

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
  
:
  
AS YOU LIKE IT, LLC - : Case No.
  
Consolidated Review and : 17-21
  
Approval of a Planned Unit :
  
Development @ Square 498, Lot:
  
52 [501 I Street, S.W.] :
  
:
  
-----:

Thursday,
  
March 28, 2019

Hearing Room 220 South
  
441 4<sup>th</sup> Street, N.W.
  
Washington, D.C.

The Public Hearing of Case No. 17-21 by the
  
District of Columbia Zoning Commission convened at 6:30 p.m.
  
in the Jerrily R. Kress Memorial Hearing Room at 441 4<sup>th</sup>
  
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)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic Preservation  
STEPHEN COCHRAN  
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the  
Public Hearing held on March 28, 2019.

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

2 6:35 p.m.

3 CHAIRMAN HOOD: Good evening, ladies and  
4 gentlemen. This is a public hearing of the Zoning Commission  
5 for the District of Columbia.

6 Today's date is March 28, 2019. My name is  
7 Anthony Hood. We're located in the Jerrily R. Kress Memorial  
8 Hearing Room.

9 Joining me this evening are Vice Chair Miller,  
10 Commissioner May and Commissioner Turnbull. We're also  
11 joined by the Office of Zoning Staff, Ms. Sharon Schellin,  
12 as well as the Office of Attorney General, Mr. Tondro, as  
13 well as the Office of Planning, Ms. Steingasser, Mr. Lawson  
14 and Mr. Cochran. And also, the District Department of  
15 Transportation, Mr. Zimmerman.

16 This proceeding is being recorded by a court  
17 reporter. It's also webcast live. Accordingly, I must ask  
18 you to refrain from any disruptive noise or actions in the  
19 hearing room, including the display of any signs or objects.

20 Notice of the hearing was published in the DC  
21 Register, and copies of that announcement are available to  
22 my left on the wall near the door.

23 The hearing will be conducted in accordance with  
24 the provisions of 11Z-DCMR, Chapter 4, as follows:

25 Preliminary matters, applicant's case, Report of

1 the Office of Planning, Report of other government agencies.  
2 Report of ANC, organizations and persons in support,  
3 organizations and persons in opposition, and also  
4 organizations and persons who are undeclared. And then we  
5 will have rebuttal and closing by the applicant.

6 The following time constraints will be maintained  
7 in this meeting. The applicant actually has up to 60  
8 minutes, but I see we have 45 minutes on the clock.  
9 Organizations, five minutes, individuals, three minutes.

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

14 These cards are located to my left on the table  
15 near the door.

16 Upon coming forward to speak to the Commission,  
17 please give both cards to the reporter sitting to my right  
18 before taking a seat at the table.

19 When presenting the information to the Commission,  
20 please turn on the speaker to the microphone, first stating  
21 your name and home address.

22 When you are finished speaking, please turn your  
23 microphone off so that your microphone is no longer picking  
24 up sound or background noise. The staff will be available  
25 throughout the hearing to discuss procedural questions.

1 At this time, please turn off all electronic  
2 devices at this time, so as not to disrupt these proceedings.

3 Would all the individuals wishing to testify  
4 please rise and take the oath. Ms. Schellin, would you  
5 please administer the oath.

6 MS. SCHELLIN: Yes. Please raise your right hand.  
7 Do you solemnly swear or affirm the testimony you'll give  
8 this evening will be the truth, the whole truth, and nothing  
9 but the truth?

10 (Witnesses sworn.)

11 MS. SCHELLIN: Thank you.

12 CHAIRMAN HOOD: Okay, at this time the Commission  
13 will consider any preliminary matters. Ms. Schellin, do we  
14 have any preliminary matters?

15 MS. SCHELLIN: Yes, we do. If the Commission will  
16 recall, United Neighbors of Southwest was given advance party  
17 status, but I was approached by their representative this  
18 evening and advised that they are withdrawing their party  
19 status request, that they have reached an agreement with the  
20 applicant. So, they are withdrawing their party status  
21 request.

22 CHAIRMAN HOOD: Okay.

23 MS. SCHELLIN: So, that's the first --

24 CHAIRMAN HOOD: We don't need to do any action on  
25 that. So, that clarifies the six or seven names I saw. The

1 whole request is being withdrawn, as I understand.

2 MS. SCHELLIN: The whole request is being  
3 withdrawn. Yes.

4 CHAIRMAN HOOD: All right.

5 MS. SCHELLIN: And their representative is here  
6 and I think he'll be testifying later on this evening.

7 And so, next we have a party status request from  
8 Martin Welles at Exhibit 40 through 42A-2. He has requested  
9 party status-in-opposition. His request was filed on time.

10 He did serve the parties late, seven days late,  
11 and he has asked for a waiver for that late service.

12 The applicant has filed opposition to the request  
13 for party status. That's at Exhibit 43.

14 So, the first thing would be to have the  
15 Commission to weigh in and decide party status to Mr. Welles,  
16 if I'm pronouncing that correct.

17 MR. WELLES: That's correct.

18 CHAIRMAN HOOD: Okay. Commissioners, I looked at  
19 Mr. Welles' application and I understand all of the great  
20 work that he's doing with the young folks.

21 But when I looked at his -- and I looked at the  
22 letter of the law in which we're bound to look at when we  
23 grant party status. Typically, it's how you're uniquely  
24 affected.

25 I tried to -- I grappled with the young folks

1 being right next to the area which is in question. I did not  
2 see where they were uniquely affected, but they may be  
3 affected when they're playing.

4 So, it's not any different than the general public  
5 for me. I couldn't get past that and I went back and forth,  
6 back and forth, back and forth.

7 But also know, as we've done in the past and as  
8 I've always stated, there's always opportunities to be able  
9 to get his point across through testimony. And I think it  
10 rises to that level, which I think, you know, is just normal.

11 But I don't see where it rises to the level of  
12 party status. But let me open it up for others. Any  
13 comments, questions or additions, or disagreements?

14 COMMISSIONER MAY: Mr. Chairman, I agree with your  
15 analysis. I mean, it's not always clear to folks when we  
16 undergo a proceeding like this what qualifies a person for  
17 party status, but it does have to do with being uniquely  
18 affected.

19 And there's no indication that in fact Mr. Welles  
20 is uniquely affected, and therefore, warrants being awarded  
21 party status in this case. But we're certainly happy to hear  
22 his testimony.

23 CHAIRMAN HOOD: Okay. Any other comments or  
24 questions? Okay. I would move that we deny party status to  
25 Mr. Welles, and that we would also allow -- well, naturally,

1 allow him opportunity to testify. And I will be very  
2 convenient in that situation.

3 And I will be frankly honest. I didn't even get  
4 to the submission from the applicant. So, thank you all for  
5 submitting it. I'm not even sure what you said, because I  
6 just looked at the merits of Mr. Welles' application. So,  
7 that's my motion. Can I get a second?

8 COMMISSIONER MAY: Second.

9 CHAIRMAN HOOD: It's been moved and properly  
10 seconded. Any further discussion?

11 COMMISSIONER MAY: I just have a question.

12 CHAIRMAN HOOD: Yes.

13 COMMISSIONER MAY: Since this was submitted late,  
14 do we actually have to accept it? You know, waive the  
15 request to be able to rule on it?

16 MS. SCHELLIN: That was just the certificate of  
17 service.

18 COMMISSIONER MAY: Oh, just the certificate of  
19 service.

20 MS. SCHELLIN: Serving the parties.

21 COMMISSIONER MAY: All right, so it would be  
22 rendered moot by denying the party status. Okay.

23 CHAIRMAN HOOD: All right, any other questions?  
24 It's been seconded, right? Did somebody second it?

25 PARTICIPANT: Yeah.



1 CHAIRMAN HOOD: Okay, it's been moved and properly  
2 seconded. Any further discussion? All in favor? Aye.

3 (Chorus of aye.)

4 CHAIRMAN HOOD: Any opposition? Not hearing any.  
5 Again, Mr. Welles, you will be able to testify and give us  
6 your points at that time. All right, Ms. Schellin, do we  
7 have anything else?

8 MS. SCHELLIN: I'm going to record the vote.

9 CHAIRMAN HOOD: Oh.

10 MS. SCHELLIN: Staff records the vote 4-0-1 to  
11 deny party status to Mr. Welles, Commissioner Hood moving,  
12 Commissioner May seconding, Commissioners Miller and Turnbull  
13 in support of denial, Commissioner Shapiro not present, not  
14 voting.

15 The next preliminary matter is the proffered  
16 expert witnesses. Shalom Baranes has previously been  
17 accepted. Craig McClure has previously been accepted as an  
18 expert in landscape architecture. Of course, Mr. Baranes in  
19 architecture.

20 And then, Daniel VanPelt has previously been  
21 accepted. And so, we'd ask that the Commission would accept  
22 those three as expert witnesses in this case.

23 CHAIRMAN HOOD: Mr. Avitabile, you have a change?

24 MR. AVITABILE: Yes. I wanted to see if we could  
25 bring in Ms. Fry from Gorove/Slade Associates as an expert

1 witness tonight. We submitted her résumé today --

2 MS. SCHELLIN: Okay.

3 MR. AVITABILE: -- as part of the preliminary  
4 submissions. It was Tab B. Ms. Fry's been a traffic  
5 engineer now for going on seven years and she's been the  
6 primary person taking the lead on this case, doing the  
7 analysis, interfacing with DDOT, interfacing with the  
8 stakeholders, and we thought it was time to bring her up to  
9 the table and let her help present.

10 If now is not the appropriate time, of course we  
11 can certainly do this another time. But we thought it was  
12 definitely appropriate.

13 COMMISSIONER MAY: So, she's the one who'll be  
14 testifying in this --

15 MR. AVITABILE: Yes.

16 COMMISSIONER MAY: Okay. So, what's -- Ms. Fry  
17 obviously worked on many, many cases that have come before  
18 the Commission before. But we've not had her presented as  
19 an expert in those cases. And seven years is substantial,  
20 but it's, you know, it's maybe a little bit on the low side  
21 when it comes to having expert status.

22 So, I guess my question would be, of the many,  
23 many cases that were listed, projects that were listed, do  
24 we have a sense of how many of those Ms. Fry had actually  
25 been the project manager for?

1 MS. FRY: Hello. Maris Fry. The projects listed,  
2 probably two dozen of them have been -- I've been the primary  
3 project manager.

4 COMMISSIONER MAY: Thanks. That's the information  
5 I was looking for. So, Mr. Turnbull.

6 COMMISSIONER TURNBULL: I would just like  
7 Mr. VanPelt to nod his head and say that she's damn good.  
8 Okay.

9 COMMISSIONER MAY: Better than you? You want to  
10 come up to the microphone and say that? Because I think  
11 Ms. Fry might have family members that want to -- all right,  
12 thank you.

13 CHAIRMAN HOOD: Okay, so any objections? So,  
14 today we will add Ms. Fry to our list. I will think of  
15 Ms. Fry also, as I do of other traffic consultants, when I'm  
16 in traffic. Okay?

17 All right, so do we have anything else,  
18 Ms. Schellin.

19 MS. SCHELLIN: I think that's it. Yeah.

20 CHAIRMAN HOOD: That's it? Okay. Mr. Avitabile,  
21 you may begin.

22 MR. AVITABILE: All right, thank you very much.  
23 We're here this evening for a case that has been years in the  
24 making, like any good Shakespeare play.

25 And I think we have worked long and hard, and now

1 in the Fifth Act, we're here for the conclusion.

2           This project really -- you can go to the next  
3 slide, please. This project was born out of a desire by the  
4 Shakespeare Theatre Company to take its office, its rehearsal  
5 space, its actor housing, its costume shop, which are  
6 currently located across a number of different properties  
7 over on 8th Street, SE, and consolidate them into a location,  
8 through that co-location, and having a new location, they  
9 would have updated facilities and be able to continue their  
10 operations.

11           In doing so, they partnered with the Erkiletian  
12 Development Company, found this site, and have for many years  
13 pursued an opportunity to redevelop the property.

14           CHAIRMAN HOOD:     Mr. Avitabile, I hate to  
15 interrupt.

16           MR. AVITABILE:    That's fine.

17           CHAIRMAN HOOD:    The issue about the sidewalk --  
18 the flip, the whole issue.

19           MR. AVITABILE:    Yes.

20           CHAIRMAN HOOD:    Can you confirm that that has been  
21 resolved?     Because that actually would have been a  
22 showstopper. So, if you could just put that on the record.

23           MR. AVITABILE:    Sure. Sure, I'm sorry, but yes,  
24 we were at the Public Space Committee this morning. And  
25 after a spirited discussion, the committee voted 4-1 to

1 approve our -- give us concept approval for the sidewalk  
2 flip, and that's why we're here tonight.

3 Had we not gotten that, we would have been  
4 spending more time working with all of the stakeholders and  
5 not proceeding. But they did approve it. So, therefore,  
6 we're here tonight going forward.

7 CHAIRMAN HOOD: Thank you for putting it on the  
8 record this evening. I wanted to get that out there first.  
9 Thank you.

10 MR. AVITABILE: Thank you. So, Shakespeare  
11 Theatre Company and Erkiletian identified this site as a  
12 potential opportunity to take a site that is currently  
13 located in the R-3 zone, and through the PUD process seek a  
14 conditional rezoning and PUD to develop it to suit their  
15 combined needs.

16 The proposed height/density mix of use require the  
17 rezoning, given the current zoning. Go to the next slide,  
18 please.

19 The site is located, and you can see it here, it's  
20 in the institutional land use category on the future land use  
21 map. The comprehensive plan does allow for the rezoning of  
22 properties in the institutional land use category.

23 The Commission has done this numerous times. I've  
24 been a part of a number of those cases over the last decade.  
25 And when you do that, as you all know, we look to the

1 surrounding context to figure out what's the appropriate  
2 zoning use height/density for that site.

3           Here, the surrounding context to the north and the  
4 west, in particular, is moderate density residential. And  
5 so, what we have done here is develop a project over time  
6 through a lot of push and pull, that fits within that  
7 surrounding context.

8           It's a four-story building with a four-and-a-half  
9 story annex, step-downs in height and other features that  
10 integrated into this moderate density transitional context.

11           And we have done so going through the  
12 comprehensive plan in exhaustive detail, and we are confident  
13 the project is not inconsistent with the comprehensive plan.  
14 Next page.

15           You may ask how we're confident that we did that  
16 work, and it's because we've done our homework. And I think  
17 the evidence is in the record this evening, where we are here  
18 with support and our lack of opposition from many of the  
19 stakeholders. And we have been and continue to work with  
20 them.

21           I think the story starts with the Commission. I  
22 had sat down, and if you remember, it took us a couple of  
23 tries, you made it very clear that you wanted to see us try  
24 very hard to work with the ANC and other stakeholders, and  
25 we did that.

1           This was also the same direction we got from the  
2 Office of Planning and Department of Transportation, who  
3 provided guidance on height, mass design, the appropriate  
4 zone for the site, affordable housing, public benefits.

5           I think certainly the ANC has played a critical  
6 role in this site. From the beginning, they have served as  
7 really a broker, understanding that this was an important  
8 project and we could play a valuable role in the  
9 neighborhood.

10           But to get there, we needed to work very hard to  
11 address their concerns, as well as the concerns of  
12 surrounding stakeholders. And I think you can see on this  
13 map the two groups that we work particularly closely with.

14           The United Neighbors of Southwest, the group that  
15 just withdrew its party status, is comprised of many of the  
16 people who reside within the townhouses that you see along  
17 6th Street and the surrounding streets in this image.

18           We spent many, many days and nights working with  
19 them, addressing their concerns, making significant design  
20 changes to the project, and they also came to, you know,  
21 acknowledge that the project could fit within this context  
22 and they could not oppose it.

23           And really, the outcome of all of that work is a  
24 carefully crafted, detailed agreement that we submitted into  
25 the record today that covers the uses within the project, the

1 design of the project, the public benefits of the project,  
2 the mitigation measures that we're adopting within the  
3 project.

4           And we're going to integrate all of those terms  
5 as proposed conditions of the PUD to ensure that they're  
6 enforceable through the zoning order, of course at your  
7 discretion.

8           The other group that we've been working with more  
9 recently is the Amidon-Bowen Parent/Teacher Association.  
10 They're right next door. The school, and particularly, their  
11 playing fields, are right next door to our site.

12           We've been working carefully over the last couple  
13 of weeks. I think, personally, it became very important to  
14 me through the last project that we were here before you on,  
15 that they had very important concerns, and we've been working  
16 to address them.

17           They, in particular, emphasized the importance of  
18 providing affordable housing for families. It's one of the  
19 changes that we've made over the last two weeks, or three  
20 weeks, and we continue to work with them.

21           We are not there yet, mainly because we started  
22 the conversation late, and that's as much on us as anyone  
23 else. But I feel confident that we can get there as we  
24 continue to talk over the next few weeks.

25           We've also met with and worked with other



1 stakeholders. Mr. Welles has been present at some of those  
2 discussions. He has certain concerns, among them a light  
3 pole for the soccer field that is on our property that he  
4 wants to make sure we will move.

5 I will say it here on the record and we said it  
6 before, we will move that light pole, and we will continue  
7 to work with his other concerns, as well.

8 But the results of all of this effort with these  
9 various stakeholders is a project that fits carefully into  
10 its context. So, with that, I'll turn it over to Mr. Baranes  
11 to give you an overview of the architecture of the project.

12 MR. BARANES: Good evening. Shalom Baranes here.  
13 I'd like to start by just giving you an overall feel for the  
14 immediate neighborhood that our project is in.

15 And here, you can see, of course, we're at the  
16 corner of 6th and I, and we have basically a rectangular site  
17 with a tail at the north end that extends out to the east,  
18 which we've fully utilized, you'll see.

19 And I'll take you through here just a few views  
20 of the site as it exists today. It's vacant. Here, we are  
21 looking north along 6th Street. You can see the site is  
22 marked there. We're across the street from a park that has  
23 a very nice pond in it. And we're also, as you can see,  
24 right across the street from that 100-foot building that you  
25 see on the left-hand side of the slide.

1           Moving closer, here's the intersection of 6th and  
2 I. And, you know, generally to the north we have fairly low  
3 buildings, three-, four-story-type townhouses. And then,  
4 generally, to the south, besides having this large park, you  
5 know, we have much taller buildings that go up to 100 feet.

6           So, again, here we are on 6th Street looking  
7 south. You can see the low buildings in the foreground, the  
8 tall buildings further back, and here we are looking westward  
9 on I Street.

10           The school on the right there is in the  
11 foreground. And then, moving closer, there's the playground  
12 adjacent to the school, and beyond that is our site.

13           And then, this is the last image, I think.  
14 Looking directly from the north towards our site, you can see  
15 some of the three- and four-story townhouses I mentioned.

16           So, you know, I think you know from all the  
17 projects you've reviewed here in Southwest, and certainly  
18 many projects I present here, that this is a really unusual  
19 neighborhood in terms of its planning principles.

20           You know, unlike the rest of the city here,  
21 there's an underlying idea that low-rise is juxtaposed  
22 against high-rise.

23           And so, you see a lot of townhouses as you look  
24 at this image, directly abutting 90-, 100-foot-high  
25 buildings. And it's really one of the major things I think

1 that gives the neighborhood the character that it does. And  
2 you can see that here.

3           And, you know, generally we find, you know,  
4 whenever we're working along the edge of the seam of one of  
5 these sites where there's a major change in height, we wind  
6 up encountering a lot of opposition, and generally, pretty  
7 stressful approval situations.

8           So, you know, we tried to design a project that  
9 basically addresses both scales that are adjacent to us.

10           So, on the I Street facade here on the right, you  
11 see that it has a larger scale. It's much glassier and has  
12 a different set of proportions than the facade along I Street  
13 you see to the left, which takes on more of the townhouse  
14 character of the buildings across the street.

15           And then, of course, we manage this transition  
16 with a slightly taller bay on the corner.

17           It took us a long time to get here. What you see  
18 on the left here is a very early idea where we thought, okay,  
19 we're across the street from a large park, we have very tall  
20 buildings directly to the south, you know, let's make the  
21 I Street portion of this building tall, and then, we let it  
22 pinwheel down towards I Street.

23           And both in that scheme and the scheme you see in  
24 the middle, we also had, you know, townhouses directly across  
25 the street from the townhouses on I Street, and, I think

1 significantly, we had an open space.

2           We created a plaza in open space there between our  
3 townhouse tech structure and the taller structure to the  
4 south. You know, over time that evolved to the scheme that  
5 you see on the right, where we essentially leveled  
6 everything, made everything pretty much the same height.

7           We also developed the character. We changed the  
8 character of this project as we went through the various  
9 meetings with the neighbors, the ANCs, and so forth, where  
10 we had a somewhat more modern vocabulary that you see on the  
11 left, you know, became a little transitional, you see in the  
12 center.

13           And even that was objected to, because the feeling  
14 was that it had too much glass in the corner. So, we  
15 introduced more masonry on the corner as we went through this  
16 design process.

17           So, that basically covers the evolution of the  
18 design over the last three or four years, I think.

19           In developing this scheme, you know, we were, of  
20 course, very interested in activating the sidewalks on both  
21 sides and, you know, the pedestrian experience.

22           So, along I Street, we introduced, you know, two  
23 major entrances, one for the apartment building and one for  
24 the Shakespeare uses.

25           You'll see we have quite a bit of landscaping on

1 both this side and the other side, as Craig will get into  
2 shortly.

3           And again, you start to get the sense for what the  
4 scale of the building is here as you walk along the sidewalk,  
5 which, again, is very different than what you see around the  
6 corner.

7           So, around the corner, of course, we continue the  
8 landscaping, but we articulated everything, gave it more of  
9 a townhouse expression.

10           Every residential unit there on the ground floor  
11 has an entrance directly out to the street with a small  
12 walkway leading up to it. And it very much evokes the  
13 feeling of the townhouses across the street.

14           Here it is from further back. You know, we also  
15 tried to soften the vocabulary a little bit by introducing  
16 these wood pilasters on each bay, and then, resets to all the  
17 front doors, which also have wood that relates to the  
18 pilaster.

19           And of course, we also stepped the height down  
20 here one floor, so we have a setback at the top of the  
21 building. Here it is from a distance. And I think here you  
22 can get a better sense of how this all relates to the  
23 townhouses across the street.

24           PARTICIPANT: Can you go back one?

25           MR. BARANES: Sure. This is the east elevation

1 of the project. We're pretty much on the property line here  
2 facing the school. And, you know, in eliminating that plaza  
3 that we had on the opposite side facing the townhouses,  
4 because we eliminated that when we were able to reintroduce  
5 one here facing the playground.

