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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing

Case No 14-07B [GG Union LP, 1250 4th Street (Edens)  
& 4th Street Northeast, LLC - Second-Stage PUD at  
Square 3587, Lots 830, 830-832 & 7014-7023 - 1300 4th  
Street Northeast.]

6:30 p.m. to 7:31 p.m.  
Thursday, July 27, 2017

Jerrily R. Kress Memorial Hearing Room  
441 4th Street, N.W., Suite 220 South  
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 ELISA VITALE

14

15 Department of Transportation:

16 JONATHAN ROGERS

17

18

19

20

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

2 CHAIRPERSON HOOD: Okay. We're ready to get  
3 started.

4 Good evening, ladies and gentlemen. This is  
5 a public hearing of the Zoning Commission for the  
6 District of Columbia. Today's date is July the 27th,  
7 2017. The time now is approximate 6:30 p.m. We're  
8 located in the Jerrily R. Kress Memorial Hearing  
9 Room.

10 My name is Anthony Hood. Joining me this  
11 evening are Vice Chair Miller, Commissioner Shapiro,  
12 Commissioner -- I'm sorry, Commissioner Shapiro is  
13 not joining us tonight. Commissioner May and  
14 Commissioner Turnbull. We're also joined by the  
15 Office of Zoning staff, Ms. Sharon Schellin, as well  
16 as the Office of Planning staff, Ms. Steingasser and  
17 Ms. Vitale, and the District Department of  
18 Transportation, Mr. Rogers.

19 This proceeding is being recorded by a court  
20 reporter and is also webcast live. Accordingly, we  
21 must ask you to refrain from any disruptive noises or  
22 actions in the hearing room. Notice of today's  
23 hearing was published in the D.C. Register, and  
24 copies of that announcement are available to my left  
25 on the wall near the door.

1           The hearing will be conducted in accordance  
2 with provisions of 11-DCMR Chapter 4 as follows,  
3 preliminary matters, applicant's case, report of the  
4 Office of Planning, report of other government  
5 agencies, report of the ANC, organizations and  
6 persons in support, organizations and persons in  
7 opposition, rebuttal and closing by the applicant.

8           The following time constraints will be  
9 maintained in this meeting. The applicant has up to  
10 60 minutes but I see they have 10 and we probably can  
11 do it less than that, so it would be better for us to  
12 ask our question. Organizations, five minutes and  
13 individuals, three minutes.

14           All persons wishing to testify before the  
15 Commission this evening's hearing are to register at  
16 the witness kiosk to the left and fill out two  
17 witness cards. If you have any problems, you can see  
18 Ms. Schellin and she will assist you with the kiosk.

19           Please turn off all -- the staff will be  
20 available throughout the hearing to discuss  
21 procedural questions. Please turn off all electronic  
22 devices at this time so not to disrupt these  
23 proceedings. Would all individuals wishing to  
24 testify please rise to take the oath?

25           Ms. Schellin, would you please administer the

1 oath?

2 MS. SCHELLIN: Yes. Please raise your right  
3 hand.

4 [Oath administered to the participants.]

5 MS. SCHELLIN: Thank you.

6 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we  
7 have any preliminary matters?

8 MS. SCHELLIN: We have two expert -- two  
9 experts that have been proffered, Mr. Bailey. He  
10 looks familiar. Has he been accepted? I don't have  
11 him listed as being accepted by the commission.

12 MR. BAILEY: I was accepted previously for  
13 the 8th and O project.

14 MS. SCHELLIN: That's what I thought. Okay.  
15 She just doesn't have you down. So it appears both  
16 have been accepted by the Commission before.

17 CHAIRPERSON HOOD: Okay. So unless there is  
18 any objections, we'll continue our process. Anything  
19 else?

20 MS. SCHELLIN: Nothing else from staff,  
21 unless the --

22 MR. KADLECEK: Yeah. Good evening, Cary  
23 Kadlecek from Goulston and Storrs on behalf of the  
24 applicant.

25 We do have a preliminary matter regarding the

1 document that was filed at 4:55 p.m., which is  
2 Exhibit 27 in the record.

3 CHAIRPERSON HOOD: Okay.

4 MR. KADLECEK: A couple preliminary matters  
5 with regard to that. First is, we requested that the  
6 Commission do not consider the individual who filed  
7 that document in experts. He has no background in  
8 planning, he has no particular expertise in zoning or  
9 other issues of those nature.

10 The second issue is that there's no clear  
11 evidence that he has standing to represent the group  
12 that he alleges to represent. There's one e-mail  
13 attached to that particular document. It doesn't  
14 indicate that the person who he is supposedly  
15 representing has any affiliation with the Union  
16 Market area or resides anywhere near the Union Market  
17 area. So, that person would only have standing to  
18 represent himself and not any sort of organization.

19 And then the third is we are certainly  
20 prepared to respond to the issues raised in that  
21 document. But given the contents of the document,  
22 really pertain solely to the issues that were  
23 contemplated in the first-stage PUD relating to the  
24 massing of the building, the impacts of the building,  
25 the consistency with the Comprehensive Plan, et

1 cetera. We request that the Commission actually  
2 strike that document as not germane to the  
3 proceedings this evening.

4 CHAIRPERSON HOOD: Okay. Let me just tell  
5 you why I want that, Mr. Kadlecek. I did read that a  
6 few minutes ago. I didn't really get it as he had  
7 asked for party status. And if he did I may have  
8 missed it because I was perusing the document because  
9 it came in so late. I was not going to even  
10 entertain the party status, but he does have a right  
11 to submit who he represents and the Commission, we  
12 can deal with that.

13 I think we'll -- unless my colleagues  
14 disagree, we'll take it and read it. But I will ask  
15 if you can respond. Not -- because we probably won't  
16 take a vote tonight. If you can respond to some of  
17 the issues that he brought up so we can make sure  
18 that we have it.

19 But he did say something nice about me for a  
20 change. I did like that. So, but on a serious note,  
21 I would like for us to respond to some of the things  
22 that he did mention. It was not that we're going to  
23 strike it. I didn't see it, unless my colleagues  
24 did, I didn't see where he asked for party status.

25 MR. KADLECEK: And let me be clear, we

1 weren't suggesting that he should be denied or not  
2 denied party status, but he did proffer himself as an  
3 expert, and so what we're requesting is that the  
4 Commission do not grant him that status as an expert.

5 CHAIRPERSON HOOD: Okay. I did not hear him  
6 -- I mean, I did not take it as that when I read it.  
7 Maybe I'm wrong. I saw his -- I saw him have -- I  
8 saw where he put his resume.

9 MR. TURNBULL: Mr. Chair, I think it's  
10 referenced at the bottom of his letter.

11 CHAIRPERSON HOOD: Okay.

12 MR. TURNBULL: He calls him -- he just simply  
13 says, "Zoning with zoning expertise," or something to  
14 that effect.

15 MR. MAY: Well, I mean, it says the top  
16 expert report. I mean --

17 CHAIRPERSON HOOD: Yeah. So, I didn't --

18 MR. MAY: We typically wouldn't grant anybody  
19 expert status --

20 MR. TURNBULL: Just based upon that, right.

21 MR. MAY: Well, based on that or based on --

22 CHAIRPERSON HOOD: Yes.

23 MR. MAY: You know, it's usually not accorded  
24 to somebody who is testifying as an individual, and  
25 he certainly wasn't --



1           CHAIRPERSON HOOD: But let me just deal with  
2 that right now. Does anyone -- I, in turn, I mean, I  
3 appreciate his submission. He has every right to  
4 submit what he wants. But in this case, I am not in  
5 favor of even entertaining him as an expert in zoning  
6 and in Comprehensive Plan. Is there any objections?

