would be not following our statutory mandate if

we did permit that.

MR. AMES: What I don't understand, and I am going back to Mr. Galvez' questions, is there somebody here from this project?

MR. COGBILL: We are waiting to hear from the people--

MR. AMES: Well, I will have some questions then. But what I don't understand, first of all, it kills me that we are talking about 3 percent of the height requirement. Where I live, we have variances. Nothing should ever, when you are telling somebody what they can do with their property, be set in stone. So I have my own philosophy there and it is hard to change my mind on things like that.

But, going back to the other side, why in the world with, hopefully, I am sure they are very competent architects, somebody should have known that this issue was not something that this Commission bends on and why would it ever have gotten this far if we are not--I mean, are we allowed, Madame Attorney, to approve this?

I am getting a feeling from you that we are not even allowed to do this.

MS. SCHIFFER: Our role with matters that

come to us from the Zoning Commission is we review them and give advice. It is not an approval question. We give advice. We look for whether there is a federal interest. A component of a federal interest is the Height of Buildings Act being applied and applied properly.

That is something that we look at quite closely because the Height of Buildings Act is a federal law, it is a federal interest. We don't always agree with the Zoning Commission's interpretation of the Height of Buildings Act. We have been trying to work with the city and the Office of Planning to see if we can come to more consistent interpretations.

But it is a requirement from the federal point of view. We look at how the federal law applies and we try to agree. But we don't always agree.

MR. AMES: Well, let me ask you this. Then, what you are telling me is that whatever decision we make is a recommendation back to the Zoning Commission and whatever that recommendation is doesn't make any difference because the Zoning Commission takes that as a recommendation and can uphold what they have done or change it based on

our recommendation; is that correct?

MS. SCHIFFER: Yes; that is correct.

MR. AMES: Then I am fighting a battle that I don't need to be fighting. If I don't have a decision in this matter, then I leave it to the city that they are going to do what they want to do anyway. They obviously have already done that, which I happen to agree with in this particular case. But I am going to leave it alone, Mr. Chairman.

MR. COGBILL: Any other questions or comments from the Commission? Then I am going to ask our speaker, Mr. Wayne Quin--

MR. QUIN: Happy New Year. My name is Wayne Quin with Carolyn Brown of Holland and Knight. We represent the owners of the property. The owners are the Cafritz Foundation and the Gewirtz, Small and Kaplan families.

We hope you have reviewed and had a chance to review the letter that we submitted on December 22nd because I think that goes a long way. We are not, by the way, requesting a map amendment, just to clear the record. But I think that letter should make it absolutely clear that the extensions above the roof here are purely architectural

elements in full accord with the 1910 Height Act.

Specifically, the provision that is not referenced in the staff report in D.C. Code, official code, is section 6-601.5(h) which permits what we commonly call architectural embellishments about the height limit. In the Act, it refers to specific ones like domes, towers, minarets and pinnacles. But, for over 75 years, the interpretation has allowed those elements that are purely architectural to extend about the height limit.

This Commission has probably approved, I won't say hundreds, but scores of those cases and we will refer to that in just a minute. But this particular case, from the very beginning, is a design issue.

To correct the statement that was made about what the function is, this is not a guard rail. There is a guard rail inside this architectural embellishment. It does not serve as a guard to keep someone from falling off or leaping off, although it is New Years.

In fact, as I said, there is a little bit of fun that I will poke at Mr. Parsons who sits on the Zoning Commission. This case has involved

design from the very beginning. At one point, Mr. Parsons, it must have been in a weak moment, said, "I think this building needs a tower or something like that at the corner."

We saw some humor in that and some irony because Mr. Parsons is the most rigorous protector of the 1910 Height Act of anyone I know, staff, anybody in the whole United States.

That is all I really wanted to say. I can get into the technicalities of the law. I have tried to refer to it briefly, if you want, and the history. But I would like to have Mr. Barris of the architectural firm of Pei Cobb Freed describe it in detail. You will see that it is purely architectural and, therefore, absolutely permitted not only interpretations by this Commission but the Commission of Fine Arts, the Zoning Administrator, the Zoning Commission, the Board of Zoning Adjustment and virtually every major architectural firm in the city and outside the city.

So I would like to call Mr. Roy Barris to make a brief presentation of what the building is like and specifically to describe the edge of the building at the roof.

MR. COGBILL: Mr. Quin, one of the things

we try to do is limit this to five minutes.

MR. QUIN: He will be less than five, hopefully.

MR. COGBILL: Okay. Thank you.

MR. BARRIS: Thank you for the opportunity to represent Pei Cobb Freed Partners, our firm, before you today and, also, on behalf of our firm, I wish to apologize for the inaccurate description in the drawings that we submitted in November of '06 to both the Zoning Commission and, ultimately, to your office the description of certain roof-level projections in our building as parapets.

This was due to an oversight in our firm, partly my blame. These projections are neither parapets nor are they embellishments intended to function as parapets, as I hope our slides will show.

I would just open my presentation, I am going to show you very quickly about two-dozen slides. I am going to open with four buildings that our firm has done in D.C. that have all measured their height to the high point of the roof yet, above that, there are certain embellishments at the roofline.

This is 1299 Pennsylvania Avenue, or also

known as the Warner Building property, which has cornices, architectural pre-cast concrete or architectural metal, which sit above the roof level. This is Columbia Square or Square 290 which has an architectural balustrade which sits above the roof level.

This is a new building under construction at 1199 F Street which has an architectural metal cornice about the roof level.

This is our project immediately south of the subject property at 1000 Connecticut 1700 K Street which has an extension of the stone-clad facade facing Farragut Square. The facade extends 6 foot 4 inches above the roof level.

You can see here at the interior lot-line facade facing the Barr Building the actual roof and the actual roof-level cladding and the guard rail beyond.

Facing K Street, this property has an architectural metal cornice which also sits about the roof level. This cornice rides above a stainless-steel coping which folds back at a 45-degree angle towards the roof. Here is a section through that coping so that it is set back at a 1-to-1 setback to height ratio so that it is

invisible, more or less, from the pedestrian view. This is the extension of the stone screen wall, 6 foot 4 above the roofline.

Our property is 1000 Connecticut Avenue directly north of 1700 K Street. The property is actually about 2 feet lower in the average elevation than 1700 K Street. The south-facing facade faces K Street, east facing Connecticut Avenue, corner facade facing the park.

The design envisions three stone-clad pavilions facing K Street and articulated bay-window to facade facing Connecticut Avenue and a distinct corner facade facing Farragut Square.