6 And because we are on the property line here, of  
7 course, for various code reasons, we have fewer windows.

8 We also did something a little unusual here. We  
9 basically split the building in two. You have the large,  
10 rectangular element that you see on the left-hand side there.

11 We then introduced a break and continued the  
12 building along that tail. That allowed us to essentially  
13 carry the -- you know, I hate to call it an axis, but let's  
14 call it an axis, of the back of the townhouses to the north  
15 of us, you know, directly to the south. And it allows more  
16 sunlight to get into the backyards there of the townhouses  
17 directly to the north.

18 Also, in a little bit I'll get into all of the  
19 setbacks that we have along the north side there. But again,  
20 I think the important thing here is that we do have a pretty  
21 good distance between our building and the school, 125 feet  
22 at the south and about 85 feet on the north there.

23 So, here's the view of the northern-most  
24 elevation. And on the right you can see the building breaks.  
25 It basically stands almost as a freestanding building, and

1 this is a building that accommodates the fellows and the  
2 artists, the actors who are part of the Shakespeare Company.

3           Let's see. In terms of materials, the building  
4 is primarily brick, and you can see we have a fair amount of  
5 curtain wall. And as I mentioned earlier, we've also  
6 introduced wood.

7           We do have a sampling of the materials, which I  
8 think is stuck in traffic.

9           PARTICIPANT: Yes.

10           MR. BARANES: It's not here yet. I had to abandon  
11 the car and take a cab. But hopefully, the material board  
12 will appear before the hearing is over.

13           But the materials -- on the left you see three  
14 bricks there. We're going to be blending those bricks and  
15 the percentages that you see there, 70-20-10. That's the  
16 primary material of the building.

17           In the center there, the quill that you see on the  
18 I Street portion of the facade will be molded brick. There's  
19 a sample of molded brick above it.

20           And then, of course, we have a series of, you  
21 know, different metal colors for the curtain wall, for the  
22 windows, the wood, and then, we have a stone base at the base  
23 of the building.

24           All right, I'll quickly just take you through  
25 the interiors here. Again, just want to mention again that

1 you see on the left-hand side along 6th Street we have  
2 individual units with individual entrances.

3           The main lobby to the residential building's on  
4 the corner there, the darker blue. And then, the yellow is  
5 all Shakespeare program, with its own lobby entrance off of  
6 I Street.

7           On the north, we have a driveway, which is very,  
8 very gently sloped. And it leads -- as you're coming out of  
9 the driveway, you take a right to go into the garage, or also  
10 to get into the loading area, and a pedestrian can walk  
11 straight down that driveway to the secondary lobby for the  
12 smaller building that we have at the tail end of the site on  
13 the east end.

14           Going down to the basement, we have parking, we  
15 have more Shakespeare program, rehearsal rooms primarily,  
16 sewing room.

17           Going up into the building it's fairly  
18 straightforward. Double-loaded corridor configuration for  
19 both buildings.

20           But then, as we get further up, the building on  
21 the right there, the smaller building, becomes a single-  
22 loaded configuration, because of the types of units that we  
23 have.

24           Going up to the roof, we have some amenity spaces  
25 that you see there in blue. We created as large a green roof



1 as we could. And there's a mechanical well just to the north  
2 of the amenity space.

3 And then, on the roof of the penthouse we have  
4 solar collectors, an array of solar collectors that basically  
5 provide, I think we figured out roughly one percent of the  
6 energy needs of the building.

7 And I'm going to wrap up here by just mentioning  
8 the zoning relief that we're looking for. First one is the  
9 rear yard setback. So, you see the driveway there, which is  
10 to the north of our large building.

11 We set our building back there 25 feet, although  
12 we only -- or 28 feet. And even though we only have a 15-  
13 foot required setback, but the reason we need relief is  
14 because a smaller building impinges on that 15 feet.

15 So, here's a diagram of the back of the building.  
16 The area you see in yellow is the area that would be required  
17 for a matter-of-right 15-foot side yard, and it would have  
18 about 4200 square feet.

19 The area that's hatched, which includes the pink  
20 area also, is the area that we're providing. And we're  
21 actually going from 4200 feet to 5900 feet. Plus, the area  
22 in white that you see just to the south of that.

23 And the relief, again, is required because on the  
24 right-hand side of this slide you see that we only have about  
25 a little over eight feet for the backyard.

1           We felt it made a lot more sense to create as much  
2 open space as we could directly behind the townhouses which  
3 have rear yards, you know, rather than on the right-hand  
4 side, where we have a sidewall of a townhouse facing us.

5           Another area of relief we need is for the closed  
6 court. You can see it's labeled there in the middle of the  
7 slide. We indented our building slightly back from the  
8 property line so we could get some windows in there. And,  
9 of course, that created a non-conforming closed court.

10           And another area of relief is the penthouse on the  
11 upper portion of the larger building. You see we have a very  
12 small penthouse that is not connected to the other penthouse.  
13 And that's there because we have a fire stair that goes up  
14 to the roof.

15           We could have connected it and probably been  
16 conforming, but it didn't seem like it really made sense to  
17 do that here.

18           And then, finally, our final area of relief is our  
19 lot occupancy. And we are over by roughly four percent. I  
20 think we have 79 versus 75.

21           So, with that, we'll get into landscaping.

22           MR. AVITABILE: One second, just because I saw  
23 Commissioner May had a quizzical look on his face. That  
24 northern --

25           COMMISSIONER MAY: That was --

1 MR. AVITABILE: That northern penthouse adjacent  
2 to the stairwell also has an elevator overrun, and so, since  
3 it has an elevator overrun, we thought that that, then, means  
4 that you normally would have to connect it to the penthouse.  
5 So, we're asking for that relief.

6 COMMISSIONER MAY: Yeah, but isn't there a  
7 provision in the regulations if you have multiple elevators?

8 MR. AVITABILE: Yeah, it says if they're required  
9 it, and I'm never sure what that means. And so, this was out  
10 of an abundance of caution.

11 COMMISSIONER MAY: And I thought that we actually  
12 had put something into CR16 to account for the multiple  
13 stairwells alone.

14 MR. AVITABILE: Multiple stairwells alone is  
15 accounted for. And it's the fact that I've always -- here,  
16 it's that we've chosen to put the -- that's the service  
17 elevator that runs up there.

18 COMMISSIONER MAY: Right.

19 MR. AVITABILE: And whether that's required or --  
20 because the language in the regulations says it has to be one  
21 multiple elevator's required.

22 We required it in order to implement the  
23 operational design of the building. But it's not like it's  
24 a code-required elevator. So, again, the request was out of  
25 an abundance of caution.

1           We've certainly interpreted it both ways in the  
2 past. I'm just not leaving anything to chance on this  
3 project.

4           COMMISSIONER MAY: I certainly understand that.  
5 Yeah, I'm not sure. It just -- thank you for reading my  
6 quizzical look, because it did not -- I mean, it seemed like  
7 there was enough there to justify independent penthouse  
8 structures. And certainly, it's the right move to keep them  
9 separate, rather than create some artificial connection.

10          MR. AVITABILE: Right.

11          COMMISSIONER MAY: But that is sort of an  
12 interesting question as to whether it's really required. The  
13 relief, that is.

14          MR. MCCLURE: Good evening. I'm Craig McClure  
15 with Parker Rodriguez, the landscape architects on this  
16 project. And I'd like to begin with a little brief overview  
17 on this composite plan of the streetscape condition existing  
18 on 6th Street between I and G.

19                 You'll notice on the street on the west there are  
20 the townhomes that face 6th Street and they all have lead  
21 walks and front yards, which is something that has inspired  
22 our design for the 6th Street streetscape that I'll get into  
23 in greater detail. But that's a very important component of  
24 this.

25                 Also, some other general things. I want to point

1 out that the curb cut and entrance is located right here on  
2 the north edge of the property, which is using an existing  
3 location of a curb cut. And on I Street, there was one that  
4 was there previously that is being abandoned.

5 So, if we are going to talk about the 6th Street  
6 streetscape -- don't know why that happened, sorry about  
7 that. Okay, I'll keep my hand off of the pad.

8 So, on 6th Street, what we wanted to do was to  
9 create the same appearance of the front yard gardens that you  
10 see all along this section of 6th Street, where there is lead  
11 walks into individual units, and there's a parterre garden,  
12 if you will in front of each one that would be surrounded by  
13 a hedge with some planting in that parterre, that is  
14 appropriate and scaled to that unit.

15 And then, the lead walks, what we'd like to do is  
16 have some special accent paving that would go out to the  
17 sidewalk zone.

18 You'll notice that we have the sidewalk -- six-  
19 foot sidewalk adjacent to the curb, which is also consistent  
20 with what happens in the streetscape in this corridor.

21 So then, we also have six trees located along this  
22 zone on the flipped part of the sidewalk, and some street  
23 lighting, as well. And some under-story tree planting,  
24 ornamental tree planting, in those parterre gardens, at  
25 random.

1           Then, when we go around to the I Street  
2 streetscape, we have two entrances. We have the residential  
3 lobby entrance right here, and we have the office entrance  
4 right here. Both of those are marked with special paving,  
5 as well, lush landscaping along the front, and there's a tree  
6 amenity panel along with street that's consistent with that  
7 streetscape of I Street, as well.

8           The -- I'm sorry, I'm going to go back a little  
9 bit here. This is a view of the 6th Street streetscape. And  
10 you can get an idea of the character of the 6th Street  
11 streetscape from this rendering, with the special paving that  
12 would be of stone and multiple colors, the parterre gardens  
13 and the standard DC concrete paving, scored in a three-foot  
14 square pattern.

15           This is the I Street streetscape rendering of  
16 that. And again, I'd like to mention that we're not showing  
17 the trees in this view in the tree panels, just so that you  
18 can see the character of the landscaping up against the  
19 facade of the building.

20           So, there is the entrance to the residential lobby  
21 right here that is marked with special paving. And there's  
22 lush planting in between that entrance and the office  
23 entrance, which is right here, that also has special stone  
24 paving.

25           And then, to embrace the aspirations of the

1 I Street art corridor, we're showing glass art panels that  
2 would be randomly placed along -- within the public parking  
3 zone, and those would be animated with images of Shakespeare  
4 themes to be developed by an artist in the future.

5           And this would be -- that streetscape, if you're  
6 looking -- if you're standing on the east looking west, you  
7 can see the street tree canopy that is created and the  
8 experience that you would have with the art panels.

9           MS. FRY: Good evening, Commissioners. For the  
10 record, I'm Maris Fry, a project manager with Gorove/Slade  
11 Associates.

12           We've been working with Erkiletian, Shakespeare  
13 Theatre Company, the project team, DDOT, and members of the  
14 community, on the transportation aspects of this project.

15           AS shown here, the project we are discussing  
16 tonight is situated on the northeast corner of 5th Street and  
17 I Street, SW -- 6th Street and I Street, SW, just a few  
18 blocks from the Waterfront Metro Station.

19           Along the Green Line Metrorail service -- along  
20 with the Green Line Metrorail Service, there are several  
21 Metro bus lines, a DC Circulator route, commuter bus lines  
22 and the southwest neighborhood shuttle in the vicinity of the  
23 sect.

24           Bike lines on 4th Street and I Street provide  
25 primary north/south and east/west bicycle connectivity. The

1 Anacostia River Walk Trail and several other bike lanes are  
2 also nearby and there are two capital bike share stations  
3 within a quarter mile of the site. Next slide.

4 Shalom did a great job describing the site plan  
5 earlier. But I think it's worth repeating the transportation  
6 aspects of the site. As you can see here, vehicle access to  
7 the site is situation on 6th Street, while the main  
8 residential and Shakespeare pedestrian entrances are situated  
9 along I Street.

10 Additionally, you'll see the walkout residential  
11 units, which are meant to mirror the townhouse condition  
12 across the street, and those are situated along 6th Street.

13 The vehicular curb cut provides access to 40  
14 vehicular parking spaces and a loading area that accommodates  
15 head-in/head-out loading.

16 Of the 40 vehicular parking spaces, 25 are  
17 allotted to the condo units, and 15 are allocated to  
18 Shakespeare employees. An additional 15 parking spaces have  
19 been secured offsite for Shakespeare employees.

20 The project is also supplying 67 long-term bicycle  
21 parking spaces and 16 short-term bicycle parking spaces, well  
22 in excess of the zoning requirements. Next slide.

23 To support the project, we've developed a  
24 multifaceted transportation management plan, or TMP. The TMP  
25 is made up of four components addressing pickup/drop-off,



1 parking, loading, and transportation demand management. I'll  
2 review each of these sub-elements and how they work together  
3 to effectively accommodate the site needs and mitigate  
4 impacts. Next slide.

5 I first want to talk about the pickup/drop-off  
6 operations plan and the accompanying curbside management  
7 plan, which has been revised since completion of the  
8 transportation study, based on extensive discussions with  
9 DDOT, UNSW, Amidon-Bowen, and the ANC.

10 Through this coordination, we've developed a  
11 curbside management plan that meets the day-to-day needs of  
12 the site and the higher summertime pickup/drop-off activity  
13 of Shakespeare's camps.

14 This plan also results in pickup/drop-off space  
15 for Amidon-Bowen during the summer, which is doesn't  
16 currently have, and results in the loss of just two RPP  
17 parking spaces.

18 The proposed curbside management plan is shown in  
19 the image on the right, while the existing conditions are  
20 shown on the left. This plan will be further coordinated  
21 with DDOT and other stakeholders during permitting. Next  
22 slide.

23 The next element of the TMP is the parking  
24 management plan, which is broken down into residential and  
25 Shakespeare components.

1 For the residential use, the applicant has agreed  
2 to restrict residents from obtaining RPP permits. For the  
3 Shakespeare use, offsite employee parking will be provided,  
4 in addition to the onsite parking.

5 The offsite parking is expected to be secured at  
6 Arena Stage, which is shown on the graphic in orange.  
7 Visitors of Shakespeare will be encourage to use non-auto  
8 modes of travel, or park in nearby public garages, which are  
9 shown in blue in the graphic.

10 Although not shown on this graphic, other nearby  
11 planned developments will include additional public parking  
12 options in the future. Next slide.

13 The loading management plan includes many of the  
14 typical elements for projects in the District. But as agreed  
15 to with UNSW, it includes additional limited delivery hours  
16 for trash and recycling, deliveries and moving activities,  
17 and service vehicles. Next slide.

18 The TDM plan also includes components typical of  
19 a mixed-use development in the District. But I'd like to  
20 highlight the components added at the request of DDOT.

21 These include hosting transportation fares at the  
22 site, providing shopping carts for residents and employees  
23 to use for running errands or grocery shopping, and providing  
24 travel information on the Shakespeare website for visitors.  
25 Next slide.

1 I'll close with a brief overview of our  
2 coordination with DDOT on the project. We performed a  
3 comprehensive transportation review, or CTR, that was scoped  
4 with DDOT, and included a multi-middle review of ten  
5 intersections and driveways in the vicinity of the site.

6 The CTR included that the TMP would effectively  
7 mitigate the project impacts. DDOT staff report generally  
8 agreed, but identified enhancements to the TDM plan.

9 We have coordinated with DDOT on their comments  
10 from their staff report. We are pleased to have their  
11 support and we believe we have satisfied DDOT's conditions  
12 as contained in our response memo submitted today. I'll be  
13 happy to answer any questions you might have, but at the  
14 moment I'll turn back to Dave Avitabile.

15 MR. AVITABILE: Thanks a lot. All right, so I  
16 will wrap things up by briefly going over information we  
17 submitted in the record today in response to the work we've  
18 been doing over the last 20 days, the benefits of the  
19 project, and then, how we've addressed a number of the  
20 concerns in the record.

21 So, first, in terms of the new information in the  
22 record, as we discussed, we submitted the final executed  
23 memorandum of understanding with United Neighbors of  
24 Southwest, and we've also submitted the updated materials in  
25 response to DDOT's report.

1           Also in the package of materials submitted today  
2 are a series of updated shadow studies that we prepared at  
3 the request of the PTA. Among other things, what they do is  
4 they include later hours so that the PTA was able to evaluate  
5 the shadow impacts.

6           The end of the day, they have after-school  
7 programs that run after 3 o'clock and they wanted to see what  
8 the impact would be not only at 3:00, but at the end of that  
9 period at 6:00. So, we've done that in working with them.

10           We've also submitted the photo of materials board,  
11 which I think just arrived. So, we'll get that out so that  
12 you all can see the materials. We also submitted a survey,  
13 which I will come to later.

14           And finally, we submitted the attached, which is  
15 a revised affordable housing program. We originally had  
16 submitted an IZ package which had a mix of junior one-  
17 bedrooms, one-bedrooms and two-bedroom affordable units.

18           We've now revised it so that it will consist of  
19 three three-bedroom affordable units for families.

20           We heard from the PTA, the ANC, United Neighbors  
21 of Southwest, and the Office of Planning, that there was a  
22 desire to see larger units, and we saw an opportunity to do  
23 that here.

24           In addition to those three units, there's an  
25 affordable two-bedroom unit and an affordable junior one-

1 bedroom unit.

2           So, this project provides the IZ minimum, in terms  
3 of square footage, but then allocates a significant amount  
4 of that towards these three-bedroom units. And that is how  
5 we're going above and beyond.

6           So, that is something I wanted to make sure the  
7 Commission was aware of, as a change that we made from what  
8 we had previously submitted.

9           COMMISSIONER TURNBULL: Could you, while you've  
10 got that screen up --

11           MR. AVITABILE: Mm-hmm.

12           COMMISSIONER TURNBULL: -- three of those IZ units  
13 are over the loading dock.

14           MR. AVITABILE: Right.

15           COMMISSIONER TURNBULL: Any reason why you have  
16 three over the loading dock?

17           MR. AVITABILE: So, that is where the three-  
18 bedroom unit could be located as we accommodate into the  
19 project. I don't know whether, Shalom, if you or Patrick are  
20 able to -- Patrick's not here? -- can speak to why that unit  
21 was the one that was the most easily adaptable.

22           MR. BARANES: Well, it's just the spans we were  
23 working with there and the width of the overall leg of the  
24 building accommodated those larger units better than  
25 elsewhere.

1           COMMISSIONER TURNBULL:  It's just unfortunate.  
2 I just feel that IZ units often have this aura about them  
3 that they get put in places that you can't -- want to sell  
4 a market, you write unit, and it just bothers me that they're  
5 over the loading dock.  The loading dock and the axis.  It's  
6 troublesome, and I wish you could think about it.  But when  
7 I see it up there, it just -- it's one of those annoying  
8 little things that I hate to see.

9           CHAIRMAN HOOD:  Let me just say this, though,  
10 Mr. Turnbull, because I've heard you say that quite a bit and  
11 now I'm starting to take notice of it.

12           So, I would support that comment, because I think  
13 you just stated it almost like last week, if I remember  
14 correctly.

15           COMMISSIONER TURNBULL:  Yeah.

16           CHAIRMAN HOOD:  But either way, I would support  
17 that comment.  And we need to see what we can do to stop  
18 putting them over the loading dock.  I keep hearing that --

19           COMMISSIONER TURNBULL:  I know.

20           CHAIRMAN HOOD:  -- and it's starting to ring in  
21 my mind now, it's over the loading dock.  I understand about  
22 the dynamics, but I would ask, as well, that we re-look at  
23 that, because I'm going to probably bring that back up, as  
24 well.

25           MR. AVITABILE:  I understand.  I'll let you --

1 when we first decided to integrate these into the building,  
2 our first thought was to actually put them on the ground  
3 floor, so that for families, they would be able to walk out.

4           The problem was, from the design perspective,  
5 you'd have half as many entrances, and it didn't work with  
6 the design of the project. That was our initial thought was  
7 to actually put them on the ground floor. But from a design  
8 perspective, it didn't work. So, that's why we ended up  
9 there.

10           COMMISSIONER TURNBULL:       Okay.       So, let's  
11 memorialize that, and that will give us, as we discuss it,  
12 we will revisit that, as well in our deliberations, if we get  
13 to that point.

14           MR. AVITABILE:   Okay. All right, so to continue  
15 with the public benefits of the project, we go to the next  
16 slide.

17           We've submitted materials, and there are a number  
18 of benefits that are part of the project. Many of them are  
19 tied to Shakespeare Theatre Company, and they include  
20 opportunities for deeply discounted tickets to all of  
21 Shakespeare's performances for residents of southwest  
22 neighborhood over a period of 20 years. Next slide.

23           They also include performances -- Shakespeare has  
24 touring performances that are aimed at younger audiences that  
25 will be brought to the school, as well as an opportunity

1 partnering with Jefferson Middle School, to bring those  
2 students down to Shakespeare's Theater for performances that  
3 are tied to a broader educational curriculum where the  
4 teachers get professional development workshops.

5 COMMISSIONER TURNBULL: And those tickets are not  
6 discounted. Those are free tickets.

7 MR. AVITABILE: Those are free tickets.

8 COMMISSIONER TURNBULL: Okay.

9 MR. AVITABILE: Those are free tickets, every year  
10 for 20 years. Next slide.

11 And the rest of the benefits are in the package.  
12 It includes the public art. We have -- in discussions with  
13 the Parent/Teacher Association, we are working to identify  
14 benefits for them.

15 We've identified -- I think we're gravitating  
16 around an amount, but what we're working on is figuring out  
17 how best to provide that benefit to them in a way that  
18 balances the flexibility they need with the clear direction  
19 that we've heard from the Commission on Monday night about  
20 providing specificity inconsistent with the regulations.

21 And then, finally, there's the streetscape  
22 improvements that we've discussed. Among others, it's in the  
23 package. We're going to construct a series of bump-outs  
24 along 6th Street, not just in front of our project, but going  
25 all the way up from I Street to G Street, which will help



1 improve pedestrian safety and slow vehicular traffic along  
2 the corridor.

3 To move along, I think we've spoken to the OP and  
4 DDOT issues as we've gone through the presentation. The ANC  
5 had three major conditions in its report.

6 The first was that we work with the Public Space  
7 Committee and get approval for a flip. We've done that. The  
8 second was that we sign and execute the memorandum of  
9 understanding with the United Neighbors of Southwest. We've  
10 done that.

11 Their third and final thing is for us to work with  
12 the PTA and get to an agreement with them. And we are in the  
13 process of doing that.

14 You have the commitments that we've made to the  
15 United Neighbors of Southwest before you. To summarize them  
16 briefly, they include commitments regarding the residential  
17 use, that it will be a condominium use, that it will be an  
18 owner-occupied condominium use.

19 Commitments on Shakespeare's uses within the  
20 project, including not only what types of uses those will be,  
21 but also how long Shakespeare will be at the site.

22 We have commitments regarding the building design  
23 that you see before you this evening, commitments regarding  
24 all the benefits. And in addition to the commitment to the  
25 benefits, a commitment to provide annual reporting to the ANC

1 on how those benefits are being implemented, so that the ANC  
2 can help make sure that everyone is getting what's been  
3 promised.

