

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Planning
3 Historic Preservation Review Board
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8 Excerpt of
9 Historic Preservation Review Board Meeting

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Case 12-035

3:45 p.m. to 5:07 p.m.

Thursday, May 24, 2012

Board of Zoning Hearing Room 220 South

441 4th Street, Northwest

Washington, D.C. 20001

1 BOARD MEMBERS:

2 Gretchen Pfaehler, Chairperson

3 Rauzia Ally

4 Andrew Aurbach

5 Robert Sonderman

6 Maria Casarella

7 Catherine V. Buell

8 Joseph Eugene Taylor

9 D. Graham Davidson

10 Nancy Metzger

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

2 CHAIRPERSON PFAEHLER: Welcome back,
3 everybody. Welcome back to the Board, I guess.
4 We've shifted a few seats here.

5 The next item on the agenda is the
6 Third Church of Christ, Scientist Christian
7 Science Monitor Building at 900 16th Street,
8 Northwest.

9 Before we start dialogue, we need to
10 ask, actually, the applicants a question related
11 to two members who are sitting here on the
12 Board.

13 First, Graham, you were a member and on
14 the review board for DCPL at the time the
15 demolition was decided.

16 Well, the demolition of this building
17 is not the matter at hand today. The concept
18 approval for the replacement building is the
19 matter at hand.

20 I guess, Graham, maybe if you could
21 talk a little bit about what your role was
22 relative to the demolition of the building and

1 your role at DCPL at the time.

2 And then we'd ask you if you have an
3 issue with it and if you feel comfortable with
4 Graham remaining on the Board to review the
5 replacement building.

6 MR. DAVIDSON: I was actually not on
7 the board when the demolition was approved.

8 I was on the board and the project
9 review committee when this project came before
10 us a number of months ago for review.

11 CHAIRPERSON PFAEHLER: And then there's
12 a second board member for you to consider, too.

13 Rauzia, maybe if you want to talk about
14 your role with the Dupont Circle Conservancy at
15 the time.

16 MS. ALLY: I was on the conservancy
17 board when this project came up for demolition.

18 I think at that time we made -- our
19 position was that it should not go for
20 demolition. So it's really up to you as far as
21 my refusal.

22 CHAIRPERSON PFAEHLER: So we leave

1 those two members to you for your consideration.

2 And when you do respond to me, if you
3 would be sure to push on your microphone to
4 speak and say your name clearly into the
5 microphone for the record.

6 MR. STERN: I first want to thank you
7 for highlighting these two. Graham, we've
8 spoken before and we did your input at DCPL.

9 Our feeling is that it's really
10 beholding upon the two board members to decide
11 whether or not they are in a conflicted
12 situation.

13 You know, certainly, we respect you
14 guys and your opinion, so we'll leave that to
15 you. If you're comfortable sitting here and not
16 being conflicted, then, certainly, we'll go
17 along.

18 CHAIRPERSON PFAEHLER: Okay.

19 MS. ALLY: I don't have any conflicted
20 views.

21 [General laughter.]

22 ATTENDEE: At least on this issue.

1 CHAIRPERSON PFAEHLER: Such a
2 definitive statement.

3 And, Graham? I guess by sitting at the
4 table here you're both saying that you feel
5 comfortable that you can review this and it's
6 not -- your past activities won't color or
7 change how you might consider this issue at hand
8 for a replacement building in compliance with
9 the height act issues. Okay.

10 Then why don't we start with the Staff
11 Reports. Steve -- or David, would you like to
12 start with those, please.

13 MR. MALONEY: Thank you, Madam Chair.

14 As you said, this application is for
15 conceptual review of a replacement building
16 proposed for the site of the Third Church of
17 Christ, Scientist and the Christian Science
18 Monitor Building at 16th and I Streets.

19 The application does assume demolition
20 of the two buildings that constitute the
21 existing landmark.

22 The church building already has

1 approval for demolition by the Mayor's Agent on
2 the basis of economic hardship under certain
3 circumstances.

4 And the applicants do propose to seek a
5 demolition permit if the project goes forward
6 for the Christian Science Monitor Building on
7 the basis of both special merit and consistency
8 with the preservation law.

9 The proposed structure is a nine-story
10 office building with a replacement church and
11 some supporting uses. And as, I think, everyone
12 should be aware after reading the Staff Report,
13 the issue that is the primary point of
14 discussion today is the question of the height
15 of the building.

16 The height does exceed the height limit
17 in the SP District on 16th Street, which is 90
18 feet. The applicants initially came to talk
19 with the staff about a proposal which was for an
20 office building that included three floors above
21 that height limit and I think that initial
22 proposal has been included in the Board's

1 package, so you have seen the information on
2 that.

3 We started discussions with the
4 applicant on the project back in, I think it
5 was, October of last year. And in order to give
6 them the benefit of the doubt, we took the
7 position that it was their burden to demonstrate
8 the appropriateness of any construction above
9 the matter of right height limit.

10 So we have engaged in a series of
11 discussions with the applicant since October.
12 And as you can see, the present proposal
13 reflects those discussions, and it is now an
14 idea for one additional floor above the height
15 limit and then a penthouse above that.

16 We have, I guess, come to the point
17 where we have agreed to disagree and that's why
18 this is in front of the Board for your
19 resolution.

20 Talking about -- I won't go through the
21 Staff Report in detail because it's -- as you
22 see, it's -- it is itself in detail and I'll

1 just try to hit the highlights of it first
2 talking about the historic significance of 16th
3 Street.

4 This, of course, is a Historic
5 District. The existing buildings are non-
6 contributing to the Historic District, so the
7 question in front of the Board is for
8 compatibility of this new construction to the
9 Historic District.

10 16th Street, as we all know, is the
11 avenue that leads to the White House. That is
12 it's primary significance in terms of the
13 L'Enfant Plan.

14 It has a height limit of 90 feet, as I
15 said. And in the context of current planning
16 issues in Washington, that really is why the
17 height issue has been so much a point of
18 discussion.

19 The height limit has been discussed
20 recently in the press, generally. Sometimes
21 people don't recognize that there are two sets
22 of controls on height of development in

1 Washington. There is the Congressional Height
2 Act and then zoning in many cases limits height
3 further.

4 There are additional limits on height
5 in the D.C. Zoning Regulations and the height
6 limit on 16th Street is in the zoning
7 regulations and not in the height act.

8 Recently in the past decades, say, the
9 city has engaged gradually in raising height
10 limits in the downtown commercial area. This is
11 consistent with the city's policy to encourage
12 further development in the core of the city.

13 Smart growth is ultimately the driver
14 for this and recognition that there are good
15 policy reasons for encouraging as much
16 development as possible in the center of the
17 city.

18 Also, I think there has been a
19 recognition on most people's part that there do
20 need to be balancing considerations for historic
21 properties and the historic character of the
22 center of the city, the L'Enfant Plan using

1 vistas and historic buildings.

2 So it becomes a matter of trying to
3 establish priorities recognizing that it is the
4 city's policy to encourage density downtown and
5 the lifting of height limits as part of that
6 policy.

7 But, also, the city does have policies
8 about protection of the L'Enfant Plan and
9 historic districts/historic properties and those
10 policies are set out in the comprehensive plan.

11 I quoted a number of paragraphs from
12 the comp. plan in the Staff Report and I don't
13 want to go over those, necessarily, but merely
14 to point the Board's attention to the most
15 specific of those policies which does state that
16 future development on 16th Street shall be
17 compatible with the street's established scale.

18 The concerns that we have with the
19 proposal are that, in our view, the additional
20 height that's being proposed above the 90 feet
21 is visible in a way that amplifies the scale of
22 the building and it makes it apparent that the

1 building does not follow the same urban design
2 rules that have applied to 16th Street since
3 1984, as a matter of fact, when the 90-foot
4 height limit was first established for 16th
5 Street.

6 In addition, the cornice height of the
7 building, which is a little bit above 90 feet,
8 whereas the other buildings are limited to 90
9 feet, results in a nearly eight-foot difference
10 in cornice height with the immediate neighboring
11 building to the north, and that misalignment is
12 clearly perceptible and, we think, contributes
13 to what is a discordant relationship on a street
14 which is characterized by harmonious
15 relationships and a very even cornice line.

16 And the third objection I think we have
17 is the idea that establishing a 30-foot setback
18 from 16th Street and a 15-foot setback from the
19 side streets for an additional floor on top of
20 the building as acceptable is a very bad
21 precedent to set.

22 It will chip away at a very simple

1 fundamental urban design rule that has applied
2 to 16th Street for decades and that if there is
3 continual erosion of that rule, then 16th Street
4 will no longer be a special street within
5 downtown the way it now appears to be a special
6 street and that is consistent with its
7 ceremonial role as the approach to the White
8 House.

9 The concern about precedent is not just
10 a fictitious one. We have already been
11 approached by property owners on 16th Street who
12 are interested in adding floors on top of their
13 buildings.

14 The St. Regis Hotel has mentioned it.
15 The two labor unions at 16th and I Streets are
16 also in the process of looking at rehab of their
17 buildings and possible additions, and other
18 property owners along the street we know are in
19 the process of looking at construction, National
20 Geographic Society, for instance, and that's
21 been in the news.

22 The Staff Report looked at the existing

1 conditions up and down the street and this
2 question of what additional floors would do if
3 they were constructed up and down the street.

4 And I think it's fair to conclude that
5 adding an extra floor with this setback of 30
6 feet from 16th and 15th, 15 feet from the side
7 streets would result in situations potentially,
8 if this were established as a rule, that would
9 be incompatible both with the individual
10 historic buildings on the street and with the
11 character of the street as a whole.

12 And I think another conclusion that can
13 be drawn is that there is a distinct difference
14 between the visible penthouses that do exist on
15 16th Street and the question of adding an extra
16 occupiable floor which results in both a very
17 different architectural character for the mass
18 that is above the cornice line and also results
19 in raising the penthouse of the building one
20 extra floor higher so that the penthouses become
21 more visible.

22 And this effect can be seen, for

1 example, at the Hay Adams Hotel where the recent
2 addition of another floor on the hotel and the
3 construction of a new penthouse on the floor
4 above means that now the penthouse of the hotel
5 is visible above the White House when you look
6 at the White House from the Ellipse.

7 In the Staff Report, I did look in
8 particular at four buildings which do have very
9 noticeable construction above the cornice line:
10 1500 Mass., the apartment building, the Hilton
11 Hotel, the AFL-CIO building and the laborers'
12 union building directly across the street.

13 And I think that the important
14 distinction to draw is that in those buildings,
15 the additional height above the cornice line is
16 used as -- although it may have a mechanical
17 purpose. These are penthouses and they are
18 essential to the function of the buildings --
19 they are used as embellishments, as extenuations
20 of the architecture of the building and they're
21 used as part of the building design.

22 And as ways of creating a harmonious

1 monumental streetscape along 16th Street, many
2 of them refer to historical precedence.

3 In the case of the laborers' union
4 building, for instance, that building was done
5 by Eggers and Higgins, who are the successor
6 firm to John Russell Pope.

7 And in the same way that Pope's
8 Scottish Rite Temple farther up 16th Street was
9 drawn from the Temple of Halicarnassus, the
10 labor union building uses the same model.

11 And the penthouses of the labor union
12 building are part of a massing that is
13 referential to historic architecture and it is
14 intended to balance the collimated portion of
15 the building below the penthouse.

16 Others of these create extenuations and
17 establish a center point for the building -- so
18 1500 Mass. is one of those; the Hilton, as well
19 -- where the central focus draws your eye in an
20 appropriate way to an architectural extenuation,
21 while ensuring that the major portion of the
22 building still reads as a 90-foot building.

1 And I think that is a very different --
2 those situations are very different from the
3 situation that is proposed here where the
4 attempt is really not to create an architectural
5 embellishment to the building, but it's an
6 attempt to squeeze in a little bit more square
7 footage for the office building, but to hide it.

8 The architects, I think, have done
9 their best at trying to conceal the additional
10 floor as much as possible and to try to conceal
11 the penthouse as much as possible, but it
12 doesn't seem to us that that's the proper way to
13 design a city.

14 The construction above the cornice
15 height on 16th Street on the existing building is
16 well-designed so that when you do see it, it's
17 either innocuous, in the case of ordinary modern
18 penthouses, or it embellishes the buildings.

19 And I think that is a very important
20 reason why we feel that this situation is not
21 appropriate to the Historic District and our
22 recommendation is that the Board recommend that

1 the height be limited to the zoning height of 90
2 feet. Thank you.

3 CHAIRPERSON PFAEHLER: Thank you.

4 For the next step in the testimony, I
5 guess we'll -- do you think, David, we should go
6 to presentation from the applicants or should I
7 look to the ANC initially for comments that they
8 may have?

9 MR. MALONEY: I think the applicants,
10 certainly, yes.

11 CHAIRPERSON PFAEHLER: All right.
12 We'll proceed that way then.

13 Then if you wouldn't mind giving your
14 presentation to us on the proposed building
15 structure. Make sure, again, please press/push,
16 say your name clearly so the reporter can copy.

17 MR. STERN: Say my name first, right,
18 very good.

19 Good afternoon. My name is David
20 Stern. I am a principal for ICG Properties.
21 With me here today is Graham Wyatt from Robert
22 A.M. Stern Architects and Darrow Kirkpatrick of

1 Third Church of Christ, Scientist.

2 We appreciate the opportunity to
3 present our concept. We're going to be about
4 give minutes before we need the lights. Thanks.

5 But I will be brief as the main event
6 today is intended to be design.

7 We'd like to first thank David Maloney
8 and Steve Callcott of HPO for working with us
9 over the past seven months to help shape the
10 concept design we're presenting.

11 Although their report does ultimately
12 stop short of support, our proposal does
13 incorporate many of the suggestions they've made
14 in an effort to ensure compatibility with the
15 District.

16 We also want to express our deep
17 gratitude to the Dupont Circle ANC. The ANC has
18 been an ardent supporter of Third Church and our
19 efforts from the very beginning and their
20 support has been tremendously valuable and
21 encouraging.

22 I will not go into history as doing so

1 would easily consume all the time we have and,
2 perhaps, even more.

3 Suffice it to say that we've been
4 working with Third Church and the city since
5 2006 to redevelop this property. We are very
6 hopeful that today's hearing will mark a turning
7 point and enable us to move forward from concept
8 into reality.

9 Before moving into the design
10 presentation, we'd just like to highlight three
11 conceptual elements that really frame our
12 concept.

13 The first and most important is the
14 responsibility that we do feel comes with our
15 role in developing a site such as this one. We
16 are humbled and honored by the opportunity to
17 contribute to such a significant corner of the
18 city and we also respect the admiration that
19 some have expressed for the structures that
20 stand there today.

21 As Araldo Cossuta, the original
22 architect for the project and the buildings told

1 us, "My work should not be fossilized, but when
2 you replace it, make sure the replacement is an
3 even greater gift."

4 To that end, we've taken the time,
5 spent the money and we believe hired the best
6 team possible to deliver on that commitment to
7 deliver a greater gift to the city.

8 Second, our efforts required that we
9 reconcile, as David mentioned, the comprehensive
10 plans mandate for high-density commercial on the
11 site which the plan does define as characterized
12 by buildings of greater than eight stories with
13 the Sixteenth Street Historic District's 90-foot
14 cornice line and setback requirements for any
15 structures above that height.

16 It is worth noting that, although the
17 HPO report quotes extensively from the
18 comprehensive plan, it does not make reference
19 to that specific provision that calls for high-
20 density development on the site.

21 As you will see, our design has evolved
22 significantly and we do believe it now

1 represents an appropriate synthesis of these two
2 key objectives.

3 Finally, much has been made recently,
4 very recently, in fact, about precedent. Nearly
5 have the HPO report is dedicated to the argument
6 that our concept, specifically our ninth floor,
7 should be rejected to prevent other property
8 owners from asking for similar things in the
9 future.

10 To the extent precedent carries so much
11 weight, there are already some very clear
12 examples in our Historic District. Perhaps the
13 best precedent -- or, certainly, the best
14 precedent, frankly, is the recently approved by
15 this Board and supported by staff of HPO,
16 edition to the Hay Adams.

17 Our top floor, in fact, is lower and
18 our setback is more than three times as deep.
19 As a result, our top floor is virtually
20 invisible, as we'll show you in great detail,
21 from anywhere within the Historic District.

22 The HPO report, however, never mentions

1 the Hay Adams, nor is it highlighted or even
2 visible in any of its 38 photographs. Frankly,
3 we feel that it would be inappropriate and
4 unfair for our project to bear the burden of
5 other proposals which may or may not ever
6 materialize.

7 As was referenced in the previous case,
8 we should be speaking about the application at
9 hand and not about other projects that may come
10 along.

11 We're not unsympathetic to the
12 challenges that these proposals might present,
13 but with all due respect to our 16th Street
14 neighbors believe that each of them should
15 independently bear the burden of proving
16 compatible with the District just as we have.

17 Once again, we appreciate the
18 opportunity to present our project and
19 respectfully request that our height and mass be
20 deemed compatible so that we may proceed
21 forward.

