

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE NO. 25-17

+ + + + +

MONDAY

DECEMBER 8, 2025

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:00 p.m. EST, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT E. MILLER, Vice Chair
JOSEPH IMAMURA, Commissioner
GWEN WRIGHT, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE

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ALSO PRESENT:

DAVID AVITABILE, ESQUIRE, Goulston and Storrs
DANIEL SOLOMON, Gorove Slade
BRIAN PILOT, STUDIOS Architecture
TERESA MARTIN, Living Classrooms Foundation
PRESTON JUTTE, DC Department of Transportation
SHEPARD BEAMON, DC Office of Planning

The transcript constitutes the minutes from the
Regular Public Hearing held on December 8, 2025.

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

2 (4:00 p.m.)

3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen.
4 We are convening and broadcasting this public hearing by
5 videoconferencing. My name is Anthony Hood, and I'm joined by
6 Vice Chair Miller, Commissioner Wright, and Commissioner Imamura,
7 soon to -- oh, and also Commissioner Stidham. We're also joined
8 by the Office of Zoning staff, Ms. Sharon Schellin, as well as
9 Mr. Paul Young, who will be handling all of our virtual
10 operations, and our Office of Zoning Legal Division, Ms. Hillary
11 Lovick. I will ask all others to introduce themselves at the
12 appropriate time.

13 The virtual public hearing notice is available on the
14 Office of Zoning's website. This proceeding is being recorded
15 by a court reporter and is also webcast live via Webex and YouTube
16 Live. The video will be available on the Office of Zoning's
17 website -- Zoning's website -- Office of Zoning's website after
18 the hearing. Accordingly, all those listening on Webex or by
19 phone will be muted during the hearing, and only those who have
20 signed up to testify will be unmuted at the appropriate time.
21 When called, please state your name before providing your
22 testimony. When you're finished speaking, please mute your
23 audio.

24 If you experience difficulty accessing Webex or with
25 your telephone call-in, then please call our OZ Hotline number

1 at 202-727-0789 to receive Webex log-in or call-in instructions
2 or if you need -- or if you have not signed up to testify. All
3 persons planning to testify must sign up in advance and will be
4 called by name at the appropriate time. At the time of signup,
5 all participants will complete the oath or affirmation required
6 by Subtitle Z-408.7. If you wish to file written testimony or
7 additional supporting documents during the hearing, then please
8 be prepared to describe it and -- describe it and discuss it at
9 the time of your request when submitting.

10 The hearing will be conducted in accordance with the
11 provisions of 11-Z DCMR, Chapter 4, as follows: We'll have
12 preliminary matters; the applicant's case -- the applicant has
13 up to 60 minutes -- report of the other government agencies;
14 report of the Department of Transportation; report of the Office
15 of Planning; report of the ANC; testimony of organizations and
16 individuals -- organizations, five minutes; individuals, three
17 minutes -- and we will hear in the -- from those who are in
18 support, opposition, or undeclared; then we'll have rebuttal and
19 closing by the applicant.

20 The subject of this evening's hearing -- one second.
21 Too many files open here. The subject of this evening's hearing
22 is Zoning Commission Case Number 25-17, Living Classrooms
23 Foundation, Southeast Federal Center design review, Yards Park,
24 Parcel P3 at Square 771, Lot 816. Again, today is December the
25 8th, 2025. At this time, the Commission will consider any

1 preliminary matters. Does the staff have any preliminary
2 matters?

3 MS. SCHELLIN: Yes, sir. As I stated earlier, I'm
4 going to keep my camera off, because of the weather here. So,
5 first of all, the applicant filed a motion at Exhibit 22 for
6 relief to amend their application less than 30 days prior to the
7 hearing, which would be a waiver from Subtitle Z -- excuse
8 me -- Section 401.5, and this would be to add a variance from
9 the rules of measurement from Subtitle B, Section 307.2. And
10 what this would do would allow the applicant to measure from the
11 finished grade. And if the applicant needs further explanation
12 on this request, the applicant is prepared to speak to this, but
13 that is the preliminary matter on that -- the motion.

14 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin, for
15 bringing that up. One of the things that did -- and I'm going
16 to probably need Ms. Lovick to assist with this, and I noticed
17 some things came out relatively late on -- or maybe this morning.
18 I'm not sure. I just kind of looked at it briefly. I want to
19 make sure that -- I think what they're asking for is more
20 intense -- is more restrictive than what was advertised. I think
21 they're asking -- I just want to make sure nobody's prejudiced.
22 And I understand -- I get it, and they can explain it here, but
23 I want to make sure that what they're asking for does not
24 significantly differ from what I guess they have presented to
25 folks and other parties. That's kind of where I am. So let's

1 bring Mr. Avitabile up. I think it's Mr. Avitabile, and then
2 others can ask questions first then, but let me bring Mr.
3 Avitabile up before we make -- before I -- we make a decision.

4 MR. AVITABILE: Good afternoon, Chairman Hood, members
5 of the Commission. Thank you for the chance to present today.
6 Yes, so the short answer to your question, Chairman Hood, is this
7 is exactly the flexibility we requested, just framed as a
8 variance, rather than as design review flexibility.

9 From the beginning, in all of our conversations with
10 the agencies and with the ANC, who's been a great partner in all
11 of this, we've always said we need to measure our height from
12 the finished grade. We had originally framed that as design
13 review flexibility from the strict rules of the regs, which,
14 strangely and only in this sort of lowest-of-density
15 nonresidential zones, requires you measure from the adjacent
16 existing or finished grade, whichever is lower. In almost every
17 other nonresidential zone, you typically measure from the curb,
18 as the Commission knows, but in this unique zone, we have this
19 requirement.

20 We thought the way to handle it was to simply ask for
21 flexibility, as part of design review, to measure from the
22 finished grade, because that's tied to the height. OP felt like
23 that wasn't a step that either the Commission could take or they
24 didn't want you to take, so we have ended up here requesting a
25 variance to allow us to do that in this limited circumstance,

1 because we meet the variance standard, and I can go through that.
2 OP had actually -- when they said, "Hey, we don't think you can
3 use design flexibility to do this," they actually said, "Just use
4 design flexibility and sort of say your building can -- is 47
5 feet tall, rather than 40 feet tall," which was a great idea,
6 except this zone also has a limit that says the height for a PUD
7 and, therefore, the height for a design review case can't exceed
8 the matter-of-right height. So that, similarly, boxed us into
9 40 feet as the number. So that's a slightly longer answer to
10 the question you asked, Chairman Hood, but the short answer is,
11 this is exactly the same relief we've been asking for all along;
12 we're just using a train rather than a plane to get there.

13 CHAIRMAN HOOD: Okay. Thank you, Mr. Avitabile. I
14 think I'm pretty clear, and I appreciate you connecting the dots,
15 and I do know that we had some regulations about less than 30
16 days, and I appreciate our counsel for giving us all those
17 descriptions. But, with that -- with what I heard you say, I'm
18 perfectly fine, but let me hear what others have to say -- how
19 you want to proceed. Let me ask Commissioner Imamura.

20 COMMISSIONER IMAMURA: Thank you, Mr. Avitabile. I
21 appreciate the analogy of taking a plane instead of a train to
22 get there. I think that's what you said. I found that amusing.
23 Mr. Chairman, I'm comfortable with this. At the end of the day --
24 I understand OP's sort of reluctance, in terms of modifying how
25 it's measured -- really, this all boils down to the fact that it

1 was -- the whole site was elevated -- or this particular lot was
2 elevated to be out of the floodplain, which required the building
3 to be elevated, and so, therefore, the height of the building and
4 because of its program is at 47 feet. And I'm in agreement with
5 OP in that maybe we shouldn't modify how things are measured, but
6 certainly comfortable with the variance to allow for the 47 feet,
7 and certainly am supportive of that.

