

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

ICG 16TH STREET ASSOCIATES :
LLC - Consolidated PUD and : Case No.
Related Map Amendment @ 900 : 13-04
16th Street, N.W., :
Square 185, Lot 41 :
-----:

Monday,
June 17, 2013

The Public Hearing of Case No. 13-04 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerry R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)

PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

**JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation**

BRANDICE ELLIOT

**DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:**

JAMIE HENSON

**The transcript constitutes the minutes
from the Public Hearing held on June 17, 2013.**

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

(6:32 p.m.)

CHAIRMAN HOOD: Good evening,
ladies and gentlemen. This is a public
hearing of the Zoning Commission for the
District of Columbia for Monday, June 17,
2013.

My name is Anthony Hood. Joining
me are Vice Chair Cohen, Mr. Miller, and
Commissioner May. Commissioner Turnbull will
be reading the record to participate in the
case.

We're also joined by the Office of
Zoning staff, Ms. Sharon Schellin, Office of
Planning, Ms. Steingasser and -- not Mr.
Lawson -- and Ms. Elliott, and from DDOT, Mr.
Henson.

Will Mr. Lawson be joining us?

(Off-record response.)

CHAIRMAN HOOD: Okay.

This proceeding is being recorded
by a court reporter. It's also webcast live.

1 Accordingly, we must ask you to refrain from
2 any disruptive noises or actions in the
3 hearing room.

4 The subject of this evening's
5 hearing is Zoning Commission Case *13-04.
6 This is a request by ICG, 16th and H Streets
7 Associates, LLC, for approval of the
8 consolidated PUD and related map amendment for
9 property located at 916 Street, Northwest,
10 also known as Square 185 and Lot 41.

11 Notice of today's hearing was
12 published in the DC Register on May 3, 2013,
13 and copies of that announcement are available
14 to my left on the wall near the door.

15 The hearing will be conducted with
16 in accordance with the provisions of 11 DCMR
17 *3022, a follows:

18 Preliminary Matters;
19 Applicant's Case;
20 Report of the Office of Planning;
21 Report of Other Government
22 Agencies (if any);

1 Report of ANC -- in this case,
2 it's 2B -- Organizations and persons in
3 support, organizations and persons in
4 opposition;

5 Rebuttal; and

6 Closing by the Applicant.

7 The following time constraints
8 will be maintained in this meeting. The
9 Applicant has asked for 40 minutes;
10 organizations, five minutes; and individuals,
11 three minutes. The Commission intends to
12 adhere to the time limits as strictly as
13 possible in order to hear the case in a
14 reasonable period of time.

15 All persons appearing before the
16 Commission are to fill out two witness cards.
17 These cards are located to my left on the
18 cable near the door. Upon coming forward to
19 speak to the Commission, please give both
20 cards to the reporter sitting to my right
21 before taking a seat at the table.

22 When presenting information to the

1 Commission, please turn on and speak into the
2 microphone. First state your name and home
3 address. When you are finished speaking,
4 please turn your microphone off so that your
5 microphone is no longer picking up any sound
6 or any background noise.

7 The decision of the Commission in
8 this case must be based exclusively on the
9 public record. To avoid any appearance to the
10 contrary, the Commission requests that persons
11 present not engage the members of the
12 Commission in conversation during any recess
13 or at any time. The staff will be available
14 throughout the hearing to discuss procedural
15 questions.

16 And as a side note -- this is not
17 in my script -- for the summer months, if
18 you'll notice, we don't wear neckties. We
19 relax. So, if you want to pass the word if
20 you're coming from the Commission, you can
21 relax because you all look a little hot out
22 there to me.

1 (Laughter.)

2 CHAIRMAN HOOD: So, if you want to
3 be cool like we are, you're more than welcome
4 to come down and present kind of like we are.

5 Please turn off all beepers and
6 cell phones at this time, so as not to disrupt
7 these proceedings.

8 Would all individuals wishing to
9 testify please rise to take the oath?

10 Ms. Schellin, would you please
11 administer the oath?

12 Whereupon,
13 THE WITNESSES,
14 came before the Commission, and having first
15 been duly sworn, testified as follows:

16 CHAIRMAN HOOD: Okay, Ms.
17 Schellin, do we have anything luminary
18 matters?

19 MS. SCHELLIN: We do.

20 We have, we have two party status
21 requests. The first one is from the Committee
22 of 100, at Exhibit 22. We do have at Exhibit

1 29 a Letter of Opposition from the Applicant.

2 And then at Exhibit 23, we have a
3 party status report from Brookfield Office
4 Properties, a principal of BFP 1625.

5 And at Exhibit 28, we have a
6 Letter in Opposition from the Applicant to
7 their request, also.

8 CHAIRMAN HOOD: Okay. Thank you,
9 Ms. Schellin.

10 We have the two proposals,
11 requests for party status. I don't see Mr.
12 Hitchcock.

13 Why don't we take the other one?
14 I'd like for us to discuss it while people are
15 in the room if we are able; I see Ms.
16 Giordano.

17 So let's take up Exhibit Number
18 23. As Ms. Schellin has already said, we do
19 have a filing in opposition of this Request
20 for Party Status.

21 MS. GIORDANO: Mr. Chairman?

22 CHAIRMAN HOOD: Go ahead.

1 MS. GIORDANO: Cynthia Giordano --
2 for the record, I had also filed a response to
3 the opposition.

4 CHAIRMAN HOOD: I've got that this
5 evening; okay.

6 Was it back there, or is it up
7 here?

8 (Whereupon, off mic comments were
9 made on the record.)

10 CHAIRMAN HOOD: I see. Ours still
11 may be on the table. Thank you.

12 MS. GIORDANO: Exhibit 32?

13 CHAIRMAN HOOD: Yes.

14 Leslie, do you want to turn them
15 off?

16 VICE CHAIR COHEN: Yeah.

17 Mr. Chairman, I read both
18 communications, one from Holland & Knight and
19 one from Saul Ewing, and I believe that the
20 proposed party in opposition should be granted
21 status because they are adjacent and they are
22 uniquely affected.

1 We will be hearing their side, so
2 I don't want to comment on a position now, but
3 I do believe that because of their being
4 proximate to the site, that they are
5 legitimately a party in opposition.

6 CHAIRMAN HOOD: Okay.

7 Any the comments?

8 (No response.)

9 CHAIRMAN HOOD: I would associate
10 myself with the Vice Chair on this particular
11 request for party status.

12 Can we get a motion?

13 VICE CHAIR COHEN: So, Chairman, I
14 will move to approve a Request for Party
15 Status of *BFP 1625 I Company, LLC, as a party
16 in opposition.

17 CHAIRMAN HOOD: Okay. I'll second
18 that motion.

19 This having been moved and
20 properly seconded, any further discussion?

21 (No response.)

22 CHAIRMAN HOOD: All those in

1 favor?

2 (Chorus of ayes.)

3 CHAIRMAN HOOD: Not hearing any
4 opposition, the Ms. Schellin, would you record
5 the vote?

6 MS. SCHELLIN: Yes.

7 Staff records a vote 4-0-1 to
8 grant party status in opposition to *BFP 1625
9 I Company, LLC, Commissioner Cohen moving,
10 Commissioner Hood seconding, Commissioners
11 Miller and May in support, Commissioner
12 Turnbull not present and not voting.

13 (Motion carried.)

14 CHAIRMAN HOOD: Okay, Ms.
15 Schellin, did I mention that Mr. Turnbull will
16 be reading the record in this case?

17 (Off-mic response.)

18 CHAIRMAN HOOD: Oh, okay, I did.
19 I just wanted to make sure.

20 I don't see Mr. Hitchcock
21 anywhere. I guess we're going to go ahead and
22 take this matter up.

1 The next party status request of
2 the Committee of 100, being represented by Mr.
3 Hitchcock, that's at Exhibit 22.

4 VICE CHAIR COHEN: Yes, thank you,
5 Mr. Chairman.

6 Again, I understand the Committee
7 of 100 and its involvement throughout the
8 city. However, in my opinion, they have not
9 demonstrated that they are uniquely and
10 significantly affected by this project, so I
11 would recommend that we deny them party
12 status.

13 CHAIRMAN HOOD: Okay.

14 Any other comments?

15 (No response.)

16 CHAIRMAN HOOD: I would agree.

17 While I appreciate the work, we do
18 have regs that we have to go by. I appreciate
19 the work that the Committee of 100 does all
20 over the city, but when you look at the
21 submission, the merits, I don't think, warrant
22 them party status in this case.

1 They will have an opportunity, if
2 denied, to participate as an organization --
3 well, in this case, organization in
4 opposition.

5 Okay, so any other comments?
6 Commissioner Miller?

7 COMMISSIONER MILLER: Mr.
8 Chairman, I would associate myself with your
9 remarks and the Vice Chair's.

10 CHAIRMAN HOOD: Okay.

11 All right, so Vice Chair, go
12 ahead.

13 VICE CHAIR COHEN: Mr. Chairman, I
14 moved to deny the Committee of 100 Request for
15 Party Status for Zoning Case Number 13-04.

16 CHAIRMAN HOOD: Okay. I'll
17 second.

18 It's been moved and properly
19 seconded. Any further discussion?

20 (No response.)

21 CHAIRMAN HOOD: All those in
22 favor, aye.

1 (Chorus of ayes.)

2 CHAIRMAN HOOD: Not hearing
3 opposition from those present, Ms. Schellin,
4 would you record the vote?

5 MS. SCHELLIN: Staff records the
6 votes 4-0-1 to deny party status to the
7 Committee of 100, and that was Commissioner
8 Cohen moving, Commissioner Hood seconding,
9 Commissioners May and Miller in support,
10 Commissioner Turnbull not present and not
11 voting.

12 CHAIRMAN HOOD: All right. They
13 didn't withdraw their party status anyway.
14 That's unusual for Mr. Hitchcock not to be
15 here.

16 All right, let's move right on.
17 Ms. Schellin, do we have anything
18 else?

19 MS. SCHELLIN: Yes.

20 We do have some proffered expert
21 witnesses that I'm sure Ms. Brown's going to
22 bring up. We have two that were previously

1 accepted. And the other two, I did not find
2 that they have been here before, but she may
3 tell us otherwise.

4 CHAIRMAN HOOD: Let's not go
5 through the two that were previously here.

6 I don't see Mr. *6:42:52 [Scherer]
7 either. Is he one of the ones that one of the
8 people you were you are proffering?

9 MS. BROWN: Yes, but he is not
10 able to be here tonight, so we have a report
11 that we would like qualified as his expert
12 report that we have submitted to the record
13 and qualified as the work of an expert in land
14 use and zoning.

15 CHAIRMAN HOOD: Okay. All right,
16 let's go with the two that we've previously
17 accepted.

18 I think Mr. Van Pelt is --

19 MS. BROWN: Correct; Mr. Van Pelt
20 and Mr. Michael Vargason have both been
21 previously accepted by this Commission as
22 experts in their respective fields of --

1 CHAIRMAN HOOD: Mr. Vargason has
2 been previously accepted.

3 MR. BROWN: Yes, in the Southwest
4 Waterfront case, yes --

5 CHAIRMAN HOOD: Okay.

6 MS. BROWN: Most recently, plus
7 others, I'm sure.

8 CHAIRMAN HOOD: So the only one we
9 really have in question is Mr. Wyatt.

10 MS. BROWN: Correct.

11 CHAIRMAN HOOD: Okay.

12 MS. BROWN: His resume should be
13 at Exhibit 15-B, which is E --

14 CHAIRMAN HOOD: Tab E.

15 MS. BROWN: Prehearing Statement.

16 CHAIRMAN HOOD: Okay,
17 Commissioners, do you personally question Mr.
18 Wyatt? Have you looked at his resume? Does
19 anyone else have any concerns or any
20 objections?

21 VICE CHAIR COHEN: No.

22 CHAIRMAN HOOD: Okay, so no

1 objections. Two, we already have done, Mr.
2 Vargason, who I didn't know we had done
3 previously, and Mr. Wyatt: We will accept
4 them as experts

5 MS. BROWN: Thank you.

6 CHAIRMAN HOOD: So do we have
7 anything else before we get started?

8 (No response.)

9 CHAIRMAN HOOD: You may begin.

10 MS. BROWN: Thank you.

11 MS. BROWN: While our witnesses
12 start coming up to the table, I'll start my
13 opening statement.

14 OPENING STATEMENT BY CAROLYN BROWN
15 FOR THE APPLICANT

16 MS. BROWN: Good evening. For the
17 record, I'm Carolyn Brown with the Law Firm of
18 Holland & Knight. I'm joined here tonight by
19 Mr. Wayne Quin of our office.

20 With me tonight is David Stern of
21 ICG Properties on behalf of the Applicant, ICG
22 16th Street Associates, LLC; Mr. Darrow

1 Kirkpatrick, on behalf of Third Church of
2 Christ, Scientists; Mr. Graham Wyatt; and Mr.
3 Michael Vargason.

4 We will have Mr. Van Pelt here for
5 questions, but because of the positive DDOT
6 report, we are holding him in reserve for
7 questions. I don't think it's necessary,
8 unless you do, to have any direct testimony
9 from him.

10 CHAIRMAN HOOD: Okay, because I
11 don't even see him.

12 MS. BROWN: He's somewhere.

13 CHAIRMAN HOOD: Oh, he's really
14 hiding. I see him.

15 MS. BROWN: He's really hiding,
16 yeah.

17 We're very pleased to be here this
18 evening seeking your approval for a map
19 amendment from the SP-2 to the C-3-C district
20 and related PUD for the Third Church of
21 Christ, Scientist site. It is the culmination
22 of many, many years of hard work for this

1 development team, the Third Church of Christ,
2 Scientist, community organizations, government
3 agencies, and even preservation groups. While
4 we have not been able to satisfy everyone, we
5 have come really close, we believe.

6 As you will hear from our
7 witnesses tonight, the building is designed to
8 follow the predominant 90-foot building height
9 along 16th Street, and then we have a setback
10 at the ninth floor level that is similar to a
11 penthouse setback, although it's a little
12 actually a little bit greater, at 20 feet
13 instead of the 18-6. That top floor, while it
14 has the appearance along the street as a
15 penthouse, or the form, the massing of it, it
16 is actually occupied as the ninth floor, but
17 it also has mechanical equipment. We have no
18 mechanical equipment above that ninth floor,
19 so it matches the streetscape along 16th
20 Street.

21 We are very pleased to have a lot
22 of support for this project. In the file

1 today, you received a letter from
2 Councilmember Jack Evans, the Deputy Mayor for
3 Planning and Economic Development. We have
4 strong Office of Planning support, for which
5 we're very grateful, the DDOT support, *ANC
6 2B, and we also have constant approval from
7 HPRB. So we're very pleased to have worked
8 with all these agencies to get their support.

9 I want to speak to the Office of
10 Planning report briefly. They asked for some
11 clarifications on the area of relief. We do
12 have a roof structure setback along the alley,
13 which Mr. Wyatt will speak to. We have zero
14 setback proposed, and this comports with the
15 HPRB design guidance to protect the 16th
16 Street corridor views.

17 We also are seeking an increase
18 under the PUD guidelines for FAR. There is a
19 five-percent allowance under the guidelines,
20 and we're asking for 0.07 percent. I think
21 the drawings, the calculation 8.066 that we've
22 rounded up to 8.067 8.07. So it's less than

1 one-percent increase. And that, again, is to
2 accommodate the church in the building, and
3 also the concerns of HPRB.

4 With respect to the -- let's see
5 what else we had -- we also submitted a
6 revised zoning tabulations today, so they are
7 updated and correct. We also have additional
8 views of the project, which you will see in
9 the PowerPoint presentation tonight and which
10 was handed out to you as well.

11 With respect to the DDOT report,
12 they had asked for a transit kiosk in the
13 lobby, and the Applicant is willing to provide
14 transit information to the tenants at the
15 front desk. We will have electric vehicle
16 charging stations, as requested by DDOT. We
17 will also implement the TDM measures that are
18 listed in the report.

19 So, with that, I would like to
20 turn it over to our first witness, Mr. David
21 Stern.

22 TESTIMONY BY DAVID STERN

1 MR. STERN: Good evening. My name
2 is David Stern. I'm a principal with ICG
3 Properties, representing the ownership. I'll
4 be relatively brief and focus on providing
5 some context for the project.

6 Our involvement dates back to 2006
7 when we agreed to work with Third Church on
8 the development of a mixed-use project on the
9 site, to include a new office building and a
10 new home for Third Church. At that time, the
11 16th Street Historic District did not extend
12 below *Scott Circle, so the design of any new
13 project would not be subject to HPRB review.
14 There was, however, a pending landmark
15 designation, so we were prevented from
16 pursuing demolition.

17 Making a very long story short, we
18 spent the next three years in a multitude of
19 hearings, and ultimately, Third Church was
20 awarded by Mayor's agent the right to demolish
21 the site. However, during that three-year
22 process, the historic district was indeed

1 extended south from Scott Circle to Lafayette
2 Park, meaning that any new construction would
3 now be subject to a much more rigorous design
4 review process.

5 We retained Robert A. M. Stern
6 Architects, a firm whose academic and
7 institutional experience, we felt, was a great
8 qualifier for this very significant
9 responsibility. We spent the next three years
10 working with HBO staff and HPRB to design
11 developer design that would not only be
12 compatible with a historic district but one
13 that would enhance it.

14 In late 2012, we received approval
15 from HPRB for the concept design that we had
16 proposed. Throughout the process, we also
17 consulted with preservation groups such as
18 DCPL, ultimately earning the positive
19 endorsement of their project review committee.

20 Finally, it's worth noting that
21 approval of this PUD will result and a
22 building being built. We have partners with

1 JBG, and all equity required for construction
2 is in place. JBG's extensive construction
3 experience will also ensure the project is
4 built with the high level of quality demanded
5 by this very significant site.

6 We have also recently executed a
7 Letter of Intent with a major tenant to lease
8 more than half of the available office space.
9 If approved, we are prepared to begin
10 construction by the end of this year.

11 On behalf of the ownership, I
12 thank you for your time and consideration, and
13 I look forward to answering any questions that
14 you may have.

15 MS. BROWN: I'd like to turn to
16 our next witness, Mr. Darrow Kirkpatrick.

17 TESTIMONY BY DARROW KIRKPATRICK

18 MR. KIRKPATRICK: Good evening,
19 Mr. Chairman and members of the Commission.
20 I'm Darrow Kirkpatrick, a native
21 Washingtonian. I entered Third Church Sunday
22 School in 1936 when we were at 13th and L

1 streets, Northwest. I've been in and out of
2 the District much since then, with a naval
3 career and other professional interests.

4 I became a member of Third Church
5 in 2002. My mother, grandmother, four of my
6 aunts, have been members, as is my wife now.
7 I've conducted the Wednesday and Sunday church
8 services.

9 Professionally, I'm an engineer.
10 I've represented the Departments of Navy and
11 Air Force before the NCPC and CFA for two
12 years, and was the Navy's technical witness on
13 military construction for four years before
14 the Congress, as well as representing the
15 Navy, our headquarters church, and branch
16 churches before governmental bodies.

17 I will summarize briefly here my
18 full statement, which I am submitting to the
19 record.

20 Please let me also say, as Carolyn
21 Brown did, we are most appreciative of the
22 strong support that we've gotten from the

1 Office of Planning and our ANC 2B, as well as
2 favorable endorsements from other DC
3 government agencies.

4 Our journey has been a long and
5 arduous one, commencing in 1991 with an
6 application for land marking a structure being
7 submitted without our knowledge or consent.
8 Over the years, our journey has included
9 finding a developer who was willing to take
10 the risk of developing a property with a
11 pending landmark application; the introduction
12 of legislation in the Council of the District
13 of Columbia to give us the right to proceed
14 with development, an instance that Mr. Miller
15 had some knowledge of. We also made an
16 appearance in the federal district court to
17 substantiate our First Amendment rights; had
18 numerous interactions with the preservation
19 community at government and private levels,
20 and upon appeal to the Mayor's agent,
21 authority to proceed with our redevelopment.

22 My full statement contains a

1 chronology of the key events our journey.