4           And then, finally, commitments on mitigation,  
5 trash loading, noise, curbside and parking, pets. And then,  
6 finally, we've developed a very robust construction  
7 management plan that's part of that memorandum of  
8 understanding, and that we've agreed to do.

9           But I have the PTA image up here. And the PTA  
10 submitted its testimony in advance and I expect they'll speak  
11 later this evening. We will -- we certainly appreciate the  
12 issues. We've had a good dialogue over the last few weeks  
13 with them, and we will continue to work on their issues.

14           The things that we've been gravitating towards is  
15 discussing how we can best benefit the school through meeting  
16 their needs, as well as some of the benefits they describe  
17 that will improve educational experience for the students.

18           We are working on operational good neighbor issues  
19 related to the proximity of our building to the playing  
20 fields.

21           We're also integrating additional construction  
22 management features, which include, among other things,  
23 funding a crossing guard during construction, so that the  
24 students are able to safely cross the street to the extent  
25 that they need to.

1 I think where I wanted to last end, where on some  
2 of the issues that Mr. Welles brought up, at least in his  
3 party status application that I expect he'll get into later,  
4 Mr. Welles seems to focus a lot on a fear that this PUD will  
5 create a precedent for rezoning I Street.

6 And as I think the Commission has often reminded  
7 all of us, every PUD stands on its own. It's reviewed based  
8 on the facts and circumstances. It does not set a pattern.  
9 It does not set precedent. It does not allow the next  
10 project to go more easily just because it's happened before.

11 You take very seriously the fact that you look at  
12 the comprehensive plan and the small area plan and the  
13 guidance that they provide.

14 I think the other thing I note is, I think he's  
15 mischaracterizing the character of I Street. When you look  
16 at the character of I Street -- go to the next slide -- all  
17 the way from South Capital over to 7th Street and Main  
18 Avenue, this is not just a residential street.

19 You've got the hotel at South Capital and I Street  
20 and the Randall Rec Center. You have the redevelopment of  
21 the Randall School, which include a museum, some  
22 institutional office and non-profit space and a new large  
23 apartment building.

24 You've got apartments, as well as smaller scale  
25 townhouses, all along the corridor a mix of those two.

1           You've got institutional uses like Amidon-Bowen,  
2 like a number of churches, the Southwest Library, multiple  
3 parks, both the duck pond, the park that's in front of the  
4 library. And then, as you turn the corner towards Main  
5 Avenue, you have, again, a mix of uses.

6           So, I think our project fits perfectly, then, with  
7 that context. It's not just a commercial use,  
8 notwithstanding what Mr. Welles suggests. There isn't a  
9 sewing factory here. You may hear that later. There's a  
10 garment shop that's making costumes for Shakespeare  
11 productions.

12           We don't have a dormitory. We have housing for  
13 professional actors that are coming to the District of  
14 Columbia for production. And then, we have housing for  
15 fellows that are specially selected for their first year out  
16 of college. First year entering into their professional  
17 lives in the theater business.

18           And I think that's a relatively unique use to have  
19 on a site like that. Go to the next slide.

20           You will hear about this later. This is a survey  
21 that we've had for a number of years and Mr. Welles has seen  
22 before, as recently as a couple of weeks ago. You can see  
23 on here our property line, the area that's bubbled is the  
24 location of a light that is on our property, but it provides  
25 light to the soccer field to the south. We will move that

1 light -- we've agreed to do that.

2           To make sure that the field remains lit, we'll  
3 work with the PTA and other stakeholders that need to be part  
4 of that conversation.

5           I also note you see at the end of this image  
6 there's a shaded area. That's an area where, for reasons  
7 that we don't entirely understand, the fence around the  
8 school property does not align with the property line. It  
9 comes further into the school property.

10           So, that area right now, even though it's on the  
11 school's property, it's kind of basically captured on our  
12 side of the fence. And we've agreed to move that fence in  
13 at our portion of the property, which will increase the  
14 usable area for the school. Go to the next slide.

15           And I guess that's everything that we have to  
16 speak to this evening. The only other thing that I wanted  
17 to address, we saw late in the record a one-page email from  
18 Mr. Otten, which doesn't really say much of anything, other  
19 than I think suggests that there are -- I don't actually have  
20 a copy of it. We were on our way over here when we received  
21 it.

22           It has a couple of generalized comments on it.  
23 But we would like to look at it and respond in the record in  
24 writing after the hearing to the extent there's anything we  
25 need to address.

1           And I think with that I'll end the presentation.  
2 And we're happy to answer questions.

3           CHAIRMAN HOOD: Okay. I want to thank everyone  
4 for their presentation. Before I go to my colleagues, I have  
5 one or two questions I want to ask.

6           The letter from Mr. Otten is from the DC for  
7 Regional Development. It's from the Ward 6 study group. Has  
8 the Ward 6 study group been a part of the, I guess,  
9 negotiations all this time working with the ANC? Have they  
10 been a part? Have they been actively involved?

11           MR. AVITABILE: I don't know if they're here and  
12 I don't want to necessarily speak for them. I do know that  
13 some members of that group were at least present at the ANC  
14 this last time.

15           One of those members, not in his capacity, I  
16 think, as a member of that group, but otherwise has been  
17 involved in some of the discussions we've had with the PTA.  
18 And I think it's actually been a good opportunity for us to  
19 get to know each other.

20           I think that's part of the reason why the PTA was  
21 pushing strongly for us to integrate some three-bedroom  
22 housing units and we responded to that. That's one of the  
23 concerns that we've heard that group articulate in any number  
24 of PUDs. That all said, there hasn't been a direct  
25 engagement with that group.

1 CHAIRMAN HOOD: Okay. Well, I will say this  
2 again. I've said this in other cases. It seems like the  
3 Ward 6 study group, whatever Ward it is, the study group  
4 always seems to find a way to get things in at the very last  
5 minute.

6 And I think a lot of times they don't even  
7 participate the process. So, this, for me, is going to be  
8 further discovery to find out exactly what's going on here,  
9 what the agenda is, to make sure that they are working with  
10 communities.

11 Because I'm hearing that some of these groups,  
12 they give it to us five minutes to five, they don't work with  
13 the residents who've been working on this for, what, two to  
14 three years, or however long it's been working on.

15 It's starting to be very concerning to me. And  
16 we're going to do -- I'm going to insist upon further  
17 discovery and find out why this keeps continuing to happen  
18 like that.

19 MR. AVITABILE: Chairman Hood, I wanted to just  
20 also note -- excuse me -- that, interesting, in the past when  
21 they've submitted something, it typically has come from the  
22 Ward 6 study group or the Southwest accountability group, and  
23 signed by members of the neighborhood with their addresses.

24 And I did want to note for the record that this  
25 was different than that. This was an email from Chris Otten,

1 who does not live in Ward 6. He represented that he was  
2 doing this on behalf of those groups. But I don't know that  
3 there's any evidence in the record of this case that he  
4 actually is doing it on -- he may have just, you know --

5 CHAIRMAN HOOD: Okay.

6 MR. AVITABILE: I have to say that for the record  
7 for later.

8 CHAIRMAN HOOD: All right. Thank you. I'm sure  
9 he'll clarify, because it says here, he was a co-facilitator.  
10 So, I don't know who all was being facilitated to. But I'm  
11 sure he will help us clarify the record.

12 Let me just ask, we dealt with the flip, the  
13 sidewalk flip. We dealt with that. There were some issues  
14 with the United Neighbors of Southwest about the  
15 comprehensive plan. Did that get worked out?

16 Because when they withdrew their party status  
17 request, are those issues are still lingering? Or did you  
18 all come to an agreement? Did you all get on the same page  
19 in understanding the policies of the comp plan, or are those  
20 issues still lingering?

21 MR. AVITABILE: I don't want to speak for the  
22 group. I believe that in coming to an agreement, we all came  
23 to an agreement that our project fit within the context,  
24 which I think is the overall thrust of the comprehensive  
25 plan, is that we fit within the context.



1           For the record, because we hadn't yet reached an  
2 agreement when we filed our pre-hearing submission three  
3 weeks ago, we did provide a response to that, so that for the  
4 record, you know, there is the counter argument to the  
5 positions that they laid out.

6           But I don't want to speak to them and their  
7 position on the comp plan.

8           CHAIRMAN HOOD: So, I was just wondering if there  
9 was an agreement you all came to. Not necessarily you have  
10 to agree on the comp plan. Understanding and agree that the  
11 comp plan reads the same.

12           That's kind of where I am. Because about the  
13 council hearing imposed, and I wanted to know if some of  
14 those things was answered. If not, as we proceed, I would  
15 like to make sure that those things are covered.

16           I'm not going to go over it. It's like four or  
17 five different comp plan issues and things that should have  
18 happened did not happen. The neighbors for Southwest  
19 mentioned, and I know they have an agreement, but I want to  
20 make sure those are covered, as well.

21           The only other thing -- you know what? I'll ask  
22 those questions as we move along. Let me see if my  
23 colleagues have any questions or comments.

24           Well, you know what? Since I have it, Ms. Fry,  
25 I have a question about the RFP, or the applicant, whoever.

1           You all mentioned that you were going to restrict  
2 the residents from applying for RFP. How were you going to  
3 work that? What were you going to do? How is that going to  
4 work? How does that look?

5           MR. AVITABILE: So, what we were going to do is  
6 put within the -- a couple of things. One, we were going to  
7 put within the covenant within the condo documents, make it  
8 very clear that you're restricted from participating in the  
9 program.

10           And then, beyond that, do what we can to work with  
11 DDOT to remove this address from the database, so that  
12 residents cannot get permit parking, as well. But we'll make  
13 it very clear that they're not eligible for the system.

14           CHAIRMAN HOOD: So, it'd be on a lease or  
15 something? Or --

16           MR. AVITABILE: Well, these will be condos.

17           CHAIRMAN HOOD: Condo. Okay.

18           MR. AVITABILE: So, it will be in the condo  
19 documents.

20           CHAIRMAN HOOD: Condo documents.

21           MR. AVITABILE: So, it'll be something that's very  
22 clear.

23           CHAIRMAN HOOD: And how is that enforceable? Who  
24 will enforce it?

25           MR. AVITABILE: I think that becomes part of the

1 work with DDOT and DMV and --

2 CHAIRMAN HOOD: It'll be DMV and it'll be the  
3 administrator of the facility --

4 MR. AVITABILE: Right.

5 CHAIRMAN HOOD: -- whoever's handling the condos.  
6 So, we want to make sure we have dual enforcement. Because  
7 I believe some of the neighborhoods' support came -- I'll let  
8 them speak for themselves, but I see that. And we don't want  
9 to put them on promised land because one of the things that  
10 I do want to start asking for, I want to -- we've been  
11 talking about that enough that we should have a sound track  
12 record to know if this really works.

13 Or are we just talking about it in zoning hearings  
14 and ten years later it doesn't work, nobody knows anything  
15 about it, everybody has a resident RPP sticker.

16 So, that's something that we need to kind of go  
17 down those lines. So, I won't put the onus on you yet, but  
18 know that it's coming. Okay?

19 MR. AVITABILE: Understood.

20 CHAIRMAN HOOD: It's coming. All right, let me  
21 open up to my colleagues. Any questions or comments? Vice  
22 Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr.  
24 Chairman. And thank you for your presentation.  
25 And I want to compliment the applicant, and  
26 working obviously very hard with the Advisory

1 Neighborhood Commission 6D and with the United  
2 Neighbors for Southwest in reaching, in making  
3 all of the changes that, or most of the changes  
4 that were requested in reaching this memorandum  
5 of agreement.

6 It's always good to get to a hearing  
7 to see a party in opposition have an MOU with the  
8 applicant where there seemed so much distance  
9 between them 13 months ago whenever we set this  
10 down, and maybe it was even a few months ago when  
11 you were still working.

12 But obviously a lot of work has gone  
13 into that, and so I compliment the ANC, and the  
14 applicant, and the party, United Neighbors of  
15 Southwest, and others who may have been involved  
16 with that whole effort.

17 There obviously have been a lot of  
18 revisions to the design, and the whole, the  
19 townhouse rhythm along 6th Street is to be  
20 commended, and the use of materials. It's very  
21 attractive.

22 And the larger family-sized units that  
23 the ANC is historically concerned about, you've  
24 responded to that by having three three-bedroom  
25 units that are part of the affordable IZ units.

1           And I think you still have a greater  
2 square footage of IZ than the minimum is required  
3 or no? It's just the minimum?

4           MR. AVITABILE: No, that was one of  
5 the changes when we --

6           (Simultaneous speaking.)

7           VICE CHAIR MILLER: When you went to  
8 the three bedrooms.

9           MR. AVITABILE: -- to offset that.

10          VICE CHAIR MILLER: So you're now at  
11 the minimum square footage in terms of -- is it  
12 eight percent, 10 percent?

13          MR. AVITABILE: It is a zone with  
14 either eight percent or 50 percent of the bonus,  
15 and --

16          VICE CHAIR MILLER: Right.

17          MR. AVITABILE: -- I can't remember  
18 which one. We've always been very close to that  
19 trigger. We are in eight percent, eight percent.

20          VICE CHAIR MILLER: Right.

21          MR. AVITABILE: And mind you, that  
22 includes the actor housing units as part of the  
23 base, even though those units, of course, are not  
24 being sold.

25                 They are, you know, part of the

1 Shakespeare pro forma, but the Office of Planning  
2 made it very clear that since those units look --  
3 and actually the regulations do as well. Since  
4 those units look and feel like one-bedroom  
5 apartment buildings, we should include them as  
6 part of the denominator so to speak, so that's --

7 VICE CHAIR MILLER: So those 36 units,  
8 18 for the actors and 18 for the fellows, they're  
9 subsidized and there will be no cost to those  
10 actors or fellows for the --

11 MR. AVITABILE: Correct.

12 VICE CHAIR MILLER: -- 20-year  
13 commitment that you're making that there will be  
14 --

15 MR. AVITABILE: Correct.

16 VICE CHAIR MILLER: -- housing for the  
17 actors and the --

18 MR. AVITABILE: The fellows.

19 VICE CHAIR MILLER: -- fellows, and  
20 that will somehow be memorialized in addition to  
21 -- I think I saw it in the MOU, but that will  
22 somehow be memorialized in a condition of the PUD  
23 as well?

24 MR. AVITABILE: Yes, yes, I think the  
25 intent is the language, and obviously we'll have

1 to work with Mr. Tondro and Mr. Ritting on this,  
2 but the terms of the MOU to basically integrate  
3 those to the maximum extent we can as the  
4 conditions of the zoning order.

5 I think we tried to structure them in  
6 a way that they fit within the bounds and  
7 parameters of what you all do, and we would  
8 certainly be willing to proffer them all as  
9 conditions.

10 VICE CHAIR MILLER: Right, and I see  
11 that there are references to specifically the  
12 Shakespeare Theatre in the MOU.

13 I think in past cases, we've gotten  
14 advice from counsel that in a condition of the  
15 PUD, we have to say something like theatrical or  
16 related, or actor housing, and not make it  
17 specific to a user, but you have the separate  
18 agreement, but I'll let you work that out with  
19 our counsel.

20 MR. AVITABILE: Right, all I'll say is  
21 I had a case back before the BZA a few months ago  
22 which involved the Children's National Medical  
23 Center going to the Takoma Theatre, and it was  
24 very important to that ANC that it was Children's  
25 National and not anyone else, and I believe OAG

1 said, "Look, if we're willing to proffer it, then  
2 at least the BZA could accept it," but we'll  
3 continue to work on that.

4 VICE CHAIR MILLER: Well, yeah, so,  
5 yeah, if that satisfies, that would be good, so  
6 we'll see where we get to with that.

7 MR. AVITABILE: Right.

8 VICE CHAIR MILLER: So the 36 units  
9 are going to be just offered for free as part of  
10 your program to the actors and fellows. Is there  
11 a way -- so they're obviously --

12 (Simultaneous speaking.)

13 VICE CHAIR MILLER: From the city's  
14 perspective, there's no income requirement. Is  
15 there a way that they could be categorized as  
16 affordable dwelling units from the city's  
17 perspective and as a condition in our PUD so that  
18 it actually is memorialized to be what it is,  
19 which is there are more affordable units than  
20 just the five --

21 MR. AVITABILE: Right.

22 VICE CHAIR MILLER: -- which most of  
23 the five have mostly family size, but there's the  
24 36 that are clearly affordable too to people who  
25 are living in the District of Columbia for 20



1 years?

2 MR. AVITABILE: So I think a couple of  
3 clarifications might help. So the fellows'  
4 housing, we actually, it's designed and  
5 structured as single room occupancy housing, so  
6 that's actually exempt from IZ. So it's only the  
7 actor housing units, the apartments that count  
8 towards the denominator. The actor housing --

9 VICE CHAIR MILLER: But are you  
10 proffering the SRO as a public benefit as well?

11 MR. AVITABILE: I think we think  
12 providing housing opportunities in the District  
13 of Columbia co-located the facility for these  
14 fellows who come into the District --

15 VICE CHAIR MILLER: I think so too.

16 MR. AVITABILE: -- is a benefit, and  
17 a number of them -- and Chris Jennings is the  
18 executive director of Shakespeare is here, along  
19 with Neal --

20 MR. RACIOPPO: Racioppo.

21 MR. AVITABILE: -- Racioppo, thank  
22 you. I'm Italian. I should be able to get that,  
23 right -- are both here who can speak a little bit  
24 more to those particular programs, but we  
25 certainly do think that those are benefits.

1           Many of the fellows go on either at  
2 Shakespeare or other theatre organizations here  
3 in the District and contribute to the cultural  
4 vibrancy of the city.

5           VICE CHAIR MILLER: Yeah.

6           MR. AVITABILE: But, you know --

7           VICE CHAIR MILLER: So, I mean, to the  
8 extent we can capture that into the whole  
9 balancing of the benefits that are being balanced  
10 against the extra, then the mitigations that are  
11 here, that would be good to capture that.

12           So you're working on a MOA separately  
13 with Amidon-Bowen, and we should expect hopefully  
14 to see that sometime before we take proposed  
15 action, I suppose?

16           MR. AVITABILE: That's right. Well,  
17 the ANC would like us to have it wrapped up  
18 within 30 days of tonight, and I think that's  
19 achievable.

20           We just met on Monday night and had a  
21 long conversation. Actually as we were meeting,  
22 you all were having your hearing on their other  
23 benefits, so we were all able to together live  
24 caucus about that as well.

25           But I think we're close. I think

1 we've fully fleshed out the issues. We've talked  
2 through a lot of the ways in which we're going to  
3 address them, and really we just need to reduce  
4 that to paper.

5 VICE CHAIR MILLER: So we'll look  
6 forward to seeing that MOU or MOA and also at  
7 some point the quantification of all of those  
8 other specification, as you mentioned, of all of  
9 those other public benefits, the tickets and  
10 everything, and how we can quantify that, and  
11 working with counsel to get that.

12 MR. AVITABILE: Right, we've started  
13 doing the math on it. It's pretty high when you  
14 take the amount of those values and you multiply  
15 them over 20 years. It's well north of \$2  
16 million.

17 VICE CHAIR MILLER: \$2 million?

18 MR. AVITABILE: Yeah.

19 VICE CHAIR MILLER: Okay, so I think  
20 I've covered that, at least for now.

21 The offsite parking spaces that you  
22 expect to have at Arena Stage, the 15 of the 55,  
23 which will be for Shakespeare employees, I think  
24 you said, do you have an agreement with Arena  
25 Stage for their parking, or is something in the

1 works, or --

2 (Simultaneous speaking.)

3 MR. RACIOPPPO: Neal Racioppo with the  
4 Shakespeare Theatre Company. We are in  
5 discussions with Arena Stage and a representative  
6 is here tonight to speak to that, and we are  
7 fully prepared to work with them to solidify  
8 that, and if it's not something we're able to do,  
9 we're prepared to go elsewhere in the  
10 neighborhood.

11 VICE CHAIR MILLER: So we may see  
12 something that memorializes that or somewhere  
13 else?

14 MR. RACIOPPPO: Correct.

15 VICE CHAIR MILLER: Even though I  
16 think you're above the minimum that's --

17 MR. RACIOPPPO: Right.

18 VICE CHAIR MILLER: -- required in  
19 this particular area.

20 MR. AVITABILE: Correct, this is  
21 about, I think, addressing a neighborhood concern  
22 of making sure we're providing enough practical  
23 parking.

24 VICE CHAIR MILLER: Right, and I'd be  
25 remiss if I didn't also -- I forgot to commend

1 you on the sustainable urban design elements, the  
2 LEED Gold and the solar panels -- on behalf of  
3 our Commissioner who's not there -- that's  
4 providing one percent, I think you said, of the  
5 energy there. That's all to be commended.

6 So there really are a lot of benefits,  
7 and amenities, and attractiveness to this  
8 project, certainly much more attractive than the  
9 vacancy that's -- how long has it been vacant,  
10 the site? And it was --

11 And even it's certainly much more  
12 attractive than the building that was there for  
13 many years.

14 MR. AVITABILE: Well, beauty is in the  
15 eye of the beholder, I suppose, but I think it's  
16 been vacant --

17 VICE CHAIR MILLER: I think there's  
18 pretty much consensus on it.

19 (Laughter.)

20 VICE CHAIR MILLER: Maybe not as bad  
21 as the FBI.

22 MR. AVITABILE: Yeah.

23 COMMISSIONER MAY: Do you want me to  
24 weigh in on that one?

25 VICE CHAIR MILLER: Yeah, I always

1 respect you.

2 COMMISSIONER MAY: It didn't bother  
3 me. I mean, I thought it was a kind of  
4 interesting building. It was a period piece.

5 VICE CHAIR MILLER: There you go.

6 MR. AVITABILE: I think it's been  
7 vacant for about four or five years at this point  
8 if I recall correctly, right? Yes.

9 VICE CHAIR MILLER: Okay, well, again,  
10 I commend everybody for working together and  
11 continuing to work together as we go forward, and  
12 that's all I have right now, Mr. Chairman. Thank  
13 you.

14 CHAIRMAN HOOD: All right, thank you  
15 all. Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Thank you, Mr.  
17 Chair. I would echo the Vice-Chair's comments, I  
18 think. I compliment the applicant and the  
19 neighbors, UNSW, the ANC, and all of the others  
20 that worked on this project. I think it was a  
21 well-conceived and well-executed combination of  
22 people and things happening, and I think it  
23 really works out well.

24 And I compliment Mr. Baranes on a  
25 well-designed building. I think it's very

1 thoughtful. It's innovative. I think the scale,  
2 the color, the detailing shows the depth of his  
3 abilities, so I think it's a well-defined  
4 building.