The design as provisionally approved by the Zoning Commission shows here the three stone pavilions with their stone cornices and the Constitution Avenue facade with a surrounding stone screen wall and the he corner facade, which is sort of an embedded tower that extends this somewhat transparent figure above the roofline.

The roof level of 1000 Connecticut shows the accessible roof terrace on the two principle frontages and the extension of the cornices at K Street and the screen wall at Connecticut Avenue.

Behind these are guard rails which will be

set back 2 feet because we don't want people climbing on top of these.

This is an earlier version of the design which had a much higher embellishment at the top of the building and, through many, many reviews with O.P, and ultimately Z.C., we reduced--we changed the design. We reduced that pergola-like fenestration cap to a cornice and then we added a stone surround on the Connecticut Avenue side in part to provide a background to the bay windows but also to frame the corner facade better with stone and stone.

The ultimate design was provisionally approved, the original design for K Street pavilion with the top pergola and then the approved design with the light-weight cornice.

I am going to read from the statement I wrote in our letter to Christine Saum of December of 22nd; Along the top of the stone pavilions at K Street, a stone-clad cornice provides important distinction and depth to each pavilion. The vertical dimension of the cornice extends 4 feet above roof level while the horizontal section extends out but not over the property line. I should point out that a 4-foot extension and a

4-foot-3 setback do provide a 1-to-1 setback at least for the vertical leg of this cornice.

However, there is a guard rail, and this section will show a little close to the wall, but a guard rail that is the real pedestrian barrier at the roof level.

Again, this is a similar section of 1700 K Street where we have a minimum weatherproofing curb required for the roofing detail. It is 1-to-1 setback here so you do not see that curb at the pedestrian level. The original design for Connecticut Avenue facade, and then the design with the stone screenwall, the stone surround, a closeup view.

You can see at the alley facade, we will have that sloping curve there as well so this is really the roofline. That is all that you see. This is the extension of the stone screenwall above.

On Connecticut Avenue, the bay window facade is framed by broad stone-clad piers at its north and south ends. At the roofline is stone cladding. It carries across the top of window bays and 4 feet above roof level creating a stone screenwall that functions as a surround and

essential background staff for the unique visual staccato of the zig-zag window bays.

The corner facade at an intermediate design stage, then that corner facade with our embedded tower which extends a somewhat transparent figure to a high-end union with the screen wall at Connecticut and the cornice at K Street.

At the corner of K and Connecticut, the corner side introduces an embedded yet discrete tower form. The tower form a pairing of large windows at its center is articulated and framed top to bottom by deeply recessed symmetrical glass sidelights and, at the top, the tower form pronounces itself extending a somewhat transparent figure about the roof level but extending only to a height and union of the flanking K Street cornice and Connecticut Avenue screenwall.

Thank you. That is my testimony about the roof level. A silhouette of our building. Thank you.

MR. COGBILL: What is a parapet?

MR. BARRIS: A parapet is a low wall at the edge of a roof that is intended to protect people or cars or whatever from falling over the edge of the roof. In ancient times, they were

intended to protect the defenders of the property from warriors when the property was under siege. But it has come to be known now as a barrier to protect people or vehicles or whatever from falling off the edge of this elevated surface.

MR. COGBILL: Could we go back to the drawing, then, that shows--that you had up just a minute ago that shows this cantilevered element. Right there. You have one that shows it with the guard rail behind it, a little earlier.

If you were to basically draw a line from bottom to top and take it straight up through the cantilevered portion, and take the cantilevered portion off, would that element that remains, that vertical element, would that be a parapet?

MR. BARRIS: No, it would not, because we had a guard rail--see, at the roof level, these projections are intermediate figures. We have a guard rail that is a continuous guard rail--

MR. COGBILL: Behind it.

MR. BARRIS: Right behind this cornice and continuing all the way across. The guard rail is set back at such a distance that we hope it will be not too visible from the street.

MR. COGBILL: But, when I saw the drawing

before, the guard rail looked like it was immediately behind what I call the parapet. You described to me a parapet as something that people stood behind in olden days to protect themselves when they were defending their fortress.

I don't recall that many fortresses I have seen had guard rails behind them. I don't see a difference or the purpose of whether the guard rail is there or not.

MR. BARRIS: We feel it is important to keep--this is a surface that we want people to either--

MR. COGBILL: Climb upon.

MR. BARRIS: Climb upon. So we are going to keep people away at least 2 feet, maybe 3 feet, away so that--the guard rail is there as a physical barrier as well as a psychological barrier.

MR. COGBILL: Okay. Thank you very much. Other questions? Mr. McGill?

MR. MCGILL: Just curious. If you were to treat this as a cornice at the existing roof level, would the District's rules and regulations allow it to extend over the property line?

MR. BARRIS: Well, as I understand the District's rules and regulations, yes; it would.

Our design basically envisions these pavilions being framed by this wall which comes down and flanks the recess facades and then rides over the top. Then we project over the top to create the cornice. So--

MR. MCGILL: It looks almost like you have a glass roof above those windows.

MR. BARRIS: There is, indeed, a glass--this is, in effect, kind of a penthouse roof. There is a glass window which folds back to the stone wall that is recessed behind.

MR. MCGILL: Good luck with leaks.

MR. BARRIS: We are very familiar with leaks.

MR. GALVEZ: Basically, the design really treats us to get a shadow, I believe. The whole premise for this being here is to get the shadow to culminate the top of the building.

MR. BARRIS: Yes.

MR. GALVEZ: From understand the description of what the zoning law says, to me, you are fine, looking at this because, basically, you have provided the protection by having the rail behind it. This is strictly just a continuation of an architectural embellishment of the facade going

above it and not projected beyond the street plane of the building at all.

So I don't see there is much we can do about this.

MR. COGBILL: Our advice here, and it is just that, is a recommendation back to the--

MR. GALVEZ: I think, if anything, the concern is there is nothing, right now, as I understand the description, from saying you couldn't build this thing a full story higher if you wanted to. To me, that is where the zoning law need some enforcement because it is purely an architectural embellishment. It is not related to the roof or anything else. It is just strictly a detail for decoration.

So if the concern is limiting whatever happens on the facade of the building to a 130-foot height, that is where it falls apart.

MR. COGBILL: Mr. Parsons?

MR. PARSONS: Mr. Chairman, I am really glad this--are we returning to the Commission here? I don't have any questions.

MR. COGBILL: Unless there are other questions.