22 CHAIRPERSON PFAEHLER: Thank you.

1 MR. KIRKPATRICK: I'm Darrow
2 Kirkpatrick. I'd just like to briefly express
3 our gratitude to ICG Properties for staying with
4 us in this six-year-long rather trying times.

5 I'm an engineer by profession having
6 headed the Navy department's urban planning
7 organization for the national capital region and
8 representing the Navy before the NCPC and CFA
9 and also serving as it's technical witness on
10 military construction before the congress.

11 I'm a native Washingtonian, joined
12 Third Church Sunday School in 1936. My
13 grandmother, mother, four of my aunts have been
14 members and, now, my wife and I are.

15 My professional activities have taken
16 me away from Third Church over the years, but
17 I've been back as a member the last ten years
18 serving for three of those years as its first
19 reader. That's the person who conducts their
20 services on Sunday and Wednesday.

21 Third Church has been serving the
22 downtown community for at least 94 years having

1 been located within six blocks of its current
2 location the entire time. Moving out of our
3 community has never been an option for us.

4 Ours has been a long and arduous
5 journey towards redevelopment beginning in
6 earnest in 1985 when we realized our church
7 structure did not adequately represent our
8 religious beliefs and exercise, did not
9 interface well with the community, and was built
10 when oil was two dollars a barrel using
11 materials that were somewhere between difficult
12 and impossible to maintain.

13 The Staff Report makes reference to the
14 landmark designation made without our consent
15 and our subsequent and successful appeal to the
16 Mayor's Agent. The report also alludes to the
17 derivative settlement agreement which allows us
18 to come before you today and for which we are
19 truly grateful.

20 No mention, however, is made of the
21 lawsuit filed by preservation groups in the
22 District Court of Appeals which seeks to rescind

1 our procedurally granted right to redevelop our
2 property, nor our case in Federal District Court
3 for being denied our religious rights under
4 RLUIPA. That's the Religion Land Use and
5 Institutionalized Persons Act.

6 Both of these cases are temporarily
7 stayed pending a satisfactory resolution to the
8 parties of our efforts to build a new church.
9 The Mayor's Agent appeal and these lawsuits have
10 taken \$315,000 of very precious resources out of
11 the collection plate to pursue our legal rights
12 which resulted in a serious degradation in
13 carrying out our mission of administering to the
14 downtown community.

15 We are hopeful that today will mark a
16 turning point in our long journey towards a new
17 home.

18 Now, to the current project. In our
19 testimony in 2007, which Mr. Aurbach and Mr.
20 Sonderman may remember, we stated, "We'd like to
21 be a part of a cooperative effort with the
22 community and its preservationists. With such a

1 partnership, we could create a church building
2 that the Historic Preservation Review Board
3 through its review authority, can ensure is
4 totally compatible with the Sixteenth Street
5 Historic District and its embodiment of the
6 L'Enfant Plan for the nation's capitol."

7 We believe that the project before you
8 today does just that. We have a strong desire
9 to have -- as again the two folks who have been
10 here before, you may remember, we have a strong
11 desire that our church eliminate what we've
12 considered to have been a substantial burden on
13 our religious exercise.

14 We believe that nothing expresses a
15 church religious exercise more than its
16 architecture, so it's very, very important to
17 us.

18 We are grateful that Robert A.M. Stern
19 Architects has incorporated the qualities in the
20 design that we feel are most important: light,
21 transparency, nothing hidden, welcoming outside
22 and inside, in a word "representational of us."

1 As will be explained to you by Graham
2 Wyatt, the partner in charge for Robert Stern
3 Architects, the conceptual design has been
4 through several iterations incorporating
5 comments from the HPO staff, the preservation
6 community and our ANC to be.

7 We have had numerous meetings covering
8 all levels within the Office of Planning, three
9 meetings with the DCPL Project Review Committee,
10 our meeting with our ANC Zoning Preservation and
11 Development Committee and two with the full ANC.

12 Working with the developer, the
13 architect and the preservation community, we
14 have learned that the Sixteenth Street Historic
15 District has evolved much over the past century.

16 We feel that the proposed design,
17 providing a graceful and artistic setting for
18 the church, continues in a positive way the
19 overall evolution of 16th Street.

20 We ask that you evaluate what you see
21 today as a part of the evolution of 16th Street,
22 and evaluate it on its compatibility with the

1 intent of the L'Enfant capitol framework and
2 other city plans and with the current
3 surroundings including how views of the block of
4 16th Street are significantly improved when
5 viewed from the street level.

6 We think that the project will improve
7 the experience of people residing in and
8 traversing this block of 16th Street. It is not
9 our desire to push the envelop, but, rather, to
10 raise the bar.

11 We look forward to being an integral
12 part of strengthening the historic and
13 architectural presence of the Sixteenth Street
14 Historic District. Graham will take it from
15 here.

16 MR. WYATT: Thank you, Darrow. Graham
17 Wyatt, partner with Robert Stern Architects.

18 And I would also like to thank the
19 staff of the Historic Preservation Office and
20 David and Steve for having worked with us over
21 seven months. We've been at this now with the
22 church and ICG for in excess of a year.

1 And as David said, it doesn't, I think,
2 benefit any of us to go through all of that in
3 detail, but there is a certain portion of it
4 which I think is an important preamble to the
5 case which is in front of you today.

6 And, yes, now I will go to the slides.

7 MR. SONDERMAN: Can I interrupt? May I
8 interrupt just for a moment?

9 MR. WYATT: Yes.

10 MR. SONDERMAN: There's a little scene
11 going on in the back here.

12 For all of you folks coming in from
13 that side door, if you come down to this other
14 end, there's plenty of seating on this other
15 side.

16 And there's a door over here and you
17 can just go right down the hallway and come in
18 and sit down and it's right on this other side.

19 CHAIRPERSON PFAEHLER: To be left-
20 brained, instead of right-brained, for a minute
21 while you watch that.

22 MR. SONDERMAN: Thank you.

1 MR. WYATT: In addition to the thanks,
2 it's important to say at the outset that my team
3 and I am personally am considerably honored to
4 be working on this project and two really
5 important and, I believe, compatible
6 constituencies here.

7 One is the church and the church has
8 been a most fantastic client for us because they
9 are so clear in their vision and this is really
10 a home, a new home for them on a site.

11 They're very committed to remaining on
12 this site and so this is certainly not, in my
13 mind, a commercial building, except insofar as
14 that is a vehicle for allowing the church to
15 remain in this important location.

16 Second, this is a very important site
17 and that's why I start with this slide. Of
18 course, you know where the site is, but in my
19 mind and my understanding of Washington, D.C.
20 with its L'Enfant Plan and McMillan Plan and the
21 1910 Height Act.

22 There is within the L'Enfant Plan the

1 cardo decumanus, this sort of basic north-south
2 and east-west streets, which define the city and
3 this is right on the cardo. And so we don't
4 take it all lightly, the responsibility to build
5 on this site.

6 And I also have to say at the outset
7 that with that background, I agree with most,
8 almost all of the comments that are in the Staff
9 Report related to observations concerning other
10 aspects of development, both historic and
11 potentially future along 16th Street.

12 Where I -- and I say this both
13 professionally and personally -- I disagree is
14 with the interpretation of what this means on
15 this specific site and this specific project as
16 it now comes in front of you after seven months
17 of back-and-forth at the staff level.

18 And so I do feel strongly that the
19 design, as presented, really is entirely
20 appropriate to its Sixteenth Street Historic
21 District urban context and particularly, now, to
22 quote from the report itself, "compatible with

1 the street's established scale."

2 Let me launch into what's there now by
3 way of background because these surrounding
4 buildings are important in the discussion as we
5 move forward.

6 Here are two aerial views. And I
7 stress, and I'll continue to stress during this
8 presentation, that really what you see from the
9 air is not significant insofar as it's what you
10 see from the street that really counts here.

11 But this is by way of orientation the
12 existing -- I apologize for those of you who
13 have a giant column in front of the screen, but
14 here is the existing church and the so-called
15 "Monitor Building."

16 Immediately to the west of the site is
17 a building which I will refer to several times,
18 1625 I Street, which is outside of the Historic
19 District and, therefore, constrained by
20 different height regulations that actually rises
21 to 165 feet.

22 And then here visible on the right-hand

1 slide immediately to the north of the site is a
2 building called 1600 K Street at the corner of K
3 and 16th.

4 Here -- and, now, I think this really
5 is appropriate, what do you see as a member of
6 the public at the street? The church as it
7 exists right now at the corner and the
8 streetscape receding both along I Street and
9 16th.

10 When we first brought this design to
11 the Historic Preservation Office and started to
12 meet with various civic and public groups in
13 late summer and early fall of last year, the
14 building that we presented at that time, as
15 David has correctly characterized it, was an
16 eleven-story building which raised -- which came
17 to a maximum height of 130 feet marked here,
18 (indicating), with a mechanical penthouse above
19 that.

20 It did have incorporated in its design
21 a significant setback and cornice line at 82
22 foot 6 inches, so somewhat less than the height

1 of most of the buildings along 16th Street.

2 Based on our initial discussions with
3 groups, and particularly with the Historic
4 Preservation Office, we came back with an
5 altered design -- this is now January of this
6 year -- that was a ten-story building and it had
7 dropped the height of the top occupied floor to
8 slightly more than 120 feet.

9 But specifically at the suggestion of
10 several groups and the Historic Preservation
11 Office, we had raised the cornice line by one
12 story, so that it more nearly matched various
13 other buildings along 16th Street, and that was
14 based on a rather detailed study of those
15 buildings.

16 Initially, our assessment was 90 feet
17 is what everyone says, but when we really got
18 into it, we realized there are various different
19 heights that are around 90 feet and I'll show
20 you a bit more about that in a moment.

21 We also realized that 16th -- of
22 course, we all knew in our hearts that 16th

1 Street is not a flat street; that it drops from
2 the south to the north at first rather
3 significantly from H Street to K and then much
4 more gradually north of K until it gets halfway
5 to Scott Circle, at which point it starts to
6 rise again.

7 So the height of all of these buildings
8 is different depending on whether you're
9 measuring them in absolute terms or relative to
10 their own site.

11 When we came back last, our third and
12 current proposal which was submitted and is the
13 subject of review today, we had dropped the
14 building to nine stories and the cornice line
15 along the street is at 93 foot 8 inches,
16 measured above the grade at that site.

17 The top occupied floor, that one floor
18 setback, the ninth floor which the Staff Report
19 refers to, rises to 107 foot 8 inches, again
20 above the measure point on the site.

21 And, finally, the mechanical penthouse
22 rises to a height of 123 foot 6 inches.

1 What does that mean in terms of these
2 various height data along 16th Street? First,
3 the 90-foot question and its relationship to the
4 topic of height compatibility.

5 The building immediately to the north,
6 which I mentioned a moment ago, 1600 K Street,
7 in fact, within an inch or two based on a real
8 surveyor with a laser theodolite on the site,
9 has a cornice line of approximately 90 feet.

10 Looking at other buildings up and down
11 16th Street, though, we find that those heights
12 vary considerably.

13 And to pick one example, the height of
14 the dominant cornice on the Hay Adam Hotel is 93
15 foot 4 inches, almost the same as what we're
16 proposing at 900 16th Street, with the exception
17 that the ground elevation here is more than
18 four-and-a-half feet higher. So in absolute
19 terms, the cornice of that building is four-and-
20 a-half feet higher than what we're proposing.

21 Similarly, the cornice on the Motion
22 Picture Association building, which is indicated

1 as being 90 feet high, in fact, is almost two
2 feet higher than that when measured in
3 relationship to the data point of the block
4 immediately to the north, which is the block
5 that the church occupies.

6 Finally, one that might look like it's
7 a very tall building, the Capitol Hilton, at 94
8 foot 2 inches, in fact, is a few feet lower.
9 And so it's close, but, if anything, slightly
10 lower than the cornice line.

11 And that is true with other buildings.
12 I won't go into them in detail, but the Labor
13 Union International, the AFL-CIO. None of these
14 buildings are exactly at 90 feet in any absolute
15 term.

16 Some of them are relative to their own
17 sites, but the dominant impression, as it is in
18 Paris, which is really the progenitor of this
19 sort of cornice line legislation, the dominant
20 impression is of a unified streetscape, and we
21 continue to feel strongly that the height that
22 we are proposing here is correct.

1 There is then the next datum. All of
2 these buildings, as the Staff Report points out,
3 have setbacks and they have setbacks some of
4 which lead to occupied roof space -- enclosed
5 space at the roof level and some of which are
6 mechanical.

7 Our top occupied floor has a roof
8 elevation of 107 foot 8 inches, again, measured
9 from its respective grade point.

10 And you can see looking up and down the
11 street the Hay Adam, which David Stern has
12 pointed out, is only one-third the setback that
13 we're proposing comes to almost exactly the same
14 height in absolute terms -- in relative terms,
15 but absolutely, remember, that's four-and-a-half
16 feet higher than what we're talking about.

17 And, similarly, up and down the street
18 there are other significant portions of roof
19 almost all of which are much closer to the
20 street plane than what we're proposing and are,
21 in fact, visible which come to, more or less,
22 that same elevation.

1 And, finally, there is the top
2 mechanical penthouse that we're proposing and
3 there are a variety of object enclosures on
4 adjacent buildings which come to similar heights
5 within that plane along 16th Street.

6 But, really, what's important in all of
7 this -- and I know I've said this before and
8 I'll say it again -- it's important what's seen
9 from the street. It's what's the appearance
10 within the public domain.

11 And that has to do greatly with the
12 amount of the setback. So here are sections
13 taken through 16th Street. Every one of these
14 shows the cross-section of 16th Street here at
15 the Hay Adams Hotel, the cross-section of 16th
16 Street here at the Motion Picture building, et
17 cetera, the Solar Building, which is just north
18 of K Street.

19 And in each of those three cases, it's
20 clear from the red line that we've drawn, which
21 is a one-to-one setback, that the Hay Adam with
22 its addition, the Motion Picture building with

1 its penthouse and the Solar Building with its
2 several occupied and unoccupied roof structures
3 all, more or less, follow a one-to-one setback.

4 And on most streets in Washington, D.C.
5 that would actually be a very effective way to
6 obscure what's on the roof from the street.

7 On 16th Street, which is extra-wide,
8 it's not the case. And here in the proposed
9 cross-section of 900 16th Street, you can see
10 that the setback, both at the ninth floor and
11 eventually to the mechanical penthouse, are
12 significantly greater -- or more shallow is
13 probably the right way to put it -- than the
14 one-to-one setback.

15 And very significantly here, a line
16 that connects both of those points with the
17 cornice falls slightly above eye level at the
18 face of the building wall and the opposite side
19 of 16th Street, the effect being that those
20 structures are largely invisible, in most
21 situations totally invisible when seen from the
22 street. But I'll demonstrate that in a moment.

1 A little bit about the plan -- I've
2 jumped very quickly into representations of roof
3 heights and sections. But I do think it's
4 important in this discussion to understand how
5 we're using what is, in fact, a fairly small
6 site.

7 On the site, there will be an office
8 building entrance and a lobby with a certain
9 amount of ground floor retail which is located
10 -- proposed to be located at the intersection of
11 16th Street and I Street.

12 The church itself will occupy a mid-
13 block site. It will have its own entrance. In
14 fact, it will have two entrances because the
15 culture of the church is one which is very much
16 based on an entrance for the congregation space,
17 the auditorium, and a separate entrance for the
18 Christian Science Reading Room, and both of
19 those very open, glassy and accessible to the
20 street.

21 Darrow used the word "transparent" and
22 that's been a touchstone word for us as we've

1 been designing the building.

2 So here -- by way of history, this is
3 the initial design which we brought to community
4 groups and the Historic Preservation Office back
5 in September of last year, an eleven-story
6 building.

7 Now, as a result of discussions coming
8 out of that, a variety of changes were made and
9 I will point them out here.

10 First, the concept was that there was a
11 frontispiece building which had a double height
12 expression of stone peers and horizontal stone
13 bands, that there was a one-story base that
14 entrance to the retail, that had entrance to the
15 office building and that had entrance to the
16 church -- and you'll see more of that in a
17 moment -- and that there is an entrance to
18 parking in this location, that the cornice line
19 on this building was both significantly below
20 1600 K Street to the north, which as I pointed
21 out a moment ago, is one of the lower buildings
22 along 16th Street.

1 It was also significantly lower than
2 the Labor Union International facing the site on
3 the east side of 16th Street and significantly
4 lower than adjacent buildings to the south along
5 16th and to the west along I Street.

6 So the suggestion was made that that
7 height should be more compatible with the
8 neighboring buildings along 16th Street.

9 There was also objection at that time,
10 and no hiding it, to the overall height of the
11 back portion of the building.

12 And as the Staff Report points out,
13 that the back portion of the building
14 architecturally was set off and distinguished
15 from the front portion, that it was expressed as
16 two different components of the building, rather
17 than one unified building.

18 Returning in January, we had raised the
19 cornice line to 93 foot 8 inches, and I've
20 explained the various reasons for doing that.
21 It involved adding one floor and we did it by
22 making a double-height base, which was at the

1 specific request of staff at the Historic
2 Preservation Office, but also others, and made a
3 tremendous amount of sense to us. So that
4 change was made both at the base and at the
5 cornice line.

