

September 27, 2018

BY IZIS

Mr. Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 17-21: Applicant's Update

Dear Chairman Hood and Members of the Commission:

On February 26, 2018, the Zoning Commission (“Commission”) voted to set down the public hearing for the above-referenced application. The Applicant hereby requests that the Commission schedule the public hearing. This submission contains responses to the issues raised by the Office of Planning (“OP”) and Advisory Neighborhood Commission 6D (“ANC 6D”) in their setdown reports.

Project Design: Program, Massing, Materiality, and Impacts

Since setdown, representatives of the Shakespeare Theatre Company (“STC”) and Erkiletian (together, the “Applicant”) have met with members of the ANC and OP to further review the design of the Project. This iterative process, encouraged by the Commission, has yielded meaningful results. As shown on the plans attached as Exhibit D, the Applicant has revised the program, massing, materials, and other design aspects of the Project significantly to respond to these comments. Each series of changes is discussed in detail below.

Building Program

The residential portion of the Project is now planned as a for-sale condominium rather than rental apartment building. Moreover, the unit mix reflects a shift to larger units, with more two-bedroom units (39% of the total unit mix) and fewer studios. As a result, the overall unit count for this portion of the Project is reduced by 16 units, from approximately 85 apartments to approximately 69 condominium units.

The STC portion of the Project continues to contain a mixture of office space on the ground floor, rehearsal, education, and costume shop space in the lower level, and housing for both actors and fellows. As a result of changes to the Annex, the housing component has been reconfigured and reduced. The fellows housing will now consist of 18 dormitory-style single room occupancy beds (rather than five four-bedroom apartments) and the actor housing is reduced from 20 to 18 units.

Within the lower level, the garage has been reconfigured in two ways. First, a service/delivery space has been located within the garage for use by STC for deliveries to and from the costume shop, which will reduce service and vehicle activity happening at the at-grade loading dock. Second, the garage has been reconfigured so that it now provides 38 parking spaces without any stacked or tandem spaces. Changes to the annex provide room for an additional two surface parking spaces at ground level, and STC will continue to provide an additional 15 parking spaces at an off-site location, for a total of 55 parking spaces for the mix of uses. This significantly exceeds the 28 spaces required under the Zoning Regulations. Moreover, the use mix will allow for many of the STC parking spaces within the garage to be used by resident guests and visitors on evenings and weekends.

To accommodate the proposed condominium use and the design changes described in greater detail below, the Applicant now proposes to use higher-quality, Type I steel and concrete construction. As a result in the change in construction type, change in tenure, and change in the fellows component, the inclusionary zoning component of the project also been altered. The Project will now provide approximately 6,088 square feet of affordable housing, with approximately 5,378 square feet (or approximately 6 units) set aside at 80% of the Median Family Income, and approximately 710 square feet (or 1 unit) set aside at 50% of the Median Family Income. The Project's affordable housing component is detailed on Page 1.3 of the Plans.

Building Massing and Materials

The Applicant has significantly redesigned the massing and materials for both the main building and the annex in a number of ways. After exploring a series of design alternatives that attempted to integrate massing changes and a masonry palette into the previous design, the Applicant's design team stepped back and reconceptualized the main building as brick building with punched windows, with the primary front and entrances focused on I Street and a secondary series of residentially-scaled bays along 6th Street. The footprint of the annex was also reduced and relocated. As a result, the Project better harmonizes with the scale and materiality of the nearby townhouses along 6th Street and provides greater separation from the residential uses to the north.

Along I Street, the building announces its presence with a public-facing, contemporary glass volume that gently arcs away from the building. The proposed design befits the institutional character of churches, schools, and libraries along this stretch of I Street. Both entrances are now located along I Street, with the STC entrance located at the southeast corner of the Property (furthest from the residential neighborhood) and the residential entrance located closer to the intersection of I Street and 6th Street. A four-story corner element anchors the building at that intersection with both a modern glass tower and a brick pier with a bas-relief quill pen that functions as both a building identifier and a piece of public art. Additional glass art panels within the planted area adjacent to the sidewalk continue to be incorporated in the design, consistent with the vision for I Street as a planned arts corridor. To further mark the unique character of the dual-purpose building, the Applicant proposes to utilize the glassy residential lobby as a rotating, publicly-visible display space for STC's costumes.

Along 6th Street, the building transitions into the residential neighborhood with a private, residentially-scaled contextual façade composed primarily of brick material with punched windows, with wood accent panels to provide additional warmth. The façade is broken down as a series of seven townhouse-scaled modules, each three stories in height, which directly correlate to the surrounding townhouses to the west and north. The fourth story and the penthouse levels are each set back above the primary three-story cornice line. As a result, the 6th Street façade will read as a three-story, 37-foot tall structure from the street, which mirrors the height of many of the adjacent townhouses. The ground-level units along 6th Street each feature separate entrances that sit within neighborhood-scaled parterre gardens.