MR. QUIN: Could I make one statement to

close?

MR. COGBILL: Sure.

MR. QUIN: I appreciate the opportunity to speak but there are two quick points. One is the building that you saw immediately across the street, 1700, the question was asked whether this Commission--this was just a fairly recent approval by this Commission of that particular building which had the same wall that goes up actually even higher than this architectural embellishment.

Finally, what we would hope you would do is recommend approval to the Zoning Commission, not have reservations about it or have no objection.

Thank you.

MR. COGBILL: Mr. Parsons.

MR. PARSONS: Mr. Chairman, I am really glad the staff has brought this matter to our attention. On the Zoning Commission, we spent an incredible amount of time, too much time, on that feature you see on the screen and, as you could see, lowered and lowered and lowered it.

But the concern that we expressed on the Zoning Commission and should be something that we discuss as a Commission here is we have a new architectural era upon us.

The 1990s was our tower period, as I call it. We were embellishing the corners of buildings with towers. The Heights of Buildings Act talks about embellishments on top of buildings here in the city, but they are all vertical in nature. They are towers, minarets, things of that nature.

Now comes a horizontal embellishment that is essentially raising the visual height of the building. There is no doubt about it. As you saw from the examples shown, some of them are more effective at that than others.

So here we are in a city which does not have this kind of roofline treatment in its general vocabulary, or hasn't in the past. So the debate that we are having and the Zoning Commission is we have got a 1910 law that talks about vertical embellishments. It did not imagine this.

They have come to us in the form of cornices. They have come to us in the form of trellis. Each architect is groping with what to call these things. It is all a product of using the roof which is something we haven't done much in this city. So we are trying to protect the roof occupants from walking off or being shaded and we have a series of buildings that have come to us

with trellises upon them.

What we are doing is we are trying to push them back to get this 1-to-1 setback, we on the Zoning Commission. The discussion we had at the Zoning Commission, as I recall it, never got to the Height of Buildings Act. We didn't even think about it, I am embarrassed to say, but the staff has now brought it to our attention.

So I think it is worth sending a message back to the Zoning Commission to give that another thought rather than ignore it as though we didn't have this discussion and setting aside the staff opinion.

What my colleague on the Zoning Commission will do with this, I don't know but I think so much time was spent on the design of this without a thought process that we are having here today about the Heights of Buildings Act, it would be worthy to send it back for their consideration.

MR. COGBILL: All right. This is now officially back before the Commission. Thank you, sir, for your presentation. In order to move this matter forward into the discussion, I would entertain a motion.

MR. AMES: Mr. Chairman, I would like to

make a motion that we send an approval for the recommendation from the Zoning Office based--and I am glad Mr. Galvez stepped into this because of your ability as an architect to give me a better understanding of what that is.

But I make a motion that we approve it as presented back to the Zoning Committee for the city to allow this to move forward.

MR. COGBILL: So you are moving the Executive Director's recommendation?

MR. AMES: Be turned down. I am making a motion that we send approval of this project back to wherever it goes as a recommendation. I am recommending that we approve the Zoning Commission's approval.

MR. MILLER: Second.

MR. COGBILL: All right. We have a motion made and seconded. Discussion? Mr. Galvez?

MR. GALVEZ: Kind of picking up on where Mr. Parsons left off, part of it, to me, I think the Zoning Commission needs to look at these buildings and how that act is going to be interpreted because I can see this continuing to happen. You are going to have parapets or embellishments or trellises or whatever and they

are going to be two stories tall before it is over.

So it is a matter of how you define where you take the measurement. That needs to be looked at. So I would encourage that there be some wording here to reflect that the Zoning Commission really ought to look hard at how this definition is applied in terms of future projects.

MR. AMES: I would accept some addition to my motion, if you would like.

MR. GALVEZ: Okay.

MR. AMES: If you accept.

MR. MILLER: I think that is a good idea. That's fine.

MR. COGBILL: Other questions or comments? I am going to wade in. I am not going to support the motion for a number of reasons. One, I guess overrunning Liechtenstein was a small incursion in World War II but certainly one that was very, very important.

I don't mean to make light of that or to diminish sort of the idea of small in this case but I go back to what Mr. Gálvez said about how do we decide what is a small incursion, what is 1 foot, 3 feet, 10 feet, 2 stories. That comes up in the next matter that comes before us.

Second, we are dealing with federal law. Federal law, here, I think is fairly clear. We are not dealing, in this case, with the interpretation of the city's ordinance. Certainly, that is a factor. But we are dealing with what the federal law is. It was put into place and it is something that we are obliged to uphold, at least, as I see it and as I understand it.

I would say that that is fairly clear and unequivocal. So it is to me to now, with the presentation to sort of retract the idea that this is a parapet after having it presented to us as such, a staff report written as that and my understanding of it by simply removing the cantilever portion of it, we are, in fact, talking about a parapet which, then, I believe would require the setback. It would certainly eliminate the issue of a shadow.

I don't disagree that there are architectural reasons for doing this but I also recognize that, if we go above what is permitted in the federal law, then do we allow it to go 1 foot, and then do we suddenly get to the point where we are above the Capitol? That I don't think the Congress would approve. In fact, we have seen that

in other cases in other buildings in proximity to the Capitol where the Congress has specifically taken action to say that that cannot happen.

So I am concerned about, in the old city, raising the physical height of buildings. I believe that the best way to send a message and to ask the question of the Zoning Commission about what should be done in this is to recommend and to move the Executive Director's, and to approve the Executive Director's, recommendation for the simple reason that that does put the question squarely back before the Zoning Commission.

As Mr. Parsons said, it was an issue that they did not discuss or at least, from the record, debate. So, with that, I would propose a substitute motion which would move the Executive Director's recommendation.

MR. PARSONS: Second.

MR. AMES: Can I make a statement?

MR. COGBILL: Sure.

MR. AMES: I think it is well and good that everybody has opinions. I think it is well and good that we have discussions like this. I go back to everybody is entitled to decide the parapet issue on their own. The question after

that--personally, I don't think it is a parapet wall. I have dealt with parapet walls in buildings I have been involved with all my life. That is not what I think of as a parapet wall.

But I go back to Mr. Galvez, and I will ask you this question, under the act that we are dealing with, I consider this an architectural embellishment of that building. Is that not approved under the Federal Act?

MR. COGBILL: I think you are asking Mr. Galvez a legal question.

MR. GALVEZ: Which is kind of an interesting question.