2 We feel truly blessed to be in
3 front of you today in what we hope to be
4 nearing the end of the road in building a
5 church which has existed within six blocks of
6 its current and intended location for the past
7 95 years, which will be a viable part of its
8 community and which can continue to carry on
9 its mission to minister to the Downtown,
10 Washington, DC, and for those for whom the
11 Downtown is important in their lives.

12 The Church strives to embrace the
13 world of government and business, hotels and
14 offices, residents, commuters, visitors, and
15 those who make their home in the District's
16 streets. The Church strives to demonstrate
17 that prayer uplifts the health of all aspects
18 of our community, including the health of city
19 families and children and the health of
20 government.

21 We're grateful that in the past 10
22 years, the demographics of our membership have

1 changed. We currently have a preponderance of
2 under-30s that our services. As many churches
3 are moving out of this CAB, we've been
4 Downtown since 1918. We want to stay where we
5 are and continue our downtown mission
6 invigorated by the youth now evidenced in our
7 membership.

8 The proposed crystalline structure
9 gives us a church edifice that is welcoming,
10 full of light, transparent, and integrated
11 with its community through its design and the
12 Church's willingness to be a resource for
13 nonprofit activity in the community.

14 A reading room will continue to be
15 an integrated part of the community, open
16 every day from nine to five, weekends from
17 11:30 to 1:30, except on holidays, and as you
18 will see in the presentation, it opens on 16th
19 Street with a welcoming landscape plaza
20 designed to make the passing public
21 comfortable for a bag lunch, easy conversation
22 with a friend, or a quieter moment in their

1 day. Inside, the public will find spiritual
2 refreshment and resources to meet the
3 challenges of their day.

4 We are grateful to have been
5 thanked by many for the resources therein that
6 have led them to finding employment,
7 resolution of health and relationship
8 challenges, and peace within.

9 For many years, the reading room
10 has served as an evacuation site for a
11 community childcare provider.

12 More detailed information on this
13 community asset is again available in my full
14 statement submitted for the record.

15 Again, we appreciate the
16 opportunity of appearing before you this
17 evening, and we ask your favorable
18 consideration so that we may continue in a
19 fresh and community-supportive way what we
20 have been doing in Downtown Washington for the
21 last 95 years.

22 Thank you very much.

1 MS. BROWN: Thank you.

2 We now like to turn to Graham
3 Wyatt for his presentation. And we may need
4 the lights off for this.

5 Thank you.

6 PRESENTATION BY GRAHAM WYATT,
7 ROBERT STERN ARCHITECTS

8 MR. WYATT: Thank you, Mr.
9 Chairman and members of the Commission --
10 Graham Wyatt, Robert Stern architects, 460
11 West 46th Street, New York, New York.

12 Carolyn, if you could turn the
13 monitor slowly toward me, then I won't have to
14 be constantly turning away from the
15 Commission.

16 (Whereupon, off-mic comments were
17 made on the record.)

18 MR. WYATT: If I might, Darrow,
19 that would be good.

20 It's useful that you've had some
21 of the historical background on this project,
22 and I'm going to talk tonight about the

1 physical constraints that surround this
2 application.

3 First, its location on one of the
4 two principal axes of Washington, DC makes
5 this an extraordinary site, but it's made all
6 that more extraordinary by the fact that it's
7 a combination of a commercial development of
8 an extremely high quality and the development
9 of a home for this religious institution,
10 which has existed for so long in this
11 neighborhood, allowing them to stay on the
12 site.

13 Now, it is within the special
14 zoning SP-2 district that runs north from
15 Lafayette and the White House toward Scott
16 Circle, and it is flanked on both sides by C-4
17 zoning. You will notice that there is a
18 certain amount of C-4 that comes to 16th
19 Street; for example, the Hay Adams Hotel
20 itself is C-4 zoning. And the application is
21 for zoning C-3-C on this site alone.

22 Now, a little bit about the

1 existing conditions on this site: There is a
2 church, and the church itself consists of two
3 buildings. One is an octagonal building,
4 which is their auditorium building basically
5 where their principal meeting spaces are, and
6 that's located at the corner of 16th Street
7 and I, specifically the northwest corner. At
8 the northern edge of the site -- and I'll
9 point out the laser here; I can use the
10 cursor. Here we are -- at the northern end of
11 the site, there's an office building which
12 houses the administrative functions of the
13 church.

14 (Off-mic comment.)

15 MR. WYATT: Excuse us. We now
16 have our technology down.

17 Here is a view of the site at
18 ground level. So you see the sanctuary, the
19 auditorium building, in the foreground and the
20 office building in the background.

21 As Carolyn Brown has mentioned
22 already, we've worked closely now for more

1 than two years with the Historic Preservation
2 Office and the Historic Preservation Review
3 Board specifically on issues of the massing of
4 the building and its height as it fits into
5 the context of other buildings along 16th
6 Street; primarily, what is referred to as the
7 dominant 90-foot cornice that runs along 16th
8 Street.

9 In fact, virtually none of the
10 buildings along 16th Street have a cornice at
11 90 feet. 16th Street itself slopes from the
12 south down toward the north by several feet,
13 and the buildings themselves have slightly
14 different cornice lines, even the most
15 historic ones. Nonetheless, working closely
16 with the Historic Preservation Office and
17 Historic Preservation Review Board, we have
18 settled with them on a height of 93 foot,
19 eight inches, which is consistent with the
20 cornice line of the surrounding buildings.

21 A little bit about the
22 organization of these two important program

1 elements on the site -- first, there is the
2 church itself, which, as Darrow Kirkpatrick
3 mentioned, is located mid-block between I
4 Street and H Street to the north. The church
5 has two entrances. It has an entrance into
6 the Christian Science Reading Room, which is
7 a ground-level and highly public space with
8 large glass windows, and it has a second
9 entrance that leads to stairs and elevators
10 rising to the auditorium, day care, and other
11 facilities on two floors above that.

12 Second, on the site and to the
13 south of the church is located the commercial
14 structure, which has its main entrance located
15 on 16th Street, leading to a lobby and its
16 elevators here in approximately the northwest
17 corner. There is designated space for retail
18 at the corner of 16th Street and I. There is
19 an entrance for below-grade parking, which I
20 will show you more about in a moment, located
21 along me as western edge of the site and
22 entering from and exiting to I Street.

1 Finally, there is a service alley
2 that exists behind the current site, and it
3 will be used for loading docks in this
4 location, which will serve both the commercial
5 office building and the church.

6 Here is a view of the building as
7 proposed and as reviewed and developed in
8 detail with the involvement of the Historic
9 Preservation Office and the Historic
10 Preservation Review Board. It is essentially
11 a nine-story office building with an embedded
12 three-story church.

13 It has an expression of an
14 eight-story building to its cornice line along
15 the street. So this height, which I'm
16 pointing up at the laser, represents the
17 93-foot, eight-inch height that I referred to
18 a moment ago. It has a double height
19 ground-floor expression, which was developed
20 specifically at the request of the Historic
21 Preservation Review Board. And it has a
22 significantly set back top floor, ninth floor,

1 which, as Carolyn Brown mentioned a moment
2 ago, is a combination of both a commercial
3 office floor and a floor which housing houses
4 mechanical equipment. So there is no
5 mechanical penthouse located above that floor.

6 Working with the Office of
7 Historic Preservation, we have designed and
8 included a pergola structure, which is largely
9 invisible from the street from this vantage
10 point, but you see it here at the southeast
11 corner of the building.

12 The building itself -- I'll speak
13 more about its materials in a moment -- but it
14 consists of Cherokee white marble at the
15 bottom two floors; limestone, Indiana
16 limestone, with insets of white marble for the
17 next floors; and a glass element at both its
18 southern corner and northern corner.

19 This is a view taken from the
20 northeast looking southwest. In this view,
21 you see not only the commercial building,
22 which I mentioned a moment ago, in the context

1 of its neighbors here -- 1600 K Street to the
2 north and the Motion Picture Association
3 Building, and a glimpse of the Hay Adams to
4 the south -- but in this view, you also see
5 the proposed new home for the church with its
6 reading room and its main entrance opening
7 toward the east on 16th Street.

8 There's been much discussion and
9 review about the height of the building, and
10 so these, for the record, are the heights as
11 they've been reviewed with Historic
12 Preservation and approved by the Historic
13 Preservation Review Board. We are measuring
14 from a project grade, which is located along
15 I Street. And so all of the elevations that
16 you see here are, first, elevation above sea
17 level, and second, in parentheses, elevation
18 above the project grade. And so, on the side
19 of the slide, you can see the proposed top
20 floor, eighth-floor elevation of 93 feet,
21 eight inches.

22 I said I would speak more about

1 the materials, and they are very important to
2 the architectural significance of this
3 building. We're using materials which are
4 truly of a civic nature in Washington, DC, and
5 that's appropriate because 16th Street is in
6 many ways, although occupied by commercial
7 tenants, are commercial tenants of a civic
8 nature. So we are using Cherokee white marble
9 liberally through the building, the entire
10 bottom two floors where the solid material is
11 used, it's Cherokee white marble. That
12 marble, specifically for reference, is the
13 marble which is used on the Federal Reserve
14 Bank building by Paul *Cray of 1937, although
15 that Georgia white marble was used extensively
16 elsewhere in Washington, DC.

17 Second as a material is Indiana
18 limestone. That is an extremely common civic
19 material of high-quality, top-quality
20 buildings in Washington, DC. And so here, you
21 see but one example, the National Archives
22 Building.

1 Finally, we will be using oil
2 rubbed to statuary bronze on the lower portion
3 of the building and on key details elsewhere.
4 That is a material which you see -- here, an
5 example -- at the National Academy of
6 Sciences. So we have gone to great lengths
7 and working with previous historic
8 preservation review to make sure that all of
9 these materials are of the highest quality and
10 also -- I'll say it again -- of a civic
11 quality.

12 Here is a view much closer to the
13 building, at the ground level. So you see the
14 bottom two floors, the white marble columns,
15 the statuary bronze insets for the shop
16 fronts, the liberal amount for class on this
17 commercial corner, and the wide landscaped
18 frontage along a long 16th Street, which
19 landscape architect Michael Vargason will
20 speak more about in a moment.

21 A little bit of detailing for the
22 design, really to the question of design

1 excellence, we have put much effort and
2 attention into the design of these retail shop
3 fronts so that they have depth in their
4 architecture and quality in their materials,
5 and so that issues, such as signage and air
6 ventilation, which often mar commercial
7 storefronts, are carefully controlled.

8 Here is another example of that.
9 There is a ventilation vent here, where all
10 vents are concealed, and there is a signage
11 band immediately above that and then large
12 shop fronts surrounded by white marble, and
13 another, for a retail entrance.

14 Now, a moment about the church,
15 the church is very interesting from our
16 perspective because not only the church is
17 overall institution but this specific
18 congregation are highly focused on being
19 visible and open to the public, and we found
20 that to that be a very attractive
21 characteristic of working with the
22 congregation on this project. In physical

1 terms, that means that the church is expressed
2 by a glassy, crystalline structure set off
3 from and differentiated from the commercial
4 office building behind, set in a reveal where
5 the office building beside is pushed back, and
6 opening views from the auditorium to the
7 street and from the street up to the
8 auditorium and to the reading room below.

9 We have developed the design of
10 that in detail over a period of more than two
11 years working with the Historic Preservation
12 Office. I won't take you through all the
13 details of that but to let you know that it
14 was studied very carefully. The geometry, the
15 technology, various aspects of this design
16 have been studied thoroughly. So these are
17 two examples of computer models that were
18 produced, and analysis on top of them, of the
19 ultimate design.

20 And there it is translated into a
21 rendering and three different views all taken
22 from different vantage points along 16th

1 Street, which emphasize not only the
2 relationship, contrasting relationship,
3 between this glassy, crystalline structure for
4 the church and the masonry office building
5 behind, but which also emphasize the
6 importance of the broad landscaping, which
7 again, our landscape architect will speak
8 about in a moment.

9 We were asked by the Historic
10 Preservation Review Board to study in detail
11 the appearance of this building within its
12 context. And so we traveled the city, top to
13 bottom, and took over 600 photographs of
14 vantage points where we thought the building
15 would be visible. I will only show you a very
16 few of those tonight, a very few.

17 But here, taken on 16th Street
18 looking south, halfway between Scott Circle
19 and K Street, there is a vantage point where
20 the building first starts to become visible
21 behind trees. Moving further south, it
22 becomes more visible as the foliage drops

1 away. And here is 1600 K Street, an existing
2 building which is at the corner of 16th and K,
3 to the south, the Hay Adams in the motion
4 picture building, and in between, here, the
5 proposed structure. I show these to make the
6 point that these were the exhibits that were
7 required by the Historic Preservation Review
8 Board, but also, that helped us to understand
9 the context of this building within that
10 dominant cornice line.

11 Other views taken from the east in
12 this situation, from the McPherson Square
13 Building, is visible here. And taken from the
14 west on 16th, on I Street -- excuse me -- the
15 building is visible here. In all of these
16 cases, I show it to make the point that it's
17 matched with the historic context.

18 Finally, views on 16th Street from
19 the south -- this is very important with the
20 Historic Preservation Review Board -- the
21 cornice line on the Hay Adams, the cornice
22 line on the Motion Picture Association

1 building, and the cornice line of the proposed
2 building.

3 And finally, views taken at the
4 intersection of K and 16th, here is the
5 building in the background. I should point
6 out, this is the tower element not on the
7 building itself but on 1625 I Street, the
8 structure which is located to the west. And,
9 a similar view taken from the east side of
10 16th Street.

11 Finally, very quickly going
12 through the floor plans to simply show how the
13 zoning area is calculated, within the
14 building, it's divided between the blue, which
15 is either commercial office building or
16 commercial retail, and green, which is the
17 church. And that continues not only at the
18 ground floor but within upper floors. But of
19 particular significance here is the way in
20 which height and floor area are calculated at
21 the top of the building. This is the ninth
22 floor, which is arguably both an office floor

1 because it does include a certain amount of
2 commercial space and a mechanical penthouse
3 because mechanical space is embedded here at
4 the northwest corner.

5 And our very desire, and the
6 desire of the Historic Preservation Review
7 Board, to push the mechanical equipment down
8 into this level has led us to one of the
9 requests tonight, which is to not have to
10 comply with the one-to-one set back on the on
11 the rear yard alley, the benefit of course
12 being that mechanical equipment is consumed
13 down into the building and not placed on the
14 roof.

15 And so here, finally, is the roof
16 plan.

17 I talked a moment ago about
18 parking. There are levels below the building,
19 which include a parking entrance from high
20 street and a certain amount of supporting
21 space. So these are the two lower-level plans
22 and finally level B3 -- three levels of

1 blogging total.

2 There were questions about the
3 environmental sustainability of this building.
4 It is not possible for an architect or
5 developer to say that we will achieve a
6 certain LEED level, but we have already
7 self-scored this building and are confident
8 that we are well on target to LEED gold
9 certification. And it is the intention of the
10 owner to file for and pursue with the US Green
11 Buildings Council LEED gold certification.

12 I'm now going to hand over hand
13 you over to Michael Vargason, who is the
14 landscape architect, to talk about our site
15 work.

16 PRESENTATION BY MICHAEL VARGASON,
17 MICHAEL VARGASON LANDSCAPE ARCHITECTS

18 MR. VARGASON: Good evening. I'm
19 Michael Vargason of Michael Vargason Landscape
20 Architects, and I want to start off by
21 stepping back a little bit and taking a larger
22 view of the 16th Street corridor, and pointing

1 out three of the positive patterns that define
2 the corridor and that have had a significant
3 influence on the way that we approached the
4 block.

5 The first is a double outlay of
6 trees, the large shade trees on back side of
7 the building side, or building side, of the
8 sidewalk that are at the scale of the width of
9 the corridor and the smaller, more upright
10 curbside trees flanking those.

11 Secondly is the depth and
12 substance of the green outside the edge of
13 sidewalk that provides a kind of *Sewell panel
14 that supports both large trees.

15 And the third is the consistent,
16 the clarity of the delineation of the edge of
17 that green and the consistency of its
18 alignment. And you'll see it here on the
19 block north of ours, and you see it extended
20 onto our block to the south. It's that line
21 around which we've organized the streetscape
22 and the public space in order to reinforce the

1 continuity and continuation of that quality,
2 of those qualities, of the corridor.

3 Before I describe that on the 16th
4 Street side in more detail, two things I ought
5 to point out. One is that the proposal
6 includes not only improvements to the subject
7 property here at 900 16th Street, but also the
8 balance of the block and for the 1600 K, as
9 well as the extension of improvements on both
10 shoulders of K and I. Those details and
11 design are compliant with the guidelines
12 established for the Golden Triangle.

13 In the 16th Street area, we have a
14 16-foot sidewalk treatment with street trees
15 and a 38-foot depth of green against the
16 building, that depth of green supporting four
17 large shade trees along that edge that
18 reinforces the extension of those large trees
19 we just saw.

20 And if we look at it in a little
21 more detail -- this blows up to the block of
22 900 16th Street -- the sidewalk is composed of

1 a six-foot width that supports street trees,
2 that are dovetailed with new twin-20 globes.
3 Most of the floor of that is green, to support
4 and reinforce that character of the corridor.
5 Where we have paving at the base of lampposts
6 and bike racks, that uses a granite set with
7 open joints that infiltrates rainwater into a
8 continuous soil panel underneath that that
9 provides a kind of soil volume that will give
10 us a long life on those trees.

11 To the west of that, a 10-foot
12 scored concrete sidewalk consistent with the
13 majority of the blocks along this 16th Street,
14 that's edged by a low stone curb at the
15 planted edges, and by stone pavings in the
16 church entry, in the office entries, and
17 precast pavers in the caf, seating that occurs
18 at both of the southern and the northern ends
19 of the length of the block.

20 We can see that in section.
21 Looking south, here's 16th Street here.
22 Six-foot width for street trees with

1 continuous improved soil panel, a 10 foot cast
2 in face concrete, low stone curb edges, a
3 10-foot wide low evergreen hedge, part of a
4 continuous planting that runs to the face of
5 the building and supports the soil for large
6 trees in that position, not the typical
7 flanking detail planting detail.

8 If we cut a section through the
9 office entry, we see all the same things up to
10 the edge of that evergreen hedge. There,
11 there's a low stone wall that invites public
12 seating, and encourages people to relax and
13 linger.

14 And if we cut a section looking
15 North at the two ends of the block, southern
16 and northern, you'll see the caf, seating
17 area; to the east of that, the hedge; and to
18 the south of the north of that, a low stone
19 seat wall that not only provides a comfortable
20 place for public seating but, I think, a nice
21 scene and a nice relationship to the caf,
22 seating on the other side of it.

1 I won't talk much about or
2 describe in any detail the plantings, other
3 than to say, imagine a Kentucky coffeetree on
4 the building side of the sidewalk; the curb's
5 edge is here. And while we've shown willow
6 oaks as a street tree leaning towards aching
7 ginkgo as a better reflection of the
8 relationship, traditionally, between the large
9 tree in the more upgrade tree that's part of
10 the pattern of the corridor, larger corridor.

11 I'd finish with a little more
12 detail on the church terrace. It's envisioned
13 it as a very inviting, very welcoming place.
14 It focuses on a beautiful fountain. To the
15 north of the fountain, defining the entry of
16 the church, is a low seat wall. On that seat
17 wall is a display of the carillon we used,
18 carillon bells, in combination with the stone
19 panel that will receive the church name. And
20 to the south of that fountain, an outdoor
21 reading room, movable tables and chairs, a
22 small planting area, and then a small steel

1 and glass display case that will include a
2 rotating display and announce the presence of
3 the reading room at the street front, offset
4 four feet from the edge or back edge of the
5 sidewalk and providing some interest, I think,
6 to the streetlight beside it.

7 We can look at that composition in
8 a soft, soft sketch -- the display case, the
9 central fountain, which is a cubic piece of
10 stone that's subtly faceted in its interior
11 top surface to reflect the qualities of the
12 church; in the background, the carillon bells,
13 the church name; soft rendering, soft sketch,
14 more refined rendering -- in both cases I
15 think presenting a very beautiful and inviting
16 public space that's a wonderful punctuation at
17 the middle of the block.