5 It's an elegant building for this area  
6 and I think it really fits in well. I really  
7 have no issues with it at all, and I think it's -  
8 -

9 My only question, you talked about the  
10 street lighting. I didn't see any street  
11 lighting. Is that -- you didn't show it, but  
12 it's the standard Washington --

13 MR. BARANES: Yes.

14 COMMISSIONER TURNBULL: -- twins or --

15 MR. BARANES: It's the single  
16 Washington globe lights.

17 COMMISSIONER TURNBULL: Single  
18 Washington globe, okay.

19 MR. BARANES: Yeah.

20 COMMISSIONER TURNBULL: The only issue  
21 really that I had, as I mentioned earlier, were  
22 the IZ units. And maybe, Ms. Fry, you have --  
23 the transportation screens are in both lobbies of  
24 both buildings?

25 MS. FRY: Yes, that's correct.

1                   COMMISSIONER TURNBULL:     Okay, all  
2 right, good. The only other thing, the solar,  
3 you have up on the top, the penthouse, there is a  
4 screen going around. It's a glass screen?

5                   MR. BARANES:     Correct.

6                   COMMISSIONER TURNBULL:     Okay, it was  
7 hard to read it. At first, I thought there  
8 wasn't anything there at all, but, and then I  
9 saw, I looked at another view and I saw the  
10 screens, so.

11                  MR. BARANES:     Yeah.

12                  COMMISSIONER TURNBULL:     And it's sedum  
13 around the --

14                  MR. BARANES:     That's right, on the  
15 green, on the other portion of the roof.

16                  COMMISSIONER TURNBULL:     Yeah, okay,  
17 all right. Other than that, I really have no  
18 real issues with this. Again, echoing the Vice  
19 Chair's earlier comments, I think it's a well-  
20 designed building and you've worked well with the  
21 community, and I compliment you on that.

22                  CHAIRMAN     HOOD:            Thank     you.  
23 Commissioner May?

24                  COMMISSIONER MAY:        Thanks, so one  
25 thing I'll say up front, and I'm usually not very



1 positive at the very beginning like this, but I  
2 will say that it's a very positive development,  
3 the way this has come along from where it was.

4 So this is yet another project that  
5 is, like, on my route to work, so I see it every  
6 day, and for five years, saw what was happening  
7 with it and what was happening in the  
8 neighborhood, and the signs in the yards and  
9 everything else.

10 I mean, it was kind of hard to avoid  
11 it, so I knew it was highly controversial, and  
12 then it came to us, and we had our own discomfort  
13 about it, and, I mean, it has come a long way  
14 from that point.

15 And of course we're going to hear from  
16 everybody in the room tonight to understand  
17 whether it has come far enough for us to make a  
18 decision about it, but I think there certainly  
19 has been substantial progress and I'm very  
20 pleased to see that that has happened.

21 Because I was fully expecting the room  
22 to be filled with people with t-shirts, and  
23 buttons, and signs, and stuff, and that hasn't  
24 happened, so that's, I think that's a positive so  
25 far. So, all right, that's it for the positive

1 stuff.

2 (Laughter.)

3 COMMISSIONER MAY: I do have a few  
4 small questions. The evolution of the project,  
5 how much did the FAR change from start to finish?  
6 Because, you know, certainly things got squished,  
7 and pushed, and such, but how much FAR was lost?

8 MR. AVITABILE: I mean, the original,  
9 if you're going all the way back to the very  
10 beginning, the original project was seeking  
11 whatever the old SP zone was. It was well north  
12 of a 4 FAR, maybe four and a half. Was it as  
13 high as a six? Yeah, 4.8. Right, so it was at a  
14 4.8. It's now down to a 2.8.

15 COMMISSIONER MAY: It went from 4.8 to  
16 2.8, okay.

17 MR. AVITABILE: Yes, in that original  
18 version that Shalom had up, at one point it was  
19 as high as 90 feet --

20 COMMISSIONER MAY: Right.

21 MR. AVITABILE: -- and it's now down  
22 to 50 feet.

23 COMMISSIONER MAY: Right, and was --

24 MR. AVITABILE: Less than 50.

25 COMMISSIONER MAY: Was much gained by

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1 pushing some of that program into the ground or  
2 was it all --

3 MR. BARANES: We significantly reduced  
4 the number of units.

5 COMMISSIONER MAY: Yeah, well, no, I  
6 mean, that's obvious, but I wonder, you know,  
7 whether you went deeper as well. I see a head  
8 shaking no.

9 MR. BURKHART: Good evening. My name  
10 is Patrick Burkhart. I'm an architect with  
11 Shalom Baranes Associates.

12 Initially, we had three levels of  
13 below grade space in the very first study that we  
14 did, and at this point, we've eliminated two of  
15 those below grade levels so that we have just  
16 one.

17 And in terms of number of units, we  
18 initially had up to 177 units, including the  
19 Shakespeare component. We're now at 100, so that  
20 gives you kind of a percentage of drop.

21 COMMISSIONER MAY: Thank you. That's  
22 very helpful. So what's the height of the  
23 building now compared to what the height was of  
24 Southeastern University?

25 MR. BURKHART: My recollection is the

1 Southeast University height was a little bit less  
2 than 30 feet. It had two academic floors, so I  
3 think it was like 29 feet probably. Our building  
4 height is 48 feet with the main building and 48  
5 feet two inches with the annex, both of which  
6 measurements include the parapet.

7 COMMISSIONER MAY: Okay, and just to  
8 clarify, the extent of the sidewalk flip was just  
9 pushing the sidewalk out to the curb and having  
10 the trees in the front yard?

11 MR. BURKHART: That's correct.

12 COMMISSIONER MAY: Okay, so the solar  
13 panels, it's a little bit unclear to me. Maybe  
14 it's in a drawing that I missed, but they're sat  
15 at an angle on frames, right? So are they  
16 surrounded by a parapet around that penthouse or  
17 are they completely on top of it, and therefore  
18 potentially something that could be seen?

19 MR. BURKHART: They're sitting on top  
20 of the penthouse, the height of which is 11 feet,  
21 and we have a four-foot glass guardrail around  
22 the solar panel farm for safety purposes.

23 COMMISSIONER MAY: Okay.

24 MR. BURKHART: So I think that from  
25 long distance views, you may be able to see them,

1 but within I would say the immediate block, you  
2 probably would not.

3 MR. AVITABILE: And they're in the  
4 model.

5 MR. BURKHART: Correct.

6 MR. AVITABILE: So to the extent that  
7 you would see them, you would see them in the  
8 renderings that we have provided.

9 COMMISSIONER MAY: Right, but we don't  
10 always get the longer views where it would be. I  
11 mean, you know, it's clear from sort of the  
12 section that you're not going to see it from  
13 across the street, but you might see it down I  
14 Street or something like that.

15 And the reason I ask is that, you  
16 know, they're not really that attractive, right?  
17 So you don't want to have the top of your  
18 beautiful building junked up with, you know, the  
19 zigzag of solar panels, right?

20 MR. BURKHART: Right, we've set them  
21 back for that reason.

22 COMMISSIONER MAY: Yeah.

23 MR. BURKHART: Yeah.

24 COMMISSIONER MAY: Okay, did you  
25 actually look at doing more of that? Because

1 we've been pushing lately for folks to put solar  
2 panels on top of their green roofs, and we're  
3 told that that's possible. Did you look at that  
4 question?

5 MR. BURKHART: Yes, we actually did.  
6 We have a type of solar panel that does allow  
7 green roof area underneath it, and the height of  
8 the panels from the structure of the roof is 42  
9 inches in terms of scale.

10 In terms of the number of solar  
11 panels, you know, it's always an initial  
12 investment issue and one has to deal with the  
13 long-term pro forma on it.

14 At the time we made this decision,  
15 which was actually about two and a half, three  
16 years ago, the number we came up with, the one  
17 percent of the annual building energy use is what  
18 we targeted.

19 You know, it may be something that we  
20 can look at because the price of the panels have  
21 come down a bit, you know, so it's kind of an  
22 ongoing thing, but we do have a certain budget  
23 number that was worked towards to make the  
24 project feasible.

25 COMMISSIONER MAY: Right.

1 MR. AVITABILE: I'll also add that one  
2 of the major concessions we made with the United  
3 Neighbors of Southwest was to remove the  
4 habitable penthouse, and that was partly -- I  
5 mean, it was very strongly that -- by pulling the  
6 penthouse as far south as possible.

7 They did not want to see really  
8 anything encroaching back beyond the point where  
9 we have that. The stair tower and the elevator  
10 were accepted as things that had to be there, but  
11 beyond that --

12 So I guess that would be the other  
13 concern about adding more solar on that lower  
14 roof would be, how it would be perceived and felt  
15 by others in the room.

16 COMMISSIONER MAY: Right, well,  
17 certainly I'm not going to -- I mean, I just  
18 started out the conversation by complaining about  
19 what these things look like, you know, when you  
20 can see them, so I certainly don't want to do it  
21 to the point of them being visible.

22 I'm also not, you know, totally  
23 convinced that they have to be angled at that  
24 ideal angle, and I think that you might get more  
25 bang for your buck if you had more of them and

1 they were laying flat or, you know, tilted less.

2 Certainly there are many deployed  
3 around the city that are either virtually flat or  
4 at a very shallow angle, and they produce quite a  
5 bit, so.

6 MR. BURKHART: I think in this case,  
7 in order to have the green roof survive  
8 underneath it though, the flatter the panel, the  
9 more shadow you put.

10 COMMISSIONER MAY: Yeah, and I agree,  
11 and that's --

12 MR. BURKHART: So it's a tricky  
13 balance.

14 COMMISSIONER MAY: That's one of the  
15 reasons why I'm asking some of these questions is  
16 to understand why on some projects they walk in  
17 the door with these, you know, with grass or with  
18 sedum growing underneath the solar panels, and on  
19 other ones, it's like, "Oh, you know, oh, no, we  
20 could never do that. It would never work." So,  
21 you know, we're not the experts. We're trying to  
22 understand, I think, a little bit about what the  
23 ins and outs are, so I appreciate that.

24 There was a view of the second  
25 building that was from the north side, and that



1 was an interesting view, and it made it clear  
2 that the building looked like it fit well in the  
3 neighborhood. Oh, yeah, so this too.

4 So, I mean, what space is this? Is  
5 this a common space for the townhouses to the  
6 north or whatever that is?

7 MR. BARANES: We're looking at the  
8 north elevation of the artists, actors, and  
9 fellows' housing.

10 COMMISSIONER MAY: Right, but --

11 MR. BARANES: And these are units.

12 COMMISSIONER MAY: But where am I  
13 standing when I'm looking at it? Am I standing  
14 in public space or --

15 MR. AVITABILE: This is a common area  
16 in front. Those are three and four-story  
17 apartments that extend kind of perpendicular to  
18 the street going north, and this is, I think,  
19 some green space, and I think there's some  
20 parking there as well.

21 COMMISSIONER MAY: There's a parking  
22 lot to the north of that.

23 MR. AVITABILE: Right, right.

24 COMMISSIONER MAY: I mean, I could see  
25 that in one of the plans or whatever.

1 MR. AVITABILE: Right, so that's what  
2 this is.

3 COMMISSIONER MAY: Right.

4 MR. AVITABILE: It's that --

5 COMMISSIONER MAY: So, I mean, people  
6 will actually see this view. There may not be  
7 quite as many people around in it, but, okay. I  
8 mean, it is pretty clear that the design is  
9 sensitive to that context.

10 Oh, and I do appreciate the fact that  
11 there is substantial housing for actors. I will  
12 say that where I live right now, we lived next  
13 door to an apartment building that was rented to  
14 actors, not necessarily for the Shakespeare  
15 Theatre, but any number. I don't know what it  
16 was.

17 The woman who owned the building  
18 really liked the actors who would come in, and  
19 sometimes they would be there for short periods  
20 and sometimes some of them were there for a good,  
21 long period.

22 We made friends with some of them and  
23 they were always really great neighbors. You  
24 know, they kept some different hours, I think,  
25 but, you know, they weren't loud. They weren't

1 crazy even though it was a four-unit apartment  
2 building in a rowhouse neighborhood.

3 So hopefully they will behave  
4 similarly in this circumstance, but it's good to  
5 see that that's being accounted for and I think  
6 it's a very positive contribution.

7 The last thing is the penthouses  
8 themselves. So the view that we see here, that  
9 penthouse is a lighter, sort of a light gray. Is  
10 that -- which metal is that?

11 MR. BURKHART: It is the lighter one.

12 COMMISSIONER MAY: It's the lighter  
13 one?

14 MR. BURKHART: Yes.

15 COMMISSIONER MAY: So have you not  
16 been here before when I've lectured on the value  
17 of darker penthouse colors rather than lighter  
18 ones?

19 MR. BURKHART: I have not.

20 COMMISSIONER MAY: You have not, wow.  
21 You've been spared.

22 (Laughter.)

23 COMMISSIONER MAY: I am strongly of  
24 the opinion that darker penthouses tend to recede  
25 more than lighter ones, and it seems

1 counterintuitive because it's against the sky,  
2 but it's not really the case, and so.

3 Now, you may disagree. You're  
4 certainly free to disagree, but I think that it's  
5 something I would like you to look at because, I  
6 mean, it's been a long time since I've had to  
7 give this lecture. So I think it's worth taking  
8 a look at because, again --

9 And I even convinced at least one of  
10 my fellow commissioners who is no longer on the  
11 Commission that that was correct. She spent a  
12 lot of time looking at penthouses as a result of  
13 that discussion. So if I convinced her, maybe, I  
14 don't know, take a look at it.

15 MR. BURKHART: All right.

16 COMMISSIONER MAY: Thank you.

17 VICE CHAIR MILLER: You should make a  
18 recording of that.

19 (Laughter.)

20 CHAIRMAN HOOD: Okay, Commissioner  
21 May, I mean, Vice Chair Miller, you had a follow  
22 up?

23 VICE CHAIR MILLER: Maybe I'll wait  
24 until after the Office of Planning. It was going  
25 to be about the comprehensive plan, but I

1 appreciate all of the -- I was just going to say  
2 that I appreciate --

3 I look forward to hearing from the  
4 United Neighbors of Southwest about whether  
5 they're satisfied about the project fitting into  
6 the context now that all of these other benefits,  
7 and mitigations, and design changes have been  
8 made.

9 But I appreciate all of the  
10 comprehensive analysis that the applicant  
11 provided and that the Office of Planning  
12 provided, which I think addressed many, if not  
13 all, of the issues that had been raised  
14 previously by the party in opposition and maybe  
15 others filing.

16 So I read through a lot of information  
17 and so it was very comprehensive, both by the  
18 applicant and by OP, so I appreciate that.

19 CHAIRMAN HOOD: Okay, Commissioner  
20 May?

21 COMMISSIONER MAY: Yeah, sorry, I  
22 forgot one thing, so, and maybe Ms. Fry can  
23 answer this question. I'm wondering about the  
24 small island in I Street at 5th which I  
25 personally regard as more of a hazard than a

1 benefit because, again, this is my route to work.

2 And I'm riding my bike down the bike  
3 lane, and the road gets, you know, squeezes down  
4 there, and the parking lane squeezes down there,  
5 and cars don't always pay attention to that and  
6 they'll park there, and so things get a lot  
7 tighter there than they need to.

8 And I'm wondering if that's one of the  
9 hazardous conditions for pedestrians that might  
10 have come up in discussions with the neighbors,  
11 with the PTA, or with DDOT? And I'm going to ask  
12 DDOT the same question.

13 MS. FRY: Yeah, that didn't come up in  
14 any of our conversations with the community, but,  
15 yeah, other than that, I would defer to DDOT.

16 COMMISSIONER MAY: Yeah, and you don't  
17 have an opinion? You haven't looked at the  
18 question of whether it's a good thing or a bad  
19 thing?

20 MS. FRY: I'll defer to DDOT. No, I  
21 assume it was --

22 COMMISSIONER MAY: You're learning  
23 about --

24 (Laughter.)

25 MS. FRY: I assume it's --

1 COMMISSIONER MAY: -- how to testify  
2 well.

3 MS. FRY: -- there to provide a  
4 pedestrian refuge at the crosswalk there.

5 COMMISSIONER MAY: Yeah.

6 MS. FRY: I know it was added to  
7 provide -- I believe it was added to provide  
8 access to the bus stop there.

9 COMMISSIONER MAY: Yeah, I mean, I can  
10 understand that purpose and, you know, maybe it  
11 does outweigh the danger that it creates by --

12 MS. FRY: Yeah.

13 COMMISSIONER MAY: -- narrowing.

14 MS. FRY: Yeah, I'm not sure, and  
15 again, DDOT may be able to weigh in on this more  
16 on why it was added there. I'm not sure if it's  
17 also meant to deter certain turning maneuvers. I  
18 think it does stick out into that street a little  
19 ways, so.

20 COMMISSIONER MAY: Yeah, yeah, well,  
21 I mean, there's still a fair number of crazy turn  
22 maneuvers that happen --

23 MS. FRY: Certainly.

24 COMMISSIONER MAY: -- there, and I've  
25 seen a few. So, all right, we'll take it up with

1 DDOT. Thank you.

2 COMMISSIONER TURNBULL: So  
3 Commissioner May, you got a standard VanPelt  
4 answer.

5 COMMISSIONER MAY: A very politic  
6 answer, yeah.

7 COMMISSIONER TURNBULL: She's learning  
8 well.

9 COMMISSIONER MAY: Yeah.

10 (Laughter.)

11 COMMISSIONER MAY: Well, she, you know  
12 -- never mind. I'll leave it.

13 CHAIRMAN HOOD: Okay, any other  
14 comments or questions? All right, let's go to  
15 the ANC. Do you have any cross examination? Any  
16 cross of anything you've heard? Do you have any  
17 questions? Okay, yeah, that's going to come in  
18 at another time, so, okay, all right, no cross.

19 All right, let's go to the Office of  
20 Planning and DDOT at this time, Mr. Cochran and  
21 then Mr. Zimmerman.

22 MR. COCHRAN: Okay, thank you, Mr.  
23 Chair. As you've heard -- well, first off, OP  
24 recommends that you approve this planned unit  
25 development and the related map amendment from R3



1 to MU4.

2 And as you've heard, it's a product of  
3 considerable consultation over several years by  
4 the applicant with the ANC, with the United  
5 Neighbors of Southwest, certainly with OP, and  
6 even by OP with about 12 different district  
7 agencies that we consulted with, and some of  
8 those are included at the end of our report.

9 They've made considerable  
10 contributions to improving the safety of the  
11 area, the comfort for future pedestrians, pushing  
12 hard for the LEED Gold, and it's just been very  
13 rewarding to be working with those other  
14 agencies.

15 But really most importantly, this PUD  
16 is not inconsistent with the comprehensive plan.  
17 When you look at the policy map, you see that  
18 about 20 percent of the site is in a neighborhood  
19 conservation area and 80 percent is designated  
20 for an institutional use.

21 Sometimes there's a slight  
22 misunderstanding on what a neighborhood  
23 conservation area is. It's a neighborhood. It's  
24 not just the immediate surrounding area.

25 And in this neighborhood conservation

1 area, we're looking at basically the entire  
2 Southwest urban renewal area with the exception  
3 of the Wharf and the old footprint of the  
4 Waterfront, what was it called, the Waterfront  
5 shopping center, the enclosed shopping mall  
6 there, and then the government-owned land that's  
7 kind of east of Delaware Avenue and west of South  
8 Capitol Street, so there's a lot of variety in  
9 that neighborhood.

10 You've got the three-story townhouses  
11 just to the north. You have the four-story  
12 apartment buildings to the north, but you also  
13 have nine and 10-story apartment buildings within  
14 a block or two, several of those.

15 You have some low density commercial  
16 uses, not just on 4th Street, but also on M  
17 Street, and soon to be on the very west end of I  
18 Street. You've got cultural uses like the other,  
19 the churches, the Blind Whino. You've got a  
20 hotel there. So all in all, this does seem like  
21 it would fit within, the proposal would fit  
22 within the concept of a neighborhood conservation  
23 area.

24 As far as institutional uses goes, the  
25 comprehensive plan, section, let's see, what is

1 it, sorry, it's section 226 of the framework  
2 element. It gives you all some guidance on how  
3 you're supposed to evaluate a proposal for the  
4 reuse of a site that's no longer an institutional  
5 use, which it isn't.

6 It says that if a change in use  
7 occurs, the new designations should be comparable  
8 in density or intensity to those in the vicinity.

9 So we're looking at a project that  
10 would be 87 percent residential and 13 percent  
11 basically culturally support facilities. It  
12 comes out to a four point, excuse me, sorry, a  
13 2.8 or 2.87 FAR. That fits within a moderate  
14 density FAR and a low density non-residential  
15 FAR.

16 So that seems to be congruent with the  
17 notion of what should happen with an  
18 institutional site when it is no longer  
19 institutional use. And I'm trying to go quickly,  
20 but we did cover that in more detail in our  
21 report.

22 The small area plan, this project was  
23 probably first a gleam in someone's eye before  
24 the small area plan was started, and it was a  
25 very different project as Mr. Baranes discussed

1 then, but the small area plan didn't make a  
2 recommendation on it.

3 It specifically stated that it wasn't  
4 making a recommendation for a land use  
5 designation, that changes for the site until  
6 further outreach efforts could be conducted by  
7 the Shakespeare Theatre Company and its  
8 development partners to address community  
9 concerns would be inappropriate.

10 It did note, however, that a culture  
11 use for the site was preferred going forward, and  
12 that same small area plan said that I Street  
13 itself is supposed to be a cultural corridor all  
14 the way from the Blind Whino at the east end onto  
15 some of the uses at the west end, and Shakespeare  
16 fits right into that and the rest of the small  
17 area plan.

18 With respect to the written elements,  
19 I really don't think you want me to go through  
20 the 217 written elements that the applicant cited  
21 in their report. I would just be happy to note  
22 that the most important one of these is  
23 neighborhood infill, which is land use policy  
24 1.4.

25 They're bringing home ownership into

1 this market, both for the market rate units and  
2 for IZ. They're bringing family oriented units  
3 in. They have three three-bedroom units. That  
4 seems to be consistent with the notion of  
5 appropriate neighborhood infill in an area like  
6 this.

7 And then it of course meets the  
8 general purposes of a PUD. It balances the  
9 flexibility that's being requested with respect  
10 to zoning with a quality designed project which  
11 has a considerable number of benefits.

12 Not all of these benefits, admittedly,  
13 are proffers. Some of them are required by an  
14 earlier agreement that the applicant had, but  
15 they do all seem to qualify as public benefits  
16 and they're considerable.