7           MR. TURNBULL: I would agree with you on  
8 that.

9           CHAIRPERSON HOOD: Okay. I don't know if we  
10 need it. I think that's for the record. But he does  
11 have a right to testify if he comes in. Okay.

12          MR. TURNBULL: We're accepting it only as an  
13 individual --

14          CHAIRPERSON HOOD: As an individual  
15 submission, like we do --

16          MR. TURNBULL: Right.

17          CHAIRPERSON HOOD: Anybody can come on any  
18 project in the city. This city is well thought of  
19 with letting people comment. So, anybody can come.

20          MR. KADLECEK: Of course. Yeah, we're not  
21 suggesting he should be allowed to comment.

22          CHAIRPERSON HOOD: I understand. I  
23 understand your point wholeheartedly. I just didn't  
24 take it that far.

25          MR. KADLECEK: Okay.

1 CHAIRPERSON HOOD: But, for the record, we  
2 want to make sure that we put that in the record.

3 MR. KADLECEK: No problem. We'll be happy to  
4 address the specifics of that letter as well.

5 CHAIRPERSON HOOD: Yeah, just -- yeah. The  
6 ones that are germane because some of that is, that I  
7 read, was not even germane, so.

8 MR. KADLECEK: Correct. Yes.

9 CHAIRPERSON HOOD: Okay. Anything else?

10 MR. KADLECEK: Nothing else, thank you.

11 CHAIRPERSON HOOD: Okay. So you all may  
12 begin. Again, we don't need a long dissertation, and  
13 I know you've got 10 minutes. I don't know if we  
14 need that, but we'll see.

15 MR. KADLECEK: Yeah, we're going to focus  
16 mostly on the issues in the OP and DDOT reports.

17 CHAIRPERSON HOOD: Okay. You may begin.

18 MR. BAILEY: Okay. So, we're coming in as  
19 part of a second-stage PUD, just really following up  
20 on the first-stage PUD that was already --

21 UNIDENTIFIED SPEAKER: [Speaking off  
22 microphone.]

23 MR. BAILEY: Oh, it's maybe a little too far.  
24 How's that?

25 Okay. So, we're coming in as part of a

1 second-phase -- is that good?

2 MR. MILLER: I think, if you could just  
3 identify yourself for the record.

4 MR. BAILEY: I'm so sorry. My name is Joe  
5 Bailey. I'm an architect with Shalom Baranes  
6 Associates.

7 CHAIRPERSON HOOD: Okay, I think you're ready  
8 to begin.

9 MR. BAILEY: Okay. Great. All right. So,  
10 we're coming in as part of the second-stage PUD.  
11 It's really following up in compliance with the  
12 first-stage PUD as far as our bulk and mass, and our  
13 height. We're at 10-story building, 110 feet, with  
14 an occupied penthouse and a mechanical mezzanine  
15 above that.

16 The areas of relief we're seeking are with  
17 regard to the rear yard, and that's mostly because we  
18 abut a private property at that point. However, that  
19 private property is to be developed as an alley.  
20 That's a 48-foot wide alley, which would mean  
21 basically we -- if that alley were existent we  
22 wouldn't really need the relief. So, that's kind of  
23 -- we believe we have sufficient area to provide  
24 light and air to both projects on either side of that  
25 alley.

1           We're also asking for relief on the closed  
2 court to the north. Oh, and we're also asking for  
3 relief for the loading dock. The loading dock we've  
4 got is a 30-foot loading dock, or a loading berth,  
5 which is accessed off the alleyway. It's a 90-degree  
6 loading dock and that's it.

7           So from there, as part of the improvements  
8 that we're offering towards the community on this  
9 area, we're looking to, as part of the Edens  
10 development, change the nature of Forest Street to a  
11 two-way lane of traffic. It's to be a market  
12 oriented street per the streetscape guidelines, as  
13 well as Neal Place. Neal Place is to be a pedestrian  
14 oriented.

15           With the future development that's expected  
16 to the north, we're looking to expand -- or the  
17 future developments looking to add the bike lane to  
18 the north as part of their development. And with  
19 regard to the retail area, we're teamed up with Great  
20 Gulf and with Eden's. And as you know, Eden's has  
21 done an excellent job of kind of organizing and  
22 coordinating retail efforts within the community.

23           To that end, we've really maximized the  
24 amount of retail area on the ground floor plate, much  
25 to the detriment, perhaps, of our lobby. But what

1 that does is it offers a great deal of amenity to the  
2 community as far as potential for maker space within  
3 the area. And I believe, as far as the materials of  
4 the project, we're looking to use a very subdued and  
5 restrained pallet of variegated medium-grade charcoal  
6 brick at the retail levels with very nice discrete  
7 punched openings in kind of a trabeated structure. A  
8 nod to the historic nature of the buildings around  
9 us, as well as a darker brick for the retail level  
10 channel glass at the retail, kind of clear story  
11 strip above retail canopies. And an entry with the  
12 Shou Sugi Ban wood at the entrance.

13 I think that's it.

14 MR. SCHIESEL: Good evening. My name is Rob  
15 Schiesel with Gorove/Slade Associates, and I'm going  
16 to mainly rest on the record on the transportation  
17 report. I just want to touch upon DDOT's proposed  
18 conditions from their staff report.

19 In short, we are in agreement with all of the  
20 conditions that DDOT listed. Two of them were  
21 regarding design issues about the alley and the  
22 loading facilities. The updated drawings that we  
23 just flipped through contained responses to those.

24 DDOT, one of the conditions was to implement  
25 the loading management plan as proposed, and that's

1 agreed. And DDOT had two ideas for strengthening the  
2 TDM plan, which we have agreed to with one small  
3 change. The Bikeshare memberships requested for the  
4 residential units, DDOT suggested a period of three  
5 years as the limit of that commitment, and we've  
6 agreed to change that to a monetary cap of 20,000.

7 And with that, I'll rest and we welcome any  
8 questions.

9 MR. KADLECEK: This last slide is in response  
10 to a request from OP regarding the IZ calculations.  
11 It just summarizes in a table what was memorialized  
12 in Order 14-07. It explains how the IZ gross floor  
13 area is distributed among the south building, which  
14 is the consolidated PUD that's currently under  
15 construction, and this one.

16 This one clarifies in terms of gross floor  
17 area, and I think there was just some confusion about  
18 numbers showing net versus gross. So, this one  
19 breaks it down as gross. But because the building is  
20 proposed to have a gross floor area consistent with  
21 what the first-stage PUD approved, you will see in  
22 the third column there for the last row, the amount  
23 of gross floor area that will be allotted to  
24 affordable units in this building. It's consistent  
25 with what the first-stage PUD approved. Those are 80

1 percent AMI units as approved in the first-stage PUD.

2 With that, we're available for questions.

3 CHAIRPERSON HOOD: Okay. I want to thank you  
4 all for being straight and to the point. Let's see,  
5 let me ask this question. Do we have anyone here who  
6 is in support of this project who is going to  
7 testify?