The building's courtyard level, previously located at ground level and oriented to the west, is now located on the second level and oriented toward the east, away from the neighborhood. Balconies and terraces are now integrated into the design of some units, both within the courtyard and along the east façade. Again, these open spaces are oriented away from the residential neighborhood. Similarly, the penthouse amenity space and roof terrace is now located in the southeast corner of the building, away from the townhouses and apartments to the north and west.

The annex building has also been significantly redesigned. Most notably, the annex has been shortened by one bay, so that the western edge of the annex building is now roughly in line with the eastern edge of the apartment building to the north. As recommended by OP, the Applicant has also shifted the annex building to the south, so that it is adjacent to the southern property line. The net result of both changes is to pull the annex further away from the apartment building and the townhouses as well as further "open up" the space between the main building and the annex. The annex is now comprised of the same brick material with punched

windows that characterizes the Project's 6th Street façade and the surrounding residential townhouses and apartment buildings.

Analysis

The program and design changes described above and shown on the plans respond directly to the comments received from OP and the ANC and result in a better project for all stakeholders involved. The overall change in the organization and composition of the building to a primarily brick building with punched windows, combined with the additional townhouse-scale design along 6th Street and STC-related design elements along I Street, responds directly to the ANC's desire for a more compatible, attractive, and artistically engaging building and streetscape design. It also enhances the consistency of the Project with provisions of the Comprehensive Plan that call for infill development to be compatible with the surrounding context.

Similarly, the changes to the uses within the Project also address a number of concerns regarding potential impacts. Most importantly, the building entrances for both uses have been located on I Street, which moves the primary areas of pedestrian activity away from the residential neighborhood. The reduction in the number of units both lessens the population density of the Project and increases the parking ratio for the remaining units. And the changes in the unit mix and type of the residential program (increase in 2-bedroom units and change to for-sale condo units) provides a desirable diversity in housing type and tenure.

Going forward, the Applicant will continue to engage with OP and the ANC in a constructive dialogue regarding the design as well as other aspects of the PUD, including in particular the public benefits and project amenities. The Applicant is working actively with nearby schools to further define and enhance the education-related public benefits, which are a cornerstone of the proposed benefits package. The Applicant will provide additional information on the outcome of these efforts in a supplemental submission.

PUD Flexibility

The Applicant continues to request a map amendment to the MU-4 Zone District. Again, the building height and density are both below the matter-of-right limits for this zone. With the revisions to the design come revisions to the proposed areas of flexibility, which are summarized below.

- *Rear Yard*: The Applicant continues to request rear yard flexibility for the annex portion of the project, though the degree of relief has been halved. The Project now

provides a rear yard of 8'4", which is 6'8" less than the 15' rear yard required for the MU-4 Zone District. (The main building provides nearly double the required rear yard distance.) Some flexibility is necessary given the narrow width of this segment of the lot.

- *Side Yard/Court Flexibility:* The Applicant continues to request flexibility for a portion of the building that is set back from the eastern property line in order to accommodate windows at the ground floor. Under the prior design, this area was considered a side yard; under the current design, this area is considered a court. Flexibility from the court width and area requirements is requested; the flexibility is minor and is limited to the ground level court only.
- *Lot Occupancy:* The Applicant requests lot occupancy flexibility, again attributable only to the ground level of the Project. The ground level of the Project occupies 79% of the lot, which exceeds the 75% maximum for the lot. The upper levels of the Project occupy 71% of the lot, which is within the maximum. The need for flexibility is driven by the redesign of the building; in order to offset the incorporation of residential units along the entire length of 6th Street, additional ground-level space needed to be recaptured to meet STC's program needs by infilling the courtyard at the ground level. The increased occupancy from the courtyard infill is partially offset by the reduction in the footprint of the annex, thereby increasing the amount of open space on the northern portion of the lot.

The Project otherwise complies with the requirements of the Zoning Regulations.

Hearing Fee, Witnesses, and Testimony

Enclosed please find a check for \$8,162, which represents the hearing fee in this application. The hearing fee calculator form is attached as Exhibit A.

At the public hearing, the Applicant will offer the following expert witnesses:

- Shalom Baranes and Patrick Burkhart as experts in the fields of architecture and urban design
- Daniel Van Pelt as an expert in the field of transportation planning and engineering
- Craig McClure as an expert in the field of landscape architecture.

Resumes for the proffered experts are attached as Exhibit B. All three proffered experts have been previously recognized as experts in their respective fields.