17 That really covers pretty much  
18 everything I wanted to cover now, but I'm of  
19 course open to questions.

20 CHAIRMAN HOOD: Thank you, Mr.  
21 Cochran. Let's go to Mr. Zimmerman and then  
22 we'll come back for questions.

23 MR. ZIMMERMAN: Good evening, Chairman  
24 Hood and Commissioners. For the record, Aaron  
25 Zimmerman with the District Department of

1 Transportation.

2 As you heard in Ms. Fry's  
3 presentation, the applicant has addressed all of  
4 the comments in the DDOT staff report dated March  
5 18, 2019, and has come to an agreement with us on  
6 all of the conditions.

7 These conditions include the  
8 implementation of an enhanced TDM plan that  
9 encourages non-automotive travel to the site, as  
10 well as a parking and loading management plan  
11 which were proposed by the applicant to address  
12 community concerns.

13 So with all of the conditions included  
14 in the final zoning order as memorialized in the  
15 March 27, 2019 Gorove/Slade response to DDOT  
16 memo, Exhibit 52A on the record, DDOT has no  
17 objection to the approval of this consolidated  
18 planned unit development and related map  
19 amendment application. Thank you.

20 CHAIRMAN HOOD: Thank you both. Let  
21 me see if there are any questions for either the  
22 Office of Planning or DDOT. Commissioner May?

23 COMMISSIONER MAY: So, Mr. Zimmerman,  
24 do you want to take on that island issue?

25 MR. ZIMMERMAN: Sure, yes, so that was

1 installed as part of our Safe Routes to School  
2 program because I Street is actually pretty wide  
3 when you take a look at the cross section, two  
4 lanes of parking, two bike lanes, two lanes of  
5 travel, and then some leftover space in the  
6 middle, so that was installed to shorten the  
7 crossing distance across I Street for people  
8 walking to the school.

9 COMMISSIONER MAY: Okay, so has there  
10 been any examination of it since it was installed  
11 to make sure that it's actually doing the job? I  
12 mean, has there been a reduction in incidents or  
13 is that anything you track?

14 MR. ZIMMERMAN: I haven't seen any  
15 statistics that directly answers that question.

16 COMMISSIONER MAY: Okay, all right,  
17 well, I mean, I don't know if anybody in the  
18 audience will have anything to say about that.  
19 It just seemed like an anomalous circumstance.

20 And I think one of the things that  
21 runs contrary to sort of the safety element is  
22 the fact that people park beyond where the  
23 parking is allowed, which cuts into the bike  
24 lane, and then of course there are a fair number  
25 of trucks that go down I Street, and the lane

1 narrows just enough that it also pinches the bike  
2 lane a little bit.

3 I mean, I've never really had a  
4 serious problem there, but it does seem like it's  
5 a little bit questionable whether it's really  
6 doing the job. Maybe it's wonderful and  
7 everybody loves it, in which case I'll just shut  
8 up.

9 MR. ZIMMERMAN: Yeah, I know we really  
10 focus on, you know, on anything we can do to make  
11 it safer to walk to and from school.

12 COMMISSIONER MAY: Absolutely.

13 MR. ZIMMERMAN: And I can, you know,  
14 go back to the office tomorrow and chat with our  
15 planners and just see what --

16 COMMISSIONER MAY: I mean, if it  
17 didn't come up, if it wasn't an issue that  
18 somebody else raised, I don't think we need to  
19 investigate it any further, but I just thought I  
20 would mention it to you and explore it, but we'll  
21 see if anybody else has anything to say.

22 CHAIRMAN HOOD: Okay, I want to thank  
23 you, Mr. Cochran. I think you've answered a lot  
24 of the comprehensive plan questions both in your  
25 report and verbally, so I think I am satisfied



1 with your responses.

2 Mr. Zimmerman, two questions. We've  
3 been doing this not being able to get an RPP for  
4 a long time, and so I think we have enough now  
5 where we can kind of look at the track record and  
6 see if it's really working.

7 So I would ask if that information is  
8 available, let's try to see if it's available.  
9 Let's see if it works. You know, I know what's  
10 being asked here, but if you can come back in  
11 this case and let me know what our track record  
12 has been and actually does it really work?

13 And the other question I have, and I'm  
14 not trying to be hard on bicyclists, but I'm just  
15 curious, are they supposed to stop at stop signs  
16 and traffic lights?

17 MR. ZIMMERMAN: Absolutely, yes.

18 CHAIRMAN HOOD: Okay, all right.

19 (Laughter.)

20 CHAIRMAN HOOD: That's all I wanted to  
21 know. I've been wanting to ask that for a while,  
22 but the last time I said something about  
23 bicyclists, there was a petition. The Chairman  
24 of the Zoning Commissioner was backwards thinking  
25 and I just asked. I can't ask questions.

1           What was it, 10 bags of groceries on  
2           the bicycles? I don't want to bring that back  
3           up. I look at that petition every so often, so,  
4           anyway.

5           COMMISSIONER MAY: Yeah, I max out at  
6           about three, maybe four.

7           CHAIRMAN HOOD: Three bags? Okay,  
8           yeah.

9           COMMISSIONER MAY: But there are  
10          plenty of people who do a lot more.

11          CHAIRMAN HOOD: Okay, I'm not going to  
12          go down that line anymore. So thank you, Mr.  
13          Zimmerman. Any other questions or comments for  
14          the Office of Planning or DDOT? Okay, I'm not  
15          hearing any.

16          Does the ANC -- I mean, does the  
17          applicant have any cross? Does the ANC have any  
18          cross of either the Office of Planning or DDOT?

19          If you could come forward, Ms. Fast,  
20          and we'll find a seat for you. You can turn your  
21          mic on, identify yourself, and the floor is  
22          yours.

23          MS. FAST: Gail Fast, I'm the Chair of  
24          ANC 6D and also the single member district that  
25          this project is located in.

1           So my question is for DDOT, and Aaron  
2 knows that I'm going ask this, and it has to do  
3 with Commissioner May's question about the median  
4 that is in there. Is there any reason why there  
5 is not a school zone sign for that? I think that  
6 is part of the problem with the median.

7           And we've asked Safe Schools and Safe  
8 Routes, and I was told that it is enough that  
9 there are signs on the perimeter of the property,  
10 meaning on 6th Street buried by a tree and on 4th  
11 Street buried by a tree, but you would think that  
12 Safe Routes would want the people that are  
13 driving past the entrance to the school to know  
14 that that should be a school zone 15 mile an hour  
15 speed limit.

16           Is there any reason why not? I can't  
17 get an answer from DDOT. You're here. I'm  
18 asking you now.

19           MR. ZIMMERMAN: I'll go back and get  
20 you an answer on that. I don't have an answer  
21 for you tonight on that, but --

22           MS. FAST: Okay.

23           MR. ZIMMERMAN: I'll get you an answer  
24 and personally respond to you.

25           MS. FAST: All right, well, as part of

1 the curb site management plan, as you'll hear in  
2 the report, we really feel that a 15 hour speed  
3 limit sign on that street is appropriate and ask  
4 that you take that back to Safe Routes.

5 MR. ZIMMERMAN: Will do.

6 COMMISSIONER MAY: And that applies to  
7 bicycles too, right, 15 miles an hour?

8 (Laughter.)

9 CHAIRMAN HOOD: All right, thank you.  
10 We will call you back. Hold on a second. Did  
11 you bring your testimony forward with you? Okay,  
12 well, you can come on back. So do we have any  
13 other reports? I know we've had DDOT. Are there  
14 any other reports that I may have missed?

15 Okay, so now we will go to the ANC.  
16 Ms. Fast, Chairperson Fast, you may begin.

17 MS. FAST: Do you want me to  
18 reintroduce myself?

19 CHAIRMAN HOOD: Yes, yes, if you don't  
20 mind, even though I've called your name maybe  
21 about four or five times.

22 MS. FAST: That's okay. Gail Fast,  
23 I'm the Chair of the ANC 6D and also the single  
24 member commissioner for this project.

25 So good evening, Chairman Hood and

1 fellow Commissioners. As I said, I'm Gail Fast,  
2 Chair of ANC 6D and the single member district  
3 commissioner for this development project.

4 First of all, let me say if you had  
5 asked me five years ago if we would be here today  
6 in support of Zoning 17-21, I probably would have  
7 called you all crazy, but we've come a long way.

8 And it was through tough negotiations  
9 and many compromises by both the applicant and  
10 the Southwest community that I sit before you  
11 today, and I would be remiss if I didn't  
12 acknowledge all of the hard work of my Southwest  
13 neighbors, including the United Neighbors of  
14 Southwest and the PTA and Amidon-Bowen.

15 As I've said in my report, it was not  
16 Councilman Allen's office, nor the Office of  
17 Planning, but the ANC, the United Neighbors of  
18 Southwest, more recently the PTA and the  
19 applicant who have spent the last two and a half  
20 years in constant negotiations, and believe me,  
21 these were tough.

22 The applicant went back to the drawing  
23 board, as you've seen, numerous times to show  
24 different iterations of the proposed design, and  
25 the United Neighbors of Southwest stayed the

1 course, continuing to push the applicant to bring  
2 the Mendelson down to where it is today. To that  
3 end, ANC 6D is pleased with what has been  
4 proposed by the applicant.

5 As far as the building design, in one  
6 of the ANC meetings with the applicant, we told  
7 them that their current design really didn't  
8 exemplify the fact that they were touting to the  
9 Southwest community that they were a theatrical  
10 arts community.

11 Their design lacked, for a better  
12 word, pizzazz. It was dull and boring. No one  
13 would walk by it and say, "Wow, the Shakespeare  
14 Theatre is here."

15 The ANC is pleased that their redesign  
16 incorporates art panels along I Street as well  
17 as, I don't know if you know this, they've  
18 proposed a mural on the east side of the annex.

19 The ANC is also pleased that the  
20 applicant heard the neighbors and have  
21 incorporated that contextual design of townhouse  
22 rhythm and ground floor walkout units, and a flip  
23 of that 6th Street sidewalk and tree area to  
24 match the sidewalk and planting area layout that  
25 is both on the west and east sides of 6th Street.

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1           This new design reflects the urban  
2 renewal design of the surrounding townhouses, and  
3 for the first time fits into the neighborhood,  
4 and thankfully it was approved this morning at  
5 the Public Space Commission hearing.

6           As far as affordable housing, the ANC  
7 is particularly pleased that the applicant is  
8 including those three three-bedroom units in its  
9 affordable housing mix. The ANC has long  
10 advocated for affordable housing designed to  
11 attract families to Southwest.

12           With its close proximity to both  
13 Amidon-Bowen and Jefferson Middle Schools, we  
14 think this project will be attractive to bringing  
15 new families to Southwest home ownership.

16           Building a community and sustaining it  
17 requires investment by the people who live there.  
18 The ANC was excited when Erkiletian converted the  
19 residential portion of the project to for sale  
20 units, and we also appreciate Erkiletian's  
21 commitment that no less than 90 percent initially  
22 and 80 percent thereafter of the condominium  
23 units will be owner occupied. Communities are  
24 not built on Airbnb.

25           For the Shakespeare Theatre, in 2014,

1 an agreement between the Southwest Neighborhood  
2 Assembly or SWNA and the Shakespeare Theatre was  
3 signed to provide certain benefits and amenities  
4 to the Southwest community upon approval of the  
5 PUD and/or completion of the proposed  
6 development.

7           Honestly, Shakespeare did not live up  
8 to its end of the agreement. Free tickets,  
9 scholarships for Camp Shakespeare, even  
10 advertising in the Southwest newspaper never  
11 really came to fruition.

12           ANC 6D is pleased to see a renewed  
13 commitment from Shakespeare on all of those  
14 previous amenities and benefits, as well as the  
15 additional ones detailed in the United Neighbors  
16 of Southwest and what I've seen from the Amidon-  
17 Bowen PTA MOUs, which will now be under the  
18 watchful eye of parents and neighbors and not a  
19 civic organization. I'm confident that the PTA  
20 and the United Neighbors will make sure  
21 Shakespeare delivers on its promise.

22           Also, the ANC wanted a commitment from  
23 Shakespeare that they would be an integral part  
24 of the Southwest cultural community, and we are  
25 pleased to see that they plan to stay around for

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1 at least 20 years.

2 As far as the curbside management, I'm  
3 not sure I can get these words out, but for once,  
4 ANC 6D agrees with Gorove/Slade on their curbside  
5 management plan --

6 (Laughter.)

7 MS. FAST: Sorry, I had to say it.  
8 I'm sorry -- as attached in Exhibit B, and we  
9 welcome that DDOT now has also approved it.

10 It is really critical for the safety  
11 of the children attending Amidon-Bowen and the  
12 summer camps at Shakespeare that we have that no  
13 parking from 7:00 a.m. to 5:30 and not just on  
14 the school days.

15 Construction management, there is no  
16 question that traffic, trucks, staging, and  
17 keeping our school kids safe is going to be a  
18 challenge. The ANC is pleased that the applicant  
19 is working with the Safe Routes to School to  
20 ensure parents and teachers are aware of the new  
21 suggested walking routes.

22 We were also pleased to see the  
23 funding of a crossing guard at Makemie Place --  
24 that's where that median is, Makemie Place --  
25 during school and after care hours was included.

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1           The ANC wants to be sure that the  
2 applicant does not use a flag person as a  
3 replacement and works with DCPS and the PTA to  
4 ensure that we have a true crossing guard.

5           Since this project will be on about  
6 the same time as other development projects in  
7 the pipeline -- so that's 1000 4th Street. We  
8 have the Southwest Library going under  
9 development. We have 375 M Street. Currently  
10 right now the Kiley is happening, as well as  
11 phase two of the Wharf, all within feet of this  
12 new project.

13           The ANC would appreciate a broader  
14 discussion with DDOT and the Commission on how  
15 DDOT plans to manage all of these projects. It  
16 cannot be as my esteemed colleague, Commissioner  
17 Litsky, would say, fait accompli.

18           How are you, DDOT, going to make this  
19 work so residents can get to and from work, that  
20 we don't end up with the entire arterial streets  
21 closed for days at a time, that our kids can get  
22 to and from school safely, and that gosh, we can  
23 hear ourselves think? We need you to tell us.

24           In conclusion, I've always felt we  
25 could figure this out and make it work for the

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1 applicant and the community, and I think we've  
2 come as close to success as we possibly could.  
3 That being said, we are bombarded with new  
4 development everywhere you turn.

5 And while the applicant may be doing  
6 their small part to minimize its impact on the  
7 neighborhood, it doesn't absolve my call out to  
8 DDOT, the Commission, and other District agencies  
9 to ensure that our quality of life is not  
10 diminished in the process. Thank you.

11 CHAIRMAN HOOD: Thank you, Chairperson  
12 Fast. Let me just say on the note about all of  
13 the construction that's going on, and a lot of  
14 it, we had a lot to do with over the years.

15 But I want to make sure, Mr.  
16 Zimmerman, I don't know if it's you or whomever,  
17 continues to work with the ANC and do exactly  
18 what the Chairperson has asked. I'm not sure if  
19 it's you, or if it's the director, or whom,  
20 because I think that is a very fair ask with  
21 everything that's going on.

22 Now, when it's all complete and done,  
23 we'll all be enjoying it, but for the time being,  
24 they're going to have to endure because I'm not  
25 going to go down there probably until it's all

1 done.

2 (Laughter.)

3 CHAIRMAN HOOD: But they're going to  
4 have to endure it, on a serious note, while it's  
5 going on, so hopefully you all can work with  
6 DDOT. And DDOT, I would put that request to the  
7 director for you all to work on that with the  
8 ANC.

9 There was something else. Chairperson  
10 Fast, let me ask you, with all of the outstanding  
11 concerns that were raised in the ANC letter and  
12 what I've heard, has all of that been resolved to  
13 your satisfaction, everything? I'm kind of  
14 asking that all clumped together.

15 MS. FAST: Sure, from the ANC's  
16 perspective, it has. Our concern as an ANC that  
17 represents the residents that we were elected by  
18 was to ensure that the United Neighbors of  
19 Southwest and the PTA were comfortable with the  
20 project.

21 We worked very hard with the applicant  
22 to reduce its massing. Our goal as an ANC was to  
23 get the project. We felt that we could do this  
24 if we could get it to fit within the framework of  
25 the neighborhood. And I will tell you that we

1 went back many times.

2 Some days we walked out of  
3 negotiations where we had gotten nowhere, but I  
4 will give the applicant credit in that we said  
5 it's too big, and it needs to be set back, and  
6 you need to make that work, and they did.

7 And so based off of that and the  
8 agreements that they were able, the MOUs that  
9 they were able to work out with the United  
10 Neighbors and soon to be with the Amidon PTA,  
11 we're satisfied.

12 CHAIRMAN HOOD: Okay, thank you very  
13 much, and I want to thank this ANC's neighborhood  
14 for all their work. It's been going on for a  
15 while. It's been going on a long time, since  
16 I've been here, and so I know you all have put a  
17 lot of volunteer time in and we greatly  
18 appreciate all of the hard work that has went in,  
19 and even in this case as well.

20 So let me open it up. Any questions  
21 or comments from anybody? Commissioner May?

22 COMMISSIONER MAY: Yeah, I just was  
23 wondering if it's just a coincidence that the ANC  
24 is supporting Gorove/Slade when Ms. Fry is at the  
25 table, but --

1 MS. FAST: Well, maybe, I don't know.

2 COMMISSIONER MAY: Maybe, I don't know.  
3 Somebody will have to test that theory, not just  
4 at this table, but, you know, through all of the  
5 work.

6 COMMISSIONER TURNBULL: So Commissioner  
7 Fast, was Mr. Avitabile easy to work with?

8 (Laughter.)

9 MS. FAST: Let me just say this. So  
10 this has been a five-year project. Obviously  
11 we've come before the Commission quite a few  
12 times. I will say that probably one of the best  
13 things that the Shakespeare Theatre and  
14 Erkiletian did was to switch firms and bring Mr.  
15 Avitabile in to work through the project. I  
16 don't know that we would be sitting here today.  
17 I know we would not be sitting here today with  
18 the first firm that we went through it with. I  
19 think that from our perspective, and I'm not  
20 going to speak for my Southwest neighbors, other  
21 than the fact that they have come to a memorandum  
22 of understanding and I believe now maybe do not  
23 support, but certainly do not oppose the project,  
24 that it is part of his initiative and on his  
25 behalf.

1 CHAIRMAN HOOD: Thank you, Chairperson  
2 Fast. I think you stated it well. And I  
3 actually read your first couple of sentences in  
4 your report two or three times and it said you  
5 thought we would have been crazy or however that  
6 was, because I thought that was very unique to  
7 show you where you were and where you've come to.  
8 So some nights we do leave out of here and we  
9 wonder if we are crazy, but I can tell you that  
10 just shows it already.

11 Now, is everybody probably with you?  
12 No, but are you a lot further along than where  
13 you were? Yes, so, and I'm speaking probably for  
14 the whole community. There are some who probably  
15 don't agree even with what's going on this  
16 evening and what we're hearing, but at least  
17 you're closer, and then in one case, you're still  
18 having those discussions.

19 So I think that is very admirable for  
20 everyone to continue to have those talks because  
21 I think with everybody's input, what I've found,  
22 even with all of us up here, when we are deciding  
23 cases, you know, we may not agree, but after it's  
24 all said and done, sometimes you come out with a  
25 better outcome.

1           So, any other questions or comments?  
2 Vice Chair Miller?

3           VICE CHAIR MILLER: I just wanted to  
4 concur with your comments, Mr. Chairman, and  
5 again commend the Chair of the ANC and all of the  
6 ANC members, and the applicant, and UNSW for  
7 working so hard, persevering so hard, and getting  
8 to this outcome, and hopefully we'll get to that  
9 outcome with Amidon as well.

10           CHAIRMAN HOOD: Okay, does the  
11 applicant have any cross? Okay, you don't?  
12 Okay, after all of those nice things, you  
13 probably wouldn't, would you?

14           (Laughter.)

15           CHAIRMAN HOOD: Okay, thank you,  
16 Chairperson Fast. We appreciate all of the work  
17 that you all are doing. Okay, now I'm ready to  
18 go to organizations. Do we have a list?  
19 Organizations and persons who are here in  
20 support? Let me just see a show of hands all of  
21 who is going to testify whether in support or  
22 opposition.

23           Okay, all those who are here in  
24 support, if you can come to the table, they're  
25 going to make way. Organizations or persons who



1 are in here in support, if you can come forward  
2 at this time?

3 Ms. Schellin, are we going to put the  
4 screen up or -- okay, I used to have a little  
5 screen up here. I don't -- I guess they figured  
6 I probably haven't used it, so.

7 Do we have any proponents? Oh, okay.  
8 Yes, support, did you want to come up after all  
9 that you've heard or do you want to wait?

10 (Laughter.)

11 CHAIRMAN HOOD: Yes? Turn your mic  
12 on. Hold on. Let us get the -- okay, so we have  
13 one person? So we have time for it, okay.

14 MS. SCHELLIN: Yes, only one person  
15 registered.

16 CHAIRMAN HOOD: Okay, let me go to  
17 your question first. Yes?

18 MR. EICHER: I'm here representing the  
19 United Neighbors of Southwest, and as you've  
20 heard, we've withdrawn our party status in  
21 opposition application, and I will be testifying  
22 to that effect, neither in support nor opposed if  
23 that's all right.

24 CHAIRMAN HOOD: Okay, you were coming  
25 undeclared, but since you're there, that's fine.

1 MR. EICHER: Thank you.

2 CHAIRMAN HOOD: All right, and Mr.  
3 Welles, if you want to come on up, that's fine.  
4 Let me just do this. Anybody who wants to  
5 testify can come up at this time because it  
6 didn't seem like there were --

7 How many other people want to testify  
8 wherever you are, opposed, support? Okay, just  
9 come on up. I think I see one more person, so  
10 that's it. So we will -- we can distinguish the  
11 difference, believe me.

12 (Laughter.)

13 CHAIRMAN HOOD: Yeah, have a seat  
14 right there. Okay, let me start to my left, your  
15 right, and you may begin. Identify yourself and  
16 you may begin.

17 MR. EICHER: Thank you, Mr. Chairman.  
18 My name is Peter Eicher and I'm here as the  
19 authorized representative of the United Neighbors  
20 of Southwest who is a community group of about 60  
21 neighbors who had been granted advanced party  
22 status by the Commission.

23 For the past five years, it's our  
24 organization that's been the vanguard of  
25 community opposition to this project. We fought

1 for and obtained language in the Southwest small  
2 area plan to oppose the development, and we  
3 originally opposed the 10-story building, and  
4 then the seven-story building, and then the first  
5 iteration of the five-story building.

6 We filed petitions and handed out  
7 fliers, and as you've noted, Mr. May, posted  
8 signs in our yard for many years, and we've  
9 repeatedly met with city officials and elected  
10 representatives to insist on something better.