8 Do we have anyone here who is in opposition  
9 to this project who is going to testify?

10 [No audible response.]

11 CHAIRPERSON HOOD: Okay. All right. I was  
12 just trying to get a gauge.

13 Okay, Commissioners, any comments or  
14 questions? Commissioner Turnbull.

15 MR. TURNBULL: Yeah, thank you, Mr. Chair.

16 I mean, I wonder if you could -- one of the  
17 things in the -- and maybe I didn't -- the other  
18 thing on the Department of Transportation report was  
19 the 11 short-term spaces for the bikes.

20 MR. SCHIESEL: Yeah, that's agreed to.

21 MR. TURNBULL: That's agreed to.

22 MR. SCHIESEL: At least 11 will be --

23 MR. TURNBULL: One thing was on the last --  
24 is on the last page, 8, about a lift. Install a  
25 lift?

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1 MR. SCHIESEL: Yeah, that was the comment  
2 about the loading dock.

3 MR. TURNBULL: Yeah.

4 MR. SCHIESEL: It was just not shown on the  
5 plans, so there has been an updated plan that just  
6 makes clear where the lift is.

7 MR. TURNBULL: Okay.

8 MR. SCHIESEL: That's in order to access to  
9 the northern retail parcel.

10 MR. TURNBULL: Okay.

11 MR. SCHIESEL: This other one is accessed  
12 from a ramp from the loading dock, and the northern  
13 one is accessed for the lift from the loading dock.

14 MR. TURNBULL: Okay. All right. Thank you.  
15 My only other question is on the signage. Previously  
16 the signage was on the canopies. The last drawings  
17 show it, going back to this set, showed some signage  
18 on the canopies.

19 This time, signage looks like it's on a  
20 mullion or a muntin on the windows. But then on the  
21 drawings it short of shows just a whole area that  
22 could be for signage.

23 My only concern is about the height. Is  
24 there a maximum height that you're going to allow for  
25 retail signage?



1 MR. BAILEY: There is. The maximum height is  
2 really the band of the retail area that you see at  
3 the base of the building. No signage will be allowed  
4 in the residential areas above that band of channel  
5 glass that you see running around the strip.

6 MR. TURNBULL: This glass area.

7 MR. BAILEY: Right.

8 MR. TURNBULL: Which is what, about two feet,  
9 or --

10 MR. BAILEY: Correct.

11 MR. TURNBULL: All right. So signage will be  
12 limited to that area, then?

13 MR. BAILEY: Well, it will be -- well, that  
14 area, to the ground.

15 MR. TURNBULL: Oh, so you could have -- well,  
16 what I'm concerned about is I don't mind two feet. I  
17 just don't want four feet of signage. So, I wonder  
18 if you could just clarify that later on or submit  
19 something just clarifying the --

20 MR. BAILEY: Yeah, the size of each  
21 individual sign wouldn't exceed two feet, but the  
22 zone in which all the sign types that we're asking  
23 for --

24 MR. TURNBULL: Okay. Well, if you could just  
25 clarify that, then --

1 MR. BAILEY: I see.

2 MR. TURNBULL: -- in a follow up? And, Mr.  
3 Chair, that's all I have.

4 CHAIRPERSON HOOD: Thank you. Vice Chair,  
5 you have any questions for --

6 MR. MILLER: Thank you, Mr. Chairman. So, I  
7 guess I just have a few questions.

8 You eliminated the balconies. You know how  
9 much I like balconies on residential projects. Why  
10 did you eliminate the balconies?

11 MR. BAILEY: We met with the Office of  
12 Planning with regard to our projections to public  
13 space. They objected to our balconies projecting  
14 into public space, and so in consultation with them  
15 we reduced that to two areas that now project that  
16 are occupied and represent the two masses on either  
17 side.

18 Additionally, the --

19 MR. MILLER: So, there are some?

20 MR. BAILEY: No, there are no --

21 MR. MILLER: Or, none?

22 MR. BAILEY: -- balconies in this particular  
23 project.

24 MR. MILLER: Because all of them would have  
25 projected into --

1           MR. BAILEY: Into the -- on the case of the  
2 projection into 4th Street, and then also an earlier  
3 scheme had them projecting into Neal Place. And so  
4 we removed both of those. And now, in consultation  
5 with the client they also preferred not to provide  
6 balconies beyond that.

7           MR. MILLER: Okay. All right. I'm sure the  
8 tenants would have preferred to have balconies. It's  
9 such a dense area and open space -- access to open  
10 space. You have the rooftop amenity space, but it  
11 looks fairly limited. How much square feet is the  
12 rooftop recreational, where you have the lounge  
13 chairs and that stuff?

14           MR. BAILEY: We have about 2,400 square feet,  
15 approximately, of interior amenity area with, I  
16 believe it's around 1,000 square feet, or 1,200  
17 square feet of amenity deck adjacent to that.

18           In addition to those areas, we also have  
19 amenity area located down on the level-two level of  
20 the project.

21           MR. MILLER: What's on level two?

22           MR. BAILEY: It's meant to be a gym.

23           MR. MILLER: Uh-huh. Okay. Well, I'll ask  
24 OP or DDOT about the balcony projections into public  
25 space, what's involved there.

1           The only other -- so it's very attractive  
2 revitalization project, Mr. Chairman, but I always  
3 like to say something positive before I get into the  
4 questions or criticism.

5           So I think OP suggested that you -- I guess  
6 you're at LEED Silver at 53 points. Is there any way  
7 you can get to LEED Gold, seven more points? Have  
8 you talked to DOEE about what you could do?

9           MR. FOX: Yeah. We are prepared to move the  
10 project forward to commit to LEED Gold.

11           MR. MILLER: Okay. Well, that's great. To  
12 certify LEED Gold, or you're just committing it as a  
13 goal?

14           MR. FOX: Well, I think at this point we're  
15 committing to, to achieve LEED Gold. And we only  
16 would get LEED Gold at the end of the project, and  
17 once we go through all the applications and  
18 verification. So, we'd be targeting the number of  
19 points to achieve LEED Gold.

20           MR. AVITABILE: I think to your question,  
21 which is, would we get -- would we commit to -- thank  
22 you.

23           MR. WEIN: Sorry, I got here late. I flew in  
24 from Canada. I'm the president of the company and I  
25 didn't want to interrupt.

1 MS. SCHELLIN: You have to be on a mic.

2 CHAIRPERSON HOOD: We understand when you  
3 just come out the air sometimes you --

4 MR. WEIN: Yeah. (Simultaneous speech.)

5 CHAIRPERSON HOOD: You want to come to the  
6 table and introduce yourself, and if there's  
7 something you can help us with?

8 MR. WEIN: Sorry. I'm Christopher Wein. I'm  
9 the President of Great Gulf, so the proponent, the  
10 developer. And I apologize for being late. My  
11 flight was delayed in from Toronto. So, but we will  
12 commit to certification of LEED Gold.

13 MR. MILLER: That's great. Thank you very  
14 much. Thanks. I really appreciate that.

15 So the only other two questions I had, or not  
16 two questions, but encouragement. I mean, I would --  
17 I realize this had a first-stage already and you're  
18 only doing the IZ base requirement and there was some  
19 sharing of that with the other parcel, but I would  
20 encourage you to try to get to a deeper affordability  
21 level or a greater amount than the base minimum  
22 requirement, even though the first-stage didn't  
23 require you to go beyond that. But that was a  
24 minimum requirement.