18 And in balance with the
19 composition of the entire block, I think, does
20 two important things. It reinforces in its
21 elements and in its alignments the continuity
22 and coherence of the corridor, and second, in

1 the quality of the public space it makes both
2 in concept and detail. It's very consistent
3 in the objectives and the principles of the
4 comprehensive master plan.

5 So that concludes our formal
6 presentation.

7 I give it back to Carolyn.

8 MS. BROWN: Thank you.

9 That does conclude the testimony
10 of our witnesses.

11 I do want to circle back very
12 quickly, in conclusion, to the amenities
13 package that we have.

14 As you know, amenities are
15 superior features of the PUD that benefit the
16 public to a much greater extent than a
17 matter-of-right project. Some of the features
18 that we have, of our public benefits and
19 amenities are the superior design of the
20 building itself, the iconic new church, the
21 LEED Gold design, the extensive streetscape
22 and landscaping not just in front of this

1 building but, as Mr. Vargason described, the
2 entire block and as it turns the corners; the
3 contributions to the Sasha Bruce Youthworks,
4 Charlie's Place, and the Dupont Circle
5 Citizens Association; and finally the housing
6 contribution of almost \$580,000. Although it
7 is a requirement, it is something that would
8 not be achieved under a matter-of-right
9 project. It's because of the PUD that we're
10 making that contribution.

11 So, in conclusion, we're very
12 pleased with this project, and we would very
13 much like your support. And we're available
14 for questions.

15 Thank you.

16 CHAIRMAN HOOD: Okay. Thank you
17 very much for your presentation.

18 Let me open it up. Commissioners,
19 do you have any questions or comments? Mr.
20 May.

21 COMMISSIONER MAY: Yes, I assume
22 that you brought materials.

1 MS. BROWN: Yes, sir. We'll hand
2 those out.

3 COMMISSIONER MAY: Okay. Can you
4 pass them up, please? We'll take a look at
5 them.

6 MS. BROWN: Perhaps it would be
7 helpful to tell you what materials are being
8 used, what you're handing out, Michael.

9 CHAIRMAN MAY: You need to be on a
10 microphone.

11 MS. BROWN: Here's a microphone
12 here.

13 MR. VARGASON: So the first of the
14 of the line here is the *Mount Airy granite
15 that will be used for the curb and seat walls.

16 Second is a Vermont gray, which
17 will be the stone paving for the church and
18 the office entries.

19 And the third is a Virginia mist
20 that is the material of the trough fountain in
21 the church terrace.

22 COMMISSIONER MAY: And for the

1 exterior of the building, the Mount Airy
2 granite of the base, where the façade hits the
3 sidewalk -- this is a bit heavier than the
4 other.

5 (Whereupon, the parties engaged in
6 off mic conversation.)

7 MR. VARGASON: Same as this wall,
8 sir.

9 MR. WYATT: The second is the
10 Cherokee white marble, which comes from
11 Georgia. This is actually probably the finest
12 marble which is quarried in the United States,
13 and those quarries were closed until recently.
14 So we're very pleased to see this one
15 available again because it was used so
16 extensively in Washington, DC.

17 (Off-mic comment.)

18 MR. WYATT: It comes from Georgia,
19 and it's now being quarried again. And for a
20 while, the quarry was closed. It's a very
21 nice stone.

22 And then, finally, Indiana

1 limestone, and we're using a range of
2 limestone which has a variety of often gray
3 colorations together, which was characteristic
4 in the 1920s and '30s. And you actually see
5 a fair amount of it in Federal Triangle, but
6 it hasn't been used so extensively, recently.

7 You don't see the variation here
8 because it tends to happen in a bigger scale
9 than you would see in a one-by-one sample.

10 COMMISSIONER MAY: Thank you very
11 much.

12 So I had some questions about
13 certain aspects of the design of the building
14 and setdown, and most of those are -- and at
15 this point, I'm not going to make a big issue
16 out of any of them because you've had to go
17 through such difficulty getting through HPRB.
18 But I am still puzzled by something, which is
19 this, on the ninth floor, the trellis feature.

20 The trellis feature has been
21 described as a way to kind of, I guess, to
22 mask or mitigate the top floor of the

1 building. Is that right?

2 MR. WYATT: That's the way it was
3 discussed with the Historic Preservation
4 Office. I will be honest with you; in our
5 earlier designs, we could not have a trellis.
6 But in our discussions with HPO, they asked
7 specifically that we study it. And part of
8 the reason -- maybe masking isn't quite the
9 right word -- they wanted to differentiate the
10 top of the building from the rest of the
11 building below. And they looked specifically
12 at the AFL-CIO building, which is diagonally
13 across to the southeast of the site and
14 pointed out a trellis-like structure there,
15 which gave architectural character to the top
16 of the building without making it look like it
17 was just an extension of the building below.

18 COMMISSIONER MAY: All right.

19 MR. WYATT: So -- which really,
20 based on that rationale -- and frankly, their
21 suggestion of this as a design feature, we
22 incorporated it.

1 COMMISSIONER MAY: Okay. That
2 makes a little bit more sense because, I mean,
3 it seems to me it makes that top floor more
4 prominent, but it does make it seem more like
5 a floor and less like a penthouse.

6 MR. WYATT: I think that sums up
7 their intent, that it wasn't to mask as much
8 as it was to differentiate in an architectural
9 way.

10 COMMISSIONER MAY: Okay. That
11 makes more sense.

12 So, now, the -- I appreciate
13 having that diagram in the presentation that
14 described the, where you had 90-foot heights.
15 It did not point out where you had the larger
16 penthouses above and beyond that, but that was
17 somewhat implied.

18 But just looking at this view
19 that's on the front cover of just about
20 everything, the cornice line at the 93-8
21 level, or 93-8 plus parapet, or whatever it
22 is, doesn't seem to line up with the building

1 immediately to the north. Am I reading this
2 incorrectly? Because, you seem to imply that
3 it was only a few feet different, and it looks
4 more like it's about 10 feet different.

5 MR. WYATT: No, you are reading it
6 correctly that it doesn't line up with the
7 building to the north. The building to the
8 north is lower than most of the buildings
9 around it.

10 COMMISSIONER MAY: Okay.

11 MR. WYATT: It lines up more
12 directly with the Motion Picture Association,
13 which is the building to the south.

14 It would look, based on the
15 numbers, has low it lines up more or less with
16 the Hay Adam, but in fact, the Hay Adam is
17 about three feet higher than the proposed
18 building simply by virtue of the change in the
19 slope across the site.

20 COMMISSIONER MAY: Okay, so how
21 much lower is the building to the north at the
22 cornice line?

1 MR. WYATT: Do you want to talk?

2 MR. VARGASON: From, from its
3 project grade, it's three feet, or three feet,
4 eight inches. Sixteen-Hundred K is actually
5 one of the buildings does hit 90 right on the
6 nail.

7 COMMISSIONER MAY: Okay.

8 MR. VARGASON: But there's also a
9 further almost three-foot change in grade,
10 dropping off as you go to the north.

11 So you're reading it correctly.
12 It does, it does read as more than three, but
13 it is closer to six.

14 MR. WYATT: Six, in fact.

15 COMMISSIONER MAY: I see. Okay.

16 Okay, we received this
17 quantification of the value of the amenities,
18 and the church, the actual value of the church
19 is listed as a premium, so it strikes me as a
20 bit odd.

21 I don't recall previous zoning
22 cases where, the value of a religious

1 institution being essentially offered as an
2 amenity. Is that really what you're
3 suggesting in this --

4 MS. BROWN: It's not necessarily
5 the church. It's the quality of the materials
6 that's the premium, and that a matter-of-right
7 project would not normally include the church
8 -- this one does, and is there is a premium
9 for the glass structure. Maybe Mr. Stern
10 would like to speak more to that.

11 COMMISSIONER MAY: Well, you just
12 said it's about the value of the church, but
13 then you said it is the value of the church.

14 MS. BROWN: I'm sorry; it's the
15 materials in building it, but not necessarily
16 the --

17 COMMISSIONER MAY: The existence
18 of the church -- you're saying that it's all
19 about the quality of the church construction,
20 as opposed to the presence of the church
21 itself.

22 MS. BROWN: Yes. That's the

1 distinction I'm making.

2 COMMISSIONER MAY: Okay, because
3 that doesn't seem to be what's indicated in
4 this -- I mean, to me, if it were a
5 matter-of-right cost for the church listed and
6 then you had a project cost, then you could
7 talk about the difference in the value of the
8 architecture, the premium for the better
9 materials or whatever.

10 But this chart seems to suggest
11 that the mere existence of the church is an
12 amenity.

13 MS. BROWN: Yes, and I think that
14 what we're saying is that a matter-of-right
15 project typically would not include a church,
16 so you wouldn't have the --

17 COMMISSIONER MAY: So the presence
18 of the church --

19 MS. BROWN: I'm sorry --

20 COMMISSIONER MAY: -- is being
21 suggested as an amenity.

22 MS. BROWN: Yes, not for its value

1 as a congregation, but the physical structure
2 of the church itself. I'm trying to
3 distinguish between religious worship versus
4 the building.

5 COMMISSIONER MAY: Okay, versus
6 the value of the building; yes, well, that's
7 kind of what I'm wondering about.

8 All right, I think that's marginal
9 on the list of amenities, but I guess I now
10 understand, at least, what you're trying to
11 say.

12 That's it for my questions.

13 CHAIRMAN HOOD: Vice Chair?

14 VICE CHAIR COHEN: You seem to
15 have skipped over the canopy, and in some
16 pictures, it looks okay, and in other
17 drawings, it looks transparent. So you've not
18 mentioned what type of material. You do have
19 the photographs, but that even confused me
20 more because, again, it looks more opaque.

21 So can you be more descriptive of
22 what you're trying to do there?

1 MR. WYATT: First, a question of
2 clarification: The canopy at the church, or
3 the canopy at the --

4 VICE CHAIR COHEN: The church; I'm
5 sorry.

6 MR. WYATT: The canopy at the
7 church is glass. It is actually part of the
8 glass structure of the church above, which
9 does project beyond property line. So it
10 provides both the crystalline structure of the
11 auditorium and it provides canopy over the
12 main door.

13 VICE CHAIR COHEN: And then
14 presumably, it, it is some kind of quality
15 which -- does it reflect and create a lot of
16 glare or is it just, you know, the type that
17 is glare-proof?

18 MR. WYATT: It's clear glass, so
19 it is, it doesn't have glare to it, although
20 it will have a special thermal treatment. And
21 it will almost certainly have some fritting on
22 it, small ceramic dots which help to reduce

1 the amount of heat gain and also help to make
2 it look cleaner.

3 VICE CHAIR COHEN: Thank you.

4 What about lighting? Will it be
5 lit at night?

6 MR. WYATT: The lighting on the
7 church itself is something that we are still
8 in the process of studying, but the intent is
9 that the light on the glass of the church will
10 all be internal, that it will show the warmth
11 and the glow of the activity that's happening
12 within the auditorium and within the reading
13 room, as opposed to light being projected onto
14 the glass, which if anything would make the
15 glass with glary and reflective and less
16 inviting.

17 So the idea, particularly at
18 night, is that you will look into and see the
19 activity inside.

20 VICE CHAIR COHEN: And can you
21 discuss the lighting up on the, any lighting
22 up on the roof? Is it just going to be from

1 within? Can you be more descriptive there,
2 too?

3 MR. WYATT: The lighting on the
4 building as a whole is only from within.
5 There would be some landscape lighting at the
6 top level, which is the ninth floor, around
7 the pergola because that is unoccupied outdoor
8 area. So we will have some lighting there.

9 VICE CHAIR COHEN: I have similar
10 questions with regard to proffering the church
11 and the reading room because it does appear to
12 be, it is a religious structure. So I didn't
13 understand the argument to include it as a
14 proffer. I really have not I'm not convinced
15 that we should state it as such.

16 Even after the explanation for
17 Commissioner May, I really am still on the
18 fence on that.

19 MS. BROWN: I'm happy to respond.
20 I wasn't sure there was a question there, but
21 I think that the concept is that, again, a
22 matter-of-right project would not include a

1 church. And certainly, you know, a church of
2 this quality -- this is an exceptional design
3 for the church -- if you were to do a
4 matter-of-fact great church on this site, I doubt
5 that it would look like this crystalline
6 structure.

7 And having a reading room
8 available to the public, we do consider it an
9 amenity. It's part of, it's an additional
10 retail service use space that will be
11 available to the general public and have an
12 opening seating area for them as well.

13 VICE CHAIR COHEN: But with the
14 name "Christian Science" on it, you know, does
15 it appear to be a public place because it has
16 a religious connotation? So I'm questioning
17 --

18 MS. BROWN: It may be best if Mr.
19 Kirkpatrick attempts to answer that aspect of
20 it.

21 MR. *KIRKPATRICK: Well, our sign
22 will be at the building that will say

1 "Christian Science Reading Room." But every
2 Christian Science church around the world has
3 a reading room open to the public. And our
4 thought is to make this as open and attractive
5 for the public to use, not just coming in but
6 in the plaza, as Mr. Vargason described. That
7 will be a place where people can stop, in
8 regard of any religion, for a bag lunch or a
9 visit with friends or if they just want a
10 quiet moment.

11 VICE CHAIR COHEN: I guess my
12 question should be, is there a sign that says
13 it's public? Because, Christian Science, the
14 name, may be an obstacle to some people.

15 MR. *KIRKPATRICK: Well, that's,
16 normally, there is a sign that's right at the
17 window. It's a small sign; maybe we need to
18 make it larger. But it certainly is open to
19 the public, and I would think that we could --
20 in the display case that Mr. Vargason
21 mentioned -- we can make that very clear, that
22 it's open to the public, both the plaza and

1 the inside.

2 VICE CHAIR COHEN: Okay. Getting
3 back -- I want to make sure we're not
4 double-counting, you know, the architectural
5 benefit twice because you brought it out as
6 the church, and I think it's listed. We just
7 got this tonight, so I didn't study it.

8 You do mention building materials
9 and the landscape; okay. You're really just
10 mentioning it; I guess, quality of the church
11 once. I'm going to look this over and make
12 sure that I can accept that you're not
13 double-counting that.

14 Let's see.

15 Well, I do want to say something
16 very, very positive. I am glad that money is
17 going to the Housing Trust Fund. I think
18 that's really important.

19 And I was concerned about the
20 appearance of this site from different
21 viewpoints, and you did provide that. So
22 thank you for those two.

1 MR. *KIRKPATRICK: Ms. Cohen, if I
2 can respond a little bit more on the church
3 and the cost of the church, we're estimating
4 at, we're working on a figure of \$5.8 million.
5 A large part of that, of course, is involved
6 in the shell and the glass. And again, I'm
7 not the expert on amenities here, but I would
8 think that is a significant amount more for a
9 church of that size in that area.

10 VICE CHAIR COHEN: Thank you.

11 Actually, I would personally give
12 you credit for eliminating an ugly eyesore in
13 the city, but.

14 (Laughter.)

15 COMMISSIONER MAY: I'm trying not
16 to think about the whole history of this. So,
17 anyway.

18 I actually would agree with you on
19 the questions about the church even being
20 mentioned in the amenities discussion. I
21 think it's kind of shaky ground. So, you
22 know, I appreciate what it does, but even the

1 label -- it's just the Christian Science
2 Reading Room -- it does not necessarily make
3 everyone well feel welcome walking in the
4 door, and if it were a public library or a
5 public reading room or something like that,
6 with that kind of a name, it might be
7 different.

8 So I think we just need to be
9 careful about how we regard this in any
10 decision-making.

11 VICE CHAIR COHEN: Oh, I thought
12 you were giving me my awarding points.

13 COMMISSIONER MAY: I'm trying very
14 hard not to think about the entire history of
15 this project. So I can't say that I would
16 agree with it, necessarily.

17 CHAIRMAN HOOD: I guess that's why
18 there's five of us up here.

19 Okay, Commissioner Miller.

20 COMMISSIONER MILLER: Thank you,
21 Mr. Chairman.

22 It has been a long and arduous

1 journey, Mr. Kirkpatrick, and this is an
2 exciting day that we've reached this point.

3 I would echo the Vice Chair's
4 comment. I mean it is such a wonderful space,
5 the reading room space and the plaza space, I
6 think, if there is signage that can emphasize
7 that it is open to the public, I think it will
8 emphasize that it is the public amenity that
9 you are offering in this case.

10 The crystalline structure, it's,
11 that's very exciting, too. Is there anything
12 like that -- I'm trying to visualize it -- in
13 the city or elsewhere that, that this is
14 patterned after?

15 MR. WYATT: It's interesting that
16 you should raise that because we had that
17 conversation this afternoon, and none of us,
18 including many people who are DC residents,
19 could think of anything that was quite like
20 this in Washington, DC. And that was taken,
21 I think, as a very positive conclusion to come
22 to on the part of the church because they

1 really want to have a very special and unique
2 identity, particularly one which is so open
3 and inviting.

4 There are certainly other faceted
5 crystalline structures elsewhere in the world,
6 but I can't say, as the architect, that
7 there's any one that we particularly looked
8 at. And so it was actually quite an
9 interesting challenge did from a design
10 perspective, where we were developing the
11 geometry of this without strong prior
12 precedent. And that's actually the reason why
13 I took the time to show the slides of the way
14 in which the geometry was developed.

15 But the idea on the part of the
16 church is that they see this as being
17 jewel-like, crystal -- those are words that
18 have been used -- and the word "transparency"
19 is something that they've used repeatedly
20 throughout the time that we've been working
21 with them.

22 I don't know if that answers your

1 question, but at least I'm working around this
2 general topic.

3 COMMISSIONER MILLER: Right. And
4 I guess that type of structure would have to
5 be maintained pretty well --

6 MR. WYATT: Yes, absolutely.

7 COMMISSIONER MILLER: -- so that
8 it looks transparent all the time, as opposed
9 to what might be on it.

10 MR. WYATT: In fact, that is a
11 topic that we've discussed at length, and
12 there have been very careful consideration to
13 take into the type of glass that will be used,
14 the way which the water will be drain off it,
15 the way in which the glass will be cleaned.
16 All of those are things that we thought about.

17 So to say that this would be the
18 easy or the obvious solution for the church is
19 certainly not the case. It's been quite an
20 effort --

21 COMMISSIONER MILLER: Right.

22 MR. WYATT: -- to get it to this

1 point, but we and the church think it's worth
2 it.

3 COMMISSIONER MILLER: Right. And
4 I would just comment on the affordable housing
5 contribution of \$580,000 to the District's
6 Housing Protection Trust Fund. I would note
7 for the benefit of the public that choosing --
8 you can satisfy that housing linkage
9 requirement in these PUD cases in at least two
10 different ways. One is a direct contribution
11 to the District's Housing Protection Trust
12 Fund, or you can make a contribution to a
13 nonprofit provider to provide the square
14 footage based on a formula of the amount of
15 additional office space that you're getting.

16 This is a much more expensive
17 option to pursue, and it's, it's beneficial
18 for the District. And so I would just note
19 that for the record. We don't often see the
20 direct contribution option because it's less
21 expensive sometimes. So, but that is
22 appreciated because there's a commitment to

1 try to increase the affordable housing supply
2 in the city.

3 Other than that, Mr. Chairman, I
4 would just note -- I think you would probably
5 note, normally -- that the ANC's support and
6 the Councilmember's support is in the record,
7 as was previously indicated, I think. So I
8 think that's all important.

9 And with that, I have no more
10 questions.

11 CHAIRMAN HOOD: Thank you.

12 I would just associate myself -- I
13 don't normally do this -- with all of my
14 colleagues. I think, with the discussion with
15 all of my colleagues, I would pretty much
16 agree with -- maybe one statement, I have not
17 agree with -- but for the most part, I agree.

18 I just want to know, do we have
19 another rendering that shows the relationship
20 of 1625 I Street and the proposed building
21 that you're proposing? If you can direct me,
22 help me with that.

1 MR. WYATT: We do have one, and
2 I'm going to go back through the images now.
3 It's taken from the west, looking east. Yes,
4 just give me a moment, and I'll try to get it
5 here on the screen. There we are.