11 And over the past months, we have met  
12 intensively with the developers, and we're  
13 pleased that these negotiations have led to the  
14 current plan, which is a substantial improvement.  
15 We appreciate the steadfastness and support of  
16 the ANC in this process.

17 We can't say that we're entirely happy  
18 with the outcome. It does remain short of our  
19 vision of no zoning change and townhouses at the  
20 site, but this is the nature of a compromise, and  
21 I'm sure the other side is not entirely happy  
22 either with the outcome.

23 So after reflection, our community  
24 group agreed that we could live with this plan,  
25 and therefore, we were able to reach an agreement

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1 with Erkiletian Development and the Shakespeare  
2 Theatre Company that we'd withdraw our opposition  
3 to this project on the basis of the changes  
4 they've made to the building and to the  
5 commitments for the future public benefits and  
6 mitigations.

7           Only yesterday evening, we finally  
8 signed a memorandum of understanding, which is  
9 now before you as Exhibit 52 in the case, and we  
10 request, as did the PUD applicants, that this  
11 memorandum of understanding and its commitments  
12 be included as conditions of the final written  
13 order of the PUD.

14           And on that basis, UNSW, the United  
15 Neighbors of Southwest, is withdrawn as a party  
16 in opposition to the proposed development, and  
17 finally, especially for Mr. May, if you approve  
18 the PUD this evening, we'll be taking our signs  
19 down starting tomorrow. Thank you.

20           CHAIRMAN HOOD: Great, thank you.  
21 Okay, next?

22           MS. GOMER: Hello.

23           CHAIRMAN HOOD: Turn your mic on.

24           MS. GOMER: Hello, my name is Donna  
25 Gomer. I'm at 506 and 508 H Street. And I

1 notice on the pictures that they were showing,  
2 you never saw the alleyway. If you notice that,  
3 they never show that.

4 CHAIRMAN HOOD: Okay.

5 MS. GOMER: Well, that's where our  
6 house is located.

7 CHAIRMAN HOOD: Okay.

8 MS. GOMER: And they never showed how  
9 high it is. We have a 4th floor deck and they're  
10 doing penthouses.

11 And we're trying to figure out, are  
12 they overlooking our house or, I mean, we can't  
13 even, there's nothing in the picture. We don't  
14 even see that alleyway. And I think they  
15 purposely didn't show it.

16 And parking, there's nowhere to park  
17 no. So, I'm just trying to figure out, I mean,  
18 it seems like they're just trying to force this  
19 project on us.

20 There is no parking, and we just don't  
21 really want it. This is bad. This is a bad,  
22 it's an eyesore actually. Especially if you're  
23 on that row.

24 I mean, a lot of these people who want  
25 it, they didn't invest as much money as we did in

1 our townhouse, and they don't even live in the  
2 direct line of the building being right behind  
3 your house. Like, your deck is there and then  
4 you're looking at this eyesore right across the  
5 street. So I'm opposed.

6 CHAIRMAN HOOD: Okay. And I'm sorry,  
7 I didn't get your name.

8 MS. GOMER: Donna Gomer.

9 CHAIRMAN HOOD: Ms. Gomer.

10 MS. GOMER: 506 and 508.

11 CHAIRMAN HOOD: Okay. If you can hold  
12 seat if we have some questions.

13 Next. Somebody, let me go back to the  
14 young lady who came up afterwards.

15 MS. STOCKER: Sure. So, I'm Lauren  
16 Stocker. I am representing the PTA at Amidon-  
17 Bowen, and I'm a neighbor to the development. So  
18 thank you for your time.

19 I'm here representing the PTA because  
20 we care about the students and the parents and  
21 the teachers at the school. And we are concerned  
22 about how the development will impact them.

23 I'd like to start by saying, we didn't  
24 think that this was going to be an empty lot  
25 forever, but we're not the only group here that

1 had hoped for more townhouses to be built on this  
2 land, but that's not what's currently planned.

3 So we're here because we have several  
4 major concerns that we're trying to work through  
5 with the developer and with Shakespeare. And  
6 those conversations started several weeks ago,  
7 not several years ago. So, putting that out  
8 there.

9 The first of those concerned is  
10 safety. So with the addition of these condos,  
11 with the office space, with the actor housing,  
12 there will be an increase in traffic where lots  
13 of these kids are walking to and from school.

14 A lot of them are walking without  
15 parents. They're walking with older siblings or  
16 they're by themselves.

17 We've had several near misses in the  
18 last month, and we want to make sure that we and  
19 the developer can work with DDOT to come up with  
20 a traffic mitigation plan that's satisfactory.

21 We are close to an agreement, but DDOT  
22 needs to work closely with us to make sure that  
23 we're satisfied that the safety of our students  
24 is foremost in people's minds.

25 I'll say that I cross the street at

1 the median multiple times a day and it keeps my  
2 two kids safe.

3 So, our second concern is the impact  
4 to our outdoor play areas. And very simply put,  
5 I want my kids who are on the playground after  
6 3:00 p.m. to be in the sun and not in the shade.

7 The outdoor play areas are also used  
8 by the community after school and on the  
9 weekends.

10 So no other Ward 6 elementary school  
11 has a tall development directly adjacent to the  
12 playgrounds. Some schools have townhouses or  
13 other low-rise buildings, but in all cases, there  
14 is a separating alley or road.

15 So, we leave it up to the Commission  
16 to decide if this elementary school will be the  
17 exception to that rule.

18 Our third concern is the impact to our  
19 diverse and family centric southwest community  
20 that's been touched on tonight. It's what we  
21 think makes our quadrant so special.

22 We believe that the zoning was  
23 designed with intention. And that intentional  
24 zoning has created the neighborhood that we have  
25 today. We want to keep it that way.



1           So we continue to urge Erkiletian and  
2 the Shakespeare Theater Company, to include those  
3 larger and more affordable three-bedroom condo  
4 units so that families can buy in that building  
5 and own their home and afford to be in there and  
6 come to this school.

7           So, if the current plan does include  
8 this and if the Commission moves forward on  
9 approving the PUD, we strongly encourage that  
10 those larger, more affordable buildings, or  
11 condos, be in that building.

12           So, until recently, until three weeks  
13 ago, we, as the PTA, hadn't had the opportunity  
14 to meet with the developer and Shakespeare  
15 Theater Company. So while agreements have been  
16 reached with several of the other community  
17 groups, we don't have an MOU in place yet.

18           That said, we do appreciate the time  
19 that developer and Shakespeare has taken in the  
20 last few weeks to address our concerns and to  
21 start those conversations, but we're not quite  
22 there yet.

23           A few things that they've done,  
24 they've incorporated the school into further  
25 renderings, they've expanded the shadow study up

1 to 6:00 p.m., they've committed to moving the  
2 light pole and they've revised construction  
3 management plans. But we've got a few other  
4 things that we need to work through with them.

5 And just one brief note, in regard to  
6 community benefits. We recognize that the  
7 Commission is currently changing how community  
8 benefits are done.

9 While we appreciate that, we hope that  
10 the Commission will take into consideration our  
11 school's needs and we're not alone. So, for  
12 example, this past year the PTA has provided  
13 support to two separate families.

14 When a parent was lost to gun  
15 violence, we've paid for toilet paper, we've paid  
16 for trash pick-up, emerging needs. And so, when  
17 we're asked to state how the money will be spent  
18 in advance and we don't have any of that  
19 flexibility around emerging needs, that really  
20 ties our hands and we want to be there to support  
21 the students at the school and the families.

22 So we hope that the Commission will  
23 take into consideration the vast and differing  
24 needs of the school community and help us  
25 continue to provide those critical benefits. So

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1 thank you for your time.

2 We are, I think as it states,  
3 undeclared, and we look forward to continue  
4 negotiations with Shakespeare and the developer.

5 CHAIRMAN HOOD: Okay. And thank you.  
6 Next? The young lady right here, right in front  
7 of me.

8 Mr. Welles, you're going to go last  
9 actually. The young lady right here in front.  
10 In front of me. The young lady who's talking to,  
11 you.

12 Oh, you want her to go? You're not  
13 going to speak?

14 MS. TRACTON: I will.

15 CHAIRMAN HOOD: Oh, you --

16 MS. KAMARA: She's deferring to me  
17 first, I guess.

18 MS. TRACTON: I've been asked to speak  
19 third.

20 CHAIRMAN HOOD: Oh, you have a panel.  
21 Oh, okay. Well, you all go right ahead.

22 MS. KAMARA: Good evening. My name is  
23 Khady Kamara and I'm the managing director at  
24 Arena Stage. I'm also a resident of Southwest  
25 and have been a resident for the last five years.

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1           So, I'm pleased to offer my strong  
2 support for the Bard Building, as both the  
3 representative of Arena Stage and as a Southwest  
4 resident.

5           As you know, arts and culture are a  
6 key component of the Southwest neighborhood. In  
7 addition to the Tony Award winning theater arena  
8 stage, we have the wonderful jazz nights at  
9 Westminster Presbyterian, the daring visual art  
10 scene at Blind Whino, the marvelous performance  
11 venues at the Wharf and so much more.

12           I believe that adding the prestige and  
13 influence of the Shakespeare Theater Company will  
14 further enhance the Southwest celebration of the  
15 arts.

16           The Bard will offer the community new  
17 rehearsal and classroom spaces for residents,  
18 young and old, to learn acting, play writing,  
19 sewing, directing, improvisation and more.

20           I recognize that I may seem bias,  
21 after all, I current work with more than 430  
22 artists, artisans, designers, teachers at Arena  
23 Stage. I know the kind of special, thoughtful,  
24 positive people that choose to work in the world  
25 are of non-profit theater. They enhance my life

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1 every day.

2 So I think I can say with authority,  
3 that having more theater people in the community  
4 is a good thing.

5 Much of what I say can be said of the  
6 theater community in D.C. as a whole. We support  
7 each other, we share resources, we share over  
8 higher personnel who help build our shows. We  
9 often have the same ushers, we communicate with  
10 each other about shared needs, we create city-  
11 wide events like the Women's Voices Theater  
12 Festive.

13 When Shakespeare Theater Company  
14 reached out to us to say that, for this new  
15 building that they would likely need additional  
16 parking spaces for their employees, we said we'll  
17 figure out it, we'll find a way to make it work.

18 And Arena Stage is committed to  
19 helping Shakespeare Theater Company find their  
20 parking solution.

21 So, having Shakespeare Theater Company  
22 administrative offices, costume shop and  
23 rehearsal spaces just down the street from our  
24 own administrative offices, costume shop and  
25 rehearsal spaces, will make each of our

1 organizations stronger and make our neighborhood  
2 stronger.

3 Lastly, I'm pleased to support this  
4 project because I honestly do believe that the  
5 collaborative nature of the meetings that  
6 Shakespeare Theater Company has had with their  
7 soon to be new neighbors, has led to a better  
8 system for communication.

9 I believe those lines of  
10 communications will remain open while the project  
11 is built, and once it is filled with residents,  
12 Shakespeare Theater Company employees and life.  
13 Thank you.

14 CHAIRMAN HOOD: Thank you. Who's  
15 next?

16 MS. TRACTON: Rob Hughes.

17 CHAIRMAN HOOD: Who's going second?  
18 You second?

19 MR. HUGHES: Yes, that would be me.

20 CHAIRMAN HOOD: Okay.

21 MR. HUGHES: Greetings, Chairman Hood  
22 and Members of the Commission. My name is Rob  
23 Hughes.

24 My wife and I recently moved to 301 M  
25 Street in Southwest, D.C. I own a small video

1 production company called Newbury Digital, and my  
2 wife is a marketing manager for Nestle.

3 And I'm here to offer my support for  
4 the Bard Building located at 501 I Street,  
5 Southwest.

6 My wife and I moved to Southwest  
7 because we're sort of tired of the homogeneous,  
8 sort of monocultural environment that you find in  
9 Northwest D.C. And to us Southwest felt really  
10 special.

11 It feels like a small neighborhood,  
12 but it doesn't feel disconnected from the rest of  
13 the city. We like being close to the mall and to  
14 the water and the new D.C. United Stadium. And  
15 we just generally kind of love the energy and  
16 diversity of the community.

17 When we got to Southwest one of the  
18 first things we noticed was all of the signs.  
19 The tribute to the direct action of the  
20 neighborhood groups.

21 Since we were new to the neighborhood,  
22 we didn't really understand the objection and we  
23 weren't sure what the issue people could have  
24 with Shakespeare really was. And it kind of felt  
25 like we were eves dropping on somebody else's

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1 conversation.

2 So, we took that opportunity to listen  
3 and kind of learn. You know, just listen before  
4 we spoke.

5 And from what we've seen of the  
6 current design and what we've heard about what's  
7 going on with the Shakespeare's office space,  
8 I've got to say, we're completely on board with  
9 the project. And we think the Bard will be a  
10 great addition to the neighborhood.

11 On a professional note, part of my job  
12 includes hiring actors and crew members and other  
13 creative types from the local talent pool. Which  
14 in D.C. can feel very, very small and often  
15 insular and often homogeneous.

16 And I think Shakespeare offers, then  
17 fact that they offer acting classes to adults at  
18 all levels is really intriguing to me. Because I  
19 think that the more people who take these sorts  
20 of classes and get more involved in the arts, the  
21 bigger and more diverse the talent pool gets.

22 And that really matters to me as a  
23 small business owner. And I just think the  
24 better off we'll all be for it.

25 And you know, just off the, looking at

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1 the programming for the next two months on STCs  
2 website, introduction to acting, theatrical  
3 adaptation, voice and speech, movement for the  
4 actor, approaching Shakespeare, fundamentals as a  
5 scene study, acting for business professionals  
6 and advance acting. You know, I'm just  
7 tremendously excited that all this is happening,  
8 and it can be happening in our neighborhood.

9 And on a more personal note, and I  
10 know that housing in D.C. is a touchy subject for  
11 a lot of people, but I'm just generally  
12 encouraged, this building is only four stories  
13 and that it offers condos that people like my  
14 wife and I could conceivably buy. Which could  
15 keep us on the same road for decades to come.

16 It's just really tremendously exciting  
17 to think about putting roots down in this  
18 neighborhood. So, this was fun, thanks for  
19 hearing me out.

20 CHAIRMAN HOOD: Thank you. Next?

21 MS. TRACTON: Okay, my name is  
22 Lorraine Tracton, and as the saying goes, call me  
23 anything you want, just don't call me late for  
24 dinner. But do call me grateful.

25 And I say this because I'm grateful

1 for all of the people here who have participated  
2 and brought us to this point in the process. To  
3 me, it's encouraging to see the community and  
4 Shakespeare Theater Company and all the parties  
5 involved, communicating with each other on the  
6 issues that have been raised.

7 And to know that people are actually  
8 listening to each other and being responsive and  
9 proactive to address and resolve the concerns.

10 I'm also grateful to be a southwest  
11 D.C. resident for 17 years. Longer than some  
12 here and shorter than others.

13 Like Commissioner May, I drove every  
14 day from the Capitol Street Bridge, across  
15 through the neighborhood and I said, gee, it  
16 would be great to live here. My husband and I  
17 relocated from suburban Maryland to our Southwest  
18 neighborhood because we feel in love with the  
19 green spaces, the places to walk or ride bikes,  
20 nearness to the waterfront and the convenience of  
21 the nearby metro, Safeway, CVS, Jenny's  
22 Restaurant, and yes, there was a Pizza Hut there  
23 too.

24 We also loved how easy it was, and  
25 still is, to get to museum exhibits, concerts,

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1 dance and theater performances. Oh yes, and to  
2 work.

3 Over the years, we have seen a lot of  
4 change in our neighborhood. Although we know  
5 change is a part of life, we've seen that some  
6 changes are harder than others to go through.

7 One type of change in development,  
8 relevant to tonight's meeting, is the emergence  
9 of mix-use developments. Such as churches  
10 combined with residential buildings.

11 What sets these multi-use buildings  
12 apart from strictly residential buildings, is  
13 that the churches are non-profit organizations,  
14 as is the Shakespeare Theater.

15 The reason for existing is based in  
16 altruistic values. And their purpose is to  
17 provide services and benefits to their  
18 congregations and by extension to the surrounding  
19 community.

20 By contrast, a strictly residential  
21 real estate developers only reason to exist and  
22 build is to make a profit. The Shakespeare  
23 Theater Company falls into the former category.  
24 That of being a non-profit organization whose  
25 purpose is to bring literally art to life for the

1 community.

2 As a mixed-use building, the Bard  
3 project would not have one, but multiple levels  
4 of benefit.

5 One, they would benefit the company by  
6 providing space to do work that occurs outside of  
7 the actual performance spaces.

8 Two, it will benefit the community by  
9 providing additional residential homes,  
10 condominiums, not rentals, some three-bedroom  
11 units and an affordable housing component.

12 Three, it would benefit the community  
13 by providing educational opportunities for people  
14 of all ages. From elementary and middle school  
15 to members of the senior village.

16 Showing students a variety of possible  
17 career paths, the production, business and  
18 production interns, show kids that theater is not  
19 just about acting, it is a team effort.

20 And yes, it would benefit the  
21 developers who are partnering with STC to build  
22 the project. Coming back to the theme of  
23 gratitude, I am thankful to have grown up in  
24 communities where all the arts were taught, from  
25 elementary through high school.

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1           Although time does not permit me to  
2 detail all of the values or art education,  
3 instead I will wrap this up by emphasizing that  
4 many school budgets have been slashed with arts  
5 education cut entirely. Denying students the  
6 opportunity to learn appreciation of and skills  
7 in subjects that will enrich their lives from  
8 early childhood to old age.

9           So I hope that the community and this  
10 Commission will see, as I do, the importance of  
11 organizations like the STC and Bard project, as  
12 resources for everyone in the Southwest community  
13 and help move it forward.

14           CHAIRMAN HOOD: Okay, thank you. Mr.  
15 Gomer.

16           MR. GOMER: Yes, sir. Chairman Hood  
17 and the Panel, thank you very much for hearing me  
18 and for hearing these, that these things have  
19 been going on for a long time.

20           I'm still not a, I'm appointed of this  
21 entire, in fact that it's 48 feet, I wish it was  
22 a little smaller. I do live at 506. My wife is  
23 over there.

24           And we do have solar panels on the  
25 roof. I'm sorry that Mr. May, that you don't

1 like the angle of them and that they're not  
2 attractive, but believe it or not, you get 30 or  
3 40 percent more power in the winter by having  
4 them at that southern angle.

5 COMMISSIONER MAY: I'm not convinced  
6 of that, I have solar panels myself. They're  
7 also at an angle. I mean, I'm not complete  
8 unfamiliar with that.

9 MR. GOMER: Well, that's what we've  
10 been told and it looks that way. It does support  
11 about 75 percent of our house at this point in  
12 time. And we have two electric cars, so that  
13 does a little bit.

14 But we are happy that it's came down  
15 from the height it was to the height that it is  
16 now. I'm glad that we all see that there is a  
17 parking issue and they're working with Arena  
18 Stage and trying to working out the parking  
19 issue.

20 I can't imagine that you're going to  
21 buy a condo in that place, not be able to park  
22 your car. And then not even being able to get  
23 street parking by a condo association that's not  
24 going to let you have a special permit that's  
25 going to let you park your car on the street.

1           And we're already short quite a bit of  
2 parking. We're lucky enough to have a few spots  
3 in front of our house.

4           Unfortunately, we don't want people to  
5 start pulling in there because they have nowhere  
6 else to park. We had a big problem with that  
7 when Southwest University was there. People were  
8 rushed to go to class, they couldn't make it and  
9 they ended up parking in front of our house all  
10 the time.

11           So that is one of the issues we do  
12 bring up.

13           The other one is where I'm not happy  
14 with the green space. I walk around the  
15 neighborhood. The old town houses have a lot of  
16 green space, it's really nice to see that.

17           We do have a little pup that we take  
18 around, take around for walks and there's not a  
19 lot of green space. You go to the, by the  
20 stadium, either stadium, and they've wiped out  
21 all the green space. There is nothing, it's all  
22 concrete.

23           And I think this building has just, as  
24 it flattened, it just took over all the space.  
25 And in a way I'm glad it flatted because I didn't

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1 want it over towering my house.

2 But at the same time it's, they gave  
3 up all the green space. And I think if they  
4 waited another year, maybe the actual prices of  
5 the condos would go up enough that they wouldn't  
6 have to have as many.

7 With them both opening up and the  
8 stadium opening up and the soccer stadium opening  
9 up, the prices are just going higher and higher.  
10 So, maybe that would be a solution.

11 But anyway, thank you very much for  
12 all that you guys have done. And thank you very  
13 much for do changing the design, it is a lot  
14 better than what it used to be. And that's,  
15 thank you very much.

16 CHAIRMAN HOOD: All right, Mr. Welles.

17 MR. WELLES: Okay. Well, thank you  
18 very much for letting me testify tonight.

19 My name is Martin Welles, I'm a 20  
20 year resident of Southwest. I have lived within  
21 about five or six blocks of that project for all  
22 20 years in various houses.

23 I'm a landlord. I own a one-bedroom  
24 apartment that I rent out. I'm also a renter. I  
25 rent where I live now.



1 My family spent about eight years at  
2 Amidon-Bowen. I put three kids through there. I  
3 persuaded the Mayor and the City Council to  
4 invest in Amidon-Bowen. They poured \$17 million  
5 in there renovating it.

6 I persuaded the Mayor and City Council  
7 to invest in Jefferson. They poured \$76 million  
8 into that. That project is underway right now.

9 I'm the past president of the PTA. I  
10 don't speak for the PTA today, although I am a  
11 member.

12 I'm the elected community member on  
13 the local school advisory team. I'm not speaking  
14 for that either, I'm speaking for myself.

15 I'm treasurer of Capitol Hill Little  
16 League, I'm treasurer of Near Southeast Community  
17 Partners. We've distributed the 650,000 that CSX  
18 gave to the Community Mitigation Fund. We were  
19 the fiscal agents there.

20 My standing in the community is more  
21 than the general public, okay. I appreciate your  
22 ruling, I think it was a fair ruling based on my  
23 submission, I do appreciate that. But I think I  
24 carry a little bit more weight than just a  
25 general citizen.

1           And so with that, I'd like to express  
2 my views in opposition to this project. First of  
3 all, this isn't about a tenant. Much of the  
4 testimony here tonight is about a tenant with a  
5 20 year lease.

6           This is about a zoning change. Going  
7 from R-3 to MU-4, I believe is the designation.  
8 Which permits commercial use of that space. And  
9 despite Mr. Avitabile's declaration that there is  
10 commercial up and down I Street, it just doesn't  
11 exist.

12           There is a hotel that borders South  
13 Capitol Street and I, but there is no other  
14 commercial activity there. Churches, yes,  
15 townhouses, towers, apartments. You're not going  
16 to find a place to get your clothes cleaned down  
17 there. And that's deliberate.