8 CHAIRMAN HOOD: Okay. Thank you. Commissioner Wright.

9 COMMISSIONER WRIGHT: Thank you. Yes, I don't have a
10 problem with the substance of the request. I do want to make
11 sure that our legal staff doesn't have additional concerns about
12 how we are proceeding. I had thought that the idea of simply
13 saying we're going to just approve a higher height of 47 feet
14 than 40 feet was a great idea, but I understand now that we can't
15 do that, because of another provision in the PUD. But I'd be
16 interested, if Ms. Lovick is available, to just make sure she
17 concurs, from a legal standpoint, that the variance is the way
18 to go.

19 MS. LOVICK: Yes, I definitely concur that the variance
20 is the way to go. The way that the regs read, I just think that
21 this is a cleaner way to go about obtaining the relief. It's
22 pretty clear, when you read the regs, that there's no intent for
23 there to be flexibility from either this specific provision under
24 B-307.4, in the context of a designs review, specifically,
25 because the design review regs define what would be flexibility

1 that's allowed from development standards, and it just does not
2 entertain that there could be flexibility from this specific rule
3 of measurement. It's just not -- it's not something that is
4 defined as a development standard. So, for those reasons, I
5 think the variance is definitely the way to go, and it is a more
6 strict and stringent standard, and it is a greater relief,
7 obviously, than flexibility.

16 CHAIRMAN HOOD: Okay. Thank you. Commissioner
17 Stidham.

18 COMMISSIONER STIDHAM: I'm in complete alignment with
19 Commissioner Imamura, so I am good with moving forward with the
20 variance.

21 CHAIRMAN HOOD: Okay. And vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
23 was fine with the 47 feet, whether it was the way the applicant
24 originally requested or the special exception for the height or
25 now the variance for the rules of measurement, because I think

1 it makes sense in this particular case. Could -- just out of
2 curiosity, could the applicant have asked for a variance --
3 you're asking for a variance now for the -- from the rules of
4 measurement, which I think makes sense, but could you also, just
5 hypothetically, ask for a variance from the height? Would that
6 be permissible under our regulations or we just don't --

7 MR. AVITABILE: I think so, Commissioner Miller. I
8 think you could do it any number of ways. We could it --
9 actually, as I think about that, that's actually even simpler.
10 Whether it's the rules of measurement to allow us to measure 40
11 feet from the adjacent grade -- from the finished grade, variance
12 to allow 47 feet from the existing grade, or variance from that
13 restriction that limits a PUD to the matter-of-right height,
14 which would then allow you, in design review, to give us
15 flexibility to get to 47 feet, all of those -- all of those
16 trains, to continue with the analogy, get you to the same
17 destination, and I'm happy to sit on any one of them.

18 VICE CHAIR MILLER: And I'm happy to approve any one
19 of them. I just wanted to know. And I think we should -- you've
20 provided an analysis now under the variance test, which I think
21 meets that test. We'll hear from OP, and maybe they can just
22 verbally do the same kind of analysis or agree with your analysis,
23 because we need OP's analysis recommending approval under the
24 variance option, whether it's the height or the rules of
25 measurement. And when I get to -- when we get to OP, I'm going

1 to ask them to look at considering changing in the future -- not
2 for this case, but this case highlights it -- changing the rules
3 of measurement in a mixed-use waterfront district where the --
4 where the grade has been raised because of the floodplain issue,
5 and so that it could be what you're trying to achieve here, that
6 the maximum height would be from the -- either the finished or
7 the natural grade. So it makes sense under any scenario, from
8 my standpoint. I just want OP to agree with the variance analysis
9 that you -- that you provided and look at that change to the
10 regulation, so we don't have to go through this ever again.

11 MR. AVITABILE: Thank you. And I'll add, in my very
12 brief look, I think the only other zone where this would come
13 up, looking at all the waterfront sites in DC, is the MU-11 zone,
14 which is the old WO zone, which is intended for things like
15 boathouses and marinas, and I immediately wrote a sticky note to
16 remind myself to consider this in the context of boathouses as
17 well, but I think that's it. It's a limited situation. I mean,
18 in that way, it really is sort of unique, which is an important
19 part of the variance standard, but I agree, it's not something I
20 would have expected until 24 hours ago.

21 VICE CHAIR MILLER: Thank you. That's it, Mr. Chairman.

22 CHAIRMAN HOOD: Okay. So -- excuse me -- it sounds
23 like we're all in agreeance with the amended application. Can
24 somebody make a motion, which would encompass everything, as
25 requested by the applicant, and also the direction. Can I impose

1 upon Commissioner Imamura, since I started calling you first in
2 this exhibit?

3 COMMISSIONER IMAMURA: Sure. I can attempt to make a
4 motion here, Mr. Chairman. Before I do, I just want to say by
5 Mr. Avitabile, that's very good lawyering with the sticky notes.
6 So, all right, I move that the Zoning Commission approve -- I
7 guess it would be the request for the variance to modify the
8 stipulation on how to measure or where to measure, I guess, the
9 height of the proposed --

10 MS. LOVICK: Oh, I'm sorry. Sorry. Excuse me. I
11 apologize. I don't mean to interrupt.

12 COMMISSIONER IMAMURA: Thank you, Ms. Lovick.

13 MS. LOVICK: Sorry. Just -- so I think it would easiest
14 if you just grant the motion for leave to file the amended
15 application. Just do that --

16 CHAIRMAN HOOD: So let me -- let me -- let me do this,
17 Ms. Lovick. I do know -- I was going to let him go through it,
18 and then I was going to just amend --

19 MS. LOVICK: Okay.

20 CHAIRMAN HOOD: -- we were going to just -- I was going
21 to do a friendly amendment, so we --

22 MS. LOVICK: Oh, okay. I'm sorry. All right. Okay.

23 CHAIRMAN HOOD: Just give us a moment, and I -- you
24 know, when I need you -- when we need you, I'm going to call you.

25 MS. LOVICK: Right. Apologies. I just was --

1 CHAIRMAN HOOD: I wanted to see what he was going to
2 do --

3 MS. LOVICK: Okay.

4 CHAIRMAN HOOD: Okay. We're good. We're good.

5 COMMISSIONER IMAMURA: All right. So we'll amend --
6 we'll grant the motion to amend the application, as stated, and
7 ask for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRMAN HOOD: It's been moved and then properly
10 seconded. Any further discussion? And thank you, Commissioner
11 Imamura. Because the amendment will capture everything else that
12 goes along with us getting to where we are. Now, go ahead,
13 Commissioner Imamura, you had something else?

14 COMMISSIONER IMAMURA: I guess my own friendly
15 amendment to include, I guess, to work with OZ and OP to determine
16 the most appropriate path forward for that variance.

17 CHAIRMAN HOOD: Okay. All right. So it's been moved
18 and we are -- it's been moved and properly seconded. Any further
19 discussion?

20 (No response.)

21 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would
22 you do a roll call vote please?

23 MS. SCHELLIN: Sure. Commissioner Imamura.

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Commissioner Miller.

1 VICE CHAIR MILLER: Yes.

2 MS. SCHELLIN: Commissioner Hood.

3 CHAIRMAN HOOD: Yes.

4 MS. SCHELLIN: Commissioner Wright.

5 COMMISSIONER WRIGHT: Yes.

6 MS. SCHELLIN: Commissioner Stidham.

7 COMMISSIONER STIDHAM: Yes.

8 MS. SCHELLIN: The vote is five to zero to zero to
9 approve the waiver to amend less than 30 days and the requested
10 amendment, as discussed.