6 One floor was removed from the building
7 and the building was set back somewhat further
8 both along 16th Street and along I Street.

9 A variety of discussions ensued as a
10 result of this option and, finally, the one that
11 was submitted is shown here where the building
12 continues to have the two-story base, continues
13 to rise to the 93 foot 8 height.

14 The further floor was removed so that
15 there is a single floor, which is invisible in
16 this view, set back by 15 feet along I Street
17 and 30 feet along K Street and a mechanical
18 penthouse above that.

19 Very important to point out, this is
20 not part of the building here rising to 165
21 feet. That is the tower or as the Historic
22 Preservation report refers to it, the campanile

1 on the 1625 I Street building.

2 Another view or series of views
3 produced at the same time, so, hence, the same
4 chronology, this is a view from the northeast
5 looking southwest toward the building along 16th
6 Street. You're standing, more or less, in the
7 curb line.

8 To the south is the Motion Picture
9 Association and south of that visible here is
10 the Hay Adam. This was the eleven-story
11 building as initially submitted.

12 Here is the ten-story building and in
13 this particular image, I hope that it become
14 clear how much more appropriately the building
15 aligns with the cornices to the north of it and
16 also the extent to which the back portion of the
17 building has receded.

18 Now, this is a very important point to
19 discuss a little bit about the church. Here for
20 the first time the church structure becomes
21 really visible to you.

22 The church is a two-story structure

1 with a double-height auditorium on the second
2 floor, so it actually cuts up in to the third
3 floor of the office building.

4 Located here on the street is the glass
5 front to the Christian Science Reading Room with
6 its own entrance.

7 Immediately adjacent to that is the
8 glass front entrance to the church with its
9 childcare facilities and its offices and its
10 auditorium space.

11 And the auditorium space itself here is
12 double height behind this crystalline glass
13 structure and the office building is carved away
14 so that it creates a 16-foot, 2-inch deep recess
15 within that -- within which the church is
16 located.

17 This is the option which is presented
18 today, the nine-story design. A comment that
19 was made -- and, here, I'm going to back for a
20 moment -- a comment that came from the Historic
21 Preservation Office was that the design of the
22 facades still expressed too much separation and

1 division between the front and back portions of
2 the building, that there is a desire that this
3 will become more of a background building, that
4 it fit into the overall continuity of materials
5 along 16th Street.

6 And so in addition to lowering the
7 building, we changed it all to stone frame,
8 instead of having bronze which had been
9 previously proposed for the back portion. So
10 this is the building as presented currently.

11 And I'm sorry to have to do this, but
12 I, again, point out that what you see here is
13 not a portion of the building, but is the tower
14 on 1625 I Street, which is visible in the
15 distance.

16 Now, let's go to elevation so that I
17 can explain this orthogonal projection. This is
18 a section again cut through 16th Street showing
19 the Labor Union International building on the
20 east side, showing the proposed 900 16th Street
21 here and showing the outline/the profile of 1625
22 I Street on the left-hand side.

1 And here you see the frontispiece of
2 the building, the portion that comes right to
3 the property line on 16th Street rising to 93
4 foot 8 inches, set back by 30 feet, rising by
5 one story and set back by more than 22 feet, the
6 total setback being in excess of 52 feet or
7 almost two-thirds of the full depth of the
8 property from the eastern property line to the
9 face of the --

10 MR. TAYLOR: Before you go forward --

11 MR. WYATT: Yes.

12 MR. TAYLOR: -- when you called out the
13 93 feet at the top of the building --

14 MR. WYATT: Ninety-three.

15 MR. TAYLOR: -- right, that point --

16 MR. WYATT: Yes.

17 MR. TAYLOR: -- and then you said the
18 setback is 30 feet?

19 MR. WYATT: Yes.

20 MR. TAYLOR: And then you said it's one
21 story, well, you changed the nomenclature. Give
22 me the height and feet. We're going from 93 to

1 --

2 MR. WYATT: To 107/8, I believe.

3 MR. TAYLOR: Okay, thank you.

4 MR. WYATT: Certainly. And then here's
5 a view in the opposite direction.

6 This is looking west, so you see the
7 cross-section on I Street here. This shows the
8 Motion Picture Association building.

9 This is the profile of the 1625 I
10 Street building beyond with its tower portion
11 rising above and here you see the church in its
12 recessed portion of facade, adjacent to 1600 K
13 Street the one-story, ninth floor which rises to
14 107 foot 8 inches and then the mechanical
15 penthouse set back beyond that.

16 And these are the setback amounts.
17 I've given them to you verbally, but I'll show
18 them here in section, a section cut east-west,
19 30-foot setback at the eighth floor roof to the
20 ninth floor face, and a further 22 foot 1 inch
21 setback from the ninth floor cornice to the
22 penthouse face.

1 Quickly running through the plans, the
2 church at the ground floor occupies the center
3 portion and its back is a loading dock which
4 comes in from a service alley in the back.

5 But at the second floor, the church
6 runs all the way through and has light from both
7 sides. At the third floor, there are church
8 offices around double-height spaces and looking
9 down into the auditorium.

10 And above that is the office building
11 floor plate. Significant here is the way in
12 which the office building floors at this lower
13 level are carved away in order to allow or give
14 pride of place to the church.

15 And now I'm running floor by floor.
16 Here you have the seventh and the eighth. There
17 are two setbacks at the corners of the eighth
18 floor.

19 At the ninth floor, the entire building
20 is set back by 30 feet and at the mechanical
21 penthouse, it's set back by a further 22 foot 1.

22 There are three lower levels, a

1 potential for 135 cars and here you see two of
2 those levels and here the third. It's probably
3 not the subject of today's discussion, but I
4 felt it was important to see the building in its
5 totality.

6 Landscape is something that really
7 distinguishes 16th Street. The diagonal
8 boulevards/avenues of the L'Enfant Plan tend to
9 have often service roads at the side and
10 sometimes large landscaped buffers with private
11 space.

12 16th Street is unique in the way in
13 which it does that. It has a fairly narrow tree
14 zone. It has a generous sidewalk. It then has
15 another public tree zone and, finally, it has
16 what was historically a front yard zone.

17 In the few remaining houses, buildings
18 that were originally houses along 16th Street
19 maintain that. We are proposing to do the same.

20 We would reestablish the pattern of
21 front yard with either green planted spaces,
22 paved spaces, which are the entrance to the

1 church and the office building, or paved spaces
2 which are accessible for outdoor dining here and
3 here.

4 I should point out that because the
5 owners of 1600 K Street are the same as part of
6 the ownership of the proposed 900 16th Street,
7 that the proposal is to landscape this entire
8 block and not just the portion in front of the
9 building.

10 MS. ALLY: Could you point out --
11 sorry.

12 MR. WYATT: Yes.

13 MS. ALLY: Could you point out what
14 roof spaces are occupiable.

15 MR. WYATT: Oh, yes. Let me go back
16 for that.

17 The question was which roof spaces are
18 occupiable and there is occupiable roof space
19 which is shown here in the cream color, which is
20 accessible from that ninth level, which is set
21 back, and there is the potential for some
22 occupied space, not all of it, at the penthouse

1 level.

2 The elevators run up there and there is
3 mechanical equipment. In fact, everything
4 that's shown in purple there is mechanical
5 equipment, but one can access that roof and it
6 would have a green roof on it and some paving.

7 A series of sections that are cut
8 through the landscape -- and I won't dwell on
9 the detail of these, but there are a few
10 important points to be made -- one is that the
11 historic pattern of landscape along 16th Street
12 is a double row of trees.

13 The street trees are now relatively
14 consistent along 16th Street. In recent years,
15 more of them have been planted and the
16 consistent pattern has gradually returned.

17 There was historically a much more
18 established secondary row of trees which were
19 right at the front of the private gardens that
20 lined 16th Street. And some of those trees
21 remain and we are proposing to plant two of them
22 in front of this property.

1 Then there is a zone which can either
2 be planted with earth or, as you see i tin this
3 section, can have the paved entrance into the
4 church or in these two sections either an
5 entrance into the office building or a paved
6 area for the caft.

7 A few views of the church itself. And
8 here I'm not going to show you three different
9 iterations chronologically. I'm simply showing
10 you the design as it stands currently with the
11 nine-story building here facing southwest.

12 You saw that a moment ago in a
13 different view, the entrance to the Christian
14 Science Reading Room, the glassy, crystalline
15 structure of the two-story auditorium above seen
16 from the west dead on. I think that speaks for
17 itself.

18 And here a view looking to the
19 northwest. I'm showing the way in which the
20 glass structure of the church is nestled up
21 against the adjacent 1600 K Street building.

22 When we -- yes.

1 MR. TAYLOR: Go back one. On your site
2 plan, you show in between the church entry and
3 the reading room entry there appears to be a
4 pool or a fountain or a water feature.

5 MR. WYATT: Yes, that's correct.

6 MR. TAYLOR: Talk a little bit about
7 that.

8 MR. WYATT: There are two notable
9 landscape features in that plaza area. One is a
10 low and we're currently proposing a black
11 granite water feature that would be covered with
12 water.

13 It would have a low fountain at one end
14 and a skin of water would run over the entire
15 structure and run down its side. It would be
16 held up from the ground a little bit to the
17 bottom, so there would be a constant light noise
18 of water there.

19 MR. TAYLOR: So it's probably within
20 the first 18 inches of grade, the height of the
21 water feature?

22 MR. WYATT: We haven't determined that,

1 but, more or less, that height, that's right.

2 MR. TAYLOR: Okay. And nothing gushing
3 up. It's all very low.

4 MR. WYATT: Our thinking right now is
5 that it's a skin of water that just flows over
6 the surface of that.

7 MR. TAYLOR: Okay, got it.

8 MR. WYATT: Nothing gushing out.

9 MR. TAYLOR: Thank you.

10 MR. WYATT: But it does have the
11 functional purpose within that plaza space of
12 somewhat dividing the entrance experience into
13 the reading room and the entrance experience
14 into the auditorium and the other functions of
15 the church which the church felt was desirable.

16 So aside from its aesthetic component,
17 there's a specific functional component.

18 The other aspect which is only hinted
19 at in these drawings is that there is an
20 opportunity -- this is yet to be determined how
21 that will be handled -- of placing the historic
22 bells which are on the church and fixing them in

1 a location so people can see them and touch
2 them.

3 They wouldn't be operable bells, but
4 they're right there at the front door. So it
5 keeps activity and some interest in that plaza
6 at the entrance to the reading room.

7 MR. TAYLOR: Thank you.

8 MR. WYATT: Now, in our several
9 meetings with the Historic Preservation Office,
10 they, quite rightly, observed that in addition
11 to the two perspective views that I've already
12 showed you of the overall building and the three
13 perspective views for the church itself, that,
14 really, their purview and their concern is
15 anyplace where the building would be seen from
16 ground level, from publicly accessible ground
17 level, but specifically where it would be seen
18 from within the Sixteenth Street Historic
19 District.

20 And so with that in mind, and sharing
21 that concern, we -- my team and I came and from
22 dawn to dusk and then followed by many days of

1 work started with 669 different photographs.

2 We went all the way down to the south
3 end of the Tidal Basin and various locations
4 around the mall because, as David Maloney just
5 pointed out, the penthouse on the Hay Adam Hotel
6 is, in fact, visible from the rise at the base
7 of the Washington Monument.

8 And we then thoroughly photographed up
9 and down K Street from Lafayette Square up to
10 Scott Circle and also along I Street from
11 McPherson Square across to Farragut Square and
12 beyond and looked as much as could at every
13 point where the building would be visible.

14 From that, and a review of that, we
15 narrowed it to, if memory serves me correctly,
16 43 views and we reviewed those with the Historic
17 Preservation Office.

18 There were between a dozen and a dozen
19 and a half, around 18 that were really deemed to
20 be significant.

21 And then we, using computer, modeled
22 all of that and modeled the proposed building

1 and inserted it into those views. So I'm not
2 going to show you 669 views today. Be spared.

3 But here, let's start. At Scott Circle
4 itself, the building is largely invisible. But
5 as you're moving south from Scott Circle along
6 the east side of 16th Street, the building
7 starts to be visible about halfway from Scott
8 Circle down to 16th Street -- down to K Street,
9 yeah, and I'll point that out.

10 And each one of these you see there's a
11 reference plan. You can see all of the various
12 photograph points that were considered and the
13 second culling of photos and then you can see
14 the one in question that we're using, so this is
15 point seven.

16 And you're looking down the building.
17 The frontispiece is here. And in the eleven-
18 story version, there's a piece of it which is
19 visible there.

20 This is the building in the ten-story
21 version and that's the building in the nine-
22 story version. So in this particular case, at

1 that height, except for the portion which is
2 below 93 feet, the building is invisible.

3 Moving further down, now it's point
4 nine on the key plan, you are standing at L
5 Street in the north side of L and the east side
6 of 16th.

7 Looking south, this is the eleven-story
8 version, so that was September. Here we are
9 around the holiday season in January. You have
10 ten stories.

11 And here is the building at nine
12 stories. And, again, this you see right here is
13 not the building that is 1625 I Street.

14 This is a view that was probably the
15 most prominent of all the photographs we took.
16 There was no photograph that showed the building
17 more significantly, and particularly its upper
18 portions, than this one.

19 Here it is, so view 12 had become a
20 touchstone view. Here it is at eleven stories
21 and here it is at ten stories and here as the
22 building as currently presented. And in this

1 view you can see the change to the double-height
2 base, the change in material so that the two
3 planes of the building are both clad in stone.

4 You see now prominently the tower of
5 1625 I Street and showing beyond and this is one
6 of three views in this entire sequence of 669
7 where one can see the ninth floor.

8 The ninth floor is just this strip of
9 building -- of windows here. (Indicating.)

10 The Staff Report comments -- and here
11 I'll read it. It says, "In view 12 of the
12 submission, for example, the top floor and the
13 elevated penthouse are easy to see and would be
14 even more visible further east along K Street."

15 And I really have to leave it to you.
16 This is your decision how significant that view
17 is.

18 But I will point out that as you move
19 more than a few feet east along 16th Street, it
20 becomes invisible because the St. Regis Hotel,
21 which is located right here, (indicating), then
22 by force of perspective blocks it out of view.

1 Another prominent view was taken very
2 near that. This is view 13. You are now on the
3 north side of K Street at the northeast corner
4 of K and 16. This is the original design of
5 September.

6 Here you see -- and I hope this makes
7 it very clear -- the difference in compatibility
8 of these cornice lines.

9 In fact, I'm going to toggle back for
10 you here the cornice line in relation to the Hay
11 Adam, Motion Picture building and the proposed
12 building and here you can see how much lower it
13 was previously.

14 The building has gone from an eleven-
15 story to a ten-story building here and, now, you
16 see it in its nine-story version. In this
17 particular view, nothing above the 93-foot
18 cornice line is visible.

19 This is the penthouse of 1600 K Street
20 and 1600 K Street's cell phone transponders and
21 mechanical equipment. And that is the
22 mechanical tower on the top of 1625 I Street.

1 But neither the ninth floor, nor any of the
2 mechanical floor on 900 16th Street is visible
3 from this vantage point.

4 Now, let's shift to I Street for a
5 moment, I Street starting at the east moving
6 west. First, we're starting on the far side of
7 McPherson Square. McPherson Square is here.

8 You are on the south side of I Street
9 because anything on the north side of I Street,
10 you don't see the building at all.

11 Here is the building in question in its
12 eleven-story version, in its ten-story version
13 where we significantly increased the setback
14 along I Street and in its nine-story version
15 where nothing above the 93-foot cornice line is
16 visible.

17 A view that was added recently,
18 specifically at a Historic Preservation Office
19 request, is this view 23 which is taken from the
20 south side of I Street east of 16th Street, but
21 set back a little bit from 16th Street, the idea
22 that that would be one of the places where the

1 building is most visible.

2 And here it is in its eleven-story
3 version, here it is in its ten-story version and
4 here it is in its nine-story version.

5 Again, what you're seeing here is the
6 penthouse of the existing 1600 K Street and what
7 you're seeing here is the tower of 1625 I
8 Street, but in this portion you're not seeing
9 any of the ninth floor or the mechanical
10 equipment above.

11 I Street taken from the west looking
12 east, one is now standing at the south end of --
13 more or less in the middle of Farragut Square.

14 The building is located here in its
15 eleven-story version, here in its ten-story
16 version. And I hope this makes it, again, quite
17 clear why that change in cornice line was so
18 important, the way in which the proposed
19 building with its 93-foot cornice aligns with
20 the Labor Union International building on the
21 other side of 16th Street.

22 At this version, we had set back

1 considerably any development above 93 feet, but
2 when the building went to nine stories, that is
3 now all invisible. Neither the ninth floor, nor
4 the mechanical space, is visible.

5 A series of views taken from the south
6 of Lafayette Square and looking north along 16th
7 Street, so here is the Hay Adam Hotel. Just the
8 thinnest edge of the penthouse of the Hay Adam
9 Hotel is visible here from this particular view.

10 One can see, again, just the leading
11 edge, the corner of the penthouse on the Motion
12 Picture building and here is the proposed design
13 as of September last year at eleven stories.
14 Here it is after reworking to get it to ten
15 stories.

