

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
WFS2, LLC - SECOND STAGE : Case No.
   
PLANNED UNIT DEVELOPMENT : 02-38J
   
FOR 1000 4TH STREET S.W. :
   
-----:

Thursday,
   
January 31, 2019

Hearing Room 220 South
   
441 4th Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 02-38J by the District of Columbia Zoning Commission convened at 6:30 a.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEPHEN MORDFIN

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the  
Public Hearing held on January 31, 2019.

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

6:34 p.m.

CHAIRMAN HOOD: Okay, we're ready to get started.

Okay, good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia.

Today's date is January 31st, 2019. We are located in Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull.

We're also joined by the Office of Zoning staff, Ms. Donna Hanousek as well as the Office of Planning staff, Mr. Lawson and Mr. Mordfin as well as the District Department of Transportation, Mr. Zimmerman.

This proceeding is being recorded by a court reporter and it also webcast live. Accordingly, we must you to refrain from any disruptive noise or actions in the hearing room, including display of any signs or objects.

Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR Chapter 4 as follows, preliminary matters to Applicant's case, report of the Office of

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1 Planning, Report of other government agencies, report of the  
2 ANC, organizations and persons in support, organizations and  
3 persons in opposition, rebuttal and closing by the Applicant.

4           Following time constraints -- I mean, constraints  
5 will be maintained in this meeting. The Applicant has up to  
6 60 minutes. I think they have requested 40.

7           Organizations five minutes, individuals three  
8 minutes.

9           The Commission intends to adhere to the time  
10 limits as strictly as possible in order to hear the case in  
11 a reasonable period of time.

12           All persons wishing to testify before the  
13 Commission in this evening's hearing are asked to register  
14 at the witness kiosk to my left and fill out two witness  
15 cards.

16           These cards are located to my left on the table  
17 near the door. Upon coming forward to speak to the  
18 Commission, please give both cards to the reporter sitting  
19 to my right before taking a seat at the table.

20           When presenting information to the Commission,  
21 please turn on and speak into your microphone, first stating  
22 your name and home address. When you are finished speaking,  
23 please turn your microphone off so that your microphone is  
24 no longer picking up sound or background noise.

25           The decision of the Commission in this case must

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1 be based exclusively on the public record. To avoid any  
2 appearance to the contrary, the Commission requests that  
3 persons present not engage the members of the Commission in  
4 conversation during any recess or at any time.

5 In addition, there should be no direct contact  
6 whatsoever with the Commissioner concerning this matter, be  
7 it written, electronic or by phone.

8 Any materials received directly by a Commissioner  
9 will be discarded without being read and any calls will be  
10 ignored.

11 The staff will be available throughout the hearing  
12 to discuss procedural questions.

13 Please turn off electronic devices at this time  
14 so not to disrupt these proceedings.

15 Would all individuals wishing to testify please  
16 rise to take the oath.

17 Ms. Hanousek, would you please administer the  
18 oath?

19 MS. HANOUSEK: Do you solemnly swear or affirm that  
20 the testimony you will be giving in tonight's hearing will  
21 be the truth, the whole truth and nothing but the truth?

22 (Witnesses sworn.)

23 MS. HANOUSEK: You may be seated.

24 CHAIRMAN HOOD: Okay, at this time, the Commission  
25 will consider any preliminary matters. Does the staff have

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1 any preliminary matters?

2 MS. HANOUSEK: Yes, sir. We have two expert  
3 witnesses proffered and they are all previously accepted.  
4 And the -- I can tell you that the maintenance affidavit is  
5 in order and that's it.

6 CHAIRMAN HOOD: thank you, Ms. Hanousek.

7 For the record, can you just tell us who those  
8 witnesses are?

9 MS. HANOUSEK: Yes, John Torti of Torti Gallas  
10 Architecture; Michael Vergason of Michael Vergason Landscape  
11 Architects; and Dan VanPelt, Gorove Slade Associates Traffic  
12 Engineering and Design.

13 CHAIRMAN HOOD: And all three have been accepted?

14 MS. HANOUSEK: Yes, sir.

15 CHAIRMAN HOOD: Are there any objections to any  
16 of those three at this time?

17 (No response.)

18 CHAIRMAN HOOD: Okay, normally we don't undo -- no,  
19 I'm not going to say that. I was going to say, unless the  
20 court tells us, normally, we don't undo what we've done, so  
21 we will keep that status. They are expert witnesses.

22 Okay, anything else, Ms. Hanousek?

23 MS. HANOUSEK: No, sir.

24 CHAIRMAN HOOD: Mr. Avitabile, do you want begin?

25 MR. AVITABILE: Yes, sir, thank you very much.

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1 Good evening, Chairman Hood and members of the  
2 Commission. We are here tonight to present a second stage  
3 PUD. It is the last of eight parcels in the Waterfront  
4 Station Complex.

5 I believe you recently had reviewed and approved  
6 a couple of parcels along M Street. This is the northeast  
7 corner of that PUD and it's been a long time coming and we're  
8 happy to present it tonight.

9 I'll reserve most of my comments for the end of  
10 the presentation, so I'd like to turn it over to David  
11 Roberts from PN Hoffman to give you an introduction to the  
12 project.

13 MR. ROBERTS: I would like to thank the members of  
14 the Zoning Commission for allowing us the opportunity to  
15 present the Waterfront Station II project.

16 My name is David Roberts and I am the Project  
17 Director for PN Hoffman and Associates. I'm a Ward 7  
18 resident in the District of Columbia.

19 Waterfront Station II is being developed by a  
20 joint venture of PN Hoffman, AHC, Inc., City Partners and  
21 Paramount Development.

22 The project is a 400,000 square foot mixed use  
23 development located on a 1.5 acre parcel at 1000 4th Street,  
24 Southwest.

25 The project will include approximately 450 mixed

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1 income rental apartments of which 30 percent or 136 units  
2 will be affordable to residents earning at or below 30  
3 percent of area median income and between 30 and 50 percent  
4 area median income.

5           Additionally, there will be approximately 30,000  
6 square feet of ground floor uses consisting of neighborhood  
7 retail, cultural and educational uses.

8           This project presents a great opportunity to  
9 enhance the District's vision of and the neighborhood's  
10 desire for a southwest town center along 4th Street.

11           For over three years, PN Hoffman has met with ANC  
12 6D, members of the community and neighborhood groups to  
13 discuss plans, concepts and designs for the project.

14           These discussions began in 2015 when PN Hoffman  
15 entered into DMPED's RFP solicitation process and have  
16 continued through the PUD process.

17           The project has substantially improved as a result  
18 of this community engagement. These community conversations  
19 have informed the project's design, mix of uses, mitigation  
20 plans and public benefits package.

21           One example of this is the conversations we had  
22 early on in the project with the ANC. They were instrumental  
23 in programming the ground floor uses, specifically the diner,  
24 restaurant, and the theater.

25           And, earlier this month, we met with the

1 Metropolitan Police Department regarding physical security  
2 measures for the outdoor play area.

3           Based on their recommendations, we incorporated  
4 into our plan, raising the fence height and adding the  
5 bollards to protect against traffic.

6           These are two of many examples where community  
7 engagement led to meaningful design recommendations that were  
8 incorporated into the final program.

9           In place of the current vacant lot condition, the  
10 project provides new uses that are public benefits, new  
11 housing and affordable housing as well as a mix of diverse  
12 and vibrant retail, cultural and neighborhood serving ground  
13 floor uses which will draw people that will contribute to the  
14 diversity of the existing public gathering spaces in  
15 southwest D.C.

16           Furthermore, the project will contribute its own  
17 publically accessible open space through the 3,000 square  
18 foot outdoor play area that will be open to the public use  
19 outside of school hours and the private drive that will  
20 provide an additional activated and engaging east/west  
21 connection through the Waterfront Station development.

22           On balance, the project will make a positive  
23 contribution to the southwest open space network, consistent  
24 with the established and planned vision for the redevelopment  
25 of Waterfront Station.

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1           The project goes above and beyond requirements for  
2 a second stage PUD and provides a supplementary package of  
3 public benefits that surpasses the justification for the  
4 flexibility sought in this application.

5           The following highlights are public benefits that  
6 will be provided, significant affordable housing, cultural  
7 arts use on the ground floor, restaurant and neighborhood  
8 serving retail, sustain ability benefits, substantial amount  
9 of balconies, an outdoor play area and employment training  
10 and hiring opportunities.

11           I will now turn it over to John Torti of Torti  
12 Gallas Architects to go over the design elements for the  
13 project.

14           MR. TORTI: Good evening, my name John Torti. I  
15 live at 1748 Q Street, Northwest, and it's a pleasure to be  
16 here this evening.

17           This building is located between M and I Street  
18 on 4th. And, it is, as previously mentioned, the last piece  
19 of the Waterfront Station Phase I PUD.

20           David talked about the ground floor uses. The  
21 only addition I would like to make to his comment is that  
22 these ground floor uses will, in fact, extend the pedestrian  
23 activity that's generated on 4th Street around the corner and  
24 take those uses and pedestrian activity to the east to Wesley  
25 Place. And we think that's an important piece.

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1           There's two main drivers to the design of this  
2 building. The first one is the dual geometry presented by  
3 the off angled 4th Street and the Washington, D.C. orthogonal  
4 grid.

5           And the second driver is the screens that are  
6 evident in many of the apartment buildings in mid-century  
7 modern buildings in southwest.

8           So, our building does refer to and give reference  
9 to the dual geometries as its neighbors do. And the basic  
10 move is the centerpiece of the building on both the northwest  
11 and east facade that cranks to the 4th Street geometry.

12           And that notion of that geometry is then treated  
13 with the angular balcony design that is also on that off 4th  
14 Street angle and replicates the notion of those screens in  
15 the other buildings.

16           Taking a tour, a quick tour up 4th Street, you can  
17 see the basic body of the building is a ceramic green screen  
18 material. The balconies with the angular gesturing will be  
19 of concrete.

20           The angular piece is set out lower than the roof  
21 to help the building step down and relate to the building to  
22 the south.

23           Looking south on 4th Street, you see the beginning  
24 of the turning of the two geometries coming together.

25           And, looking down below the trees, you see the

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1 retail wrapping the corner of 4th and private drive. Headed  
2 down to the theater and the educational building and the  
3 playground further east.

4 Up in the air, again, the dual geometries are  
5 present. The penthouse present and the way the pedestrian  
6 space turns the corner, heads north and then heads to the  
7 east.

8 A view at the eastern end --- do I get this right  
9 --- okay, the eastern end of private drive and Wesley Place,  
10 looking back along the private drive and looking at the  
11 playground.

12 To the left, you will also find the service  
13 adjacent to the services of the Safeway at the --- at a piece  
14 of Wesley Place extended.

15 A slightly better view of that playground and the  
16 private drive and the allay of trees that --- being preserved  
17 that Michael will talk about in much more detail.

18 This is the south facing view of the building  
19 where the courtyard exists. The courtyard has two levels,  
20 the upper level, in fact, contains a major amenity piece for  
21 the building.

22 All of the roofs are green. You will also see the  
23 solar panels and the pool amenity on the roof.

24 Approximately half of that hatched in area on the  
25 roof where 3,000 square feet will be covered with solar

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1 panels, but there is enough room to spread them apart so that  
2 the sunlight can get to the green roof.

3           Materials as noted are the ceramic rain screen.  
4 And in shades of gray, we have samples behind you a brick  
5 that is the material for the material for the courtyard. And  
6 it's very similar tones, the metal screen, that big black  
7 heavy thing that's on the floor behind you, that's a  
8 technical term, and the metal panels as indicated to --- yes,  
9 you get the prize.

10           Also, the balcony rails are glass and metal.  
11 Thirty percent of the units do have balconies.

12           Now, I'd like to turn it over to Michael Vergason.

13           MR. VERGASON: Thanks, John.

14           I'm Michael Vergason, I'm a landscape architect.  
15 I live at 808 Prince Street in Alexandria, Virginia.

16           And, as it relates to landscaping and open space,  
17 our kind of simple goal has been to reinforce the what is a  
18 rich network, a connect open spaces and landscapes that's a  
19 distinctive characteristic of this neighborhood and I think  
20 quite a unique one as well.

21           And that begins for us with the preservation of  
22 what is, I would say, a very kind of sweet, informal alley  
23 that runs along the northern end of the block.

24           And, I'm going to give this a try. If you can see  
25 it, it is that two blocks long that occupies those private

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1 drives, but importantly, connects Duck Pond Park with the  
2 library and Library Park to its east.

3           You see it here, you see it again here running  
4 along the northern edge of our property.

5           And that effort to make those connections  
6 continues with the extension of materials and pattern of  
7 adjacent properties. We're carrying the patterns of the  
8 streetscape up from the south along the northern face of the  
9 property.

10           And then, we're complimenting the material  
11 characteristics of the private drive of the Elliot to the  
12 west along the edges of the private drive.

13           That private drive is organized in a way that  
14 maximizes the outdoor uses along its edges and concentrates  
15 and accommodates the drop offs, common drop offs in the  
16 middle while adding retail, cultural and educational uses and  
17 the entries to those along its edges.

18           Its envisioned as a shared street, the drive is  
19 flared 12 or 13 at its portals, widening to 19, it's at its  
20 midsection that, as I said, to accommodate the common  
21 collective drop off to those uses that do add activity,  
22 vitality throughout the day and into the evening to the  
23 place.

24           The drive is paved in a permeable unit pavers that  
25 blend comfortably with that of the Elliot to the west, and

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1 you see that in the left of this photograph. The pavers  
2 we're using are permeable and a finer texture, smaller units  
3 that adds more detail to both the pedestrian and the  
4 vehicular portions of the project.

5 You see this composition from the west opposite  
6 the Elliot looking towards the project. And then, up a  
7 little closer with the alley in the foreground. The alley,  
8 I think, is richer, sweeter than imaged in this photograph.

9 But, beyond that, you see the diner, the drop off  
10 and the play area as you move deeper into that drawing.

11 That play area is 3,000 square feet. It's a  
12 resilient surface. It's part under cover, part out in the  
13 open. It will be fenced during school hours, but that it's  
14 got large sliding gates at its edges that open up after  
15 school hours to open to the public.

16 It'll include custom designed play equipment that  
17 includes play alphabet and a kind of forest of play poles  
18 that relate to the informal alley in the north side of the  
19 drive.

20 And I finish with some images up in the left hand  
21 corner of that kind of equipment.

22 And then, down in the lower right, an image of the  
23 type of pavers that will be using this, an image from the  
24 wharf, but very similar to the pavers we use there that you  
25 see here.

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1           And those do a nice job of providing a kind of  
2 rumble to cars that does functionally slow them down, but  
3 also signal the intended shared use of the street.

4           So, I'm going to turn it over to Dan Van Pelt to  
5 talk about transportation, other transportation aspects of  
6 the project.

7           Thank you.

8           MR. VAN PELT: Good evening, Commissioners. For  
9 the record, I am Dan VAN PELT with Gorove/Slade Associates.  
10 I have been working with PN Hoffman and the project team and  
11 DDOT and members of the community as it relates to the  
12 transportation aspects of the project.

13           I'm going to touch on the highlights of our review  
14 and our coordination with DDOT.

15           As shown here, the parcel we're discussing tonight  
16 is situated east of 4th Street, Southwest between I and M  
17 Streets, just north of the Waterfront Metrorail Station.

18           Along with Green Line Metrorail service, there are  
19 several Metro bus lines, DC Circulator and the Southwest  
20 Shuttle in the vicinity. There are also several commuter bus  
21 lines that serve the site.

22           There are north/south bike lanes on 4th Street and  
23 east/west bike lanes on I Street to the north. The Anacostia  
24 Trail is also nearby. There's Capital Bikeshare Station a  
25 block to the south at the Metro Station.

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1           The Applicant is committing to provide an  
2 additional new station, but we'll talk more about that in a  
3 moment. Next slide?

4           I think John and Michael did a great job  
5 describing the site plan earlier, but I think it's worth  
6 repeating the transportation aspects of the site.

7           There's a new east/west private drive that will  
8 be created along the northern edge of the parcel that  
9 connects 4th to Wesley Place. 4th is on the left of the  
10 image and Wesley's on the right.

11           Access to the residential lobby will be from 4th.  
12 There will also be retail access on 4th Street that wraps  
13 around onto the private drive.

14           The art cultural use along with the educational  
15 use will be accessed from the private drive.

16           Vehicular access will be to the parking garage and  
17 to loading facilities will be off of the private extension  
18 of Wesley Place on the east side of the site.

19           The new private drive will serve an important  
20 functional role for the project. It will operate one way  
21 eastbound. Vehicles will enter from the 4th and then exit  
22 out to Wesley Place.

23           It'll accommodate pickup and dropoff for the  
24 school and also for other uses of the project.

25           There'll be no parking allowed on the drive as

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1 noted on the signage plan here on the image. The vehicles  
2 shown here are meant to indicate the functionality and  
3 capacity of the drive to handle pickup and dropoff that will  
4 be managed by the school and property management.

5 Next slide?

6 So, speaking of management, we developed a  
7 multifaceted transportation management plan for this project.  
8 It's made up of five components.

9 There's a school pickup and dropoff plan, a  
10 private drive management plan, a parking management plan, a  
11 loading management plan and a transportation demand  
12 management plan.

13 All of these sub-elements work together to  
14 effectively accommodate site needs and mitigate impacts. I  
15 won't go into all the details of the plan, but they are  
16 captured in our comprehensive transportation review report.

17 Additionally, the loading management plan, the TDM  
18 elements have been revised as contained in the response to  
19 the DDOT staff report that was submitted into the record  
20 today.

21 The additions to those two components are shown  
22 here. And, I want to point out one of the major additions  
23 is the commitment to fund a new 19-dock Capitol Bikeshare  
24 station located at the intersection of 4th and I.

25 Next slide?

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1 We did perform a comprehensive transportation  
2 review for this project and it was scoped with DDOT and  
3 included a multi-modal review of 14 intersections and  
4 driveways in the vicinity of the site.

5 The CTR concluded that the private extension of  
6 Wesley Place, the new east/west private drive and the  
7 transportation management plan would effectively mitigate  
8 project impacts.

9 DDOT staff report identified enhancements to the  
10 TDM and loading management plans. We have coordinated with  
11 DDOT on their comments from the staff report. We are pleased  
12 to have the support and we believe we've satisfied DDOT's  
13 conditions as contained in our response memo that was  
14 submitted today.

15 Happy to --- appreciate you listening to my  
16 testimony, happy to answer your question. But, I'll turn it  
17 over to Dave Avitabile at this time.

18 MR. AVITABILE: Thank you very much.

19 All right, so, now that everyone's stuck to their  
20 time, I'm going to have to do the same.

21 We have worked very hard over the past three years  
22 as David Roberts indicated, but really, over the past year  
23 which has been the zoning process on this project to  
24 consistently engage in detailed discussions regarding the  
25 project.

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1           And we're pleased to be here tonight with support  
2 from the Office of Planning, DDOT and ANC 6D which reflects  
3 the positive results of this engagement.

4           And, we're also happy to have the support of the  
5 Deputy Mayor and a number of nearby properties and neighbors  
6 and those letters are in the record.

7           And we also --- we do acknowledge the recent  
8 concerns that have been raised by the Amidon-Bowen PTA and  
9 we'll address those as well.

10           I'll save my thoughts on the last minute  
11 submission by the Southwest Accountability Group for the end.

12           With respect to the comments in the record, I  
13 think Dan just went through the DDOT report and you've got  
14 a memo in the record now where we've reached an agreement  
15 with DDOT on the concerns that they raised in their report.

16           I think if we go to the next slide, I just wanted  
17 to point out, in case you were curious, this slide shows  
18 roughly the couple of different locations that we've been  
19 talking with DDOT about regarding the potential location for  
20 the Capitol Bikeshare station.

21           It's on District controlled land and we've had  
22 conversations with DDOT and they've talked with DPR who  
23 manages the land about locating the spaces there. So, we are  
24 confident we'll be able to deliver that item.

25           The Office of Planning also had a couple of

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1 comments in its report. One of them was to add the electric  
2 vehicle charging station, that was the same comment that DDOT  
3 had. We've agreed to that.

4           And OP had some suggestions on the condition which  
5 we agreed to and will incorporate, I suspect, as we go  
6 through the proffer process, the Office of the Attorney  
7 General may have additional comments and we'll, of course,  
8 work with them as well.

9           With respect to the ANC report, we've been working  
10 closely with the ANC on this project. We've been at public  
11 ANC meetings three to four times and we've had a number of  
12 additional conversations along the way, including between the  
13 December ANC meeting when we first really appeared with the  
14 final project and January.

15           I think two, three additional meetings where we  
16 were working with the ANC to work through their issues and  
17 we certainly appreciate all the time that they devoted at  
18 that time of year to working with us.

19           And, I wanted to highlight a couple of the issues  
20 to show kind of --- to make sure it's on the record that  
21 we've made these commitments.

22           The first is regarding the ground floor uses.  
23 We're aligned with the ANC in our collective desire to make  
24 sure the ground level uses in this project help activate the  
25 pedestrian realm and support the neighborhood.

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1           And so, there's a number of commitments in that  
2 regard.

3           As you've heard along 4th Street, we've agreed to  
4 reserve at least 11,000 square feet for neighborhood serving  
5 retail and restaurant uses.

6           And, one key item here is our commitment to do our  
7 level best to locate and bring three meals a day, seven day  
8 a week restaurant to the project or a diner, as it were.

9           As the Commission knows, most retail leasing takes  
10 place well after the zoning stage once the building's under  
11 construction. So, we can't yet definitively say what will  
12 happen here.

13           However, what we can do is commit to hold the  
14 space open during the lease out process. And we've agreed  
15 in negotiations with the ANC to extend that to at least two  
16 years after the issuance of a C of O.

17           So, that gives us from when we start --- when we  
18 get that building permit and start construction, through that  
19 two years after we're done with construction, a good four,  
20 five years to try to find that the type of tenant that we all  
21 agree we want to have in this space.

22           We've redesigned the building to make sure it can  
23 accommodate a diner and commit to marketing and leasing the  
24 space for this use.

25           And we've also agreed to keep the ANC up to date

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1 on these efforts.

2           And that, I think you'll --- we have a similar  
3 commitment on the theater.

4           And I think it comes out of, as we went through  
5 the discussions with the ANC about all of these issues and  
6 the issues regarding Apple Tree came up.

7           It became very clear that what we needed to ---  
8 what we need to do going forward is keep the ANC better  
9 informed in kind of what we're thinking.

10           And so, I just want to highlight that. This is  
11 always a learning effort and we are learning and listening.

12           So, the second commit on the ground floor use is  
13 regarding the theater use. We've agreed to reserve at least  
14 9,000 square feet for a theater.

15           We had an operator in mind when we first filed the  
16 application. But, they went bankrupt and they're no longer  
17 in operation. So, we're back to square one.

18           But, what we've agreed to do with the ANC is to  
19 undertake a public RFP process to solicit potential operators  
20 and, again, incorporate ANC input into that.