25 And I guess finally, just on behalf of our

1 missing commissioner, the solar panels on the roof.  
2 Is that a possibility or is that what you're going to  
3 try -- is that going to be some of the extra points  
4 you're going to get to get to gold?

5 MR. BAILEY: We'll as you know, kind of with  
6 all the kind of constraints with the rooftop area, we  
7 have a green area ratio, we have storm water  
8 management requirements, and then we also have the  
9 requirement -- or not the requirement, but the need  
10 for the building to have mechanical space best  
11 located on that mechanical mezzanine.

12 So while we may have some areas that we could  
13 look at, for example, on top of lower lying  
14 mechanical equipment, we also understand that there  
15 may or may not be some solar panels that can co-exist  
16 with the green roof below it. However, there's not a  
17 direct one-to-one offset between the green roof and  
18 the solar panel area.

19 And so, it would be a liability in order to  
20 just simply say that we can do that. But we're  
21 certainly invested in studying the opportunity.

22 MR. MILLER: Okay. Well, I appreciate that  
23 as well. Back to the IZ. So, in addition to  
24 encouraging you to try to do a greater amount than  
25 the minimum, or a deeper affordable level than what

1 was provided at first-stage, you have the habitable  
2 space that's on the penthouse that's triggering the  
3 50 percent AMI, either -- I think it's only 389  
4 square feet or something like that. Would that even  
5 be a studio? Or would that even be enough to be a --  
6 is that the size of one of your studios in this?

7 MR. BAILEY: No, it's not. So, the proffer  
8 was to pay into the --

9 MR. MILLER: Right. I saw the flexibility to  
10 do a --

11 MR. BAILEY: Correct.

12 MR. MILLER: -- Housing Production Trust Fund  
13 contribution --

14 MR. BAILEY: Correct.

15 MR. MILLER: -- instead. And do you have any  
16 kind of -- I know it's -- that's tied to the assessed  
17 value at the time of the building permit issuance,  
18 but do you have any guesstimate of what that  
19 contribution would be for that small amount of space?

20 MR. KADLECEK: No, because of that issue with  
21 the land value at this point, we haven't estimated  
22 it.

23 MR. MILLER: If you can try to, a couple  
24 applicants have done that recently. I think it just  
25 gives us a ballpark and I think it's just helpful to

1 have that in the record.

2 MR. AVITABILE: Certainly. And just to make  
3 sure, and I think you do understand this,  
4 Commissioner Miller, but this building did contribute  
5 some affordable housing at 50 percent. It was just  
6 provided earlier. In fact, it's in a building that's  
7 under construction now. So, there was some  
8 affordable housing at 50 percent AMI associated with  
9 this building, brought forward earlier in time.

10 So while the remainder of the affordable  
11 housing is at 80 percent, that's representing what's  
12 left over.

13 And then the only other thing, just because  
14 it's helpful, I don't think that Great Gulf has  
15 decided yet on whether this building would be condo  
16 or rental. But that's part of the reason why 80  
17 percent is potentially appropriate here because it  
18 may very well be for-sale product, and that's what  
19 the regulations do require.

20 MR. MILLER: All right.

21 MR. AVITABILE: Thank you.

22 MR. MILLER: Thank you. Thank you for that  
23 clarification.

24 CHAIRPERSON HOOD: Okay. Commissioner May.

25 MR. MAY: First of all, I'm disappointed. I



1 thought I was going to get to ask about solar panels  
2 since I'm sitting in Peter Shapiro's chair. And  
3 earlier today Ms. Schellin thought I was -- no, wait  
4 a minute, you thought Peter Shapiro was me? I don't  
5 know. Anyway. It's very confusing with multiple  
6 Peters on the Zoning Commission now.

7           Anyway, just to clarify, all the mechanical  
8 equipment is on the roof of the habitable penthouse,  
9 essentially within a yard, right?

10           MR. BAILEY: Most. There is a -- we do have  
11 the mezzanine level where we are accommodating our  
12 boiler. But other than that, all the other  
13 mechanical --

14           MR. MAY: Oh, right. Got it. I saw that  
15 too. Yeah.

16           MR. BAILEY: Yeah.

17           MR. MAY: And then -- wait a minute, the  
18 mezzanine level?

19           MR. BAILEY: Correct. There is a mezzanine  
20 level. So, we're doing that --

21           MR. MAY: Explain that. Show me where that  
22 is in the plan, because you're not supposed to have a  
23 mezzanine level.

24           MR. BAILEY: Well, it's just above the  
25 loading dock area, and it's --

1 MR. MAY: Oh, got it. Okay. So it's a  
2 mezzanine down there.

3 MR. BAILEY: Correct.

4 MR. MAY: I thought you were talking about on  
5 the roof. Okay.

6 MR. BAILEY: No, not on the roof.

7 MR. MAY: Okay.

8 MR. BAILEY: It's down on, between one and  
9 two.

10 MR. MAY: Okay. So, all right, so that  
11 explains it. I mean, you are allowed to have  
12 mezzanines on the roof, but mezzanines for mechanical  
13 equipment would get tricky.

14 And there's no actual enclosed space within  
15 that yard, it's all just equipment open to the air?

16 MR. BAILEY: It's equipment open to the air,  
17 or the stair enclosure.

18 MR. MAY: Right.

19 MR. BAILEY: That goes up to that level.

20 MR. MAY: Got it. And the elevator  
21 enclosure.

22 MR. BAILEY: The elevator enclosure as well.

23 MR. MAY: Right.

24 MR. BAILEY: Overrun.

25 MR. MAY: Okay. I understand that now. The

1 alley is privately owned, and so that's why you --

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

3 MR. MAY: -- you have the yard problem. And  
4 I understand why, you know, the yard problem is not a  
5 real problem. It's just a regulation problem.

6 And what is your guarantee that you will be  
7 able to use that?

8 MR. AVITABILE: It is, the alley is owned by  
9 the District and then the adjacent property owners  
10 have easements to use it as an alley. So it  
11 essentially establishes an alley. And then you add  
12 to that the fact that both this PUD and the Kettler  
13 PUD that you all just approved that's across the  
14 alley, both call for that to remain as an alley --

15 MR. MAY: Right.

16 MR. AVITABILE: -- and be used for those  
17 projects. That alley is not going anywhere.

18 MR. MAY: Right. Okay. I was pretty sure it  
19 wasn't going anywhere, I just wanted to clarify what  
20 your right was to --

21 MR. AVITABILE: Right.

22 MR. MAY: -- rely on it, because it's the  
23 basis of your relief. And I, you know, I can't  
24 remember some of these things from one PUD to the  
25 next.

1           And then the last question I had has to do  
2 with the FAR calculation, and OP points out the fact  
3 that you're 8.0 FAR is based on the use of the space  
4 of Neal Place. And of course you know that's not  
5 what we would typically do. So, how is it that we  
6 wound up with this because I don't remember. Is this  
7 based from the stage-one, and can you -- you want to  
8 explain it?

9           MR. AVITABILE: Sure. Since that --

10          MR. MAY: And reassure me that we're not,  
11 like, making an exception in this case because I  
12 don't like to make that exception.