6 So this is taken --

7 CHAIRMAN HOOD: Give me one
8 second. Let me --

9 MR. WYATT: Yes.

10 CHAIRMAN HOOD: That was in our
11 PowerPoint tonight. I just want to get it.

12 Okay.

13 MR. WYATT: And it's taken looking
14 east along I Street, just to the east of
15 Farragut Square. So imagine Farragut Square
16 is just behind you there.

17 CHAIRMAN HOOD: Can you take your
18 pointer and help me orientate where we are,
19 and where the proposed building is?

20 MR. WYATT: So the proposed
21 building is here.

22 CHAIRMAN HOOD: Okay.

1 MR. WYATT: And the building that
2 you see just beyond it is actually -- sorry;
3 I I'll get near the microphone -- the building
4 just beyond it is actually on the other side
5 of 16th Street. That's the International
6 Laborers Building.

7 And then the building to the west
8 of it, closer to you, including this higher
9 portion up above, is 1625 I Street.

10 CHAIRMAN HOOD: Okay. So we've
11 got the lower building, we've got the proposed
12 building, and then we have 1625 I.

13 MR. WYATT: That's correct.

14 CHAIRMAN HOOD: Okay.

15 MR. WYATT: There is one other
16 view, I think it's probably one of the very
17 first views, that shows the proposed building
18 and 1625 I, here. Is there a slide number on
19 that?

20 CHAIRMAN HOOD: That is the cover.
21 I saw that one.

22 MR. WYATT: Yes, the cover.

1 CHAIRMAN HOOD: Yes, I saw the
2 cover, yes.

3 MR. WYATT: Exactly.

4 CHAIRMAN HOOD: I just wanted to
5 know that we had something besides the cover.
6 But, okay.

7 MR. WYATT: So, with the cover and
8 the other one showed you, you have views from
9 the east and from the west.

10 CHAIRMAN HOOD: Okay. Thank you.

11 My other question is, on the sheet
12 that we got tonight talking about the map, can
13 you help me Ms. Brown, or someone? It says
14 the "enhanced vehicle circulation patterns on
15 K Street and in the alley: not quantifiable."
16 Help me understand that.

17 MS. BROWN: I'll let Mr. Stern
18 answer that question.

19 CHAIRMAN HOOD: Okay.

20 MR. STERN: Well, thank you.

21 We currently have one remaining
22 alley entrance to that alley and to that

1 block. All the others have been closed off.
2 I think the most recent one was when 1625 was,
3 in fact, constructed.

4 So the only remaining point of
5 access is off of K Street through a 15-foot
6 wide alley, so it's one-way traffic. That
7 alley serve a number of office buildings. It
8 serves a number of, frankly, seafood and steak
9 restaurants which get daily deliveries. And
10 it's a nightmare.

11 The existing site of Third Church
12 also has about 40 parking spaces on a one,
13 below-grade level, so those spaces are all
14 filled every day.

15 The bottom line is that right now,
16 that traffic has trucks backing out onto K
17 Street, pulling forward, trying to turn
18 around, people park and block it, and it's
19 just been a real difficult thing to work with.

20 What we're proposing to do is
21 obviously relocate all vehicular parking
22 traffic to the new curb cut that's been

1 approved on I Street. And then we are
2 consolidating loading and trash facilities for
3 not just the new office building here and the
4 new church but also 1600 K Street, which we've
5 owned since 2002, which has inadequately sized
6 loading dock. It's a mid-'50s construction
7 building, and it's always been a little bit
8 underserved. So, in doing so, we are able to
9 minimize the number of trash recycling pulls,
10 truck trips, into and out of the alley.

11 CHAIRMAN HOOD: Ms. Brown, help me
12 understand some of the issues that 1625 -- and
13 I know they're going to speak for themselves
14 -- is it light and air? What is this the
15 issue? I mean I can read here, but what was
16 the issue?

17 MS. BROWN: Yes, it's light and
18 air, generally. And we have -- Mr. Stern met
19 with the principals of that building and they
20 had a discussion. Gosh, I think it even
21 started before the current owners purchased,
22 invested in the property, talking about the --

1 and it's probably best to have this on the
2 record from Mr. Stern explaining it instead of
3 me, but I give you the brief background. They
4 did discuss the new development and talked
5 about what the views would be like, or, that
6 they would want to protect on the other
7 floors.

8 And we even have a handout that we
9 can show you about what they blocked out as
10 what they wanted to preserve if you'd like me
11 to hand that into the record so you can see
12 that.

13 CHAIRMAN HOOD: That would be
14 good.

15 So, Mr. Stern, that's an agreement
16 that you had with the next building over, is
17 that --

18 MR. STERN: No. We've never been
19 able to reach agreement.

20 What Ms. Brown is referring to is
21 that we've had numerous meetings over the
22 years, first with Brookfield when they were

1 the primary property owner, then with the new
2 partnership that came in and acquired a
3 significant piece of Brookfield's interest.
4 You know, and each time, we've shown the plans
5 and talked about what's happening. And to be
6 fair about it, they've never wanted any of
7 their windows to be blocked, and we appreciate
8 that.

9 But the most recent request is
10 simply to preserve views from their top floors
11 that our building, as approved in concept,
12 would be blocking.

13 CHAIRMAN HOOD: And how tall is
14 that building?

15 MR. STERN: I believe -- and I'll
16 let them correct me if I'm wrong -- but I
17 believe the top of the glass architectural
18 embellishment is 165 feet, and that's lit at
19 night with rotating colors throughout the
20 year.

21 CHAIRMAN HOOD: Okay. All right.
22 Okay, that's all I have.

1 MS. BROWN: I believe the zoning
2 height is 130 feet.

3 CHAIRMAN HOOD: Right.

4 Okay, any other questions?

5 COMMISSIONER MAY: Yes -- oh,
6 sorry. Go ahead.

7 CHAIRMAN HOOD: Commissioner
8 Miller?

9 COMMISSIONER MILLER: I just meant
10 to comment on a couple of other things that I
11 forgot to comment on, Mr. Chairman.

12 One was the consistency of this
13 proposed zoning with the comprehensive plan.
14 There was a change in the comp plan, the
15 change of, I think, medium-density commercial
16 to the high-density commercial.

17 And then I just wanted to also
18 commend the Applicant on the superior building
19 materials -- the limestone, the marble, the
20 bronze -- and also commend the Applicant on
21 the landscaping, including the low stone walls
22 that invite the public to sit. You don't

1 often see downtown buildings, projects, or
2 even the District, inviting people to sit on
3 the public space, other than literally on the
4 sidewalks around Farragut Square or wherever.

5 So I think it's all very positive
6 part of this project.

7 CHAIRMAN HOOD: Okay. Thank you,
8 Commissioner Miller.

9 Commissioner May?

10 COMMISSIONER MAY: Yes, thank you
11 very much. A few quick questions.

12 One is clarifying something on the
13 amenities. Again, superior architecture and
14 high-quality building materials -- you have a
15 number for matter-of-right costs and a number
16 for project costs. So is that matter-of-right
17 cost based on the matter-of-right square
18 footage, or is it based on the --

19 MR. STERN: It's based on the same
20 130,000 square feet.

21 COMMISSIONER MAY: Hundred and
22 thirty thousand.

1 MR. STERN: The difference is our
2 estimation of a class-A building shell is
3 about \$125 a foot, and we're coming in right
4 now with very good pricing numbers are \$165
5 per square foot.

6 COMMISSIONER MAY: All right.
7 Yes, I calculated it \$165 when I was trying to
8 figure out what number to use, you know, what
9 square footage number to use for the
10 matter-of-right cost.

11 So, then, all right, an unrelated
12 question: You've admitted that you own, what,
13 1600 K?

14 MR. STERN: An affiliated entity
15 owns 1600 K Street. It's not the exact
16 partnership.

17 COMMISSIONER MAY: Okay. So I'm
18 looking at view 12 there, and this is not
19 really related to the PUD. It's just a pet
20 peeve.

21 (Laughter.)

22 COMMISSIONER MAY: Sorry;

1 sometimes I can't control myself.

2 You can see it there, but there's
3 a cluster of cell tower antennas there. Are
4 you going to do something about that?

5 MR. STERN: Absolutely.

6 COMMISSIONER MAY: Okay. Good.

7 MR. STERN: And again, it
8 wouldn't, we couldn't proffer it as part of
9 the PUD because it is a different partnership,
10 but --

11 COMMISSIONER MAY: That's not
12 really, I'm not really thinking about it in
13 terms of the PUD. I just want to encourage
14 good treatments of rooftops, and not --

15 MR. STERN: We're going to have
16 our most valuable floor looking out over it,
17 so we were willing to --

18 COMMISSIONER MAY: Perfect.
19 Excellent.

20 And so the last thing is, just to
21 clarify the situation with 1625, if we look at
22 the "existing conditions" view for a second --

1 no, the aerial.

2 MR. WYATT: Aerial; here you are.

3 COMMISSIONER MAY: So, again, you
4 can't really see it because of the lighting,
5 but on the right-hand image, which we see in,
6 we have in our package, there's that entire
7 sort of green tinted tower which is topped
8 with the glowing, flashing embellishment.

9 That whole façade, all of those
10 windows, were at-risk windows, and everything
11 up to the height of your building is going to
12 be lost; is that right?

13 MR. STERN: That's correct. In
14 fact, our vertical study showed that that
15 façade approach is somewhat less than a foot,
16 but it's not to the level of materiality. But
17 we've had to make design adjustments to set
18 back the --

19 COMMISSIONER MAY: It encroaches
20 on a property line.

21 MR. STERN: It does.

22 COMMISSIONER MAY: Okay. And then

1 the part of the building that's to the left in
2 our view, that's actually set back the width
3 of the driveway or the width of the ramp.

4 MR. STERN: Actually, the area
5 above the 1625 garage entrance is, I believe,
6 two stories, and yes, it's set back that
7 width, so those would remain viable windows.

8 COMMISSIONER MAY: And they're
9 going to be, what? About 20 feet away or
10 something like that?

11 MR. STERN: I don't know the exact
12 distance.

13 COMMISSIONER MAY: Okay. And
14 they'll lose -- I don't know -- 10 floors of
15 at-risk windows three bays wide, it looks
16 like. Maybe not three full bays; it's
17 probably not, the fenestration probably
18 doesn't indicate structural bays. All right.

19 MR. STERN: If I could -- one more
20 point, since you've seen the request, or at
21 least one request, from the adjacent property
22 owner to shave back our ninth floor to

1 preserve certain views, we did review that
2 with HPO staff, and we're told that that
3 completely negates the intent of the ninth
4 floor in its desire to sit on top of the
5 building equal from all sides, as opposed to
6 pushing it back.

7 COMMISSIONER MAY: Okay. Thanks.

8 VICE CHAIRMAN COHEN: Again, on
9 the same topic then, what is the distance
10 between, what will be the distance between the
11 two buildings?

12 There is a portion, you said, that
13 encroached onto your site, so what is the
14 actual distance of the buildings, once
15 constructed?

16 MR. STERN: We'll show an
17 elevation I wish I had an elevation of I
18 Street; that might be easier.

19 We will be building to the
20 property line along the tower glass window
21 elevation or façade. Frankly, the distance
22 from, the distance from our building to the

1 windows that will remain on their building is
2 whatever their, the width of their driveway
3 is. I don't know it offhand.

4 MR. WYATT: But I'll point out
5 that you can see it -- it might make sense to
6 turn the lights down again.

7 But you can see it here. This is
8 the property line seen from the south. This
9 is the setback. So here is the entrance to
10 1625 I Street, and this is the 165-foot-tall
11 tower element. These are legal windows; these
12 are not on the lot line. And this is the
13 façade, which is set back by the full width of
14 their double-drive aisle.

15 VICE CHAIR COHEN: Can you find
16 out what the actual distance is, please?

17 MS. BROWN: Yes, we'll be happy to
18 --

19 MR. WYATT: We can do that. We
20 can provide that to you.

21 (Whereupon, off-mic comments were
22 made on the record.)

1 MR. WYATT: Yes, if it helps, at
2 least for estimation at this point, it's
3 probably -- well, the drive aisle itself is
4 almost certainly 24 feet wide, and then it has
5 a thickness of wall on each side. So I'm
6 guessing it's 26, 28; something like that.

7 But for the record, that's an
8 estimate. We will get you the exact amount.

9 CHAIRMAN HOOD: Any more questions
10 up here?

11 (No response.)

12 CHAIRMAN HOOD: Okay. Let's see.
13 Is Chairperson Stevens, Chair of
14 ANC 2B here?

15 Any cross?

16 (No response.)

17 CHAIRMAN HOOD: Also, Mr.
18 Silverstein, do you have any cross
19 examination?

20 MR. SILVERSTEIN: No.

21 CHAIRMAN HOOD: Okay. This is,
22 we're doing cross examination, then.

1 Should we call this party? BFP?

2 BFP, do you have any cross?

3 (No response.)

4 CHAIRMAN HOOD: Okay. All right,
5 let's move right along.

6 Let's go to the Office of Planning
7 and DDOT. We'll do both at the same time.

8 Ms. Elliott. I got your name down
9 now, Ms. Elliot.

10 MS. ELLIOT: Yes you do, thank you
11 very much. My last name is a little bit
12 easier than my first, though, so you have some
13 practicing.

14 TESTIMONY BY BRANDICE ELLIOT,
15 OFFICE OF PLANNING

16 MS. ELLIOT: Good evening, Mr.
17 Chairman, members of the Commission.

18 The Office of Planning is
19 recommending approval of the Planned Unit
20 Development application and zoning map
21 amendment, as it conforms to the comprehensive
22 objectives -- excuse me -- objectives for the

1 area, and to the generalized planned use and
2 policy maps.

3 We would like to add that several
4 of the proffered benefits and amenities are
5 actually located in public space. The
6 Applicant -- these benefits and amenities
7 actually require approval through the Public
8 Space Committee, and that meeting is actually
9 scheduled for later this month, I believe.
10 So, should the Public Space Committee not
11 approve all of those elements, we would
12 actually expect the Applicant to apply for a
13 minor modification and to revise the benefit
14 amenity package.

15 But that is all we really have to
16 add to the staff report, and I'd be happy to
17 answer any questions that you have.

18 CHAIRMAN HOOD: Ms. Elliot, if we
19 have not taken final action on this case, we
20 probably could deal with it at that point;
21 right? Okay, and then we won't have to go
22 through all that, possibly. I'm just

1 thinking.

2 Okay, any -- oh, I'm sorry. Let's
3 go to DDOT.

4 TESTIMONY BY JAMIE HENSON, DDOT

5 MR. HENSON: Good evening -- Jamie
6 Hanson with the District's Department of
7 Transportation. I'll be pretty brief tonight.

8 The project stands to generate
9 minimal new vehicle trips. There's going to
10 be few discernible changes to vehicle delay in
11 the area. The Applicant has received concept
12 approval for their curb cut on I Street. The
13 Applicant has also proffered and agreed to
14 improvements to change the curb line on I
15 Street to correct a concern that DDOT has had.

16 The only concern that DDOT has at
17 this point is that DDOT would like to see
18 transit screens that provide a variety of
19 information on available transportation
20 facilities, such as, obviously, transit, but
21 also bike share, car share, and a variety of
22 other information that can be available for

1 folks that are in the building to use. So we
2 would like to see that, still, as we mentioned
3 in our report.

4 And then I'll just reiterate what
5 the Office of Planning said about the public
6 space process. I've not been directly
7 involved in that part of the process, but
8 there are quite a few elements that are
9 nonstandard elements that may not be approved,
10 or may be approved in a slightly different
11 manner than what's pictured today. I don't
12 pretend to know the mind of the Public Space
13 Committee, but that is possible.

14 And with that, I'll take
15 questions.

16 CHAIRMAN HOOD: Thank you, both,
17 Ms. Elliot and Mr. Henson.

18 Commissioners, any questions of
19 either one, DDOT or the Office of Planning?

20 (No response.)

21 CHAIRMAN HOOD: Not seeing any,
22 does the Applicant have any cross?

1 MS. BROWN: We don't have any
2 cross, but we're happy to address the two
3 issues that were raised about the minor
4 modification and the kiosk if that's
5 appropriate at this time.

6 CHAIRMAN HOOD: Let's do that at
7 the end.

8 MS. BROWN: Okay, thank you.

9 CHAIRMAN HOOD: We'll review it.
10 Mr. Silverstein, do you have any
11 cross?

12 (No response.)

13 CHAIRMAN HOOD: Ms. Giordano, do
14 you have any cross?

15 (No response.)

16 CHAIRMAN HOOD: Okay, thank you.

17 Do we have any other government
18 reports? What I will say is that we did have
19 -- and ANC will be speaking shortly -- but we
20 did have a letter in support from Honorable
21 Councilman of Ward 2 Jack Evans; also, from
22 the Deputy Mayor for Planning and Economic

1 Development, Victor Hoskins.

2 Let me just, we also had from the
3 General President of LIUNA, the union, also,
4 a letter in support.

5 Did I catch everyone? Did I miss
6 somebody? Okay, that's all I see right now.

7 Let's got to ANC 2B. Mr.
8 Silverstein, are you going to be presenting
9 tonight? Oh, I'm sorry, and the colleague can
10 introduce himself.

11 Mr. Dwyer, welcome to you and Mr.
12 Silverstein.

13 TESTIMONY BY MICHAEL SILVERSTEIN

14 MR. SILVERSTEIN: Good evening,
15 Mr. Chairman and Commissioners. My name is
16 Mike Silverstein. I live at 1301 20th Street,
17 Northwest. I'm the former chair of ANC 2B.
18 I'm a commissioner on the ANC.

19 Our chair, Will Stephens, has
20 taken ill and is not made able to make it
21 tonight, and fellow Commissioner Dwyer and I
22 will do our best to fill for Chairman

1 Stephens. I guess the two of us will almost
2 to the job.

3 Mr. Chairman, the Scripture
4 teaches us that to everything there is a
5 season, a time for every purpose under Heaven;
6 there's a time for war and a time for peace.
7 And tonight, Mr. Chairman, if my fervent hope
8 that a 20 years' war, maybe 22 years' war, is
9 finally coming to an end, and we are finally
10 at the dawn of a time of peace.

11 Now, at long last, the project
12 that will allow construction of the new office
13 building and a new church facility at 16th and
14 I has received approval from the Historic
15 Preservation Board. Now it comes before you,
16 and it has good grades from your staff.

17 We in the DuPont Circle ANC have
18 been involved in this issue deeply since
19 December 2007. I want to assure you that we
20 wholeheartedly support the project and the
21 amenities package that comes with it.

22 You should have received a letter

1 this evening from our chairman, Will Stephens,
2 underscoring the ANC's position that we not
3 only support the PUD application but also the
4 change in zoning that will allow the project
5 to proceed. The proposed rezoning is
6 consistent with the high-density
7 commercial/high-density residential
8 designation at the site on the comprehensive
9 plan and the immediate vicinity of the site,
10 much of which is zoned C-4.

11 We have no issues at all with the
12 proposed height. We point out that HPRB has
13 approved it after giving it, clearly, the
14 strictest possible scrutiny.

15 We applaud the restoration of
16 green *sword along 16th Street, which clearly
17 improves the vista to the White House and
18 brings it more into conformity with the
19 original L'Enfant plan.

20 And we strongly support the
21 outreach to the community in the amenities
22 package; specifically, those that will benefit

1 our community -- \$20,000 for Charlie's Place,
2 \$20,000 for Sasha Bruce Youthworks, and
3 \$10,000 for the Dupont Circle Citizens
4 Association. But it's not really for DCAA.

5 They are the conduit, and that
6 money is going to be used for the renovation
7 of that little community resource center at
8 Nine Dupont Circle; that's the little building
9 between the CVS and the PNC Bank that you've
10 gone by 100,000 times, and you may or may not
11 know what it was. For the longest period of
12 time, it was a public toilet, and it has been
13 renovated -- it was, in 1998 -- into a
14 community resource center.