11 CHAIRMAN HOOD: Okay. Thank you. And, Ms. Lovick, let
12 me thank you, because I wanted to show you that we could do it,
13 because you laid this out so good in your note to us about what
14 all was -- all the moving parts, I wanted to show you that we
15 could do it, so we do definitely take what you all sent us and
16 study it, but I just wanted us to achieve that and make ourselves
17 feel good and proud of what you've given us -- make you proud of
18 us. Anyway, all right, Mr. Avitabile, I think we've got
19 everything under control with that. Is there anything else
20 preliminary, Ms. Schellin?

21 MS. SCHELLIN: Oh, yes, preliminary matters, yes. So
22 I have two proffered expert witnesses that you guys have
23 previously accepted, if you would accept them in this case, too;
24 Daniel Solomon in transportation planning, and Brian Pilot in
25 architecture. And let me make sure I'm not missing something.

1 And then -- so, yes, that's it -- that's what I have for the
2 experts.

3 CHAIRMAN HOOD: Any objections to what we've already
4 done?

5 (No response.)

6 CHAIRMAN HOOD: Seeing heads, no. All right. I think
7 we have -- unless I hear from anybody else, I think we have
8 covered all of our preliminary matters. Mr. Avitabile -- how
9 much time do you need, Mr. Avitabile?

10 MR. AVITABILE: So we have our team, and we can do a
11 30-minute presentation that would go through the design or, if
12 you'd like, we can -- I can just briefly summarize the flexibility
13 and relief, and we can go right to questions. I'm happy to do
14 it either way.

15 CHAIRMAN HOOD: So let me -- let me do this.
16 Commissioner Imamura, you want 30 minutes, since he -- when he
17 said "design", I'm coming straight to you. You want a 30-minute
18 or --

19 COMMISSIONER IMAMURA: No. Thank you, Mr. Chairman.
20 I appreciate the deference. I think we could probably get through
21 this, but what I would ask is that you specifically address some
22 of the special exceptions that you're requesting and for the
23 architect to, at least, highlight a little bit about the design
24 expeditiously please.

25 MR. AVITABILE: Okay. Sounds good. So we've got our

1 architect and our transportation consultant, who's here to answer
2 questions. We also have Teresa Martin from Living Classrooms,
3 who we should also bring up to be part of them, in case there
4 are questions about Living Classrooms and their operations.

5 What I think I'll do is I'll summarize the application
6 and all the areas of flexibility, and then what I'll do is I'll
7 ask Mr. Pilot, if you could, to just sort of speak a little bit
8 to how the building design -- to sort of how the variance test
9 is met and some of the areas of flexibility and why we need them,
10 when we get to that point. And I think we can probably do this
11 in closer to ten.

12 CHAIRMAN HOOD: Okay. Mr. Avitabile, now I went to
13 Commissioner Imamura, because he's our design guru, but I got
14 three other colleagues I got to make sure are fine with his
15 process and the way it moves. So it's -- one thing about it,
16 this is a democracy, so I want to make sure I'm fair. But any
17 of my colleagues disagree with how we're moving?

18 (No response.)

19 CHAIRMAN HOOD: All right. Sounds good. Go right
20 ahead. Go right ahead, Mr. Avitabile.

21 MR. AVITABILE: Great. Thank you very much. All right.
22 So thank you, Commissioners. We're here to present this
23 application for design review and some other areas of relief to
24 permit the construction of this three-story building within Yards
25 Park, long contemplated, long planned, as part of the Southeast

1 Federal Center Master Plan. You may remember, we amended the
2 text of the regulations and had a hearing back in June to
3 facilitate this project, and so this is sort of the next piece
4 of it, which is the design review.

5 We're looking for the following areas of approval and
6 flexibility. First, this property -- this site, because it is
7 located within Yards Park, requires design review approval under
8 the SEFC zones.

9 Second, the uses within the building -- the education
10 use, the institutional use, and the eating and drinking
11 establishment uses -- require your approval as well, as part of
12 the design review process. Again, that is a requirement of the
13 Southeast Federal Center zones. That is part of what you amended
14 the regulations a few short months ago to allow us to have those
15 uses, subject to your approval.

16 Third, we are asking for a few areas of flexibility as
17 a part of the design review application. Those include
18 flexibility from lot occupancy, side yard, court, which are all
19 tied to the fact that our parcel, ultimately, will be this little
20 donut hole in the middle of Yards Park, and so while it can't
21 meet those requirements based on its lot, it meets it based on
22 the whole, and this is, in part, because particularly lot
23 occupancy -- Yards Park -- this zone was originally contemplated
24 as sort of just being one park, one lot. The realities of
25 property ownership, there are multiple lots, but that's how we're

1 meeting that requirement. Then, in addition to that flexibility,
2 we're also asking for design flexibility from the waterfront
3 setback requirement. Ordinarily, we'd be required to be set back
4 a hundred feet. That's impossible here. If we were set back a
5 hundred feet, we would essentially be sitting somewhere in the
6 Navy Yard, and I don't think the Navy would like that. There --
7 the justification on that flexibility is the uniqueness of this
8 particular use and the relationship between its landside and
9 shipboard educational purposes really require it to be here at
10 the water, right near the pier.

11 And then the last area of flexibility is from the ground
12 floor floor-to-ceiling height requirements. Ordinarily, they
13 would require a 14-feet clear ceiling height. Here, given the
14 unique nature of this building, where, while there is a ground
15 floor restaurant use that's part of the owner's program, we don't
16 need to have quite that clear height to accommodate a potential
17 tenant; we know who's going to be in that space, and with lesser
18 height we can meet our needs. So those are the areas of
19 flexibility.

20 Then, in addition to that, there is the height
21 variance. Now, the height is driven by this really unique
22 situation where the rules require us to measure from the adjacent
23 natural or finished grade, whichever is lower. We have to elevate
24 the site six to seven feet to get out of the floodplain, and so
25 the only way -- and as you saw from this late-breaking set of

1 comments from DOEE that were just filed today, that I just saw
2 15 minutes ago for the first time, they are saying, you know,
3 that's the typical way that people address being located within
4 a floodplain. We agree, so we need to elevate up out of the
5 floodplain. It's a very unique situation to have.

6 We need the full 40-feet of height for this building
7 to meet our programmatic needs. Classroom spaces require a floor-
8 to-floor height; the restaurant space. While we're not using the
9 full 14 feet, we still need additional height. And then -- and
10 this is where I would look to Mr. Pilot to fill in, when I'm
11 done, some detail -- the structural design and needs of this
12 building, the way it's designed, there's going to be a need for
13 interstitial space between the floors for structural support and
14 for mechanical needs. So all of that comes together to drive
15 our need to have every bit of that 40 feet of height, and so
16 that's the practical difficulty.

17 And then last is that the -- when you ask for a
18 variance, is that there's no substantial detriment to the public
19 good and it won't substantially impair the intent and purposes
20 of the regulations. And, briefly here, I think there's no
21 detriment to the public good, where we -- you know, this little
22 bit of discrepancy on the height doesn't alter the intent of the
23 Yards, which is that these pavilion buildings all be a similar
24 datum point. And, as we explained in the application, our height
25 will be very similar to the height of the District Winery

1 building, which was built under the old regulations, measuring
2 from finished grade and is 40 feet tall ; in fact, will actually
3 be a little bit smaller, considering the penthouse, compared to
4 that building, because that building has a taller penthouse. And
5 so that's the variance, in a very brief nutshell.

6 And then the last area of flexibility is the special
7 exception to allow an education use within a 100-year floodplain.
8 So, just briefly to go through that, this site is now in the 100-
9 year floodplain. We are going to elevate the site. When we
10 elevate the site, we will no longer be within the hundred-year
11 floodplain. Whether we will actually go through the formal
12 process of preparing a letter of map revision to take ourselves
13 out of it formally or not I don't think has been determined yet,
14 but, regardless, that won't happen until we do the work. So, at
15 the time of permitting, we will be within the 100-year floodplain,
16 so that's why we're asking for the relief.