16 And here it is as currently proposed at
17 nine stories. And I hope, once again, that the
18 compatibility of the cornice lines along here is
19 clear from this photograph.

20 Finally, and wrapping up here, a few
21 views that show the proposed building in
22 relationship to what's there right now because

1 we do take, and I take, very seriously this
2 issue of completing the streetscape along 16th
3 Street.

4 Although the church itself is a
5 distinguished building and has an individual
6 character, it doesn't contribute to completing
7 that streetscape.

8 And here you see the building as
9 proposed right now is nine stories and filling
10 in that open space and completing the street
11 wall which is something that the Historic
12 Preservation Office has told us they also value
13 very much.

14 And then finally back to that one view.
15 This is the last view that the Historic
16 Preservation Office had asked for very
17 specifically and I leave this in summary.

18 This is the building as currently
19 proposed and we really do, I feel strongly, that
20 this appropriate to the spirit and the context
21 of the Sixteenth Street Historic District and
22 that it is, again to quote from the report,

1 "compatible with the street's established
2 scale."

3 And I would hope that with the amount
4 of work that we've done, the study and the work
5 that's gone into changing the design, that you
6 would agree and that today you would approve the
7 basic massing of the building specifically as
8 proposed with the understanding that we will
9 return to the staff for the review of materials
10 and details and exterior architectural
11 expression as outlined in the HPO report.

12 Thank you very much.

13 CHAIRPERSON PFAEHLER: Thank you, Mr.
14 Wyatt, and other members of the applicant party.
15 I appreciate your time and certainly appreciate
16 the effort.

17 MR. WYATT: Thank you.

18 CHAIRPERSON PFAEHLER: And the
19 presentation was very thorough. Thank you.

20 At this time I think we'd like to
21 invite anyone from the ANC. We'll let
22 everybody's eyes adjust first before everybody

1 stands up.

2 MR. WYATT: A cup of coffee, you can
3 all wake up.

4 CHAIRPERSON PFAEHLER: And as a matter
5 of course, just reinforcing what Mr. Wyatt has
6 said, you'll hear it said several times we are
7 not interested in discussing the demolition of
8 either of the buildings, either the church or
9 the monitor building.

10 We are not also here to talk about the
11 plaza or landscaping. We are here specifically
12 to focus on preservation issues as it relates to
13 the concept compatibility with the character as
14 defined on 16th Street.

15 So I'd ask you in light of the room
16 filling up incredibly for this case, to focus
17 your efforts on that and your comments on that,
18 please.

19 And when we get to the public testimony
20 part, you'll hear me repeat it again and we'll
21 have a timed agenda --- we have a timed agenda.
22 So for the public portion of the testimony,

1 we'll stick to three minutes.

2 That's a good suggestion, yeah. If
3 you're here to speak -- after we have the folks
4 from the ANC and the community groups speak, are
5 there other people that would be interested in
6 speaking -- if you'd raise your hands --
7 speaking to this case.

8 It's mostly McMillan, okay. Seven or
9 eight, okay. Why don't we have the folks from
10 the ANC.

11 And then we'll ask the applicants and
12 the folks from the ANC to step back and then
13 other individuals if you'll step up, we'll do it
14 in a big wave. We'll do it that way.

15 Victor, if you wouldn't mind pushing on
16 -- push on the microphone and say your name for
17 our recorder, that would be great. If you're
18 going to move around, we have a portable
19 microphone we'd be glad to give you.

20 MR. WEXLER: Okay. I am only going to
21 move around to distribute what I have written;
22 otherwise, I will be sedentary.

1 CHAIRPERSON PFAEHLER: Absolutely.

2 Thanks for obliging us.

3 MR. WEXLER: (Handing out document.)

4 I'm happy to be able to make this
5 commentary. We have worked closely with the
6 applicant in trying to achieve something that --

7 CHAIRPERSON PFAEHLER: And, Victor, I'm
8 sorry to interrupt you again. If you wouldn't
9 mind saying your name --

10 MR. WEXLER: I am sorry.

11 CHAIRPERSON PFAEHLER: -- in the
12 microphone.

13 MR. WEXLER: My name is Victor Wexler
14 --

15 CHAIRPERSON PFAEHLER: Thank you.

16 MR. WEXLER: -- W-e-x-l-e-r. I am the
17 single-member representative, the commissioner
18 for the structure. The church falls entirely
19 within my elected parameters.

20 We've all worked a lot on this for a
21 long time and what interests me as I begin to --
22 will try to curve my verbosity by reading, is

1 that the ANC feels that it's an integral part of
2 this process and we feel that we have a real
3 responsibility because we are the only elected
4 representatives who are able to articulate what
5 we feel is to the benefit of the neighborhood,
6 to the residents, to the businesses and the
7 people living here.

8 On November 9th, 2011, the ANC voted
9 unanimously to support the concept design which
10 was presented at that time.

11 While the resolution of support
12 expressed the pleasure of the ANC at the many
13 triumphs of the concept design presented at that
14 time, in particular the gorgeous faceted
15 crystalline ornamentation atop the church
16 entrance, as well as the preservation and
17 expansion of vegetative space and efforts to
18 enhance the green swath in front of the church.

19 We all felt that lower 16th Street
20 would benefit enormously from the elegance of
21 the new structure.

22 The church falls entirely, as I've

1 said, between my member district and I was
2 elected to articulate what I believe would be
3 the best benefit of the residences and
4 businesses that create the Avenue of the
5 Presidents even as it approaches the White
6 House itself. We feel the applicant's design in
7 this last iteration does that.

8 Within the resolution of approval, the
9 ANC did express some concern at the massing of
10 the new proposed building. I was, therefore,
11 enormously pleased that in the subsequently
12 revised concept design, the one under
13 consideration now, that our concern was
14 successfully addressed by the elimination of two
15 floors.

16 Therefore, I feel that the original
17 resolution is even stronger now, as it presently
18 exists in the revised design.

19 The newly revised concept design was
20 submitted to the Board in the hope and the
21 reasonable expectation that the Board would also
22 be pleased by the significant reduction in size

1 and height of the new church. But much to my
2 chagrin, the Board has again sent back the
3 application for further contraction.

4 The Board knows well the history of the
5 concept design revisions and the applicants
6 attempts to work with the Board to achieve
7 compliance with the Board's wishes in this
8 regard.

9 In fact, it strikes me as a grand
10 example of the applicant working with the Board
11 to answer previously expressed concerns and
12 requests.

13 At this point in time, I believe the
14 applicant's efforts have been successful. I am
15 disappointed and dismayed that the Board has
16 once again sent the application back.

17 The Board's Staff Report informs us of
18 the importance of historical preservation, a
19 concern we all share. The ANC is satisfied, but
20 the Board objects to the relatively few feet of
21 construction that this last revision represents
22 in regard to the official height limitation.

1 As I see it, this last iteration, which
2 we've been treated to, is acceptable as the few
3 feet in question regarding the height limitation
4 seems to fit in nicely and perceptively with the
5 neighborhood buildings, at least to the eye of
6 this, if not expert, a somewhat educated
7 beholder.

8 Finally, but very importantly, the
9 judgment of the ANC is supposed to be considered
10 with great weight by all city agencies. But
11 here our view was entirely ignored by the Board
12 which represents a violation of that officially-
13 recognized standard.

14 In closing, I ask you, I ask the Board
15 to fulfill its obligation and give due
16 consideration to the great weight that the
17 decision of the ANC are meant to carry.

18 It is time for the history of this
19 effort of compliance to previous objections of
20 the Board to end. The voice of the people as
21 expressed by duly elected representatives needs
22 to be recognized and the applicant's efforts be

1 finally vindicated.

2 That is the spirit and I ask you to
3 accept this latest revised application. Thank
4 you.

5 CHAIRPERSON PFAEHLER: Mr. Wexler, I
6 just have one quick clarification.

7 MR. WEXLER: Yes, yes.

8 CHAIRPERSON PFAEHLER: In your
9 statement, you talk about the Board's decision
10 to -- do you mean the staff? The board hasn't
11 really acted.

12 MR. WEXLER: The Staff Report.

13 CHAIRPERSON PFAEHLER: Okay.

14 MR. WEXLER: I'm not very good on --

15 CHAIRPERSON PFAEHLER: It's the staff's
16 recommendation.

17 MR. WEXLER: Yes, you're right. Thank
18 you.

19 CHAIRPERSON PFAEHLER: Okay, thank you.

20 MR. WEXLER: And I thank you.

21 CHAIRPERSON PFAEHLER: We've not
22 actively reviewed it.

1 MR. SONDERMAN: And, actually, just for
2 my own clarification, the laws requires us to
3 give great weight. It doesn't mean we have to
4 agree.

5 MR. WEXLER: No, no.

6 MR. SONDERMAN: The implication was
7 that giving great weight means we have to agree
8 in your presentation.

9 MR. WEXLER: No, I mean consideration.

10 MR. SONDERMAN: Yes, I understand.

11 MR. MALONEY: Mr. Sonderman, we will
12 speak to that, as well.

13 MR. WEXLER: Thank you for listening.

14 CHAIRPERSON PFAEHLER: Thank you, Mr.
15 Wexler. Thank you.

16 MR. STEPHENS: And I. As well, I
17 wanted to pick up on a couple of points.

18 CHAIRPERSON PFAEHLER: I'm sorry to
19 interrupt you. But if yo would start with your
20 name. Thank you.

21 MR. STEPHENS: Yes. My name is Will
22 Stephens and, good afternoon and thank you for

1 the opportunity to testify.

2 I serve currently as the Chair of ANC
3 2-B and Commissioner Wexler already described
4 our resolution and how the Third Church has
5 successfully modified its design to meet our
6 concerns, so I won't repeat or duplicate any of
7 that testimony.

8 But I do want to pick up on his last
9 point and add a couple thoughts from the
10 perspective of the ANC.

11 And that is, most importantly, that
12 please bear in mind that the Board is required
13 by statute to provide the ANC's opinion in
14 support of this project great weight.

15 To be frank, unlike other regulatory
16 bodies with whom we deal on a regular basis,
17 including ABC/the Alcoholic Beverage Control
18 Board, BZA/the Board of Zoning and Adjustment
19 and DDOT/the Department of Transportation Public
20 Space Committee, our experience is that this
21 Board and the HPO staff have not made it a
22 regular habit of following great weight law in

1 the past.

2 I bring this up in particular today
3 because the Staff Report on this project does
4 not even mention the ANC once in its 16 pages.
5 That is inappropriate and inconsistent with the
6 great weight requirement; at the very least,
7 this isn't in my written statement, but great
8 weight means the ANC's position should be set
9 forth and it should be explained if the staff or
10 the Board disagree precisely why and I think
11 that's the very least of what great weight does
12 mean to answer Mr. Sonderman's question.

13 It does a disservice to the ANC and the
14 neighborhood and also to the Board in assisting
15 your decision-making in accordance with D.C. law
16 to leave us out of a Staff Report.

17 I also bring this up today because the
18 great weight requirement is most meaningful when
19 you, as the Board, are hearing a variety of
20 viewpoints from different constituencies and
21 stakeholders and when the Staff Report
22 conclusions are inconsistent with the ANC's

1 position.

2 Frequently, there is actually unanimity
3 or near unanimity among neighborhood groups on a
4 proposed project and, indeed, the ANC and the
5 Dupont Circle Conservancy, as you all probably
6 know from your service, almost always pass
7 identical resolutions. And we always respect
8 DCC's viewpoints immensely and we work very
9 closely together with them.

10 In most cases, great weight is easy to
11 implement, but today we are voicing support for
12 the Third Church project as reflected in our ANC
13 resolution and Commissioner Wexler's testimony
14 while others have concerns.

15 And the great weight statute means that
16 you are required to give our point of view
17 special attention over others, and that includes
18 DCCA, other preservation groups, individual
19 residents and even your own staff.

20 That's sums up what I wanted to add
21 from the perspective of the ANC. But I also
22 would like to discuss my own personal views on

1 the application as both a resident and an
2 individual commissioner.

3 To me, the question before the Board is
4 really whether this change in structure from the
5 existing brutalist to the new proposed design
6 will detract from the historic character of the
7 District -- this Historical District, I mean.
8 That seems to me to be an easy question to
9 answer.

10 Not only will it not detract, it will
11 add historical flare. The proposed design, as
12 you've seen it in its current iteration, evokes
13 an old-fashioned federal building, so it's an
14 outstanding addition to the historic federal
15 thoroughfare on 16th Street.

16 And the reduced massing that the
17 applicant has proposed now blends rather
18 seamlessly within the lines of the neighboring
19 structures.

20 The change in buildings will, thus, be
21 a net gain and, indeed, the proposed design is
22 even more attractive and historic-looking than

1 many of the nearby buildings that you see in
2 some of these.

3 And I think the slides you saw today
4 show that the concerns about height are really
5 theoretical, rather than of practice concern,
6 when you're actually standing on the street
7 looking at this thing.

8 Finally, I would also like to provide
9 my own personal response to the Staff Report.
10 The Staff Report came out only last week so the
11 ANC has not been able to review it.

12 And on that note, I have a suggestion
13 which is the Board could give better effect to
14 great weight requirement by having Staff Reports
15 come out at the beginning of the month, instead
16 of only one week in advance so that ANCs could
17 actually review and respond to reports in terms
18 that would better help your decision-making,
19 instead of sort of blindly or maybe not using
20 the right terminology.

21 First, the Staff Report discusses the
22 zoning issues as they relate to the height of

1 the proposed building.

2 When we, as ANC commissioners, have
3 tried to discuss zoning-related issues before
4 this Board, we have been chastised and told that
5 those issues are not relevant.

6 And if that's correct, then HPO staff
7 should not base its recommendation, in part, on
8 zoning issues, either. Those issues will come
9 up later and they will be before a different
10 decision-making body.

11 The Staff Report also repeatedly
12 expresses concerns about setting precedent by
13 exceeding the 90-foot height limit, but in
14 discussion this issue, the report goes on to
15 show -- and you saw slides today -- that nearly
16 every building, including direct neighbors and
17 other structures up and down 16th Street already
18 exceed that height in various forms.

19 So, clearly, then this is not some hard
20 line that needs to be staunchly defended unless
21 others line up for the same kind of
22 dispensation. The line has already been

1 blurred.

2 And, most importantly, the Staff Report
3 admits the fact that the historic landmarking of
4 the existing building is not really final
5 because it's the subject of a pending federal
6 lawsuit challenging the landmarking based on
7 religious land use protections and civil rights
8 laws and the constitution.

9 This is important, in part, because, as
10 I understand it, the landmark status affects the
11 Board's standard of review, but, also, the
12 pending lawsuit is important because it
13 highlights the unique nature of this case.

14 In this respect, again, the Staff
15 Report repeated concerns about setting precedent
16 by approving the proposed design are unfounded.

17 Something sets a precedent only if it
18 can't be reasonably or fairly distinguished from
19 other cases. There is nothing like this
20 application in its history, procedural posture
21 or substance.

22 This is a church that wants to rid

1 itself of a structure that does not suit its
2 needs, that was landmarked against the church's
3 wishes and that is the subject of a pending
4 federal civil rights lawsuit.

5 However this is resolved, it won't set
6 a precedent for 16th Street. The St. John's
7 Church property one block south on 16th Street
8 is the only other in the area that could
9 conceivably be in this position some day in the
10 future, but that seems highly unlikely.

11 So if there is a dangerous slippery
12 slope to be avoided here, it is not about
13 height, but, rather, about not allowing churches
14 to modify their properties to best suit their
15 religious uses.

16 So in closing, I urge the Board to
17 approve this project as presented and I thank
18 you again for the opportunity to testify and am
19 happy to entertain any questions you may have
20 whether they be about the ANC's position or my
21 own personally. Thank you.

22 CHAIRPERSON PFAEHLER: Thank you for

1 your testimony. I guess I apologize on behalf
2 of the Board and staff if you've had some
3 inconvenience in receiving information.

4 It's been my experience and I think
5 Board Members who sit aside me who have served
6 on this Board far longer than I have have made a
7 strong effort to communicate with the ANC and
8 ensure that -- and I suggest if there's an idea
9 you have about the timing of the issue of the
10 Staff Report, perhaps, a procedural issue should
11 be reviewed with them.

12 There's a whole series of things, as
13 I'm sure you're aware, that back up to that
14 arrival date when that report arrives.

15 And it is a matter of our initial
16 briefing where we receive a packet, just so you
17 know, where we do get an opportunity with the
18 staff to ask questions and we always do ask what
19 was the ANC's position.

20 So it is heavily weighted and
21 considered in our dialogues. So thank you.

22 MR. SILVERSTEIN: Thank you, Madam

1 Chair.

2 My name is Mike Silverstein. I am a
3 Commissioner and former Chair of ANC 2-B, the
4 Dupont Circle ANC. I don't have a Harvard law
5 degree like my colleague, Mr. Stephens, but like
6 all of you up there, I sit on a D.C. Board and I
7 appreciate the work that you do.

8 And I do not mean to be harsh in these
9 comments and I may be going a little off the
10 reservation, but in doing so, I'm attempting to
11 build a foundation to what is in the report now.

