

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

TRAVIS PARKER

This transcript constitutes the minutes from the public hearing held on December 6, 2006.

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P-R-O-C-E-E-D-I-N-G-S

6:40 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Wednesday, December 6th, 2006.

My name is Carol Mitten and joining me this evening are Vice-Chairman Anthony Hood and Commissioners John Parsons, Greg Jeffries and Mike Turnbull.

There will be two cases heard this evening. The first case is Case Number 04-22A and this is a request by Broadway Capitol, LLC for approval of a modification to a previously approved planned unit development for property located at 220 H Street, N.E. which is Lots 802 and 803 in Square 751 and the second case is Case Number 05-17A/05-32A and this is a request by Broadway Atlantic One, LLC for approval of a modification to a previously approved planned unit development for property

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1 located in the vicinity of the intersection of
2 Florida Avenue, 9th Street and V Street, N.W.
3 which is known as Lots 1, 232, 852, 853, 859
4 and 864 in Square 2873 and Lots 1106, 1107,
5 2012, 2026 and 2030 in Square 2875.

6 Notices for both of these hearings
7 were published in the D.C. Register on October
8 27th, 2006 and copies of those hearing
9 announcements are available to you and they're
10 in the wall bin by the door.

11 These hearings will be conducted
12 in accordance with the provisions of 11 DCMR
13 Section 3022 and the order of procedure will
14 be as follows. We'll take up any preliminary
15 matters. Then we'll have the presentations of
16 the Applicant's case and we'll do this --
17 we'll have one full hearing and then we'll do
18 the other case. So, this is true for both
19 cases. The Applicant's case, then the report
20 by the Office of Planning, reports of any
21 other government agencies, report by the
22 affected Advisory Neighborhood Commissions and

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1 in the first case, it's ANC 6C and in the
2 second case, it's ANC 1B and then we'll have
3 organizations and persons in support and
4 organizations and persons in opposition.

5 The following time constraints
6 will be maintained in the hearing: the
7 Applicant will have 30 minutes, organizations
8 will have five minutes and individuals will
9 have three minutes.

10 The Commission intends to adhere
11 to these time limits as strictly as possible
12 in order to hear the cases in a reasonable
13 period of time. The Commission reserves the
14 right to change the time limits for
15 presentations if necessary and notes that no
16 time shall be ceded.

17 All persons appearing before the
18 Commission are to fill out two witness cards.
19 They look like this. The cards are on the
20 table by the door. Upon coming forward to
21 speak to the Commission, please give both
22 cards to the reporter who's sitting to my

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1 right.

2 Please be advised that this
3 proceeding is being recorded by the court
4 reporter and is also being webcast live.
5 Accordingly, we must ask you to refrain from
6 making any disruptive noises in the hearing
7 room.

8 When presenting information to the
9 Commission, we ask you to take a seat at the
10 table and then turn on and speak into the
11 microphone. First stating your name and
12 address.

13 When you are finished speaking, we
14 ask that you turn the microphone off because
15 it tends to pick up background noise.

16 The decision of the Commission in
17 this case must be based exclusively on the
18 public record and to avoid any appearance to
19 the contrary, the Commission requests that
20 persons present not engage the Members of the
21 Commission in conversation during a recess or
22 at any other time.

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1 Staff will be available throughout
2 the hearing to answer any procedural questions
3 and you can direct those to Mrs. Schellin.

4 Ask you to turn off all beepers
5 and cell phones so as not to disrupt the
6 hearing and I ask that anyone who is planning
7 on testifying this evening if you would rise
8 now, raise your right hand and direct your
9 attention to Mrs. Schellin and she will
10 administer the oath. If you think you might
11 testify in either case. Okay.

12 MS. SCHELLIN: Do you solemnly
13 swear or affirm that the testimony you'll give
14 in this evening's proceeding will be the
15 truth, the whole truth and nothing but the
16 truth? Thank you.

17 CHAIRPERSON MITTEN: Thank you.

18 Mr. Tummonds, do you have any
19 preliminary matters?

20 MR. TUMMONDS: No preliminary
21 matters.

22 CHAIRPERSON MITTEN: Mrs.

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1 Schellin, you don't have any?