17 The other piece of this is, you know, Living Classrooms
18 has these educational programs that happen within the building.
19 It's not strictly an -- it's not like this is a primary or a
20 secondary school. It's a -- it's more of an institutional use
21 with sort of cocurricular after-school programming, but,
22 nevertheless, we've sort of assumed that we fit within that box,
23 and want to certainly meet the requirements. So the two standards
24 for the special exception are, it's in harmony with the intent
25 and purposes of the regulations, and it does not tend to affect

1 adversely the use of neighboring property, both of which we think
2 are true. And, as we've set forth in our application, this is
3 all being driven by sort of the District's Resilience Plan, which
4 is bring yourself up out of floodplains.

5 And I think the last thing I wanted to touch on are the
6 other specific requirements that are in Subtitle C for this
7 relief. They ask you to submit a site plan that shows your site
8 in the floodplain. We included that with the initial application,
9 and then we had our civil engineer prepare a supplemental drawing
10 that clearly showed how much of the site is in the floodplain
11 currently, how much of the site will be in the floodplain once
12 we elevate it. We've met that requirement. The regulations ask
13 you to address floodproofing. Our floodproofing is elevating the
14 site out of the floodplain, which DOEE indicated in its memo is
15 one of the ways in which you can, you know, address their flood
16 hazard rules; you either draw it floodproof or you elevate it out
17 of the 500-year floodplain, so we've taken that path.

18 And then the regulations do ask for an evacuation plan,
19 which, you know, our understanding was, once you elevate out,
20 that addresses the issue. They've expressed potential continuing
21 concern. We're happy to work with them to continue to develop
22 what that evacuation plan would look like in this situation, but
23 those are the special exception standards and prongs for the
24 waterfront relief -- the education use in the floodplain, I mean.
25 I apologize. So those are the areas of relief. Brian, do you

1 have anything additional you'd like to add, to sort of flesh that
2 out?

3 MR. PILOT: No, David. I think you covered everything,
4 and I just want to say good evening, Chairman Hood and all the
5 Commissioners. It's a pleasure to be here tonight on behalf of
6 Living Classrooms. I -- you know, I think it's just the overall
7 story of resiliency, David, you know, I think, not only from the
8 floodplain perspective, but also from the program for Living
9 Classrooms. You know, they really do incredible work with their
10 workforce development program and, also, their education
11 programs. And much of the building design, the program is based
12 around flexibility, and part of that height required is about
13 allowing for that flexibility.

14 As the needs of their -- you know, the individuals they
15 serve changes, they want to make sure that there is future
16 proofing in their ability to adapt their programs, as we move
17 forward, so that's built into that height, as well as, you know,
18 we're looking at structural systems that -- you know, typically,
19 in some of the larger buildings adjacent, we're typically looking
20 at a post-tension concrete, which allows us to really push our
21 plenum space. In this one, we're looking at potentially steel
22 here, so we might end up with a little bit more depth of the
23 floor, and that's also why we're asking for that relief and
24 maintaining that 40-foot height from that base elevation of the
25 500-year floodplain.

1 MR. AVITABILE: You reminded me, when you were
2 speaking, as well, Brian, one additional point on the
3 floodproofing, in general; we've engaged a flood hazard
4 consultant to help us evaluate this issue, a well-know, well-
5 respected one who works on many of these sites in the District,
6 and he'll continue to help and advise us on the building design
7 and the operational plans, as we move forward. So I'll end there
8 sort of with the overview, and I'm happy -- we're happy to, again,
9 go into further detail on anything, but perhaps this is a good
10 place to pause.

11 CHAIRMAN HOOD: Okay. Thank you, Mr. Avitabile and Mr.
12 Pilot, for the brief presentation. We do have the record in
13 front of us, but let's see if my colleagues have any questions
14 or comments. Commissioner Imamura.

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I do
16 have, I think, just a few questions, and I imagine -- I think,
17 just for the public's general, I guess, awareness, Mr. Avitabile,
18 do you have, at least, some images that we can pull up from your
19 presentation that Mr. Pilot can speak to? And, in the meantime,
20 I guess, if Mr. Young can pull that up. And I don't know if
21 there's a particular slide that you want to start with, but I
22 would like, Mr. Pilot, if you could just kind of walk us through
23 certain areas where you're asking for some flexibility;
24 specifically, just demonstrate why the waterfront setback isn't
25 really reasonable.

1 Certainly understand the ground-floor clear height, but
2 if you could just point to the closed court width, as well as
3 the side yard, and then just speak a little bit to the lot
4 occupancy. All these I'm supportive of. I'd just like to have
5 this on the record.

6 And if you would please, as you walk through some of
7 these images briefly, could you also please address how you
8 incorporated NCPC's recommendation regarding the landscape plan?
9 And can you also please address how or what you've researched,
10 based off of CFA's comments in there to -- specific questions
11 about setting precedents using thermally-modified wood cladding
12 in maritime environments, and then just sort of maximizing
13 opportunities for shading on the south side, solar panels and
14 green roofs and such? And if you could just address that briefly
15 in your explanation of sort of the design solution here, that
16 would be very helpful I think.

17 MR. PILOT: Okay.

18 MR. AVITABILE: Great. And, Brian, maybe I'll start
19 with the sort of technical zoning relief, and then we can go to
20 your comments on that. And I'm kicking myself, because had we
21 done a direct presentation, we were going to make sure to NCPC's
22 comments about the landscape and architecture and, specifically,
23 the landscaping change, which we did address. So, Mr. Young, if
24 we can go to page eight of the deck please.

25 (PowerPoint slides were shared on the screen.)

1 MR. AVITABILE: Perfect. Thank you so much. So this
2 shows our parcel in the context of the overall Yards Park, which
3 is the entirety of the SEFC Zone. And what you can see here
4 is -- I'll start with the waterfront setback -- you can see our
5 building, and you can see, although it's hard to read, the
6 building is somewhere between 56 to about 65 feet from the edge
7 of the bulkhead, which is from where the waterfront setback is
8 measured. The building, itself, is another, you know, 40 to 50
9 feet. You know, essentially, if we were to comply with the
10 setback requirement, we would -- we would not be able to have a
11 buildable site in this location, because a hundred feet take you
12 almost all the way to the -- to the northern edge of the parcel.
13 So that's why we need that flexibility here to allow the building
14 to be closer to the water.

15 You know, from the beginning, that's been a unique
16 thing, I think. You know, we maintain many of the intent of the
17 waterfront setback requirement. Obviously, we're not encroaching
18 on the Riverwalk, which is existing and will continue to remain.
19 The area in front of our building has been designed and integrated
20 as if it's a part of Yards Park. It's the same landscape
21 architect, who, unfortunately, was not able to be here today,
22 but, you know, it is very much thematically going to tie in and
23 feel like it's part of the Park, and that our building is really
24 sort of nestled within that design. So that's the waterfront
25 setback.

1 On the east side, you can see that there is a setback
2 of the building from the eastern edge of the -- of the overall
3 zone, so if you were looking -- if we were all one lot, we would
4 actually meet the requirement -- required depth for a side yard
5 on the east side and on the north side. Our problem is our
6 building doesn't actually go -- our lot doesn't go there. Our
7 lot is, essentially, right up against part of the edge of the
8 building, so we have -- but it's a varied sort of angle, so we
9 sort of have a little bit of the side yard, and we don't comply
10 with the 12 feet. If you look, just as our lot -- we can go to
11 a closer-up image that sort of shows that condition, so that's
12 why we need that flexibility. Again, the intent is met, because
13 we're 12 feet plus from the -- based on the overall Yards Park,
14 just not for our building.