15 Now, I would like to talk very
16 briefly about this part of the amenities
17 package because I've been involved with some
18 of these organizations. Charlie's Place is a
19 homeless outreach program based in St.
20 Margaret's Episcopal Church. It's not
21 Christian Science; this is ecumenical. And
22 they provide a hot breakfast meal. It's more

1 than breakfast; there's meat and other things
2 to get people through the day. It was five
3 days a week. Now they're bringing it to a
4 sixth day. This is something that they're
5 doing in spite of some financial challenges
6 that they've run into because the groups that,
7 Fannie Mae, that's been doing the homeless
8 march, has been cutting back. They're having
9 a crunch at a time when they're trying to
10 expand.

11 Charlie's Place provides
12 counseling and wraparound services, and they
13 concentrate on what you call the
14 high-functioning homeless. These are people
15 without serious substance abuse problems,
16 without serious emotional issues, who can go
17 and get a job, who can go get a home, if you
18 simply give them the opportunity. And they
19 have found homes and jobs for dozens of
20 people, in spite of the difficulties of the
21 past two years. Dozens within our community
22 have found homes and found jobs.

1 They're also trying to start a
2 program to bring in a nurse to take blood
3 tests for HIV or other conditions. This is
4 something that the money is going to be used
5 for. It is going to be extremely helpful.

6 This isn't just operating
7 expenses. These are new things, and this is
8 difficult to do for any of these programs
9 because these groups aren't going to sit
10 around and wait for a year or two years for
11 something that they really need, until we get
12 a PUD approval. So these are moving targets
13 that we're trying to find.

14 Sasha Bruce provides shelter and
15 help for runaway and throwaway teenagers and
16 young people. It's estimated that as many as
17 40 percent of their clients are LGBT, and many
18 of them have been thrown out of their homes
19 and have no place to go. Providing them with
20 a safe place for these young people, keeping
21 them away from predators, is a vital concern
22 to all of us in a neighborhood that is the

1 historic epicenter of DC's gay community.
2 This is a great concern of ours, that these
3 kids be kept away from predators and those who
4 would take advantage of them.

5 When this was originally proposed,
6 there was fear that Sasha Bruce would not be
7 able to keep on their outreach people because
8 they had had some financial problems. They've
9 worked their way through that, and now they're
10 looking for another thing to help with this,
11 which would, which would be a program to help
12 these kids come up with a way to run some
13 money by raising vegetables and fruits and
14 selling them, and things of that sort,
15 teaching them about gardening -- again, the
16 kind of things to provide the little steps to
17 get these kids who are one step away from Hell
18 and give them a chance at life. And this is,
19 again, like Charlie's Place, this is a program
20 that has a lot of volunteers and gets you a
21 terrific bang for your buck.

22 I want to talk about the resource

1 center because we're deeply involved in that.
2 The resource center is used every Sunday by
3 the farmers market there. I assume you're all
4 aware of Dupont Circle Farmers Market. They
5 couldn't operate without it. It's where
6 everyone goes to wash up, to use the
7 facilities, for diapering of children. That's
8 full-time on Sundays. They're major users.
9 It's used by Historic Dupont Circle Main
10 Street's; it's their full-time headquarters.

11 Other agencies and other local
12 groups use it on a regular basis, as needed.
13 It's everybody's mail-drop because officers
14 change in groups, and rather than lose mail,
15 you just have it there, and people go and pick
16 it up. MPD uses it, Secret Service uses it,
17 Park police use it for staging, for filing
18 reports, for breaks, for lunch, for bathroom
19 breaks.

20 The ANC does use it. We do about
21 five percent of the use of this building, and
22 we are the ones who are responsible for paying

1 the insurance on it, and we are the ones who
2 are responsible for the upkeep. It was last
3 fixed in 1998. It is very, very dog-eared
4 right now. We need new countertops, we need
5 new cabinets, we absolutely need a new
6 security system, and we damn we absolutely
7 need new plumbing fixtures, and that \$10,000
8 is going to go a long way towards providing
9 those things. We put out bids on these, and
10 we're moving forward.

11 I guess that's it as far as the
12 amenities package.

13 The struggle began in 1991 on this
14 program, Ladies and Gentlemen, and the war got
15 nasty in 2010. They've both been going on too
16 long. It really is time for us to move
17 forward. It's time for peace, a time for
18 healing, and what you have before you is a
19 proposal that will bring that about and
20 provide an exceptional structure to our
21 neighborhood and to the city that we all love.

22 I ask you to support the

1 application on behalf of the ANC to allow this
2 project to move forward. I thank you all for
3 your service to our city, for your time, and
4 for your consideration.

5 Thank you.

6 CHAIRMAN HOOD: Thank you.

7 Mr. Dwyer, did you want to add
8 anything?

9 MR. DWYER: Yes.

10 TESTIMONY BY LEO DWYER

11 MR. DWYER: Good evening. My name
12 is Lee Dwyer. Good evening, Mr. Chairman and
13 Commissioners. I am an ANC commissioner for
14 2B, as well as I'm the Chairman for the Zoning
15 and Preservation and Development Committee for
16 ANC 2B. At our regularly held meeting in May,
17 we wrote our letter endorsing the Planned Unit
18 Development for this project with the present
19 quorum.

20 We followed it up at our meeting
21 in June, in which a letter was dated to the
22 Zoning Commission on June 17th, that an

1 adopting motion to support the project, the
2 ANC not only supports the PUD application but
3 also the change in zoning from the SP-2 to the
4 3-C-3 district, which is necessary for the
5 development to proceed.

6 The proposed rezoning is
7 consistent with the high-density
8 commercial/high-density residential density of
9 the site on the comprehensive plan and the
10 immediate vicinity of the site, much of which
11 is owned as a C-4.

12 The ANC also considered the
13 extensive projects, amenities, and public
14 benefits that are offered as part of the PUD,
15 as previously mentioned -- I could repeat
16 them, but it's gone over enough -- as well as
17 in the bidding process through our ANC.

18 The PUD application was reviewed
19 during the Preservation Zoning and Development
20 Committee, which -- I think they were given at
21 least an hour of in-depth discussion -- with
22 community, local residents, community members,

1 as well as members of the church and ANC
2 commissioners. I believe we almost had a full
3 quorum at my committee meeting, I guess, at
4 that time.

5 And then the following week, we
6 had a similar discussion at our publicly held
7 ANC committee meeting. The ANC duly noted it
8 at the meeting, which we voted upon and
9 approved, sent you a more in-depth letter of
10 our approval of this project.

11 Thank you.

12 CHAIRMAN HOOD: Thank you both.

13 Let's see if we have any questions
14 appear. Any one of the Commissioners, any
15 questions?

16 (No response.)

17 CHAIRMAN HOOD: No questions.

18 We have any cross-examination from
19 the Applicant?

20 (No response.)

21 CHAIRMAN HOOD: Mr. Ms. Giordano?

22 (No response.)

1 CHAIRMAN HOOD: Okay.

2 Thank you very much. We
3 appreciate your service and what you do with
4 the ANC and the things that you do. Thank
5 you.

6 Okay, I have a list. Is there
7 anyone, I have one Commissioner here from 2B
8 who would like to testify in support, from ANC
9 2B. I'm sorry; I can't -- can you -- is your
10 first name Bob?

11 MR. MEEHAN: (Off-mic.)

12 CHAIRMAN HOOD: Okay, you want to
13 testify in support. I just can't make out
14 your last name. I don't want to mess it up.
15 I don't want to mess up your last name.

16 MR. MEEHAN: (Off-mic.)

17 CHAIRMAN HOOD: Well, let me say
18 it. Okay, let me -- it's Max something,
19 right?

20 MR. MEEHAN: (Off mic.)

21 CHAIRMAN HOOD: How come you
22 didn't tell me before I did this so I can get

1 it right?

2 (Laughter.)

3 CHAIRMAN HOOD: When it's lit up,
4 it's on.

5 Are you a current commissioner?

6 MR. MEEHAN: No. I served as
7 Commissioner from 2002 through 2012.

8 CHAIRMAN HOOD: Okay.

9 MR. MEEHAN: I stopped at 10 years
10 because my wife served 12 years, and it was
11 not a good idea to try to beat her record.

12 CHAIRMAN HOOD: You wouldn't have
13 beaten her record anyway.

14 (Laughter.)

15 MR. MEEHAN: Married 46 years,
16 I've learned something.

17 CHAIRMAN HOOD: You may begin.

18 TESTIMONY BY BOB MEEHAN

19 MR. MEEHAN: My testimony may seem
20 a little on the negative side, but it's just
21 partly to give some of the historic
22 perspective of her why there has been a long,

1 drawn out battle here.

2 I was fully involved in all the
3 issues facing the property during the time as
4 an ANC Commissioner, and I continue to serve
5 on the ANC's Committee for Zoning,
6 Development, and Historic Preservation. I
7 also have some historic preservation
8 credentials. On May 6, 2013, the Mayor
9 presented my wife and me a 2013 DC Historic
10 Preservation Award for Excellence in the
11 category of stewardship.

12 My teachers used to tell me, there
13 are facts, and there are facts. Why do I say
14 this? One fact on the table is the PUD
15 application that seems quite reasonable, given
16 the extra story provided the landmark,
17 Hay-Adams, the extra height provided 1625 I,
18 and the step-back for line of sight along 16th
19 Street. However, the Committee of 100 and
20 1625 I have found cause to protest.

21 The Committee of 100 opposed the
22 demolition of the church and now wants to keep

1 a low profile along 16th until one reaches the
2 Hay-Adams. 1625 I opposes the building
3 because it blocks multi-stories of windows
4 placed on the property line.

5 It has been my understanding that
6 buildings can't be built on the property line
7 with windows unless those windows are not
8 essential to the air and light requirements
9 and are therefore considered temporary, or
10 unless the adjoining property has sold air
11 rights to the adjoining property. 1625 I has
12 no air rights over the church's property, and
13 thus, no rates to windows on the property
14 line.

15 But wait: Why would a savvy
16 developer build windows on the property line?
17 Here's where we get into the other facts of
18 the case. The church congregation has long
19 wanted to replace its concrete tomb of a
20 sanctuary. More than 20 years ago, the
21 historic preservation community, including the
22 Committee of 100, wrote a letter to the church

1 saying that if the church followed through
2 with its intention to replace its edifice, the
3 building would be landmarked. In other words,
4 while the building was judged worthy of being
5 landmarked by the historic preservation
6 community, the application to do so, which was
7 fully drafted back then, was withheld as a
8 threat to keep the church from proceeding to
9 replace its edifice. How do I know this? Our
10 ANC 2B has filed a file that contains all this
11 correspondence.

12 Now let's ask the question, why
13 did the developer at 1625 I have the
14 confidence that no new building would be built
15 along the property line? There was nothing
16 official in the record. The landmarking
17 application had not been submitted.

18 I posit that what we have here is
19 collusion between the developer and the
20 historic preservation community. Since 1625
21 I appears to be a PUD, there's a financial,
22 and financial interest between the two

1 parties; i.e., the historic preservation
2 community receives considerable financial
3 benefits from the PUD, and the developer gets
4 his windows.

5 CHAIRMAN HOOD: Could you give us
6 a closing thought?

7 MR. MEEHAN: My closing thought is
8 that the structural drawings have gone through
9 numerous adjustments both in terms of the
10 historic concerns of 16th Street and in terms
11 of architectural improvements. What we have
12 now is a reasonable compromise between
13 public's and the private interests, and I
14 recommend that you support this PUD
15 application as submitted.

16 CHAIRMAN HOOD: Thank you very
17 much, Mr. Meehan.

18 Any questions up here,
19 Commissioners?

20 (No response.)

21 CHAIRMAN HOOD: Okay.

22 Does the Applicant have any cross?

1 (No response.)

2 CHAIRMAN HOOD: Does the ANC have
3 any cross?

4 (No response.)

5 CHAIRMAN HOOD: Ms. Giordano, any
6 cross?

7 (No response.)

8 CHAIRMAN HOOD: Okay, thank you
9 very much. We appreciate it.

10 Okay, let's go to the party in
11 opposition. BFP, would you come forward?

12 Let me ask, is Mr. Cartwright with
13 you? Okay, he's with you. Okay.

14 Let me ask, do we have any other
15 persons who are here in opposition?

16 (Show of hands.)

17 CHAIRMAN HOOD: Okay, I see one --
18 okay.

19 So do you have any expert
20 witnesses? Okay.

21 Ms. Giordano, are you going to
22 take the full 40 minutes? You want to turn

1 your microphone on.

2 MS. GIORDANO: Sorry; thank you.

3 Cynthia Giordano, for the record.

4 I have three witnesses this evening, as
5 indicated. I think we submitted outlines of
6 the testimony, but I'm just briefly going to
7 go through that. I don't want to take a lot
8 of the witnesses' time.

9 To my right is Simon Carney with
10 Brookfield office properties. They are, they
11 share the ownership of the entity that owns in
12 1625 I, with Edge Funds. And to my left is
13 Mark Keller with Edge Funds. And we also have
14 a representative from the tenant that leases
15 the seventh through 11th floors of the office
16 building at 1625 I, Mr. Dave Cartwright, with
17 the law firm of O'Melveny & Myers.

18 Mr. Carney is going to start. I
19 think -- I don't know if Ms. Schellin passed
20 out his exhibit, but we also have it on
21 boards. He is going to address the impact of
22 the proposed PUD on the 10th floor of 1625 I

1 Street and propose what we consider to be a
2 very reasonable mitigation proposal. We're
3 not opposed to the development of this site or
4 arguing about windows on the property line
5 below the point where the additional height,
6 which is for the ninth floor of the office
7 space of this project is located.

8 So, without further ado, Mr.
9 Carney will begin, and then we'll go to Mr.
10 Keller, who will talk some more about the
11 impact of the proposed PUD on 1625 I, and then
12 we'll go to Mr. Cartwright and his
13 perspective.

14 And just in closing -- I don't
15 want to take a lot of my time from the
16 witnesses -- but I do think it's important to
17 note that one really has to consider the
18 viewpoints of our witnesses in the context of
19 a fairly unusual series of events that have
20 led up to this PUD, and these include the
21 approval to demolish a designated historic
22 landmark after a lawsuit against the city;

1 what's essentially a spot zoning of the
2 conference of planned land use map, which
3 didn't go through the normal planning process
4 of an OP proposal before the Council; and then
5 a proposed, a proposed zoning before you this
6 evening of long-standing SP zoning along 16th
7 Street.

8 So, with that, I like to turn it
9 over to Mr. --

10 CHAIRMAN HOOD: I'm going to ask
11 Ms. Schellin to stop the clock for a minute.

12 Ms. Giordano, are we going to be
13 looking at boards? So we might want to put
14 those up there. I'm not sure. Whoever's next
15 speaking, you can use the microphone.

16 Is that what we're getting ready
17 to do now? We're getting ready to use the
18 boards now; right?

19 MS. GIORDANO: Right.

20 CHAIRMAN HOOD: Okay, because we
21 can't even see them. If we can put them up so
22 they can also be seen in camera, so while the

1 folks who are watching this at home, they'll
2 be able to see it.

3 We also have a hand-held mic
4 somewhere -- Oh, there it is.

5 MS. GIORDANO: What's on the
6 boards is also in front of you in a handout.

7 MR. CARNEY: Can you all see this
8 here?

9 CHAIRMAN HOOD: We're good. Thank
10 you.

11 TESTIMONY BY SIMON CARNEY

12 MR. CARNEY: Mr. Chairman and
13 members of the Commission, thank you for your
14 time this evening.

15 My name is Simon Carney, and I do
16 work with Brookfield Properties. We are a
17 minority owner of the property at 1625 I
18 Street, and we also manage the property on
19 behalf of the ownership.

20 While not physically located on
21 the corner, 1625 I Street was designed as a
22 corner building with a glass campanile on the

1 southeast corner to take advantage of the
2 views down Eye Street and 16th Street, as well
3 as the available light. Because of this light
4 and view, much of the owners' premium rental
5 space has been located on this side of the
6 property.

7 The development of the Third
8 Church site as it is currently contemplated
9 will have a significant impact on the owners'
10 ability to provide adequate light and views to
11 the tenants on this side of the building.
12 Lower floors will be particularly impacted by
13 the massing of the proposed project.

14 The ownership understands that the
15 existing zoning regulations could always have
16 turned this property and to a midblock
17 building. What it did not foresee and what it
18 cannot foresee is the current plan as it is
19 proposed today: a building of 93.8 feet on
20 the façade, and a total building height of
21 112.3 feet, a large portion of the top floor
22 serving as occupiable office space. The PUD,

1 as proposed today, will have a dramatic
2 negative effect on our property.

3 Notwithstanding this, what we have
4 is a modest proposal in front of the
5 Commission, and that is where the Board comes
6 into play. The goal here is to provide some
7 of the light and air views that the owner
8 would understandably have expected were the
9 building to be built to current zoning
10 guidelines, so what we have here is three
11 scenarios. On top, you'll see what is
12 currently proposed, in front of you today. So
13 this is the 10th floor view from our floor,
14 looking out towards the east from this
15 viewpoint, which is this triangle in the
16 corner. And as you see, most of the 10th
17 floor view is blocked. This view does not
18 take into account the campanile, too, that is
19 being blocked, also.

20 What you see at the bottom is what
21 our perspective would look like if this
22 building were built to right. And this is

1 that the 90 feet, with the by-rights
2 mechanical room and a fairly unimpeded view as
3 a result of that.

4 So it is true that we did have a
5 conversation with the ownership and the
6 developers of the Third Church about cutting
7 back a portion of their planned top floor, but
8 what we are proposing today is more modest
9 proposal than what was discussed back then.
10 This is basically the chamfer that you see
11 here in the middle view, as shown on this
12 corner, which will basically be a reduction of
13 less than a thousand square feet on top.

14 So that is basically what where
15 asking for is just this second, middle
16 proposal.

17 Thank you.

18 CHAIRMAN HOOD: Just a quick
19 question: Did you ask for it before tonight?

20 MR. CARNEY: This exact design,
21 no. What was asked for was a greater cut-down
22 on this --

1 CHAIRMAN HOOD: I mean what's your
2 proposing tonight that you did not ask for
3 before tonight?

4 MR. CARNEY: It's my understanding
5 that we have not proposed this before.

6 CHAIRMAN HOOD: Excuse me for
7 interrupting.

8 We'll give him 10 seconds because
9 I asked a question. Thanks.

10 MS. GIORDANO: I was going to go
11 to the next witness.

12 TESTIMONY OF MARK KELLER,
13 CEO, EDGE FUNDS

14 MR. KELLER: Hello. I'm Mark
15 Keller. I'm CEO of Edge. We have a majority
16 interest in 1625. We also own 1350 I Street,
17 about two blocks to the east of this. I have
18 worked in Washington, DC now for 40 years as
19 an investor/developer/investment advisor to
20 major institutions, as I am today.

21 Over the years, I've had real
22 estate investment funds, trusts, that we've

1 run in the DC area, and we've done it very
2 successfully. Why DC? Because it has some of
3 the best sounding in the country, and it has
4 preserved the rights and building values by
5 its strict zoning. We also invest in New York
6 City, San Francisco, and Boston for the same
7 reason. You know, my background of real
8 estate development, you have to count on good
9 zoning laws to protect values. Where you
10 don't have it, we all know what happens.

11 We acquired this property back in
12 2009, knowing full well that the adjoining
13 property had an SP-2 zone. We were fully
14 aware of what that meant. And we were fully
15 aware that the windows were on the campanile.
16 If the property were to be built to the SP-2
17 zone, it would block those windows.

18 What we didn't know was that there
19 would be a change in the comprehensive plan
20 that would not be made public and have this
21 additional building height, which is another
22 whole floor on 16th Street, which is going to

1 be used as an office, not just a penthouse --
2 a penthouse would not block nearly the room,
3 as demonstrated on the drawings.

4 We understand that this property
5 is going to bring value to the community, and
6 it's going to remove the old church site and
7 improve it with a wonderful entryway. That's
8 not what we're asking for. The way we judge
9 value in real estate and the way we make
10 decisions to invest large chunks of money in
11 the District of Columbia is based on what we
12 believe is a true statement, that the zoning
13 will preside and that spot zoning wouldn't
14 take place to benefit a few, as a
15 comprehensive zone.