18           Fifteen years ago, ten years ago, we  
19 were, before the Office of Planning, and we said  
20 we want 4th Street to be our local neighborhood  
21 commercial corridor, we want M Street to be  
22 commercial, we want Main Avenue to be commercial,  
23 we don't want I Street commercial.

24           So if you, you know, Mr. Avitabile  
25 said you have to look at the project ad hoc, I

1 would say that you need to look at it  
2 comprehensively. This is a Zoning Commission  
3 looking at how zoning impacts our lives.

4 And by changing the zoning to  
5 commercial, you do put a beachhead on I Street  
6 for commercial activity.

7 400 I Street is underway, that's going  
8 to be appearing before you right now. There is  
9 no commercial plan there. It is a church and  
10 resident units.

11 The public housing projects are going  
12 to be changed eventually. That projects  
13 underway.

14 There is plenty of activity up and  
15 down I Street. New homeless shelter for Ward 6  
16 is there. The Blind Whino is a church and it's  
17 not on I Street, all right.

18 Keep I Street residential. Deny the  
19 zoning change. And don't cheat 4th Street of a  
20 commercial tenant, don't cheat M Street of a  
21 commercial tenant, and don't cheat Main Avenue of  
22 a commercial tenant.

23 Now, there is a perfect solution, all  
24 right. PN Hoffman is building on the empty lot  
25 next to CVS. They are building a theater in

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1 there and they have useable commercial space  
2 available.

3 Take the Shakespeare Theater  
4 administrative component and it's sewing factory,  
5 as David Avitabile called it, and put that over  
6 there. Let Erkiletian develop a partnership with  
7 PN Hoffman, buy into it, rent it, whatever you  
8 want.

9 But now you've got commercial activity  
10 on a commercially zoned space. Take this  
11 dormitory, and despite calling it an annex, it is  
12 a dormitory.

13 You're shuffling kids in and out of  
14 there for ten months at a time, you're calling  
15 them a fellow, whatever have you. You're  
16 sticking kids in the basement, half grade below  
17 ground.

18 Mr. May, as you indicated, may I  
19 continue please?

20 CHAIRMAN HOOD: Yes.

21 MR. WELLES: Thank you. You indicated  
22 that actors keep crazy hours, right? The play  
23 ends at midnight, they got out and have a couple  
24 beers, they're coming home 2:00, 3:00 in the  
25 morning.

1 COMMISSIONER MAY: I don't think I  
2 used the word crazy, but we get the point.

3 MR. WELLES: Different hours.

4 COMMISSIONER MAY: I get the point.

5 MR. WELLES: Different hours.

6 COMMISSIONER MAY: Not the hours I  
7 get. Well, I used to be in the theater business  
8 too.

9 MR. WELLES: Okay.

10 COMMISSIONER MAY: So I had long  
11 hours.

12 MR. WELLES: And more power to them,  
13 I wish I could stay up that late. But these kids  
14 are on that playground at 8:00 a.m. in the  
15 morning, while our actors are sleeping.

16 And you saw photographs or renderings  
17 of the pretty front side that border somebody  
18 else's property, but what you haven't seen is how  
19 they're cramming this, what is it, 58 foot tall  
20 building on a 38 foot wide parking lot.

21 And I've included a picture of what  
22 the parking lot looks like. This was taken  
23 probably a year ago maybe. Not much has changed.  
24 It's a tiny narrow parking lot.

25 In the photos with the light poles in

1       them, you can see where that light pole is right  
2       up against the fence line. And this is one for  
3       the Attorney General's Office.

4               That light pole got there 25 years ago  
5       or so. And it got there one of three ways.  
6       Either with permission of the previous owners,  
7       illegally by the District of Columbia when they  
8       dropped it in there, or it sits on school  
9       property.

10              So, there's a concept called adverse  
11       possession. Nobody complained about it for the  
12       past 25 years.

13              So that light pole, whether they're on  
14       city property or on the developer's property,  
15       doesn't add anywhere to the school.

16              Now, I'm grateful, and I think it's a  
17       fair compromise, for Erkiletian to either replace  
18       or move the light pole to a suitable location.  
19       And I think we have a good idea where it could go  
20       that it wouldn't impact the development and yet  
21       still light the field.

22              But I think there's a legal issue that  
23       needs to be decided here in, who owns that  
24       property.

25              That fence, that wrought iron fence

1 does not sit on the property line anywhere on the  
2 parameter. In one case it's 16 feet within  
3 inside the property line, another case, according  
4 to the developer, it's two or three feet, they're  
5 not really sure.

6 But they're certain that in this  
7 particular fence line, that's on the property  
8 line because the light pole, which is right next  
9 to it, is on their property. So there's a legal  
10 issue.

11 And what I would request is that the  
12 developer play for a surveyor, chosen by DGS, to  
13 survey all the surrounding property, to determine  
14 exactly where the property lines are for this  
15 little parking lot.

16 Now, what I'd really like to see  
17 happen is that dormitory not to be placed on that  
18 parking lot. Use it for a parking lot.

19 We've heard tonight that there's not  
20 enough parking. There is 20, 30 spots there.  
21 And then put the dormitory where the  
22 administrative office space is, at the 501 main  
23 building, and then have Erkiletian develop a  
24 partnership with PH Hoffman to lease that --

25 CHAIRMAN HOOD: Mr. Welles, you have

1 one minute left.

2 MR. WELLES: Thank you, very much,  
3 I'll finish.

4 Yes, I really think you need to look  
5 at the dormitory and see the impact that that's  
6 going to have on the children. I appreciate your  
7 time, I appreciate the extension of time, thank  
8 you very much.

9 CHAIRMAN HOOD: Thank you. Mr.  
10 Eicher, let me go back to you. The MOU, and I  
11 know my Counsel is here, we don't necessarily  
12 make those conditions.

13 What we do, we point to it. I think  
14 we just point to it. Is that a fair assessment,  
15 Mr. Tondro?

16 MR. TONDRO: I think as Mr. Avitabile  
17 indicated earlier, there's generally a process by  
18 which we work with, with the Counsel, to  
19 determine what of those conditions, in the MOU,  
20 can be included as conditions within the order.

21 As Mr. Avitabile said, there may be  
22 some that are outside of the purview of the  
23 Zoning Commission's authority --

24 CHAIRMAN HOOD: Right.

25 MR. TONDRO: -- so those would be let



1 out.

2 But, to the extent possible, those  
3 would be incorporated as we --

4 CHAIRMAN HOOD: The ones that, right,  
5 the ones that are enforced. So what I didn't  
6 want to do is having Mister Eicher, I don't like  
7 anybody leave here on promise land, but what I  
8 wanted to was make sure that Mr. Eicher, there  
9 was some kind of way we reflected there is  
10 disagreement, and we've done that in the past.

11 The other ones can be, that are  
12 enforceable by us, can be in the condition. I  
13 will leave it up to Counsel, but we need to at  
14 least mention it, this is there. And that's what  
15 we've done in the past.

16 Okay. All right, so, Mr. Eicher, I  
17 didn't want you leaving here, oh well, we get all  
18 our conditions in there and then you say, that  
19 Anthony Hood and them, they just went and did  
20 what they wanted to do. That happens all the  
21 time, so I wanted to put that out front.

22 Mister and Ms. Gomer, have you all  
23 been in discussions, I'm going to talk to Mr.  
24 Avitabile, because you have solar panels, right?

25 MR. GOMER: Yes.

1 CHAIRMAN HOOD: I got that. And I  
2 really didn't understand, you were giving  
3 accolades and then you said you was in  
4 opposition. You kind of went back and forth,  
5 from my standpoint.

6 But the main issue, and I heard your  
7 wife mention about the alley. Now, you all are  
8 on 6th Street?

9 MR. GOMER: Yes. No, we're right  
10 behind the actual place. We have 506 and 508.  
11 We actually, our back yard is that street.

12 And if you look at Number 38, Slide  
13 38, I do have a question about that overhang over  
14 that street. And I wonder how far out that is  
15 from the original building?

16 How close, how further out over the  
17 street that actually is?

18 CHAIRMAN HOOD: So, let me back up.  
19 Let me back up. Have you all, and this is what  
20 the question line, I'm sure the Applicant, you  
21 all can work on that, but have you had  
22 conversations, did you attend the ANC meeting,  
23 have you had conversations with the community?

24 So they understand your issues.  
25 You've talked them over, you worked for them,

1 you've talked to them to no satisfaction?

2 MR. GOMER: Some. Yes, we've had some  
3 conversations.

4 CHAIRMAN HOOD: Okay. All right, I  
5 just needed to put that in the placeholder.  
6 Okay.

7 MR. GOMER: Thank you, sir.

8 COMMISSIONER TURNBULL: I just want to  
9 clarify, you're one of the town homes that's  
10 adjacent to their driveway?

11 MR. GOMER: That's correct.

12 COMMISSIONER TURNBULL: Which one in,  
13 how far in are you?

14 MR. GOMER: We are right against the  
15 driveway. We're 506-508 H Street, so we are the  
16 double wide has the solar panels on the roof.

17 COMMISSIONER TURNBULL: Okay.

18 MS. GOMER: They don't have a picture  
19 of the backside.

20 MR. GOMER: Well, you can see the --

21 COMMISSIONER TURNBULL: When Mr.  
22 Avitabile comes up, I'll have them bring up,  
23 there is a drawing in here which they can bring  
24 up and I just want to, maybe we can clarify that  
25 when they come back up.

1 CHAIRMAN HOOD: So, is your home the  
2 one with the pop-up? You're the pop-up. You  
3 have the pop-up?

4 MR. GOMER: That's correct.

5 CHAIRMAN HOOD: Okay.

6 COMMISSIONER TURNBULL: Okay.

7 CHAIRMAN HOOD: All right. I have  
8 some questions, but I'm not going to do that.  
9 But okay. Okay, we will put that in the pot.

10 Any other questions to Mr. Gomer?  
11 Okay.

12 I'm going to come back to Mr. Welles.  
13 Stocker? Stocker.

14 MS. STOCKER: Yes.

15 CHAIRMAN HOOD: So, you mentioned, you  
16 were referring some of your testimony to a  
17 previous case that we heard, what, last week.  
18 Were some of your comments germane to that?

19 Is that what you were, were you  
20 talking about buying toilet paper and helping  
21 families on down the line and give you some  
22 flexibility, was that germane to a pervious case?

23 MS. STOCKER: That's come up recently.  
24 And my understanding is that the Commission is  
25 changing how community benefits are done.

1 CHAIRMAN HOOD: No. Commission --

2 MS. STOCKER: And not allowing  
3 flexibility there.

4 CHAIRMAN HOOD: No. That's actually,  
5 the case we heard, what was that? When did we  
6 deal with that, last week?

7 COMMISSIONER TURNBULL: Monday.

8 CHAIRMAN HOOD: Monday, oh. We done  
9 had so much I don't know what day it was.

10 But anyway, that's the case and the  
11 Commission has not changed anything. The  
12 Commission has put that in place some 20 years  
13 ago. That is not a change.

14 COMMISSIONER TURNBULL: The only thing  
15 that's come up, the only thing that's come up is  
16 whether you can establish an escrow account. And  
17 we've never allowed an escrow account before  
18 because of the issues that came up with how the  
19 money got spent and who accounted for it.

20 But that's come up again that we try  
21 to incorporate that. But we have some legal  
22 issues on how you, usually the contractor is  
23 providing something. A service, he's doing  
24 something, he's building something, or giving  
25 computers or doing something for a school.

1           And the only thing that's come up  
2 recently is the whole business about trying to  
3 establish an escrow account.

4           CHAIRMAN HOOD: And that, as already  
5 stated, we've dealt with that previously. We've  
6 had problems, and I'm talking about 20 years ago.

7           Where it's fine right now, you give it  
8 some time with the flexibility, and then we have  
9 neighborhoods fighting each other. So we've been  
10 through that, we're not going back through that.

11           So we're going to work craft, I think  
12 we've made a final, we didn't finalize anything  
13 on that, did we?

14           (Off-microphone comment.)

15           CHAIRMAN HOOD: We did? I can't  
16 remember, but anyway. I know we discussed it, I  
17 don't think we finalized anything but we're going  
18 to make sure.

19           And like I said the other night --

20           (Off-microphone comment.)

21           CHAIRMAN HOOD: Right. Like I said  
22 the other night, the way we're going is going to  
23 be in the best interests of the community,  
24 because that's what we've done in the past. I've  
25 been here to see it some 20 years ago.

1 I was here and I watched how that put  
2 neighborhoods against neighborhoods and the  
3 discussions that went on down here. So we'll  
4 deal with that.

5 But I just wanted to find out if that  
6 was germane to what we're doing tonight and it's  
7 actually not. That's a previous case you got  
8 that information from but we're going to, we'll  
9 handle it.

10 But we understand, we're going to do  
11 the best we can on that. What else? I think  
12 that was it. The other ones were, other folks  
13 were in support. Thank you.

14 Mr. Welles, Cap City. Represented as  
15 well, and the little league. I'm familiar with  
16 Cap City.

17 MR. WELLES: All right. Way to go.

18 CHAIRMAN HOOD: So I'm familiar with  
19 Cap City even though I was with one of the  
20 opposing teams.

21 (Laughter.)

22 CHAIRMAN HOOD: But let me just ask  
23 you this. In your testimony you mentioned I  
24 still don't get, I'm not there with you, of how  
25 you are, how you are more unique, I still haven't

1 got that.

2 We don't necessarily have to do there,  
3 but in your submission, and even in your  
4 conversation, I didn't see how you were any  
5 different than anyone else who was sitting at the  
6 table, so that's why my ruling.

7 But if you notice, I had you go last  
8 and that was the reason. Because I wanted to,  
9 because you did submit this, and I have a few  
10 questions that I want to ask you.

11 MR. WELLES: Sure.

12 CHAIRMAN HOOD: You raised several  
13 issues in your submission about impacts, project  
14 impacts. You mentioned, I think, I have it  
15 jotted down, commercial uses in the project will  
16 adversely impact the resident street. How is  
17 that?

18 So, you've already defined this as  
19 being a residential street.

20 MR. WELLES: I believe the zoning, up  
21 and down I Street, is residential. And the  
22 change to a commercial nature impacts everybody  
23 up and down I Street.

24 And since I live within 150 feet,  
25 approximately of I Street, I think that impacts



1 me. I think it impacts me as I walk up and down  
2 the neighborhood.

3 CHAIRMAN HOOD: Do you have any  
4 neighbors?

5 MR. WELLES: Yes.

6 CHAIRMAN HOOD: Okay. So it impacts,  
7 so, from your characterization, it impacts you  
8 and your neighbors?

9 MR. WELLES: Yes, you're right.

10 CHAIRMAN HOOD: Okay.

11 MR. WELLES: Yes.

12 CHAIRMAN HOOD: Okay. So that's kind  
13 of how we go into looking at uniquely affected.

14 MR. WELLES: But I have neighbors on  
15 I Street, and using that argument, somebody over  
16 on G Street or somebody over on Delaware Avenue,  
17 over by the stadium, doesn't have the same impact  
18 as me. So in that regard --

19 CHAIRMAN HOOD: But, on your street --

20 MR. WELLES: Yes.

21 CHAIRMAN HOOD: -- do you have  
22 neighbors?

23 MR. WELLES: Of course.

24 CHAIRMAN HOOD: Okay. So, okay.

25 MR. WELLES: I understand your point.

1 CHAIRMAN HOOD: Okay.

2 MR. WELLES: Yes.

3 CHAIRMAN HOOD: All right.

4 MR. WELLES: And I accept your ruling  
5 on party status --

6 CHAIRMAN HOOD: Okay, I appreciate it.  
7 Let me ask you this, so the field, is it just  
8 used for soccer?

9 You coach soccer or you work with  
10 these young folks on soccer?

11 MR. WELLES: The particular field that  
12 is by the project is pretty much a soccer field.  
13 I coach a summer soccer league for kids age 4 to  
14 12. It's all volunteer.

15 And then adults use the field for  
16 soccer in the evenings. And then the kids use it  
17 for multiple activities during the day. Whether  
18 it be playing tag or football or soccer. So it's  
19 a multi-use field.

20 CHAIRMAN HOOD: So, in your view and  
21 your argument that the height, which is 50 foot,  
22 what was the height, 51, what, 48?

23 MR. AVITABILE: Forty-eight feet.

24 CHAIRMAN HOOD: Thank you. So it's  
25 your argument that the height will affect the

1 soccer field?

2 MR. WELLES: Yes, it definitely will.

3 CHAIRMAN HOOD: It definitely --

4 MR. WELLES: We received the shadow  
5 study from the developer for the 6:00 p.m.  
6 shadow. And I included a picture that was taken  
7 at 6:00 p.m. That will be covered in shade at  
8 that time. And that's according to their shadow  
9 study as well.

10 CHAIRMAN HOOD: And I don't, my  
11 computer is updating. It picks the wrong time to  
12 update.

13 But let me, what time of year was  
14 that?

15 MR. WELLES: Summer time.

16 CHAIRMAN HOOD: Summer, 6 o'clock.  
17 Okay.

18 MR. WELLES: Yes. Yes.

19 CHAIRMAN HOOD: All right.

20 MR. WELLES: That picture was either  
21 June or July, I'm not sure the exact date.

22 CHAIRMAN HOOD: Okay. All right.  
23 Okay, so I think, and I understand, I think we're  
24 talking about one or two or three. It seems like  
25 I'm confused now with these light poles. I mean,

1 was it three or four or is it just one?

2 MR. WELLES: There's one in dispute.

3 CHAIRMAN HOOD: And you all are  
4 working on that one, right? The way I gather.

5 MR. WELLES: Yes. I think we have a  
6 reasonable compromise but there is still the  
7 underlying issue of who owns that property.

8 CHAIRMAN HOOD: All right. Well, I've  
9 heard that.

10 MR. WELLES: That's for the city to  
11 determine.

12 CHAIRMAN HOOD: Right. So, Mr.  
13 Welles, one of the reasons that I even looked at  
14 really considered hard, because when you're  
15 working with young folks, I want to deprive the  
16 young, I'm not like that. I don't think any of  
17 us are.

18 And especially when you're teaching  
19 them soccer. And I know the reputation of Cap  
20 City, even though I'm, like I said, I'm on the  
21 other side sometimes.

22 But I think it's important that we  
23 make sure that we keep these venues and avenues  
24 for folks, for the young folks in our city to  
25 continue. So that really caught my attention.

1           You all are having discussions, right?  
2           From what is sounds like, you all, you're having  
3           discussions with --

4           MR. WELLES:       Well, I'm on the  
5           periphery. I don't have party status. I'm not,  
6           I'm no longer an officer on the parent/teacher  
7           association so I'm kind of on the outside.

8           CHAIRMAN HOOD:   So, I know you don't  
9           have party status, believe me, I know that  
10          firsthand.

11          MR. WELLES:   Yes.

12          CHAIRMAN HOOD:   So we don't have to  
13          mention that again because I already know it and  
14          I understand it.   But I thought even without  
15          party status you all, you still, they still were  
16          working with you?

17          MR. WELLES:   Yes.

18          CHAIRMAN HOOD:   Okay.

19          MR. WELLES:   Yes.

20          CHAIRMAN HOOD:   Okay.   So, I'm going  
21          to be interested to see, not to be going, be  
22          holding hands and all on the same page, I'm going  
23          to be interested to see, for the sake of the  
24          young folks, I'm going to be interested to see  
25          how far we go.   And that's going to be one thing

1 I'm going to be asking for.

2 So whether you have party status or  
3 not, I want an update on the young folks who are,  
4 what we have done to look out for the young folks  
5 from 4 to whatever age it is, okay?

6 MR. WELLES: Thank you.

7 CHAIRMAN HOOD: All right, let me open  
8 it up. Any comments or questions?  
9 Commissioners? Of anybody on the Panel? No.

10 Does the Applicant have any cross of  
11 anybody up here? Okay, come forward.

12 If somebody can just, whoever, maybe  
13 he may not have a question for.

14 MR. AVITABILE: It's just one  
15 question, and it's only because I couldn't read  
16 it myself. To Mr. Welles.

17 You said you live within 150 feet of  
18 the property?

19 MR. WELLES: One fifty feet of I  
20 street.

21 MR. AVITABILE: You live? Your unit  
22 is within 150 feet of I Street? Our property?

23 MR. WELLES: I think so. Yes.

24 MR. AVITABILE: You sure about that?

25 MR. WELLES: I didn't take a tape

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1 measure. Tell me how far I live?

2 MR. AVITABILE: You're in the  
3 townhouses over on Waterside Towers.

4 MR. WELLES: The horse shoe.

5 MR. AVITABILE: The horse shoe. The  
6 closest one of those, believe it or not, is 500  
7 feet to the corner of our property.

8 MR. WELLES: Well, no, I'm not saying  
9 the corner of the property, I'm saying I street.

10 MR. AVITABILE: Okay.

11 MR. WELLES: Right through the loading  
12 dock.

13 MR. AVITABILE: Okay. To I, just  
14 straight out --

15 MR. WELLES: To I Street.

16 MR. AVITABILE: -- to I street, got  
17 it.

18 MR. WELLES: Yes.

19 MR. AVITABILE: Okay. But not to our  
20 project on I street.

21 MR. WELLES: I will say, the  
22 development, the Waterside Towers, is directly  
23 diagonal from the project, as you know. And I  
24 live in that entity.

25 MR. AVITABILE: Got it. Thank you.

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1 CHAIRMAN HOOD: Okay. Does the ANC  
2 have any cross of any of the witnesses? Okay.

3 All right, thank you all very much.  
4 Mr. Welles, you had something else you --

5 MR. WELLES: I'm sorry, one quick --

6 CHAIRMAN HOOD: There's a difference  
7 between 150 and 500, right? Yes, there's a  
8 difference there.

9 MR. WELLES: Well, I think it was  
10 confused as to what I said.

11 CHAIRMAN HOOD: Okay.

12 MR. WELLES: It was clear, I'm 150  
13 feet from I Street, not from the project.

14 CHAIRMAN HOOD: I Street, not from the  
15 project. Okay.

16 MR. WELLES: I just want to comment on  
17 the safety island --

18 CHAIRMAN HOOD: Commissioner May, did  
19 you want to -- okay, go right ahead.

20 COMMISSIONER MAY: That's fine.

21 CHAIRMAN HOOD: Go ahead.

22 MR. WELLES: Yes, that was put there  
23 to keep people from going around the bus and  
24 plowing through that little intersection.

25 CHAIRMAN HOOD: Okay.

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1 MR. WELLES: And I'll tell you, that  
2 safety island is really important crossing that  
3 street.