2 MS. SCHELLIN: No.

3 CHAIRPERSON MITTEN: No, we don't
4 have any. All right.

5 So, just to recap for a second,
6 the first case that we're going to take up is
7 the Capital Children's Museum case.

8 So, Mr. Tummonds, you can begin.

9 MR. TUMMONDS: Good evening. My
10 name is Paul Tummonds, law firm Pillsbury,
11 Winthrop, Shaw, Pittman. With me here this
12 evening are David Weldler on behalf of the
13 developer Broadway Capitol, LLC and Phil
14 Esocoff of Esocoff and Associates, the project
15 architect.

16 On November 16th, 2006, we filed
17 materials with the Commission that address the
18 issues that were raised by the Commission at
19 the October 16th public meeting regarding this
20 case. The materials that you received this
21 evening are merely the PowerPoint slides that
22 we're going to present this evening and they

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1 are virtually identical to the materials we
2 filed on November 16th.

3 Mr. Esocoff will walk you through
4 that submission. As you saw earlier, he is
5 our only witness. We hope to get through this
6 ten to 15 minutes and then we're available to
7 answer any questions that you may have.

8 MR. ESOCOFF: Good evening,
9 Members of the Commission. I'm joined here
10 this evening by Cooper Melton, Mike Terry and
11 Yoshi Inamura from my office who have worked
12 long and hard in this project for years now.

13 Can we dim the lights so we can
14 see that? I think she's going to get that.

15 What I want to do this evening is
16 just briefly show you the final designs for
17 the project especially focusing on the tower
18 elements that we were requested to bring back
19 to you.

20 When we first submitted the
21 project, it had more -- more towers on it.
22 Sort of thin wall towers and people had an

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1 objection to those and some pergola we had
2 right at the edge of the roof and we were
3 asked to remove some of those. We removed
4 them and we received our approval, but the
5 Board noted that they would like to see some
6 of it put back and so, the basic reason we're
7 coming back to you this evening is to show you
8 those elements that we are proposing to put
9 back that we think meet the letter of the law
10 in terms of the 1910 Height Act, the Zoning
11 Regulations and so, that's what we're doing.

12 We've, in fact, removed further
13 some of the questionable screen wall elements
14 that you did approve finally because we felt
15 we wanted to be as street legal as we could.

16 And then when we submitted the
17 documents for this minor modification, I think
18 the way we drew the drawings may have
19 suggested more changes to the project than
20 really was the case and this, of course, gives
21 us an opportunity to put your minds at least
22 that, in fact, we're working well within the

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1 spirit and letter of the Zoning approval. If
2 anything, we've refined, enhanced and
3 embellished some of the elements that we had
4 focused on before in terms of refinement of
5 brick pallets and ornamental devices. We
6 haven't changed the substance of the buildings
7 or footprints, any of those things.

8 So, here's the site plan and what
9 you're seeing in yellow are the outlines of
10 the mechanical penthouses that were approved
11 as part of the original PUD and in the refined
12 floor plans, these are what we have to build,
13 you can see in the violet areas, those are the
14 actual shrink-wrapped mechanical equipment
15 that we talked about, more energy efficient,
16 centralized equipment not a field of 400
17 compressors sitting up on the roof humming
18 away and so, some of those areas needed a
19 little bit of enlargement. But, it's all a
20 very minor amount of space. It's like .04
21 percentage of FAR and it's less than a third
22 of the allowable penthouse volume the Zoning

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1 Code allows in any event.

2 So, we really kept these to a
3 minimum, but in order to house the equipment
4 once it was technically refined and
5 engineered, we needed more dimension in one
6 direction or another and we had introduced a
7 fresh-air fan at the south end. So, the
8 footprint of the southern service elevator
9 stair tower at the southern end of the west
10 tower, nearest H Street, that needed to just
11 grow a little bit. So, that's not part of the
12 rooftop embellishments and I want to point
13 that out anyway.

14 We've also sort of refined the
15 green roof areas and increased the amount of
16 planting and, in fact, removed some of the
17 vents from the east tower that were there. We
18 were able to coalesce those into smaller areas
19 and put them inside the main penthouse. So,
20 we got rid of some of these brick piers that
21 were in there and we made more like a garden
22 that you could walk through with only a small

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1 sitting terrace.