16 With that in mind, it looks like
17 it's not going to impact the building much,
18 but it does because that shaft that you asked
19 about, the width of that shaft over the
20 garage, is not as wide as you think. And as
21 you get further up that shaft between the
22 garage and the base of our building and the

1 base of theirs, it blocks more and more light,
2 the further up you take that, not for right of
3 density.

4 So I think what we want to try to
5 achieve here is to create as much light --
6 there's been, I think, a misunderstanding
7 about what light we're talking about. There's
8 been a lot of presentations about, oh, we're
9 worried about the window views on our
10 campanile. That's not what we're worried
11 about. We're worried at the shaft of light
12 that protects all the windows within the
13 corner of our building, and I think that's
14 what we've been looking at.

15 I think, from our perspective, if
16 we would have had, like any investor in the
17 city -- you know, you count on those, those
18 things you know to be true, and this change is
19 going to have an impact to the value of our
20 property, and I think, to the value of the
21 property as it relates to the tenants in the
22 building, which is -- again, this is an

1 institutional-quality building, and the
2 tenants are institutional-quality tenants.

3 So, with that said, I thank you.

4 MS. GIORDANO: Mr. Cartwright.

5 TESTIMONY BY DAVID CARTWRIGHT

6 MR. CARTWRIGHT: My name is David
7 Cartwright. I'm with the Law Firm of
8 O'Melveny & Myers, which is a tenant on the
9 seventh through 11th floors of the building.
10 We have no affiliation with the developers on
11 either side. We're just simply a tenant in
12 the building and don't get the profit from any
13 of the developments.

14 Our firm has been in the District
15 for many decades, and in fact, we built our
16 premises here in 2003 and have been there
17 happily for the last 10 years. We have had as
18 alumnus there many prominent Washington
19 figures. The late Secretary of State Warren
20 Christopher was resident in this office, and
21 the still-alive-and-thriving Bill Coleman from
22 the Ford administration is still resident

1 every day in our offices and in this tower
2 that has been much discussed.

3 From our standpoint, we feel a
4 little bit in a jungle here because we have
5 great sympathy for the church and its desire
6 to undo what it feels is a wrong on the
7 adjacent property. We can deal with some of
8 that. But what I think is happening is the
9 tomb-like nature of the sanctuary is simply
10 being transferred to our offices.

11 And when the views in the light
12 and the windows themselves are completely
13 boxed in, I actually don't even know what's
14 going to happen to our windows. Are they
15 going to be boarded up? I mean I'm not sure
16 exactly what's going to happen. There will be
17 walls abutting our windows. So we have to do
18 something about that within our space. It's
19 going to be dark, cave-like, and how many
20 floors we can tolerate that happening is
21 obviously a problem for us. We can be forced
22 to, and may have to, end up relocating to

1 another building.

2 I say that in front of our
3 landlord because there's nothing I can do
4 about that. If we're put in a situation where
5 our business operations just don't work, we
6 have to leave. We have 170 real-life
7 employees in this facility. They're not all
8 lawyers; they're not all high-end partners.
9 They're the average working Washington person
10 who comes to the office and is a secretary, is
11 employed in the mailroom, is employed as an
12 assistant or a paralegal. There are many
13 people from all walks of life. Our operations
14 are important to us, and the satisfaction and
15 quality of business life of our employees is
16 critical.

17 It may seem like it's not much to
18 cut back just one floor and not approve this
19 variance, but it is significant for us because
20 that floor is our public area. It's our
21 reception. It's our conference center. It's
22 where our employees congregate. And by

1 turning it into a walled enclosure on the
2 developer's project, it makes it not really
3 what we want to have anymore. It makes it a
4 space we don't want. We spent a lot of money
5 on this space, so we perceive it as a transfer
6 of wealth from us to someone else, not as a
7 net growth to the community and not is a
8 reason to celebrate economic development. We
9 see it as a loss for this variance.

10 And from our standpoint, where do
11 we go? I don't know. You know, our choices
12 are many. They're in the District. They're
13 in Virginia. They're in Maryland. Many of
14 our people want to stay in the District, but
15 we feel, if these types of decisions are made
16 that impact our business, we may have to
17 leave, and that's a problem for us. And I
18 don't say that as a threat. It's just a
19 business operational decision we're going to
20 have to take with respect to this property.
21 Our lease expires in 2018, and that's not that
22 far away by the time this building is done.

1 So that's really all I have, here,
2 to say. You know, I can't comment on the
3 conspiracy theories. I don't know anything
4 about it. We're simply a tenant in the
5 building.

6 MS. GIORDANO: That concludes our
7 testimony, and we're available for questions.

8 CHAIRMAN HOOD: Okay, thank you
9 for your presentations.

10 Let me open it up to the
11 Commissioners. Commissioners, any questions
12 for the party in opposition? Commissioner
13 May?

14 COMMISSIONER MAY: Yes. Looking
15 at the board there, on the lowest level,
16 that's supposed to represent the
17 matter-of-right development; is that right?

18 MR. CARNEY: Yes.

19 COMMISSIONER MAY: Okay. So the
20 setback of the penthouse is required to be
21 equal to the height of the penthouse, and it
22 looks like it's set back off further than

1 that.

2 Can you tell me how far back
3 you've drawn the setback of the penthouse?

4 MR. CARNEY: I can tell you per
5 square foot, this was prepared by an outside
6 architect that we oversaw. But our take on
7 this was that we took basically what was the
8 logical place for a penthouse room to be,
9 based on the design of the building proposed
10 and also its location to the corner of their
11 building.

12 COMMISSIONER MAY: Well, clearly,
13 what you're showing at the bottom is not what
14 would likely happen with a real penthouse. I
15 mean, you know, if that's truly within the
16 planned view -- the planned view shows that
17 the setback of that, of that penthouse being
18 in a, I don't know, 40-foot, 50-foot range.
19 It's never going to be that. So I don't think
20 that's really quite realistic.

21 Of course, I'm not sure that what
22 you're showing there -- oh, the viewpoint is

1 over here; I see. I thought the viewpoint was
2 all the way up at the tower. It's not. It's
3 at the --

4 MR. CARNEY: That's where the
5 triangle is.

6 COMMISSIONER MAY: The triangle,
7 okay -- because I would fully expect that the
8 line of that, of a matter-of-right penthouse
9 to be, in terms of the view that you show
10 there, just to the left of mullion off the
11 corner of the window, I mean, the other corner
12 glass.

13 MR. CARNEY: I mean I think your
14 point is a fair point, Commissioner. But even
15 conceding that that penthouse moves south a
16 little bit more --

17 COMMISSIONER MAY: Yeah, I would
18 expect it to be somewhere in there, as opposed
19 to what you're showing, if that were
20 accurately drawn.

21 I mean I guess what it boils down
22 to is it's not, there isn't really a huge

1 difference between matter-of-right, SP-2, and
2 this. I mean, yeah, there's a little bit less
3 height because 108-6 is less than 112, but the
4 setback is not going to be that different. It
5 will be a few feet, but it's not going to be
6 that different.

7 COMMISSIONER MAY: You need to be
8 on your microphone.

9 MR. KELLER: I'm sorry.

10 When you actually look at this
11 middle drawing -- it's more reflective of what
12 you just said -- which is cutting the corner
13 off of the penthouse, going to the very edge
14 of the building line.

15 COMMISSIONER MAY: No, I mean,
16 again, what I would expect as that a
17 matter-of-right development would be a
18 penthouse that would start about there and go
19 up to about there and go straight across.
20 That's what I would expect if this drawing is
21 correct.

22 What you've not drawn correctly

1 there is the location of the penthouse. At
2 least that's what they would be entitled to
3 do, only 18.6 off of the, away from the I
4 Street design.

5 MR. CARNEY: I think your point is
6 well taken, but I also think that based on the
7 location of their building in the proposed
8 development, having that open space as a
9 terraced area would be of the great value to
10 them, having the views there. So I'm not sure
11 a developer would actually put a penthouse
12 that close in front of their building on 16th
13 and I.

14 COMMISSIONER MAY: I don't think
15 we're talking about necessarily what they
16 would do. It's what they could do, really.

17 You're talking about what's being
18 proposed here, and you're comparing it to
19 what's possible under matter-of-right. That's
20 true; I mean if they were super-nice guys,
21 they wouldn't have a penthouse at all and
22 they'd just keep it at 90 feet, but that's not

1 going to happen here.

2 All right. Thanks.

3 CHAIRMAN HOOD: Any -- Vice Chair.

4 VICE CHAIR COHEN: Thank you, Mr.
5 Chairman.

6 It was stated, I think by you -- I
7 think I forgot your last name -- Mr. Heller?

8 MR. KELLER: Keller.

9 VICE CHAIR COHEN: Keller; is it
10 Keller?

11 MR. KELLER: Yes.

12 CHAIRMAN HOOD: -- that the
13 comprehensive plan changed at a particular
14 point in time so that you were not aware of
15 that. Do you have a date for that change,
16 so-called change?

17 MS. GIORDANO: I don't have the
18 exact date, but I think what Mr. Keller was
19 getting at is that there is a normal process
20 where the comprehensive plan is reviewed, the
21 Office of Planning sets forth proposals for
22 amendments, and this amendment was not

1 included in that typical round. It, I think,
2 came in from, not from the Office of Planning
3 but from the property owner, I would suspect.

4 VICE CHAIR COHEN: Did you meet
5 with and attend meetings with the HPO or the
6 HPRB?

7 MS. GIORDANO: We did. When this
8 proposal was originally put before HPRB, we
9 did meet and we testified. There was a series
10 of meetings. The project started out much
11 taller, and we were participating in that
12 hearing.

13 VICE CHAIR COHEN: But obviously,
14 there wasn't a resolution to your liking.

15 MS. GIORDANO: Not, not
16 completely, but it is improved.

17 VICE CHAIR COHEN: When exactly
18 when exactly was 1625 I built?

19 MR. KELLER: 2005, when it opened.
20 It opened in 2005.

21 MR. CARTWRIGHT: 2003 was when we
22 took occupancy, June of 2003.

1 VICE CHAIR COHEN: Did you present
2 the middle plan to the HPRB?

3 MS. GIORDANO: No, we did not.
4 The last -- HPRB was dealing with sort of the
5 conceptual massing of the project, and we were
6 advised by staff that this was really more of
7 a detail that would be something that would be
8 considered later on.

9 VICE CHAIR COHEN: Okay. Thank
10 you.

11 Those are my questions.

12 CHAIRMAN HOOD: Any more
13 questions?

14 (No response.)

15 CHAIRMAN HOOD: Earlier, I asked
16 -- the middle rendering -- I asked, had you
17 even talked to the Applicant about it. But
18 hearing Mr. Cartwright, even if we went with
19 it, that still wouldn't make you all want to
20 stay. We wouldn't want to lose you, but that
21 wouldn't make you want to stay, even that
22 middle rendering. Am I right?

1 MR. CARTWRIGHT: Well, you know,
2 everything is marginal. And to the extent we
3 can protect part of our 10th floor space --
4 like I said, that's a lot of our public space
5 there -- it helps.

6 I'm not an absolutist at hearings
7 like this. You know, we do the best we can
8 with what comes out and make our decision
9 accordingly, so any assistance we can get in
10 preserving some of that, at least the area
11 we're talking about on the 10th floor of our
12 building, which is, I guess, the ninth floor
13 of this building, would help us.

14 CHAIRMAN HOOD: Okay, but this was
15 not ever discussed with the Applicant. This
16 is the first they've heard it; right?

17 MR. CARTWRIGHT: That's correct.
18 There was a more dramatic cutback that was
19 proposed earlier. I wasn't part of the
20 conversation, but I understand the principles
21 of both parties talk about that, but this is
22 the first time they've seen this angled

1 chamfer.

2 CHAIRMAN HOOD: It's kind of hard
3 because, do you know what's going to happen?
4 I'm going to ask them what do they think.
5 Probably, that's not going to do justice --
6 I'm not going to ask them what they think.
7 I'm going to ask them to look at it later on
8 and maybe come back. They may already have
9 the answer for me.

10 But it's kind of hard for them not
11 to come in on the cuff and see something like
12 this as a change. If you're trying to balance
13 this out, we don't want to see Mr. Cartwright
14 leave. We're trying to balance this thing
15 out. So, in all fairness, we have to show,
16 hey, look, this is what we would like; can you
17 come and help us? Can you accommodate us?
18 Can you help us? Something like what you do
19 with HPRB, something like in those contexts.
20 That would help us out because when you sprung
21 that on is --

22 MR. CARTWRIGHT: I, I --

1 CHAIRMAN HOOD: -- and they're
2 probably making the mines up right now. I
3 don't want them to do that. I don't want
4 that. What I want them to do is take that
5 back and consider it, but I can only suggest.

6 MR. KELLER: I'm sorry; in fact, I
7 do understand that one of our field people did
8 have a conversation with a JBG developer on
9 this very point, and it was rejected.

10 CHAIRMAN HOOD: On the middle
11 piece.

12 MR. KELLER: On the middle part.

13 CHAIRMAN HOOD: I'm sorry. We'll
14 get to that. Okay, let's just hold that in
15 the parking lot and see what happens.

16 Okay, any other questions up here?
17 We definitely don't want Mr. Cartwright to
18 leave the city. We're going to do our best to
19 keep you here.

20 (No response.)

21 CHAIRMAN HOOD: Okay. Any cross
22 examination from the Applicant?

1 MS. BROWN: We have just a couple
2 of questions.

3 CROSS-EXAMINATION BY THE APPLICANT

4 MS. BROWN: This one goes to Mr.
5 Carney and Mr. Keller.

6 In the submission that we saw
7 earlier, there was a claim that no one could
8 have anticipated construction or a blocked
9 view on this site.

10 Are you aware that the original
11 developer met with the Third Church of Christ,
12 Scientist, to incorporate the 1625 I Street
13 with the church?

14 MR. CARNEY: No, I'm not. I
15 wasn't part of the ownership, then, and I have
16 no idea what was said.

17 MR. KELLER: I have no idea,
18 either.

19 MS. BROWN: Thank you.

20 This question goes for Mr. Carney.

21 When Brookfield sold its interest
22 to Edge, were you aware of the development at

1 that time, the proposed development? Mr. --

2 MR. KELLER: Yes.

3 MS. BROWN: I'm sorry; I was
4 looking at the wrong person.

5 MR. CARNEY: I must be honest with
6 you, I do not know, at that time, whether or
7 not -- I cannot recall whether or not I knew
8 at that time. So if I knew, I'd tell you, but
9 I just can't tell you.

10 MS. BROWN: Okay. For Mr. Carney
11 or for Mr. Keller, are you aware of the
12 building code provisions that require you to
13 file a covenant for windows on a lot line?

14 MR. KELLER: Again, I'm not the
15 developer; I'm the owner.

16 MR. CARNEY: And I was not the
17 developer, either, when I came into
18 Brookfield. Brookfield inherited Trizec,
19 which is a separate company. So the building
20 was built when I joined the company.

21 MS. BROWN: Has anybody advised
22 you of the building code restrictions?

1 MR. CARNEY: No.

2 MS. BROWN: And with respect to
3 the comprehensive plan, are you aware that the
4 zoning, or, the council can make amendments to
5 the comp plan on its own, without having to go
6 through the whole planning process?

7 MR. KELLER: Are you asking me?

8 MS. BROWN: I'm asking -- yes,
9 you, Mr. Carney.

10 MR. KELLER: I'm Keller.

11 MS. BROWN: I'm sorry; Mr. Keller.

12 MR. KELLER: Yes, I'm aware that
13 the council can do it, but there's also
14 normally a procedure that is followed.

15 MS. BROWN: And you're aware that
16 everything was part of the public record.

17 MR. KELLER: No, I'm not aware of
18 that.

19 MS. BROWN: Through the DC
20 Register.

21 MR. KELLER: I said no, I'm not.

22 MS. BROWN: Those are all my

1 questions. Thank you.

2 CHAIRMAN HOOD: Thank you.

3 Does the ANC have any cross?

4 (No response.)

5 CHAIRMAN HOOD: Okay, that's it.

6 Thank you very much. We appreciate your
7 testimony.

8 MR. KELLER: Thank you.

9 CHAIRMAN HOOD: Do we have any
10 other individuals who are here in opposition?
11 I saw a few people raise their hands -- if you
12 could come forward at this time.

13 I think we may have just four, so
14 we should have enough space. I think I saw
15 four people.

16 Is there anyone else besides the
17 three -- I thought we had four -- besides the
18 three that are here to testify in opposition.
19 Okay, there we go; the four -- besides the
20 four who are here in opposition, are there any
21 others here in opposition?

22 (No response.)

1 CHAIRMAN HOOD: Okay, well, this
2 will be our only group who are here in
3 opposition.

4 MR. HITCHCOCK: Mr. Chairman, as a
5 preliminary matter -- Tom Hitchcock. I'm here
6 for the Committee of 100 on the Federal City.

7 First of all, we need to set up
8 because we have a short PowerPoint
9 presentation we're going to do.

10 Second, I've been asked to testify
11 as a witness for the committee, not as
12 counsel, given the time limitations here
13 tonight. And so I think Ms. Berk and I both
14 need to be sworn as a witness. I apologize.

15 CHAIRMAN HOOD: Mr. Hitchcock, is
16 this something you're going to be able to do
17 in five minutes?

18 MR. HITCHCOCK: I certainly will.

19 CHAIRMAN HOOD: Okay. I just want
20 you to know for the record, we delayed taking
21 up your party status trying to give you some
22 time to make sure you got here. So, I guess,

1 apparently as soon as we got through, you
2 probably walked in because I wanted you to
3 hear that discussion.

4 MR. HITCHCOCK: That's what I was
5 told. So I apologize.

6 CHAIRMAN HOOD: That's all right.
7 I just wanted you to know, we're a very
8 considerate commission. Some people don't
9 think so, but we are.

10 MR. HITCHCOCK: I've never had any
11 cause to complain about treatment by the
12 Commission. You may disagree with the merits,
13 but.

14 MS. SCHELLIN: Would you please
15 stand and raise your right hand?

16 CHAIRMAN HOOD: Is there anyone
17 who hasn't been sworn in this going to testify
18 now, if you could stand. You haven't been
19 sworn? Okay.

20 Whereupon,

21 THE WITNESSES

22 came before the Commission, and having first

1 been duly sworn, testified as follows:

2 CHAIRMAN HOOD: Mr. Hitchcock
3 needs to set up, so why don't we start with
4 the young lady. Do you need to set up, too?

5 Do we have anybody who doesn't
6 need to set up? Everybody needs to set up.

7 MS. BERK: No, there only two of
8 us with a PowerPoint presentation.

9 CHAIRMAN HOOD: Okay, so I was
10 going to start with the young lady who doesn't
11 need to set up, if you could start.

12 MS. BERK: But could someone
13 facilitate this for me?

14 CHAIRMAN HOOD: So why don't we
15 start with somebody who doesn't need any
16 modern technology. Who would like to go
17 first?

18 Yes? Would somebody like to start
19 off?

20 MR. ROBERTSON: Mr. Chairman, we
21 programmed this, that he would do an
22 introduction and sort of set the foundation

1 for our testimony. I don't know how long it's
2 going to take him, but we'd appreciate it.

3 CHAIRMAN HOOD: Okay, so you all
4 are still bringing a party to the table; is
5 that what's going on? Oh, I see. I can see
6 clearly now. Okay. Here's what we're going
7 to do.

8 Mr. Hitchcock, I'm going to give
9 you two minutes, but it's not a party. You're
10 going to have your time. You're representing
11 the Committee of 100; right? So you're going
12 to have five minutes. Everyone else will have
13 three minutes. Okay?

14 Don't say we don't accommodate.
15 You know even though you're still trying to
16 sneak your party and, where not going to let
17 you do it that way. We're going to do it
18 exactly, with time restrictions.