21           And I think we're particularly excited because one  
22 of the new ANC Commissioners is a professional actor. And  
23 so, he'll be particularly valuable in helping us look into  
24 that.

25           In addition to the ground floor uses, we had a

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1 number of conversations with the ANC about the private drive  
2 component of the project. And that goes all the way back to  
3 our pre-filing prevention to the ANC over a year ago when we  
4 first showed the concept and they raised some questions and  
5 concerns about it.

6           Among the other measures we've agreed to, we've  
7 incorporated traffic calming and pedestrian safety measures  
8 into the design, including the narrow entrances, the paving  
9 materials and including a curbed environment in the areas  
10 with the greatest pedestrian activity.

11           More recently, through the later discussions, we  
12 worked to develop the plan that Dan Van Pelt identified ---  
13 next slide --- to help manage dropoff activity and pickup and  
14 also work out terms and conditions on how that's going to be  
15 enforced and who's going to enforce it.

16           And really, I think for that and for the play  
17 area, put the onus largely on the building operator to make  
18 sure that they're managing those spaces.

19           Next slide?

20           So, really, one of the --- and Dave Roberts  
21 referenced this in the beginning, the play area, at the ANC  
22 suggestion, we met with Commander Kane from MPD to discuss  
23 the entirety of the project, but including the play area.

24           And MPD made a number of helpful recommendations  
25 including increasing the height of the fence, adding bollards

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1 and other reinforcements to ensure safety from vehicles,  
2 incorporating lighting and security cameras and we've agreed  
3 to do all those things.

4           Some of those with respect to lighting and  
5 security will be developed further as we get into the  
6 building design and we'll continue to work with MPD on those  
7 fronts.

8           Next slide?

9           We've also agreed to a robust construction  
10 management agreement. It's been informed by previous  
11 agreements and then added on to and supplemented to do even  
12 more.

13           Among many issues, we have commitments to regular  
14 communication and meetings with the ANC and immediate  
15 neighbors regarding the construction of this project.

16           And we've also agreed to regular communication and  
17 meetings with the ANC and other ongoing construction projects  
18 in the area, as you've heard, because they've all been before  
19 you or will be before you.

20           There's a lot going on in this four, five block  
21 radius. And the ANC was concerned about the cumulative  
22 impact of all of that construction and making sure that we're  
23 coordinating.

24           And we've agreed to come to the table and,  
25 frankly, help bring others to the table to make sure that

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1 people are coordinating on areas where that coordination is  
2 appropriate.

3           And, finally, we've agreed to work with the ANC  
4 to minimize the amount and duration of time that we have to  
5 take some of the on street parking spaces nearby the project  
6 offline for construction staging.

7           And perhaps as importantly, make sure that we  
8 provide adequate notice prior to taking those spaces offline  
9 so that those who rely on them can make alternate  
10 arrangements.

11           And, along these lines, I think the last thing we  
12 did when working with the ANC, they asked us to make sure we  
13 met with the DDOT Safe Routes to School Program team to not  
14 only address --- first to address safety during construction,  
15 but then also after construction.

16           And for not only the educational use we propose  
17 in our project, but also the other educational uses in the  
18 neighborhood.

19           We started that conversation with DDOT and we'll  
20 continue to do that as we develop the design of the project.

21           And so, I think that's a good segue to the last  
22 item I wanted to talk about tonight which is the Apple Tree  
23 Public Charter School and the comments from the Amidon-Bowen  
24 PTA.

25           For some context, Apple Tree has operated a pre-

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1 kindergarten charter school program in this neighborhood for  
2 nearly two decades at a couple of nearby locations which are  
3 identified on the map.

4           They currently have five classrooms with about 110  
5 students in trailers over at Jefferson Middle School a couple  
6 blocks to the west.

7           And, many of these students in this location do  
8 come from the neighborhood. According to Apple Tree about  
9 40 percent of the students are from southwest. Another 40  
10 percent come from either the Capitol Riverfront neighborhood  
11 or neighborhoods in Ward 7 and 8 east of the river.

12           We thought that Apple Tree was a great fit for our  
13 project from day one. The school use would create daytime  
14 activity along the private drive. It would help support the  
15 other retail uses in this neighborhood center.

16           Our building would provide Apple Tree with an  
17 ability to continue to serve southwest families with young  
18 children and it would give them an ability to add one  
19 classroom for a modest increase from 110 to 132 students.

20           We originally thought that they were going to add  
21 more classrooms and more students to the building which is  
22 why, in our initial filing, we referenced 176 students. And  
23 you'll probably hear other people reference that.

24           But, we've now refined that and what we're talking  
25 about is the addition of 22 students.

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1           And, frankly, the other part about the Apple Tree  
2 being in a project that was great, it informed the design of  
3 the private drive.

4           Early on in the project, we knew that we were  
5 likely going to want to bring them into the project and we  
6 figured we knew that we needed to have a play area. And that  
7 really informed how the private drive evolved.

8           Since we were excited about the opportunity, we  
9 have been open with --- about Apple Tree's role in the  
10 project since the start of the PUD process a year ago.

11           We mentioned them in our pre-filing ANC meeting,  
12 you know, I think it was back in January of last year.

13           We discussed them in our initial application  
14 package.

15           And since then, we've spent a fair amount of time  
16 talking with the ANC about their use, though the focus had  
17 always been on issues like the pickup and dropoff or figuring  
18 out how the play area would be operated outside of school  
19 hours.

20           Now, as you've seen in their letters, members of  
21 the Amidon-Bowen PTA, the leadership of the PTA, has  
22 significant concerns about the impact of Apple Tree on the  
23 public schools programs.

24           Now, of course, as we talked about given the  
25 context, this is not a new impact or challenge because Apple

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1 Tree's been in the neighborhood and coexisted for two  
2 decades.

3           And it's, admittedly, again, it's part of the  
4 confusion in the record, but this isn't a significant change  
5 from current conditions because we're only adding one -- they  
6 will only be adding one classroom over what they have now.

7           I do think that --- I'd like to think that they  
8 --- that the scale of the increase may hopefully temper some  
9 of the concern.

10           And I do think part of this is the issues and  
11 perhaps the passion in this issue, it goes to a broader issue  
12 that perhaps is worthy of public discussion, but maybe more  
13 appropriately before something like Public Charter School  
14 Board.

15           Because that's the body that oversees changes in  
16 charter school locations, approval and renewal of their  
17 charters and those sorts of items.

18           With that said, you know, we certainly value the  
19 elementary school's importance to the southwest community and  
20 we've heard that. We've heard that often over the last few  
21 weeks.

22           And we certainly also appreciate and value the  
23 PTA's perspective and we want to be a good neighbor.

24           And so, since we've really first engaged in this  
25 substantive discussion about these concerns earlier this

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1 month, we've been talking with the ANC and PTA to discuss  
2 what we can do.

3           We've agreed to meet with them in the near future  
4 on exactly that point. And, as the ANC has laid out in their  
5 resolution, we'll be back and present, you know, what we can  
6 commit to as we work it out over the next month.

7           So, that's Apple Tree and then I now have to,  
8 again, do a little improv on the last item we received. So,  
9 indulge me as I make sure I hit on those points.

10           So, earlier this evening, shortly before 5:00, we  
11 received a submission from what is now the Southwest  
12 Accountability Group, the same group of people that had  
13 previously appeared in a couple of records in the southwest  
14 neighborhood and attempted to appeal cases in which they had  
15 not otherwise participated.

16           This group has not participated in this case at  
17 any time that we've been aware of. They haven't been at the  
18 ANC. They haven't contacted us.

19           So, it's a little hard to address their concerns  
20 when they don't engage in the process and we'll see if  
21 they're here tonight.

22           And, again, as before, the issues that they raise,  
23 issues certainly worthy of consideration, but they're not  
24 zoning issues. These are general issues about economic  
25 development, about broader subject matter than are related

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1 to this project.

2           And, I think perhaps, even more importantly, in  
3 the case of this project, this isn't just a project that  
4 we're just bringing before you as a private developer on land  
5 that is privately owned.

6           This is a project that has gone through an  
7 extensive public process, through the Deputy Mayor, through  
8 the Council to review and approve how this property is going  
9 to be developed and used.

10           And so, it represents the will and the intent of  
11 the Council. It's the Council's vision for this site that  
12 this site should be developed with this amount of housing,  
13 that the Council's approval specifically approved the unit  
14 mix for the project, the level of affordability, the amount  
15 of affordability, all of those aspects of the project.

16           I think, given the last minute nature of this, I'd  
17 prefer to respond in detail in writing following the hearing  
18 rather than try to improvise on the fly now.

19           But, there are a couple of things I wanted to  
20 mention just to kind of knock them out.

21           First, they're alleging that our building is 130  
22 feet tall or over 130 feet tall. It's not, it's 114 feet  
23 tall. It's consistent with the first stage PUD. It's very  
24 clearly shown on the drawings.

25           However, I suspect the confusion may be because,

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1 while the building is measured a 100 feet tall, the elevation  
2 of the roof is elevation 133, so perhaps someone looked  
3 quickly at the plan and misunderstood.

4 I think it's important to understand that this is  
5 part of a larger multi-phase development that has, in fact,  
6 significantly improved the infrastructure in the  
7 neighborhood.

8 I mean, they built a street connecting --- they  
9 built 4th Street all the way through to reconnect M Street  
10 to I Street. If that's not adding infrastructure, I don't  
11 know what is.

12 And, you know, in general, as they have been in  
13 the past, the facts in this submission are wrong on the law  
14 and wrong on the facts.

15 I mean, the biggest example is they suggest that  
16 the comprehensive plan requires that 51 percent of units on  
17 former public land be set aside as affordable and that's not  
18 what the comp plan says.

19 What the comp plan says, what that provision says,  
20 H-1.2.4, it says that a substantial number should be  
21 affordable. We're providing 30 percent of this building set  
22 aside with half of that at 30 percent AMI and have the 50  
23 percent AMI.

24 You know, for a project that is a mixed income  
25 project, I don't know that I've had a project that's come

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1 before you that's had that robust mix of affordable housing  
2 and market rate housing. It's pretty spectacular and unique  
3 compared to a lot of the projects that we're here for.

4           So, I think that's it on that for now. I would  
5 like to reserve the right to respond in writing and add  
6 supporting evidence if needed to respond to the allegations  
7 here.

8           And I think we also would like to maybe perhaps  
9 --- we have reached out extensively with District agencies  
10 throughout this project and had an inter-agency meeting where  
11 Department of Housing and Community Development, the  
12 Department of the Environment and a number of other  
13 stakeholders participated.

14           But, we'd also like to reserve the opportunity to  
15 maybe re-engage them again and see if we can get them to  
16 submit something in writing for the record.

17           I don't think that's legally required. I think  
18 the regulations are clear on that point. However, to the  
19 extent that they can submit something, I think that would be  
20 helpful.

21           So, with that, I think I'll say thank you for your  
22 time and we're happy to answer your questions.

23           CHAIRMAN HOOD: Okay, thank you very much. Thank  
24 you all for your presentation.

25           I would say this to Mr. Avitabile, whether you're

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1 able to get something from those agencies or not, you may  
2 want to supplement the record.

3 MR. AVITABILE: Yes.

4 CHAIRMAN HOOD: So we'll have something in the file

5 ---

6 MR. AVITABILE: You've got it.

7 CHAIRMAN HOOD: -- on that issue.

8 What I'm going to do is, right after we finish  
9 asking our questions, I'm going to go out of order. I'm  
10 going to --- what I've always done as whoever the parents are  
11 who have the young folks, if they want to come up because  
12 it's almost about 7:30.

13 And I'm older now, but I get sleepy around 9:00,  
14 9:30 sometimes. So, I understand how that goes.

15 So, I'm going to bring them up and give them an  
16 opportunity. The ones who have the young folks.

17 Now, if the young folks is not with you, then just  
18 --- you're going to have to go through the process. But for  
19 the young folks, I'm going to let their parents come up and  
20 do testimony.

21 So, I hope everyone indulges me on that.

22 I'm really concerned about the Apple Tree/Amidon  
23 issue. Amidon, when I was working over in Waterside Mall,  
24 it's a school that federal workers and people would always  
25 make sure was a stellar school. I'm not sure, I haven't been

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1 over there in years. It was a stellar school.

2 So, when you mention --- I'm looking at proximity  
3 and location because that's everything, when you mention  
4 about the impacts, and I think in the letter that I read, it  
5 talks about the impacts on Amidon.

6 Where are the locations now? You say this is  
7 nothing new to the neighborhood, where are the locations at  
8 now?

9 MR. AVITABILE: If you look up here on this image,  
10 so the box that's outlined in red, that's the location of our  
11 project.

12 And, the top ---

13 CHAIRMAN HOOD: Somebody knows how to use that.  
14 You're the first person that came in here and used that  
15 right. Thank you.

16 Okay.

17 MR. AVITABILE: All right, so now ---

18 MR. VERGASON: A little risky because I didn't do  
19 it ---

20 CHAIRMAN HOOD: That's all right, but we know how  
21 to erase it up here.

22 MR. AVITABILE: All right, so now, Michael, if you  
23 could, please circle the Amidon/Bowen Elementary School right  
24 at the top there?

25 That's where Amidon/Bowen is located, so it's

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1 about a block north of our project.

2 Now, if you look over a block to the west, you'll  
3 see a couple of circles. The northern circle is where Apple  
4 Tree is currently located. That's on the campus of Jefferson  
5 Middle School, they're in some trailers there.

6 Prior to that, they were located at the old  
7 Riverside Baptist Church across the street for some time.

8 So, they have been in southwest and along this I  
9 Street corridor for, as we said, two decades.

10 CHAIRMAN HOOD: Okay. And they are ---

11 MR. AVITABILE: And actually, it's a pre-  
12 kindergarten program.

13 CHAIRMAN HOOD: So, it's pre-k to what? What do  
14 they go up to?

15 MR. AVITABILE: It's just pre-k.

16 CHAIRMAN HOOD: Oh, pre-k? Oh okay.

17 MR. AVITABILE: It's just pre-k.

18 CHAIRMAN HOOD: Okay. But, I know --- I understand  
19 the concerns was, I think, and I know others may know a  
20 little more about this than I do, there's a formula that the  
21 city used to use.

22 And, I heard you talk about a Charter School  
23 Board. And I'm not sure if this is --- well, I'm not sure  
24 all that is working like it used to years ago when they first  
25 started up with charter schools here in the city.

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1           Because I actually at that time was involved. So,  
2 I understand the concern.

3           But, you know what? Because I'm not up to date  
4 on my information, I just know what I've read, I'm going to  
5 wait to hear from both sides and hear a little more detail  
6 on that.

7           So, let me open it up. Commissioner Shapiro?

8           COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

9           I'll just follow up on that. Can you go over the  
10 numbers again related to the current and anticipated student  
11 population?

12           MR. AVITABILE: Sure.

13           And, I apologize on our behalf for any confusion.  
14 I think their use in the building evolved over time.

15           They currently have five classrooms with about 110  
16 students.

17           COMMISSIONER SHAPIRO: Spread between the two sites  
18 that we're looking at?

19           MR. AVITABILE: Actually just in the one site right  
20 now.

21           COMMISSIONER SHAPIRO: Okay.

22           MR. AVITABILE: They're all in that one site right  
23 now at Jefferson Elementary, the northern circle.

24           COMMISSIONER SHAPIRO: Okay.

25           MR. AVITABILE: And, you know, on our site, they'll

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1 have six classroom with no more than 132 students. So, it's  
2 an increase in 22 students. It's one classroom.

3 COMMISSIONER SHAPIRO: Okay. And it's stating the  
4 obvious, but their vacating, if this goes forward, they're  
5 vacating the previous site?

6 MR. AVITABILE: Yes, yes, they are. In fact, as  
7 I understand it, they actually will be leaving that site in  
8 this year because Jefferson needs that land back.

9 And, between that time and when our building is  
10 delivered, I'm not sure they know where they're going or if  
11 they're going to remain open during that period of time.

12 COMMISSIONER SHAPIRO: Okay. And, you've stated  
13 this, but I just want to make sure I heard you correctly.

14 You heard the concerns, you've read the concerns  
15 in the ANC 6D's letter.

16 MR. AVITABILE: Yes.

17 COMMISSIONER SHAPIRO: You effectively are agreeing  
18 to meet with the ---

19 MR. AVITABILE: Absolutely, we ---

20 COMMISSIONER SHAPIRO: -- PTO and develop the  
21 community benefits agreement and ---

22 MR. AVITABILE: That's right. We --- after the ANC  
23 meeting, we spoke outside in the hallway with some of the  
24 members of --- the leadership of the PTA here tonight, we're  
25 happy to meet with them.

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1 I think we followed up with them again. I know  
2 they have to organize on their end, but we look forward to  
3 that meeting in the next week or so and then that'll give us,  
4 hopefully, enough time over the couple weeks after that to  
5 reach an agreement that is acceptable to everyone.

6 COMMISSIONER SHAPIRO: Okay. And, on an unrelated  
7 topic, you're putting solar panels on a green roof?

8 MR. AVITABILE: Yes, that's correct, consistent  
9 with DOE's policy that allows for that to happen.

10 COMMISSIONER SHAPIRO: Right, and I'm asking this  
11 broadly to the universe where we hear many, many concerns how  
12 difficult it is to put solar panels on a green roof. You are  
13 not having that problem? Whoever is taking the lead on this?

14 MR. VERGASON: I can't tell you that we're not  
15 having that problem. We believe it is doable, but we have  
16 not done it.

17 So, my belief and my knowledge is that we've got  
18 plants that will survive under the shaded canopy. But, in  
19 terms of the details and a proven application of it, we  
20 haven't done it myself.

21 COMMISSIONER SHAPIRO: Okay, all right. Thank you  
22 for that directness, I appreciate it.

23 That's all I have, Mr. Chair.

24 CHAIRMAN HOOD: Any other questions or comments up  
25 here? Vice Chair Miller?

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1 VICE CHAIR MILLER: Thank you, Mr. Chairman.

2 I would agree that the affordable housing  
3 component is spectacular. And I always like balconies on our  
4 residential buildings, so I appreciate the substantial number  
5 of balconies.

6 So, I know it's early on, but do you have any  
7 letters of intent on the diner or on the --- you lost the  
8 theater, do you have any letters of intent on either yet?

9 MR. ROBERTS: We don't. For the diner ---

10 VICE CHAIR MILLER: Are you trying to get like a  
11 Silver? Which we have in our neighborhood and which we're  
12 fortunate to have.

13 MR. ROBERTS? Yes, I think, as informed with the  
14 ANC, I think we're all in agreement that we're looking for  
15 a diner that's not maybe a huge national chain. It could  
16 potentially have a couple locations, but something that is  
17 fairly unique to southwest.

18 We've engaged Asadoorian Retail Solutions which  
19 is the broker that PN Hoffman also uses at the Wharf that is  
20 --- was instrumental in the Navy Yard and has about 35 years'  
21 worth of experience.

22 We've actually brought John to a couple of the ANC  
23 meetings to talk about the process. As he's informed us, the  
24 way the restaurant community tends to view these types of  
25 projects is they tend to get a little bit more interested

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1 when you get closer to construction. They just like to see  
2 something.

3 So, we've --- we are already engaging with  
4 restaurateurs now. We feel like those discussions will  
5 elevate more to commitments as we get closer to construction.

6 VICE CHAIR MILLER: And is it LEED Gold?

7 MR. ROBERTS: It is LEED Gold, yes.

8 VICE CHAIR MILLER: Yes, well, that's great also.

9 So, just in summary, let's see, it's been my usual  
10 line about a great revitalization project of a vacant,  
11 underutilized site and a Metro Station. Even through some  
12 of our critics call us the Commission on Gentrification. I  
13 think we're the Commission on Revitalization.

14 CHAIRMAN HOOD: All right, any other questions or  
15 comments?

16 Commissioner May? Go ahead.

17 COMMISSIONER MAY: Okay. A few, the --- so, maybe  
18 I misunderstood this, but this is an unusual configuration  
19 in terms of side yards, front yards, rear yards.

20 Do you want to explain why it is the way it is?

21 MR. AVITABILE: Yes, I'll give it a shot. Can we  
22 bring up a --- I guess one of the site plans of Waterfront  
23 Station in general. That might be the easiest thing to do.

24 All right, yes, we'll start there. So, Waterfront  
25 Station is an eight building, single record lot. And it goes

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1 back to the original complex.

2 Do you remember, 4th Street wasn't there. It was  
3 all one thing. In fact, the ---

4 COMMISSIONER MAY: Yes, I was here when that was  
5 done so I remember that.

6 MR. AVITABILE: Yes, and there's an --- and I  
7 wasn't part of the original part of this, so I'm stepping as  
8 the last man and someone else's PUD, which is an interesting  
9 place to be.

10 So, this --- there's actually a zoning regulation,  
11 it was --- it's in the old regulations, I don't know that it  
12 ported over to the new in Chapter 25 that says that,  
13 notwithstanding 4th Street coming through the site,  
14 everything in this complex is treated as a single building  
15 for zoning purposes.

16 And, because of that, the front of the building  
17 is on M Street right at the center of 4th and M. That's the  
18 measuring point for all of the buildings in the complex. And  
19 so, that's where we take our measuring point from for  
20 everything.

21 And so, we're on the back side. So, we're the  
22 back of the lot. So, therefore, the private drive is  
23 effectively the rear yard for this lot.

24 And we're very close to what the required rear  
25 yard would be. And but for our balconies that protrude out

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1 because of John's, you know, what did he call it, the crank  
2 in the design, we would actually comply.

3           So, I think to the extent that we are intruding  
4 into that rear yard, the impact is minor. And I think it's,  
5 because of a more exemplary design and it's appropriate in  
6 the concept of the PUD.

7           With respect to the side yard, this is the  
8 situation that we kind of find ourselves in from time to time  
9 where, at least on the east side of the building along Wesley  
10 Place, we actually could build out to the property line and  
11 then there is no side yard issue.

12           But, we've deliberately set the building back a  
13 little bit in order to provide the width of the sidewalk that  
14 DDOT would like to see, and frankly, create a condition that  
15 we want to have.

16           So, that's why there's a side yard on that side.

17           Perhaps somewhat uniquely, and I still, even  
18 though I've studied it and I know the answer, it doesn't  
19 entirely track with me.

20           Even though it's all a single record lot, since  
21 4th Street does come through and 4th Street is dedicated  
22 through a public easement, out of an abundance of caution,  
23 we're treating the western line of our lot as a property line  
24 for zoning purposes.

25           And so, what you get is a triangular area that

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1 perhaps someone could try to outline between the edge of our  
2 building and the ---

3 COMMISSIONER MAY: Oh, so there traced in red,  
4 isn't it?

5 MR. AVITABILE: Oh, it is traced red.

6 COMMISSIONER MAY: It's all in red.

7 MR. AVITABILE: There it is, okay. So that is  
8 effectively a side yard of sorts for the building that's  
9 created by making the building orthogonal against this skewed  
10 street.