15 With respect to the court flexibility, that's an open
16 space at the rear of the building. Again, at the rear of the
17 building, there's a full 20-feet of distance, I think, more or
18 less from the northern property line, but, within our lot, it's
19 much narrower than that; it's only about six or seven feet, and
20 it doesn't quite meet the minimum requirement for a closed court,
21 which would be 12 feet, so that's that flexibility.

22 And then lot occupancy, the SEFC-4 zone set a lot
23 occupancy of 25 percent. It sets that, because it sort of assumed
24 that lot occupancy would be measured as these four little pavilion
25 buildings within the overall Yards Park would not exceed 25

1 percent, did not anticipate that these individual buildings might
2 become their own lots, so that creates this unique situation.
3 And, obviously, within our lot, we're about -- occupying about
4 65 percent of our parcel. But if you look all four buildings --
5 and, actually, one of them has not been built, but even if you
6 include all four buildings, the lot occupancy is well below that
7 25 percent. We end up at about 17 or 18 percent. So the intent
8 of the regulations is clearly met, that buildings will not occupy
9 more than 25 percent of the overall Yards Park lot. So that's
10 lot occupancy, and we covered court and side yard.

11 So I will pause there to turn it over to Mr. Pilot for
12 the question about NCPC and CFA. One thing I will say -- we can
13 submit to the record as a post-hearing submission -- we received
14 the formal 35 percent design approval from the General Services
15 Administration just before the Thanksgiving holiday, so that
16 confirm that, from GSA's perspective, we've received and
17 addressed all of the comments from the parties, so we can submit
18 that for the record as well, if needed. Brian, I'll turn it over
19 to you for the questions about NCPC and CFA.

20 MR. PILOT: Great. Thank you, David. Perhaps we go
21 to the next slide. I'll try to get through some of this quickly
22 and make sure I address each of those questions. A couple of
23 things I wanted to point out about the site plan, as we look at
24 the initial design of this building -- and, as David mentioned,
25 you know, we worked very closely with GSA, Commission of Fine

1 Arts, National Capitol Planning Commission, both of the historic
2 agencies, and we went through a number of design modifications
3 through that process to get to the design that we're at today.
4 But a couple of the driving forces were, when you look at the
5 site here, you see the two what are utility buildings that are
6 directly north of the site. There's a large cooling tower that's
7 operational that's to the north that led to a lot of the
8 fenestration and how we put much of the back-of-the-house program
9 to the north, as well as the diesel tanks.

10 We also did meet with Navy Security. A couple
11 considerations of theirs; they wanted to minimize any of the
12 terraces or any occupiable roof that would look down on the Navy
13 Yard, and they also wanted us to be very intentional about that
14 space in between the two buildings, so those are conversations
15 that we'll continue to have.

16 If you go to the next slide, this really speaks to a
17 lot of the historic criteria that we utilized to meet the design
18 intent of the Southeast Federal Center historic guidelines. The
19 pavilion was -- and this was a direct comment from CFA. The goal
20 was to try to make it a four-sided pavilion and something that
21 felt like a pavilion within the landscape, that it felt like an
22 extension of the Yards Park. Some of the key points here was
23 that it had a horizontality; that it felt open and transparent
24 and added vitality to the Yards Park; that it evoke the character
25 of that maritime and industrial waterfront area; as well as

1 providing open vista and views. And as much as we've been talking
2 about that height, we very intentionally tried to taper the
3 Building back. This is a section looking from the water towards
4 the Power Plant, so beginning to tip that elevation back, so the
5 scale at the Riverwalk was even a bit tempered.

6 And go to the next slide please. We talked to the
7 plans a bit, but, you know, once again, we tried to push all the
8 back-of-house programs to the north, really engaging all of the
9 active programs towards the south, and the Riverwalk and towards
10 the west, where we have our lobby here at the entry. The second
11 floor is primarily for the younger population of the building.
12 We very intentionally -- if you go to the next slide please.
13 These are our classrooms -- music, technology -- very
14 intentionally keeping the younger students on their own level
15 versus much of the workforce development program that is located
16 on level one and level three.

17 If you could go to the next slide please. That's two;
18 and then level three here, once again, very similar. This is
19 the workforce development, meant to be very flexible, as I
20 mentioned -- if you move to the next slide. And then one more
21 is our roof plan. As I mentioned, this is just a low mechanical
22 yard, as well as our elevator overrun, and this upper level is
23 not occupiable. We did think it was very important to create --
24 if you move one more slide -- there might be a delay on my end;
25 I apologize -- to utilize some of these terraces for the

1 educational experience. Living Classrooms, one of the key
2 components of their program is hands-on training. You can imagine
3 a student going out onto their ship, the Mildred Belle, going out
4 doing experiments on the water and then coming back, feeling that
5 direct engagement. Maybe these are used as mini outdoor
6 classrooms, but they're -- as we looked at the overall roof area,
7 you know, trying to get additional solar in here we felt was a
8 real challenge, based on the cost versus the potential savings.

9 If you go ahead two slides perhaps, to the first image
10 of the building, here you see a view. This is looking towards
11 the northeast here. This is really what we call the prow of the
12 building. You start to see the shifting planes of that strong
13 horizontal character of the building, trying to evoke the notion
14 of movement and water, and these prows create those great outdoor
15 experiences.

16 We worked very closely with our landscape architect,
17 MPFP, to make this feel like an extension of Yards Park. You'll
18 see through some of the next images that we can move through
19 quickly, we've really taken inspiration from the Yards Park, so
20 this feels like an extension of that and how we've looked to
21 think about both accessibility, as we've elevated the building
22 up to that 500-year floodplain, but make the building feel very
23 sort of elegant within the overall landscape.

24 Next, you mentioned, specifically, the wood material.
25 We're -- you know, per our conversations with CFA, we've proposed

1 an adobo wood. It is a thermally-engineered wood for its
2 durability. It does go in a bit warmer than you see, but it
3 does, over time, like you see in a lot wood installations in
4 maritime environments, it will go a steely gray, like you see
5 here. We've taken that comment very seriously. This is a very
6 important building that, you know, we see as a hundred-year
7 building, so having a material that stands the test of time, how
8 it's detailed for expansion, contraction, freeze, and thaw is
9 something that we're going through a rigorous material test on.
10 We're looking at installations, and this is the type of material
11 we want to continue to develop, as we move forward in the next
12 phase of design development, to make sure it absolutely meets
13 that durability, so we're going to continue to push this material
14 to make sure it does meet our very stringent requirements.

15 And then I think we can jump forward a bit more. I
16 just want to touch upon what I think was the last question. If
17 we could jump to perhaps page -- I think it is 24, which shows
18 our planting plan. We had a very specific comment regarding the
19 plantings, and added additional native and pollinators, per a
20 very specific request from NCPC. Commissioner Imamura, did I
21 answer all your questions? I want to make sure I touched on
22 everything, or if there's anything else I could go back and walk
23 through in additional detail, I'm happy to.

24 COMMISSIONER IMAMURA: Thank you, Mr. Pilot. You did.
25 You touched on all of my questions. And thank you, Mr.

1 Avitabile, as well, for walking through all the flexibility
2 relief that you're looking for. I would like to say, I think,
3 in general, it's a nice design solution, Mr. Pilot, and I think
4 it's a well-integrated design solution with your landscape
5 architect as well. So I appreciate you addressing the comments
6 that you received back from NCPC and CFA. You know, this is an
7 important project to effectuate, you know, the final phase, Phase
8 Three of Yards Park here. It certainly has my support, but I
9 would like to hear back, if -- and, Mr. Avitabile, you already
10 have, but I know you had mentioned DOEE. I'm just curious about
11 FEMS, Metro Police Department, and Homeland Security. So I'm
12 prepared to vote in support at our -- and take final action at
13 our public meeting in January, but just curious if you've heard
14 from any of those agencies.