19 VICE CHAIR COHEN: Ms. Berk, did
20 you only bring one copy of your testimony?

21 MS. BERK: No. I handed you five
22 copies. And --

1 VICE CHAIR COHEN: I see. I see.
2 I've got it.

3 COMMISSIONER MAY: Could we ask
4 that the party in opposition take their board
5 down. It's blocking the screen. Ms.
6 Giordano, please --

7 CHAIRMAN HOOD: She's coming.

8 COMMISSIONER MAY: Oh, okay.

9 MS. BERK: In this interim, could
10 I have, could I be allowed to say that I am
11 not opposed to the project. I had to check
12 off proponent or opponent. So, if I could
13 have checked in the middle, I would have
14 checked that I am not opposed to an SP-2
15 project on the site.

16 CHAIRMAN HOOD: So when you get
17 ready to speak, you can mention that. Okay?
18 But you're still in line with the group;
19 right?

20 MS. BERK: I, having not -- I am
21 prepared to speak as an individual.

22 CHAIRMAN HOOD: Okay. Okay. So

1 you're by yourself. Okay. So you're not with
2 the other group.

3 MS. BERK: I'm here is an
4 individual.

5 VICE CHAIR COHEN: Ms. Berk, do
6 you have any more copies? Because, we have
7 five commissioners and then we have a record
8 to maintain, so I would like more copies if
9 you have them, please.

10 MS. BERK: (Off mic.)

11 CHAIRMAN HOOD: Okay, so
12 somebody's got to suffer and not have it.

13 MS. BERK: (Off mic.)

14 VICE CHAIR COHEN: We have a
15 record to maintain, so we have to have it in
16 the record, and we have five commissioners.
17 We have a record, and we have five
18 commissioners. That makes six.

19 MS. BERK: Okay. I've got 10
20 copies.

21 VICE CHAIR COHEN: Okay.

22 MS. BERK: No, I, I gave you, I

1 handed you five copies.

2 (Whereupon, off-mic comments were
3 made on the record.)

4 CHAIRMAN HOOD: Do we need to take
5 a two minute break so we get this together?
6 Let's take a two-minute break so we can get
7 this together, and we'll come back.

8 (Whereupon, a brief recess was
9 taken at 8:53 p.m.)

10 (Whereupon, the hearing reconvened
11 at 8:57 p.m.)

12 CHAIRMAN HOOD: Give us a moment.
13 Let Ms. Schellin get back so she can start
14 recording.

15 Okay, Mr. Hitchcock, you may
16 begin.

17 MR. HITCHCOCK: (Off mic.)

18 CHAIRMAN HOOD: Is your microphone
19 -- turn the microphone on.

20 TESTIMONY BY TOM HITCHCOCK

21 MR. HITCHCOCK: Thank you. I want
22 to make two major points in this statement.

1 First is that the SP zone plays an important
2 role here on lower 16th Street, and second,
3 that the proffers and amenities are not
4 sufficient.

5 As a preliminary general note, we
6 note that there's no residential use as
7 affordable or market-rate, and that's okay
8 under the IZ regulations. But I want to note,
9 and the commission indicated in the rule the
10 properties would have to clearly exceed those
11 that ordinarily suffice, and we submit that it
12 doesn't happen in this case.

13 The Applicant and the Office of
14 Planning have their provisions of the
15 comprehensive plan they've cited. We have
16 several we would call to your attention as
17 well that have pointed in the opposite
18 direction. The first one deals with
19 transitional and buffer zones. The second
20 deals specifically with the Golden Triangle-K
21 Street focus area that talks about the unique
22 and historic character that sets is area

1 apart; the notable architecture and mixed uses
2 and so forth.

3 And also, this provision dealing
4 with lower 16th Street that talks about the
5 special character and the approach to the
6 White House in Lafayette Park should be
7 reckoned recognized and conserved. I won't
8 read the whole thing, but it is a highly
9 pertinent provision.

10 The Office of Planning submits a
11 report basically where they cite Section
12 300.5, but only in the first sentence. But
13 the next sentence, we think, is equally
14 relevant, where it says, "Without proper
15 direction and coordinated public investment,
16 a change can be adverse." And we're frankly
17 concerned about that here.

18 There's also no mention of this
19 provision in Section 304.1 that talks about
20 the need for living downtown and is concerned
21 about what's called in the last line, "the
22 vast expanse of office space that defines the

1 central city today." And we're talking just
2 about office space here, with a very small
3 church and retail component.

4 Now let's talk about the
5 amenities. The package does not clearly
6 exceed what's ordinarily offered, and indeed,
7 there are some benefits that are fairly
8 standard that are not included. The Applicant
9 does showcase a number of features that are
10 not or cannot be claimed to be an amenity, and
11 this goes to point several Commission members
12 cited earlier talking about double-counting.
13 Let's talk about that.

14 The signature office building and
15 design -- other witnesses are going to talk
16 about the character of the building. However,
17 I would simply note that a lot of the
18 discussion talks about the high quality of the
19 materials, but that's a requirement that was
20 imposed by the Historic Preservation Review
21 Board in its review. It's something that the
22 Review Board would almost certainly impose for

1 any building in this important and unique
2 location, and it's something that would be
3 used likely in any event for a Class-A
4 building with a prestigious address such as
5 16th Street.

6 The Third Church -- we frankly
7 read it the same way as some members of the
8 Commission apparently did -- bought and paid
9 for this already. The Third church, the only
10 reason why the Mayor's agent allowed
11 demolition to proceed is the Church's
12 statement that it was committed to this
13 particular site. And without that commitment,
14 the clearance would not have been granted.

15 The environmental aspects are
16 discussed. Again, they're fairly
17 straightforward, fairly garden-variety.

18 The housing linkage, we submit,
19 cannot be counted as an amenity. And in fact,
20 in the Applicant's February 22nd statement, it
21 is not listed as an amenity. It is something
22 that needs to be done to buy out of the

1 housing, the on-site housing requirements.
2 And for matter-of-right, we're talking about
3 SP-2, so there would be not a pure office
4 component as a matter of right.

5 The cash donations are a little
6 different from what I think we've seen in some
7 other cases. We're not sponsoring new
8 projects. It's not seed money. But they're
9 supporting the existing operationsp-- that's
10 their word; not mine -- supporting existing
11 operations.

12 And how much will these one-time
13 donations do? The Sasha Bruce Youthworks and
14 Dupont Circle Citizens -- I'm familiar with
15 both organizations, with both of them -- the
16 amount that we're talking about is relatively
17 small for existing budgets and for Dupont
18 Circle, where paying \$10,000 to help fulfill
19 the lease requirement under existing
20 obligations. The question: How is helping to
21 pay for maintenance and landscaping a valid
22 amenity?

1 We're not saying that these groups
2 are unworthy of support. What we are saying
3 is, what sustained benefit are these buying?
4 It appears to be a throwback to a phrase I
5 heard in the '80s about "checkbook zoning,"
6 where a developer can buy a preferred
7 classification through one-time donations.

8 So, in conclusion, there's nothing
9 clearly exceptional. There is no housing,
10 affordable or otherwise. We are dealing with
11 architectural features that would be provided
12 otherwise. And the cash donations are
13 one-shot offers.

14 Thank you.

15 CHAIRMAN HOOD: Thank you.

16 Ms. Berk?

17 TESTIMONY BY SALLY BERK

18 MS. BERK: Is this on now?

19 May I have the lights so that I
20 can read my statement?

21 CHAIRMAN HOOD: Okay.

22 MS. BERK: Thank you.

1 (Whereupon, off mic comments were
2 made on the record.)

3 MS. BERK: I'm Sally Berk. In the
4 interest of time, I'll skip my credentials.
5 I am known by the attorney representing the
6 Applicant, and I think I'm known by most of
7 the commission members. And I've been
8 previously qualified as an expert witness
9 before this Board.

10 I'm here to address the
11 Applicant's claim that the exterior of the
12 building is an excellent design, that it
13 reflects the character of lower 16th Street,
14 leading to Lafayette Park and the White House.
15 And I think that the images speak for
16 themselves.

17 In fact, the HPRB staff in its
18 initial determination stated that the
19 pedestrian design of the proposed building was
20 incompatible with the exemplary architecture
21 that characterizes lower 16th Street. The
22 minimal changes that have been made since that

1 first submission a year ago, and if you
2 compare the original submissions with the
3 submission to the Board today, only minimal
4 changes have been made, and it doesn't raise
5 the design above the level of mundane. In
6 fact, HPRB has repeatedly told the architect
7 to refine those elevations.

8 This project has been approved
9 before HPRB at concept level only. As Ms.
10 Giordano told you when she wanted to discuss
11 details, she was told, we are still at concept
12 level in this. The Applicant has chosen to
13 come to this Board after having gotten concept
14 approval. That is for an office building on
15 this site, not approval of the details of the
16 design.

17 And that it will be a signature
18 building, the Applicant claims, a perusal of
19 the Stern website will reveal that there are
20 many buildings from this firm of similar
21 expression, but not on 16th Street. There is
22 nothing specific about this building that

1 makes it a signature for 16th Street. And
2 here, as a matter of fact, Office of Personnel
3 Management, which is everyone's non-favorite
4 building, there bears a striking resemblance
5 to this proposal for 16th Street.

6 And, that because it's designed by
7 a very well-known firm, it's an excellent firm
8 -- but in fact, it's hardly any different from
9 hundreds of other buildings in the city that
10 has the same program and to address the
11 corner. As a matter of fact, these two
12 examples, which are a little more serene and
13 do a better job of addressing the corner, are
14 actually better examples.

15 That it's classically inspired
16 building -- well, it's true that it has the
17 basement on top, but the three parts of soap
18 disparate from one another that it can hardly
19 be considered to be a serene, classical
20 composition, of which we have many in the
21 city, like Garfinkel's Department Store and
22 the Moretsky Building, which is right across

1 the street from this site.

2 The contention is that the
3 building will employ expensive materials.
4 Expensive materials do not guarantee an
5 excellent design. It is how those materials
6 are used. You can --

7 CHAIRMAN HOOD: Give us a closing
8 thought.

9 MS. BERK: My closing thought is
10 that there's finite land in the world.
11 There's even more limited land on 16th Street,
12 and more limited still, one block from the
13 White House. A building constructed one block
14 from the White House should be nothing other
15 than stellar, and everyone I've spoken to has
16 said this building is pedestrian in design,
17 and HPRB wants the elevations redone.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Next.

20 TESTIMONY BY CHARLES ROBERTSON

21 MR. ROBERTSON: My name is Charles
22 Robertson, and I am testifying as an

1 individual and an architectural historian.
2 Whatever you may think about Brutalist
3 architecture, the fact is that the Applicant
4 will have succeeded in demolishing a
5 recognized landmark, not only locally but
6 nationally, designed by a world-famous
7 architect on one of the most prestigious sites
8 in the city. Surely, the Applicant has an
9 obligation to construct a building that is at
10 least as distinguished as the building it
11 replaces. The proposed building does not
12 measure up to this obligation.

13 Others -- Ms. Berk -- have
14 addressed the building's overall design, but
15 I would like to focus on the top floor, which
16 has been the subject of much contention this
17 evening. I mean, obviously, if you just
18 eliminated that top floor, that would solve a
19 lot of problems; for the building next door,
20 I think, visually as well.

21 The top floor -- you know, first
22 of all, it's 18-1/2 feet high, 18.5 feet high.

1 The cornice line is 93.9 inches high, and then
2 you're going up another 18-1/2 feet. Part of
3 that is the penthouse; they're entitled to
4 that, of course. But an office floor 18-1/2
5 feet high? The other floors in the building
6 are only 11.2 feet high. Shouldn't that
7 office floor be 11.2 feet? That's all they
8 need for an office. They don't need one
9 18-1/2 feet high.

10 Now, the penthouse can be 18-1/2
11 feet high, but the penthouse, as currently
12 designed, is next to the penthouse on the
13 World Center Building immediately to the north
14 of it, so it's penthouse against penthouse,
15 and that diminishes the impact of that
16 penthouse on the rest of the street.

17 The images they've shown,
18 especially from the south -- if you remember,
19 they showed an image from the south looking
20 north from Lafayette Square; that's only a
21 block away, and the top floor was very
22 visible, I think you'll admit, from that image

1 if you remember it.

2 Also, up 16th Street, they showed
3 you images with leaves on the trees, an old
4 trick. And if the leaves weren't on the
5 trees, it would be a very different images, I
6 think. So this top floor is very visible,
7 really. It's only setback 10 feet from the
8 façade. This colonnade is only set back 10
9 feet. But I'd like to point out that in an
10 earlier presentation they made of this
11 building, that top floor was set back 30 feet
12 from the façade -- 30 feet, not 10 feet. So
13 why not make them go back to what they
14 originally proposed, 30 feet? It would be
15 much less visible up from Lafayette Park and
16 16th Street.

17 So I think, first of all, you
18 could eliminate the floor completely. It
19 would solve a lot of problems. Secondly, you
20 could reduce the size both in the height and
21 the setback from the façade.

22 If you have any questions, I would

1 be pleased to consider them.

2 CHAIRMAN HOOD: Okay. Thank you
3 very much.

4 Next.

5 TESTIMONY BY ANNE SELLIN

6 MS. SELLIN: Good morning. I'm
7 Anne Sellin, and I'm a resident of 16th Street
8 for over 30 years.

9 A PUD is supposed to produce a
10 project of special merit that cannot be
11 achieved by the underlying zoning
12 restrictions. In this case, the proposal is
13 a very ordinary building suitable for K Street
14 with simply more height and density than is
15 purpose permitted in SP-2, a building that
16 would spell the demolition of a historic
17 landmark.

18 Particularly egregious is the fact
19 that that this plan flies in the face of the
20 planning office's policy to produce more
21 mixed-use buildings downtown, with housing
22 mandated. But this proposal eliminates the

1 very housing that the underlying SP-2
2 requires. How ironic.

3 Another housing requirement has
4 been ignored in the application, inclusionary
5 zoning, which requires a percentage of
6 moderate income housing. Not only is housing
7 completely eliminated, but conservatively
8 calculated, the bonus density between SP-2 and
9 the proposed project amounts to some 15,156
10 square feet. The bonus density is the
11 difference between what is required in the
12 underlying zone and what is proposed in the
13 PUD.

14 Now, what was cited by the
15 Applicant was under the inclusionary zoning
16 clause and the zoning regulations, 2603, that
17 inclusionary zoning had to be greater than a
18 percent of residential FAR, but they admitted
19 that theirs was only seven percent, so they
20 don't even meet that. The added floor, the
21 penthouse, includes far more space than that
22 occupied by utility features. In fact, it's

1 just another floor of offices.

2 The inclusionary zoning rule for
3 relief provisions does allow for off-site
4 placement of the required housing, but certain
5 provisions must be demonstrated under 2607.1.
6 It must be shown that "based on the specific
7 economic analysis, the compliance would impose
8 an economic hardship." This has not been
9 demonstrated. In fact, the extra FAR is
10 simply a means of filling the pockets of the
11 developers, to the detriment of planning
12 codes, particularly since a zoning change to
13 C-3-C would no longer restrict the occupancy
14 of the building to accredited professionals,
15 residents, and nonprofits under SP-2
16 regulations.

17 In addition, according to the
18 inclusionary zoning regulations, "A good faith
19 effort must be made to build this housing in
20 the same census tract." Where, in fact, is
21 this housing going to be built, and on what
22 tract? Who will build it, and in what time

1 frame? Simply stating that some \$580,000 will
2 be donated to the Housing Trust Fund does not
3 meet the inclusionary zoning requirements.

4 The proposed height with a setback
5 of 10 feet would only destroy the near unity
6 of the 90-foot building heights on this very
7 important stretch of 16th Street.

8 To say the First Church of Christ,
9 Scientist, at Euclid and Champlain Streets,
10 the Planning Office and the Zoning Commission,
11 not too long ago, agreed that the PUD there
12 had to be lowered from a much higher proposed
13 height down to 90 feet in order to be
14 compatible with the 90-foot buildings on
15 nearby Columbia Road. Why hasn't the Planning
16 Office not followed its own precepts in
17 dealing with this case?

18 CHAIRMAN HOOD: Okay, thank you.

19 Commissioners, any questions of
20 this panel? Commissioner May.

21 COMMISSIONER MAY: Ms. Berk, I was
22 interested in some of your slides, so I'll ask

1 you what they were about. The two previous
2 slides, I assume, were just different
3 renditions of how to make a corner building;
4 right?

5 MS. BERK: (Off mic.)

6 COMMISSIONER MAY: Can you turn on
7 your microphone?

8 MS. BERK: I think you might be
9 referring to the slide that has three images.

10 COMMISSIONER MAY: Right.

11 MS. BERK: The Dupont Circle
12 Building -- do you want to help me out on
13 this? The Dupont Circle Building --

14 COMMISSIONER MAY: The donkeys and
15 elephants building.

16 MS. BERK: -- 2401 Pennsylvania
17 Avenue, which does a superb job of addressing
18 the corner.

19 COMMISSIONER MAY: Right.

20 MS. BERK: And --

21 COMMISSIONER MAY: There we go.

22 MS. BERK: -- 800 Connecticut

1 Avenue. All of them glorify the corner.

2 COMMISSIONER MAY: Okay, so I'm
3 less interested in those. Those are all about
4 corner treatment; right?

5 And the same with the next
6 building, the Cesar Pelli Building.

7 MS. BERK: The absolutely most
8 spectacular example of how you integrate the
9 ground floor, the office façades, and the
10 corner. I mean this is a classical
11 composition.

12 COMMISSIONER MAY: Okay, so I'm
13 more interested in the next slide because I
14 got that just by seeing the image.

15 MS. BERK: Okay, good.

16 COMMISSIONER MAY: Okay.

17 MS. BERK: This is the one you're
18 interested.

19 COMMISSIONER MAY: Yes. What are
20 you trying to say here?

21 MS. BERK: Well, the, the
22 Applicant claims that the glass fins are

1 innovative, and they're actually rather
2 derivative. But that doesn't mean that it's
3 not appropriate, and I'm not, it's only the
4 claim that it's innovative; that's all.

5 COMMISSIONER MAY: Okay. And then
6 the next slide, the First Congregational
7 Church.

8 MS. BERK: Oh -- a superb example
9 of putting a church on the ground floor with
10 a corner entry, which it deserves. The
11 church, the Third Church always complained
12 that its entrance couldn't be seen. It would
13 be possible, and has been done, to make the
14 entrance to the church clear, visible, and on
15 the corner. And then the rest of the building
16 is quite good as well.

17 COMMISSIONER MAY: Okay. Thanks.

18 MS. BERK: Thank you.

19 COMMISSIONER MAY: I appreciate
20 your filling in the blanks.

21 MS. BERK: Thank you. Thank you.

22 CHAIRMAN HOOD: Any other

1 questions, Commissioners?

2 (No response.)

3 CHAIRMAN HOOD: Okay, not seeing
4 any, does the Applicant have any cross?

5 (No response.)

6 CHAIRMAN HOOD: Does ANC have any
7 cross?

8 (No response.)

9 CHAIRMAN HOOD: And Ms. Giordano?

10 (No response.)

11 CHAIRMAN HOOD: Okay, thank you
12 all very much. We appreciate it.

13 Okay, Ms. Brown, if you want to
14 come up if you have a rebuttal, and then we'll
15 take your closing statement.

16 MS. BROWN: Yes, thank you. We do
17 have rebuttal.

18 Mr. Stern has some rebuttal
19 testimony that he wants to present, and then
20 I'll have some legal rebuttal.

21 REBUTTAL BY MR. STERN

22 MR. STERN: It's actually less

1 rebuttal, just something I think we should get
2 on the record in the hope of reaching an
3 amicable solution here.

4 You know, as a property owner,
5 downtown especially, adjacent development
6 always presents issues. And some are good;
7 some are bad. And certainly, in the case of
8 lost when does and lost light, that's not a
9 good one, and we appreciate that. I suppose
10 one could say that having it for 15 years has
11 been a bit of a gift, but we appreciate that
12 losing it now is not a good thing.

13 On the other hand, while on that
14 point, the images presented really don't do
15 justice to what is going to happen because
16 they, out of necessity perhaps, show a blank
17 gray wall as the view out of the windows after
18 a project is complete when, in fact, what we
19 have is a highly detailed, full masonry,
20 limestone and marble with-windows facade,
21 probably better than most other office
22 buildings that look out across another office

1 building in downtown Washington. So the view
2 would be nicer than just the gray block that
3 was shown.