MR. AMES: No; it is a postural opinion question. It is not legal. In your opinion--let me clarify it that way because my opinion is not legal and neither is yours. My opinion is my opinion. I am asking your opinion and I am asking your opinion. That is what I am basing mine on.

Look. I don't want to destroy the act on the heights of building in this city. I go back to the first thing somebody told me when I got appointed to this that we are here to protect the interest of the city of Washington to maintain its glory.

This is not a case that I think affects that glory. I ask that question of you.

MR. GALVEZ: Just, in response to that, and that is why I asked about the definition earlier, just trying to get it straight in my own head as to what it says. Basically, this building, as it is now designed, protects the occupants of the roof with that wall not being there.

You have got a railing behind it. So the parapet, if you call it a parapet, to me, is really just purely an embellishment architecturally so that my understand of the description of the law, this meets is.

MR. AMES: That's all I needed to know.

MR. COGBILL: Mr. McGill?

MR. MCGILL: I would like to ask several questions. First of all, Mr. Parsons, one of the fears expressed is that, if we give on this issue then "Katie, bar the door," we might have 80-foot parapets on top of the building

How has the Zoning Commission in the past handled the tower issue so we didn't end up with 80-foot towers.

MR. PARSONS: Towers can go to virtually any height. I mean, you look at churches and so

forth. They can go to any height. The penthouses, which are designed to protect the elevator override at about 18-and-a-half feet, have been a given. Of course, everybody has taken the boiler out of the basement and put it on the roof so they get kind of large.

But the parapet is much different than an architectural embellishment which has been vertical towers, generally. I can't give you a height that the tallest is, 80 feet.

MR. MCGILL: Ms. Schiffer, If Mr. Quin is correct, we have approved a building across the street with similar architectural treatment and no objection. Now, can you or Ms. Saum respond to that?

MS. SAUM: NCPC did approve the building across the street in January of 2002. What I said to Mr. Quin and I will say to the Commission is that, if it came through here again today, we would not approve it. I think that there are things that have been approved in the past that, I confess, the current staff does agree with.

MS. SCHIFFER: If I could add something to that, Mr. McGill, one of the things I have found as I spent more time looking into the Height of

Buildings Act is that there seemed, at some time, in this Commission to be an understanding that we were bound by District of Columbia interpretations of this federal law.

I do not believe that to be the law. I believe the law to be this is a federal law. We can certainly look to District of Columbia interpretations as a factor to take into account. We are very clear about wanting to work with the District of Columbia to come to a common understanding but, as a federal agency with responsibility for interpreting this federal law, we are not bound by those District of Columbia interpretations.

So it may well be that the Commission in the past approved certain structures because the Commission thought that the District of Columbia had interpreted the federal law to provide for that. But we feel now that, consonant with what Ms. Saum just said, we have an obligation to look at the law as a federal matter and make our interpretations of it.

MR. MCGILL: If we were to define this feature as a decorative cornice, would that make our finding any different?

MS. SCHIFFER: The statute has, essentially, two categories. This is a little oversimplified but I think it is helpful in understanding it. One is, it talks about a parapet and it has discussions about a parapet. Then, separately, it talks about spires, towers, domes, minarets, pinnacles, the list that Mr. Parsons was referring to, penthouses over elevator shafts, ventilation shafts, chimneys, smoke stacks, fire-sprinkler tanks that have been treated--the word "decorative element" actually does not appear in the federal law.

But those elements which Mr. Parsons points out are essentially vertical elements. It treats those, on the one hand, and separately treats parapets on the other hand. So I think what we would do as a staff, as a matter of interpretation, is to try to see which of those two categories we thought the feature most appropriately fell into.

We would note, which I think has been alluded to here, that, when these architectural drawings and designs first came in, this element was very much called a parapet on the design.

MR. MCGILL: Mr. Chairman, I am tempted to

try to find a compromise here. I won't offer a motion yet, but I kind of visualize a compromise. I think, first of all, that it would be a good idea for this Commission to encourage cornices. The architectural style of Washington is rectangular box buildings that fill every inch of the zoning envelope.

There is a sameness and a lack of rhythm to those buildings because most of them don't have cornices. They just keep going up and there is the roofline and they keep on going up. Cornices are desirable elements. Older buildings in Washington have cornices.

It would be desirable, on our part, to say to the Zoning Commission that it would behoove the Zoning Commission to encourage cornices. It would be appropriate, I think, to define this as a cornice.

So I would be tempted, if people were interested, to offer a motion something along the lines that we encourage the Zoning Commission to find ways to promote the use of cornices on buildings in Washington, D.C., office buildings in Washington, D.C., that we believe, in this case, this is more of a cornice than a parapet and that,

while we are concerned that, depending on the definition or even the lack of text in this situation, it could be interpreted as exceeding the Height of Buildings Act, we think, on balance, there have been a sufficient number of decisions in the past allowing things of this type that we agree that this is appropriate.

MR. AMES: Second.

MR. GALVEZ: Yes. That is very good.

MR. COGBILL: Yes, sir?

MR. NEWTON: First of all, I think you could go back to what was the intent of the act. I think we have sort of overlooked that in our discussions. The intent of the act was to restrict the heights of building visually across the greatest horizontal surface of the roofline.

I think I, as an architect, while the definition in the act is not broad for parapet, would call this a parapet. So I, in ways, disagree with Mr. McGill and Mr. Galvez in that, in effect, the railing behind it is there and was stated as being placed there to protect people from approaching that wall or cornice and, as such, is designated as a necessary safety element.

But it does not, in my opinion, change the

visual impact of that element which is as a parapet wall or the horizontal cap to the structure which, I think, the intent of the act originally was to limit the height there of the roofline.

MR. COGBILL: Did you intend to make a motion?

MR. MCGILL: Would you like me to? Right now, we have a motion and a substitute motion on the floor.

MR. COGBILL: Right.

MS. SCHIFFER: Right.

MR. COGBILL: I would just add as a final comment first, I want to say that I do believe the architects have made a good-faith effort to try to address the issues that were brought to their attention in terms of--and it was through the Zoning Commission--to lower the facade and to work with this

I think it does, in fact, add a bit of--makes it more attractive by having the shadow line, as you have suggested. I just am substantively still concerned by the issue of parapet as has been stated.

Mr. Parsons?

MR. PARSONS: The trouble I have with Mr.

McGill's notion here is that a motion like that would begin to redefine the word "cornice."

Cornice is, by regulation of the city, something that can extend from the building 52 inches.