11 And, again, I think the relief is appropriate.  
12 We could have brought the building out, but then you don't  
13 get this nice ---

14 COMMISSIONER MAY: That's fine, I wasn't so much  
15 questioning the need for the relief, you know ---

16 MR. AVITABILE: Right.

17 COMMISSIONER MAY: -- the design as it is done, it  
18 makes sense.

19 And the fact that a single record lot, you know,  
20 and maybe I kind of remember that. I certainly do remember  
21 that, in the original PUD, it was to be considered as a  
22 single building even though it was split by 4th Street. So,  
23 that certainly makes sense.

24 Now, and then, my next question was the building  
25 height measuring point, but you said that's M Street. And,

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1 how different is that from the 4th Street elevation?

2 MR. AVITABILE: If we were to measure from our  
3 midpoint on 4th Street, it would be ---

4 COMMISSIONER MAY: I mean, it looked like it'd be  
5 no more than two or three feet.

6 MR. AVITABILE: It's only two or three feet.

7 COMMISSIONER MAY: Right.

8 MR. TORTI: It's three, right.

9 MR. AVITABILE: I would like one of the architects  
10 to say that on the record.

11 MR. TORTI: Three feet.

12 COMMISSIONER MAY: Three feet? Okay.

13 And then, the 114 feet, and that's just based on  
14 the original Stage 1?

15 MR. AVITABILE: That's right, the Stage 1 called  
16 for this building to be 114 feet measured from that measuring  
17 point down on M Street.

18 COMMISSIONER MAY: Right.

19 MR. AVITABILE: And so, we're fully consistent.

20 COMMISSIONER MAY: Okay.

21 The --- on page 49 or 50 of the original  
22 submission, there's a section that, though the top of the  
23 building that shows the setback with the penthouse level and  
24 then the mechanical above it and how the solar would, you  
25 know, might theoretically be placed.

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1           And, you know, one of the, you know, I'm very much  
2 in favor of solar panels and encouraging that and even  
3 encouraging it over a green roof because I've been told it's  
4 feasible.

5           The --- and, unfortunately, I don't --- you're not  
6 showing it. Do you have --- the one with the actual section  
7 on it that was on page 49 of the submission? I don't think  
8 --- I don't remember seeing it in your --- ah, there we go.

9           The concern I have is just that there might be,  
10 you know, whether there's any potential for the solar panels  
11 to become --- there you go --- visible clutter on the  
12 rooftop.

13           And, the way it's placed right now, I mean, it  
14 doesn't look like it's quite there. I mean, I think I always  
15 prefer to have them below the parapet level, but I understand  
16 that would make it harder to have anything grow.

17           But, have you looked at the question of whether,  
18 in fact, any of those panels become visible from any public  
19 way?

20           I mean, obviously, they're going to be visible  
21 from the, you know, they might be visible from a tall  
22 building nearby, but I'm less concerned about that.

23           MR. AVITABILE: I'm not sure that we have  
24 specifically looked at that. If John has some specific  
25 thoughts on that.

1           But, perhaps, what we could do is provide a study  
2 or something like a view from 4th Street just to --- I don't  
3 think ---

4           COMMISSIONER MAY: Yes, yes. I mean, it's hard to  
5 believe that it's --- that it would be visible from the  
6 street given the, you know, the steepness and the height of  
7 the building and all that.

8           But, I just --- more than anything, I just want  
9 to register that concern that we are thinking about that.  
10 Because, the last thing we want to do is have a beautiful  
11 building kind of, you know, cluttered with junk on the top.

12           So, yes, I mean, if you can do something, but I  
13 wouldn't spend a lot of time doing visualizations of views  
14 from every angle because you can --- yes, you can't even see  
15 the penthouse if this is an accurate view.

16           MR. TORTI: Honestly, I think the exhibits before  
17 us show that the --- from the streets, you're not going to  
18 see into the inside of the U at all.

19           COMMISSIONER MAY: Right.

20           MR. TORTI: And that's where you ---

21           COMMISSIONER MAY: Well, it's not just the inside  
22 of the U, I mean, it's also the angle, the other --- on 50,  
23 on page 50 on that original presentation, there's also the  
24 setback.

25           MR. AVITABILE: We'll take a look and if there's

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1 anything that we need to ---

2 COMMISSIONER MAY: Okay, no, maybe it's 48. Maybe  
3 you've got a different one that I have.

4 MR. AVITABILE: It's 48.

5 COMMISSIONER MAY: There we go, there we go, 48.  
6 Yes, the numbering is slight off from what I had.

7 And, you know, the angle, the pitch of the panels  
8 is something that is --- there is some flexibility, if that's  
9 necessary, to make sure that it doesn't become too visible.

10 I mean, this is clearly not been figured out yet  
11 and designed yet, but I just want to make sure that people  
12 are thinking about that.

13 The --- so, I think one of the questions that was  
14 raised, and I can't remember what submission it might be, it  
15 might have been that one that we received at the last minute  
16 tonight, but it was the possibility of three-bedroom units  
17 and maybe you address that in the --- in your statements.

18 But, can you explain, again, for us why three-  
19 bedroom units are not feasible? Because I assume they're not  
20 feasible or maybe they are, I don't know.

21 MR. ROBERTS: It's not so much that they weren't  
22 feasible. I think we got to this current --- a lot of things  
23 with this project have evolved and changed over time.

24 The unit mix is one that has actually stayed  
25 pretty set over the last two or three years.

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1           The, you know, the impetus for where we, you know,  
2 got to where we are is we wanted to maximize, and this was,  
3 you know, a District goal, too, when we, you know, spoke with  
4 DMPED, was to maximize the number of --- the total number of  
5 affordable units. So, that informed a piece of it.

6           And then, you know, we have about a third of the  
7 units are either one bedrooms and two bedrooms.

8 And so, in the discussions that we had had with the ANC, I  
9 know, you know, part of the demographic that we wanted to  
10 serve was young families. So, those that had a family size  
11 of three or four.

12           And so, a third of the units serve as that. It's  
13 about half of the overall residential square footage.

14           So, based off those early conversations, that also  
15 got baked into the underwriting in the deal that we had with  
16 DMPED as well. And so, that is, you know, kind of where we  
17 got to where we are.

18           We did have -- we have larger two beds than what  
19 are in the Waterfront Station area for the most part, maybe  
20 slightly lower than the Elliot, but it's --- they are bigger  
21 two-bedroom units as well. So, that's the, you know, sort  
22 of the history of how we got to that.

23           COMMISSIONER MAY: Right. I appreciate that  
24 explanation.

25           Can we go to, what page is it, I don't even know

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1 what page it is, the -- in the presentation, the building in  
2 context, 4th Street looking north?

3 Yes, so, is that Mr. Torti I see in the lower  
4 left? Are you doing your own little sort of Stan Lee thing  
5 where you cameo in your presentations? Do you do that all  
6 the time?

7 (Laughter.)

8 COMMISSIONER MAY: I don't remember the last time  
9 you were here. So, I'm just curious.

10 All right, thank you.

11 CHAIRMAN HOOD: Is it you, though?

12 MR. TORTI: Yes.

13 CHAIRMAN HOOD: Is that you?

14 MR. TORTI: Yes.

15 CHAIRMAN HOOD: Oh, okay. Good observation, good  
16 catch.

17 COMMISSIONER MAY: He's admiring his building that  
18 isn't there yet.

19 CHAIRMAN HOOD: Okay, all right.

20 Commissioner Turnbull?

21 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

22 Sort of like an Alfred Hitchcock movie, same  
23 thing, same thing.

24 Thank you for your presentation tonight.

25 COMMISSIONER MAY: Stan Lee is the more modern

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1 version of that.

2 COMMISSIONER TURNBULL: Yes.

3 COMMISSIONER MAY: Right?

4 COMMISSIONER TURNBULL: But, I like Hitchcock,  
5 though.

6 COMMISSIONER MAY: Yes.

7 COMMISSIONER TURNBULL: I'm sorry.

8 The --- and I would agree with the Vice Chair that  
9 the affordable housing is a very generous proffer.

10 Here's my --- what strikes me about this is that,  
11 the articulated elevations on 4th Street, Wesley Place, on  
12 the private drive are very well done. They're very, very  
13 nicely done.

14 But what sort of comes back 180 degrees to me is  
15 a holistic design where the U-shaped element falls a little  
16 flat.

17 You've got this beautiful design on three sides,  
18 and then you've got this U-shaped area which now goes from  
19 the beautiful elevation materials to this oversized brick.

20 And what is troubling is that 90 percent of the  
21 ADU units are in that courtyard. So, it's almost like I've  
22 got this high priced elevations on three sides, looks  
23 beautiful. I can't fault you with the design, I think it's  
24 a very well articulated.

25 But when I go to the courtyard, I'm like, this is

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1 --- it's not bad, I'm not condemning the U-shape, what it  
2 looks like. But it is so bland compared to the rest of the  
3 design.

4           And I was like, I have market rate units and then  
5 I've got all the affordable units with just this brick  
6 design. There's no articulation. There's nothing ---  
7 there's no balconies, they don't have any balconies which I'm  
8 surprised Commissioner --- the Vice Chair didn't say  
9 something.

10           But, and maybe you can't put some balconies back  
11 there, but it just seems that this part of the building falls  
12 so flat to what you're trying to do.

13           I think you're doing a well -- and out --- and  
14 excellent job with the affordable housing. Don't get me  
15 wrong, I can't fault. But, I just think that this part of  
16 the design is just like I'm like, can't we somehow do  
17 something?

18           This is going to be home for --- I mean, this is  
19 half the building is on that U. And I'm like, I mean, it's  
20 visible also from many buildings down the way. So, but not  
21 on the first floor or second floor, but from ---

22           So, that's why I always think of when we see a  
23 building that lessens the material on that fourth side, is  
24 it totally economical? Is it just you ---

25           My feeling is, from a habitable situation, this

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1 needs something more to bring it back into the relationship  
2 with the rest of the building.

3 MR. AVITABILE: Thank you, Commissioner Turnbull.

4 And I think there are a couple of different things  
5 that we want to address there. I think we can speak to the  
6 location of the affordable units and then also the design.

7 So David, if you want to start with the affordable  
8 units, the location and distribution?

9 MR. ROBERTS: Yes, I think it's a good observation  
10 and someone had pointed this out to us when we looked at  
11 placing the location of the affordable units, obviously, we  
12 looked at making sure they weren't concentrated on any, you  
13 know, side of the floor and making sure that we had then  
14 throughout the building.

15 So, we have affordable units on, I believe, 10 of  
16 the 11 residentials.

17 But, I would agree with you, there is some  
18 concentration there in the courtyard. And so we would  
19 certainly be willing to look at sort of, you know, trying to  
20 even out somewhat of having those, you know, some on the  
21 outside and some on the inside so they don't feel like a  
22 concentration in the courtyard.

23 COMMISSIONER TURNBULL: Okay.

24 MR. ROBERTS: I think that's a good point.

25 MR. AVITABILE: And then building on that in terms

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1 of the balconies, and that was a point that the ANC raised  
2 in terms of making sure some of those had balconies.

3           And so we did a little research on that. Overall,  
4 30 percent of the units in general have balconies or  
5 terraces. It's about 20-25 percent of the affordable units  
6 have balconies versus a slightly higher percentage of the  
7 market rate ones.

8           That's in part because a lot of the market rate  
9 units that are on the penthouse, they'll have terraces. So,  
10 I think that's part of it.

11           COMMISSIONER TURNBULL: Okay.

12           MR. AVITABILE: But, again, I think as we look at  
13 the balancing that I think we're saying we'll do, we can look  
14 at that item as well.

15           COMMISSIONER TURNBULL: Okay.

16           MR. AVITABILE: But, I do want John to speak a  
17 little bit to the design piece of it and also the visibility  
18 of it as well.

19           MR. TORTI: The what?

20           MR. AVITABILE: The visibility of this facade as  
21 well.

22           MR. TORTI: Okay. I want to start by taking it to  
23 my house. You know, I live in a historic neighborhood that  
24 has --- I have a stone facade and a common brick back yard.  
25 That's very much part of the city.

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1           The notion of front yards and back yards. So  
2 there is an urban design kind of attitude about what's front  
3 and what's back.

4           And here, the --- in my mind, the courtyard is  
5 back and not front. So the --- that's one option or one  
6 idea, one thought.

7           The simpleness of it was to try to capture as much  
8 sun in the courtyard as possible and have to -- and have  
9 light in the apartments. So, that is because the courtyard  
10 is not tiny, tiny, but it's --- it is a courtyard and will  
11 be in shadow in the morning and then the afternoon.

12           So the ---

13           COMMISSIONER TURNBULL: I guess I don't agree with  
14 you on all of --- on part of it because this is actually the  
15 front yard of all those units. This is where these people  
16 look out. This is their living room, their bedrooms.

17           This is not their back yard, this is their front  
18 yard.

19           MR. TORTI: Okay.

20           COMMISSIONER TURNBULL: So, I mean, I --- to me,  
21 I just feel I'd like a little equity in everything and I  
22 don't want --- I'd just like to see an attempt to try to  
23 balance out the livability of that courtyard to make it more  
24 seem like it's part of the whole of what you're trying to  
25 achieve.

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1 MR. TORTI: I don't know what to say to that. I  
2 mean, I ---

3 MR. AVITABILE: We'll take a look.

4 COMMISSIONER TURNBULL: Okay, thank you and I  
5 appreciate that.

6 MR. TORTI: If you'll allow me to take a look,  
7 we'll take a look.

8 COMMISSIONER TURNBULL: Okay, I will allow you to  
9 take a look.

10 MR. TORTI: Thank you.

11 COMMISSIONER TURNBULL: The signage, you did talk  
12 about the signage, but I appreciate the pages you included  
13 in your first brochure that I was looking at on signage.

14 The only thing I didn't see in there is an actual  
15 --- I didn't see a sign height per se as to what the largest  
16 sign could be. I saw the blade signs, I saw heights and I  
17 see the canopy listing, but I didn't see anything that  
18 actually showed a height of signage. Maybe I missed it.

19 MR. AVITABILE: I --- we do have it in there, but  
20 it's not necessarily called out. I think we'll ask John or  
21 Jeremy ---

22 COMMISSIONER TURNBULL: Oh okay.

23 MR. AVITABILE: -- to speak to that, but it is in  
24 there.

25 COMMISSIONER TURNBULL: Okay.

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1 MR. TORTI: Yes, I'm not sure that this answers the  
2 specific question asked, but the idea of an 11-foot store  
3 front and ---

4 COMMISSIONER TURNBULL: Yes, you've got the whole  
5 range of where the signage could be, I just wanted to have  
6 some indication of what the actual height of the signage  
7 would be allowed, depending upon the owner.

8 I agree, you know, it could be different signs for  
9 different owners, but ---

10 MR. AVITABILE: We'll clarify that in the post-  
11 hearing.

12 COMMISSIONER TURNBULL: Got you, okay.

13 And ---

14 MR. TORTI: I do believe that the idea of the  
15 signage and the store fronts was going to be similar to the  
16 idea of the Wharf where the individual ---

17 COMMISSIONER TURNBULL: Okay.

18 MR. TORTI: -- shops and restaurants would have a  
19 little bit of leeway to create an individual look.

20 COMMISSIONER TURNBULL: Yes. The only other item,  
21 getting back to the unit placement and everything, maybe it's  
22 not a big issue. But, all of the ADU's look like they're  
23 over the loading dock, too.

24 In one area, they're concentrated vertically going  
25 up.

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1 MR. AVITABILE: We'll take a look.

2 COMMISSIONER TURNBULL: If you could take a look  
3 at that? Okay.

4 I mean, maybe there's a way of putting some kind  
5 of little canopy over it, something to alleviate that for  
6 whatever unit is there.

7 And I think Mr. Chair, those are my comments.

8 CHAIRMAN HOOD: Okay.

9 Explain to me how the employment opportunities  
10 work. And the agreement, and I can't remember, was this ---  
11 is the city still doing the DOES? They're still doing it?

12 MR. AVITABILE: They are.

13 CHAIRMAN HOOD: Or they started back doing it?

14 MR. AVITABILE: It may be because this is a project  
15 that is going through the Council process that that's one of  
16 the projects --- types of projects that still are eligible  
17 for DOES and FirstSource and CB agreements.

18 CHAIRMAN HOOD: So those type are the ones that the  
19 city is doing?

20 MR. AVITABILE: Yes, correct.

21 CHAIRMAN HOOD: To make sure they go --- okay,  
22 okay.

23 So, what are we doing to make sure the pool is  
24 ready? And I saw in --- I think I remember the --- it's the  
25 agreement between --- for construction jobs only? Is that

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1 what I saw? I'm going off the top of my memory, so that  
2 might be --- not be right.

3 But, anyway, if it's not, what are we doing to get  
4 the pool ready for whatever, whether it's construction, full-  
5 time jobs or whatever the case is? What are we doing to make  
6 sure that when the time comes, that residents are able to  
7 fill those jobs?

8 MR. ROBERTS: Training is the answer. We,  
9 obviously, we have quite a bit of experience with this, you  
10 know, with the Wharf. And so, we have --- I think we're  
11 going to tap into the same infrastructure and that experience  
12 to make sure that we're ready to go and we're not behind the  
13 eight ball when the time comes.

14 CHAIRMAN HOOD: Okay. So, you actually have a  
15 track record, PN Hoffman has a track record on the Wharf?

16 Is there any way I can get that --- a copy of that  
17 track record?

18 MR. AVITABILE: We can do that, yes.

19 CHAIRMAN HOOD: Okay, I'd like to have that  
20 submitted and see how we've been doing down there on the  
21 Wharf because ---

22 MR. ROBERTS: Absolutely, we'd be happy to share  
23 that, yes.

24 CHAIRMAN HOOD: -- that's a major opportunity.

25 MR. ROBERTS: Yes.

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1 CHAIRMAN HOOD: Okay. So, we're doing training?

2 At one time, we had a hearing in this neighborhood  
3 and they were talking about a lot of empty apartments and  
4 condominiums, is that still the case in that area?

5 MR. ROBERTS: No, not that I'm --- I think the, you  
6 know, the absorption rate is very high. And the new  
7 buildings that are coming online, from my understanding, are  
8 leasing up ---

9 CHAIRMAN HOOD: Okay.

10 MR. ROBERTS: -- very well.

11 CHAIRMAN HOOD: So, the demand is there?

12 MR. ROBERTS: Yes.

13 CHAIRMAN HOOD: Explain to me a little bit about  
14 the ground lease. And, I notice when I read it, it didn't  
15 have a time frame. But explain --- give me a little more  
16 insight on that.

17 MR. ROBERTS: It is a 99 year ground lease.

18 CHAIRMAN HOOD: Okay, that must be the standard.

19 MR. ROBERTS: Yes.

20 CHAIRMAN HOOD: Ninety-nine years? Okay.

21 And, then after 99 years, what happens?

22 MR. ROBERTS: After 99 --- well, someone else who's

23 --

24 CHAIRMAN HOOD: Commissioner Shapiro will still be  
25 around, so I want to make sure that's on the record.

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1 MR. ROBERTS: Yes. My understanding is that, you  
2 know, it would revert back to the District.

3 CHAIRMAN HOOD: Okay, 99 years.

4 All right, that's all I have right now. We may  
5 have some additional questions.

6 Any other follow ups?

7 Yes?

8 COMMISSIONER MAY: One question. So I was thinking  
9 about the other PUD that you did on the first site of Apple  
10 Tree, was that --- wasn't that yours?

11 MR. AVITABILE: Yes, it was.

12 COMMISSIONER MAY: PN Hoffman?

13 MR. AVITABILE: Yes, it was.

14 COMMISSIONER MAY: And wasn't there going to be at  
15 least a daycare component of that?

16 MR. AVITABILE: There is.

17 COMMISSIONER MAY: There is? That's completely --  
18 so that's not Apple Tree, that's --- I just don't remember.

19 MR. AVITABILE: That would be separate. No, that  
20 is private.

21 COMMISSIONER MAY: Okay.

22 MR. AVITABILE: This is a public charter school,  
23 and that is private, the Goddard School.

24 COMMISSIONER MAY: Oh, it's a school? It is a  
25 school?

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1 MR. AVITABILE: They do offer school services.

2 COMMISSIONER MAY: Okay.

3 MR. AVITABILE: But it's a private --

4 COMMISSIONER MAY: But it's a pre-k kind of thing?

5 MR. AVITABILE: Yes, even younger than that.

6 COMMISSIONER MAY: I see.

7 MR. AVITABILE: Up to a pre-k age.

8 COMMISSIONER MAY: Okay. Yes, I couldn't remember  
9 the details of that, I just remember that being a component  
10 of it or it came back to me.

11 And is that open and operating yet?

12 MR. AVITABILE: That is not yet open. It is ---

13 COMMISSIONER MAY: But you --- it's very soon,  
14 right?

15 MR. AVITABILE: They're doing the tenant fit out,  
16 and I don't have the exact date on when it's going to be  
17 open, but they're working on the tenant portion of the  
18 building.

19 COMMISSIONER MAY: You have the disadvantage of my  
20 riding my bike past all of your projects.

21 MR. AVITABILE: I've heard, yes.

22 COMMISSIONER MAY: Yes.

23 MR. AVITABILE: Banneker Park is another.

24 COMMISSIONER MAY: Yes.

25 MR. AVITABILE: Yes.

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1 COMMISSIONER MAY: Thank you.

2 CHAIRMAN HOOD: Okay. I'm going to deviate from  
3 our normal process. I saw the young kids, have they left?  
4 The parents to the kids of --- are they still around?

5 So, I would like for them to come up now. We can  
6 hear from them and then we'll go --- Mr. Litsky will do cross  
7 examination.

8 Do you have any?

9 MR. LITSKY: Yes.

10 CHAIRMAN HOOD: Okay, so we'll do cross examination  
11 right after I hear from the younger, and hopefully, if  
12 somebody has a problem with me hearing from the young ---  
13 from the parents of the young kids so the young kids can go  
14 home, please raise your hand so we all can see?

15 No, I'm just --- I know nobody would have a  
16 problem with that.

17 So, if you all would come forward, please?

18 I actually heard a comment just now, and I want  
19 to thank the gentleman, even though I, you know, my ears are  
20 big so I heard you.

21 So, I have a standard question and I forgot to ask  
22 that tonight, so I'm going to do that when the applicant  
23 comes back up.

24 Is there anyone else who has young folks who want  
25 to come and testify at this time?

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1 All right, so we're going to start to my right.  
2 And I want you to know, we get hungry up here. I saw you  
3 eating a nice salad, and we get hungry up here.

4 I was going to say something, no eating and  
5 drinking in here, but I didn't say it because it looked good  
6 and I just sat here and just looked at you eat it.

7 So, no, you're fine, you're fine, because I was  
8 up here eating, too.

9 Okay, so we're going to start to my right, you may  
10 begin.

11 MS. HARVEY: Thank you for letting us be here this  
12 evening and for also having our children be here this  
13 evening. I actually believe I have five minutes because I'm  
14 speaking on behalf of the Amidon-Bowen PTA, just to note.