2 Let's see. Over here is the only
3 terrace here. The rest of that is almost like
4 a woodland area or sort of a green meadow with
5 a wide variety of species of plants. So, we
6 put less paving there.

7 On the west tower, we narrowed,
8 but increased the swimming pool to an Olympic
9 20-meter lap pool and put a deck around it and
10 then gave it a more distinct fence.

11 And next. Here -- you can go
12 ahead. This is the proposed roof elevation of
13 the building with a true tower at the southern
14 end and -- but, what you see in white there,
15 those are the little screen walls and little
16 fake chimneys we had right at the perimeter of
17 the building and pergolas that we were
18 requested to remove and we did.

19 Next, but in the final approval,
20 this screen wall right at the southern end and
21 one that you'll see that was parallel to H
22 Street, those were actually approved as were

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1 two screen walls at this corner of the western
2 tower and the sort of opposite corner of the
3 eastern tower. We also had two of those
4 coming up.

5 We felt that even though you'd
6 approve them, I don't think people were
7 enthusiastic about having that kind of element
8 become sort of a precedent. So, we took that
9 into account and removed those as part of our
10 minor modifications we thought, but also as
11 part of our response to your concerns and so,
12 we created what truly are vertical, three-
13 dimensional tower-like elements at the
14 southern end. They remark the beginning of
15 the rebirth of H Street and they can't but
16 meet the letter of the 1910 Height Act Law.
17 They're not used for anything except
18 embellishment and they are three dimensional
19 and they're vertical.

20 What you see in the distance then
21 are -- instead of fake chimneys, we actually
22 had a need to vent our kitchens, bathrooms and

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1 toilets and as those vents come through the
2 roof which we're using for recreational
3 purpose, we've enclosed those ducts in brick
4 shafts and a well at the top of those is where
5 we have the actual exhaust vent and then
6 connecting them -- running between them, you
7 can see that's a fence that we need to put
8 around the swimming pool.

9 Next, this is the elevation along
10 H Street and you can see this was the screen
11 wall that actually was approved. We've taken
12 that away as well as those two in the corners
13 and these are true towers where there's sort
14 of three stars, District of Columbia at either
15 end. There's a mechanical penthouse stripe
16 setback more than one-to-one.

17 Next, and in this cross-section,
18 there's the swimming pool. This is 2nd Street
19 here. You're looking south and in the
20 distance, those are the two towers. At the
21 end of your promenade on that roof, you're
22 coming to this like gazebo like tower and it's

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1 also in the swimming pool area. If you want
2 to walk back out towards the view towards the
3 Capitol, this is the structure at the end
4 there. There's the swimming pool.

5 We have a somewhat raised deck
6 here and then one that actually is flush there
7 and what we've done is because we have lots
8 and lots of duct work coming up through the
9 footprint of the building and we didn't want
10 to have all of those penetrations and fans by
11 the pool, we have sort of created a planum
12 here underneath the decking and those run
13 horizontally, collect lots and lots of ducts
14 and then it transfers sideways and then up
15 through this brick pier and this is the fence
16 near these chairs by the swimming pool and we
17 also back more than one to one.

18 Thanks. Next. So, there's the
19 pool enclosure, the towers, mechanical duct
20 work.

21 Next. These are some of the other
22 things that we thought were truly minor.

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1 We've refined the brick pallet.
2 So, if you -- it's a -- the colors are much
3 more distilled from the surrounding buildings
4 in the area than originally.

5 We added some small little
6 balconies here. They're really almost like
7 planter boxes, but once again, in terms of
8 scale, we were trying to find that kind of
9 fine detail that really gives a building scale
10 at the lower levels to respond to those small
11 townhouses to our east and so, we think that
12 does that better.

13 And the windows have gone more
14 floor to ceiling and they're more vertical,
15 more in Victorian proportion as are the
16 subdivisions of the glass and part of that was
17 the engineering to a window that was actually
18 more expensive, but affordable if we re-
19 subdivided them in a more economically
20 strategic way. In other words, if we have
21 more of similar size pieces of glass of
22 certain proportions, a more expensive window

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1 in general can be as economical as a cheaper
2 window, less economically subdivided.