15 MR. AVITABILE: We haven't yet, though my understanding
16 is the referral was -- just went out to them, so, in their
17 defense, they haven't had much time. What we'll plan to do is,
18 as those responses come in, we'll file a response, if there are
19 any questions that do come up, and we'd be happy to address them.
20 Very happy to have DOEE's comments and appreciate them turning
21 on this and getting something in quickly, but we'll continue to
22 do that.

23 COMMISSIONER IMAMURA: All right. Very good. And I
24 just wanted to comment for the record, too, I think you have ANC
25 support -- unanimous support that I saw in the record as well,

1 so this -- everything is trending, I think, in the right direction
2 here. And however we get to the 47 feet, as a result of getting
3 out of the floodplain -- I think that's the key part of that
4 conversation there -- is important. And so, again, Mr. Pilot,
5 that's a really nice design solution that you've put together for
6 Living Classrooms. And I just want to put out there for the
7 record, again, for anybody that's curious about the 47 feet, and
8 if you were to have raised, which you're doing now -- raise the
9 site to get out of the floodplain, to just achieve the 40 feet,
10 you probably eliminate an entire floor and not achieve the full
11 program. Is that about right?

12 MR. AVITABILE: Yes, that's correct.

13 COMMISSIONER IMAMURA: All right. Thank you, Mr.
14 Avitabile. So, Mr. Chairman, this is pretty straightforward. I
15 think they've done a really nice job. Prepared to yield back
16 and curious what my fellow Commissioners think as well.

17 CHAIRMAN HOOD: Okay. Thank you. Commissioner Wright,
18 any questions or comments?

19 COMMISSIONER WRIGHT: Thank you. I agree with
20 Commissioner Imamura. I think this is a really nice design. I
21 really am very impressed at how you've been able to sort of raise
22 the building up, get it out of the floodplain, yet not have it
23 feel like it is, you know, sticking up in the air, and that the
24 stepping and the landscaping that you've done I think are great,
25 and I think it's going to be a great building.

1 I did read the memo from the Homeland Security and
2 Emergency Management agency, and I know they are asking for a
3 site-specific evacuation plan, which I understand you thought you
4 might not have to do, given that you're raising the building up
5 out of the floodplain, but I still think it's a good idea, you
6 know, sort of belts and suspenders kind of thing of, you know,
7 making sure there are plans in place in the worst-case scenario,
8 you can imagine, especially because there will be so many young
9 people in this building. So I -- you know, again, I think --
10 hopefully, it will be a pretty straightforward thing to come up
11 with that evacuation plan. I don't really have any additional
12 comments. I think it's a wonderful project. It's going to be a
13 great use in this location, and I think the building is really
14 going to be a great asset to the waterfront, so I don't have any
15 other comments.

16 CHAIRMAN HOOD: Okay. Thank you. Commissioner
17 Stidham, any questions or comments?

18 COMMISSIONER STIDHAM: Really no questions, more
19 comments. I think you have designed an amazingly beautiful and
20 considerate-to-the-waterfront building that will give Living
21 Classrooms a home I think they've deserved for a very long time
22 in a location where they continue to do the good work that I've
23 seen them do over many, many years. So I guess that's not really
24 a comment, other than to say I think that all of the variance
25 that are requesting are considerate of the needs of the structure

1 and the programming that this organization needs to carry out in
2 a way that is in concert with the existing waterfront, the build-
3 out of the area, and sort of renews the community. So I look
4 forward to moving the project forward and you have my support.

5 CHAIRMAN HOOD: Okay. And, Vice Chair Miller, any
6 questions or comments?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I don't
8 think I have really any questions. I appreciate the applicant,
9 Teresa Martin from Living Classrooms, and Brian Pilot, the
10 architect, and the -- David Avitabile bringing this forward, and
11 I think, as we -- it's a very attractive, as my -- I share the
12 comments with my colleagues.

13 It's a very attractive design and, as we said in the
14 previous text amendment hearing or vote, that the program is very
15 commendable and fits in with the entire waterfront objectives and
16 revitalization of that whole area, and so -- and it's a very
17 commendable program, and we applaud the work that you've done,
18 and that this will allow you to continue to do it in even a more
19 expansive way. And I think the landscaping and design of the
20 building is very attractive and does fit it in.

21 On -- so I support this going forward. I think -- we
22 did only refer this to the four agencies that were required to
23 be referred to, DOEE, Energy and Environment, Fire and Emergency
24 Medical Services, MPD, Homeland Security and Emergency Management
25 only last Thursday, I think, and I appreciate that HSEMA, Tony

1 Goodman -- always on top of everything -- got us comments back
2 within four days, but 40 days is normally allowed by those -- to
3 comment by those agencies. And given the stormwater management
4 condition, I guess, that was part of NCPC's recommended approval,
5 and given the site evacuation -- site-specific evaluation
6 condition that was part of HC -- Homeland Security Emergency
7 Management's approval, I think it would be good to hear from --
8 if they have anything to say -- Department of Energy and
9 Environment. So, yeah, I agree with Commissioner Imamura that
10 January 15th -- would give that time; also would give the time
11 for the ANC maybe to see that it's -- that the application has
12 changed to a variance instead of a special exception, even though
13 it's the same project at the same height. Everything's the same,
14 except it's the procedure, so -- but I think it would probably
15 be useful just to have each of these agencies have their
16 opportunity and the ANC have an opportunity to comment, but I
17 think we should move forward at that January meeting with this.

18 I guess one question would be, Mr. Avitabile,
19 stormwater management and site-specific evaluation -- I
20 understand what you said, but I agree with Commissioner Wright
21 that it would be good to probably have that, but wouldn't that
22 be done more at the permitting stage, not at our zoning approval
23 stage? And those agencies would get an opportunity to sign off
24 on whether there's a permit issued for this project.

25 MR. AVITABILE: Yeah, that's correct. Stormwater

1 management is covered under DOEE's regulations and typically gets
2 addressed. You know, sometimes you do have those initial
3 consultations around the time that we might be going through
4 zoning, but it often can happen afterwards. You have sort of a
5 preliminary meeting with them, go through what you're proposing
6 to do, and I think here, particularly on a project like this for
7 an organization like Living Classrooms that is careful with its
8 resources, you take a sequential approach to how you approach
9 these things, rather than what a developer might do, where you
10 do it iteratively and sort of can do multiple things at the same
11 time.

12 So the plan here has been, let's get through this stage
13 of the game, and then you get the team sort of all queued up and
14 you start getting the consultants engaged to start going and
15 doing those preliminary meetings with organizations like DOEE.
16 We've, certainly, had some consultations with our own civil
17 engineer, and they've looked at the site, and they believe that
18 to make it work, we -- you know, stormwater management is based
19 on your area disturbance, and so with all the landscaping we're
20 doing around the site, there's plenty of room to work with, but
21 that tends to happen sequentially and separately, and that's the
22 plan here. But I agree, and to Commissioner Wright's point and
23 everyone's point, we can certainly develop an evacuation plan and
24 provide that in a post-hearing submission, you know, along with
25 responses to other comments that might come in from the agencies.

1 VICE CHAIR MILLER: I appreciate that. I think we all
2 appreciate that. So, Mr. Solomon, I don't have any questions for
3 you about the transportation plan. DDOT had no objection, based
4 on the TDM Plan being part of it and you all don't have a problem
5 with the TDM Plan being part of our approval, if it is part of
6 our approval; is that correct?