13          MR. AVITABILE: And that's why I'm sitting up  
14 here and not sitting back there, because I handled  
15 the original --

16          MR. MAY: Oh, thank you.

17          MR. AVITABILE: -- PUD. So this is my fault,  
18 not Mr. Kadlecek's. And it's not my fault.

19          MR. MAY: Yeah, that's not the right way to  
20 say it.

21          MR. AVITABILE: So, if you remember when the  
22 original PUD was first brought forth, Neal Place was  
23 not a part of the PUD. And based on the  
24 encouragement of the Office of Planning, the ANC, the  
25 language that's in the small area plan and the

1 commission, Neal Place was inserted into the PUD.  
2 But what we did was we took the density that was  
3 there, and then pushed it to the north and to the  
4 south and created the south parcel, and this north  
5 parcel. And Neal Place wasn't take out.

6 And there's a couple of reasons why. One,  
7 under the old zoning regulations, there wasn't a  
8 requirement that rights of way not count towards your  
9 potential density.

10 MR. MAY: Right. We had already established  
11 it as the practice.

12 MR. AVITABILE: Right. You had started that  
13 practice.

14 But this space was -- and frankly, this issue  
15 didn't come up. It just didn't come up two years  
16 ago, when we considered that PUD.

17 But part of why this isn't really a true  
18 right of way in the same way, our garage extends  
19 underneath that area.

20 MR. MAY: Right.

21 MR. AVITABILE: So it really is, you know,  
22 contrary to what's in the record, this is not a  
23 public easement area. It will be available for use  
24 by the public, it will operate as a public street  
25 from the surface and up, but below ground we've got

1 our parking garage. This is in a street in that  
2 sense. This is not a piece of property that could be  
3 segmented out and you know, dedicated over as a  
4 public street in the future, which was part of the  
5 rationale.

6 MR. MAY: Okay.

7 MR. AVITABILE: And then the last part of it  
8 is, I'll say that for now and if you have further  
9 questions we can talk about them.

10 MR. MAY: Okay. So, I'm not buying that  
11 reason.

12 MR. AVITABILE: Okay.

13 MR. MAY: Because that sets a precedent in my  
14 mind, the potential for other projects to, you know,  
15 bridge between sites across what would ultimately be  
16 regarded as a public way. I think the notion that  
17 the original project contemplated a certain density  
18 and assumed no Neal Place extension, but that at the  
19 urging of the Office of Planning, you took that space  
20 and pushed the FAR in order to make that public way.  
21 I think there's a better rationale for that, and I  
22 think that's the reason why I could see that it would  
23 make sense.

24 MR. AVITABILE: And I think that is probably  
25 more the reason why. It just didn't come up because

1 I think everyone understood, we had made this  
2 additional accommodation that everyone wanted to see,  
3 and it probably wouldn't have been entirely fair to  
4 then take away density from us for doing what  
5 everyone wanted.

6 MR. MAY: Right. Yeah, as I said, that's the  
7 rationale that makes sense from my perspective. Even  
8 that has, you know, has implications but if the net  
9 result is actually a good result then, you know,  
10 maybe it's not a bad precedent.

11 MR. AVITABILE: And I think what's also  
12 helpful is, this was under the old regulations. The  
13 old regulations didn't -- while there was the  
14 precedent, it didn't have the clear language. So  
15 going forward --

16 MR. MAY: Right.

17 MR. AVITABILE: -- this case doesn't really  
18 set any precedent because you've now been very clear.  
19 Private rights of way, you know, you don't count  
20 them.

21 MR. MAY: Right. I am somewhat reassured by  
22 that, but not totally reassured.

23 MR. AVITABILE: Understood.

24 MR. MAY: Since we -- applicants will often  
25 ask for things and sometimes the Zoning Commission

1 will look back and make decisions based on  
2 precedence, and I won't be here forever. Chairman  
3 Hood will, but I won't.

4 So, all right. That's it for me. Thank you.

5 CHAIRPERSON HOOD: I want to reiterate to  
6 what the Vice Chair and also our colleague who's not  
7 here. I know you said you would look at it, but I  
8 want to strongly encourage you to look at solar  
9 panels and see. And if not, if you see that you  
10 can't do them, just let us know. You know, give us a  
11 brief explanation of why you can't do them. So I  
12 think that would cover Commissioner Shapiro's -- so,  
13 when we get to the point of taking action, give him a  
14 comfort level or not. But I'm hoping you will see  
15 how to do it, especially since the mayor just  
16 announced a program with young people, dealing with  
17 solar panels. And we're really going to push that  
18 and I'm glad, as I mentioned the other night, that  
19 Commissioner Shapiro is pushing that in this city.  
20 And young people will get involved with this, and  
21 clean energy.

22 So let's see what we can do to make this  
23 happen here as well. And if you can't, give us an  
24 explanation why you couldn't. But I'm hoping not to  
25 get that. I shouldn't ask for something I don't



1 want. I want to know why you can, and what you're  
2 going to do to make it happen. Okay?

3 Mr. Avitabile and Mr. Kadlecek, I'm not sure,  
4 this ANC letter -- well, I guess it -- are they  
5 talking about the second stage, or it seems to me,  
6 unless I'm missing something. Hold on, let me look  
7 at it first. I'm looking at the wrong letter. Hold  
8 on. Because I was looking at it earlier.

9 Okay, it does say ANC 5D finds the proposed  
10 building to be consistent with the first-stage PUD.  
11 I just wanted to make sure they knew that we were  
12 talking about the second stage.

13 MR. KADLECEK: They did. I was present at  
14 the meeting, and they understood.

15 CHAIRPERSON HOOD: And one person just  
16 abstained from voting?

17 MR. KADLECEK: I think that's correct.

18 CHAIRPERSON HOOD: Five, zero, to one.

19 MR. AVITABILE: Why was there only one? One  
20 who abstained?

21 CHAIRPERSON HOOD: Yeah, I was just curious.

22 MR. AVITABILE: I think it was a procedural  
23 thing, if I recall. It wasn't about the project  
24 itself, it was about some procedural issue.

25 CHAIRPERSON HOOD: Procedure. So, it just --

1 the vote just reflected on the project. Okay.

2 MR. AVITABILE: Yeah.

3 CHAIRPERSON HOOD: Okay. All right. I think  
4 that's it. Let me think. Do I have anything else?  
5 No, I don't. Okay. At least not yet.

6 Okay. Any other follow-up?

7 MR. TURNBULL: Yeah, Mr. Chair, I just had --  
8 on the windows for the building, it looks like you  
9 have -- it looks like large, rather large windows,  
10 with very slender or slim window. It looks like it's  
11 an opening awning window. Are those the only windows  
12 that open then?

13 MR. BAILEY: That is correct, in the  
14 residential units.

15 MR. TURNBULL: And they open like what, about  
16 six to eight inches at the bottom or --

17 MR. BAILEY: Four inches.

18 MR. TURNBULL: Four inches?

19 MR. BAILEY: Uh-huh.

20 MR. TURNBULL: Only four inches. Okay.  
21 That's probably by code then, for --

22 MR. BAILEY: Correct.

23 MR. TURNBULL: Right. Okay. On the roof,  
24 since you're going for LEED Gold, I'm assuming that  
25 all of the lighting will be downlighting, low level

1 lighting.