It is at the top of the building edge. It is not something that protrudes from the roof in this fashion. That is the problem I have.

What is going through my mind is talking about setting up some kind of a task force. I don't mean a planning commission task force but a group of people that will look at this and report back to both Commissions in some fashion. Whether this building goes forward, I don't think we have need to stop a building because we need to do a study. But I think it is something we can't resolve here.

I know the Zoning Commission hasn't spent any time on it either but that is what I would urge is we don't define this as a cornice.

MR. COGBILL: My thought would be that we don't stop this. All we do is make a recommendation that it be reexamined. I think it is, again, part of the healthy discussion, as we grow and learn more about the architecture and, as you said, a new trend in terms of making these

buildings appear more attractive and giving more interest from the street.

Go ahead, Mr. Galvez.

MR. GALVEZ: If I could just add a comment. I agree. We really can't stop this building. I don't think they have done anything that makes it good for us to try and stop it. But I do think that there needs to be a fresh look at how the law is written and defined.

What has happened is architectural materials have changed since this law was done in 1910. You can do all kinds of amazing spans and changes without really impacting a floor structure any more. I mean, you could go four or five stories about the roof and call it an architectural embellishment of the facade, for that matter.

MR. PARSONS: That's true because the real issue here is light and air on the street. That is what this was about. So if we begin to extend these buildings to have an effect on light--well, not air, but light on the street is what we are doing.

MR. GALVEZ: It is almost looking back and saying, okay, does the law really need be reflective of what the facade height is at the

street level and what do you define as the facade of the building. Then that is really kind of your cutoff point.

But I think the law really needs to be looked at because things are very different now than 1910.

MR. NEWTON: I would add that dimensioning of floor-to-floor heights, any developer should be given the opportunity to develop within the Zoning Code to the full capacity. Yet this dimensioning of 130 feet strikes me may lead one to end up with less than optimal development opportunities.

MR. ACOSTA: I would just like to add a point. Our staff has started to look at this broader issue of how to define the Height Act because we have come into the probably many, many times. I do believe you are correct in terms of there are changing styles out there and there are distinctions or differences between the way the federal government and the District have interpreted it.

We have made some contacts with O.P. to discuss this issue and with the new director coming in, we will, again, start this discussion. So I would suggest that we try to get both staff to sit

down and kind of look at both federal law and the Zoning Regulations and actually come up with some--see if there is some common ground in terms of how we define this because I think, if we are just going to be in this constant cycle of the feds interpret it this way and the Zoning Commission interprets this way, we are not going to get anywhere at this point.

So I think that is probably the most productive way to approach it in that we can report back to this Commission and perhaps the Zoning Commission with updates on where we are at and, hopefully, we will come to some common ground on what these interpretations are.

MR. MCGILL: Mr. Chairman, it seems to me, then, your motion says, knock off the cantilever. The cantilever is the only pretty thing about the parapet.

MR. COGBILL: No; actually what it says is just we recommend that the--go back to the Zoning Commission that they reconsider that, or they consider it.

MR. MCGILL: But it says, to eliminate the parapet, or set it back. Either case, the cantilever becomes meaningless. Would you be

interested in moving only the first paragraph of the staff recommendation?

MR. PARSONS: I would be interested in that, but I think we need to say, beyond that, that we recommend to the Zoning Commission that they work together with the NCPC and probably the City Council and others.

What I want to make sure is we don't send some message that we think the Height Act needs to be revisited because that is a whole other issue. Right, Mr. Miller? There are a lot of people, including Mr. Quin and others, or his clients, that would love us to revisit the Height Act and get to 140 or maybe 150 or maybe--

MR. COGBILL: I would agree that that was the purpose of my discussion was that we do want this studied and revisited and we want some clear guidance to the extent we can with respect to these points and we want to work together with the development community to come up with the best answer consistent with the Height Act.

So, with that, I would propose, if it is acceptable to the second, to amend my motion to move the first part of the EDR and to recommend that the National Capital Planning Commission

staff, Office of Planning staff, work together to better define some of these elements and to work together to provide us a better I guess kit of parts of what would constitute a parapet, a canopy or the other embellishments that we talk about in the architectural world that make these buildings interesting.

MR. PARSONS: Second.

MR. AMES: But what will we do with what we have got here today?

MR. COGBILL: We would be approving it.

MR. AMES: Okay. So we are going to approve--okay; that's fine as long as we are--I don't want to just leave them out there--

MR. COGBILL: No. We would approve it. I think that goes to my point that we recognize that there is good-faith effort on the part of the--

MR. QUIN: I'm sorry; I don't understand what you have just said. You said that we approve "it," is "it" the building or is it the recommendation?

MR. COGBILL: No; it is not the recommendation. We are basically not--we are taking out the second bullet which recommends that Zoning Commission require the applicant to modify

the design and substituting for that a recommendation that the NCPC staff and the Office of Planning staff work together to better define the elements that make up a parapet, cornice or other architectural embellishments that would be considered consistent.

MR. AMES: Are we approving what they have presented to us?

MR. COGBILL: We are not approving it because we don't approve.

MR. AMES: We are recommending to the Zoning Board that what has been presented we accept.

MR. MCGILL: We are not opposing it.

MR. COGBILL: We are not opposing it.

MR. QUIN: That is why I asked the question because the first sentence says, "advises that the parapet exceeds the allowable height," which I don't think it does.

MR. AMES: That has got to come out, too, Mr. Chairman.

MR. QUIN: I don't disagree. I think having a--it is not my place to say. I think it would be a good idea to have a study.

MR. COGBILL: Beg pardon?

MR. QUIN: I think it would be a good idea to have people get together to study the issue.

MR. COGBILL: All right.

MR. MILLER: Mr. Chairman?

MR. COGBILL: Mr. Miller.

MR. MILLER: I have a question that maybe will allow us to move forward but you will advise me if it does or not. If we change the word "parapet" to "feature," and if we add the word "may" prior to "exceed," then you can study the issue not singling out this building which, apparently, is like many other buildings that have been approved by this Commission throughout the city and across the street, even, and actually looks more attractive than without it, too, I should add.

But, would those two language changes, "parapet" to "feature," and add the word "may," help us move forward here?

MR. COGBILL: It does for me.

MR. MCGILL: Yes.

MR. GALVEZ: Yes.

MR. COGBILL: Mr. Parsons.

MR. PARSONS: So it would read that, "the edge of the roof may exceed?"

MR. COGBILL: Advises that the feature at the edge of the roof, insert the word "may," exceed the allowable height that is mandated.