15 So, we would also invite you to come down to our  
16 lovely school at any point. We have a lot of good things  
17 going on including D.C. Teacher of the Year who is --- she's  
18 a finalist in the national competition.

19 So thank you, again, for your time and I'm here  
20 to provide testimony on behalf of of the Amidon-Bowen PTA.

21 My name is Allison Harvey, and I'm the Co-  
22 president of the PTA at Amidon-Bowen Elementary.

23 Amidon-Bowen is the only remaining elementary  
24 school in Southwest. The PTA is working hard to make Amidon-  
25 Bowen the school of choice for all families of all

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1 backgrounds in Southwest.

2           The PTA is not opposed to development or the ANC's  
3 support of development as stated in their testimony. But,  
4 the PTA is opposed to choices by developers that hurt our  
5 community and public institutions.

6           In 2016, PN Hoffman and Partners won the RFP for  
7 Waterfront Station II based on a proposal to bring affordable  
8 housing, shops, entertainment to round out the city's center  
9 feel to 4th Street, S.W., which is a main thoroughfare for  
10 residents.

11           Neither the RFP nor the original proposal put  
12 forth by PN Hoffman called for the inclusion of a charter  
13 school in Waterfront Station II. This is now part of the  
14 plan.

15           In early January 2019, members of the PTA  
16 including myself were invited by representatives from PN  
17 Hoffman to discuss the impact of construction on student  
18 walking routes as Waterfront Station II, as you saw, is on  
19 a direct diagonal from the school.

20           In this meeting, they indicated they had signed  
21 a seven-plus year lease with Apple Tree, a charter school  
22 that serves pre-kindergarten students, but could not provide  
23 additional details as there was a non-disclosure agreement.

24           Prior to this meeting, PN Hoffman never reached  
25 out to the PTA to learn the long history of Apple Tree within

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1 the community and to discuss the significant implications of  
2 a long-term lease with Apple Tree in the heart of Southwest.

3 And from the testimony they've provided, it  
4 sounded like that this has been in the works for a long time.

5 Currently, Amidon-Bowen loses 16 Southwest  
6 families to Apple Tree each year. Apple Tree is set to  
7 expand in a new 9,000 square foot space.

8 According to a Washington Business Journal  
9 article, Apple Tree will offer up to 176 seats, an almost 40  
10 percent increase in seats.

11 For D.C. public schools like Amidon-Bowen, the  
12 number of students in a school help determine how many staff  
13 and other resources are allotted.

14 But, a charter school and a brand new facility  
15 moving from trailers in the heart of Southwest has the  
16 potential to draw additional families away from Amidon-Bowen,  
17 leading to fewer resources for the school, which ultimately  
18 hurts our students and community.

19 Even though Amidon-Bowen has an excellent pre-k  
20 program, the school's ability to attract neighborhood  
21 families is still tenuous.

22 For example, when my child was eligible for pre-k,  
23 I was advised to list Amidon-Bowen as a lower choice in the  
24 lottery.

25 But, after talking to more people in the

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1 community, I put Amidon-Bowen as number one.

2 Yet, there is a perception among parents of all  
3 backgrounds that our neighborhood school is not good enough  
4 when compared to others.

5 By negatively impacting the number of Southwest  
6 families that attend Amidon-Bowen, Apple Tree prevents  
7 critical early exposure to our school.

8 Furthermore, Apple Tree has a long history of  
9 actively discouraging families to enroll their children in  
10 Amidon-Bowen after finishing their pre-k program.

11 PN Hoffman has been less than transparent about  
12 its agreement with Apple Tree, citing a non-disclosure  
13 agreement, they insisted they could not disclose the length  
14 of the lease.

15 However, when pressed by the ANC in the January  
16 public meeting, PN Hoffman indicated it was for 12 years and  
17 had a differing account of the number of seats that would be  
18 available.

19 Finally, at this meeting, PN Hoffman stated the  
20 lease had not been officially signed with Apple Tree, but  
21 then told us after the meeting, it was essentially a done  
22 deal.

23 It still remains unclear what the exact deal and  
24 expansion of Apple Tree is. But what is clear is that PN  
25 Hoffman and Partners have lacked engagement and transparency

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1 with families in the Southwest community.

2 Amidon-Bowen serves predominantly African-  
3 American, economically disadvantaged student population.

4 The school and the PTA are working hard to create  
5 a strong community and culture of equity inside and outside  
6 the school.

7 PN Hoffman is engaging in direct competition with  
8 our only public elementary school. It is also placing Apple  
9 Tree very close to the school as seen in figures.

10 This impact will be a siphoning of resources away  
11 from our children for at least the next decade.

12 The redevelopment of Southwest should not come at  
13 that expense.

14 Our strong preference is that PN Hoffman forego  
15 the Apple Tree lease and find another use for this space.  
16 It remains unclear why the PUD could move forward with no  
17 restaurant and theater, but a charter school.

18 However, if PN Hoffman's agreement with Apple Tree  
19 cannot be undone, then we urge the Zoning Commission to  
20 withhold approval until PN Hoffman and Amidon-Bowen PTA have  
21 reached agreements regarding community benefits to offset  
22 this very negative impact to our community and further create  
23 a division and unnecessary inequity.

24 Thank you.

25 CHAIRMAN HOOD: Thank you.

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1 Next?

2 MS. HU: Thank you for this time to testify. I'm  
3 actually going to go off script to address a few issues.

4 PN Hoffman is saying this is only one classroom.

5 CHAIRMAN HOOD: Did you identify yourself?

6 MS. HU: Sorry, my name is --- apologies -- my name  
7 is Grace Hu, I'm part of the Amidon PTA as well, and I've  
8 served on the Amidon LSAT, the Local School Advisory Team  
9 which advises the principal on the budget.

10 So on the issue of this is only one classroom, in  
11 grades K to five at Amidon-Bowen, there's only two classrooms  
12 -- two classes per grade.

13 So, even if you're opening just one extra class,  
14 you know, one class is half of a grade at Amidon-Bowen.

15 We're at 350 students now, stable after years of  
16 declining enrollment. There was sort of a downturn in the  
17 school after I think the time that you were involved with the  
18 school. But we're now stable.

19 Now, in terms of the money, the money is  
20 determined by a threshold of how many students you have. So  
21 the next threshold we need to hit to get more resources is  
22 400 students, and we have the space to get to 400 students.

23 But if instead we're looking at not even  
24 maintaining the 350 but going down below 350, that's going  
25 to have an impact on the resources we get from the city.

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1           On the issue of it's only pre-k, again, Allison  
2 brought up, there's a pipeline issue. There are parents who  
3 are hesitant to put those kids in DCPS schools.

4           But we found that pre-k is the gateway parents get  
5 into the school. They join the PTA like our parents back  
6 there. And they take a chance and they find out, oh, this  
7 is a great option and I'm going to stay here.

8           Last week, I attended an Apple Tree open house  
9 where I was told that for the, you know, after I asked, what  
10 happens after your kids leave kindergarten here?

11           And they said, well, we have partnerships with  
12 other charter schools and we try to match them up so they can  
13 continue their education in other charter schools.

14           They said nothing about encouraging students to  
15 attend our neighborhood school or even other traditional  
16 public schools.

17           Another point, we are working really hard to make  
18 Amidon-Bowen an inclusive, diverse school that serves all  
19 families in Southwest D.C. no matter if you're from one of  
20 the public housing projects or one of the new fancy condos.  
21 We want to be a school that brings together the community and  
22 all the diverse people in Southwest.

23           Here's the current demographic. So, at Amidon-  
24 Bowen, 70 percent of the population is at risk. What do I  
25 mean by at risk? That's defined as homeless, foster care or

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1 on government assistance. At Apple Tree, the percentage is  
2 46 percent.

3 At Amidon-Bowen, we're seeing 20 percent of  
4 students needing special education services. And statistics  
5 show, national statistics show that charter schools serve  
6 fewer students with disabilities than public schools.

7 So we have a real worry here that we're going to  
8 end up with, you know, if this other school is drawing away  
9 kids, we're going to end up with one school getting the  
10 concentration of special education and high poverty kids when  
11 we are trying to build an integrated school for all Southwest  
12 D.C. residents.

13 And then also I'll go back to, you know, when you  
14 have a development, you do a transportation impact study.  
15 You look at economic impacts, environmental impacts.

16 Well, no one here looked at the school impacts.  
17 And so, I would hope that you look into that as you move  
18 forward with this development.

19 Thank you very much.

20 CHAIRMAN HOOD: Thank you.

21 Next?

22 MS. MESHACK: Good evening.

23 CHAIRMAN HOOD: You want to turn your mic on?

24 MS. MESHACK: Good evening. I would like to thank  
25 you for the opportunity to provide brief remarks and

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1 testimony regarding the proposed Waterfront Station  
2 development by PN Hoffman and Partners.

3 My name is SharRon Meshack. I'm a resident of  
4 Southwest Ward 6D. I am an Amidon-Bowen parent. My family  
5 has lived in their family home since April of 1979. I would  
6 like to voice my outrage in PN Hoffman allowing a charter  
7 school to expand without consulting the community school  
8 prior to signing a lease.

9 As a parent of a third grade student, Amidon-Bowen  
10 and the lead of the PTA Parent Teacher classroom support, I  
11 know that Amidon's success relies on families choosing to  
12 send their children to this --- to our school.

13 Parents need to be vested in the community. This  
14 happens with --- this can't happen with the current  
15 development plans of Apple Tree expanding into the heart of  
16 Southwest.

17 This will cripple our hard work to make the school  
18 a choice school for families in Southwest.

19 Several generations of my family have attended  
20 Amidon-Bowen, aunts, uncles, cousins, my sister and I  
21 attended as children.

22 The natural progression should be that my children  
23 should have went there. However, I was advised not to send  
24 my child to the neighborhood school and rather a charter  
25 school across town.

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1           This idea was posed that the commute would be  
2 worth the terms. However, to my despair, it was not.

3           My child had no sense of community and outings  
4 were not arranged by the administration of the charter  
5 school. My child was not developing as advised by the  
6 educational counseling for the engaging parties.

7           My experience at Amidon-Bowen has been rewarding.  
8 The community I trust --- the community trust and support  
9 that I have ensured by my child and my family is helping us  
10 thrive. The feeling that --- this is a feeling that every  
11 Southwest family should have.

12           Again, I'm very disappointed with PN Hoffman, they  
13 did not consult our school community, and I wish that they  
14 would not disrupt things in the community and public  
15 education resources we have.

16           It is important to our Southwest pre-k families  
17 to come in and grow with us. PN Hoffman choosing to place  
18 Apple Tree in our vicinity as Amidon is a Title 1 school, the  
19 resources that would be removed to our population will create  
20 a pipeline for failure for our next generation.

21           Thank you for your time and consideration to all  
22 parties involved. Please stand tall in purpose, and  
23 remember: integrity is not what you do when people are  
24 looking, rather what you do when you think aren't.

25           Have a wonderful evening. Thank you.

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1 CHAIRMAN HOOD: Okay, I want to thank you all.

2 I have a few quick questions. It just seems like,  
3 you know, time has passed, it seems like the situation of  
4 pulling from public schools to charter schools still exists,  
5 I'm hearing that.

6 The ANC 6D put in their report the conditional  
7 support, or the way I read it, they supported it, but it was  
8 conditional of the Applicant working with you. Is that still  
9 in play?

10 MS. HARVEY: It is still in play, but I mean, our  
11 strong preference would be not to have Apple Tree in this  
12 site. That's, I mean, community --- I mean, of course, we  
13 would appreciate community benefits, but I mean if it came  
14 down to it, we feel very strongly that Apple Tree find a  
15 different location.

16 And, at one point, Apple Tree wasn't in the  
17 Amidon-Bowen. And again, parents were actively discouraged  
18 to continue their children into the kindergarten. And I'm not  
19 trying to debate public but ---

20 CHAIRMAN HOOD: Right, I understand.

21 MS. HARVEY: But, yes, but that's the ---

22 CHAIRMAN HOOD: Right, I understand.

23 MS. HARVEY: Yes.

24 CHAIRMAN HOOD: So, again, there are certain things  
25 that we can do that are within our parameter. People have

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1 a choice and we're looking at the zoning perspective, adverse  
2 impacts from a zoning perspective here.

3           So as much as we can leverage, we'd like for them  
4 to continue to have those discussions with you. And I think  
5 Mr. Avitabile said that they would meet next week.

6           And I'd like to see a little more than just  
7 meeting because sometimes we go to a meeting just to meet to  
8 meet to meet. So we'd like to see some production happening  
9 from the meeting.

10           Not saying that we can stop what this Applicant  
11 wants to do. PN Hoffman has, and I'm going to see, so I'm  
12 not going to say how they've done down on the waterfront.

13           We've got a lot of flak about the waterfront, but  
14 every time I go by there now, it's crowded. So, I often  
15 wonder, some of the people who came there who were opposed  
16 to some of the things that were happening down there, they're  
17 the main ones I see on TV riding the boats, riding from here  
18 over to the harbor.

19           See, I watch the --- I remember those who come  
20 down and I also watch what we do.

21           So I would just encourage you all to continue to  
22 have that conversation.

23           But let me ask this question, too. With all the  
24 influx, that was another reason I asked about the --- I  
25 thought there were empty apartments and condos in the area.

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1           But the way Southwest is coming back up now, do  
2 you think it'll be a need for both?

3           MS. HARVEY: For condos?

4           CHAIRMAN HOOD: No, no, not the condos.

5           MS. HARVEY: For family housing?

6           MS. HU: So the school recently added a fifth pre-k  
7 classroom. There is construction in the school to add  
8 additional capacity over the summer.

9           So we now have five pre-k classrooms. So the  
10 school has the capacity to grow. Now, I can't tell you  
11 what's going to happen ten years from now, but in the near  
12 term, we have capacity.

13           MS. HARVEY: We currently, I mean, again, we serve  
14 most --- the largest percentage, I mean we have the capacity  
15 to serve all in bound families. And currently, not all in  
16 bound families attend Amidon-Bowen, which, again, we are  
17 strongly working to change.

18           And that starts also with pre-k, but then again  
19 additional outreach and changing perceptions about what  
20 Amidon-Bowen offers.

21           So no, I mean, we have the capacity to serve  
22 everybody who lives in Southwest.

23           CHAIRMAN HOOD: Okay. So, again, it goes back to  
24 choices and it also goes back to what's in our jurisdiction.  
25 But I will ask and I will be looking for a report on how that

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1 meeting went, what progress was made.

2           Not saying that something's going to go away, I'd  
3 just like to know what went on and what kind of discussions  
4 other than just having a meeting. So that's what I'm going  
5 to be looking for. Okay?

6           And I will not --- I'm not going to support moving  
7 forward until I get that. Okay?

8           All right, let me open this up. Any other  
9 questions or comments?

10           Commissioner Shapiro?

11           COMMISSIONER SHAPIRO: Just a brief one. The ---  
12 and I appreciate all of you coming here and saying what  
13 you're saying, it's very helpful to hear.

14           The --- Apple Tree's already in the community and  
15 with roughly the same size. That seems to be what we're  
16 working with, right?

17           So they're going to be --- they're adding 22  
18 students is what I'm hearing, assuming that what was in the  
19 paper and what they're saying here before us is accurate,  
20 which it better be.

21           So since they're already here, I imagine, and at  
22 the risk of sounding overly provocative, I can't imagine that  
23 what you're actually advocating for would be for them to go  
24 away.

25           MS. HU: And to the beginning of that, so they're

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1 saying 40 percent of the kids at Apple Tree are currently in  
2 boundary. So, that says around a hundred total and 40 are  
3 in boundary, they could have the potential to go from 40 in  
4 boundary to 132 in boundary, which then is a huge difference.

5 COMMISSIONER SHAPIRO: Right.

6 MS. HU: Because, you know, more in boundary. So,  
7 I don't think this is a ---

8 COMMISSIONER SHAPIRO: But they have ---

9 MS. HU: -- an incremental, I mean ---

10 COMMISSIONER SHAPIRO: Can I interrupt? I mean,  
11 they did testify that it's only going to be one more class  
12 of 22.

13 And, I think that's --- you know, we expect that  
14 to be true.

15 MS. HARVEY: So I would say they have a non-  
16 disclosure agreement with Apple Tree. We don't know whether  
17 it's true or not. We haven't seen any documents.

18 COMMISSIONER SHAPIRO: Well, but they've testified  
19 under oath that it's ---

20 MS. HARVEY: Okay, well ---

21 MS. HU: But they've not ---

22 MS. HARVEY: They've been --- they have not been  
23 forthcoming with us.

24 COMMISSIONER SHAPIRO: But let me ---

25 MS. HU: But they've also said 40 percent are in

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1 boundary right now.

2 CHAIRMAN HOOD: Hold on, hold on for a second, hold  
3 on.

4 MS. HU: All right.

5 CHAIRMAN HOOD: Let me say something. Yes, I'm  
6 going to let you keep going, but what I need to do is get  
7 some order in here, because I've got two ladies who are  
8 talking at the same time.

9 MS. HU: Right, sorry.

10 CHAIRMAN HOOD: We can all sing together as they  
11 always say. But the Commissioner's asking questions, slow  
12 down. I know we're passionate, we're just trying to get  
13 somewhere and we're going to hold people accountable. So  
14 just work with us, okay?

15 COMMISSIONER SHAPIRO: And I think part of it is  
16 that, you know, what they're saying to us, I'm taking at  
17 their word because they're saying it under oath.

18 They --- and I hear you loud and clear that your  
19 experience of it may have been different and that the  
20 communication that you had was less than satisfactory, and  
21 you felt they were less than transparent.

22 So I'm separating those two things out, and I hear  
23 you loud and clear.

24 So then let me ask the final question, and this  
25 is not to ask you to dive too deep into this, but imagine you

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1 were having the kind of conversation that you would be having  
2 with them around a community benefit agreement.

3 I'm trying to get my head around what are the  
4 kinds of things that you might be interested in when you're  
5 having that discussion.

6 MS. HARVEY: We would be looking for resources to  
7 basically, I mean, again, I mean, we have --- we went through  
8 a modernization, you know, nine years ago, but Apple Tree's  
9 going to have a brand ---

10 I mean, so let me put it this way. So, when you  
11 have a young child who's either leaving daycare ---

12 COMMISSIONER SHAPIRO: You want to make yourself  
13 competitive with Apple Tree?

14 MS. HARVEY: We want to make it competitive with  
15 Apple Tree. You know, I mean, we have a lovely school but  
16 there's still needs.

17 And also, you know, again, being able to offer  
18 things that Apple Tree may not be able to. So we have a  
19 wonderful choir, art teacher, being able to --- a lot of  
20 things that DCPS doesn't provide in the budget that many  
21 other PTAs are able to provide with million plus dollar  
22 budgets. We are not one of those.

23 But to be able to have, again, additional  
24 offerings to make it attractive to all families.

25 COMMISSIONER SHAPIRO: Okay, I hear you. Thank

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1 you.

2 MS. HARVEY: Yes.

3 COMMISSIONER SHAPIRO: Thank you very much. That's  
4 all I have, Mr. Chair.

5 CHAIRMAN HOOD: So, you're leveling --- you want  
6 to try to level the playing field as much as possible?

7 MS. HARVEY: Correct.

8 CHAIRMAN HOOD: Okay, okay, all right, I got that,  
9 I got that.

10 Any other questions or comments up here?

11 Commissioner May?

12 COMMISSIONER MAY: Yes, I have a comment.

13 So first of all, thank you very much for coming  
14 and testifying. I appreciate not just that you've come down  
15 here, but that you are sticking with traditional public  
16 schools and your neighborhood schools more importantly.

17 Because I do think that there's a role for  
18 neighborhood schools that goes well beyond the general need  
19 for education, and sticking with it I think is really great.

20 And, I say this because I do have some of my own  
21 experiences with this of, you know, 25 years ago, facing  
22 several rounds of school closures in our neighborhoods and  
23 the fights to keep them open.

24 And then I worked on the master plan for the  
25 school system in '99 and spent many hours on that and back

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1 when there was an Amidon and a Bowen.

2           And, you know, so I'm glad that Amidon-Bowen  
3 sounds like it's thriving at this moment or building up and  
4 I think that's a really terrific thing and I really would,  
5 you know, I encourage you to keep building on that. And I'm  
6 confident that it's going to continue.

7           I mean, there are limits on what we're going to  
8 be able to do to be able to assist on this. But certainly  
9 having that dialogue with PN Hoffman and continuing that  
10 before we get to any decision making I think is critical to  
11 it.

12           So, I don't really have any questions about that,  
13 I would just, you know, want to thank you for coming here and  
14 encourage you to be --- to keep doing the good work to make  
15 your school grow, but also to work cooperatively with the  
16 developer.

17           Because I think our experience with them in this  
18 neighborhood in particular has been very positive and  
19 certainly you're dealing with an ANC that is one of the most  
20 effective when it comes to extracting good stuff out of the  
21 developers who come and build things here.

22           MS. HARVEY: Thank you. Yes, we are willing to  
23 work cooperatively, and thank you again for letting us speak  
24 again.

25           And also, again, our community and our children,

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1 I mean, again, we're trying to instill what neighborhood is  
2 and what that means. And so thank you for allowing us to  
3 have our children here today, too.

4 CHAIRMAN HOOD: Okay, hold your seats, we've still  
5 got a little more for you.

6 MS. HARVEY: Oh, I'm sorry.

7 CHAIRMAN HOOD: Any other questions, comments?

8 (No response.)

9 CHAIRMAN HOOD: Okay, let me do cross-examinations.  
10 Does the Applicant have any cross?

11 (No response.)

12 CHAIRMAN HOOD: Okay, Commissioner Litsky, do you  
13 have any cross?

14 (No response.)

15 CHAIRMAN HOOD: Okay, thank you all very much, we  
16 appreciate it.

17 Okay, let's go back, let me ask the Applicant to  
18 come back to the table.

19 And, before I go to the --- and as we're doing  
20 that, I'm going to ask Mr. Litsky to come on up so he can do  
21 cross examination.

22 But, let me ask my question and the gentlemen in  
23 the audience, I heard him say something.

24 But, my normal question is: who on your  
25 development team is from the community?

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1 MR. ROBERTS: And when you say the community, you  
2 mean from Southwest?

3 CHAIRMAN HOOD: Who lives in the neighborhood?  
4 Yes, lives in the neighborhood, not 30 blocks away, but like  
5 kind of where you're doing your development?

6 MR. ROBERTS: Right, so PN Hoffman's corporate  
7 offices are based in Southwest, so we all work in Southwest.

8 There are a number of principals and other members  
9 of our development team, Monty Hoffman, the CEO is a resident  
10 of Southwest. The president of PN Hoffman, Mark Dorigan, is  
11 also a resident of Southwest. There are a number of other  
12 members of PN Hoffman that live and work in Southwest.