2 MR. BAILEY: Yes.

3 MR. TURNBULL: It's going to be very  
4 residential use up there for the most part.

5 MR. BAILEY: Correct, it will be only  
6 residential use.

7 MR. TURNBULL: Okay. All right. Thank you.

8 CHAIRPERSON HOOD: Any other questions or  
9 comments?

10 Okay. Is anyone -- I don't see anyone  
11 representing ANC 5D here. Okay. They do have a  
12 report, as I mentioned earlier, but I'll talk about  
13 it later.

14 Let's go to the Office of Planning, and  
15 District Department of Transportation. Ms. Vitale  
16 and Mr. Rogers.

17 MS. VITALE: Good evening, Mr. Chair, members  
18 of the Commission. Elisa Vitale with the Office of  
19 Planning.

20 While OP is supportive of the building design  
21 for this second-stage PUD application for 1300 4th  
22 Street Northeast, in the Greater Florida Avenue  
23 Market area, and appreciates the applicant's  
24 commitment this evening to LEED Gold certification  
25 and to explore solar panels, we do believe that some



1 Vitale. Mr. Rogers?

2 MR. ROGERS: Good evening, Mr. Chair, members  
3 of the Commission.

4 DDOT would like to acknowledge that the  
5 applicant is in agreement with the requested DDOT  
6 conditions and with that I will end and take any  
7 questions that you may have. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you, Mr.  
9 Rogers. Let me start off. Ms. Vitale, the First  
10 Source agreement, let me ask, Ms. Schellin, have we  
11 had any feedback about the First Source agreement  
12 yet?

13 MS. SCHELLIN: We, Ms. Barden and I, reached  
14 out to the agency, and we talked to Mr. Washington  
15 who pulled in someone above him. I forgot what her  
16 title was, and they were going to call us back and  
17 we've not heard back from them yet.

18 CHAIRPERSON HOOD: Let me ask, did we ever  
19 follow up with the Deputy Mayor, Ms. Snowden?

20 MS. SCHELLIN: You told us --

21 CHAIRPERSON HOOD: I wanted you all to follow  
22 up with her directly.

23 MS. SCHELLIN: You said to hold off until --

24 CHAIRPERSON HOOD: I did?

25 MS. SCHELLIN: -- you talked -- you did.

1 CHAIRPERSON HOOD: Well, since we haven't  
2 heard back, we're not going to hold off no more.

3 MS. SCHELLIN: Yeah.

4 CHAIRPERSON HOOD: So if I have to get  
5 involved, I will, but let's reach out to Ms. Snowden.  
6 I want to have a conversation with her because we  
7 need to make sure that this is in place.

8 MS. SCHELLIN: Okay. So now you want her to  
9 go ahead and contact --

10 CHAIRPERSON HOOD: Yeah, let's go to Ms.  
11 Snowden.

12 MS. SCHELLIN: Okay.

13 CHAIRPERSON HOOD: All the rest of that --

14 MS. SCHELLIN: All right. We'll do that on  
15 Monday. Thank you.

16 CHAIRPERSON HOOD: Okay. All right.

17 MR. AVITABILE: Commissioner Hood.

18 CHAIRPERSON HOOD: Yes.

19 MR. AVITABILE: Just to clarify, the first-  
20 stage PUD requires us to do a first-stage -- a First  
21 Source employment agreement for this project, and so  
22 we're already committed to doing it. It's a  
23 condition --

24 CHAIRPERSON HOOD: It's nothing on you all.

25 MR. AVITABILE: Oh, I understand.

1           CHAIRPERSON HOOD: The issue is whether or  
2 not you're telling me you can do it, as whether or  
3 not it can be done.

4           MR. AVITABILE: It happens. Yes.

5           CHAIRPERSON HOOD: That's our issue. We  
6 appreciate and applaud you for doing it. But from  
7 what I'm hearing, it's not being done, that's the  
8 whole issue.

9           MS. SCHELLIN: Right. What we did find out  
10 is that they were saying that they were no longer  
11 accepting voluntary First Source agreements. That  
12 only those who were required to do one were doing it,  
13 and it had something to do with they were saying that  
14 zoning was written out of the law. And they were  
15 saying because we had it in our law or something, and  
16 -- but it's not our law. I think he is very  
17 confused. It's in our orders that they're done, and  
18 that's voluntary.

19           And so, I think that their office somehow, it  
20 was written out of the law, and there's a problem and  
21 they were going to check on it and get back to us,  
22 and that's been since a week or so ago, whenever it  
23 was you told us to contact, and we did that.

24           CHAIRPERSON HOOD: Okay. This is really --

25           MS. SCHELLIN: So, we will --

1 CHAIRPERSON HOOD: This is really getting --

2 MS. SCHELLIN: Yes.

3 CHAIRPERSON HOOD: I think Commissioner  
4 Miller, he was not a commissioner then. We were  
5 pushing this when he was working for, then, Chairman  
6 Linda Cropp.

7 MS. SCHELLIN: Yes.

8 CHAIRPERSON HOOD: I don't know if you  
9 remember that.

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: So, he we are, still in  
12 the same place, not getting anything done.

13 MS. SCHELLIN: Right.

14 CHAIRPERSON HOOD: So I'm going to talk to  
15 Deputy Mayor Snowden and we need to get this thing  
16 moving because --

17 MS. SCHELLIN: Started when I first came  
18 here, which was in 2001.

19 CHAIRPERSON HOOD: And here it is, 2017 --

20 MS. SCHELLIN: Yes.

21 CHAIRPERSON HOOD: -- we're talking about the  
22 same stuff. But I believe if any -- this  
23 administration is going to get it moving. Trust me.

24 Okay. Anything else up here? Vice Chair  
25 Miller?



1           MR. MILLER: I just wanted to thank OP and  
2 DDOT for their reports and I agree with OP's request  
3 for additional information, which I think we got the  
4 First Source commitment clarification. But the other  
5 two, I would agree with that additional information.

6           So my question to either of you would be  
7 about -- so you're the ones responsible for them  
8 getting rid of the balconies, because it projected  
9 into public space? And why is that so bad?

10          MS. STEINGASSER: No, sir, that's not  
11 correct. The applicant --

12          MR. MILLER: I'm sorry. I'm sorry, right.

13          MS. STEINGASSER: The applicant chose not to  
14 pursue modifying the plan to comply with the public  
15 space regulations. We were strongly concerned about  
16 the balconies and canopies as they projected into  
17 Neal Place, because it is already only a 50-foot  
18 distance from building to building. So, to have  
19 projections into that part of the private street, we  
20 felt really crowded and cramped, that area. I'm not  
21 sure why the balconies were not pursued along 4th  
22 Street. You'd have to ask the applicant.

23           Our discussion directly, that I was involved  
24 in, had to do with the Neal Place.

25          MR. MILLER: And you're concern about

1 projections would even be for a higher level, higher  
2 floor levels? I can see why on the lower floor  
3 levels it might create a crowded. But on the higher  
4 floor levels --

5 MS. STEINGASSER: Well, it's, there are two  
6 residential buildings. They're only 50 feet apart,  
7 so to have balconies on one side projecting into the  
8 public space, it just seemed to make it feel very  
9 crowded, and from the ground floor it would actually  
10 kind of taper up.