12 My involvement in this matter began in
13 December 2007 during the initial landmarking
14 hearing. I read our ANC resolution and was
15 attempting to make a plea to this Board to
16 consider the First Amendment rights of Third
17 Church when your Chairman bullied me and cut me
18 off in mid sentence.

19 The Third Church referenced my being
20 silent in its brief in the federal lawsuit and
21 in response, the court said it was, quote,
22 "troubled to hear that the D.C. Government

1 declines even to entertain the religious freedom
2 claims of the plaintiffs." It's on page 50,
3 that quote of the 2009 hearing, if you want to
4 look it up.

5 I hope that having been chastened by a
6 federal judge you'll show greater sensitivity to
7 the fact that the underlying issue in this case
8 and the unspoken elephant in the room is
9 constitutional rights.

10 But there is a second matter that goes
11 back to the first hearing and it's every bit as
12 disturbing because I see it happening again, and
13 that's the matter of fixing the game and
14 specifically moving the goal posts. I see it
15 may be happening again, so I bring this deep
16 concern to your attention.

17 The initial landmarking application was
18 filled with stories of celebrations,
19 commemorations that never happened, theorized
20 about styles of church architecture that
21 reflected church beliefs or teachings.

22 And when the church representatives

1 refuted those false assertions, the applicant
2 declined to say where they came from saying they
3 would plead, quote, "nolle contendre."

4 They moved the goal posts instead of
5 rejecting the application or telling the
6 applicant to go back to the drawing board. They
7 said it didn't matter. There were other reasons
8 and these new reasons weren't even included in
9 the initial application to landmark the church.

10 For 21 years, the Third Church of
11 Christ, Scientist has had to undergo this
12 bizarre of waterboarding. When it even
13 considers demolition of the property it owns,
14 the property has been bankrupting it.

15 The Staff Report seems to have the same
16 selective amnesia. Not only does it completely
17 ignore Hay Adams which moves the goal posts, it
18 contains no reference to the federal court case
19 brought by the congregation. It doesn't include
20 the court's pronouncement that landmarking,
21 indeed, imposed a substantial burden on the
22 church.

1 It didn't include Judge Robertson's
2 warning that he would, quote, "crank out a
3 hundred-page decision," and that the D.C. Court
4 of Appeals ruling in Metropolitan Baptist Church
5 was n to binding on him and that he would not
6 follow it.

7 The Mayor's decision to allow
8 landmarking, which brings us here today, allow
9 landmarking on hardship grounds came just weeks
10 after the federal court's clear warning that
11 your action in the landmarking was
12 unconstitutional and the court would overturn
13 Metropolitan Baptist Church, gut our city's
14 historic preservation laws and remove churches
15 from your jurisdiction.

16 The congregation has been drained
17 financially through this battle. They've spent
18 nearly all their income maintaining a building
19 that does not suit their needs and has imposed
20 great hardship on them, not to mention all the
21 legal fees.

22 The only way out for them is to partner

1 with the developer to build a new church as part
2 of larger structure. But to do that, they need
3 your approval and to deny it could put us all
4 back to square one.

5 And I want to remind all of you that
6 the only way that we can make this federal court
7 case go away for good is if you approve a new
8 structure.

9 There's no question in my mind that
10 some of the opposition -- and I'm not speaking
11 of you at all. Some of the opposition to this
12 proposal is payback or retribution because the
13 church dared to exercise its constitutional
14 rights under religious civil rights laws, laws
15 that you still have not officially recognized,
16 and they did so in defiance of the
17 preservationist community.

18 Let me be honest. After my being
19 silenced by this Board and after five years, I
20 just don't know who to trust. We've been dead
21 indians in this cowboy movie too many times.

22 I apologize if I've been harsh, but the

1 constitution and the right of free exercise of
2 religion means a lot to me.

3 Members of my family have served in
4 uniform to defend that right and one of them an
5 uncle I never met died in the service of our
6 country on July 6th, 1944. In the religious
7 tradition of my family, I bear his name.

8 Please, I beg you, prove me wrong. Let
9 this end well. End the 20-years war or 21-years
10 war that has gone on here. AT long last, stop
11 this bizarre waterboarding of this congregation
12 and reject the back alley war on religion that
13 some people have spread behind your back and
14 ours.

15 Listen to the applicant, decide fairly
16 and allow them to have what others, including
17 Hay Adams, already have so that a terrible wrong
18 can be righted so that a handsome new building
19 that is financially viable can grace this corner
20 so that the green swath along 16th Street can at
21 long last be restored and so that we can put an
22 end to this chapter that has caused so much

1 division among all of us in this room and so
2 much heartache for all of us.

3 Thank you, Madam Chair, for allowing me
4 to go off the reservation. It's been five
5 years. It's been extremely emotional and a lot
6 of us have a lot invested in this. Thank you
7 for your kindness.

8 CHAIRPERSON PFAEHLER: Thank you, Mr.
9 Silverstein. I appreciate your testimony and I
10 appreciate the passion that you have fo rit.

11 We certainly are considering the case
12 as it relates to history preservation laws and
13 requirements.

14 As I said before, we're looking at the
15 compatibility of this concept as it relates to
16 the Sixteenth Street Historic District.

17 MR. SILVERSTEIN: I understand that,
18 and I agree with you entirely. All I ask is if
19 it's a close call and you're not sure one way or
20 another, take a look at what's happened before.

21 Consider what the judge has told you
22 and what is at stake if we go back to square

1 one, what the risks are to the preservation
2 community because you know you're going to lose
3 if this thing goes to federal court.

4 If it's a battle between historic
5 preservation, which is not in the First
6 Amendment, and religious freedom, that is,
7 appeals courts have no choice. We all know
8 that.

9 CHAIRPERSON PFAEHLER: Well, I admire
10 the purity of your argument and the strength of
11 it relating back to the constitution.

12 Again, we are not here to review or
13 make comment on the demolition of either
14 structure. We're not here to review the plaza.

15 Simply, we're here to review the
16 proposed concept as it relates to the Sixteenth
17 Street Historic District and we'll absolutely
18 review it specifically in that concept.

19 MR. SILVERSTEIN: Thank you, Madam
20 Chair.

21 CHAIRPERSON PFAEHLER: Thank you.

22 ANC MEMBER: Those are the ANC

1 Commissioners who are here from ANC 2-B.

2 CHAIRPERSON PFAEHLER: Thank you very
3 much.

4 ANC MEMBER: Thank you very much for
5 hearing them.

6 CHAIRPERSON PFAEHLER: And thank you
7 for the ANC Members. I appreciate your time.

8 If we could do the switch now and have
9 the people sitting in front have a seat in the
10 audience and then those who wish to testify come
11 up to the front.

12 When you come up to the front to
13 testify, if you haven't filled out one of these
14 cards, please be sure you do so before you leave
15 for our recorder.

16 Also, before you testify, in order to
17 keep me from interrupting you, if you wouldn't
18 mind starting out by stating your name and
19 possibly your address or if you're representing
20 some group, if you'd let us know that and then
21 go into your testimony.

22 The way you get your microphone to work

1 is just push the word "Push" and the light goes
2 on.

3 Steve, we need a little laptop help in
4 the front here. Do you know if we could get --
5 while we're waiting for that, why don't we start
6 with some of the verbal testimony.

7 Why don't we start at this side. So I
8 think I'll start at the left, if you don't mind.
9 No disrespect to anybody, really.

10 MS. GIORDANO: Good afternoon, Madam
11 Chairperson, Members of the Board. My name is
12 Cynthia Giordano. I'm with the Saul Ewing Law
13 Firm representing the adjacent property owner,
14 1625 I Street, Northwest.

15 And that's the property that's been
16 referred to as the ULLICO Building, the building
17 with the tower directly adjacent to the project
18 site.

19 And contrary to what maybe has been
20 implied, this adjacent property owner does not
21 object to the redevelopment of this site. Our
22 only issue is height in excess of 90 feet.

1 And, really, as I've heard -- I have
2 not heard any reason why an extra floor of
3 development or height in excess of 90 feet is
4 required for the church to exercise its rights.
5 It's simply a matter of economics.

6 But in any event, as I indicated, this
7 property owner is only concerned about the
8 excess height which would obviously compromise
9 the windows that they have on the property line.

10 They built and invested in this
11 property with the expectation that the zoning
12 and historic preservation laws in the city would
13 be respected and that 16th Street is certainly a
14 special street with a special vista,
15 particularly those blocks adjacent to the White
16 House.

17 They have consulted with Roger Lewis,
18 who is sitting to my left. I've passed out a
19 copy of his bio. I think some of you are
20 familiar with him.

21 They asked Mr. Lewis for his opinion
22 about the compatibility of this building with

1 the Historic District and I'd invite you to
2 listen to his comments.

3 We've also commissioned a couple of
4 models of 16th Street, which we'd like to bring
5 up. They are meant to be viewed from eye level.

6 Can we bring them up to the dias?

7 Thank you. With that, I will ask Mr. Lewis to
8 proceed with his testimony.

9 MR. LEWIS: Good afternoon. Thank you
10 for letting me come and talk to you. I'm Roger
11 Lewis. Some of you I know well; some of you I
12 know less well.

13 I'm a practicing architect and urban
14 designer. I'm a Professor Emeritus having
15 taught architecture at the University of
16 Maryland for 38 years.

17 And some of you may also occasionally
18 have seen my column, "Shaping the City," in the
19 Washington Post and the cartoons that go with
20 it. I think most of what I've written has been
21 forgotten, but I think the cartoons, perhaps,
22 are the one thing you might remember.

1 I have read the very thoroughly
2 researched and well-documented HPRB Staff Report
3 and I generally concur with the Staff Report's
4 findings and recommendations concerning the
5 proposed building height in excess of 90 feet
6 and I'm here really only to talk about this
7 issue of height.

8 I want to also disclose -- and some of
9 you may know that -- that I have long advocated
10 selectively raising D.C. building height limits
11 in certain areas of the District of Columbia
12 especially areas beyond the historic portions of
13 the city planned by Pierre L'Enfant.

14 And I also favor tweaking, although not
15 radically changing, height limits in certain
16 areas within the central city where additional
17 height and density make urban design and
18 economic sense and where the city's historic
19 low-rise profile would not be adversely
20 affected.

21 In my opinion, this area is not one of
22 those places for the many reasons cited in the

1 HPRB Staff Report.

2 I've been asked specifically to
3 consider and offer an opinion about the urban
4 design attributes and urban design impact of the
5 proposed structure on the Sixteenth Street
6 Historic District.

7 And to that end, these two massing
8 models have been built to show several blocks of
9 historically-designated 16th Street, Northwest,
10 running from Lafayette Park northward and
11 showing the buildings flanking this L'Enfant
12 Plan street.

13 Now, one model, the one that Cynthia is
14 holding, shows the form of the street generally
15 as it exists today with the proposed building on
16 the church site.

17 The other model here to the south, I
18 think, the other model shows the form of the
19 street as it might look in the future if
20 buildings along the street were to be allowed
21 over time to exceed the 90-foot height limit
22 whether by 10 or 15 or 20 or 30 or even 40 feet.

1 And this model on the right, the future
2 model, this is not going to happen tomorrow or
3 five years from now, but on the other hand, it's
4 a potential worst case scenario. In other
5 words, it's showing hypothetically, possibly,
6 height and mass increases -- they're rendered in
7 gray -- added only to buildings where increased
8 density and height might be feasible.

9 Comparing the models by looking axially
10 along the street at eye level clearly reveals
11 that the spatial character of the street would
12 change if over 20 or 30 or 40 years we sort of
13 allow height-creep, if you will.

14 Namely -- let me be specific. Namely,
15 the ratio of perceived street width to building
16 height, the aspect ratio of the street spatial
17 cross-section would be measurably different.

18 And, in particular, while the street's
19 breadth would remain unaltered, the sense of its
20 scale, its ceremonial scale, this sense that's
21 defined by the building -- the 90-foot height
22 and the width of the street, that scale would be

1 compromised or diminished.

2 What I think I'm saying is that the
3 Board and the city ultimately must judge the
4 value of preserving 16th Street's existing
5 historical spatial form and I will acknowledge
6 that what is being proposed by the applicant
7 doesn't significantly by itself alter that.

8 I think what we're getting at, of
9 course, is this issue that's been raised already
10 about setting a precedent.

11 Allowing increased building height on
12 the Third Church site, I think, indeed, would
13 set a precedent that other property owners could
14 cite and use as justification for increasing the
15 heights of other buildings.

16 Eventually, this portion of 16th Street
17 could become a street shown in the second model.
18 So in other words, by relaxing the 90-foot
19 height limit, the Board and the City, in effect,
20 would be modifying current historic preservation
21 policy.

22 So I think what you're facing is

1 whether in -- even if it's only 17 feet -- I
2 think if my mathematics is right -- they're
3 going about 17 feet above the 90 feet, even with
4 the setback. The question is is that something
5 that does set a precedent?

6 I think my time is up.

7 CHAIRPERSON PFAEHLER: It is.

8 MR. LEWIS: So I'll stop.

9 CHAIRPERSON PFAEHLER: I do have one
10 clarification question to ask about your models.
11 We know the earth is not flat.

12 Do those building heights take into the
13 topographic fluctuations that happen on 16th
14 Street?

15 MR. LEWIS: No, no. We -- the models
16 are sketches. Although we've been very
17 realistic, it is a scale model. We've tried to
18 replicate the buildings as accurately as we
19 could.

20 We decided not to deal with the
21 topography and I would acknowledge that that
22 obviously is another factor.

1 Again, I think the issue for you is
2 this policy issue of whether you want to relax
3 the height in this case and then how if someone
4 -- if I come in next week and want my project a
5 little bit higher, you know, that's the issue
6 facing you, I think.

7 CHAIRPERSON PFAEHLER: Thank you.
8 Welcome.

9 MR. ROBERTSON: Good afternoon. I'm
10 Charles Robertson testifying on behalf of the
11 Committee of 100 on the Federal City and as a
12 former architectural historian member of this
13 Board for 12 years.

14 We applaud David Maloney and Steve
15 Callcott for their 16-page Staff Report that so
16 comprehensively and thoughtfully surveys 16th
17 Street and places the proposed building in the
18 context of that existing environment.

19 The report really should put to rest
20 any claim that the height exceeding 90 feet is
21 compatible with the Historic District.

22 This Board in its 2007 decision

1 designating this part of 16th Street as a Historic
2 District made this note, and I think this should
3 be a matter of guidance for the future.

4 The allure of location has ensured the
5 prestigious visibility of 16th Street throughout
6 its history and has encouraged the varied and high
7 quality collection of building types.

8 The applicant, ICG Properties, requests a
9 cornice height of 93.8 feet for it's building.
10 This additional height puzzled me and actually it
11 apparently is necessary to accommodate retail
12 space, higher retail space on the ground floor of
13 the building which ICG hopes to achieve by re-
14 zoning the site for commercial use.

15 But this accommodation of commercial use
16 on the ground floor is not a valid reason for
17 exceeding the established height limit.

18 The applicant also requests a ninth
19 floor, as we know, rising to a height of 107.8
20 feet arguing that it is not significantly visible
21 from street level. But these heights directly
22 impact the World Center Building, which ICG owns

1 which is immediately adjacent to the north of the
2 site.

3 The World Center Building is a
4 contributing building in the Historic District and
5 is 90 feet high. This is the building that should
6 be a primary measure of compatibility with the
7 proposed building.

8 As noted in the Staff Report, the
9 additional floors beyond the allowable height
10 would set a dangerous precedent for 16th Street.

11 But, again, we have evidence before you
12 in writing. Attached to the Staff Report is the
13 settlement agreement signed by ICG, the church and
14 the D.C. Preservation League.

15 Clause five of that agreement -- in
16 clause five of that agreement, the D.C.
17 Preservation League agrees not to oppose an
18 addition to the -- by ICG to the World Center
19 Building an addition that is set back 35 feet from
20 the cornice and rises to a height of 130 feet.

21 So we know apparently that ICG plans to
22 build on the building directly next to it. So,

1 you know, if you approve this height, how can you
2 deny that height.

3 The views shown by the architect, I
4 think, are misleading, especially from I Street
5 east and west and from 16th Street from the south.

6 The views shown are only a block away.
7 Well, of course, you can't see the top from a
8 block away. They haven't shown further back on
9 each street and I think that would tell a very
10 different story. So I don't think you've seen the
11 correct total views as you would see from the
12 street.

13 And I'd like to focus particularly on the
14 visibility of the additional floor in the
15 penthouse for Lafayette Square. First, we note
16 that the ninth floor is proposed to be 14 feet
17 high, higher than normal for a floor. It will
18 have a private terrace, which is shown in the
19 plans, with commanding views of Lafayette Square
20 and other vistas.

21 And I'm sure this additional story would,
22 of course, bring commanding -- equally commanding

1 rental income.

2 Also, we note that the penthouse appears
3 to be unnecessarily large. It's 150 feet long and
4 54 feet at maximum width.

5 Because of the width of 16th Street to
6 the south and the angle of view, the ninth floor
7 and penthouse would be quite visible from historic
8 Lafayette Square with its many visitors and its
9 historic importance.