Outlines of the testimony of all of the Applicant's proposed witnesses are attached as Exhibit C. Representatives of STC and Erkiletian will join the expert witnesses in the presentation to the Commission.

Conclusion

The Applicant has satisfied the requirements for consideration of the application and respectfully requests that the Commission schedule a public hearing in this case.

Sincerely,

/s/
David Avitabile
Goulston & Storrs

DA:DA

Enclosure

cc: Gail Fast, ANC 6D01
Cara Shockley, ANC 6D02
Ronald Collins, ANC 6D03
Andy Litsky, ANC 6D04
Roger Moffatt, ANC 6D05
Rhonda N. Hamilton, ANC 6D06
Meredith Fascett, ANC 6D07
Melinda MacCall, DC Public Library, Southwest Neighborhood Library

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were delivered by hand delivery or electronic mail to the following addresses on September 27, 2018

Office of Planning

Jennifer Steingasser
1100 4th Street SW, Suite E650
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jennifer.steingasser@dc.gov

With a copy to:
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stephen.cochran@dc.gov

District Department of Transportation

Anna Chamberlin
55 M Street SE, 4th Floor
Washington, DC 20003
anna.chamberlin@dc.gov

With a copy to:
Aaron Zimmerman, DDOT
aaron.zimmerman@dc.gov

ANC 6D

1101 4th Street SW, Suite W130
Washington, DC 20024
office@ANC6D.org

_____/s/_____
David Avitabile

CERTIFICATION OF COMPLIANCE WITH SUBTITLE Z, SECTION 401 OF THE ZONING REGULATIONS

As You Like It LLC (“Applicant”) hereby certifies that this pre-hearing submission, which has been filed with the Zoning Commission on September 27, 2018, complies with the provisions of Subtitle Z, Section 401 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes are expected to be submitted prior to the public hearing on this application, other than the changes discussed in detail below.

At its January 29, 2018, Public Meeting, the Commission considered the application, the Office of Planning Setdown Report dated January 19, 2018 (“OP Setdown Report”), and the Advisory Neighborhood Commission (“ANC”) 6D Setdown Form dated December 11, 2017. At its February 26, 2018, Public Meeting, the Commission voted to set down the application for a public hearing. In response to comments made by members of the Commission during the public meeting, comments from the ANC and other community members, and in the OP Setdown Report, the Applicant has provided additional information regarding the proposed PUD Project. The additional information requested includes:

1. *Building Design and Neighborhood Compatibility. OP and the Commission requested improvements to the project design and materiality to be compatible with the neighborhood character, including removal of the tower feature and revisions to the Annex to minimize impacts on the neighboring properties.*

The Applicant has revised the building design to improve its compatibility with the neighborhood. The building now reads more as an articulated façade with breaks in massing more compatible with the area. The materiality of the building, as shown in the plans, now better reflects the neighborhood characteristics as well. Additionally, the Annex has been moved further away from the neighboring townhouses to create additional separation. Finally, the tower element has been relocated to the building corner, which is a more appropriate location for such feature, and redesigned to integrate into the building design.

2. *Project Benefits and Amenities. OP and the Commission requested that the Applicant propose additional benefits and amenities and provide more details regarding certain benefits and amenities, including the Shakespeare Theatre-related education benefits, public art benefits, and jobs benefits.*

The Applicant is working actively with nearby schools to further define and enhance the education-related public benefits, which are a cornerstone of the proposed benefits package. Further, the Applicant has refined the inclusionary zoning component of the project. The Project will now provide approximately 6,088 square feet of affordable housing, with approximately 5,378 square feet (or approximately 6 units) set aside at 80% of the Median Family Income, and approximately 710 square feet (or 1 unit) set aside at 50% of the Median Family Income.

In all other respects, the Project is the same as filed on November 7, 2017.

<u>Subsection (Subtitle Z)</u>	<u>Page</u>
401.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission
401.1(b) Witnesses	Pre-Hearing Submission
401.1(c) Summary of Testimony of Applicant's Witnesses	Exhibit C
Resumes of Expert Witnesses	Exhibit B
401.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission
401.1(e) Reduced Plans	Application (Exhibit J); Exhibit D
401.1(f) List of Publicly Available Maps, Plans, and Other Documents	Application (Exhibit H)
401.1(g) Estimated Time Required for Presentation of Applicant's Case	1 Hour
401.2 Memoranda of Understanding with Agencies and Entities regarding Public Benefits	N/A
401.3 List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Exhibit E)
List of Names and Addresses of All Tenants within 200 Feet of the Subject Property	N/A
401.7 Comprehensive Transportation Review (also provided to DDOT)	To be submitted prior to hearing

Respectfully submitted,

/s/
David Avitabile