7 MR. SOLOMON: That is correct.

8 VICE CHAIR MILLER: Okay. And, Teresa Martin, you're
9 here from Living Classrooms, right, and we've heard from you when
10 we had the text amendment, and we, again, applaud you for --
11 did -- I don't have any questions for you, but if you -- I know
12 the Chairman would have done this, so if I took your thunder,
13 Mr. Chairman -- if you want to say something about this, you can
14 at this time, or wait, or not say anything at all, but --

15 MS. MARTIN: Well, I can just say that I am deeply
16 appreciative of my colleagues who have represented us very, very
17 well today, and I think I mentioned this last time, we're
18 celebrating our 25th anniversary in the District now, and we're
19 looking ahead at the next 25 years and this will help us get
20 there. So it's been a really challenging and -- year that we've
21 had to learn a lot from in the work that we do in the District,
22 but, really, this space would allow us to meet the needs of the
23 community in flexible and new ways, so we're looking forward to
24 that, and we appreciate your support.

25 VICE CHAIR MILLER: We appreciate you being here in the

1 District and all of the work that you're doing and will continue
2 to do. So thank you, Mr. Chairman. That's it.

3 CHAIRMAN HOOD: Thank you. I, too, want to add my
4 congratulations in what we have here. I understand, once we
5 connected the dots, Mr. Avitabile and all, that the issue about
6 the floodplain, and I think that you all have did your research
7 to make sure that we were asking for what was correct so you
8 wouldn't have to come back and see us. I don't blame you. So
9 thank you for doing that and going that extra mile.

10 I am glad -- I looked at -- I don't usually comment on
11 the landscaping, but I'll tell you, I was very impressed with the
12 landscaping. I think NCPC had some comments as well, but I was
13 very impressed with what I saw in the schematic about the
14 landscaping, but I'm more happy that you all moved the
15 pollination, because I worked with that in my other life, dealing
16 with pollinated flowers and grass, so I'm glad to see you all
17 moved that, and I'll just leave it at that, but I appreciate all
18 the work that's been put in here. My colleagues have already
19 mentioned it. And it looks like all the I's are dotted and the
20 T's are crossed, and the design, I think, is just fantastic, and
21 I think that will really be very nice looking on the waterfront.
22 So I don't have anything to say, and if I say anything else, I'll
23 just be using airtime, so I'm going to leave it alone. Let me
24 see if anybody else has any additional comments. And thank you,
25 Vice Chair, for covering everyone to make sure everyone had an

1 opportunity to respond and everybody had an opportunity to speak.
2 Ms. Schellin, do we have anybody from ANC -- what is that --
3 6F -- 6/8F or --

4 MS. SCHELLIN: I do not see anyone from the ANC on. I
5 believe the -- it was Brian Strege.

6 CHAIRMAN HOOD: Strege, yeah. So, Vice Chair, since
7 nobody's on, when we get to that, can you do what we normally
8 do, if you could just give us the highlight? You rep -- Vice
9 Chair Miller, you represent all the ANCs across the city, and I'm
10 sure they appreciate it. You stay informed --

11 VICE CHAIR MILLER: I don't -- I don't think they feel
12 that way. Thank you for that.

13 CHAIRMAN HOOD: All right. Let's go to -- I do know
14 we have Mr. Goodman here I believe -- other government agencies.
15 I don't know if we have OAG. Let's go to Mr. Goodman from HSEMA
16 first, Ms. Schellin. We can bring him up.

17 MS. SCHELLIN: The DDOT person? Because NEMA is not
18 going to testify. They decided that they would not -- actually,
19 I do not even see them on.

20 CHAIRMAN HOOD: Oh, okay. I thought they were on.

21 MS. SCHELLIN: They decided that they would be
22 available for questions, but I don't see them on.

23 CHAIRMAN HOOD: Okay. That's okay. Okay. Let's go
24 to DDOT.

25 MS. SCHELLIN: Yeah, so we have, DDOT, Preston Jute

1 (phonetic) or Jutte.

2 CHAIRMAN HOOD: Jutte. Yeah, let's go to Mr.
3 Jutte -- Mr. Jutte.

4 MS. SCHELLIN: Yeah.

5 MR. JUTTE: Good evening, Chairman Hood and members of
6 the Commission. For the record, I'm Presenton Jutte with the
7 District Department of Transportation. DDOT is supportive of the
8 applicant's application to construct this new three-story
9 building on Parcel P3 with Yards Park. Per our November 26th,
10 2025 report, which is in the record as Exhibit 16, we recommended
11 approval with the one condition, implementation of a
12 Transportation Demand Management Plan for the life of the
13 project. As you heard in the applicant's presentation, they have
14 agreed to our requested condition, and with that condition
15 included in the zoning order, we have no objection to the approval
16 of this application. We do look forward to continuing to work
17 with the applicant on any interim or future loading access plans
18 if and when they go through public space permitting. And thank
19 you, and I am happy to answer any questions.

20 CHAIRMAN HOOD: Thank you, Mr. Jutte. Let me see if
21 my colleagues -- I'm looking at everyone to see if you have any
22 questions.

23 (No response.)

24 CHAIRMAN HOOD: Anyone? I don't see anyone. Okay.
25 Mr. Avitabile, you have any questions?

1 MR. AVITABILE: No, sir.

2 CHAIRMAN HOOD: Okay. All right. Mr. Jutte, thank you
3 very much. We appreciate you providing that testimony and also
4 what you provided to the record. All right. Office of Planning.

5 MS. SCHELLIN: Mr. Shepard -- I mean, Mr. Beamon. I'm
6 sorry. Shepard Beamon.

7 CHAIRMAN HOOD: Mr. Beamon.

8 MS. SCHELLIN: Got it backwards.

9 CHAIRMAN HOOD: Mr. Beamon, whenever you're ready.

10 MR. BEAMON: Yep. So good evening, Commissioners.
11 Shepard Beamon with the Office of Planning. OP's review of the
12 application for the requested -- the application and requested
13 flexibility against the design review criteria for Subtitles K
14 and X, and we find that the project has met those criteria. The
15 proposed design would not be inconsistent with the Comprehensive
16 Plan maps and policy objectives, with respect to policies within
17 the land use, economic development, parks, and open space, and
18 the Lower Anacostia Waterfront Near Southwest Elements.

19 When evaluated through a racial equity lens, the
20 proposal should not result in direct or indirect displacement of
21 residents or tenants, as the site is undeveloped, and the facility
22 would provide access to new job training, further activation of
23 the waterfront, educational courses, and public maritime and
24 commercial uses. And, in response to the earlier conversation,
25 OP is in support of a variance from the rules of measurements

1 for the overall height of 47 feet. And to address Commissioner
2 Miller's earlier comment, OP is happy to look into the height
3 regulations and rules of measurements for the waterfront zones.
4 And, with that, I will stand on the record, and I can take any
5 questions.

6 CHAIRMAN HOOD: Okay. Thank you, Mr. Beamon. Let' see
7 if we have any questions. Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
9 questions, other than just a comment, Mr. Beamon, that I
10 appreciate OP taking on Vice Chair Miller's request, and
11 certainly support that request as well. Thank you.

12 CHAIRMAN HOOD: Okay. Commissioner Wright.

13 COMMISSIONER WRIGHT: No questions. Thank you.

14 CHAIRMAN HOOD: Commissioner Stidham.

15 COMMISSIONER STIDHAM: No questions for me either.
16 Thank you.

17 CHAIRMAN HOOD: And Vice Chair Miller.

18 VICE CHAIR MILLER: Yeah, no questions. Thank you, Mr.
19 Beamon, for your report and work on this case and your
20 responsiveness to the new information that's come in and my own --
21 my own question about looking at that issue in the future, so --
22 about the height in waterfront zones where the finished grade --
23 where the grade is elevated in order to meet the 40-foot height
24 limit. So, anyway, thank you for your work.

25 CHAIRMAN HOOD: I, too, thank you, Mr. Beamon. Always

1 a great report. I don't have any questions. Mr. Avitabile, any
2 questions of the Office of Planning?