13 CHAIRMAN HOOD: Did you answer that question  
14 before?

15 MR. ROBERTS: I have not.

16 CHAIRMAN HOOD: Somebody else answered it from PN  
17 Hoffman, so maybe it was, you know, maybe it PN Hoffman, I  
18 don't know, somebody answered it.

19 MR. ROBERTS: Okay.

20 CHAIRMAN HOOD: Because I heard kind of same thing.  
21 So you all are consistent, thank you.

22 MR. ROBERTS: Okay.

23 CHAIRMAN HOOD: Okay, I won't hold no more.  
24 Commissioner Litsky, if you can go ahead with your cross?

25 MR. LITSKY: Thank you, Chairman.

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1           This is to David Avitabile, am I correct that,  
2 within the documents that you have on file in this case, you  
3 have an agreement with Apple Tree that the park shall be for  
4 their exclusive use during the time that they provide  
5 services at their facility?

6           MR. ROBERTS: Yes, during operating hours, that's  
7 correct.

8           MR. LITSKY: Okay. Are you aware that Apple Tree  
9 currently runs their Southwest programs until 6:30 every  
10 night?

11           MR. ROBERTS: My understanding was 6:00 p.m.

12           MR. LITSKY: 6:30 is what they have on their  
13 website, I just checked it.

14           MR. ROBERTS: Okay.

15           MR. LITSKY: Am I correct that their plan also  
16 states that this playground space, the 3,000 square foot  
17 playground space that's a key component of the --- your plan  
18 and as a community asset, as part of what it is that you're  
19 bringing to the community, that the playground space is not  
20 to be open to the public during evening hours?

21           That's also in documents that you filed?

22           MR. ROBERTS: That the playground will not be ---

23           MR. LITSKY: Operating during evening hours?

24           MR. ROBERTS: It will not be operational after  
25 dark.

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1 MR. LITSKY: During --- okay.

2 MR. ROBERTS: So, just to paint the -- so, you  
3 know, Apple Tree can and would be using that, let's say, on,  
4 you know, at some point in May when there's more light.

5 After 6:00, that would be open to anyone in the  
6 community to use until, you know, from 6:00 until 7:30 or ---

7 MR. LITSKY: I'd take a --- I would take a look  
8 at the precise language that you have and what it is that you  
9 filed with the Zoning Commission.

10 MR. ROBERTS: That's the intent.

11 MR. LITSKY: Okay. It would seem to me, however,  
12 or do you believe that if they are going to be operating  
13 until 6:00 every night and this playground -- this 3,000  
14 square foot playground -- is not going to be available during  
15 the evening hours, that would it not make sense then that the  
16 only time that this is going to be available for sure is  
17 going to be on weekends and holidays?

18 MR. ROBERTS: No, like I said, their --- after  
19 their school hours, it's available. So if someone showed up  
20 at 6:30 and wanted to bring their child there to play, they  
21 could use the park on any weekday.

22 MR. LITSKY: Okay, again, and you understand that  
23 the reason that we're questioning this is that we're dealing  
24 with a major community benefit here.

25 MR. ROBERTS: Yes.

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1 MR. LITSKY: And so we're trying to figure out  
2 exactly what the community benefit is and how much of that  
3 community benefit is going to be available to neighborhood  
4 children. It's a big deal; it's a lot of public space.

5 To David Avitabile, during our last negotiation  
6 session before the ANC vote, we had raised the possibility  
7 that PN Hoffman may use this site as leverage point in a  
8 significantly larger project in which we know, and they have  
9 admitted, that they have an interest, and that's the  
10 redevelopment of Greenleaf.

11 Potentially, using this site as Build First  
12 opportunity.

13 Have you subsequently had any discussions with  
14 your client about the possibility that this might occur?

15 MR. AVITABILE: No.

16 MR. LITSKY: I'll ask the same to David. Have you  
17 had any discussion with PN Hoffman about this at all?

18 MR. ROBERTS: At any point in time you're saying?

19 MR. LITSKY: Yes.

20 MR. ROBERTS: About this?

21 MR. LITSKY: About the possibility that this space  
22 might become a Build First opportunity?

23 MR. ROBERTS: Yes.

24 MR. LITSKY: Could you describe the  
25 characterization of the discussion that you had with them

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1 based upon this? Because we're dealing with something now,  
2 if it's Build First, are you going to be building this  
3 building?

4 MR. ROBERTS: The --- so I guess I would say, so  
5 far for Greenleaf, there's been an RFQ process. There were  
6 I think 11 participants in that, and we were short listed  
7 with 8.

8 And RFP which would --- Applicants would then put  
9 forward their Build First site, which is a requirement, would  
10 be a part of that process. That has not taken part so far.

11 So, at this point, it's speculative. If we go  
12 forward with that process, which we haven't decided to do,  
13 we have discussed Waterfront Station being a site that could  
14 be a Build First site.

15 MR. LITSKY: Were that to become a Build First  
16 site, we have just gone through months and months of  
17 discussion about this, the Zoning Commission is having a  
18 hearing now, what happens to this building and what happens  
19 to what it is that we expect the Zoning Commission is going  
20 to give you a thumbs up on?

21 MR. AVITABILE: I mean, I think the process  
22 response and the Commissioners know this, is we'll be  
23 obligated to build the building that we've shown on the plans  
24 and we've --- and with all the conditions we've agreed to in  
25 the conditions, the units, the affordable housing, all of

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1 that.

2           And if the site were chosen as Build First and if  
3 PN Hoffman were ultimately selected and if that then meant  
4 modifications, we'd have to come back to the Zoning  
5 Commission, go through another public process to modify the  
6 building design or use or whatever, if that's necessary in  
7 order to make it work as a Build First site.

8           MR. LITSKY: Okay. You understand that it's the  
9 ANC's concern that we don't want to have to be playing  
10 checkers while you guys are playing chess. That's why we  
11 raise this now.

12           Thank you.

13           No other questions. Thanks.

14           CHAIRMAN HOOD: All right, thank you.

15           Okay, we're going to go to the Office of Planning  
16 and DDOT at this time.

17           Mr. Mordfin, then we'll go to Mr. Zimmerman.

18           MR. MORDFIN: Good evening, Chair and Members of  
19 the Commission.

20           OP continues to find the application to be  
21 generally in conformance with the first stage approval of the  
22 PUD, which allowed for a 114 story residential building with  
23 ground floor retail, educational and art uses.

24           The proposal is substantially the same as  
25 presented at the set down. The application requests rear yard

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1 flexibility to permit upper level balconies to extend out  
2 from the building, and side yard flexibility to allow for a  
3 better street wall along the side of the building facing  
4 Wesley Place.

5           The Applicant did satisfactorily respond to the  
6 three comments OP had at set down regarding rooftop  
7 materials, affordable units and the materials for the private  
8 drive.

9           The application continues to be not inconsistent  
10 with the comprehensive plan, maps and text as was found in  
11 the first stage and described in the OP set down and public  
12 hearing reports.

13           OP hosted an interagency meeting with this  
14 application --- for this application in November, receiving  
15 comments from other District Departments and agencies as  
16 noted on pages 11 and 12 of the OP public hearing report.

17           OP continues to recommend the Commission second  
18 stage PUD application.

19           As presented by the Applicant this evening, the  
20 Applicant will address the two conditions of approval by  
21 adding electric vehicle charging stations and clarifying the  
22 draft proffers and conditions. Thank you.

23           CHAIRMAN HOOD: Okay, let's see if we have any  
24 questions for the Office of Planning first.

25           Commissioner Shapiro?

1 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

2 I'm just reflecting on the conversation that we  
3 had with the folks who came and testified and I'm wondering,  
4 it hasn't happened in my experience, but does OSSE or the  
5 Deputy Mayor of Education weigh in on this?

6 Do you have these conversations? Is it something  
7 that you look for input from, that we look for input from?  
8 Can look for input from?

9 I don't see them on the list of agencies that were  
10 either notified or reported in.

11 MR. MORDFIN: The list of agencies were actually  
12 those that participated in the interagency. I did --- I  
13 contacted many other agencies. I have the list if you would  
14 like to hear the other agencies that were contacted.

15 COMMISSIONER SHAPIRO: Just any that are education  
16 related.

17 MR. MORDFIN: I did contact the public school  
18 system; they did not respond.

19 COMMISSIONER SHAPIRO: Okay. Okay, thank you.  
20 I'm --- can you reach out again?

21 MR. MORDFIN: Yes.

22 COMMISSIONER SHAPIRO: Okay, thank you.

23 VICE CHAIR MILLER: Yes, I think the Deputy Mayor  
24 for Education should weigh in.

25 CHAIRMAN HOOD: And if we need to, we can make

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1 sure that the office sends a letter. But if you have a  
2 problem --- if you do, we will send something from the Zoning  
3 because we would like for them to weigh in. I think it's  
4 critical that our experts weigh in.

5 All right, are there any other questions of Mr.  
6 Mordfin?

7 (No response.)

8 CHAIRMAN HOOD: Does the Applicant have any cross  
9 of Mr. Mordfin?

10 Did you switch seats?

11 (Off-microphone comment)

12 CHAIRMAN HOOD: Okay.

13 MR. AVITABILE: I wanted to make sure that  
14 Commissioner Litsky was front and center.

15 CHAIRMAN HOOD: No, you just wanted to confuse me,  
16 you wanted to confuse me.

17 Okay, Mr. Litsky, do you have any cross?

18 MR. LITSKY: Yes.

19 CHAIRMAN HOOD: Okay.

20 MR. LITSKY: I'd like to ask OP the same question  
21 that I left off with with the Applicant. Have you had any  
22 discussion with the Applicant, or do you know of any plans  
23 that may be in place through your office to allow this space  
24 to become a Build First space?

25 MR. MORDFIN: The short answer would be no, and

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1 actually the long answer would also be no in that we've had  
2 no conversations to that effect at all.

3 MR. LITSKY: Would that be internally or with the  
4 Applicant?

5 MR. MORDFIN: Well, first of all, I can't speak for  
6 the entire Office of Planning. I can say that I think I can  
7 speak for Steve and myself that we've had no discussions or  
8 no involvement in that RFQ process.

9 There may be other aspects of OP that have, but  
10 I doubt very much that that's being --- since it's not even  
11 progressed beyond the RFQ process, I doubt very much that's  
12 progressed beyond to a point of actually looking at where  
13 Build First sites would be.

14 And actually, because I haven't been involved, I'm  
15 actually very encouraged to hear that the District is looking  
16 at Build First options as part of the process.

17 But we can't speak to what those discussions have  
18 been.

19 CHAIRMAN HOOD: Mr. Litsky, you might want to stay  
20 there because you may have some cross for DDOT.

21 Let's go, okay, Mr. Zimmerman?

22 MR. ZIMMERMAN: Good evening, Chairman Hood and  
23 Commissioners, for the record, Aaron Zimmerman with DDOT.

24 As discussed in Mr. Van Pelt's presentation, the  
25 Applicant has addressed all of DDOT's comments in our January

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1 22nd, 2019 staff report and has come to an agreement with us  
2 on all the conditions of approval.

3           These conditions are memorialized in the January  
4 31st, 2019 Gorove/Slade Response to DDOT Memorandum which is  
5 Exhibit 34B in the record.

6           And this includes the installation of a Capital  
7 Bikeshare station in the neighborhood and several  
8 enhancements to the TDM and loading management plans.

9           So, with all the conditions including in the final  
10 Zoning Order, DDOT has no objection to the approval of this  
11 second stage PUD application.

12           Thank you.

13           CHAIRMAN HOOD: Work between DDOT and the Applicant  
14 are and the work from the award winning DDOT. So, let's see  
15 if we have any questions of Mr. Zimmerman. Any questions up  
16 here?

17           (No response.)

18           CHAIRMAN HOOD: I'm not seeing any.

19           Does the Applicant have?

20           (No response.)

21           CHAIRMAN HOOD: Mr. Litsky, do you have any cross?

22           MR. LITSKY: Yes, thank you.

23           I have a question, since you just learned, because  
24 we just learned that Apple Tree is now planning to hold their  
25 services beyond normal school --- well, usual school hours,

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1 9:00 to 3:00 until 6:00 or 6:30 as per their website.

2           How do you believe that this might significantly  
3 impact TDM on that side street, as a matter of fact, which  
4 would mean, of course, that you're going to have having 135  
5 kids being picked up and dropped off potentially as well as  
6 people going to the theater and going to dinner and people  
7 coming home from work at 6:00 or 6:30? How does that change  
8 the paradigm that you've said is working very well?

9           MR. ZIMMERMAN: Yes. So, in there, in the  
10 application, they've provided a document that showed the  
11 number of queuing spaces along the private drive which I  
12 believe is about eight spaces.

13           So, if there happen to be some overlap, which I'm  
14 not, you know, I'll defer to the Applicant on whether that  
15 would occur, but if the pickup and dropoff were to occur at  
16 roughly the same time as an event or Ubers are arriving at  
17 the same time, per their pickup/dropoff plan, they would send  
18 people to the parking garage to pickup and dropoff there.  
19 So that's my response.

20           MR. LITSKY: Okay, but the pickup and dropoff would  
21 --- you don't believe would be significantly impacted with  
22 the --- with people coming back into the garage from work?

23           Do you believe this is going to work?

24           MR. ZIMMERMAN: Yes, I mean, we believe they have  
25 contingencies in place in case there is that overlap. I mean

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1 we were assuming that there wouldn't be overlap in our  
2 analysis, but if that's a change in this project, then I  
3 think we would want to chat a little bit more about that and  
4 make sure that, you know, the private drive can handle it,  
5 but then also the parking garage has enough spaces.

6 And I believe they say in their report that  
7 they're setting aside 35 spaces, if I'm not mistaken, for  
8 non-residential activities.

9 CHAIRMAN HOOD: Okay, any --- do you have any more?  
10 You're straight?

11 (No response.)

12 CHAIRMAN HOOD: Okay. All right, let's go to ---  
13 I hope nobody else's feet are getting cold like mine are.  
14 Is it cold up here? Yes, oh so it's not just me. Okay,  
15 good. They turn the heat off at a certain, Ms. Hanousek?  
16 Maybe we can request ---

17 MS. HANOUSEK: There's been a problem all day.

18 CHAIRMAN HOOD: Oh, a problem with the heat? Oh,  
19 okay, this is not a good day to have that problem, but  
20 anyway.

21 Okay, let's go to any other government agencies  
22 reports. I know we're expecting one from OSSE, I believe,  
23 we're going to see if we can get that.

24 Let's see, did I miss any? What about DOE, do we  
25 have anything from them?

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1 MR. AVITABILE: I don't think there's anything in  
2 the record. We did --- they were part of the interagency  
3 process. We followed up with them afterwards. They were  
4 pleased with the project and with the solar panels.

5 CHAIRMAN HOOD: So again, yes. So you had  
6 mentioned that earlier. So we just want to make sure if we  
7 don't get anything that we have --- make sure we have  
8 something in the record.

9 MR. AVITABILE: Absolutely.

10 CHAIRMAN HOOD: Okay.

11 MR. AVITABILE: I do think in our pre-hearing  
12 statement, we indicated that we had had conversations with  
13 them. So it's in there.

14 But, we're going to try again to get something a  
15 little more clear.

16 CHAIRMAN HOOD: But I just want to make sure it's  
17 in the record for other reasons.

18 So, okay, let's go to the report of the ANC.

19 Commissioner Litsky?

20 MR. LITSKY: Thank you, Commissioner.

21 My name is Andy Litsky, I'm testifying tonight on  
22 behalf of my ANC.

23 I've been part of this ANC negotiation team for  
24 the past 11 years, for the past --- on these 11 acres rather  
25 comprising the old waterside mall since the land on which it

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1 occupied was under direct control of NCRC.

2 I've testified before this Commission on this  
3 particular larger PUD since the very beginning. I'm happy  
4 that this is last puzzle piece in that larger old waterside  
5 mall where you used to work, Mr. Hood.

6 CHAIRMAN HOOD: Don't throw out my days at  
7 waterside mall. We talk about it all the time.

8 MR. LITSKY: Sometimes we wish we'd have it back.

9 CHAIRMAN HOOD: Yes.

10 MR. LITSKY: So, we're happy this last puzzle piece  
11 is finally, you know, being put into the puzzle. It's been  
12 a very long time in coming.

13 As you know, our ANC had voted conditional support  
14 of this project at our meeting which would have been held on  
15 the 11th, but was held on the 23rd because of snow days and  
16 the need for us to have a week's notice. So, the hence, this  
17 is why you would receive that report a little bit late. It  
18 took time to put it together.

19 So, we voted for a conditional approval so that  
20 the Applicant and Amidon-Bowen PTA would have an opportunity  
21 over the course of the next 10 days and 30 days to meet and  
22 develop a CBA, and we're looking forward to that and thank  
23 you for providing that direction to both the PTA and to the  
24 Applicant.

25 Well, the notion of an Apple Tree venue at this

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1 site was put before the ANC during initial conversations with  
2 the Applicant.

3           We were surprised because nowhere in any of the  
4 previous iterations, as I think some of the parents had  
5 stated, did an enterprise of this nature even arise as any  
6 of the faintest of possibilities.

7           We, both the ANC and the community, were sold,  
8 however, that the Applicant had stated in the pre-hearing  
9 submission on PN Hoffman, what sold us was they put forward  
10 a plan with a very significant affordable housing that  
11 contained a theater and affordable breakfast, lunch and  
12 dinner restaurant right in the heart of our community. It  
13 met major goals that we had wanted to accomplish in our  
14 community for a very long time.

15           A charter school or any other educational  
16 institution, for that matter, was never in the mix of options  
17 that we initially embraced. I don't want you to feel, having  
18 read what I read in the Applicant's statement, that we had  
19 embraced that charter school. We did not.

20           When an Applicant met with the ANC prior to set  
21 down, we clearly instructed PN Hoffman to reach out to  
22 Amidon-Bowen staff, the Department of Education and PTA  
23 leadership to ensure that they understood precisely what was  
24 being proposed.

25           The case was set down and I think in May of 2018.

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1 It was disheartening to learn that the PTA, however, was  
2 never contact until very late in the game, a distinctly  
3 different approach from the exemplary outreach efforts that  
4 PN Hoffman is used to providing when they do business in our  
5 community, and especially as they did in Wards 1 and 2.

6 Our goal and our motion of conditional support was  
7 to ensure that PN Hoffman very clearly understood the  
8 concerns we had with the process in which Apple Tree was  
9 incorporated within the project, and most importantly began  
10 to understand that simple pro forma notification of immediate  
11 neighbors, not including our own elementary school leadership  
12 and very active PTA as part of that process, was a mistake.

13 We have significant operational concerns that have  
14 also been included in our ANC report, but I wanted to ensure  
15 that the Applicant had a chance to address them with Amidon-  
16 Bowen PTA.

17 We believe that the additional time will provide  
18 significant benefit, and we look forward to them coming back  
19 to this Commission and to the ANC with some written level of  
20 understanding about how they intend to handle the situation.

21 That said, absent our stated Apple Tree concerns  
22 in our report, our ANC is very favorably disposed to what the  
23 Applicant has placed before you this evening.

24 Let me briefly provide our ANC's reason for  
25 support, and then follow up with two additional thoughts that

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1 didn't exactly fit into our report at all.

2           On affordable housing, and just to clarify, some  
3 of the concerns that had been --- come in at a very late part  
4 of the process when the Ward 6 group had raised their  
5 concerns.

6           This --- we've been trying to make this clear all  
7 along, and so for any of those folks who are here and may  
8 testify later, this is the final part of a large project  
9 that's been in process for nearly two decades.

10           At the very beginning of this process, the  
11 affordability aspects of what would eventually rise at the  
12 old waterside mall was somewhat less of a concern than it is  
13 now.

14           Our community and our ANC has focused on absorbing  
15 eight massive buildings smack in the center of Southwest, on  
16 preserving the supermarket which was in very real danger of  
17 disappearing and opening up 4th Street to physically  
18 reconnect the community after nearly 40 years.

19           Had we the benefit of a way back machine, I can  
20 assure you that our ANC would have demanded more overall  
21 affordable housing throughout this entire project during  
22 first stage PUD.

23           But that deal with NCRC and Bressler Ryder and  
24 DMPED and Forest City and Vornado was the first major PUD  
25 that the ANC encountered, and we didn't have affordable

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1 housing formally at the table at that point.

2           We've learned a lot since then. But that is,  
3 given the dynamics of the PUD first stages had been  
4 developed, that's when all of this stuff was laid out.

5           So, we are --- recognize that we have limited  
6 affordability in the other residential buildings. And  
7 remember, the Elliot has no affordable units at all, also one  
8 of the buildings in these eight that are on the former  
9 waterside mall.

10           But our ANC is completely and particularly pleased  
11 that the Applicant is going well beyond the requirements of  
12 the first stage PUD by providing significantly deeper levels  
13 of affordability and duration at this building. And so we  
14 applaud them for that.

15           Thirty percent of the units, as you'd heard was  
16 set aside as affordable. And of those for the next hundred  
17 years -- well, 99 years -- half of those will be at least 30  
18 and 50 percent MFI, that's pretty significant.

19           ANC 6D would appreciate it if the Applicant,  
20 however, as had also been raised by you, Chairman Hood, would  
21 give some consideration to providing larger than two bedroom  
22 units.

23           We have always felt and long affirmed that healthy  
24 neighborhoods must accommodate families, and families can  
25 better be accommodated in larger units.

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1           So we would hope that at some point, through  
2 working the figures, they'll be able to provide a number of  
3 affordable three-bedroom units in this project, well, a  
4 percentage of them affordable in any event.

5           On the architecture and materials, we're pleased  
6 with the overall design of the project. We particularly  
7 applaud the Applicant listened to the ANC and OP and this  
8 Commission by adding balconies to both the north and west  
9 facing units.

10           This is no mere architectural embellishment; this  
11 is significant. They're not inexpensive. Balconies  
12 significantly enhance the quality of life for the residents  
13 who occupy those apartments. They also provide important  
14 safety by placing more eyes on the street.

15           This is precisely the kind of people-centric  
16 architecture that helps create a greater sense of community.

17           We also hope, as Commissioner Turnbull had raised,  
18 that some of these balcony units will be made available in  
19 proper percentages as a part of the number that's set aside  
20 for affordable housing.

21           Our premier waterfront developer, PN Hoffman  
22 should well understand the social construct that all boats  
23 must be lifted equally.

24           On parking and loading for hire vehicles, it's  
25 going to be tight on this site. Let's not kid ourselves.

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1 We still have concerns about the manner in which the private  
2 drive is going to operate, especially now that we know that  
3 the school is going to be operating past normal, normal --  
4 if there is any normal at this point -- school hours past  
5 3:00 and into the early evening.

6           The ANC has ongoing discussion with the Applicant  
7 about how they will manage pickup and dropoff and transit  
8 through the private drive/garage for the Apple Tree students  
9 that are going to be served in that facility during early  
10 evening hours.