MR. PARSONS: I agree.

MR. AMES: Do we need to take back these other motions? I will rescind my motion so we don't have to vote on it.

MR. COGBILL: Well, no; we won't. We will vote on the substitute motion.

MR. AMES: Which is the one you just made?

MR. COGBILL: If that passes, then the others die.

MR. AMES: I wish I could call for the question. The last time I did that, you popped me, so I am not going to do that.

MR. COGBILL: It requires a super-majority when you do that. Further discussion? All those in favor of the amended motion--and which I will again, just for clarify, and correct me if I am wrong, "Advises that the feature at the edge of the roof may exceed the allowable height as mandated by Section 7 of the Height Act of Buildings Act which states that no parapet wall may extend above the limit of height," and substitutes, for the second paragraph, "a recommendation that the NCPC staff

and the Office of Planning staff work together to better define the architectural elements that constitute a parapet, cornice or other feature that is currently being used to design and embellish buildings."

MR. AMES: Well said, Mr. Chairman.

MR. COGBILL: Thank you. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

MR. COGBILL: Opposed?

[No response.]

MR. COGBILL: Abstentions?

[No response.]

MR. COGBILL: The motion is carried.

Thank you. Thank you for your patience.

Item 4B is a Consolidated Planned Unit Development and Map Amendment for a Mixed-Use Development at New York and Florida Avenues, Northeast. Ms. Marcus.

**Consolidated PUD and Map Amendment
for a Mixed-Use Development in Square 3584**

MS. MARCUS: Good afternoon, Mr. Chairman, and Commission members. The Zoning Commission has referred a Consolidated Planned Unit Development, Washington Gateway, at the intersection of New York

NATIONAL CAPITAL PLANNING COMMISSION

Consolidated PUD and Map Amendment

In Square 163

NCPC File No. Z.C. 06-13

Public Meeting

Registered Speakers

January 4, 2007

Mr. Whayne Quin

Holland and Knight

STAFF RECOMMENDATION

NCPC File No. Z.C. 06-13



CONSOLIDATED PLANNED UNIT DEVELOPMENT AND MAP AMENDMENT FOR A MIXED-USE DEVELOPMENT AT 1000 CONNECTICUT AVENUE, NW

Square 163, Lots 803-806 and 847
Washington, D.C.

Submitted by the Zoning Commission for the District of Columbia

December 28, 2006

Abstract

The Zoning Commission for the District of Columbia has taken a proposed action to approve a Planned Unit Development (PUD) and related map amendment at 1000 Connecticut Avenue NW, Square 163, Lots 803-806 and 847. The design features a commercial office building of twelve stories, approximately 134 feet in height, inclusive of parapet; a penthouse will be constructed at the middle of the building. A five-level underground garage, accessed from K Street, will provide parking for 228 vehicles.

Federal Interest

The identified federal interest relevant to this proposal is the Height of Buildings Act of 1910.

Commission Action Requested by Applicant

Approval of report to the Zoning Commission for the District of Columbia pursuant to 40 U.S.C. § 8724(a) and D.C. Code § 2-1006(a).

Executive Director's Recommendation

The Commission:

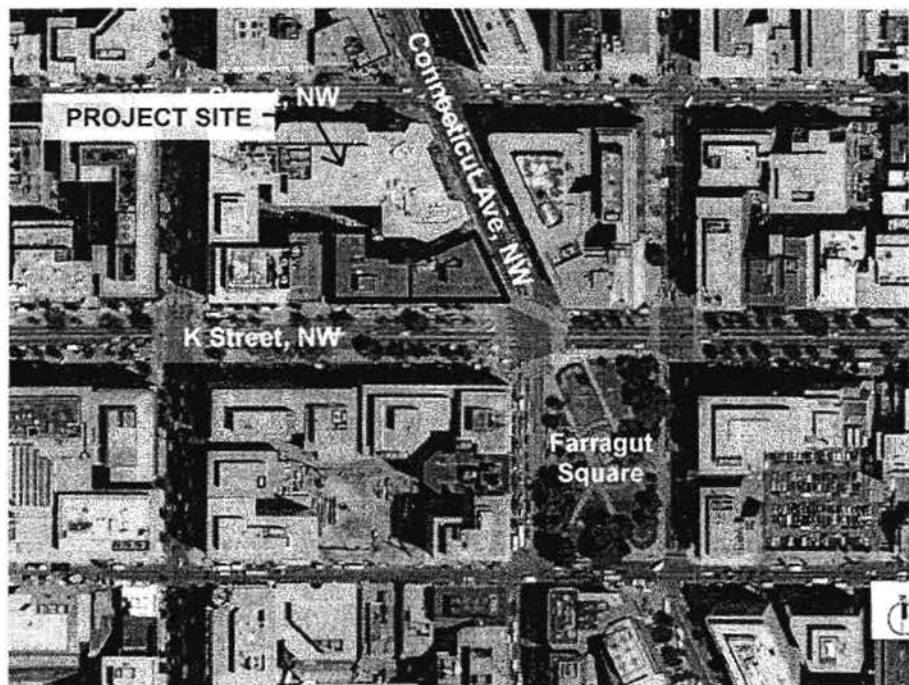
Advises that the parapet at the edge of the roof exceeds the allowable height as mandated by Section 7 of the Height of Buildings Act, which states that "no parapet walls shall extend above the limit of height."

Recommends that the Zoning Commission require the applicant to modify the design to eliminate the parapet, or set it back from the exterior walls to distances equal to their respective heights above the adjacent roof.

PROJECT DESCRIPTION

Site

The proposed development is located at the northwest corner of K Street and Connecticut Avenue in northwest Washington, D.C.; the site is situated diagonally across K Street from Farragut Square and the K Street façade is highly visible from that location. The site has a total area of 33,231 square feet, comprised of two adjacent lots and a rear alley. There are presently two buildings occupying the site; both will be demolished as part of the proposed project.