4 And then, finally, there are a
5 couple of good points, and I don't know if
6 these haven't been recognized by the adjacent
7 property owner, but we are certainly aware of
8 them. One is that as part of our work with
9 the city, the city has requested that we
10 expand the curb on I Street to absorb what
11 used to be a left turn lane when I Street with
12 two ways. In doing so, at our cost, we are
13 going to double the amount of outdoor seating
14 area that their restaurant can benefit from.
15 And presumably, when that lease comes up, they
16 can derive additional revenue, perhaps.

17 And then finally, our garage --
18 again, in consultation with the city -- we
19 have sized to be the absolute minimum
20 necessary, 93 spaces, to meet market parking
21 demand. Sixteen Twenty-Five, on the other
22 hand, has a vastly oversized garage, more than

1 double the market, of almost 500 spaces, so
2 it's reasonable to suspect that a lot of our
3 tenants and visitors will wind up parking in
4 their garage and again, generating revenue.

5 Not to try to line things up as an
6 offset -- simply that there are good and there
7 are bad, and this is just part of being in an
8 urban environment.

9 REBUTTAL BY CAROLYN BROWN

10 MS. BROWN: Thank you. I would
11 like to just run through quickly some items
12 that were raised by the Committee of 100, some
13 of these items, I think, that we can cover in
14 any proposed order that we might submit.

15 CHAIRMAN HOOD: Ms. Brown, let me
16 do this. Since that was a rebuttal and you
17 can't be crossed on rebuttal, let me see if
18 anybody has any cross for Mr. Stewart -- it's
19 Stewart; right?

20 MR. STERN: Stern.

21 MS. BROWN: Stern.

22 CHAIRMAN HOOD: Stern; I'm sorry.

1 But any cross on rebuttal? ANC,
2 do you have any cross on rebuttal?

3 (No response.)

4 CHAIRMAN HOOD: Ms. Giordano, do
5 you have any cross on rebuttal?

6 (No response.)

7 CHAIRMAN HOOD: Okay, thank you.

8 Okay, Ms. Brown.

9 CLOSING STATEMENT BY CAROLYN BROWN

10 MS. BROWN: Thank you. First, the
11 point that was raised about the elimination of
12 housing on the site -- housing is not required
13 under the SP-2 district. You could build it
14 out to the maximum non-residential under SP-2.
15 There's no IZ requirement on the site unless
16 you're building 10 units or more of housing,
17 and housing is not required under SP-2 or the
18 C-3-C district.

19 Three, the concept of double
20 counting -- I would note that the Historic
21 Preservation Review Board has approved
22 numerous projects that have then in turn been

1 adopted by this Commission as superior
2 architectural and urban design, and they
3 include the O Street Market, the American
4 Pharmacists Association Building, the Randall
5 School, plus several others that I could
6 submit for the record.

7 So you are --

8 CHAIRMAN HOOD: I don't remember O
9 Street, but could you do that for us, submit
10 those?

11 MS. BROWN: Yes, I'd be glad to
12 submit this to you.

13 CHAIRMAN HOOD: We were very hard
14 on that Superior architect, I can tell you.

15 REBUTTAL TESTIMONY (cont'd)

16 BY CAROLYN BROWN

17 MS. BROWN: And the idea that they
18 suggested that cash donations would only be
19 for new projects -- I don't think that's
20 anywhere in the regulations. I think the
21 letter submitted by Sasha Bruce and Charlie's
22 Place and the Dupont Circle Citizens

1 Association have a clear statement about what
2 those payments will be going toward and
3 they're fully supportive of their mission. It
4 does not have to be something new.

5 And we turn to the comment from
6 the Office of Planning and the minor
7 modification that may be needed for public
8 space improvements. Typically, when we write
9 conditions or the Commission writes conditions
10 and there are public space improvements
11 offered as an amenity, it's done with the
12 understanding that any final adjustments will
13 need to be made by the Public Space Committee,
14 and that was done with the 1700 K Street PUD,
15 the 1000 Connecticut PUD, as well as the 4600
16 Wisconsin Avenue PUD. So we're happy to have
17 a similar condition for that.

18 We did have some preliminary
19 feedback. There was some question of whether
20 or not we should use standard concrete that is
21 the DDOT standard for this area or use some
22 similar paving treatment, and we're working

1 through those particular issues. And our
2 concept review before the Public Space
3 Committee will be at the end of July.

4 With respect to DDOT's request for
5 a kiosk with electronically available
6 information, we will provide an iPad stand at
7 the concierge desk so we can comply with the
8 request of DDOT on that issue.

9 Following up on your point, Mr.
10 Miller, regarding the Housing Protection Trust
11 Fund contribution, that's exactly right, that
12 normally a developer will partner with the
13 housing provider, and often it's for gap
14 financing at a dramatically lesser amount than
15 we're proposing here. In working this through
16 with the Office of Planning, they said that
17 they wanted a cash contribution, so we stepped
18 up to the plate and did that.

19 Finally, there is a suggestion by
20 the party opponents that this might be spot
21 zoning. Spot zoning happens when you try to
22 zone property that is not designated on the

1 comprehensive plan for a proposed use. This
2 issue came up in the Hay-Adams PUD, where this
3 exact question was raised by the Zoning
4 Commission, and case law was submitted -- we
5 can submit this for the record as well -- but
6 as long as the zoning is consistent with the
7 comprehensive plan, it is not considered spot
8 zoning.

9 That concludes my rebuttal, and I
10 can go in to closing directly, unless you have
11 any questions for me.

12 CHAIRMAN HOOD: We have a question
13 up here.

14 Vice Chair.

15 VICE CHAIR COHEN: Thank you, Mr.
16 Chairman.

17 When I heard all the testimony
18 about the housing, the affordable housing, I
19 went back to the Office of Planning report, on
20 page 13. And in that report, at paragraph E,
21 it stated the contribution is not considered
22 an amenity and does not relieve a project of

1 the requirements to be found meritorious,
2 pursuant to the evaluation standards for 2403.
3 However, OP acknowledges the contribution as
4 a beneficial consequence in combination with
5 the other proffered benefits and amenities.

6 What I would like to ask is that
7 OP address some of the issues that were
8 brought up and to confirm that the amount is
9 correct that is being proffered.

10 So I just want to make sure that
11 that possible loophole is closed.

12 Thank you.

13 CHAIRMAN HOOD: Okay, any other
14 questions? Commissioner May?

15 COMMISSIONER MAY: Yes, can you
16 explain exactly where you are in the HPRB
17 project process? You've gotten concept
18 approval. And when you expect to get final?

19 MS. BROWN: Yes, we've had full
20 concept approval, and the final, delegated to
21 staff. That was in October when we reached
22 that major milestone. In delegating it to

1 staff, they asked that the drawings be
2 returned, filed so it would be on the consent
3 calendar. Based on the revisions that we
4 submitted, HPRB actually asked for us to make
5 a formal presentation. And I believe that was
6 at the March HPRB meeting.

7 Since that time, we've had
8 numerous conference calls and individual
9 meetings with the HPO staff, with
10 representatives of the Historic Preservation
11 Review Board present. In fact, the last
12 meeting was with the chairperson of HPRB,
13 where they signed off on all the final
14 changes. And we got down into the
15 nitty-gritty asking about whether or not there
16 should be almost a basket weave pattern on
17 the, using the interchangeable materials
18 between the limestone and the marble on the
19 windows. So it was very fine-grain and
20 detailed.

21 And based on that meeting, they
22 said that we exceeded the requirements

1 normally applied for new construction under
 2 the HPRB review, which is a lower threshold.
 3 They said that we met the higher threshold
 4 because of the prominence of this site and
 5 because they in particular had said, because
 6 we are replacing a landmark, they wanted a
 7 building that was of landmark quality to
 8 replace it.

9 COMMISSIONER MAY: Okay, so final
 10 approval in the form of whatever form it's
 11 going to take --

12 MS. BROWN: That would be when we
 13 submit, as soon as we get through the PUD
 14 process and finish our design and development
 15 drawings, we will go in for final permit. And
 16 at that point, staff will review the drawings
 17 to ensure that they comport with the concept
 18 of --

19 COMMISSIONER MAY: How is it going
 20 to mesh with our process? Because I think,
 21 given the some of the testimony we've heard,
 22 it would probably be in your best interest to

1 have me smile approval in our file before --
2 I mean, what happens often is that we'll get
3 concept when we have the hearing, but before
4 we take final action, we need a final
5 approval.

6 MS. BROWN: Actually, I don't know
7 that that's correct, Mr. May. The --

8 COMMISSIONER MAY: No; it's
9 happened.

10 MS. BROWN: In most cases that
11 we've had, I can tell you, for the ones I've
12 cited -- O Street Market, American
13 Pharmacists, and several others, and I'd be
14 glad to submit them for the record as well --
15 we get concept approval, and we edit it as
16 definitively as we can, and then we come to
17 the zoning commission. And as a condition, we
18 will say any fine --

19 COMMISSIONER MAY: Yes, anything
20 that has to happen as a result of final
21 approval --

22 MS. BROWN: Yes.

1 COMMISSIONER MAY: Okay. The next
2 thing is I don't recall seeing -- maybe it's
3 in here somewhere -- but a view of the west
4 wall of your building. In other words, the
5 people in 1625, what are they going to be
6 seeing? They're not going to the what the
7 party and opposition presented, but they're
8 going to see something like it something;
9 right? So, what's there?

10 MR. WYATT: We don't have -- in
11 the presentation, you saw a view of the west
12 wall, but it is identical to the pattern and
13 materials and the ratio of solid-to-glass that
14 you saw on the south façade, for example.

15 COMMISSIONER MAY: So you're going
16 to have at-risk windows on their property --

17 MR. WYATT: Absolutely.

18 COMMISSIONER MAY: -- on their
19 property line.

20 MR. WYATT: And the reason is that
21 we felt --

22 COMMISSIONER MAY: I mean I'm

1 assuming that you're going to get a -- I don't
2 know; what was the special permission that
3 somebody said?

4 MS. BROWN: Filed covenant.

5 COMMISSIONER MAY: Filed covenant.

6 MR. WYATT: Yeah, there would be a
7 filed covenant, but the reason that we did
8 that, and the owner chose to do it, is they
9 felt there was sufficient setback between the
10 two buildings and there was a bona fide value
11 to their building. And so we put a window in
12 there.

13 COMMISSIONER MAY: Right. Okay.

14 So can you actually submit that
15 elevation for the record?

16 MS. BROWN: Absolutely.

17 MR. WYATT: Yes.

18 COMMISSIONER MAY: And I assume
19 that HPRB reviewed all sides of the building,
20 including; right?

21 MR. WYATT: Yes, they did.

22 COMMISSIONER MAY: All right,

1 thanks.

2 CHAIRMAN HOOD: Okay, one of the
3 things I want to ask is that -- I'm glad that
4 Commissioner may asked for that view; I think
5 a number of us up here want to see that view
6 -- you continue to have a conversation with
7 the owner of, well, 1625. I want to see if we
8 can keep Mr. Cartwright here. I'm not saying
9 we can, depending on how this goes. But it's
10 always good to have those discussions, so I'm
11 not going to expect it.

12 I'm just curious to see, when you
13 all come back, what kind of discussion you
14 have. How much more could we close the gap on
15 what occurred here tonight? We look forward
16 to seeing that.

17 MS. BROWN: Commissioner Hood, we
18 certainly we'll get back to you on that, but
19 I think one of the difficulties there is that
20 it would require us to go back to HPRB and
21 open up a whole other discussion with them --

22 MR. WYATT: I'm sorry.

1 MS. BROWN: -- sure.

2 MR. WYATT: I should add for
3 clarification, we did consult with my
4 colleague from JBG, and the chamfer proposal
5 apparently was floated but rejected. It
6 didn't even get to the level of high-level
7 discussion because, from a design perspective
8 and an interior design perspective, did not
9 work at all, and HPRB and HPO staff were
10 opposed to it. So apparently, they were
11 correct, and I stand corrected. We, we, the
12 development team, had seen that and rejected
13 it.

14 We also have an issue now of
15 schedule. We have a tenant for over 80,000
16 square feet who has signed a letter of intent.
17 This has been a long process, many, many
18 years. And frankly, we've known the other
19 parties of the adjacent ownership for many
20 years, and there's never been a, you know,
21 hint of something that couldn't be worked out.
22 We'd like to think that between improving

1 their outdoor space and giving them some
2 parking revenue, you know, they would be happy
3 with what we're doing.

4 CHAIRMAN HOOD: Okay, well, let's
5 go back to what Commissioner May asked for,
6 the deal, what they're actually going to see.
7 I'll go back to that. And then I'll see
8 whether, when it comes back to me, it's a
9 no-start.

10 So, obviously, that discussion,
11 when I was trying to get it to happen,
12 obviously, it was a no starter because I
13 understand it actually did happen at some
14 point. Okay.

15 But let us see the view of how it
16 looks. And it's always still good to talk.

17 MS. BROWN: And actually, I got
18 the impression that they may have, they didn't
19 seem to be entrenched in their desire to
20 continue talking. I didn't get that
21 impression that they would totally now object
22 to cutting back on the, just to give them some

1 light for the 10th floor. Maybe I
2 misunderstood, but --

3 MR. STERN: I think, as they
4 mentioned themselves in the testimony, our
5 building has lost a number of floors. It's
6 come down quite a bit. It's been an evolution
7 that has, you know, cost us in square footage
8 and dollars. We're really at the point where
9 even an additional 1,000 or 2,000 feet is very
10 damaging to us.

11 And again, that letter of intent
12 we have, now signed by the tenant,
13 contemplates the ninth floor as conceptually
14 approved by HPRB. But we will, of course,
15 provide the elevation that you're asking for
16 so that we can show you what they will see.

17 CHAIRMAN HOOD: Okay.

18 Anything else, Commissioners?
19 Commissioner Miller.

20 COMMISSIONER MILLER: Thank you,
21 Mr. Chairman. I just have one quick question.
22 Maybe you've covered it and I missed it,

1 similar to Commissioner May's question about
2 Commissioner Mays question about the timing of
3 HPRB final approval.

4 What is the status of the public
5 space permit application? I happen to like
6 the public space amenities, even if they
7 aren't standard because they aren't standard.

8 MS. BROWN: Right.

9 COMMISSIONER MILLER: So I hope
10 the Public Space Committee will consider them.
11 What is the timing of that?

12 MS. BROWN: We filed for concept
13 approval, which apparently the Public Space
14 Committee is doing, and that will be at the
15 end of July. It's the last Thursday of the
16 month.

17 COMMISSIONER MILLER: Okay. Thank
18 you.

19 CHAIRMAN HOOD: Ms. Giordano, you
20 can come up to the table.

21 Anything else from the
22 commissioners?

1 (No response.)

2 CHAIRMAN HOOD: Yes, Ms. Giordano?

3 MS. GIORDANO: Yes, I would just
4 encourage the Commission to encourage the
5 Applicant to meet with us. I mean I
6 understand they, you know, want to reject this
7 out of hand and don't want to talk, but I
8 don't think that's constructive, and I, we did
9 not get the sense from the HPO staff that what
10 we were proposing was not something that they
11 would consider.

12 CHAIRMAN HOOD: Okay. You know, I
13 can ask, and that's what I was doing.

14 I will just tell you that our
15 success rate for people meeting when they have
16 issues is very good. I just mentioned this at
17 the last meeting. Our success rate is very
18 good. We've only struck out maybe once. So
19 I'll just leave it out there.

20 MR. STERN: And we'll commit to a
21 meeting. We have no problem with that. The
22 issue for us will be it can't be multi-month

1 process. You know, we're happy to have a
2 meeting next week or the week after and talk
3 about ways that we can work together, we will
4 -- you know, in any event, the adjacent
5 property owners -- so there are probably a
6 number of things that we can talk about.

7 CHAIRMAN HOOD: All right. You'll
8 be surprised at some of the results.

9 Let's go back to the modification.
10 I think that I forget where I said think you
11 said the end of July.

12 We probably won't hear this case,
13 Ms. Schellin, until September; right? Oh,
14 we're going to hear it at the end of July,
15 too. Oh, okay. Well, dress so you'll be cool
16 when you come down because it should be hot by
17 then.

18 Okay, anything else? Do we have
19 anything else?

20 (No response.)

21 CHAIRMAN HOOD: Ms. Brown, do you
22 have anything else?

1 MS. BROWN: No, sir.

2 CHAIRMAN HOOD: Okay.

3 So do we have everything we need,
4 Ms. Schellin?

5 MS. SCHELLIN: If you want to go
6 over the list, I think there's just a few
7 things because I'm kind of shocked that Mr.
8 May didn't ask for a whole lot, so I want to
9 make sure I didn't miss something. It's
10 unusual. So I'm thinking I might have missed
11 something. Well, he's got to ask for
12 something.

13 Commissioner Cohen asked that they
14 take a look at the signage for the reading
15 room in the plaza that may better emphasize
16 that it's for the public.

17 Someone asked that they provide
18 the distance between the two buildings; maybe
19 that was Commissioner May.

20 COMMISSIONER MAY: (Off mic.)

21 MS. SCHELLIN: Commissioner Hood
22 asked that they respond to the proposed

1 building scheme that was provided by BFP this
2 evening, in writing, I think; you'd make the
3 response in writing.

4 CHAIRMAN HOOD: Did I say, "in
5 writing"? I think that you previously -- but
6 you know where I am. Okay. Okay.

7 MS. SCHELLIN: And I believe the
8 Committee of 100 -- Ms. Brown started to go
9 into a list of the projects where I believe
10 they were double-counting the amenities.

11 MS. BROWN: We'll call it
12 double-counting.

13 (Laughter.)

14 MS. BROWN: We call it getting
15 credit for it in multiple venues. But, yes,
16 where HPRB --

17 MS. SCHELLIN: So double-counting.

18 MS. BROWN: Yes.

19 MS. SCHELLIN: But there was
20 rebuttal to the Committee of 100's testimony,
21 so if you could address that in writing.

22 Commissioner Cohen asked that you

1 address the issues brought up and confirm the
2 amount being proffered for the affordable
3 housing, just to confirm -- or actually, OP is
4 to do that.

5 Oh, here we go, Commissioner May:
6 A view of the west wall. And that's it. So
7 he was pretty quiet.

8 So I thought that wasn't very much
9 -- oh, and to continue to meet with the party
10 in opposition and report back.

11 Can you guys do that in two weeks,
12 by July 8?

13 MS. BROWN: Yes.

14 MS. SCHELLIN: Okay. And so all
15 of those additional documents would be by 3:00
16 p.m. July 8, the record being closed.

17 Everyone else off the plan, can
18 you guys provide that information by July 8th?
19 Okay.

20 CHAIRMAN HOOD: Ms. Giordano, do
21 you have a question? If you can come up,
22 we'll make sure that were all on the same

1 page.

2 MS. GIORDANO: Yes. As a party,
3 don't we have the opportunity to respond?

4 MS. SCHELLIN: I'm getting there.

5 MS. GIORDANO: Okay.

6 CHAIRMAN HOOD: Mr. Quin, we don't
7 see you much anymore. I'm trying to figure
8 out where Mr. Keyes is here. You know, things
9 always just go through my mind. But anyway,
10 I guess I'd better close out before I say the
11 wrong thing.

12 MS. SCHELLIN: And then the
13 parties would have until July 15th to provide
14 a response to the documents that are
15 submitted, 3:00 p.m., of course, all
16 submissions being made through ISIS. And the
17 parties, if they choose to do so, and the
18 Applicant can provide draft findings of fact
19 and conclusions of law by 3:00 p.m. on July
20 15th, and then we can put this on our July
21 29th agenda for consideration for proposed
22 action.

1 CHAIRMAN HOOD: Okay. Do we have
2 anything else?

3 (No response.)

4 CHAIRMAN HOOD: are we all on the
5 same page?

6 (No response.)

7 CHAIRMAN HOOD: We thank everyone
8 for your participation tonight. This hearing
9 is adjourned.

10 (Whereupon, the hearing adjourned
11 at 9:40 p.m.)

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In the matter of: 16th Street Associates

Before: DCZC

Date: 06-17-13

Place: Washington, DC

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