10 The elimination of the ninth floor and a
11 further setback of the penthouse from I Street
12 would solve this problem.

13 I'd like to comment also on the
14 architecture proposed. Madam Chairman, in the
15 Staff Report, I believe, the HPRB can make
16 recommendations concerning the Mayor's Agent, you
17 know, compatibility, so I would like to address it
18 in that context.

19 We're frankly disappointed in the quality
20 of the architecture proposed for this prominent
21 site. You may or may not like brutalist
22 architecture, but the Third Church is probably the

1 finest example of that style in the Washington
2 area.

3 It was designed by I.M Pei and
4 Associates, as you know, a world famous
5 architectural firm.

6 We had hoped the replacement building
7 would be equally distinguished and worthy of the
8 site. The proposed site certainly does not
9 qualify as exemplary architecture, which we think
10 the applicant will claim.

11 You know, a prominent architectural firm
12 does not guarantee exemplary architecture. Quite
13 frankly, we think this building will be
14 comfortable on K Street. So we recommend a re-
15 study of the office building's design.

16 We appreciate the fact that the church
17 would want an entrance featured prominently as
18 distinct from the surrounding office building.
19 The architect attempts to do this by adding glass
20 fins or facets, whatever you wish to call them,
21 above the church entrance.

22 In our opinion, these simply don't work.

1 They're applied gratuitously above the entrance.
2 They seem to me just pasted on, if you like. They
3 do not integrate either with the office building
4 around them or, more important with the level
5 below them.

6 There's the huge window on the left side
7 of the ground floor for the reading room, but the
8 rather dark, modest, small door on the right,
9 which is the actual church entrance, leading to a
10 stair to the sanctuary above just -- you know, I,
11 for one, would never guess that this is a church
12 entrance or that it leads to the sanctuary above
13 with its fins and facets.

14 Also, one large fin blocks the windows of
15 the office building behind it. There should be an
16 architectural integration in this facade between
17 the ground level and the sanctuary above it if
18 this is the configuration of the functions that
19 the church desires.

20 We, therefore, recommend that the church
21 facade be restudied, as well.

22 In our opinion, two of the parties

1 testifying in this case have a conflict of
2 interest that should be considered by the Board in
3 evaluating their testimony.

4 If this project goes through as proposed,
5 the D.C. Preservation League, which I don't know
6 will testify or not. I thought it would -- would
7 receive a payoff of at least \$450,000 as noted in
8 the Staff Report and the ANC will supposedly
9 receive benefits yet to be disclosed.

10 You know, I think this is something that
11 the Board should consider in evaluating the
12 testimony.

13 So in summary, we urge that you limit the
14 height of the proposed building to 90 feet with a
15 penthouse of 16 feet above that height.

16 We also request a setback of the
17 penthouse from I Street equal to the 52-foot
18 setback of the penthouse from 16th Street.

19 In other words, we think that the
20 penthouse could be shortened, could be made
21 smaller and that would solve a problem of
22 visibility, especially to the south of 16th

1 Street.

2 And as noted, we request a re-study of
3 the architectural design of the office building
4 and of the church.

5 Thank you for this opportunity to present
6 the views and recommendations of the Committee
7 100. If you have any questions, I'll be pleased
8 to answer them.

9 CHAIRPERSON PFAEHLER: Thank you, Mr.
10 Robertson. I appreciate your testimony.

11 I'd ask again if you've got your -- if
12 you touch the word "Push" and the green light is
13 on, it's working.

14 MS. BERK: We had decided we'd to be as
15 organized as possible and I'm next, but I do need
16 help in hooking the screen up to my laptop. It
17 would be a shame if you couldn't benefit from
18 weeks of collecting images.

19 CHAIRPERSON PFAEHLER: We'll ask for a
20 tech support to come in.

21 MS. BERK: Thank you.

22 CHAIRPERSON PFAEHLER: And then we'll

1 continue with something else. We'll get tech
2 support. We'll get somebody to help you.

3 MR. SILVERSTEIN: In the ninth minute of
4 Mr. Robertson's three-minute testimony he stated
5 that the ANC would receive benefits from any
6 agreement.

7 CHAIRPERSON PFAEHLER: It's not a matter
8 of our Board's concern.

9 MR. SILVERSTEIN: The ANC does not
10 receive any benefits or any money.

11 CHAIRPERSON PFAEHLER: I appreciate both
12 of your testimony. We are simply reviewing the
13 facade's design as it applies and is compatible
14 with the Sixteenth Street Historic District. That
15 is our sole purview.

16 MS. BERK: I suspect that whoever hooked
17 this computer up to that screen would know how to
18 hook my computer up to that screen.

19 CHAIRPERSON PFAEHLER: Well, there are
20 two other people to testify, and so we have a
21 total of six minutes, potentially, with a 30-
22 second gap in between to get tech support here to

1 help, so we will not -- we'll do what we can to
2 get that operational and get the testimony.

3 But why don't we go and -- and tech
4 support is here, so why don't we start with your
5 testimony.

6 If you wouldn't mind turning off your
7 microphone and then we'll do the two testimonies
8 and we'll take you last.

9 MS. BERK: I can give my credentials
10 right now while he's looking it up. Would that be
11 okay?

12 CHAIRPERSON PFAEHLER: We are on a timed
13 agenda, so in order to keep things moving along, I
14 think we'll go to the two and we'll save you for
15 the last testimony, if you don't mind.

16 MS. BERK: Yeah, okay.

17 CHAIRPERSON PFAEHLER: Okay, thank you.

18 MR. BOWER: I'm Tom Bower. I'm President
19 of the Dupont Circle Conservancy.

20 The following resolution was approved at
21 the May 8 Dupont Circle Conservancy meeting for
22 the proposed structure at 900 16th Street,

1 Northwest.

2 There was a perception in the writing of
3 our earlier resolution that the plans for the
4 proposed structure at 900 16th Street had changed
5 since the April 10th presentation to the Dupont
6 Circle Conservancy.

7 Drawings dated for the subsequently
8 postponed May 3rd HPRB meeting were reviewed at
9 the May 8th Dupont Circle Conservancy meeting.

10 The DCC concurs with the Staff Report and
11 recommends that the structure be limited to the
12 90-foot height limit of the neighboring historic
13 district buildings along 16th Street,
14 particularly, the World Center Building; that
15 there be equal setbacks (assuming the proposed
16 ninth floor will be eliminated to reduce the
17 height, the combined setbacks would be 52 feet)
18 this is for the utility penthouse and would be
19 from both 16th Street and I Street; and, that the
20 historic street level green space and openness be
21 maintained along 16th Street and when viewed from
22 well inside Lafayette Park. Thank you.

1 CHAIRPERSON PFAEHLER: Thank you very
2 much.

3 MR. ALPERT: Thank you very much.

4 Members of the Board, my name is David
5 Alpert. I am a resident of Dupont Circle and the
6 Historic District and the founder and editor-in-
7 chief of Greater, Greater Washington, a website
8 about development, historic preservation and
9 transportation issues in the District of Columbia.

10 I am proud to be a part of the historic
11 district and historic neighborhood and that we
12 have the historic protections in the neighborhood
13 that we do to preserve the valuable things about
14 our neighborhood thanks to the buildings that
15 exist.

16 However, I've taken most of my afternoon
17 to come to this matter to speak to you because I'm
18 very concerned about the direction of several
19 threads of historic preservation as particularly
20 reflected in the Staff Report; that historic
21 preservation is, and is becoming, simply the anti-
22 height movement; that it's only effect and only

1 debate is how strongly to make buildings smaller
2 and less visible.

3 We live in a city, a city of buildings
4 many of which are very distinctive. 16th Street
5 is, as the Staff Report mentions, supposed to be a
6 grand stately street that's distinguished, and so
7 forth.

8 I personally do not feel that having
9 every building be inoffensively similar, smaller
10 than the next and uninteresting advances that in
11 any way.

12 The report does, in fact, I think, stray
13 far too much over the line into talking about
14 zoning. Did I already exceed three minutes?

15 Talking about zoning, the appropriate
16 forum for having the zoning discussion is the
17 Zoning Commission. They can decide whether a
18 district should be re-zoned. And we have --
19 indeed, have many times when people have been told
20 that that's not an appropriate discussion for
21 historic preservation.

22 We can have a ceremonial scale,

1 prestigious visibility and high-quality collection
2 of building types, to quote a few things that
3 others have mentioned, by having a building that
4 is not strived to be invisible, but is, in fact,
5 better.

6 I personally agree with the very last bit
7 of what the Committee of 100 said, that I think
8 the architecture of this building could be more
9 interesting.

10 But when historic preservation is
11 concerned entirely with forcing applicants to
12 shrink their buildings down, it reduces the
13 ability to push them to make their buildings
14 better and still be economically viable.

15 I would encourage you to approve this
16 structure because it really is nearly -- visually
17 nearly indistinguishable from anything without the
18 extra floor or, better yet, to allow the applicant
19 to go back to the size of their original proposal
20 and ask them to use some of the, perhaps, benefit
21 that they would gain from doing so to make
22 additional architectural improvements.

1 Thank you very much.

2 CHAIRPERSON PFAEHLER: Thank you, Mr.
3 Alpert.

4 MS. BERK: I'm Sally Berk and I think
5 I've testified before this Board about a hundred
6 times in the past 25 years.

7 I know at least four of you know me, but
8 if you want me to cite my credentials, I can do
9 that.

10 CHAIRPERSON PFAEHLER: No, that's fine.
11 That's fine. If you would just state your point
12 as it relates to the preservation issues at hand.

13 MS. BERK: Okay. I do have a 20-year
14 involvement with this site having been involved in
15 the landmarking and then testified at the
16 demolition hearing.

17 And so I am testifying on my own behalf
18 dedicated to doing what Mr. Cossuta would like to
19 see and that is a landmark-quality building
20 replacing this landmark.

21 So I'm quickly going to run through --
22 my testimony is confined to two points: one, that

1 I don't think the quality of the architecture is
2 compatible with the Historic District; and two,
3 that it is sadly lacking in any church
4 iconography.

5 So everyone knows that the whole purpose
6 of this district is predicated on the Avenue of
7 the Presidents, St. John's Church, the Carnegie
8 Institute.

9 All of these buildings that I'm going to
10 show on 16th Street are by well-known architects.
11 They're excellent buildings, but I don't believe
12 that simply by hiring a name architect you
13 necessarily get a landmark-quality building.

14 But here are some of the buildings by
15 which 16th Street is identified: the Carnegie
16 Institute, the Scottish Rite Temple, two hotels by
17 Myron Mizrahi and built in 1926 across the street
18 from each other, the Statler Hilton of 1943, very
19 important post-war building, and the Moresky
20 Building by the successor firm of John Russell
21 Pope.

22 I don't believe that the project before

1 us qualifies as compatible with the quality of
2 this district and it certainly is not exemplary
3 architecture.

4 I decided long ago in testifying at a
5 Mayor's Agent's hearing that exemplary should
6 incorporate an aspect of innovation and I find
7 nothing innovative about this proposal, nothing
8 whatsoever, no justification for pairing the
9 floors as though -- I mean, as one sees in New
10 York where artist studios are two stories tall
11 with windows facing north. There's no
12 justification for the massing of this building.

13 I was happy to see that the Staff Report
14 cited two buildings that are innovative as having
15 qualified as exemplary architecture, one of them
16 the Arena Stage, which is innovative in its use of
17 materials and has vitalized a part of town that
18 sorely needed it.

19 As I said, the church is lacking in
20 church iconography which I find ironic because at
21 every hearing, the congregants lamented the fact
22 that you couldn't determine if this was a church,

1 nor could you find the entrance; yet, it has the
2 form of a baptistry and it has a campanile, which
3 is much more than is being offered in the new
4 building.

5 I happen to have learned in researching
6 this -- may I go on with a few slides?

7 CHAIRPERSON PFAEHLER: We can allow it
8 slightly longer.

9 I'd ask you specifically to keep your
10 comments related to whether or not the building
11 fits and complies with the context of the
12 Sixteenth Street Historic District.

13 MS. BECK: It doesn't. It doesn't. But
14 I also --

15 CHAIRPERSON PFAEHLER: Whether a building
16 looks like a church and whether it's a duck quacks
17 like a duck --

18 MS. BECK: No. I think that is germane.

19 CHAIRPERSON PFAEHLER: -- is something
20 that we can't review.

21 But we can review as it relates to the
22 Sixteenth Street Historic District.

1 MS. BECK: The Sixteenth Street Historic
2 District happens to be characterized by many
3 churches, and a church is being removed without
4 providing church iconography.

5 And it is certainly possible to do that.
6 I'll run through some really quick images.

7 This one is in Chicago. This one is in
8 San Francisco. You can clearly see where the
9 sanctuary is in this building to the left.

10 This is the Salvation Army in New York
11 and Mr. Stern's book, New York 1930. This one is
12 on 57th Street in New York, an apartment building
13 that incorporates a sanctuary, which is very
14 clear.

15 But one needn't use Gothic motifs to do
16 that. The city core is kind of levered out over a
17 church and that's pretty clear, a separate
18 identity. There is still the opportunity to
19 maintain that separate identity.

20 The Mt. Vernon place, United Methodist
21 Church has maintained its identity by using the
22 rest of the space on this site for a building.

1 And the best example of all, I think, for
2 what this building is trying to do is the new
3 church at 10th and G, only eight blocks from here
4 by Williams and Tsien, where the church is given
5 the corner, which I think it ought to be given in
6 the new building. That's where it's been. That's
7 how it's recognizable. That is what the
8 congregants said that they wanted. They wanted
9 visibility. There's an excellent example here.

10 So I am asking the Board to reject the
11 proposal based on the fact that it presupposes the
12 demolition of the Monitor Building which hasn't
13 been approved yet; that the quality of the
14 architecture is not compatible with that of 16th
15 Street; and, that the Mayor's Agent's order
16 requires before demolition of the sanctuary a
17 construction permit for a church on this site and
18 I see no church on this site. Thank you.

19 CHAIRPERSON PFAEHLER: Thank you. Can I
20 have the lights again.

21 While everyone's eyes are adjusting yet
22 again, is there anyone else to speak? Thank you.

1 MR. HEIN: Good afternoon. My name is
2 Erik Hein. I'm actually here delivering testimony
3 before you on behalf of Richard Longstreth.

4 Richard Longstreth has presented before
5 you and sends his regrets. He was unable to be
6 here today. He -- for those of you who do not
7 know, Richard is a well-known architectural
8 historian. He's on the board of the Frank Lloyd
9 Wright Building Conservancy. He's the director of
10 the Graduate Program in Historic Preservation at
11 George Washington University. He is the past
12 president of the Society of Architectural
13 Historians and vice president of the Vernacular
14 Architectural Forum.

15 So, please, these are the words of
16 Richard. I will try to channel him for you.

17 On the matter at hand, I want to express
18 regret that the loss of an exception design which
19 the current building on this site represents and
20 ample evidence of which was presented at the
21 landmark hearing in 2007 may be the scheme under
22 review.

1 This proposal is a lackluster one, a
2 design that renders it a competent background
3 building, one that fits well with many other
4 ordinary speculative office buildings that line K
5 Street and corridors in the vicinity.

6 Certainly, it adds nothing to the
7 distinction of 16th Street as one of the city's
8 premier avenues.

9 Even more certainly, it is not exemplary
10 architecture by any stretch of the imagination as
11 claimed by the applicant. The loss of the Third
12 Church will be the greater if it is replaced by a
13 tepid uninteresting box.

14 The test is whether the design is
15 compatible with the 16th Historic District, the
16 concern over which you must deliberate.

17 Over the past two decades, especially,
18 Washington has had a number of speculative office
19 buildings and apartment houses that have made a
20 much more significant contribution to the urban
21 landscape.

22 And some of the images can be seen to the

1 right of the Georgetown University Law Library at
2 Massachusetts and Third Avenue, Northwest, the
3 World Bank Headquarters at 19th and Pennsylvania
4 Avenue, 101 Constitution Avenue, Northwest, and
5 the Real Estate Association at 500 New Jersey
6 Avenue.

7 Within the local context, the proposed
8 scheme is disappointing, to say the least where at
9 on a side street the impact might not be as
10 pronounced, but this site's prominence augers for
11 a much more vigorous and imaginative solution.

12 I consider this proposal to be blatantly
13 incompatible in exceeding the 90-foot height limit
14 for these blocks of 16th Street to a substantial
15 degree, but it is equally incompatible including
16 retail functions at ground level, a use that,
17 again, would be singular for these blocks of 16th
18 Street.

19 If these components are realized, they
20 could lead to campaigns to change adjacent
21 properties that contribute to the Historic
22 District.

1 Certainly, there is no pressing need for
2 retail development along 16th Street. Abundant
3 establishments can be found in surrounding blocks.
4 While one might argue that these are zoning
5 issues, not preservation ones, the form of the
6 building, including its height, is central to its
7 design and the character of the building at street
8 level is also a key design component, both of
9 these as they stand in the current proposal and,
10 indeed, incompatible for the Historic District.