3 Does that make sense? It does,
4 but I don't know.

5 And we've added some ornamental
6 gates here and there on the project. They're
7 kind of laser cut. If you know the Whitman up
8 at 9th and M Street, it has these beautiful
9 filigree balconies now.

10 So, we've tried to feed back some
11 of these things where projects sort of
12 leapfrogged over each other in terms of
13 elements that are being developed. We always
14 like to see if we can catch up and reintroduce
15 some of that stuff if we can without actually
16 coming to another hearing if possible. But,
17 in this case, we'd had to do that. Next.

18 CHAIRPERSON MITTEN: You know we
19 just didn't want to miss the opportunity to
20 have you explain this to us, Mr. Esocoff.

21 MR. ESOCOFF: I know. I'm sorry.

22 CHAIRPERSON MITTEN: It's all

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1 about you.

2 MR. ESOCOFF: Right. Right.

3 CHAIRPERSON MITTEN: Okay.

4 MR. ESOCOFF: It's all right. So,
5 here -- this was the approved pallet. More
6 refined pallet is here.

7 We've actually introduced a fourth
8 color, a dark brick. These are all based on
9 Daniel Bond's building just to the west of us
10 or actual -- and there's the REA Express
11 building. It's a building under construction.

12 Next. And if you look at just
13 like here's the building -- there's this
14 little piece of brickwork.

15 Next. This is like a one brick,
16 but it's got like four different colors in it
17 and so, we went down there with like a hundred
18 different bricks and we found these four
19 rather expensive bricks, much to my client's
20 credit or deficit, that actually are a
21 distillation of these sort of orange and this
22 deep, dark color here and so, that's what

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1 we've actually skewed the pallet towards and
2 the building's really go together nicely now.

3 Next. So, if you actually stand
4 by the REA and you look through and you see
5 this arch here and you see this arch here
6 which actually is -- that's just a white board
7 that's protecting it, but there's an arch
8 window there that's fantastic. You look
9 through the arch window to these arch windows
10 and you can see the color relationship between
11 and that. It couldn't be better.

12 But, these are also -- this is
13 also one of the houses at 2nd and I Street
14 across from our 3rd Street side. Third and I
15 Street. Excuse me. And it's got that kind of
16 Flemish bond patterning with dark and --
17 medium red and dark bricks.

18 Next. And that's -- we've
19 introduced some of that in here to make that
20 area further recede and these are some of
21 these recessed balconies. What we did in the
22 design of the building originally was we made

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1 openings like this size that could either be
2 glazed or not glazed depending on where the
3 mark went in the interior arrangements of the
4 units and so, that's why you saw a lot of
5 those -- a lot fewer balconies on the project,
6 but the perimeter of the building, footprint
7 hasn't really changed.

8 Next. And then at the top of the
9 building, we've added some ornamental
10 patterns. This was just flat brick. We
11 actually have pictures of those things.
12 They've been cast. The first one's been cast
13 now. There are those vents. There's the pool
14 fence and we've made that out of a material,
15 perhaps Commissioner Parsons knows, it's call
16 Green Screen. It's like a three dimensional
17 grid that you grow vines on. So, the idea is
18 that when you're in the pool, you have
19 greenery growing up around you like it's a
20 garden room.

21 And then we have this -- the top
22 of the fence has this beam running across here

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1 and we laser cut this inscription from Mark
2 Twain out of there and this, of course,
3 happened after they named the project Senate
4 Square. We tried to figure out some way to
5 tie them to Senators. So, we found this
6 rather sarcastic quote from Mark Twain.
7 "There are many Senators whom I hold in a
8 certain respect and would not think of
9 declining to meet socially if I believed it
10 was the will of God."

11 And then these -- we were -- in
12 our last submission, you saw the word name
13 written in here. We had at one point after
14 the approval and after they had named it
15 Senate Square thought well, we could put the
16 names of the first two Senators of each state
17 in there. We decided to go away from that.
18 One reason is we don't have 50 panels so we
19 could put two Senators in each one, the first
20 two Senators, but also since the District of
21 Columbia does not have a voting
22 representative, we were as residents quite

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1 offended by that motion.

2 So, we decided we'd use a motif of
3 the District's stars and flag, you know,
4 waving lines and we actually have photographs
5 that we can hand out right not.