11           And we'd appreciate continued discussion with DDOT  
12 to ensure that what is planned will be adequate both  
13 architecturally and operationally.

14           What is provided at this proposed facility needs  
15 to be further clarified since extended hours definitively  
16 alter, we believe, the original operational traffic patterns  
17 that have been put forward by the Applicant and analyzed by  
18 their traffic consultant about how the private drive may  
19 operate.

20           The ANC has, indeed, continuing concerns that this  
21 may clash with the ease of residential and commercial entry  
22 to and from the building through the garage. Let's get this  
23 nailed down.

24           On the retail, from the beginning of this process,  
25 the ANC stated support of the PN Hoffman plan. And that was

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1 as the Applicant had stated, and as we are affirming now, was  
2 because they had told this community they were going to put  
3 in a theater and they were going to put in a breakfast, lunch  
4 and dinner diner-esque kind of affordable component to food  
5 service in the heart of our community, something that we've  
6 definitely wanted for a long time.

7           After significant discussion with the ANC, the  
8 Applicant sent additional wording that I believe I put in the  
9 report, and it needs revision actually, because what I put  
10 in our report from the ANC was not the final that we had  
11 arrange with the Applicant. So I apologize for that.

12           So, I apologize for that and I'll wind up getting  
13 appropriate working. There's no need to go through it at  
14 this point.

15           As well, the Applicant has now agreed to engage  
16 in a much broader outreach as they said to previously -- when  
17 they said previously to solicit interest of the greater  
18 Washington Metropolitan theater community.

19           The Commissioners may recall that the original  
20 theater partner pulled out because they had financial  
21 difficulties and they went under last year.

22           These are arts organizations. We want to make it  
23 really clear. They have very particular requirements,  
24 including affordability as well as length of contract so that  
25 they can properly ensure their long term viability.

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1 Well, we'll give you a contract for five years and  
2 see how it goes won't really work for a theater. That was  
3 the concern that one of the potential theater operators had  
4 said when they came back to the ANC.

5 They said, they're giving us a very short  
6 contract, we can't plan like that.

7 I think the Applicant needs to understand that,  
8 you're dealing with arts organization here. It's a  
9 difference than just a restaurant. They require a greater  
10 commitment and partnership which is something that our ANC  
11 hopes the Applicant has now realized.

12 Accordingly, the ANC is pleased that the Applicant  
13 will now include our ANC Commissioner, Edward Daniels, who  
14 is in the theater and a theater professional to work with  
15 them to help develop solicitations and review proposals.

16 On the impact on the library, over the next two  
17 years, DCPL will have completed a brand new freestanding  
18 library at the southwest community. We've long sought that.

19 Our ANC anticipates that the addition of 400 --  
20 of people occupying 450 units in this new building will  
21 increase the utilization of the library and we look forward  
22 to that.

23 What we don't want to see is potentially -- have  
24 Apple Tree believe that right across Wesley Place is an  
25 extension of their campus.

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1 I would perceive that perhaps this will be  
2 considered an irresistible draw since we've not had an  
3 opportunity to meet with Apple Tree ever at the ANC, I would  
4 point out, nor at any point during this process.

5 Until we reach an understanding with Apple Tree  
6 about the manner in which they're going to be running their  
7 operation, we can't ensure that Apple Tree will not place an  
8 undue burden on staff and resources at the new library which  
9 is now busy and will become even more busy once they operate  
10 a new facility.

11 On the impact upon parks and open space, the  
12 Applicant puts forward as a community benefit a 3,000 square  
13 foot playground area that would be made available to the  
14 neighborhood children outside of school hours.

15 We found only this week that Apple Tree, according  
16 to their website, has their school in operation until 6:30  
17 every evening.

18 It seems to me, at that point, as I questioned the  
19 Applicant, this puts out of contention the use of that space  
20 for neighborhood children which is being put forward as a  
21 major community benefit to this community.

22 It put it out of use except on weekends and  
23 holidays. And that's of great concern to the ANC. It's not  
24 a community amenity, but in that case, if that's the way that  
25 it operates, it's a public irritant. We have to make sure

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1 that this gets nailed down and we understand precisely what  
2 the details are.

3 We can't have discussions with the Applicant if  
4 we don't also have discussions with Apple Tree. If we are  
5 being told that the discussions are proprietary, then we have  
6 absolutely no idea how they plan on -- how to handling their  
7 operation.

8 That's got to stop because, frankly, we don't know  
9 what's going to be operating there except Apple Tree.

10 What it is, who they're going to be serving? How  
11 many hours are they going to be serving and how it's going  
12 to work? We do not know.

13 We are pleased that the ANC has received verbal  
14 commitments from the Applicant as they had stated to  
15 participate in that -- the connectivity of the parks along  
16 the north part of their property.

17 I want this Commission to know that the ANC had  
18 provided to our community benefits -- our southwest  
19 neighborhood a community foundation, \$250,000 that we had  
20 gotten from another developer which is now being put toward  
21 the redevelopment of the parks in southwest.

22 So, we're taking these monies and we're making  
23 sure that we are putting them and using them operationally  
24 to improve a facility of all people in southwest.

25 Our southwest bid is going to be managing this

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1 project and it'll be like making the parks from the duck pond  
2 to Lansburgh Park.

3           On landscaping and streetscaping, most of the  
4 ANC's discussions about streetscape, pardon me, revolved  
5 around the private drive and its uses.

6           I was happy to have heard the more in depth  
7 discussion from the architects about the manner in which the  
8 streetscape itself is being handled on the private drive and  
9 I don't have those same concerns as I put in my testimony.

10           Two more points, on the preservation of affordable  
11 housing stock in southwest, it's vitally important to our  
12 ANC, while it's not directly part of this project, that the  
13 ANC also recognizes, as I stated in my questioning, that this  
14 Applicant has expressed a strong interest in redeveloping  
15 public housing at Greenleaf.

16           Although that project has been handled in fits and  
17 starts by our city government, we understand that PN Hoffman  
18 is one of the remaining in the field who will be in  
19 contention for that redevelopment.

20           And why does this case raise concern or ways this  
21 is an issue in this case? Our southwest community has  
22 embraced the notion of Build First very strongly when it  
23 comes to redevelopment of any public housing in our  
24 community.

25           We don't want to embrace any new development if

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1 it simply sweeps aside those who have made southwest their  
2 home for many years.

3           Toward that end, our ANC and our neighborhood  
4 strongly supports the notion that no public housing stock  
5 should be removed before housing is constructed to  
6 accommodate the residents do impacted.

7           Thus, no existing public housing residents should  
8 be swept away only to be invited back once new housing stock  
9 is available, if ever.

10           We have seen how well that works at Capper --  
11 Arthur Capper Dwellings. It doesn't.

12           We want to make sure, and the reason we raise this  
13 now is that, if it should happen that this site becomes a  
14 Build First site, as it conceivably could be, and if it is  
15 swapped out in order to jumpstart Greenleaf, we would approve  
16 of that.

17           What we don't want to have happen, and what we  
18 don't want to lose is the affordable housing that would have  
19 been on that site that would be other than public housing.

20           We have to be assured that the 30 percent and the  
21 50 percent of MFI is going to be available elsewhere also for  
22 a hundred years in another site by this same developer.

23           So, and it shouldn't be incorporated into  
24 something else and just fudged. This is a big gain, this is  
25 a big need and we have to make sure that if it's swapped out,

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1 what's being swapped out, we're going to get in another  
2 place.

3           It's also vitally important that the Applicant,  
4 and we're pleased that they are doing so, is joining in an  
5 effort to integrate the impacts of their construction with  
6 the other developers working on parcels, also under  
7 construction at the same time.

8           Just so you're constantly aware, the 375 M Street  
9 Forest City parcel will be underway, the D.C. Public Library  
10 will be under construction, the massive Phase 2 at the Wharf  
11 will be in full swing, perhaps the last of the lots owned by  
12 the Bernstein Company along with an approved PUD and located  
13 directly adjacent to 1000 4th Street may be under shovel.

14           As well, we anticipate that the Westminster  
15 Presbyterian Church located diagonally across 4th Street will  
16 be filing their PUD development plans very quickly within the  
17 next two months.

18           And, Shakespeare, as you know, is still up in the  
19 air. Luckily, we heard this week that the Randall School  
20 will be under construction. That obstruction was lifted,  
21 thankfully.

22           But, that, too, is a massive construction project  
23 of 500 units, also within a few blocks of this site.

24           Virtually every last space of zoned, buildable  
25 land within the very heart of southwest is going to be under

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1 construction, if not exactly at the same time, significantly  
2 overlapping.

3 I'm glad that the Applicant understands that. I'm  
4 glad that they told you that they understand that. We also  
5 want to make it clear that, neither DMPED nor DDOT has  
6 stepped up to the plate to lessen our concerns about this.

7 Apparently, they feel that since these plans have  
8 been vetted individually, development by development, that  
9 over the course of time, there will be no problem knitting  
10 together the construction projects, even if they happen at  
11 the same time. That's nuts. That's simply nuts.

12 I'm coming before you for the first time ever and  
13 asking for help. This is a plea to the Zoning Commission.  
14 This is a plea to DDOT. This is a plea to OP, we need help  
15 from our city government.

16 We cannot be planning whack-a-mole for the past --  
17 for the next five years. That's not in our job description.  
18 I've never asked this before, I'm asking it now.

19 Southwest needs help to manage all of this  
20 construction. We have a DMPED representative here this  
21 evening, carry it back to DMPED. We need our city government  
22 agencies to help southwest grow.

23 We need clearer thinking at DDOT, at OP and DMPED.

24 I'm sorry for taking your time to put this forward  
25 at this time because it's not actually part of just this

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1 case, but at long last, we need to ensure that we're going  
2 to have those folks come to the table to make sure that the  
3 development that the development that this Commission  
4 approves happens properly.

5 Thank you, Commissioners for the opportunity to  
6 testify this evening.

7 CHAIRMAN HOOD: Okay, thank you, Commissioner  
8 Litsky.

9 I can tell you, out of all that, I understand  
10 that, and I understand the concern and I'm hoping that the  
11 Applicant -- I hope all Applicants, and I'm sure that you  
12 have mentioned it more than just here tonight.

13 But, I am concerned about not being able to talk  
14 to Apple Tree. I'm very concerned about that.

15 So, just include yourself in the meeting that's  
16 going to be had with Amidon.

17 Mr. Avitabile, I think -- I don't know if there's  
18 some legality issues, which I don't think so, because I think  
19 Apple Tree, if they want to be a good neighbor if this is  
20 approved the way it's going, you would definitely want to be  
21 a part of the good neighbor policy and have -- and be in  
22 conversations with the ANC.

23 So, let's make sure that happens so they can come  
24 to some understanding how we're going to all operate with the  
25 playground and the whole wad of whatever's going on. Okay?

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1           So, you will be involved or the ANC will be  
2 involved as well with that meeting. So, the Applicant will  
3 make sure that happens.

4           And I think that they've heard some of the other  
5 concerns as well as the other -- I would like to have, not  
6 putting no more work on the ANC, but I would like to see how  
7 we're working with the, what's the word, whack-a-mole? Where  
8 is that, the last page?

9           But, anyway, that whole issue, I'd like to see it.

10           You know, I don't know what all we can do, but I  
11 would encourage maybe DDOT especially to be able to assist  
12 when all this is going on in the construction.

13           I don't know if it's another phase in the  
14 permitting process or how that works, but I think it will  
15 be very advantageous to make sure that those things are  
16 definitely synchronized and is governed accordingly.

17           Because you don't want major chaos -- what's the  
18 word you used? Whack-a-mole, yes, we don't want major chaos  
19 in southwest because you all have been through a lot down  
20 there.

21           You all are experts when it comes to development  
22 and I think you've done a yeoman's job, a great job, your  
23 whole ANC as well.

24           But, let me see if any others have any questions  
25 or comments up here.

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1 Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

3 I would join you in both sets of remarks around  
4 the massive nature of the construction that's going on.

5 And I, you know, I'm going to be curious to hear from  
6 the Applicant specifically around that.

7 This -- you have a number of properties in that  
8 area. This is in your interest to help figure this out.

9 And I think that -- and I appreciate, Commissioner  
10 Litsky, that you are coming to the government for help on  
11 this.

12 And I think there is a significant role to play  
13 in coordination from the developer side.

14 I don't know exactly how that would look but I  
15 think that the government, at some level, may play a  
16 convening role and ultimately, the developers have to figure  
17 this out as well.

18 MR. LITSKY: I agree and I want to tell you that  
19 we had in our community on Monday night, last Monday night  
20 I guess it was, a SWANA (phonetic) where we had a -- on, no,  
21 no, it was this past -- yes, this past Monday night, this is  
22 Thursday. The days just breeze by.

23 That we had a meeting where we had directors in  
24 front of us and we asked specifically that question. And we  
25 were given the answer back, well, trucks will go on streets

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1 where they shouldn't be going.

2           And there are these plans in place and they should  
3 be held to. It's like, well, they're not. We need our city  
4 -- for our city agencies together.

5           And we do need to have a convening force. It's  
6 the Applicant's that need to sit with the other developers  
7 but the city needs to make sure that they are sitting  
8 together.

9           COMMISSIONER SHAPIRO: I agree.

10          MR. LITSKY: And they've got to make sure this  
11 thing is going to work because it won't.

12          COMMISSIONER SHAPIRO: Right, I agree, I  
13 appreciate that.

14          A couple other quick questions. One is I just  
15 want to make sure I understand, have you reached out to Apple  
16 Tree and they have been nonresponsive or just hasn't happened  
17 that you've had a chance to do that?

18          MR. LITSKY: We haven't reached out to Apple Tree,  
19 we didn't feel it was our business to reach out to somebody  
20 who was going to be leasing property. We don't even know  
21 whether they're leasing property, apparently, that's not been  
22 completely disclosed yet.

23          So, no, we didn't, neither did the Applicant make  
24 them available. The Applicant made available a leasing  
25 consultant that they've used in other projects.

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1 He came back to us to tell us precisely how he  
2 could do the pitch to get a diner, to get a theater in those  
3 sites.

4 We asked him whether he was part and parcel of the  
5 discussion and how he felt about putting Apple Tree in that  
6 site. He said, that wasn't mine. That came before me.

7 We asked him whether he felt that that should be  
8 part of the site and, again, he, you know, he deferred.

9 So, we haven't reached out to Apple Tree, they  
10 haven't come forth. As a matter of fact, Apple Tree has been  
11 in our community as had been stated by the Applicant, for 20  
12 years.

13 COMMISSIONER SHAPIRO: Right, right.

14 MR. LITSKY: Apple Tree has not attended one ANC  
15 meeting. Apple Tree, to my knowledge, has not attended a  
16 civic association meeting.

17 So while other folks who do business as part of  
18 the city regularly work with our ANC and show up and  
19 participate and are involved in the community, Apple Tree has  
20 not. Apple Tree has not. And, you know, that, frankly, is,  
21 you know, part of our concern.

22 But, again, we're not attempting to take sides  
23 between, you know, DCPS and charter schools, that's not in  
24 our purview. We just want to know that, if indeed, Apple  
25 Tree is going to be entering into the heart of our community

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1 and providing those services, that we know precisely what  
2 they're going to be doing and right now, we do not. We are  
3 in the blind completely.

4 COMMISSIONER SHAPIRO: Thank you. Thank you for  
5 that and I imagine the Applicant is hearing this loud and  
6 clear and certainly would want a good neighbor. So I imagine  
7 there'll be follow up on this.

8 That's all I have, Mr. Vice Chair.

9 VICE CHAIR MILLER: Thank you.

10 Does any other Commissioner have comments or  
11 questions for Commissioner Litsky?

12 (No response.)

13 VICE CHAIR MILLER: Does the Applicant have cross  
14 examination of Commissioner Litsky?

15 (No response.)

16 VICE CHAIR MILLER: Okay, thank you very much for  
17 your testimony.

18 I think what's next is persons or organizations  
19 in support. Are there -- is there a list? Can you read the  
20 names on the list?

21 MS. HANOUSEK: Hara Bouganim, Frederica Kramer and  
22 Paul Taylor.

23 CHAIRMAN HOOD: Okay, I think -- oh I'm sorry.  
24 I just come right in and take over.

25 Think That we had three names in support. Do we

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1 have anybody else who's here in support?

2 (No response.)

3 CHAIRMAN HOOD: Okay, so you -- I'm sorry, Mr.  
4 Vice Chair, I was -- okay.

5 So, we'll start to my left. You may begin, yes.

6 MS. KRAMER: Hara is the first name. Do you want  
7 her first?

8 CHAIRMAN HOOD: No, we can start with you.

9 MS. KRAMER: Fine, that's fine.

10 Thank you, good evening. I'm Frederica Kramer,  
11 Vice Chair of the Near Southwest/Southwest Community Benefits  
12 Coordinating Council, CBCC, which helps obtain community  
13 benefits in the context of redevelopment for the communities  
14 represented by ANC 6D.

15 CBCC is also the only organization with an  
16 explicit mission of maintaining social diversity as a  
17 neighborhood redevelops. We're in general support of the  
18 application but have specific concerns.

19 We continue to be concerned that locally owned  
20 community serving retail and services which are critical to  
21 creating the mixing ground for social diversity remains  
22 scarce.

23 Their absence also means that the similarity of  
24 plan prescription that 4th Street become a true town center  
25 is still unfulfilled.

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1           Of particular concern, promises made in initial  
2 agreements have a tendency to morph as redevelopment projects  
3 are realized over projected time frames potentially  
4 compromising the basis for the Zoning Commission and  
5 community endorsements.

6           In this case, the original application for this  
7 site was approved with a promise of a black box theater and  
8 a diner-style restaurant.

9           At the January 23rd ANC meeting, representatives  
10 of PN Hoffman discussed their failure to find or replacement  
11 to date for the now bankrupt theater company that would have  
12 occupied the theater space and has not yet found a lessee for  
13 the diner.

14           Should they not locate tenants for these two  
15 spaces they said they would fill them in or could fill them  
16 in with some kind of retail.

17           A neighborhood serving restaurant is a critical  
18 component for maintaining social infrastructure, providing  
19 a meeting place for neighbors to cross paths and congregate  
20 for meals or coffee and conversation.

21           Our only place for meeting neighbors now for a  
22 causal cup of coffee is the limited Starbucks located in  
23 unappealing corner of our Safeway.

24           We continue to have no truly full day service,  
25 breakfast, lunch, dinner and beyond restaurant at prices

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1 affordable to a wide range of residents.

2           With regard to the pending approval, the  
3 developers should be held to the original commitment to a  
4 theater space and locally oriented restaurant.

5           If rent levels are an impediment for supporting  
6 small businesses that would serve all residents of southwest,  
7 arrangements for rent, lease adjustments to support  
8 neighborhoods serving enterprises should be a condition of  
9 approval.

10           Some new spaces is rented at below \$40 a square  
11 foot and commercial condominiums have been used in other  
12 places to stabilize rents over time.

13           If a theater can -- company can't be located, we  
14 suggest they work with the D.C. arts community to develop  
15 other options. Consider an Indie movie theater which  
16 southwest once had is one idea.

17           And entity devoted to the arts would be a win-win  
18 for both the developer and the community.

19           If in the end one of these spaces must be used for  
20 another enterprise, a thorough explanation of why the  
21 commitment cannot be fulfilled should be provided as a basis  
22 for a full review and approval.

23           Approval should reflect needs that the community's  
24 expressed multiple times. For example, when the original  
25 redevelopment of 4th Street began two decades ago, the

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1 community was promised Safeway, CVS and a bank, and Bank of  
2 America, which would return. Safeway and CVS, of course,  
3 returned. But the nearest banks are over a mile away.

4 Other suggestions for smaller spaces under 1,200  
5 square feet have included a hair salon, pet store, bakery,  
6 coffee shop, small post office, we're going to lose our  
7 current half street facility in the near future, stationery  
8 store, shoe maker, all of which residents typically go to  
9 Capitol Hill or Virginia for and they're increasingly needed  
10 as the population grows and increasing the numbers work at  
11 home.

12 We also learned at the 23rd -- January 23rd  
13 meeting that the PN Hoffman hasn't finalized the lease with  
14 Apple Tree, which we've just been talking about.

15 The Amidon-Bowen PTA raised deep concerns that the  
16 charter would compromise their ability to track families to  
17 the Amidon-Bowen pre-k.

18 Our experience watching Amidon enrollment over  
19 many decades is that those who have other options either  
20 ignore the local public school entirely or disenroll their  
21 children by grades 2 or 3.

22 In addition to the benefit for young children,  
23 engaging families early in order to forge relationships that  
24 can last is a way to ensure a stable parent body at Amidon-  
25 Bowen that'll strengthen the school over the long haul.

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1 So, we don't want Amidon to lose that advantage.

2 Finally, we compliment PN Hoffman on the promise  
3 of 32 percent is what I have in the low market rate housing  
4 units will be -- which will be sustained for the life of the  
5 building.

6 Given the loss of affordable housing in southwest,  
7 every effort should be made in new developments to  
8 accommodate low, moderate and middle income families who  
9 would otherwise not be able to stay in southwest and to  
10 support a healthy demographic.

11 We, therefore, wish that there were more units  
12 larger than two bedrooms and hope the decisions now in the  
13 future will trade some of those studios for larger units.

14 And, in terms of -- CBCC has been very active in  
15 the Build First issue and if some of those units can be part  
16 of the promise for Build First, that would make sense from  
17 our point of view.

18 I thank you for your consideration of the issues  
19 that we raised and potential conditions for approval.

20 Thank you.

21 CHAIRMAN HOOD: Thank you.

22 Next?

23 Ms. BOUGANIM: Hi, I'm Hara Bouganim from the --  
24 I'm the Vice President and right now, Acting President of  
25 Waterfront Tower Condo.

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1           We did not attempt to become a party in opposition  
2 as we felt we didn't have unique reasons to do that.

3           And this is a letter of qualified support which  
4 was given to all the Commissioners. You have it in front of  
5 you. I won't just read it.

6           Basically, our main concern is that the residents  
7 of this new building are not being considered in building it,  
8 not sufficiently.

9           There is no designated drop off in front of the  
10 building. There are seven parking spaces there, paved  
11 parking spaces.

12           What will happen is that Metro -- not Metro, Uber  
13 and other drop off services, cabs, et cetera, will come drop  
14 people off, pick people up and meanwhile, block 4th Street.  
15 It's already very congested, it's impossible.

16           And this is not -- it's not respectful to expect  
17 their Ubers to go around the corner so they would have to get  
18 out and walk in any kind of weather over to their front door.  
19 They should be allowed to be dropped off there.

20           And we're talking about what I estimate at over  
21 650 people.

22           Since there are very few parking spaces and very  
23 few people are supposed to have cars now a days, there will  
24 be dropoffs, pickups, friends coming to visit dropping people  
25 off, things like that. That's a major problem. It hasn't

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1 been thought through.

2           The one way Private Street on the north side of  
3 the building starts very narrow. So, nobody's going to drop  
4 somebody off right at that curb, they'd block the street.  
5 They're going to go in further, that's fine for the theater,  
6 that's been talked about.