11 Furthermore, both of these departures
12 from neighboring practices could lead to campaigns
13 to change existing buildings that contribute to
14 the District and thereby threaten serious damage
15 to the physical attributes of one of the city's
16 most architecturally and historically significant
17 corridors.

18 The insult of a mediocre design is bad
19 enough. Its components should not be allowed to
20 infect its neighbors. My 40 years' experience in
21 the preservation field have made it clear to me
22 that bad preservation is also bad planning and I

1 consider this to be a classic example of that.

2 Thank you for your consideration.

3 CHAIRPERSON PFAEHLER: Thank you.

4 MR. BUSH: Good afternoon, Madam Chairman
5 and Members of the Board. My name is Richard
6 Bush. I'm here solely today on behalf of myself.

7 I am a 40-year resident of the District
8 of Columbia and since the mid-1990s, I've been
9 active in historic preservation issues in Dupont
10 Circle, along the 16th Street Historic District
11 and in the Greater U Street Historic District.

12 Having said that, I just want to say that
13 I fully endorse the Staff's Report with its
14 recommendation that the height of the proposed
15 building be kept at 90 feet. Thank you.

16 CHAIRPERSON PFAEHLER: Thank you. Thank
17 you all for your testimony.

18 Before I ask the Board if you have any
19 questions of the current applicants, it's 4:25 and
20 I think in light of that, and to give due time to
21 discuss this case, I think what we need to do is
22 recommend deferring the McMillan Reservoir case to

1 the next -- not the next continuation meeting, but
2 the next meeting; right?

3 MR. CALLCOTT: June 28th meeting of the
4 HPRB.

5 CHAIRPERSON PFAEHLER: Right. We
6 certainly do appreciate everybody coming out. We
7 try to estimate participation and length of cases
8 as best as possible, but sometimes that makes --
9 that's impossible for us to do. And we will
10 certainly make the time to hear and listen to
11 everybody.

12 If you're not able to make it to that
13 meeting, please do submit your testimony in
14 written format. We will absolutely read
15 everything that's submitted to us and review it as
16 we talk -- as we hear the case on the next meeting
17 in June.

18 I'll ask the Board, do you have any
19 questions that you wanted to ask of the
20 applicants? Are there any other people to speak
21 on this case? I don't think so.

22 And the applicants, if you wouldn't mind

1 coming back up to the table. Then if some folks
2 have some questions they'd like to ask of you, the
3 Board.

4 MR. STERN: Is it possible to respond
5 just briefly to a few of the points? There were
6 some factual inconsistencies and, frankly, things
7 that were brought up that we just want to make
8 sure we're narrowing the focus of discussion.
9 Could I?

10 CHAIRPERSON PFAEHLER: I think we could
11 allow you to do that briefly. We discourage a
12 dialogue between the two and we don't want the --

13 MR. STERN: Feel free to cut me off if I
14 go in that direction. I respect that, as well.

15 CHAIRPERSON PFAEHLER: No doubt I will.

16 MR. STERN: It does appear that -- and I
17 was doubting Mike when he said it, Mike
18 Silverstein, that there are many people who regret
19 the Mayor's Agent decision or, on the other hand,
20 fear these flood gates opening of campaigns of
21 additional height and I think, you know, the model
22 is exemplary of that.

1 The issue at hand is our proposal, as
2 you've stated. And I just -- I want to make sure
3 that we're talking about that.

4 1600 K does not have any plans or designs
5 for additional floors. That's the one building
6 that we control, nor do we think that we should be
7 viewed with the burden of what may come later or
8 what may not. So that's number one.

9 On specific points -- and, again, I'll be
10 very brief -- we do appreciate Mr. Lewis saying
11 that he doesn't believe that our building
12 materially impacts the Historic District. Thank
13 you.

14 The real concern from the models of
15 precedent is unwarranted specifically because the
16 comprehensive plan changed from medium- to high-
17 density commercial is only for our site, not any
18 of the other buildings with gray rooftop additions
19 on them.

20 Mr. Robertson's point about 93 feet --
21 and I can defer to Graham on this -- but, you
22 know, our original design was at 86 feet and it

1 was seven stories and it was HPO's very specific
2 suggestion that we consider going above 90 feet.

3 I think the point was that a few feet
4 above would be better than six feet below in the
5 way that it tied into other buildings.

6 So we were surprised to read objection to
7 that in the HPO report and, frankly, disheartened
8 to hear it magnified here.

9 The other point is that the Committee of
10 100 did pass a resolution in support of this
11 settlement agreement, but, again, that's a little
12 bit out of bounds.

13 Mr. Bower with regard to the Dupont
14 Circle Conservancy, the plans never changed. The
15 plans we presented are the same plans that the
16 Board has before them, the plans that we've shown
17 today.

18 There was a resolution past the evening
19 of our presentation solidly in support of our
20 concept. Don't know who changed their mind. We
21 understand there was a different contingent
22 voting. Subsequently, they certainly have the

1 right to reverse, but we think both resolutions
2 should bear at least equal weight, if nothing
3 else.

4 And then, finally, you know, Ms. Berk --
5 and, again, I regret that you were very adamant
6 and certainly put up a respectable fight to keep
7 Third Church intact.

8 It's extremely inappropriate to tell a
9 church what kind of iconography they should have
10 on their building. That is just so far --

11 CHAIRPERSON PFAEHLER: Okay, that crosses
12 the line.

13 MR. STERN: Okay. Well, that was my last
14 one, so forgive me.

15 CHAIRPERSON PFAEHLER: But I appreciate
16 your comments.

17 MR. STERN: Well, Darrow is going to do
18 it now, too, so --

19 MR. KIRKPATRICK: If people want to know
20 what our iconography is, they should join our
21 church and study our church.

22 CHAIRPERSON PFAEHLER: Well said. And,

1 specifically, that's not what we're to talk about
2 today.

3 MR. KIRKPATRICK: Right, okay.

4 CHAIRPERSON PFAEHLER: But thank you,
5 with no respect to what your church stands for.

6 MR. KIRKPATRICK: Just two quick points.
7 I think the slides that we showed, Graham showed,
8 clearly show that from Lafayette Park there's not
9 a problem.

10 And the last thing, there were some
11 comments made about the church doors. We're here
12 today for conceptual approval. There's a lot of
13 work there that will continue to be done.

14 Thank you, Ma'am.

15 CHAIRPERSON PFAEHLER: Thank you.

16 MR. WYATT: And I'll add a few to those.
17 A point was made about the views being misleading,
18 particularly views further east and west along I
19 Street. In fact, our views are extremely
20 accurate. We sent out surveyor with a laser
21 theodolite and modeled the better part of that
22 neighborhood in a computer in three dimensions and

1 then spliced it with photographs.

2 So we're quite confident that those views
3 further to the east and west, which we did study,
4 do not show the penthouse not only as if it were
5 to be set back further, but even in its currently
6 proposed configuration.

7 A question was asked about the size of
8 the penthouse. In fact, although as
9 Representative Darrow from the church has just
10 pointed out, we're only in concept design. The
11 owner has worked with a mechanical engineer to
12 design that space in detail.

13 The truth is this is not a very large
14 office building and it contains both an office
15 building and a church and that penthouse is tight
16 as a drum, I can tell you, with equipment.

17 So that was an allegation which I'm
18 pleased to be able to refute.

19 The question of the windows, the large
20 gratuitous glass fins from the church that would
21 block windows to the north, in fact, there are no
22 windows in the party wall right now at 1600 K

1 Street. We had showed those as a proposal, that
2 they could be added, but there are no windows now
3 that would be blocked.

4 And, finally, as to the architectural
5 design of the office building, as you've heard
6 today, we are clearly walking on a very, very thin
7 edge between designing something which is a
8 receding background building which has been a
9 desire expressed to us by one very vocal group and
10 to design something which is a singular signature
11 building reflecting the identity of an individual
12 architect. We absolutely look forward to moving
13 past concept design and developing an exemplary
14 building on this site.

15 CHAIRPERSON PFAEHLER: A dilemma not
16 unfamiliar to any architect.

17 MR. WYATT: Absolutely, thank you.

18 CHAIRPERSON PFAEHLER: And are there any
19 questions from the Board that they have of the
20 applicants?

21 MR. MALONEY: Madam Chair, if I might,
22 just one very brief minute of equal time, if you

1 will.

2 CHAIRPERSON PFAEHLER: Absolutely.

3 MR. MALONEY: The only comment I would
4 like to reiterate is that this is not a question
5 of shrinking a building.

6 It's a question of the applicant's
7 request to expand their building 17-and-a-half
8 feet above the 90-foot cornice line that all the
9 other buildings on the street respect.

10 Seventeen-and-a-half feet is about the
11 height of a penthouse which, as we all know, is
12 limited to 18-and-a-half feet.

13 So 17-and-a-half feet more building, plus
14 a penthouse on top of that. So that's the
15 magnitude of this change.

16 CHAIRPERSON PFAEHLER: Thank you, Mr.
17 Mahoney.

18 MS. ALLY: My question, David and Steve,
19 is relating to the, I guess, the notion that I
20 always had in serving on the board of a
21 conservancy that the height limit was really a
22 matter of zoning and not historic preservation.

1 Could you tell me why you feel that this is a
2 matter of compatibility and zoning.

3 MR. MALONEY: Sure. Because the nature
4 of -- the physical nature of the Historic District
5 which we're considering here, and we're
6 considering compatibility with the Historic
7 District, is established by the requirement that
8 has been in place since 1894 not to exceed 90 feet
9 for the buildings.

10 So the buildings especially on this
11 stretch of 16th Street are all built to this
12 uniform height in response to what the zoning
13 regulations have been or the height restrictions
14 have been for more than a hundred years.

15 And so the applicants are asking to break
16 that established form that has controlled
17 development on the Historic District and our view
18 is that it is not compatible with the character
19 of the Historic District, which is very much
20 established by the uniformity of the buildings.

21 MS. ALLY: I just have one more question
22 for the applicants, and that is, in your opinion

1 or if you could state what your motivation is for
2 actually going forward with asking the Board to
3 make a decision on this, is it motivated by what
4 you feel is architectural integrity of having a
5 higher building or is it motivated by your
6 client's wanting to be higher?

7 MR. WYATT: There is a complicated
8 tradeoff here that goes along with designing not
9 an office building, but a church and giving the
10 church pride of place.

11 And the truth is that we have carved away
12 the floor area in the lower portion of the
13 building in order to give the church a 45-foot-
14 wide more than 16-foot-deep recess on every single
15 floor.

16 We very easily could have filled all of
17 that in and had a continuous street wall and the
18 church would have been a flat facade on an office
19 building, which is what was represented in a few
20 of the examples that were shown a moment ago,
21 which I'm very familiar with.

22 It was our great desire -- and I'm

1 willing to take that heat myself -- it was my
2 desire not to do that. The church wanted to have
3 its identity.

4 Actually, the church was actively
5 involved in the development of the design and the
6 placement of the church within the building, and
7 in so doing, there was a significant sacrifice of
8 floor area.

9 I will admit it was my feeling that at
10 least some of that, not all of that, could be
11 placed on the roof in the way which would be
12 absolutely invisible from the public domain.

13 CHAIRPERSON PFAEHLER: Any other
14 questions of the applicants from the Board?

15 MS. ALLY: I have one more question and
16 this is, again, for the architect. There has been
17 a lot of discussion about whether this should be a
18 background building or a building of much
19 notoriety and innovation. And, obviously, because
20 it's a blend of typologies -- one office building,
21 one church -- the balance of that has to be
22 thought of in the design. How would you address

1 that issue in what you were thinking for the
2 design?

3 MR. WYATT: Well, I'm personally quite
4 sympathetic in the design here for this building
5 to fit into the historic context of that street.
6 I do not think that this should be a me-me-me
7 building and I also do not think that this should
8 be a building which is expressing the ego of an
9 individual architect.

10 And what that means specifically here is
11 that I actually think I'm very much like-minded
12 with the Historic Preservation Office about this
13 being fundamentally a building of stone, limestone
14 or, dare I say it here, maybe even marble because
15 there are other marble buildings, ALF-CIO
16 diagonally across, but a stone of that type, but
17 also one which is quite glassy. We have to walk
18 that balance and the Historic Preservation Office
19 and I have discussed that. We hope to continue to
20 discuss it. So that aspect of the balance between
21 background and signature building, I personally
22 feel we're walking that line quite well.

1 In order to make this building really
2 exceptional, it has to be beautifully detailed
3 with beautiful materials and that is something
4 which is ahead of us.

5 That's my own commitment to make sure
6 that this is not a thin-skin building, that this
7 is a building that has depth and integrity and 50
8 years from now people will look at it and they
9 will not say, "Well, that's the style of 2012."

10 The second part of this is the church
11 really does need to have its own identity and I've
12 been thrilled at the extent to which the church
13 has been able to talk about how its identity on
14 this site currently doesn't suit its needs well,
15 but in the future, could suit its needs, not just
16 physically, but in terms of the identity and the
17 spirit of the church.

18 These ideas of transparency, they talk
19 about the building being a jewel. They wanted it
20 to be inviting. And there are a variety of much
21 more specific ways in which they've talked about
22 that architecturally.

1 Are we there yet with that design? No.
2 Are we making good progress/great progress? I
3 really think we are because this is a client who
4 really has a very clear idea of what they're
5 after.

6 I don't know if that answers your
7 question, but I'm at least bearing for you some of
8 the things that we've been going through during
9 this concept design phase.

10 CHAIRPERSON PFAEHLER: Thank you very
11 much.

12 MR. KIRKPATRICK: If I could just make a
13 brief comment.

14 CHAIRPERSON PFAEHLER: A very brief one.

15 MR. KIRKPATRICK: A brief comment. There
16 have been a lot of numbers and a lot of
17 information thrown out here today and I think
18 there's an old saying that everybody is entitled
19 to their own opinion, but they must use the same
20 facts.

21 And we look to you folks to determine the
22 facts there from the various presentations made

1 here and we'd appreciate it if you will.

2 CHAIRPERSON PFAEHLER: Thank you, Mr.
3 Kirkpatrick for stealing my closure.

4 [General laughter.]

5 CHAIRPERSON PFAEHLER: Well said, and
6 thank you for that.

7 Absolutely, the Board is here before you
8 to review the facade as it complies with the
9 Sixteenth Street Historic District.

10 And with that, Rauzia, since you were
11 asking questions, would you like to start with
12 your comments?

13 MS. ALLY: Well, my comments, I actually
14 don't have a problem with the height. I think
15 that each one of the buildings that will come
16 forward, if they are going to add height, will
17 have to be evaluated for each specific project.

18 I do think that the blend of the two
19 typologies will be -- as you move forward, will be
20 the crux of your architectural problem.

21 MR. AURBACH: I actually didn't have a
22 problem with the original proposal that was in

1 bronze and I actually thought that the height for
2 that really extenuated the church space more
3 appropriately understanding that that height is
4 not compatible with the Historic District.

5 I am compelled by the argument,
6 particularly the example of the Hay Adams, which I
7 actually sat in on the tail end of that discussion
8 and the very careful thought given to the setbacks
9 there and the use of clear material to ensure that
10 -- for the balcony perimeter.

11 So I actually think that your proposal is
12 okay in terms of height and I would personally
13 tend towards the bold than the contrary, but I'll
14 defer to your ongoing dialogue with staff on that
15 point.

16 And I also feel that the topography, I
17 think, does provide a little bit of flexibility on
18 that cornice line. Like I said, I think the 86
19 foot -- 82 feet 6 inches, you know, with the
20 further setback at the higher density was, in my
21 opinion, a better design, but I'm not an
22 architect, so I'll defer. But I agree with my

1 colleague.

2 MR. SONDERMAN: This is one of those
3 moments where I think I hear my mother calling.

4 [General laughter.]

5 MR. SONDERMAN: Notwithstanding all of
6 the other commentary, I'm likely to support the
7 Staff Report, but I wanted to comment on a few
8 things about what's taken place here.

9 The underlying role that we have to play
10 is to review the scheme in front of us. As much
11 as -- as a warden in my own church, I am not even
12 going to consider the greater legal implications.
13 I cannot.

14 And as an uncle, a veteran, I mean, we
15 can all play that game in terms of who has got
16 people that served in the military and all that.
17 I'm unswayed by that argument.

18 I've been on this Board for 20 years.
19 This Board and every member of the Board has
20 always given great weight to ANC positions. We
21 don't necessary agree. That doesn't mean we don't
22 give great weight.

1 It's our job to listen to what you have
2 to say. You are our duly -- you have been elected
3 to represent the citizens of your neighborhood and
4 we acknowledge that.

5 But our job is to interpret the law, as
6 we see it, from the dias. And in this particular
7 case, I'm inclined to support the Staff Report;
8 however, I think there is -- I think the entrance
9 to the church is actually moving in a rather
10 stunning direction. I think it's pretty -- it
11 could be spectacular.

12 And I don't -- and I certainly don't
13 subscribe to the iconography part of it. It
14 doesn't require embellishments for someone to know
15 that it's a place of worship, regardless of what
16 worship you're performing.

17 But at the same time, it's clear that we
18 need to have a very clean and articulated
19 entrance, so anyone who wants to come visit can
20 come visit.