6 These panels are about 6 foot 8
7 wide and 2 feet high and we very carefully
8 worked on those in the computer to see how
9 sunlight would make them read in varying
10 lighting affects. So, you'll see slight
11 striations and the stars are dimpled into the
12 center and these are sitting flat on the
13 ground and they actually read in light and
14 shadow relief.

15 And unfortunately, I'm sure Mr.
16 Turnbull will bear me out on this. Architects
17 hasn't been taught how to do these things for
18 about 50 years in school. So, it takes a
19 while to learn these things and we're working
20 on that.

21 Next. This the summary of the
22 changes and if you have any questions, I'd be

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1 glad to answer them.

2 CHAIRPERSON MITTEN: Anything
3 else, Mr. Tummonds?

4 MR. TUMMONDS: That concludes our
5 presentation.

6 CHAIRPERSON MITTEN: Okay. Great.
7 Questions from the Commission. If we could
8 have the lights back on, that would help. Mr.
9 Parsons, would you like to ask some questions?

10 COMMISSIONER PARSONS: Well, thank
11 you very much. I think this has been very
12 responsive to our concerns.

13 I only had two questions and these
14 pages aren't numbered and that's all right.
15 I'm referring to the PowerPoint you just made
16 and I'll just tear it off.

17 MR. ESOCOFF: Okay.

18 COMMISSIONER PARSONS: Okay. So,
19 you show four bricks or brick treatments here
20 on the right side of that sheet and the third
21 one down has some appeal to me as being --
22 here we are. In concert with the rest -- with

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1 the historic brick and I wondered where that
2 was being used. Because when I go on two more
3 pages, I see this -- the brick pattern where
4 you show the dark --

5 MR. ESOCOFF: Yes.

6 COMMISSIONER PARSONS: -- and the
7 light, but where would these third row of
8 bricks be if you will?

9 MR. ESOCOFF: Oh, the third row of
10 bricks, we wanted to emphasize the inset. You
11 had it a minute ago. Yes. The inset bay
12 areas to sort of highlight the recessed nature
13 of those. We set those back and use the
14 darker brick just belong them. Is that right
15 or the black brick? We used the black brick
16 as the accent. So, it sort of highlights the
17 light and shadow affect.

18 The very dark brick is down in
19 here and then the medium dark is there and the
20 lighter one is out on the edge to sort of
21 bring it forward visually.

22 COMMISSIONER PARSONS: So, the --

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1 MR. ESOCOFF: These are Xerox
2 copies. The bricks all look actually much --

3 COMMISSIONER PARSONS: Sure.

4 MR. ESOCOFF: -- better in
5 reality.

6 COMMISSIONER PARSONS: But, the
7 dominant brick on the project then is the top
8 on the left?

9 MR. ESOCOFF: Yes.

10 COMMISSIONER PARSONS: Is that
11 correct?

12 MR. ESOCOFF: It's this one on the
13 amended. Which is very -- actually, that's
14 the one that's very close to the first brick,
15 but a little richer and, of course, we --

16 COMMISSIONER PARSONS: Well, it
17 certainly picks up the yellow in that.

18 MR. ESOCOFF: Yes, they -- they're
19 often the same manufacturer. So, the same
20 sorts of clay.

21 COMMISSIONER PARSONS: Um-hum.

22 MR. ESOCOFF: Somewhere in Calgary

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1 and --

2 COMMISSIONER PARSONS: So, why is
3 it you didn't choose the third one down as the
4 dominant brick versus the top one?

5 MR. ESOCOFF: We thought the
6 building would seem a little dark and
7 brooding, but --

8 COMMISSIONER PARSONS: I think I
9 would agree with you. Yes.

10 MR. ESOCOFF: Yes. Oh, of course,
11 our clients so loves that brick. He wished
12 we'd done the whole thing in that dark. He
13 really liked that brick.

14 It really looks like --

15 CHAIRPERSON MITTEN: Who's paying
16 the bills again? I just --

17 COMMISSIONER PARSONS: So, we need
18 the client here not the architect.

19 MR. ESOCOFF: It looks like the
20 best sorbet you've ever -- you know, that
21 really rich raspberry sort of -- I'd like to
22 do a building out of that.

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1 COMMISSIONER PARSONS: All right.