PROJECT LOCATION

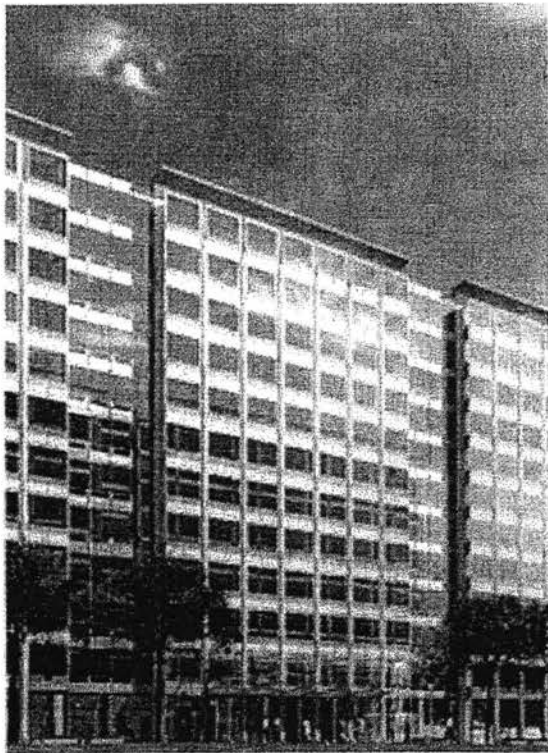
Background

The project site is located within the C-4 zone district, and will apply with C-4/PUD standards to construction. As part of the flexibility permitted under the PUD process, the applicant has proposed the following amenities in exchange for increase in both the gross floor area for commercial office space and the FAR:

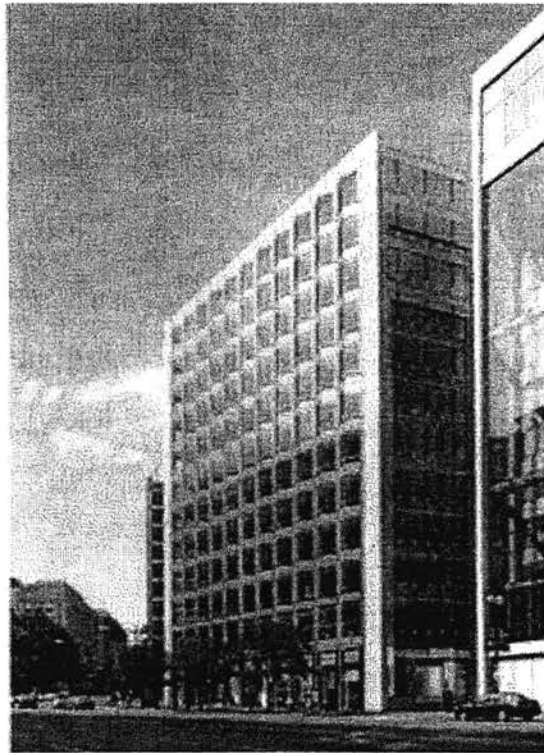
- Affordable Housing (off-site): \$172,000
- Dupont Circle Citizens Association: \$ 69,600
- Golden Triangle BID: \$ 50,000
- First Source and DSLBD Agreements
- Sustainable design features (green roof, energy-conservation features)
- Landscaping and sidewalk improvements

Proposal

The applicant is proposing construction of a new 369,000 square-foot, twelve-story office building, including 15,700 square feet of ground floor retail space. Parking for 228 vehicles would be accommodated below grade in a five-level parking garage. The new structure, as proposed, would contain approximately 369,000 square feet of gross floor area, constructed to a density of 11.11 FAR. The building height, measured from the curb opposite the K Street entrance, would be approximately 134 feet (130 feet to the roof, plus a four foot high parapet).



K STREET FAÇADE

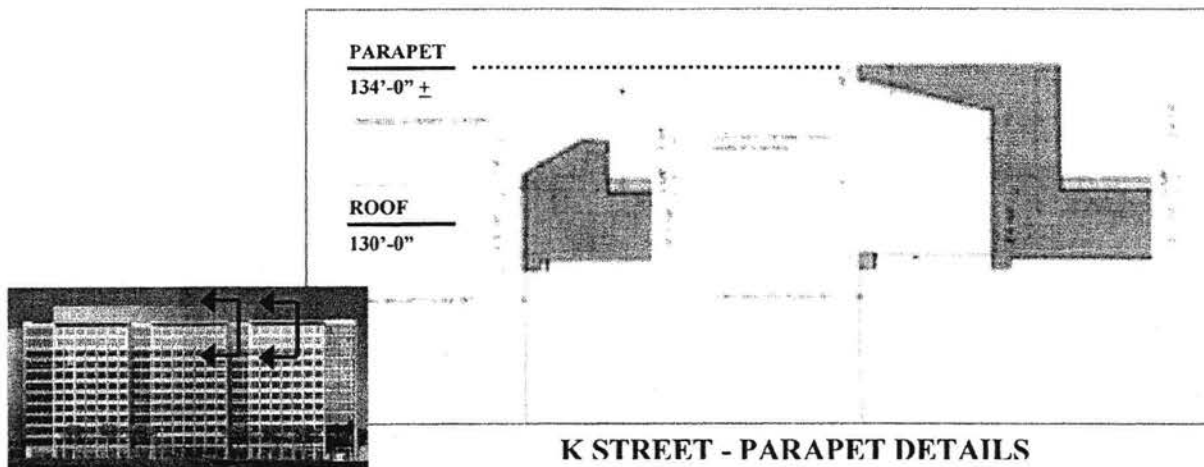


CONNECTICUT AVENUE FACADE

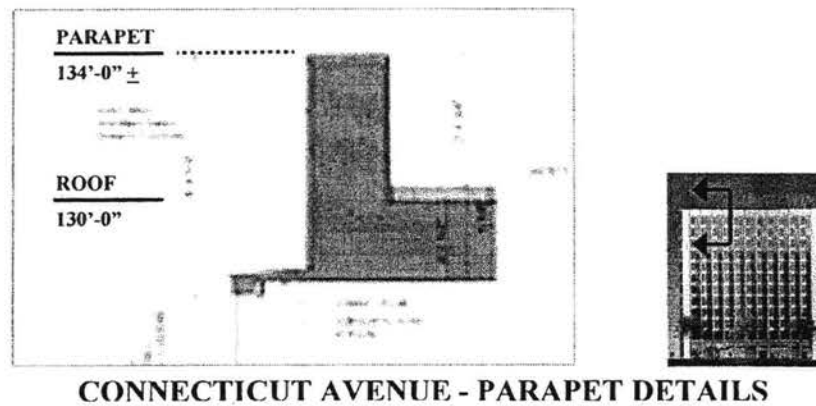
At their December 11, 2006 public hearing, the Zoning Commission voted to approve the proposed development plans.

PROJECT ANALYSIS

Staff finds that the parapet heights along the K Street and Connecticut Avenue façades are in conflict with the federal Height of Buildings Act of 1910. Section 5 of the Height Act states that “No building shall be erected, altered, or raised in any manner as to exceed the height of one hundred and thirty feet...” and Section 7 of the Act states that, “no parapet walls shall extend above the limit of height.”