7           The school has been talked about.

8           Nobody talks about the over 650 people living  
9 there.

10           Second, you just heard about the retails, it was  
11 a very extensive explanation. Nine years living there and  
12 still no bank, no doctor's offices, no clothing store, no  
13 barber shop and as she said, a post office a mile away.

14           Third thing, it has not been mentioned very much,  
15 but we feel this massive north facade is way out of scale  
16 with the rest of southwest.

17           And, item number four, is similar, what they've  
18 done is they've made the whole northside hardscape. They've  
19 left some trees which I'm not sure are even on their  
20 property, the trees by the church and put a narrow street in  
21 there, but not one piece of greenery on the north side, solid  
22 cement.

23           This is not encouraging people from the  
24 neighborhood to come use that space or to meet there.

25           We do thank them for the public housing -- not the

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1 public, the supported housing that they have put in that  
2 building and agree that more larger apartments would be  
3 helpful.

4 I thank you for letting us speak today and we hope  
5 that, with these changes there will be an adequate  
6 development in that place.

7 Thank you.

8 CHAIRMAN HOOD: All right, thank you.

9 Next?

10 MR. TAYLOR: Good evening, Commissioners. My name  
11 is Paul Taylor, also known as Big South. I'm the Honorary  
12 Mayor of southwest.

13 Born and raised, went to Amidon, went to  
14 Southwest, went to Jefferson and also graduated out of  
15 Woodrow Wilson High School.

16 I'm here representing the majority of the at risk  
17 youth that's in and around southwest area and also the low  
18 income properties located there.

19 I've known PN Hoffman for many years now. I was  
20 first introduced to the company while a member of the CBCC  
21 which mainly focused on workforce development at the Wharf  
22 project.

23 Being the site lead at King Greenleaf Recreation  
24 Center, I started a job club in which many of the  
25 participants at risk youth in and around the area were

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1 instrumental in being hired at the Wharf.

2           And so, I built this relationship with the PN  
3 Hoffman group.

4           Currently, I've been hired by the Department of  
5 Corrections as a program analyst. I'm also a returning  
6 citizen and I just actually had a meeting with PN Hoffman  
7 group where they wanted to identify giving job opportunities  
8 to returning citizens.

9           And one of my biggest -- my first projects being  
10 hired almost ten months ago was to get together a mock job  
11 interview presentation where many of these inmates would get  
12 the opportunity to be interviewed inside the prison by  
13 companies, nonprofits and different organizations.

14           PN Hoffman was the first company that actually  
15 responded to my request. And they interviewed over 30  
16 participants who were eligible for parole.

17           Many of them worked on different job skills that  
18 they wanted participants for and I wanted to focus on the  
19 female residents in custody so they have a great program  
20 dealing with hospitality.

21           And so, the PN Hoffman group introduced me to  
22 Concorde and the different hotels that's down there on the  
23 Wharf and many of the young ladies are looking forward to  
24 receiving interviews once they are released.

25           I also run a nonprofit organization in southwest.

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1 We're a group of us who used to live down there just wanted  
2 to give back to our community.

3 I live in Ward 7 now, but I spent 90 percent of  
4 my time in southwest. And so, I have to testify that I fully  
5 support the Waterfront Station II project because I know that  
6 PN Hoffman is a designer who invests in their community. And  
7 I know that the project will be no different.

8 Just recently, even though I didn't work in -- I  
9 don't work in King Greenleaf Recreation Center anymore, I was  
10 asked if I could get some brand new uniforms for the  
11 basketball team. And I reached out to the PN Hoffman group  
12 which they provided three teams will full uniforms and also  
13 pay for their registration fees.

14 So, I fully support, you know, this project.

15 Thank you.

16 CHAIRMAN HOOD: I want to thank you all.

17 Let me ask first the two young ladies, you all are  
18 proponents or opponents? Because you all are listed as  
19 proponents, but --

20 MS. KRAMER: That's a tough question. We are --  
21 CBCC is supporting the project. We've stated a variety of  
22 concerns, we're particularly concerned when the discussion  
23 came up on the most recent ANC meeting when the question,  
24 again, came up that the -- neither of these two facilities  
25 which were a community -- a very strong community benefits

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1 and we were strongly committed to were -- could be -- could  
2 potentially not be realized and that that could be used for  
3 retail -- for other things. It was very unclear so it made  
4 us a great concern.

5 In addition, none of knew, as you've heard many  
6 people testify, none of us knew anything about the Apple Tree  
7 issue and that is of great concern. It's not your purview  
8 clearly to make a decision between charter and a public  
9 school.

10 But, if there's a new competition felt with the --  
11 for the public school, it's a very serious concern.

12 I've been in southwest for 40 years and I know  
13 when I -- just in my statement that I just gave you, we have  
14 seen exactly what I've described. That is the parents or  
15 families that have an opportunity to leave after the second  
16 or third grade. And we don't want that to happen.

17 Amidon is really coming up, so this is a very  
18 serious sensitive issue and needs to be resolved by the  
19 Commission, by the parties and the Commission.

20 CHAIRMAN HOOD: Okay. Have you all -- okay.

21 MS. BOUGANIM: I just wanted to say that you got  
22 our -- my concerns correct. I mean, we see things to support  
23 in the project, but the issues that come up made us feel that  
24 there was not sufficient planning with local people since we  
25 were approached and met with Mr. Roberts on August 1st, came

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1 up with concerns, heard nothing back.

2           And, in preparation for this letter, I called him  
3 and asked some questions and didn't get answers then either.

4           CHAIRMAN HOOD: Who is Mr. Roberts?

5           MS. BOUGANIM: Dave Roberts.

6           CHAIRMAN HOOD: Yes, yes, he's raised his hand.

7           MS. BOUGANIM: Right here, yes.

8           CHAIRMAN HOOD: I'm -- you tell us that, so he  
9 will call you back probably tomorrow.

10           MS. BOUGANIM: I presume he will, but, yes, we  
11 talked about it. He was open but there was no answer.

12           CHAIRMAN HOOD: So, here's what I'm going to  
13 suggest, Mr. Avitabile, again, you know I'm big on  
14 discussions. I'm not going to necessarily include them in  
15 on it, but I would just ask that you -- do you all go to your  
16 ANC meetings?

17           MS. KRAMER: Yes.

18           MS. BOUGANIM: Some, yes.

19           CHAIRMAN HOOD: Okay.

20           MS. BOUGANIM: Not routinely, yes.

21           CHAIRMAN HOOD: Okay, routinely and some.

22           Did you all mention some of your concerns to the  
23 ANC and have they fleshed it out and had a chance to -- I'm  
24 not trying to redo anything that's already been done, I'm  
25 just trying to make sure --

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1 I'm getting feedback somewhere. Okay, both of  
2 those mics are on, turn your mics off just one moment.

3 So, what I'm just -- what I would like to see is  
4 that you all, and I don't know, maybe mention some of these  
5 concerns to the ANC and see where they are on it because they  
6 are actually going to be involved with still having  
7 discussions with the Applicant unless you all what to just  
8 have a conversation.

9 MS. KRAMER: May I just point out that two of the  
10 ANC Commissioners, including the new Chair, Gail Fast, are  
11 on our Board. So, we're actually, we try to work very  
12 closely together and coordinate.

13 It doesn't mean we're always of exactly the same  
14 mind. But, yes, absolutely.

15 CHAIRMAN HOOD: So, every issue's not always going  
16 be resolved in any case, but I believe we always try to close  
17 the gap just a little more. That's kind of where I am with  
18 everything.

19 So, those discussions will still be had. I'm  
20 going to sit here and try to tell you how to do it, but I'm  
21 going to tell you to continue to talk to Mr. Roberts and  
22 others and see what you -- how you can close the gap a little  
23 bit.

24 Now, Big South, let me ask you this, is it -- did  
25 I get that right?

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1 MR. TAYLOR: Yes.

2 CHAIRMAN HOOD: And the Mayor of southwest?

3 MR. TAYLOR: That's right.

4 CHAIRMAN HOOD: Oh, okay. Who was the old Mayor  
5 of southwest?

6 MR. TAYLOR: Mr. Chick Jackson.

7 CHAIRMAN HOOD: Okay.

8 MR. TAYLOR: And before him was Mr. Robert Moore.

9 CHAIRMAN HOOD: Oh, okay, okay. I thought I would  
10 have known who the Mayor was in different areas.

11 But, anyway, Big South, let me ask you a question.  
12 Are you going to be involved with the progression of this  
13 project?

14 Because I heard you mention how you got uniforms,  
15 how you're helping return the citizens there, making sure  
16 they get jobs. So, I expect to see that in that report if  
17 that's what's actually materialized, especially down on the  
18 waterfront.

19 Now, because I kind of like that, I didn't know  
20 that was going on.

21 MR. TAYLOR: Oh, actually, I've been in contact  
22 with PN Hoffman for quite some time now because I run my own  
23 nonprofit so I do a big unity day event every year with PN  
24 Hoffman.

25 The Wharf actually donates money towards kids

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1 rides, ponies and things like that.

2 CHAIRMAN HOOD: But you're -- but I heard you say  
3 jobs for returning citizens.

4 MR. TAYLOR: Oh, most -- right. What happened was  
5 just recently, last week, we had a meeting with Building  
6 Futures, DOES, Department of Housing and I was invited.

7 And so, I'm in charge of the whole workforce --  
8 a work readiness unit inside the jail. So one of my main  
9 jobs is to make sure that they have employment before they  
10 leave the jail.

11 And so, I came up with the idea with doing mock  
12 job interviews, bringing the companies inside because a lot  
13 of the residents inside, they don't feel comfortable with --  
14 none of them really had interviews.

15 And so, it actually helped them enhance their  
16 interviewing skills. And I actually two people that came  
17 home, they got hired by the Southwest BID.

18 CHAIRMAN HOOD: Okay.

19 MR. TAYLOR: Which is a company down in southwest  
20 which I had them to come in also. And so, even with the  
21 Wharf project, I was like the main contact person when guys  
22 get out of prison, they say, well, South can get you a job  
23 down at the Wharf.

24 CHAIRMAN HOOD: Okay.

25 MR. TAYLOR: And so, I had a good relationship

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1 with PN Hoffman also. The general manager with Clark  
2 Construction.

3 CHAIRMAN HOOD: Okay.

4 So, let's make sure, Mr. Avitabile, that's  
5 included in the discussion. Even not just for this project,  
6 but I'm hearing this is going on with the Waterfront project  
7 as a whole. So, let's make sure that that's memorialized so  
8 we can continue to do that, Mr. Roberts and others and Monty  
9 Hoffman and all those. Hopefully he's watching.

10 Do you think he's watching? I doubt it.

11 (Laughter.)

12 CHAIRMAN HOOD: Anyway, but it sounds good. Let's  
13 see, any other questions or comments up here?

14 (No response.)

15 CHAIRMAN HOOD: Okay, all right, let's see, if the  
16 -- does the Applicant have any cross?

17 (No response.)

18 CHAIRMAN HOOD: Does the ANC have any cross?

19 (No response.)

20 CHAIRMAN HOOD: Okay, thank you all very much, we  
21 appreciate it.

22 Mr. Avitabile, you can come with any rebuttal and  
23 closing. And can you tell me --

24 MS. HANOUSEK: We still have the --

25 CHAIRMAN HOOD: Oh, the opponents?

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1 MS. HANOUSEK: Yes.

2 CHAIRMAN HOOD: Oh, I'm confused, I thought that  
3 was the opponents. Okay, so the opponents, actually, weren't  
4 the -- didn't the opponents turn in --

5 MS. HANOUSEK: Shall I read them off?

6 CHAIRMAN HOOD: No, I have the list right here.  
7 But, I'm just -- Chris Williams, come forward.

8 Joyelle Rodney, Rodney, okay, if I mispronounce,  
9 forgive me.

10 Cook Maurice, okay.

11 Any other opponents? Any other opponents?

12 (No response.)

13 CHAIRMAN HOOD: Chris Williams, I've got Chris  
14 Williams, Joyelle, Joyelle, I'm sorry, Joyelle Rodney,  
15 forgive if I mispronounce anything, then Cook Maurice.

16 Anybody else? Do we have any undeclared here?

17 (No response.)

18 CHAIRMAN HOOD: Okay, so we called for the  
19 undeclared, we will end with this group and we will start off  
20 with Chris Williams.

21 MR. WILLIAMS: Hi, my name is Chris Williams. I'm  
22 here as a private citizen and one who is engaged with  
23 community issues.

24 What I can say is that I'm -- I've been a resident  
25 of southwest now for six years since I've moved to D.C. and

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1 what troubles me greatly is Greenleaf Redevelopment.

2           So, I want to clarify a few things, particularly  
3 with regard to the information about this site being used as  
4 Build First.

5           Greenleaf has one-third three bedrooms or more.  
6 And so, I'm really troubled that we cannot extract any three  
7 bedrooms out of more than a 400 unit property. It's very,  
8 very troubling.

9           We talked about equity earlier. We talked about  
10 the crisis of affordable housing. Folks in public housing  
11 typically are 30 percent AMI and below.

12           My other concern is the information that we have  
13 access to does not break down AMI percentage for three  
14 percent AMI below based on bedroom. So, are they getting the  
15 right equal distribution for those families?

16           For renters in D.C., obviously, it's very  
17 expensive, but when you're 30 percent and below, it's even  
18 more trying, trying to find a house.

19           HUD has also recently announced that they will  
20 sell off 2,400 properties. And so, we can see, again, that  
21 there is a lot of pressure for those who do not have the  
22 means that necessarily we do in the room to secure housing  
23 for themselves and their family.

24           I'm also concerned about, this is only anecdotal  
25 data that I heard from the primary source which is that they

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1 had -- families had trouble getting into the Wharf and they  
2 had to send their paperwork over and over again because the  
3 property said they never received it.

4           Is that a red flag? Do we know anything about  
5 their record in terms of residents being able to get in on  
6 the property who qualify for a particular ranges of AMI?

7           I'm also -- so, I'm concerned about. What is  
8 their record and whether or not the Commission should  
9 consider that.

10           What is also their record of actually delivering  
11 on what they promise? What's the follow up with regard to  
12 that and whether or not the Commission could consider  
13 promises previously made and whether or not those have been  
14 maintained over the period?

15           So, those are, again, my major concerns,  
16 particularly for those who are reliant on subsidized housing.  
17 We're really at a crisis point in Washington, D.C.

18           Thank you.

19           CHAIRMAN HOOD: Thank you, good timing. Joyelle?

20           MS. RODNEY: I'm Joyelle Rodney, I'm a southwest  
21 resident and I just read about this proposed project which,  
22 from what I read a year or so ago was supposed to offer a lot  
23 of affordable housing to families, but in the end, does not.

24           It really is disheartening to see that developers  
25 in the city are promoting yet another project that does not

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1 cater to mid-level income city residents who will inevitably  
2 have to move to a cheaper neighborhood because they will not  
3 be able to afford the high rents.

4           It is even more disheartening to me, as I attended  
5 the hearings for the Forest City development a few months ago  
6 at 4th and M for the same reasons, a mammoth project for well  
7 off singles and couples who will not stay when they start  
8 families, so much for the play areas.

9           When I moved to southwest a few years ago, what  
10 attracted me and my husband was the diversity demographic and  
11 architectural.

12           This diversity is disappearing fast as the new  
13 buildings all serve the same class of people. When will our  
14 City Council or this Board finally pay attention to what is  
15 going on in here and in so many other cities?

16           Thank you.

17           CHAIRMAN HOOD: Thank you. Next?

18           MR. COOK: Good evening, Commission. My name is  
19 Maurice Cook and I am the radical representing that southwest  
20 group that got in their testimony, I believe, on time,  
21 correct?

22           Because it's been stated a few times, somewhat  
23 disrespectfully, that it came in so late in a way kind of  
24 disrespecting and having kind of an elitist attitude towards  
25 our testimony.

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1           And I just wanted to make sure I brought that up  
2 because we did submit that testimony on time, I just wanted  
3 to confirm for the record, is that correct?

4           CHAIRMAN HOOD: You can just go ahead and provide  
5 your testimony.

6           MR. COOK: Okay. Well, I wanted to make sure that  
7 that's on record and we had some type of agreement that it  
8 was put in on time.

9           I want to basically co-sign exactly what my fellow  
10 D.C. residents have said. We -- the Southwest Accountability  
11 Group is an unincorporated nonprofit and we focus on ensuring  
12 reasonable development.

13           There can be no opportunity to do a Build First  
14 program in a development that has no family sized units.

15           I don't think we can even have an agreement on  
16 what a family size unit is if we are not going to consider  
17 something over two bedrooms.

18           I don't know if anyone has a family with parents  
19 and children of separate genders. That in itself lends  
20 families to consider that they need at least a three bedroom.  
21 And, this whole project takes that off the shelf.

22           Regarding the height, I want to make sure, for the  
23 record that the height is 114 from the 4th Street -- from 4th  
24 Street, not M Street.

25           I believe by law it's supposed to be from 4th

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1 Street according to the zoning policy. So, there's that  
2 issue, too.

3 Also wondering if there's been any air or light  
4 studies regarding the height of the buildings?

5 There are many issues that we have with this  
6 project.

7 Historically, I want to say just quickly,  
8 southwest has experienced urban removal several times over  
9 in the last 100 years.

10 We've seen black people being moved further and  
11 further and further towards the water. Once it was a  
12 restrictive area limiting black people only to southwest.

13 As the last 20 years have shown us through all of  
14 these projects, we see a change in demographic in the  
15 community.

16 And, black people are incredible people and I want  
17 to testify to that. But we are unable to live under water.  
18 So, that seems to be the only place that we have reserved in  
19 the southwest quadrant.

20 Because, as everyone can attest to, the  
21 demographic has changed. These -- the pricing for these  
22 units, even if you average the AMI for the one bedroom, the  
23 studios, that's at \$1,200.

24 Most people who used to live in Carrollsburg used  
25 to live in Arthur Capper, still live in Greenleaf, still live

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1 in Syphax, could not afford to live in a studio or a one  
2 bedroom within these units nor any of the projects that we've  
3 seen in the last 20 years, hence the change in demographics  
4 in the community.

5 I know you guys weren't around 100 years ago, you  
6 seem way too spry for that. But I will say that you are --  
7 you have influence on this demographic, the complexity of  
8 community today.

9 And we all have to make a choice of who we're  
10 going to be, who are we going to be?

11 We can see in the next 20 years, we can see that  
12 the black community will be gone in the next 20 years. We're  
13 already discussing tonight the plans for a Greenleaf project.

14 I don't know what other warning bells that this  
15 Commission, that this community needs to see, but it's clear  
16 to us at Southwest Accountability Group and others, a  
17 grassroots group, the reason why it was submitted so late is  
18 because we're working people, just regular citizens working  
19 hard to keep this city as affordable as possible.

20 I don't know what else people need to see, but we  
21 need to do some work on ensuring that everyone can afford to  
22 stay within the community.

23 One of the things I think that we could perhaps  
24 work with PN Hoffman to develop is if there is some type of  
25 issue or catastrophic disaster that causes residents from

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1 Greenleaf to have to leave like that just happened in the old  
2 Arthur Capper senior center that they would reserve some  
3 space, a community fund, some money to ensure that those  
4 residents would be able to stay in the neighborhood.

5           Obviously, this is not outrageous since it just  
6 happened recently. We have a whole community that has been  
7 now disbursed and no longer live in this community a mile  
8 away.

9           Thank you.

10           CHAIRMAN HOOD: Okay, thank you.

11           Let's see if there any questions or comments up  
12 here?

13           (No response.)

14           CHAIRMAN HOOD: Okay, not seeing any. I don't  
15 have any questions.

16           I will say that I think you answered your own  
17 question about the document. I haven't really had a chance  
18 to look at your document because I work, too.

19           So, when I got here, this was coming in. So, but  
20 you know, I hope, you know, you didn't take it that somebody  
21 said disrespectful.

22           What it is, is we study and we study hard. So,  
23 when we get something about 15 minutes before we walk out  
24 here, to us, it's late. Because you said it was late, I  
25 didn't say it.

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1 MR. COOK: No, I didn't say it was late, I think  
2 it was on time actually.

3 CHAIRMAN HOOD: I want you to go back and look,  
4 because you said late.

5 MR. COOK: I asked it with a question, I asked if  
6 it was late.

7 CHAIRMAN HOOD: You asked earlier was it late, but  
8 in your testimony you answered it. You said the reason it  
9 was late. So, just go back and look it, because, you know  
10 what I do sometimes?

11 MR. COOK: Then I misspoke.

12 CHAIRMAN HOOD: No, no, no, no.

13 MR. COOK: Because I believe there wasn't --  
14 there's a 5:00 deadline to have the testimony in, is that  
15 correct?

16 CHAIRMAN HOOD: It's not -- I'm not going to make  
17 that an issue.

18 MR. COOK: Okay, thank you.

19 CHAIRMAN HOOD: I'm not going to make that an  
20 issue, but I will tell you that I have not had a chance to  
21 review it. Okay? So, we'll take it from there.

22 And I don't know if others have, I doubt it  
23 because we got it at the same time.

24 But, anyway, we've heard your comments, I believe  
25 the Applicant heard your comments.

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1 But, let me ask this, do you all go to the ANC  
2 meeting?

3 Occasionally? Okay. Do you go occasionally?

4 MR. COOK: I don't, we have representatives from  
5 southwest that do go to the ANC meeting.

6 CHAIRMAN HOOD: I am familiar, very much familiar  
7 with a young man on your group who very, actually, I'll tell  
8 you I've been very impressed with him, McKinney?

9 MR. COOK: Yes, Coy, absolutely.

10 CHAIRMAN HOOD: Coy? Yes, very impressed with  
11 him.

12 Okay, all right, any other questions up here?

13 (No response.)

14 CHAIRMAN HOOD: Does the Applicant have any cross?

15 (No response.)

16 CHAIRMAN HOOD: Does the ANC have any cross?

17 MR. LITSKY: Yes.

18 I thank this panel for speaking and if Mr. Cook,  
19 you are at all displeased with my characterization of when  
20 your testimony came in, I apologize.

21 MR. COOK: Thank you, sir.

22 MR. LITSKY: But I will tell you, I did read it  
23 and one of the things that I noted, and this is the one  
24 question I've got. I mean, I hope -- the question was  
25 already asked and I didn't hear the answer. Do you attend

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1 the ANC meetings?

2 MR. COOK: I don't because I'm not a southwest  
3 resident but we do have southwest residents as part of this  
4 group.

5 MR. LITSKY: I'm familiar, they live in my  
6 complex.

7 Do you attend the ANC meetings?

8 MS. RODNEY: Occasionally.

9 MR. LITSKY: Occasionally.

10 MS. RODNEY: Sometimes.

11 MR. LITSKY: So, Mr. Cook, you are listed as  
12 Southwest Accountability Group.

13 MR. COOK: I'm representing --

14 MR. LITSKY: What's your address?

15 MR. COOK: I'm representing the Southwest  
16 Accountability Group. I live actually about a mile from here  
17 outside of southwest.