2 Now, this is just a word of caution and --

3 MR. ESOCOFF: Yes.

4 COMMISSIONER PARSONS: -- you
5 know, spraying into the none of our business,
6 but I think you'll be sorry about wisteria.
7 I think wisteria on your screens, they'll just
8 tear them up and you'll be unhappy ten years
9 from now as an architect.

10 MR. ESOCOFF: Okay.

11 COMMISSIONER PARSONS: I'd go to
12 clematis or something more delicate. It's
13 just too strong a vine for you, but --

14 MR. ESOCOFF: Well, we'll note
15 that and happy to respond that way.

16 COMMISSIONER PARSONS: Something
17 with less --

18 MR. ESOCOFF: Okay. With less
19 aggressiveness.

20 COMMISSIONER PARSONS: Wisteria is
21 very macho. It'll just tear everything up.

22 MR. ESOCOFF: Okay.

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1 COMMISSIONER JEFFRIES:
2 Commissioner Parsons and I were sort of
3 discussing wisteria and trumpet vines while
4 you were talking. So, came to it.

5 CHAIRPERSON MITTEN: Any
6 questions? Okay. Any questions? Comments?
7 Did you have anything, Commissioner Turnbull?

8 COMMISSIONER TURNBULL: I think
9 again echoing Mr. Parsons' comments. I think
10 there's a lot of nice things that have been
11 developed on this and I think very
12 complementary to -- Mr. Esocoff did a lot of
13 nice things.

14 I guess my only question is the
15 towers being as high as they are.

16 MR. ESOCOFF: Yes.

17 COMMISSIONER TURNBULL: They're
18 higher than the penthouse and they're --

19 MR. ESOCOFF: Right.

20 COMMISSIONER TURNBULL: I know
21 they're Height Act, but I mean it's -- they
22 still seem very out there. I don't -- I'm

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1 just --

2 MR. ESOCOFF: Right. Well, we
3 kind of felt once again as a District resident
4 and there not being a commuter tax, I kind of
5 thing that people who live here should have
6 the taller towers on buildings than the office
7 workers who commute and that don't pay a
8 commuter tax.

9 So, there's a sort of like
10 morality about it that I find, but I really
11 didn't want them to blend in because you do
12 see this building horizontally as you come
13 across the 8th Street Bridge. I really felt
14 it was bad to establish the second line at
15 1806. That actually having these be --
16 they're about four-feet taller. Be just
17 slightly taller would help them stand out.
18 So, it was just a proportional thing.

19 COMMISSIONER TURNBULL: How are
20 these going to be lit from -- on the inside?
21 Are they --

22 MR. ESOCOFF: Really, we do have

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1 some lighting in there to sort of subtly pick
2 them up, but not to create a sort of a dark
3 skies problem. Glary.

4 COMMISSIONER TURNBULL: I -- I was
5 just -- see these big bright beacons up there,
6 but --

7 MR. ESOCOFF: No, we probably
8 won't be lighting that strongly because
9 they're residential buildings. So, it's
10 always a question if people in a private
11 residence really want to become like a hotel
12 or, you know, do you want to be subtle about
13 that.

14 So, it would be nice if the lights
15 that are normally put on the roof sort of are
16 picked up and you see it more in silhouette.

17 There's that wonderful painting by
18 a woman artist from, you know, New Mexico,
19 Georgia O'Keefe, of New York's skyscraper and
20 the buildings actually in silhouette and the
21 lights coming out. That's how I'd like to see
22 those work.

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1 COMMISSIONER TURNBULL: So, can we
2 enter that down or --

3 MR. ESOCOFF: Sure. Absolutely.
4 Absolutely.

5 COMMISSIONER TURNBULL: Subtle
6 lights. Subtle lighting.

7 MR. ESOCOFF: Subtle lighting.
8 Absolutely.

9 COMMISSIONER TURNBULL: All right.
10 Thank you.

11 CHAIRPERSON MITTEN: Okay. I
12 think those are all our questions.

13 MR. ESOCOFF: Thank you.

14 CHAIRPERSON MITTEN: Thank you
15 very much.

16 MR. ESOCOFF: You're welcome.

17 CHAIRPERSON MITTEN: Mr. Parker.

18 MR. PARKER: Good evening, Madam
19 Chairman and Members of the Commission. I'm
20 Travis Parker with the Office of Planning.