21 And if it's a church of God or a place of
22 worship, it should be open all the time or as open

1 as it can be. And if you can't tell that it's
2 open and it's not there, it's a pointless, useless
3 exercise.

4 So I, for one, really sort of enjoy the
5 crystalline nature, though I never was a big fan
6 of the crystalline palace. So those are my
7 comments.

8 I am certain that the architectural firm
9 has -- can go well beyond what is perceived by
10 many to be a plebeian effort on its part and I
11 think those comments may have been a little bit
12 harsh for a concept review.

13 So it will all -- we'll all see how it
14 comes out in the end when we see it again.

15 CHAIRPERSON PFAEHLER: Thank you, Bob.
16 You didn't need to talk to your mother at all. It
17 was well-stated. Joseph? He needs his mother
18 now.

19 MR. TAYLOR: That's not what I want to
20 hear at this point.

21 Let me thank you for a very thorough and
22 informative presentation.

1 I don't want to lose sight of why we are
2 here and what is the main point of our agenda.
3 We're in concept. I've worn a lot of hats in my
4 career and I've been a design studio instructor
5 for a 14-year period teaching third-year design
6 students and I make them very well-aware of the
7 canvass that they are allowed to play on and be
8 creative.

9 And property line is a serious boundary.
10 You can't go beyond that. Within that, you're
11 responsible for your concepts, your ideas, your
12 party, what you bring as a design solution for a
13 client.

14 And then we have to go up, and I made it
15 very simple. Let's do good research. Design
16 decisions grow and come out of research and some
17 more research and some more research and you throw
18 an idea in there and you go with that. It's
19 research and application.

20 And the fundamental part of that research
21 is zoning in a lot of cases and, given the
22 district that you're in, it is History

1 Preservation Review Board issues.

2 So all throughout the presentation, what
3 I kept hearing is that from a height standpoint,
4 the building cornice, we're 90-ish. And then I
5 look at but that's 90 feet. Tthe 90-foot limit,
6 that's the rule.

7 So if we're 91, 92, 93 spread over the
8 number of stories, I think we can get there, and
9 that's where you go beyond the concept and design
10 development, will get you there with structural
11 and your thickness of your plate and it's floor to
12 floor and ceiling heights. You understand that
13 quite clearly, so I won't go into details there.

14 So if you establish your building envelop
15 or the three dimensions of your canvass that you
16 are designing within, you have to ask yourself
17 based on what. We have properly lines and then we
18 have height restrictions.

19 If you exceed that on a pure zoning
20 basis, then you're looking for a variance. I've
21 been very successful there, but I tell clients the
22 push-back could be stay within the zoning

1 requirements and then we're forced to be creative
2 within that box and they understand that.

3 So I've pushed that envelop and been
4 successful. And now, I'm sitting here and I have
5 to make a decision on where we are in terms of
6 compatibility with the District.

7 And the Staff Report brings me to the 90-
8 foot-height limit. And we do our homework and
9 when I sit here, I'm looking for something to move
10 my needle and I still come back to the fact that
11 if we are 90-ish, 90-some feet in height, can we
12 be successful? Can we be creative? Can we take
13 off from the concept phase and go into design
14 development and refinement?

15 And the two points that are ahead of us
16 that don't take any comment from me today, and
17 I'll just mention them briefly -- and I'm sort of
18 -- I'm loosely quoting here -- "The design
19 refinement and details are ahead of us and the
20 church identity, that's also ahead of us."

21 I agree with Mr. Sonderman. The church
22 entry and the identity of the church within what I

1 call that first critical 20 feet at grade -- at
2 street level, I like where you're going with that
3 and I think that's going to be exciting, because
4 as I started reading, I'm saying, okay, there's a
5 church in and of the building, but the church has
6 to make its own distinction from the streetscape
7 and you're doing that as a beginning. And I'm
8 interested to see where you go.

9 Having said all that, I have to come back
10 and support the Staff Report and put it back to
11 you to be creative within the required three-
12 dimensional canvass; that is, you can't go across
13 a property line and, in my view, you shouldn't go
14 above 90 feet, and I'll leave it there.

15 CHAIRPERSON PFAEHLER: Thank you.
16 Graham.

17 MR. DAVIDSON: My views have continued to
18 evolve during this hearing, so I'm still
19 formulating.

20 16th Street is, as has been said a number
21 of times, a unique street in the city and it's an
22 institutional street, primarily. It's supposed to

1 be an institutional street.

2 And the buildings along it are mostly, at
3 least along this stretch, are predominantly
4 institutional buildings. So they do have a very
5 identifiable look that's different from an office
6 building.

7 And what you're proposing to do is an
8 office building which is not usually found along
9 16th Street and so that's created some issues for
10 you and for us.

11 You're asking for -- you're asking to go
12 above 90 feet with the building in a very special
13 street where the height is limited to 90 feet and,
14 of course, not our purview, but you're asking to
15 put office -- 8 FAR of office space in, as opposed
16 to 3 and a half, and a number of other things that
17 are very supportive of -- there will be a very big
18 help in optimizing the return to the church and to
19 yourself.

20 So I was very -- thank you, Rauzia, for
21 asking the question about why the ninth floor. It
22 was the third time that I had heard it expressed

1 that the reason for the ninth floor is because of
2 the church and the loss of the area as you set
3 back for the church.

4 If that was the reason for the ninth
5 floor, you probably shouldn't have started at 130
6 feet and you should have come in with the ninth
7 floor and said, "We have the church here and we
8 need a ninth floor because we need to make up for
9 the area we've lost."

10 So I don't see a compelling reason. I
11 don't hear a compelling reason why the building
12 should go above 90 feet in this very special
13 street of institutional buildings that are all at
14 90 feet.

15 I recognize that there are some
16 exceptions and I won't go into each and every one
17 of them, but they're all special cases.

18 So even though I recognize that there
19 might be a good reason for going above 90 feet, I
20 don't -- it's not compelling to me and it seems to
21 me that the buildings along 16th Street should
22 remain at 90 feet in height.

1 I do agree, however, with Joseph.
2 Ninety-ish is okay with me for the top of the
3 building.

4 I recognize that there are issues with
5 getting in -- with building a viable building with
6 eight floors in today's market and you probably
7 can't do it in 90 feet.

8 The 93 feet, or whatever it is, gives you
9 a substantially better building all the way up
10 making it quite viable.

11 It's not demonstrably different from the
12 rest of the street, so even though it's not
13 strictly within the 90 feet, I think just as a
14 practical matter, it's close enough for me.

15 To get back to the office use, there are
16 other office buildings along 16th Street, of
17 course, a couple at K Street. The one to the
18 south is actually, I guess, an office building.

19 And so I think that it's very hard to do
20 an office building that really has presence and so
21 it's probably better that you do more of a
22 background building.

1 And so I think the architecture is
2 heading in the direction that it probably should,
3 but it is certainly not exemplary architecture.

4 And so I would not -- I certainly
5 wouldn't think that that should be a part of your
6 package moving forward.

7 So I think that's a summary of my
8 comments that we should limit the building to 90-
9 feet-ish and I think the office -- the expression
10 of an office building as an office building, it
11 just is unfortunately what it is. It should be a
12 background building.

13 I do question the use of the two-story
14 order. I think you will need to explain that
15 moving forward. I recognize that the Hay Adams
16 has a two-story order, but it really looks a lot
17 different than yours does.

18 So, anyway, I think we need to understand
19 why that jump in scale there which changes
20 dramatically what happens at the corner. So I'm
21 hoping that moving forward, we can talk about why
22 that's appropriate or that scale jump is

1 appropriate there.

2 CHAIRPERSON PFAEHLER: Thank you.

3 MS. METZGER: Well, I'm inclined to --
4 first of all, I'd like to say I really appreciate
5 the restoration of the green swath and the large
6 setback. And it is something that helps make 16th
7 Street so wonderful and a reminder of the past
8 when it was a residential neighborhood.

9 And I'm also very -- I was interested
10 very much in the crystalline structure and, of
11 course, I'm thinking, oh, all that glass. Who
12 wants to clean that, but that's your problem, not
13 mine.

14 But it does provide an interest there
15 that I have to tell you I looked at the building
16 and thought, well, okay. So I just wasn't blown
17 away by the building at all or didn't feel that it
18 was an exciting building, or anything like that.

19 I was very much pleased to hear you say
20 about the details, the materials and those things
21 because I think it does make a big difference in
22 the street presence and continues that whole

1 feeling of this was a special street.

2 You know, not too many people are putting
3 up marble buildings on residential Capitol Hill.
4 So I think it does give that feeling that this was
5 and is still remaining a very special street and
6 that's really what 16th Street is all about.

7 I was kind of puzzled, I think -- and it
8 may just be the drawings -- that I wouldn't have
9 particularly known which door to walk into. I
10 think that's still something you all are
11 discussing and all of those things.

12 But just as somebody who thinks as a
13 pedestrian, that is something that -- and in that
14 case, I really feel like that whole base is kind
15 of confusing to me.

16 We've got four doors. We've got one
17 canopy coming out. We've got a very strong retail
18 entrance over here on the corner which is usually
19 a place where, you know, an institution or an
20 office or the church might be, a very strong
21 statement at that point.

22 And to me, that just makes it a little

1 bit muddied facade along that way.

2 So I was still kind of confused about the
3 whole -- not confused. I mean, I can sort it out,
4 but I found it a confusing sense there.

5 The 90 feet. I think it's very important
6 to reiterate the strength of that 90 feet and why
7 it's important. I'm, for instance, not going to
8 know whether it's 90 feet 6 inches or 90 feet 1
9 more foot from the bottom, but I do think, you
10 know, the difference between the two facades was
11 the eight feet between your one building and your
12 other building.

13 That was pretty telling to me, that there
14 was a -- that there would be a big difference.
15 And I'm wondering if, you know, adjusting on the
16 ground floor level, or whatever, that's usually
17 what we tell residential people.

18 Well, can't you take something out of
19 your top floor? Do you need 14 feet on that top
20 floor or wherever, you know?

21 So I would just urge you to really look
22 at that and see if you can't moderate that and get

1 down to our sort of goal, the 90-foot goal, which
2 I do think is a very important thing.

3 And I guess just one other thing that I'm
4 not really clear about. The lady from the ULLICO
5 Building behind, are your windows on the property
6 line? So you kind of know --

7 MS. BECK: It's in a different zone
8 district.

9 CHAIRPERSON PFAEHLER: I'm sorry. If
10 you're going to have a conversation, you have to
11 talk on the microphone.

12 MS. METZGER: That was one thing when you
13 testified that I wondered where it was. Thank
14 you.

15 CHAIRPERSON PFAEHLER: Thanks, Nancy.

16 Well, thank you, everybody. Thank you to
17 the Board. Thank you to the people in the
18 audience in attendance. Thank you to the
19 applicants and thank you to the staff.

20 Everybody clearly has a lot invested in
21 this issue and has put a lot of time and effort
22 into collaborating for this.

1 And some of the things that I've heard --
2 and I'll add some of my own comments to this, as
3 well -- is that, certainly, procedurally, I'll
4 start out with the ANC.

5 We certainly listen to the ANC and
6 respect and think very solidly about
7 recommendations from the ANC and what their
8 opinions are. We know that that's our way to
9 reach out to the public who can't be here, reach
10 out to other folks. And so we know that that's
11 their responsibility to represent the larger
12 public.

13 And so, absolutely, this Board considers
14 what the ANC has to say. It doesn't mean we
15 agree. It doesn't mean we will collaborate with
16 them, but, absolutely, it's a valued opinion.

17 That aside, the building at hand, I think
18 from my perspective, the 90-foot law is a design
19 constraint. It doesn't mean that a building has
20 to be boring. It doesn't mean that it has to be
21 all the same. It doesn't mean that we have to
22 have all of these cookie cutter buildings. It's a

1 design constraint.

2 As an architect myself, I work within a
3 number of constraints all the time, whether it's
4 zoning, whether it's height, whether it's FAR,
5 whether it's dollars, whether it's combining an
6 office building with a church.

7 You know, there's an interesting dialogue
8 that's starting to happen. And I really commend
9 you for the efforts that you put forward.

10 I do think that it's our position to
11 support the staff in the 90-foot. I was listening
12 very carefully for reasons why and trying to
13 understand the case to go above that 90-foot
14 height for the -- not so much the issue of having
15 a penthouse exist beyond there, but having an
16 entire additional story.

17 And one of the comments, Graham, I think
18 you made about the quality of your documents and
19 the accuracy, I have no question about the
20 accuracy of your documents.

21 I think that comment about the photograph
22 -- the photography was that from other vantages,

1 there are views of Washington.

2 Sometimes we comment on Northern
3 Virginia's benefit of being able to see the beauty
4 of our city, right.

5 And I was in Arlington Cemetery with some
6 friends a couple weekends ago visiting and we took
7 the tour and walked up and saw, you know, the
8 internal flame and you have a view of this site.
9 You can see the building on I Street. You can see
10 the site and you can see that building.

11 And so very much -- and I appreciate that
12 you have a lot of respect for where you're working
13 in the world. This is really 16th Street and only
14 two blocks from the White House.

15 I think it's all the more case that we
16 need to follow the intent and the constraints that
17 are put before us. I think they are set so they
18 establish and offer opportunity for design and
19 creativity.

20 I do think the design that you've
21 developed and the dialogue -- you've heard some
22 things talked about the design for the church and

1 does it represent a church that somebody might
2 presuppose as their church.

3 Well, it's not for us to impose our
4 aesthetic, but, rather, to talk about the scale
5 and the context.

6 And you have some challenges. I think
7 the two-story order, the scale at which those
8 materials represent that order to be in
9 relationship with other buildings on the site,
10 they may have -- some of the buildings on the site
11 do have the external appearance of a two-story
12 order, but the fill-in the second story is so much
13 similar that it really vanishes or there's a water
14 table -- quasi post-modern water table that cuts
15 it and truncates it so it's perceptively
16 different.

17 But you do have a good challenge before
18 you and I think you've come quite a long way. I
19 think we would support the staff in recommending
20 that you go back and look at it -- continue to
21 look at it. I think you're well on your way.

22 The materials that you talk about are

1 commendable and the way you talk about how they'll
2 be detailed and fitting together certainly makes
3 us think that, even though this may not be a loud
4 object building or something that defines itself
5 and stands out separate from, but stands
6 respectably with the edge of the street, I think
7 it takes a lot of quality and caliber and
8 detailing and integrity to stand respectably
9 within the context that's set up along 16th
10 Street. So you're absolutely to be commended for
11 that effort and from what I've seen in the
12 information that you've provided and how you speak
13 about the building today. I think that's very
14 impressive. I think that's very impressive.

15 I think I need to also just be clear
16 again for the record that we are specifically
17 reviewing only this concept as it relates to the
18 character of this 16th Street District.

19 We are specifically not here to talk
20 about or to be making any presupposition about
21 demolition of anything. We are only talking about
22 this concept as it's presented to us.

1 And we are commenting on the setback, but
2 not the design of the landscape that you have for
3 the setback along 16th Street. That comes at a
4 different time.

5 So I think the summary is that you've
6 heard some comments about clarity of entrance,
7 scale of design, materials. I think I've been
8 encouraged by what I've heard from my fellow Board
9 Members about the path that you're on and would
10 ask that you continue on that path and work to
11 comply with the 90-foot height level as the law
12 requires.

13 That doesn't mean that there couldn't be
14 some discussion about a penthouse on top of that
15 building that would exceed that height as it's set
16 back and recedes from view.

17 But the 90 -- I guess I'm not a 90-ish.
18 I'm a 90. Maybe that's my Germanic heritage.
19 It's 90.

20 But that's the law and I feel like that
21 close to the White House, we really are obligated
22 to respect that piece of our heritage.

1 And it doesn't stop us from talking about
2 buildings of today and making it a modern thriving
3 city.

4 MR. TAYLOR: Just a point of
5 clarification.

6 What was presented is 90-ish. What I'm
7 saying is that they are compelled to abide by the
8 rules and then play within that, so --

9 CHAIRPERSON PFAEHLER: Exactly.

10 MR. TAYLOR: -- 90. Thank you.

11 CHAIRPERSON PFAEHLER: That said, is
12 there a motion?

13 MR. SONDERMAN: So moved.

14 CHAIRPERSON PFAEHLER: And is there a
15 second?

16 MR. TAYLOR: I second it.

17 CHAIRPERSON PFAEHLER: The motion has
18 been made and seconded. All of those in favor,
19 raise your hand, aye? Opposed?

20 Rauzia and Andy are opposed. Bob,
21 Gretchen, Joseph, Graham and Nancy approved it.

22 Thank you everyone for your time.

1 [Whereupon, at 5:07 p.m., the meeting

2 concluded.]

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1 I, WANDA L. GRANGER, do hereby certify
2 that the foregoing proceedings were reduced under
3 my direction to typewritten form; that this
4 transcript is a true record of the proceedings;
5 that I am neither counsel for, related to, nor
6 employed by any of the parties to the action in
7 these proceedings; and, further, that I am not a
8 relative or employee of any attorney or counsel
9 employed by the parties hereto, nor financially or
10 otherwise interested in the outcome of the action.

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WANDA L. GRANGER

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