Based on the architectural drawings included in the submission, the top elevation of the parapet is approximately four feet (4') above the allowable height of 130 feet; if the parapet were set back from the edge or the roof at a 1:1 height/setback ratio, however, it could be constructed within the requirements of the Act.



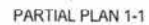
A penthouse at the middle of the roof also exceeds the façade plane height restriction; however, since the penthouse is set back from the roof within the required 1:1 ratio established by the Height of Buildings Act, staff finds the penthouse to conform to the Act's requirements.

Staff therefore recommends that the Zoning Commission require the applicant to modify the design to eliminate the parapet, or set it back from the exterior walls to distances equal to their respective heights above the adjacent roof.

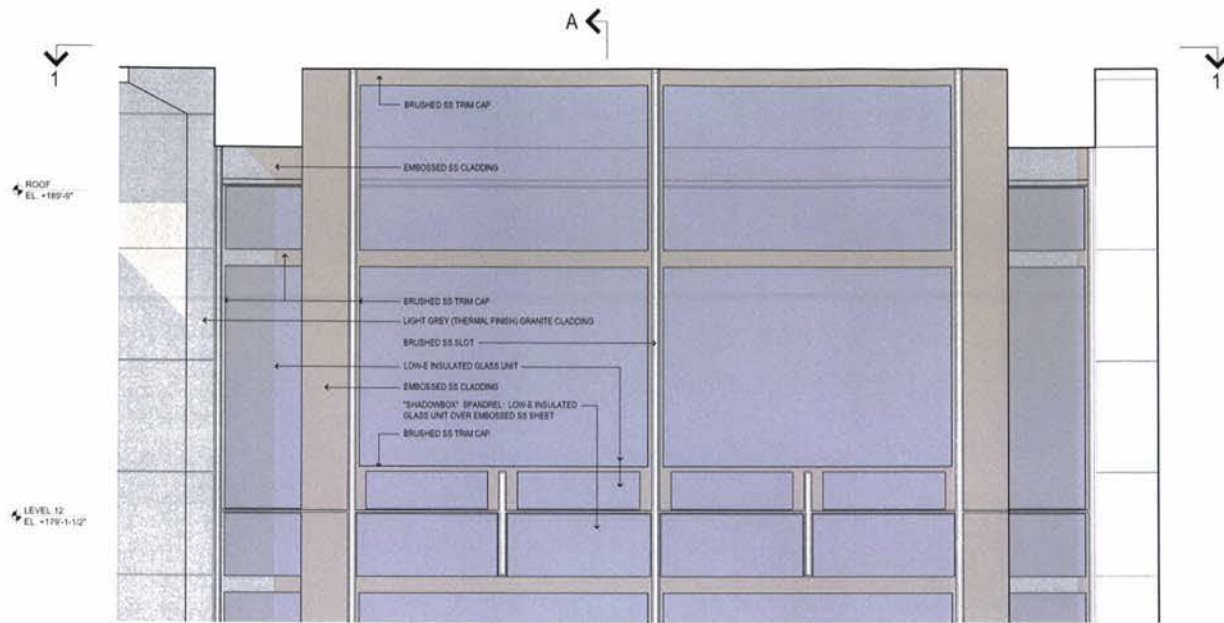
CONFORMANCE

Comprehensive Plan for the National Capital

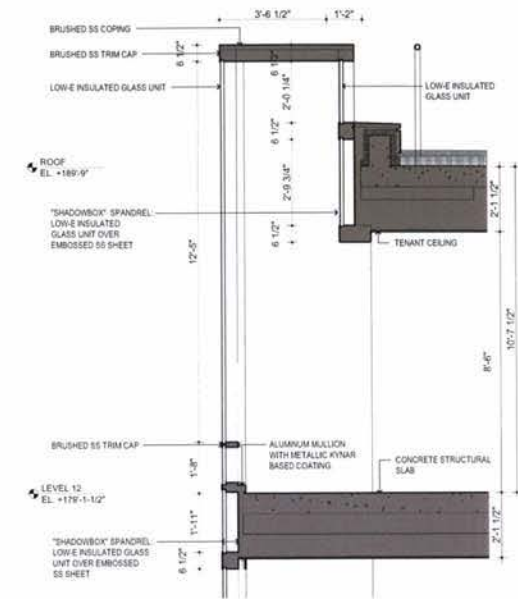
The proposed planned unit development and related map amendment is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital. Additionally, the PUD is consistent with the Housing, Environmental Protection, and Urban Design District elements of the Comprehensive Plan.



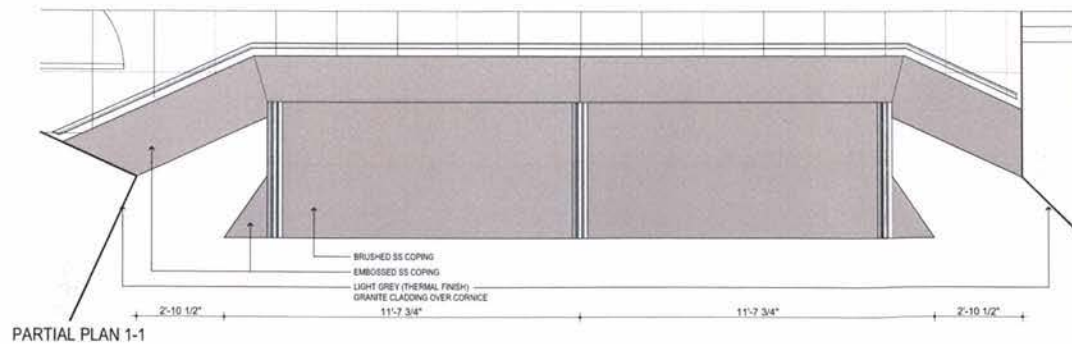
scale: $1/4" = 1'-0"$



PARTIAL ELEVATION - K STREET



SECTION A-A



PARTIAL PLAN 1-1

PEI COBB FREED & PARTNERS Architects LLP

WDG
ARCHITECTS
Associated Architect

Owner & Developer : 1000 CONNECTICUT ASSOCIATES

1000 Connecticut Avenue NW Washington, D.C.

PARTIAL ELEVATIONS
Roofline @ K Street and Connecticut Avenue

December 21, 2006

A-21.1

scale: 1/4" = 1'-0"