11 MR. MILLER: Uh-huh.

12 MS. STEINGASSER: It just seemed to be a very  
13 awkward arrangement of the canopies and the balconies  
14 on that side of the street.

15 MR. MILLER: Okay. So, it's just the Neal  
16 Place side.

17 MS. STEINGASSER: That I was involved in.  
18 I'm not sure. You'd have to ask the applicant about  
19 their further discussions.

20 MR. MILLER: Okay.

21 MS. STEINGASSER: They would have been with  
22 the members of our staff that sit on the Public Space  
23 Committee.

24 MR. MILLER: Okay.

25 MS. STEINGASSER: Probably had to do more

1 with the size and scale and percentage of the façade  
2 would be my -- would be my guess. We're happy to  
3 follow up on that for you, though.

4 MR. MILLER: Okay. Thank you.

5 MR. MAY: If I have a question? Sorry, I had  
6 one question which is, does the Office of Planning  
7 agree with the applicant's description of how we  
8 wound up with this unusual calculation of the FAR,  
9 and are you comfortable with that rationale?

10 MS. STEINGASSER: We don't fully agree with  
11 that interpretation of how it evolved. If you might  
12 remember, the property to the west was over 1 million  
13 square feet, and it was capped with only one way in  
14 or out, but for Neal Place. So, it became a very  
15 important planning issue and those property owners  
16 were also in strong opposition should the property  
17 not have accommodated the Neal Place extension.

18 You know, we recognize that the numbers were  
19 placed in the order. The formula on how the FAR was  
20 calculated was not detailed and we probably should  
21 have caught it back then, but we didn't. We agree  
22 with your concern about it not serving as any kind of  
23 precedent going forward.

24 MR. MAY: Okay. And do you think that  
25 there's any validity to the argument that it's a

1 different sort of circumstance because the garage  
2 extends underneath it?

3 MS. STEINGASSER: No, sir.

4 MR. MAY: Okay.

5 MS. STEINGASSER: No, sir. We don't.

6 MR. MAY: So I think that we want to make  
7 sure that that's not part of the rationale that shows  
8 up in the order. I mean, whether we explain that  
9 there was some sort of oversight in the original  
10 stage-one, I mean, I think I'm more comfortable  
11 accepting the argument that it was driven by external  
12 circumstances, and leave it at that.

13 MS. STEINGASSER: I'd also like to clarify  
14 the statements regarding the First Source agreement.  
15 In the order, I think it's -- was it item --  
16 condition 15 makes it clear that the First Source  
17 agreement is for the south parcel only. That's why  
18 we went ahead and included it as a condition for  
19 this.

20 CHAIRPERSON HOOD: So now it's for both?  
21 Right? Ms. Steingasser?

22 MS. STEINGASSER: I believe that's what the  
23 applicant's representative committed to here.

24 CHAIRPERSON HOOD: Okay. So, okay. All  
25 right. Good. All right. Now we've just got to get

1 it working.

2 CHAIRPERSON HOOD: Okay. Any other questions  
3 or comments up here to the Office of Planning or  
4 DDOT?

5 Does the applicant have any cross or any  
6 questions?

7 MR. KADLECEK: No, thank you.

8 CHAIRPERSON HOOD: Okay. And again, I don't  
9 see anyone here from ANC 5D. Do we have any other  
10 government reports?

11 And again, the letter is our Exhibit No. 11,  
12 which is in support of this project. The vote was  
13 five, zero, to one to support this project, and  
14 that's our Exhibit No. 11.

15 Do we have any persons -- organizations or  
16 persons who are here in support of this application,  
17 would like to testify at this time?

18 Do we have any persons or organizations who  
19 are here who would like to testify in opposition at  
20 this time?

21 Okay, gentlemen, any rebuttal or closing?

22 MR. AVITABILE: I think just to go through a  
23 couple of -- just for clarification. Ms. Steingasser  
24 is right that condition 15 of the original order was  
25 about the south building. Condition 20, which is in

1 the first-stage PUD, does require us to do the First  
2 Source. We'll reiterate it in the order for this  
3 just so it's clear that we are committed to doing the  
4 First Source.

5 On I think the issue that OP asked for, I  
6 assume the Commission would prefer that we address  
7 the PDR stripe in the Ward 5 Works in writing, since  
8 we're going to be doing it. And frankly, that's one  
9 of the issues that came up in the filing that  
10 appeared this evening. So, I think we'll address it  
11 there.

12 CHAIRPERSON HOOD: Go through all that.  
13 Okay.

14 MR. AVITABILE: Regarding the parking, how  
15 this ties into the overall plan, this is -- the  
16 parking within this building is just parking for the  
17 residents of this building. This is not parking  
18 that's part of the broader Union Station parking  
19 plan, to the extent that there's other parking that  
20 addresses retail or other needs.

21 And then finally, I wanted to offer, if we  
22 want to continue the dialog about the FAR  
23 calculations, certainly happy to do that, or maybe we  
24 can just --

25 MR. MAY: No, I think we can accept the

1 argument it just, it should be based on the first  
2 part of the argument, not the second part.

3 MR. AVITABILE: Got it.

4 MR. MAY: And I don't want to go into the  
5 issue of --

6 MR. AVITABILE: I don't --

7 MR. MAY: -- was it an oversight before.  
8 Just explain that it was driven by the reallocation  
9 of the original concept for the project. I guess.

10 MR. AVITABILE: Okay. And then I think the  
11 only other thing that we wanted to ask is, I know the  
12 Commission mentioned responding to the issues that  
13 were raised in the record earlier this evening by  
14 that letter. Would you -- we have some initial  
15 thoughts and responses we can go through now if you'd  
16 like to talk about it live. Or we can just submit  
17 something in writing. We wanted to see what the  
18 Commission was interested in.

19 CHAIRPERSON HOOD: Could you just do some  
20 soundbites in writing?

21 MR. AVITABILE: In writing. You've got it.  
22 Thank you.

23 CHAIRPERSON HOOD: Anything else?

24 MR. KADLECEK: We have nothing further.  
25 Thank you.

1 CHAIRPERSON HOOD: Okay, is that your  
2 closing?

3 MR. KADLECEK: That's our closing.

4 CHAIRPERSON HOOD: All right. Anything else  
5 up here, any follow up, commissioners?

6 Ms. Schellin, do we need to have any dates or  
7 anything?

8 MS. SCHELLIN: So, the earliest that we could  
9 bring this up would be the September 11th, meeting.  
10 How much time do you think you'll need? Two weeks?  
11 Is that enough time?

12 MR. KADLECEK: Yes, two weeks works.

13 MS. SCHELLIN: Okay.

14 CHAIRPERSON HOOD: Before you give that, we  
15 have one more question. This may change that. I  
16 never know. Never know what Commissioner May may  
17 come up with.

18 MR. MAY: I don't think this is going to  
19 change it.

20 So I'm not sure that I'm totally buying the  
21 argument about the parking plan and how it doesn't --  
22 you know, the rest of Union Market is not relevant  
23 because this is just about parking this building. If  
24 it's just about parking this building, why is there  
25 so much parking? I mean, this is a lot of parking



1 compared to other projects. I mean, I don't know  
2 what would be required -- I forget what would have  
3 been required by zoning, but this is a heavily parked  
4 project compared to the zoning regulations.

