

February 26, 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:

Since the Commission's January 29 public meeting, representatives of the Shakespeare Theatre Company ("STC") and Erkiletian (together, the "Applicant") have met twice with members of the ANC to discuss and develop potential resolution to the ANC's concerns regarding the Project. The discussions focused on the following issues:

- Building Massing and Height
- Architectural Design
- Project Impacts
- Project Amenities and Public Benefits
- Consistency with the Comprehensive Plan and the Small Area Plan

These discussions have been collegial and productive, and the Applicant is currently evaluating a number of modifications to the Project that would address the ANC's concerns. Many of the changes also address issues raised by the Office of Planning in its report recommending setdown. Should the Project be set down, the Applicant will further develop these modifications and incorporate them into the Applicant's pre-hearing submission. An overview of the planned modifications is provided below.

Building Massing and Height

Broadly, the Applicant and OP both believe that the height and density of the Project—reduced by multiple stories compared to previously proposed versions—is now appropriate given

the surrounding context. However, the ANC has urged that the Applicant do more to respect the immediate townhouse context. To this end, the Applicant is evaluating the following changes:

- **Main Building**: The Applicant is incorporating a full 1:1 setback of the fourth floor of the northwest corner of the building on the west, north, and south sides. The Applicant will further set back the penthouse level as well, such that it terminates at the edge of the main bar of the building. As a result, the north wing of the main building will read as a three-story, 36-foot tall structure from the street, which mirrors the height of many of the adjacent townhouses. The Applicant has also shifted the entire mass further south by approximately 3 feet, creating further separation between the main building and the townhouses to the north.
- **Annex Building**: The Applicant is shortening the building 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. Finally, the Applicant will “flip” the building, such that the units and “residential” side of the building will face the neighborhood to the north.

These changes will result in a net reduction in overall density and a loss of residential units (approximately four apartments, two actor housing units, and one 4-unit fellows housing unit). Although these changes will challenge the ability of the Project to meet both STC and Erkliletian’s programmatic needs, the parties are prepared to make these changes to move the Project forward.

Architectural Design

The ANC and OP have both recommended exploration of a more contextually-appropriate architectural design. To this end, the Applicant’s design team is exploring responsive changes, including use of discrete materials palette for the three-story northwest portion of the building (closest to the townhouses) so that it will read as three townhouse modules. A similar materials palette may also be evaluated for the annex building. The Applicant will develop these concepts in tandem with design feedback and critique provided by the Commission at setdown.

Project Impacts

The ANC expressed significant concerns about the proximity of the Project's service and loading area to the residential properties to the north. In response, the Applicant is developing a robust loading management plan that will include the following measures:

- Use smaller vehicles and garage locations where feasible (for example, using a van in the garage to service the costume shop).
- Arrange for trash to be picked up curbside through roll-out carts.
- Limit truck hours and truck sizes.

The relocation of the annex will also provide additional space that will facilitate straightforward maneuvering for the vehicles that will use the at-grade service and loading area. Again, should the Project be set down, the Applicant will further develop this plan in partnership with the ANC and with DDOT.

The Applicant is also incorporating other modifications to increase the compatibility of the Project with the surrounding neighborhood. As one example, the Applicant is further developing the I Street entrance to the STC space as the primary entrance and thus de-emphasizing the 6th Street entrance as a secondary entrance.

Public Benefits

The ANC expressed a strong desire for STC to demonstrate that it is committed to enhancing the cultural and community life of the neighborhood. STC has a long history of commitment to the District as a whole, and the company looks forward to contributing positively to Southwest. In the initial applicant, STC proffered a number of educational-based benefits, such as performances and educational programs in local schools and providing access to STC's performances at its theaters in Penn Quarter. STC will further develop these measures, with a particular focus on developing integrated Shakespeare-based programming with nearby Jefferson Middle School. STC and Erkiletian are also exploring other specific measures that will knit the Project into its surrounding fabric based on ANC and other community input (such as community meeting or performance space within the Project as well as other opportunities for neighborhood access).

Comprehensive Plan and Small Area Plan

The ANC and the Applicant do not see eye to eye on the consistency of the Project with the Comprehensive Plan and the Small Area Plan. For the reasons spelled by the Applicant in its initial filing and by OP in its setdown report, the Applicant continues to believe that the

moderate-density Project is not inconsistent with the Plan's guidance. The Applicant is hopeful that, with the continued work with the ANC, the parties may reach an understanding on this issue prior to the public hearing.

UNSW Allegations

The District of Columbia enjoys a surfeit of cultural, educational, and other institutional uses that contribute in unique ways to the city's urban fabric. As the Commission is well aware, development partnerships featuring these institutions are commonplace measures that advance their program and mission, and the Commission regularly sees such developments on its docket. With that said, the Applicant became aware of the UNSW letter and exhibits filed in the record as Exhibit 16 late Thursday regarding the STC-Erkiletian relationship and is reviewing them internally. The allegations in the letter are totally without merit and, in any event, have nothing to do with the land use and zoning issues that are the subject of this application.

Other issues advanced by UNSW are also unsupported. For example, they have asserted that there is a "boundary dispute" that impacts a light pole that lights Amidon-Bowen's fields. There is no dispute—the property survey is clear that the light pole is on the Applicant's property. Nevertheless, the Applicant has stressed that it will relocate the light pole in a manner that will ensure the field lighting is not adversely impacted.

Conclusion

STC and Erkiletian both look forward to working cooperatively and collegially with the ANC, OP, DDOT, and other stakeholders (including UNSW) regarding this application. After many years of planning and development, including over a year of discussing and revising the current version of the Project, the application now merits a full discussion of its benefits and impacts at a public hearing. We look forward to further advancing the conversation after setdown.

Sincerely,

_____/s/_____
David Avitabile
Goulston & Storrs

DA:DA

Enclosure

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 February 26, 2018

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