21 I don't have necessarily anything
22 to add to our previous written submissions

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1 other than we feel that the changes are
2 improvements to the approved design and we
3 support the project.

4 CHAIRPERSON MITTEN: Thank you.
5 Anyone have questions for the Office of
6 Planning? Any questions? Okay.

7 Is there anyone here representing
8 ANC 6C? Okay. Then I would just note for the
9 record that this was when it was up for minor
10 modification that they did submit a letter in
11 support from that ANC.

12 Anyone who'd like to testify in
13 support of the modifications for the
14 Children's Museum project? Anyone who'd like
15 to testify in opposition? Okay.

16 Mr. Tummonds?

17 MR. TUMMONDS: As Mr. Esocoff
18 mentioned, we do think that the proposal we
19 are presenting this evening is in keeping with
20 the intent of the originally approved PUD. We
21 also believe it's in keeping with the intent
22 and the letter of the 1910 Height Act and we

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1 would ask that the Zoning Commission approve
2 this modification request this evening. Thank
3 you.

4 CHAIRPERSON MITTEN: Okay. Thank
5 you very much.

6 I do want to say even though -- I
7 don't want you to think that this was not time
8 well spent. The Commission takes pretty
9 seriously when there are modifications that we
10 think are substantial enough and this was
11 worthwhile for us and thank you for taking the
12 time to put into the presentation and
13 explaining it to us and with that, I would
14 move approval of --

15 COMMISSIONER TURNBULL: Madam
16 Chair, I just had one more question.

17 On the northeast corner of the
18 building on I and 3rd Street, on the roof of
19 that and from looking at the plan, I'm looking
20 at the roof plan on -- the amended plan on
21 three. At the very corner of the building,
22 there's a paved area or terrace area. I

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1 appears to be. You've got the --

2 MR. ESOCOFF: Oh. Oh, the --

3 COMMISSIONER TURNBULL: Yes.

4 MR. ESOCOFF: -- Commission asked
5 us between our first submission and the
6 approval --

7 COMMISSIONER TURNBULL: Right.

8 MR. ESOCOFF: -- to cut this
9 corner back or else it was in response to OP's
10 concern. So, the building's like 90 feet
11 here. These are actually private terraces.
12 So, stepped back.

13 COMMISSIONER TURNBULL: Oh, I --

14 MR. ESOCOFF: This is actually the
15 roof --

16 COMMISSIONER TURNBULL: -- was
17 curious how you got -- how you got to those.

18 MR. ESOCOFF: Oh, from the units?
19 They're private terraces.

20 COMMISSIONER TURNBULL: Oh, okay.
21 They're -- okay.

22 MR. ESOCOFF: So, they'll probably

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1 having plantings on them, but we're not
2 putting them in because it's --

3 COMMISSIONER TURNBULL: Okay.

4 MR. ESOCOFF: -- the discretion of
5 the owners.

6 COMMISSIONER TURNBULL: Okay.
7 Thank you.

8 MR. ESOCOFF: You're welcome.

9 CHAIRPERSON MITTEN: Anybody else
10 have --

11 COMMISSIONER PARSONS: Second.

12 CHAIRPERSON MITTEN: Thank you.

13 Let me just finish. I move that we approve
14 the modifications in --

15 COMMISSIONER PARSONS: Oh, I
16 thought you did.

17 CHAIRPERSON MITTEN: -- Case
18 Number -- I didn't get it out. In Case Number
19 04-22A and thank you for seconding my motion
20 in progress, Mr. Parsons.

21 Is there any discussion?

22 All those in favor please say aye.

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1 (Ayes.)

2 CHAIRPERSON MITTEN: Those opposed
3 please say no.

4 Ms. Schellin, it's unanimous.

5 MS. SCHELLIN: Yes, staff would
6 record the vote 5 to 0 to 0 to approve the
7 modifications Zoning Commission Case Number
8 04-22A for proposed action. Commissioner
9 Mitten moving. Commissioner Parsons
10 seconding. Commissioners Jeffries, Hood and
11 Turnbull in favor.

12 CHAIRPERSON MITTEN: Thank you.
13 Thank you very much.

14 (Whereupon, the hearing was
15 concluded at 7:09 p.m.)

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