5 MR. WEIN: Perhaps to address that. So, this  
6 building is, the parking under it, because we only  
7 access this parking through the building to the  
8 south. So, all the retail parking and so on is  
9 handled in the building to the south.

10 The reason that the parking count might seem  
11 higher than what's standard in this particular market  
12 place is that we contemplated this building and  
13 continue to contemplate this building as a for-sale  
14 condo product. And in our experience in numerous  
15 jurisdictions across North America, we find that when  
16 we do for-sale product there is a higher demand for  
17 parking spots than a for-rent product.

18 So in consultation with our variance  
19 consultants and so on, that really is the reason for  
20 the higher parking count. So.

21 MR. MAY: So, Ms. Steingasser, the parking  
22 discussion that the applicant has offered, I mean, do  
23 you find that satisfactory? I mean, it still feels  
24 like something is lacking from my perspective. And I  
25 mean, I understand the you know, for-sale condos and

1 the idea that you need to have a certain amount of  
2 parking for it. But, I mean it just, I don't  
3 remember the last time we had a project that was  
4 parked this heavily. Maybe my memory is faulty,  
5 but --

6 MS. VITALE: No, I think that's why we're  
7 still kind of reiterating our concerns that we don't  
8 have enough information about the parking. I think  
9 we would like to see a more comprehensive look at  
10 what exists in the Union Market area today with  
11 respect to, you know, available surface lots or  
12 structured parking, as well as on-street. And then  
13 an analysis of that against what will be there at  
14 build out.

15 I think we've seen, you know, the PUDs come  
16 in for a lot of the projects in this area, and if  
17 there are parcels where there isn't a PUD pending,  
18 then we could just kind of anticipate buildout based  
19 on zoning.

20 And then contrast that to what required  
21 parking would be. So, you know, a more thorough  
22 assessment and I think it's important to look at in  
23 this area because we're seeing a change from  
24 perpendicular on-street parking on a number of these  
25 streets, to parallel on-street parking. So that will

1 have an impact. And then there's also pending TIF  
2 legislation that's looking at some, you know, parking  
3 related issues.

4 So I think having a more comprehensive study  
5 that looks at parking in the area beyond just this  
6 PUD is what we're looking for, and I don't think that  
7 has been addressed.

8 MR. MAY: Okay. So, and I do think that  
9 even, I mean, just in terms of its relationship to  
10 the parking of the building to the south, I think  
11 that -- you know, the garage that it's connected to,  
12 I think I need to understand that better as well. I  
13 mean, I don't recall what the parking ratios were for  
14 that building. I mean, this could be advantageous if  
15 it's a single garage. I mean, there can be some,  
16 theoretically be some swapping back and forth pretty  
17 easily, right?

18 MR. WEIN: I think the challenge again is the  
19 for-sale nature. So, if we're going to sell a  
20 parking stall and it's not -- they either have to  
21 park in another building, or in another location, I  
22 think it's a --

23 MR. MAY: And I'm not necessarily suggesting  
24 that. What I'm saying, though is that if you -- I  
25 mean, if you wind up underselling the parking, right,

1 if you sell half as many parking spaces as you think  
2 you'll need, I mean, is there going to be some  
3 utility perhaps to the building to the south, or to  
4 retail uses, or things like that.

5 MR. WEIN: That certainly would be  
6 considered.

7 MR. MAY: Right.

8 MR. WEIN: Typically what we do in, again the  
9 other jurisdictions where we build, if we didn't --  
10 if the market conditions didn't fully utilize the  
11 parking that was proposed, then either one, we  
12 wouldn't build it, so we would minimize the size of  
13 the parkade by a level, or alternatively we would  
14 convert that unutilized parking to commercial use.  
15 So, we would allow it to be retail accessible or so  
16 on.

17 So, we don't, you know where --

18 MR. MAY: Right. And frankly --

19 MR. WEIN: -- I don't want empty parking  
20 stalls sitting there collecting dust.

21 MR. MAY: Right.

22 MR. WEIN: That makes no sense.

23 MR. MAY: Right. And I don't think that we  
24 necessarily want them available for commercial use if  
25 you're overparking the retail either, because that

1 drives more cars, right? Build it and they will  
2 come, at least in theory. Or at least that's part of  
3 the concern.

4 MR. WEIN: And our hope is we, you know, just  
5 so that it's clear as to Great Gulf's position, we  
6 build buildings in other jurisdictions with no  
7 parking. So to us, it's very much the individual  
8 markets and the Washington D.C. consultants that  
9 we've hired specifically to provide us with necessary  
10 parking counts for for-sale residential condominium  
11 product. These are the answers they're giving us.

12 So it's, you know, I'm as passionate as you  
13 are about not overparking because --

14 MR. MAY: Okay.

15 MR. WEIN: -- I personally don't like to  
16 drive myself, so.

17 MR. MAY: Okay. I appreciate that.

18 I guess the last question I had, and this is,  
19 I'm sure this is in the record somewhere, but the  
20 parking is not bundled with the condominiums, right?  
21 It's unbundled? It's disconnected?

22 MR. WEIN: It's unbundled, yes.

23 MR. MAY: Yeah. Okay. Because that's always  
24 a condition if it's -- if you didn't offer it that  
25 way, DDOT would have required that.

1           CHAIRPERSON HOOD: Okay. I do this for  
2 everybody else so I'm going to shout out to Camille  
3 and my two grandbabies, Kaitlyn, Loren, and Maddi.  
4 You all are watching there in Houston. They just  
5 sent me a text message, they're watching. They must  
6 have anything else down there to do than watch this.  
7 So, hopefully you all get a good night's sleep after  
8 watching this.

9           No, I'm just playing tonight. So anyway,  
10 that's the shout out you all asked for.

11           Okay, Ms. Schellin, would you --

12           MR. MAY: Can I just make clear? I mean, I  
13 think actually we do need that write up on the  
14 parking. I mean, if that wasn't clear from the  
15 exchange, I do think we need that.

16           MR. WEIN: We understand. We understand.

17           MS. SCHELLIN: Okay. So two weeks would put  
18 you guys at August 10th, and the ANC, they don't meet  
19 in August so we'll give them the latest date possible  
20 of September 8th, if they choose to respond. For OP  
21 and DDOT, I'm sure they're going to want to respond  
22 to what you guys submit, so is one week, or do you  
23 guys need two weeks to respond?

24           MS. STEINGASSER: We'll need at least two  
25 weeks.

1 MS. SCHELLIN: Okay. So, for OP and DDOT,  
2 we'd give them until August 24th to submit their  
3 response. And if we could have draft findings of  
4 fact, conclusions of law by, let's say, August 28th.  
5 We need it at least two weeks prior to the meeting.  
6 And then the Commission could consider final action  
7 on the 11th of September, 6:30 p.m. All submissions  
8 by 3:00 p.m.

9 CHAIRPERSON HOOD: Do we have anything else?  
10 All right, anything else, anybody?

11 [No audible response.]

12 CHAIRPERSON HOOD: All right. So with that I  
13 want to thank everyone for their participation  
14 tonight and this hearing is adjourned.

15 [Whereupon, the hearing adjourned at 7:31  
16 p.m.]

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## CERTIFICATE OF TRANSCRIPTIONIST

I, Kimberly Lawrie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by Olender Reporting and thereafter was reduced to typewriting by me or under my direction.

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Kimberly Lawrie,  
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