3 MR. AVITABILE: No questions, other than to say thank
4 you as well to Mr. Beamon, who had an excellent report and very
5 thorough evaluation and was really helpful on all of this. And
6 I also wanted to take note to also thank Mr. Lawson. I know this
7 is out of procedure; I'm supposed to be asking a question. But
8 Mr. Lawson, from the beginning of talking with this project for,
9 I think, a decade -- and, as you know, Mr. Lawson was the
10 original, I think, creator of -- with Mr. Altman and others of
11 the Southeast Federal Center zone, and so I wanted to just take
12 a moment to thank Mr. Lawson as well.

13 CHAIRMAN HOOD: Mr. Avitabile, I want to thank you,
14 first of all. First of all, I recognize you went out of order,
15 but I think that was perfectly within order, because I've been
16 telling Mr. Lawson for a long time that I remember him as being
17 the -- I was here then, and I remember him as being one of the
18 creators, and he always told me he wasn't. And I want to thank
19 you for verifying before he left that he was one of the creators,
20 so thank you, Mr. Avitabile. I appreciate that. All right. So,
21 Mr. Beamon, thank you. And, Mr. Lawson, we thank you as well.
22 And we'll move on. All right. So thank you both. Where am I
23 at now? See, when I do that, I get off -- okay. Vice Chair
24 Miller, ANC 6/F -- no, ANC 6/8F. That's it.

25 VICE CHAIR MILLER: Right. Thank you, Mr. Chairman.

1 Yes, we have a -- at Exhibit Number 15, we have a letter from
2 ANC 6/8F, addressed to you, Mr. Chairman, on -- dated October 21,
3 2025, in which they support -- they report that they four to zero
4 to zero for a resolution in support for the design review,
5 including the applicant's requested design review flexibility and
6 special exceptions. They said, "Our ANC supports the project" --
7 I'm quoting, "Our ANC supports the project, because it will expand
8 educational and workforce development opportunities within our
9 ANC and other nearby neighborhoods that are the focus of Living
10 Classrooms' efforts." And they ask that we give them the great
11 weight that they are entitled to. So thank you, Mr. Chairman.

12 CHAIRMAN HOOD: Okay. Thank you, Vice Chair Miller,
13 for giving us the recap of ANC 6/8F. All right.

14 VICE CHAIR MILLER: Yeah. That was from, I meant to
15 say, Brian --

16 CHAIRMAN HOOD: Brian Strege I think.

17 VICE CHAIR MILLER: -- Strege, the chair of the ANC,
18 yeah.

19 CHAIRMAN HOOD: All right. Thank you. All right. Ms.
20 Schellin, do we have any persons who are here in support,
21 opposition, or undeclared?

22 MS. SCHELLIN: We have none in any category.

23 CHAIRMAN HOOD: Okay. Thank you. Mr. Avitabile, do
24 you have any closing?

25 MR. AVITABILE: No, no closing, other than to thank the

1 Commission for your -- for your thoughtfulness; thank the Office
2 of Zoning staff and legal counsel for the incredibly thoughtful
3 and generous amount of time and sort of addressing the late-
4 breaking issues on this. Again, we are happy to submit for the
5 record an evacuation plan, as well as a response to other issues
6 that might arise ahead of your decision. We'll also submit the
7 letter from GSA documenting their approval of the project. And,
8 with that, I will just again thank the Commission for your -- for
9 your time on this very important project.

10 CHAIRMAN HOOD: Okay. Thank you. Is this a one-vote
11 or two-vote case? Since we changed the rules, now I get confused.

12 MR. AVITABILE: One -- it's a one-vote, as a design
13 review.

14 CHAIRMAN HOOD: One, design review; that's what I was
15 thinking, because I was ready to deal with this tonight, but we
16 have to wait on some additional information coming in, so we will
17 deal with that. My colleagues have any follow-up questions or
18 comments, anybody?

19 (No response.)

20 CHAIRMAN HOOD: All right. Ms. Schellin, could you do
21 some dates please? And let's make sure we do this before the
22 new year, if we can.

23 MS. SCHELLIN: I'm sorry. Did you say before the new
24 year?

25 CHAIRMAN HOOD: Yeah, I would like to do it before the

1 new year. There's no sense in -- but we don't have the time --
2 I don't know. Let me let you do your job.

3 MS. SCHELLIN: The meeting is next week. I don't know
4 if Mr. Avitabile could get --

5 MR. AVITABILE: No, we can wait until January -- that's
6 not a problem -- to make sure the agencies have a chance to give
7 a thorough review, particularly given the holidays. I want to
8 be respectful of that and under that.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: So do you want to shoot for the first
11 meeting in January or the second?

12 CHAIRMAN HOOD: Let's do the second. Oh, I'm sorry.
13 Mr. Avitabile, you go ahead, because you -- since you've been
14 respectful, because I know a lot of times they don't come right
15 back around the first, but you tell us what you want, instead of
16 Anthony Hood telling.

17 MR. AVITABILE: Well, I do whatever Mr. Anthony Hood
18 says, but since I've already exercised my prerogative once, I'll
19 do it again. I think the second meeting maybe makes -- as much
20 as I'd be happy to do the first meeting, the second meeting maybe
21 makes the most sense, so that all the agencies can get their
22 information in, and then we could have a week to respond ahead
23 of the ultimate meeting and not be in a situation where an agency
24 might get their comment in on the 40th day and we would be
25 scrambling to submit a response. I'd rather not continue to

1 create procedural fun on this case. We've already done enough.
2 So if we set decision for that final meeting in January and we
3 would submit our post-hearing submission a week prior and --

4 MS. SCHELLIN: Yeah. There's not an additional 40-day
5 comment period, just so you know.

6 MR. AVITABILE: It's just the 40-day comment -- yes, I
7 apologize.

8 MS. SCHELLIN: Yes. Okay. So let's go -- the
9 additional things that -- if -- was there something else you guys
10 need to provide, could you guys -- or is it all agency items that
11 you -- I mean, if you guys need to provide anything, if you could
12 do that by -- and, also, the agencies, if they could do that --
13 everybody who needs to provide anything, provide it by the 12th
14 of January, three o'clock p.m. And then, Mr. Avitabile, you
15 could respond by the 19th of January, three o'clock p.m., and
16 provide a draft findings, facts, and conclusions of law, and then
17 we could put this on for the 29th at four o'clock p.m. for
18 consideration of final action. Chairman Hood, does that work for
19 you and the others?

20 CHAIRMAN HOOD: I don't know about everybody else.
21 It's fine with me and my colleagues. I think we're good.

22 MS. SCHELLIN: Okay. All right. Mr. Avitabile, do
23 you -- you're going to reach out to the others and let them know
24 if they need to respond and do what they need to do, and we'll
25 go from there.

1 MR. AVITABILE: Excellent. Thank you.

2 MS. SCHELLIN: Thank you.

3 CHAIRMAN HOOD: Okay. Before I close this out, I was
4 looking to see, our next meeting is going to be this coming
5 Thursday, December the 11th, and the subject is the Office of
6 Planning, Case 25-13, on these same platforms at four. Ms.
7 Schellin, on the 15th, I need to do a closed meeting for the
8 18th. Just trying to make sure I --

9 MS. SCHELLIN: Okay. I'll make a note.

10 CHAIRMAN HOOD: Yeah. And my colleagues -- everybody's
11 going to help me remember on the 15th, and I need to do it at
12 the beginning of the meeting, So, with that, I want to thank
13 everyone for their participation tonight. Appreciate all the
14 work that's went into this, and looking forward to a favorable
15 outcome, and I hope everybody has a great evening. This hearing's
16 adjourned. Thanks, everybody.

17 (Whereupon, the above-entitled public hearing was
18 adjourned at 5:14 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing - Case No. 25-17

Before: DC Zoning Commission

Date: 12-08-25

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Deborah B. Gauthier

Deborah B. Gauthier