4 COMMISSIONER MAY: And that's fine,  
5 I'm glad to hear that. I'm just basing it on my  
6 observation of how cars park along there and it  
7 narrows the road.

8 And I know it's not great for  
9 cyclists, because that's how I go through there.  
10 I just don't know how it is for pedestrians and  
11 the value of that.

12 I've seen some risky crossings  
13 happening there with kids trying to make their  
14 way across. And I understand the value of having  
15 that island in the middle.

16 I just didn't know whether, because it  
17 seemed to me like it's a relatively narrow  
18 street. But according to Mr. Zimmerman it's not,  
19 so I'm happy to agree with that judgement and I'm  
20 glad to hear that people will value it. And I  
21 think of it differently.

22 CHAIRMAN HOOD: All right, I want to  
23 thank you all, we appreciate your testimony.  
24 Thank you.

25 MS. GOMER: Thanks so much.

1 CHAIRMAN HOOD: Thank you. Okay, Ms.  
2 Avitabile, we can do some rebuttal. If you can  
3 just, when you all come back up, just let us know  
4 how long you're going to be on rebuttal.

5 MR. AVITABILE: I think we'll be very  
6 quick. I don't actually think there's a lot that  
7 we need to cover, I just want to touch on a  
8 couple of points, and we can do that quickly now  
9 where we can take a break if the Commission wants  
10 to take a break. But I'm only, I think, five --

11 CHAIRMAN HOOD: Five minutes?

12 MR. AVITABILE: Five minutes.

13 CHAIRMAN HOOD: Are we good for five  
14 minutes? Which is going to turn into 15. Okay.

15 (Laughter.)

16 COMMISSIONER TURNBULL: I'm just  
17 wondering, are you going to bring up that slide?

18 MR. AVITABILE: Well, we can bring up  
19 the slide that you wanted to talk to.

20 COMMISSIONER TURNBULL: Yes.

21 MR. AVITABILE: It was, was it the  
22 north perspective?

23 COMMISSIONER TURNBULL: It's the one  
24 looking, it's looking at the drive, your  
25 driveway, which shows the townhouses next to it.

1 And it's a perspective. It's like a semi-aerial  
2 view looking --

3 MR. AVITABILE: Right.

4 MR. GOMER: 38. It's number 38.

5 MR. AVITABILE: 38.

6 COMMISSIONER TURNBULL: Number 38,  
7 okay.

8 MR. AVITABILE: Great.

9 COMMISSIONER TURNBULL: That's it.

10 MR. AVITABILE: There we go.

11 CHAIRMAN HOOD: Mr. Gomer has been  
12 very helpful.

13 COMMISSIONER TURNBULL: Yes. So  
14 mister, the Gomer's house is the pop-up one with  
15 the solar on it?

16 MR. AVITABILE: Right. I believe they  
17 said they actually, it's two addresses. I think  
18 it's two.

19 COMMISSIONER TURNBULL: Oh, it's a  
20 double.

21 MR. AVITABILE: It's two townhouses  
22 that they own.

23 COMMISSIONER TURNBULL: Okay.

24 MR. AVITABILE: And one of them has  
25 that pop-up.

1 MR. GOMER: We combined them to one.

2 MR. AVITABILE: Right. So it's one  
3 now. And one of them is four stories tall.

4 COMMISSIONER TURNBULL: Have you  
5 talked to them? You've had discussions?

6 MR. AVITABILE: You know, I don't know  
7 that we, we haven't had direct conversations with  
8 them. I think they were originally apart of the  
9 United Neighbors of Southwest Group.

10 COMMISSIONER TURNBULL: Okay.

11 MR. AVITABILE: They were, they, along  
12 with Mr. Welles, were part of the people that  
13 were, withdrew from that group --

14 COMMISSIONER TURNBULL: Okay.

15 MR. AVITABILE: -- earlier this week.  
16 Or were withdrawn.

17 Anyway, I do recall, I think, seeing  
18 them at least an early community meeting. I  
19 don't recall, one way or another, seeing them at  
20 the more recent ANC meetings but I may not  
21 remember.

22 COMMISSIONER TURNBULL: I guess one of  
23 the things they're worried about is the shadows  
24 on the solar collectors.

25 MR. GOMER: No, I don't think it's

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1 going to block --

2 CHAIRMAN HOOD: So, here's what we're  
3 not going to do.

4 COMMISSIONER TURNBULL: He's not  
5 worried about that.

6 CHAIRMAN HOOD: Here's what we're not  
7 going to do. And I say this all the time, so I'm  
8 going to be consistent.

9 We are orderly down here, we don't  
10 yell out from the audience. We just don't do  
11 that down here. So I would ask, we've already  
12 heard from residents.

13 We're now asking our questions, we're  
14 trying to get responses so we can make an  
15 informed, educated decision. So, thank you.

16 COMMISSIONER TURNBULL: Okay. All  
17 right, well, thank you for showing that.

18 MR. BARANES: If I could just add one  
19 thing. The required rear yard, I think I  
20 mentioned earlier, is only 15 feet.

21 COMMISSIONER TURNBULL: You got 28.

22 MR. BARANES: And we're at 28. So,  
23 almost double, not quite.

24 COMMISSIONER TURNBULL: Right.

25 MR. BARANES: And we're a bit taller

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1 than they are, that's true. But I don't think  
2 there will be, there's a shadow issue related to  
3 this.

4 COMMISSIONER TURNBULL: Okay, that's  
5 fine.

6 MR. AVITABILE: All right.

7 CHAIRMAN HOOD: Okay, so if you could  
8 do your rebuttal.

9 MR. AVITABILE: Sure, thank you.  
10 Thank you, Commissioner Hood.

11 So, I wanted to just touch on a couple  
12 of things, just to make sure we've clarified it  
13 in the record. First, Shakespeare isn't a tenant  
14 of the project, they're going to be an owner of  
15 the project. They're going to own their piece of  
16 it.

17 There's a commitment by them to be  
18 here for 20 years, that's part of the MOU. And  
19 they're intended to be as an owner, so this is  
20 not just a commercial tenant coming in.

21 I also, again, don't agree that they  
22 are a commercial tenant in the first place. I  
23 think, while there's some administrative office,  
24 all sorts of institutional organizations have  
25 administrative offices, universities and the

1 like, and that's what we're talking about here.

2 Along with rehearsal space, education  
3 space, the costume shop. Those are unique uses,  
4 those are not commercial uses.

5 Also, to clarify, I was quoting Mr.  
6 Welles, and a number of neighbor posts has  
7 referred to it as a sewing factor, I very much  
8 believe it's a costume shop, not a sewing factor.  
9 Just for the record.

10 I did want to, the other thing I  
11 wanted to touch on, briefly, the PTA, I think I  
12 understand, to some degree, the concerns about  
13 finding a way to make sure that the amenity that  
14 we provide to them works within what they need.

15 I think we also very clearly  
16 understand the Commission's consistent  
17 regulations on this. And frankly, I think they  
18 were strengthened two years ago on the issue of  
19 escrow accounts.

20 And, Mr. Turnbull, you and I were on  
21 a BZA case about an escrow account some time ago  
22 and I remember that very vividly still. So I  
23 understand the concern.

24 I think what we are looking to do is  
25 try to find a way to provide specificity, but

1 also accept the fact that over time, even over a  
2 short period of time of a couple of years, the  
3 needs of a school can evolve in change and that  
4 we can accommodate that in a way and strike that  
5 balance.

6 So, we're going to work on that,  
7 that's a lawyer problem. And it's a problem that  
8 I'm going to have to solve and Mr. Turnbull is  
9 going to tell me if I get it right or wrong. But  
10 we'll work on that.

11 But I wanted to help explain the  
12 concern that they were articulating. Because I  
13 actually, I understand and I'm sympathetic to it.

14 And it's something that we've been  
15 struggling with, now in two cases. But I think  
16 we have a better way of getting there.

17 I think the other thing I wanted to  
18 address, some of the conversation about shadows  
19 on fields and comparing this project and that  
20 other schools don't have the same problem.

21 You know I think, first of all, the  
22 school itself, if you look at our shadow studies,  
23 it generates shadows on its own open spaces in  
24 the morning. And that would be true of any  
25 school.



1           And to the issue of shadows being  
2 generated by other schools, just within this ANC,  
3 this is Van Ness Elementary School, the aerial is  
4 not up to date, but the photos are. We just  
5 snapped them today from Google street view.

6           And for better or for worse, they  
7 happen to capture, it looks like afternoon. And  
8 you can see that there is a play area here right  
9 up next to the school that's in shadow. That's  
10 right in the same ANC. The same ward.

11           It's not shadows being caused by an  
12 adjacent property but there is shadow. And there  
13 are other examples in the District, particularly  
14 as you get to the more urban areas where you  
15 have, Oyster-Adams actually and Woodley Park  
16 would be a very good example, where at the school  
17 and in the play area and there's a, I think a  
18 nine-story apartment building right next door.

19           This is what happens when you have  
20 schools in an urban environment, in some  
21 locations. That said, we have said, and we are  
22 working with the PTA to address their concerns  
23 about the proximity of the two. And we've walked  
24 through the shadow studies with them a couple of  
25 times.

1           They are in the record, including the  
2           6:00 p.m. I think they speak for themselves on  
3           the degree, relative degree of impact compared to  
4           matter of right.

5           I think if we needed to, we can bring  
6           the architects up to go through them. I'm not  
7           sure that that's necessary but I'm happy to do  
8           that if the Commission is interested in that,  
9           just because the issue has come up.

10          I think you'll see that during the  
11          school day there is no impact from our project,  
12          because of course we're to the west. There is  
13          some limited impact in the afternoon and in the  
14          evening, to the extent and times of year when  
15          there's evening.

16          And there's some additional degree of  
17          impact over what you would get of matter of right  
18          with townhouses, but I think to the extent that  
19          that is an impact that is unacceptable or  
20          adverse, I think the overall benefits of the  
21          project outweigh those. And obviously it's up to  
22          us to work with the PTA to get them to that point  
23          as well.

24          I don't know that I have any other  
25          rebuttal. We're certainly happy to answer any

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1 questions, further questions that you may have.  
2 And then I had a couple of closing thoughts,  
3 which I can wait on.

4 CHAIRMAN HOOD: Okay, thank you for  
5 the rebuttal. Let's see if there are any  
6 questions on rebuttal? Comments? Okay.

7 And you're going to continue to have  
8 those conversations with Mr. Welles?

9 I had a chance, as you were talking,  
10 to look at the shadow studies. Which I see in  
11 June, I see that there is really no affect at 6  
12 o'clock, but I see in December. So, I don't know  
13 when the soccer, I see them playing soccer all  
14 year around. I haven't played that sport yet.

15 But I see that there is an impact in  
16 December so I think that probably can be  
17 balanced. But, again, it's nothing we can do  
18 about the shadow, but it is something we can do  
19 about certain, some things that can be worked out  
20 and worked with for the young folks.

21 And also, with the PTA. You've  
22 mentioned that as well. So I assume, no, I'm not  
23 going to assume, I'm going to be looking to make  
24 sure that you all are still working with that.  
25 With the community and the school.

1 MR. AVITABILE: One hundred percent.

2 CHAIRMAN HOOD: And Mr. Welles. Okay.

3 MR. AVITABILE: One hundred percent.

4 CHAIRMAN HOOD: All right. So, I will  
5 be looking for that. I'm not sure how far we're  
6 going to go but I need an update as we move  
7 along, at some point.

8 MR. AVITABILE: Okay.

9 CHAIRMAN HOOD: All right. I think  
10 that's all I have. Any other comments or  
11 questions? Vice Chair Miller.

12 VICE CHAIR MILLER: I guess I might  
13 have one. I guess I'll be interested to see, at  
14 the end of the 20 years, I think there's language  
15 in the MOU with the UNSW, about a similar mix of  
16 uses would be, hopefully Shakespeare will be  
17 there beyond the 20 years, but if not, a similar  
18 mix of uses.

19 So I guess I'd be looking for some  
20 language that assures that it is the, that it is  
21 the mix of uses that being, that's being approved  
22 here and that it wouldn't be, that the way it  
23 reads that it couldn't be all commercial office  
24 or the kind of commercial activities that are on  
25 4th Street and M Street and that kind of thing.

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1           So I guess the language can take care  
2 of that, but I would be, I'll be looking to see  
3 that before we get to a final vote.

4           MR. AVITABILE: Right. And I think  
5 we're going to look carefully at that. We  
6 specifically use --

7           VICE CHAIR MILLER: Otherwise, I think  
8 there would need to be a modification.

9           MR. AVITABILE: Well, that's exactly  
10 right. That's part of what I think is a  
11 protection here, frankly, is the fact that we're  
12 getting approval for this mix of office and  
13 rehearsal space --

14          VICE CHAIR MILLER: But if it's not  
15 this mix, there would need to be a modification -  
16 -

17          MR. AVITABILE: That's exactly right.

18          VICE CHAIR MILLER: -- and the public  
19 would be involved, and we would be involved.

20          MR. AVITABILE: That's exactly right.

21          VICE CHAIR MILLER: Okay.

22          CHAIRMAN HOOD: So, Mr. Avitabile,  
23 what do you understand to be the issue with  
24 Mister and Ms. Gomer?

25          MR. AVITABILE: It sounds to me like

1 it's a general concern about the proximity of the  
2 project to them. Extensively height, impacts.  
3 It sounds like, I think parking, came up as a  
4 general impact.

5 I mean, quite honestly, it's no  
6 different than the concerns that the United  
7 Neighbors of Southwest in general had requested.  
8 But I think the vast majority of the people who  
9 live in townhouses, including people who, five of  
10 the six other people who live in that particular  
11 row right behind us, that are part of UNSW, said  
12 they felt like the right balance is struck.  
13 Mister and Ms. Gomer do not.

14 But, you know, I think you can have  
15 some people not necessarily agree that the  
16 balance has been struck.

17 CHAIRMAN HOOD: So, again, I'm always  
18 encouraging, always to have those discussions  
19 even though others have pulled back and they, I  
20 think they've come up with a balance.

21 I would always say, there's nothing  
22 wrong with having a conversation, so I would ask  
23 that you, we all continue to do that all the  
24 time. I'm always looking forward to that. Or  
25 pushing that.

1           Somebody made the statement about  
2 certain schools. Be careful what you ask for.  
3 And I wrote myself a note.

4           I have a school in my neighborhood  
5 that's in the PDR zone, right next to a trash  
6 transfer station. So I'm sure that the folks in  
7 my, I know we would love to switch. So something  
8 you have to be very careful of what you ask for.

9           Make sure you know what's all going on  
10 around this city before you say, well, we don't  
11 have this. Because I was just thinking, in my  
12 neighborhood we would love to that. Even a  
13 shadow. Instead, in the summer we smell trash.

14           That's how I ended up on the Zoning  
15 Commission. Smelling trash all summer.

16           So anyway, side not. All right, any  
17 other questions up here?

18           And I'm sure Commissioner May and  
19 others have heard me say that for quite a bit for  
20 years.

21           COMMISSIONER MAY: I heard about the  
22 trash transfer station. You want me to talk  
23 about the schools where my kids, the D.C. public  
24 schools where my kids went and the conditions and  
25 --

1 CHAIRMAN HOOD: Go right ahead.

2 COMMISSIONER MAY: -- then fields and  
3 the lack of fields. The asphalt playing field  
4 that they use.

5 No, I mean, the school is in much  
6 better shape than it used to be and I'm really  
7 glad that it is. Any many, many people  
8 contributed to that. I'm sure Mr. Welles worked  
9 hard to get money for it, but there was a long  
10 effort by many, many people.

11 I personally put hundreds of hours  
12 into meetings on the school facilities master  
13 plan, back in '99, 2000, that was the precursor  
14 for much of the work that happened to all these  
15 schools.

16 So, it's all good. There might be a  
17 little more shadow with this project but it's a  
18 lot better than it was. So.

19 CHAIRMAN HOOD: Okay. All right, so,  
20 that's the side note, but I wanted to make sure,  
21 some time we got to understand other people are  
22 going through certain. We don't just show-up up  
23 here, we also live in a neighborhood.

24 Does the ANC have any cross on  
25 rebuttal?



1 MS. FAST: No.

2 CHAIRMAN HOOD: Okay. All right, Mr.  
3 Avitabile I guess we'll, no other comments up  
4 here, we'll have your closing.

5 MR. AVITABILE: Great. It's very,  
6 very short. And really, all I wanted to do is  
7 say thank you. Thank you to the Commission,  
8 thank you to the Office of Planning who, a couple  
9 of years ago, before I was involved in the  
10 project, had really pushed to say the project  
11 needed to find a way to be more consistent with  
12 the comp plan.

13 Thank you to the ANC, who really  
14 worked, worked hard with us when other people  
15 might not have necessarily wanted to. And really  
16 thank the neighbors of Southwest for countless  
17 hours in Peter and Stephanie's living room trying  
18 to figure out a way forward.

19 Thank you to the PTA more recently for  
20 being more than willing to sit down and talk  
21 through the issues with us. I spent the better  
22 part of three or four hours on Monday night  
23 talking through. And we made a lot of progress  
24 along the way.

25 And I think that this project is a

1       testament to when we sit down and talk, we can  
2       find that way to find a project that fits  
3       together.

4               And as Mr. Eicher said, not everyone  
5       is happy. But with the result, not everyone can  
6       get what they wanted, but we struck a balance  
7       that everyone can live. Or just about everyone  
8       can live with.

9               And I think that's what we strive to  
10      do here, every Monday and Thursday night. So we  
11      thank you for the opportunity to do that.

12              And the only thing I'll say at the end  
13      of this is, I appreciate Mr. Eicher saying  
14      they're taking down the signs. I'm not that good  
15      of a lawyer because I forgot to ask for that in  
16      the MOU, so --

17              (Laughter.)

18              MR. AVITABILE: -- I'm glad they're  
19      coming down anyway.

20              At any rate, thank you very much. We  
21      really appreciate it. And I have to say this at  
22      the end, all is well that ends well. Thank you.

23              CHAIRMAN HOOD: All right. Again, I  
24      would say that I really appreciate the work that  
25      everybody put into it, but I'm always looking to

1 see if we can continue to improve.

2 I've asked you to work with Mr. Welles  
3 and continue to talk to the Gomer family and see  
4 what we can do. If we come back with nothing, at  
5 least we had the conversation.

6 So I'm going to look, and hopefully we  
7 do. I know we can't get rid of some things, some  
8 things are natural, but some things we can have  
9 conversations about.

10 All right, any other questions or  
11 comments up here? Commissioner Turnbull.

12 COMMISSIONER TURNBULL: I just, I  
13 wonder if I can get the Applicant to provide us  
14 with something.

15 MR. AVITABILE: Yes.

16 COMMISSIONER TURNBULL: I was  
17 wondering if you could give us a street level  
18 view of the driveway, looking back toward the  
19 annex. Just for our own reference.

20 Maybe I'm nitpicking but I just think  
21 of you walking down the driveway --

22 MR. AVITABILE: We can do that.

23 COMMISSIONER TURNBULL: -- at street  
24 level, you know, eye level, looking straight  
25 down?

1 MR. AVITABILE: Absolutely.

2 COMMISSIONER TURNBULL: Thank you.

3 CHAIRMAN HOOD: Okay, so, do we have  
4 anything else up here?

5 Okay, Ms. Schellin, do we have any  
6 dates?

7 MS. SCHELLIN: Yes, I think if we  
8 could have all of the submissions by 3 o'clock on  
9 April 15th. And the ANC being the only party, if  
10 they could respond by 3 o'clock p.m. on the 22nd  
11 of April, we can put this on for April 29th.

12 MR. AVITABILE: I don't think that's  
13 enough time.

14 CHAIRMAN HOOD: Does Commissioner  
15 Shapiro --

16 MR. AVITABILE: I think we need a  
17 little more time.

18 CHAIRMAN HOOD: I'm sorry, is  
19 Commissioner Shapiro going to read the record in  
20 this case?

21 MS. SCHELLIN: He did not indicate.

22 CHAIRMAN HOOD: Well, tell him I  
23 suggest that he does. I'm just playing. I was  
24 really just being mean but, no, I think we be all  
25 right.

1                   COMMISSIONER MAY:       Well, wait a  
2 minute, he gets off not reading the record and  
3 you make me do it all the time?

4                   CHAIRMAN HOOD:   That's different.

5                   (Laughter.)

6                   CHAIRMAN HOOD:   But I've been working  
7 together a lot longer.

8                   MR. AVITABILE:       At the risk of  
9 pulling, I think we need a, that's only really  
10 two weeks from today. I know we --

11                  MS. SCHELLIN:   You need more time?

12                  MR. AVITABILE:   I think we might need  
13 another two weeks.

14                  MS. SCHELLIN:   Okay.

15                  MR. AVITABILE:   PTA members have  
16 schedules that are such that I think we should go  
17 for the main meeting.

18                  MS. SCHELLIN:   The main meeting, okay,  
19 sure. So, working backwards from the May 13th  
20 meeting, it's the only meeting we have in May, so  
21 if we could get your information, get your  
22 submissions by April 29th, and then the ANC would  
23 have until May 6th, submissions due by 3 o'clock  
24 p.m., then we can put this on for May 13th.

25                  MR. AVITABILE:   I'm learning other

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1 relevant facts, give me one second.

2 (Pause.)

3 MR. AVITABILE: I take that back, the  
4 PTA, I think we can find the time with the PTA  
5 over the next two weeks to work things out, so  
6 the first date could work.

7 MS. SCHELLIN: Okay, so we'll go with  
8 the original schedule. Additional submissions  
9 due by April 15th, 3 o'clock p.m., ANC has until  
10 3 o'clock p.m., April 22nd and we'll put this on  
11 for April 29th for a decision.

12 And draft findings, facts and  
13 conclusions of law due, I'm going to need those  
14 by the 15th because OAG needs at least 2 weeks.

15 COMMISSIONER MAY: So, if this is on  
16 for April 29th, that assumes that we'll have,  
17 you'll reach an agreement with the PTA in much  
18 less than 30 days, right?

19 MR. AVITABILE: That's right.

20 COMMISSIONER MAY: Yes.

21 MR. AVITABILE: That's why I went to  
22 check --

23 COMMISSIONER MAY: Got it.

24 MR. AVITABILE: -- make sure that they  
25 had frankly time to meet with us.

1 COMMISSIONER MAY: Yes, all right.

2 CHAIRMAN HOOD: Okay, are we all on  
3 the same page? Do we have anything else?

4 All right, I want to thank everyone  
5 for their participation tonight and this hearing  
6 is adjourned.

7 (Whereupon, the above-entitled matter  
8 went off the record at 9:44 p.m.)

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In the matter of: Regular Meeting

Before: DC Zoning Commission

Date: 03-28-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
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