18 MR. LITSKY: Where do you live?

19 MR. COOK: I don't see why that's relevant.

20 MR. LITSKY: Oh I'm sorry, they put addresses on  
21 here, I was curious why you did not.

22 MR. COOK: Because I don't see why that's  
23 relevant. It wasn't mandatory.

24 CHAIRMAN HOOD: Let me just say this, and I don't  
25 know and I'm not going to make this a big deal, but in my

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1 opening statement, I asked you to identify yourself and your  
2 address. But we don't need to make that a big deal.

3 But, let me ask --

4 MR. COOK: I'm a long term Capitol Hill resident.

5 CHAIRMAN HOOD: Okay, does Mr. McKinney -- Mr.  
6 McKinney lives in southwest?

7 MR. COOK: He does, yes.

8 CHAIRMAN HOOD: Okay, okay. All right, I'm sorry,  
9 go ahead.

10 MR. LITSKY: No, I don't, I mean, do you know  
11 whether the other folks who had signed your letter, and I'm  
12 looking, I might know, you know, Pamela McKinney, Adaham,  
13 Richard Berm, Roger Hickey, Charles Brandon, Chris Otten  
14 doesn't live anywhere near southwest, Michele Cohen, Joyelle.

15 Do you know whether they attend the ANC meetings?  
16 I attend every one.

17 MR. COOK: We absolutely do. We work in a broad  
18 coalition trying to fight gentrification and development all  
19 over the city, protecting the most marginalized generally  
20 people of color all over the city that are being removed from  
21 the city.

22 MR. LITSKY: That wasn't -- I understand that, I  
23 know what you do and I appreciate that.

24 And would you, again, this is a question, would  
25 you encourage them to continue to attend our meetings so that

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1 when we have a discussion specifically about what's happening  
2 in our neighborhood, our neighborhood residents can address  
3 those concerns?

4 MR. COOK: Absolutely.

5 MR. LITSKY: Thank you.

6 MR. COOK: But I don't believe they are mutually  
7 exclusive.

8 CHAIRMAN HOOD: All right, well, thank you all  
9 very much, we appreciate your testimony.

10 MR. COOK: Thank you.

11 CHAIRMAN HOOD: Was -- let me ask this, because  
12 I forgot to do this, Ms. Hanousek, maybe you did when I was  
13 out of the room, was everybody sworn in? I know that's kind  
14 of late now, isn't it? Real late. Was that what you were  
15 going to see me about?

16 MS. HANOUSEK: Well, that's why I came early.

17 CHAIRMAN HOOD: Right, and I forgot, I forgot, I'm  
18 sorry. Well, it's almost 9:30, so I forgot.

19 Was everybody sworn in? Was that -- so everybody  
20 was sworn in? Everybody's here took the oath? Who  
21 testified?

22 MS. HANOUSEK: Excuse me, did you get sworn in or  
23 did you two come in after?

24 Okay, would you -- do you mind doing the oath?

25 CHAIRMAN HOOD: And do it in the past tense.

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1 MS. HANOUSEK: Doing the oath?

2 CHAIRMAN HOOD: Yes, do it in the past tense, Ms.  
3 Hanousek, since he already testified.

4 MS. HANOUSEK: Yes. Do you -- yes please.

5 Do you swear --

6 CHAIRMAN HOOD: That you told --

7 MS. HANOUSEK: Do you swear or affirm that the  
8 testimony that you just gave in tonight's hearing was the  
9 truth, the whole truth and nothing but the truth?

10 WITNESS: Yes.

11 MS. HANOUSEK: Thank you.

12 CHAIRMAN HOOD: Thank you, and I apologize, Ms.  
13 Hanousek.

14 Mr. Avitabile, do you want to come up? Do we have  
15 any rebuttal and closing? Well, let me ask you, how long is  
16 your rebuttal?

17 MR. AVITABILE: It's not going to be very long,  
18 but if we can have a couple minutes to caucus, we can be  
19 organized about it and get us all out of there.

20 CHAIRMAN HOOD: Okay, let's take, what do you  
21 need, five minutes?

22 MR. AVITABILE: Five minutes is fine.

23 CHAIRMAN HOOD: Let's take five minutes.

24 MR. AVITABILE: Thank you.

25 (Whereupon, the above-entitled matter went off the

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1 record at 9:27 p.m. and resumed at 9:40 p.m.)

2 CHAIRMAN HOOD: We ready?

3 MR. AVITABILE: Yes, we are, thank you.

4 CHAIRMAN HOOD: How much time do you think we  
5 need?

6 MR. AVITABILE: Let's say 10 minutes, but we're  
7 going to clip, it's about 10 issues, each a minute, we'll  
8 click through them as quickly as we can.

9 CHAIRMAN HOOD: Okay, and the ANC said they may  
10 have some cross.

11 MR. AVITABILE: I would be surprised if they  
12 don't.

13 CHAIRMAN HOOD: Go right ahead.

14 MR. AVITABILE: Great, okay.

15 So, the first issue, some of the comments in the  
16 Waterfront Tower is supportive with some concerns letter.

17 Mr. Torti, if you could briefly address the  
18 comment about the scale and the design of the facade, just  
19 for the record?

20 MR. TORTI: Well, we factually disagree, and what  
21 we did do is look very, very hard at the apartment buildings  
22 in the southwest that's where that screen idea came from and  
23 bringing that back to life in the new generation.

24 But, in terms of the size of the building, there  
25 are several buildings -- our building is about 300 feet long,

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1 our facade is about 300 feet long and the Elliot is 300 long  
2 but there are other buildings that are over 500, almost 600  
3 feet long.

4           The Twin Park Plaza, the Potomac Place Tower and  
5 Capitol Park Plaza all are 500 to almost 600 feet long in the  
6 scale of their facades and quite repetitive in their  
7 presentation.

8           So, the idea of the detail in our building coming  
9 from the twists in the geometries and in the patterning of  
10 the balconies as screen elements was our reason for doing  
11 what we did.

12           MR. AVITABILE: Great, thank you.

13           And, Mr. Vergason, if you could similarly address  
14 the comment about the private drive being all concrete I  
15 think as we heard?

16           MR. VERGASON: Well, first let me say, I do love  
17 plants, that's why I do what I do, so I'm sympathetic to the  
18 comment.

19           We made a decision here to maximize the usable  
20 space, particularly the usable space that activated the  
21 neighborhood as well as accommodating the transportation  
22 issues of dropoff and pickup.

23           And we did that rightly or wrongly, in part,  
24 because we felt the setting in context to this, and this goes  
25 back to my first comment about the richness of this network

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1 of open spaces and greenery allowed us to do that.

2           Beyond that, I would say that there is some  
3 greenery that doesn't -- it is modest but I might point it  
4 out anyway that it didn't become an important part or very  
5 clear in the presentation, but we do have a green edge along  
6 that eastern edge in hedge form that doesn't show up in all  
7 the renderings.

8           And we will explore the addition of pots and  
9 seasonal planting associated at a minimum with the definition  
10 of the outdoor seating on the western side.

11           So, we will look for other opportunities but we  
12 made the decisions that I think are appropriate to this  
13 particular site.

14           Last, I might say, of course, that it is not  
15 concrete, it is a good quality unit paver and a permeable  
16 one.

17           MR. AVITABILE: Thank you.

18           All right, Mr. Torti, this is actually a surprise  
19 question, but I just thought of it and I'd like to ask it.

20           In your expert opinion, do you think that the  
21 project provides adequate light and air to its residents as  
22 well as to the surrounding buildings?

23           It is -- is it designed to allow for adequate  
24 light and air and given this urban setting?

25           MR. TORTI: Yes, very much so.

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1 MR. AVITABILE: Thank you.

2 Okay, Mr. Van Pelt, we also heard a question  
3 about, you know, making sure that there's a drop off for the  
4 residents for the building. Could you briefly address that?

5 MR. VAN PELT: Yes, I mean, we certainly can talk  
6 to DDOT about creating entrances zone for the residential  
7 lobby. We know how precious street parking is so that would  
8 mean losing likely a couple parking spaces for that.

9 But DDOT would be the ultimate decider. I think  
10 we do have the resources of a private drive so one of the  
11 things that we can do is look at maybe a little better  
12 connection to the private drive so that that would be maybe  
13 little better alternative.

14 There is a connection there now that would allow  
15 you to be -- a resident to be dropped off on the -- or picked  
16 up on the private drive and you can get to the residential  
17 lobby from the private drive.

18 But maybe one of the things we can look at is  
19 maybe making that a little bit less circular to that  
20 connection.

21 MR. AVITABILE: Great, thank you.

22 And, this is just to clarify regarding the Apple  
23 Tree and the aftercare, the extended day component of that.

24 Did your traffic study evaluate -- what hours did  
25 you look at the Apple Tree use going until?

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1 MR. VAN PELT: So, our transportation study looks  
2 at the morning commuter peak period and the evening commuter  
3 peak period of the network, if you will.

4 We -- for the evening, we very much looked at a  
5 contribution from the educational to pre-k use on this site  
6 generating traffic in the evening peak period.

7 That's pretty typical of a pre-k or a daycare and  
8 we did -- when we came up with our trip generation  
9 assumptions, we were informed, we actually, we understood it  
10 was Apple Tree. We actually looked at their existing  
11 location and that helped reaffirm our assumptions and our  
12 study.

13 But our study did include analysis for the pre-k  
14 and the evening peak period.

15 MR. AVITABILE: Thank you.

16 And, I'm going to riff a little bit here, so if  
17 Mr. Roberts and Mr. Van Pelt can bear with me?

18 David, did you ask Apple Tree about how many  
19 people participate in the aftercare program? Could you speak  
20 to that briefly?

21 MR. ROBERTS: Yes, they confirmed that there are  
22 40 students in the current class that are in their aftercare  
23 program.

24 MR. AVITABILE: Right, so that's 40 out of a 110?

25 MR. ROBERTS: That's for the -- yes, they have

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1 about 99 students there.

2 MR. AVITABILE: Okay. And, if, you know, Dan,  
3 looking at that ratio, assuming that the building goes to 132  
4 students and you've got the same proportion of aftercare, do  
5 you think the private drive can adequate accommodate the  
6 dropoff and pickup for that amount along with other uses that  
7 might be happening in the evening?

8 MR. VAN PELT: Yes, it can. I mean, we did --  
9 when we looked at Apple Tree about half of the students at  
10 the existing location leave during the afternoon dismissal.

11 And then the other half of the students, it's kind  
12 of over the course of the rest of the day, if you will. It's  
13 when does mom or dad get done with their day of work and come  
14 and pick up their student.

15 So, as we thought about the -- how that was going  
16 to work, how that demand would come, the pickup is actually  
17 one of the things that has a little bit more intensity in  
18 need just because drop off is more of you can -- the school  
19 can work to drop the -- you can drop the child off to the  
20 care of one of the staff members and go on your way.

21 But in the evening, pickup's a little bit more of  
22 a time -- it takes a little more time to do that. But that  
23 was certainly something that we took into account. We have  
24 the private drive and we have a management plan that says if  
25 that private drive is starting to get overwhelmed, it's going

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1 to be managed both by school staff and property management.

2           Then we have spaces that are allocated in the  
3 garage and actually stipulates if you're -- if you need to  
4 walk your child in or pick your child up and actually get out  
5 of your vehicle that you're supposed to use the garage and  
6 park and not use the private drive.

7           MR. AVITABILE: All right, thank you.

8           And I do want to clarify in asking these  
9 questions, we're still going to continue to work with the ANC  
10 and others in addressing these impacts. But I just wanted  
11 to make sure for the record, I want it understood, we did  
12 actually look at this and we'll continue to work on  
13 communicating all of this stuff as clearly as we can.

14           To that end, Dave, if you could briefly talk to  
15 kind of the timing of the outreach of Apple Tree and  
16 everything else?

17           MR. ROBERTS: Yes, I think one of the big pieces  
18 that we heard tonight outside of the merits of, you know,  
19 public charter school and DCPS schools was just communication  
20 and why didn't that happen sooner?

21           You know, the ANC I think in their report had said  
22 that they had encouraged us in May and I'm not disagreeing  
23 with that. If they have, I think that was just a miss.

24           I think the overall reason why we weren't more  
25 proactive about reaching out to them was we weren't at all

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1 aware that there was this dynamic in play. I didn't, you  
2 know, understand the, you know, the competition that was in  
3 play there.

4 And so, we were a little bit taken aback before  
5 our January meeting to learn about just how big the concern  
6 was.

7 But, overall, I think it was a bit of a miss on  
8 our part not to have gotten out in front of that sooner and  
9 included them.

10 In hindsight, knowing what we know now, and we're  
11 very, you know, we very much want to engage with them and  
12 continue that dialogue.

13 MR. AVITABILE: All right. And did you invite  
14 Apple Tree to come to the ANC meeting last week?

15 MR. ROBERTS: Yes.

16 MR. AVITABILE: And did they come?

17 MR. ROBERTS: Not that I'm aware of.

18 MR. AVITABILE: Are we going to try to reach out  
19 to them and get them to be a part of this going forward?

20 MR. ROBERTS: Yes, and I've spoken with them this  
21 week, they had actually volunteered. They said that they  
22 have reached out to the ANC. I had asked them to confirm  
23 when and who specifically they've reached out to and I'm  
24 waiting to hear back from them.

25 MR. AVITABILE: One other question we, didn't talk

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1 about this outside, but the meeting that Commissioner Litsky  
2 referenced where we had John Asadoorian come and speak and  
3 talk about Apple Tree, do you remember what John said about  
4 Apple Tree?

5 MR. ROBERTS: Yes, he said a number of things, I  
6 think the most notable thing that I remember was that he felt  
7 as though Apple Tree was good for retail generally because  
8 it activated that block. And so, activity is one of the  
9 things that you want when you are trying to build an active  
10 retail area.

11 MR. AVITABILE: Great, thank you.

12 And, that I think there are just a couple other  
13 things I wanted to briefly address in terms of language and  
14 conditions and commitments.

15 First, the first stage PUD has a commitment that  
16 across the entire PUD efforts being made to lease some of the  
17 retail space to small and local businesses.

18 Our share of that is 2,500 square feet and so  
19 we're obligated to and committed to doing our best efforts  
20 to achieve that consistent with the first stage PUD.

21 I wanted to mention that on the record just  
22 because that's one of the things that was alleged is not part  
23 of the project and that actually is.

24 With respect to the commitments to the diner and  
25 the theater use that arose from the CBCC, it's important to

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1 remember, and a little bit of confusion here, but the first  
2 stage PUD had no commitment at all other than there are to  
3 be, you know, ground floor neighborhood supporting uses in  
4 this building.

5           There was nothing in the first stage PUD about a  
6 diner or a theater.

7           That came up during the RFP process. What -- we  
8 had extensive discussions about this with the ANC and about  
9 how we're committed to this but at the same time, these are  
10 difficult uses and require finding someone that matches right  
11 with the space, with the location and everything else.

12           And at some point, you don't want the space to be  
13 just vacant in perpetuity. And so, the agreement we came to  
14 with the ANC was with the diner, we keep trying up until two  
15 years after the building is occupied and then at That point,  
16 the space could be used for any other restaurant use.

17           And, in the case of the theater, if we couldn't  
18 find a theater within five years after the C of O, we'd look  
19 for another arts related use and there's a specific and  
20 limited risk of what we can look at there.

21           So, I just wanted to make sure the Commission  
22 understood, it wasn't that we were ignoring a commitment we  
23 made in the first stage PUD, this is a very carefully  
24 calibrated approach to make sure that we could, on the one  
25 hand, do our best to deliver the promises on the promises we

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1 made so that we weren't -- people weren't living on promised  
2 land.

3           But, on the other hand, to make sure that, if we  
4 couldn't do that, that we could then bring in another use  
5 that would still be acceptable to the community.

6           And in part, the way we were going to ensure and  
7 give people confidence that we did try our best is to open  
8 the tent, as Don Edwards always says, and bring them in and  
9 bring them along so that they could see our efforts. And so  
10 that's, you know, why we have that commitment to the RFP for  
11 the theater, that's why we have the commitment to meet with  
12 the ANC on the retail lease.

13           And, so then, I think the last two things I wanted  
14 to talk about, one was, with respect to the number of  
15 students, I do think that our previous things out in the  
16 record created some confusion.

17           One of the things we're going to talk to Apple  
18 Tree about is whether or not we can make a commitment to  
19 limit the number of students in the facility to the 132 that  
20 we proffered to I think to provide some sort of assurance.

21           I expect that will be one of the things that we  
22 talk about with the neighborhood in terms of the conditions.  
23 This might be one of the first times that I've proffered an  
24 enrollment cap on a charter or a public school as opposed to  
25 a private school where I'm usually doing that.

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1           But, I think it might be appropriate in this  
2 circumstance.

3           And then, the last thing, I did -- we did submit  
4 for the record, just because it came across our desk at 6:00,  
5 and it struck us as unfortunate and I wanted to make sure not  
6 so much just you all saw it but the people that then review  
7 this see this as well.

8           You know, we had a number of supporters in the  
9 record including a couple of the churches in the neighborhood  
10 who commented favorably on a lot of aspects of the project.

11           And, the Rector of one of the churches received  
12 an email from Mr. Otten saying that they should be ashamed  
13 about supporting a project and asking what Jesus would say  
14 about these facts.

15           And putting aside the policy debates that we have  
16 and the larger policy debate that clearly has come to  
17 dominate land use and zoning discussions in the District of  
18 Columbia over the last couple of years, I just thought that  
19 this was inappropriate but I wanted to make sure that we all  
20 understood what was going on and I just -- it just got to me.

21           So anyway, I don't want to end on a sour note, so  
22 I'm going to come back to, again, reiterating, I do think  
23 that, on the whole, this really is a pretty fantastic project  
24 delivering on the promises that have been made.

25           We're going to continue to work on delivering on

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1 those promises. We're certainly going to continue to work  
2 with Apple Tree and with Amidon-Bowen PTA and the ANC to see  
3 what we can do to address the concerns that have risen.

4           You heard, as Dave had said, if we had a way back  
5 machine, we would have reached out to them sooner, but we are  
6 where we are now, we'll certainly work on it going forward.

7           And Thank you for your time and we're happy to  
8 answer any further questions.

9           CHAIRMAN HOOD: Okay, I want to thank you all for  
10 your rebuttal.

11           I will just say this, one thing about this unique  
12 about the District that we let everybody weigh in.

13           I remember going to another city and I mentioned  
14 and I said, well, do y'all? They said, no. When you see,  
15 it's up and done. So that's one thing that's unique.

16           So, in response to this, people have a right, so  
17 you know, they do what they do. They give it to us and we  
18 deal with it accordingly. So, we take all the input but we  
19 weigh it and we -- I think this Commission does a great job  
20 in evaluating what we can do.

21           Somebody else used my word and I think I heard  
22 them say, it wasn't in our purview, I don't think I used that  
23 because I get accused. So I haven't been using that lately.

24           But certainly we know what's in our purview and  
25 what's not.

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1 I will say that I heard, and I can't remember if  
2 you said this in your rebuttal, we talked about three  
3 bedrooms, what was your discussion on that? I can't  
4 remember. Somebody said something about three bedrooms.

5 MR. AVITABILE: We certainly heard a lot of  
6 feedback about that tonight. I think we talked about it  
7 early on.

8 David, if you want to just go back and restate it?

9 MR. VAN PELT: Yes, I talked about sort of, you  
10 know, the evolution of the unit mix and how, you know, what  
11 was driving, why we have the unit mix that we have.

12 And that was informed by the early conversations  
13 that we had with the District. The District's goal for  
14 affordable housing, getting a unit mix that would allow us  
15 to maximize the total number of units, it was also informed  
16 by the conversations we had with the community and the ANC  
17 about making sure that we did have a number of units that  
18 were available for small families.

19 And so that's how we got to the point where a  
20 third, roughly a third of the units are, you know, could be  
21 for families of a size of three or four and that's roughly  
22 about half of the residential square footage.

23 And then, once we got to that point, I think it  
24 got backed into the underwriting and the contract for sale  
25 that we had with the District.

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1 CHAIRMAN HOOD: Okay. Any other questions?  
2 Follow up questions up here? Anybody?

3 (No response.)

4 CHAIRMAN HOOD: Not seeing any.

5 Mr. Litsky, do you have any cross on rebuttal?

6 Okay, do you have any closing?

7 MR. AVITABILE: Thank you.

8 CHAIRMAN HOOD: That was a good closing, make sure  
9 we record that.

10 Okay, all right, let me -- I have a statement to  
11 read because there are some -- we still have some unfinished  
12 business and I'm going to go by the script because I may get  
13 it wrong and I want to thank Ms. Hanousek for helping me with  
14 the script because I probably wouldn't have remembered it.

15 Since tonight's second stage PUD is a one vote  
16 case, and we are advised by the Office of Attorney General  
17 that the Applicant still needs to work through the proffers  
18 and conditions process to finalize the conditions, we are  
19 tentatively scheduling final action for March 25th.

20 Now, I'm hoping it's 2019, but if we don't get  
21 what we want, it'll be 2020 and I'll still be here.

22 MR. AVITABILE: We understand.

23 CHAIRMAN HOOD: Okay, all right. You're good at  
24 catching it.

25 Ms. Hanousek, do we have any dates?

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1 MS. HANOUSEK: Yes, okay so to make the March 25th  
2 meeting, we would need the Applicant submission on March 11th  
3 and then the ANC would have until March 18th to respond.

4 And then we would also need the Applicant's draft  
5 order by March 11th.

6 Does that work?

7 MR. AVITABILE: Yes, it does. And I think that  
8 also gives us enough time to complete the discussions with  
9 Amidon-Bowen PTA.

10 CHAIRMAN HOOD: Okay. And, everybody else, I do  
11 want to say this, everybody else who had concerns, I would  
12 encourage you, not putting any more work on the ANC, we have  
13 a brand new Commissioner, I would encourage you to work  
14 through your ANC, that's why they're elected, that's why they  
15 want to do the job. So, I would encourage you to kind of  
16 work with your ANC with those issues and let them be the  
17 spokesperson for you in working along with you.

18 I think that's a more coordinated group. That's  
19 just my suggestion, you can do it however you want.

20 Okay, anything else?

21 MS. HANOUSEK: I'd just like to say that the  
22 record in this case is now closed except for the Applicant's  
23 submission and the ANC's response thereto. And the  
24 Applicant's draft order.

25 CHAIRMAN HOOD: All right, do we have anything

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1 else, Ms. Hanousek?

2 MS. HANOUSEK: No, sir.

3 CHAIRMAN HOOD: Okay, so with that, I want to  
4 thank everyone for their participation tonight and this  
5 hearing is adjourned.

6 (Whereupon, the above-entitled matter went off the  
7 record at 10:00 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Waterfront Station Stage 2

Before: DCZC

Date: 01-31-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
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