

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: :
 :
 UM 500 Penn Street NE, LLC : Case No.
 and UDR, Inc. - Consolidated : 17-14
 Planned Unit Development and :
 Related Zoning Map Amendment :
 at Square 3594, Lot 5 :
 -----:

Thursday,
June 14th, 2018

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

The Public Hearing of Case No. 17-14 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
BRANDICE ELLIOTT

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

JONATHAN ROGERS

The transcript constitutes the minutes from
the Public Hearing held on June 14, 2018.

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

6:34 p.m.

1
2
3 CHAIRMAN HOOD: Okay. Good evening, everyone. We
4 ready to get started?

5 This is a public hearing of the Zoning Commission
6 for the District of Columbia. Today's date is Thursday, June
7 the 14th. We're located in the Jerrily R. Kress Memorial
8 Hearing room.

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

11 We're also joined by the Office of Zoning staff,
12 Ms. Sharon Schellin, as well as Office of Planning staff, Ms.
13 Steingasser, Ms. Elliott, and from the District Department
14 of Transportation, Mr. Rogers.

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

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

22 The hearing will be conducted in accordance with
23 provisions of 11z DCMR, Chapter 4 as follows: preliminary
24 matters of Applicant's case, report of the Office of
25 Planning, report of other government agencies, report of the

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1 ANC, report, organizations and persons in support,
2 organizations and persons in opposition, rebuttal, and
3 closing by the Applicant.

4 The following time restraints will be made to
5 this, maintained in this meeting. The Applicant has up to
6 60 minutes, but we could probably hear this, do this in 20.
7 Organizations, five minutes; individuals, three minutes.

8 The staff will be available throughout the hearing
9 to discuss procedural questions. Please turn off all, all
10 electronic devices at this time, so as not to disrupt these
11 proceedings.

12 Would all individuals wishing to testify please
13 rise and take the oath?

14 Ms. Schellin, would you please administer the
15 oath?

16 MS. SCHELLIN: Please raise your right hand. Do
17 you solemnly swear, do you solemnly swear or affirm your
18 testimony in this proceeding will be the truth, the whole
19 truth, and nothing but the truth?

20 Thank you.

21 (Whereupon, the witnesses were sworn.)

22 CHAIRMAN HOOD: Okay. At this time, the Commission
23 will consider any preliminary matters.

24 And Ms. Schellin, do we have any preliminary
25 matters?

1 MS. SCHELLIN: Just to accept two proffered expert
2 witnesses in this case. Both have previously been accepted
3 by the Commission: Eric Colbert in architecture, and Jami
4 Milanovich in traffic engineering and design.

5 CHAIRMAN HOOD: Okay. Certainly. We don't usually
6 undo what we've already done, so we will accept them,
7 continue to accept. Anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. And I just want to mention
10 to Ms. Elliott that I got her name correct.

11 All right. Okay, Mr. Kadlecek, you may begin.

12 MR. KADLECEK: Good evening, members of the
13 Commission. Thank you for having us. I'm Cary Kadlecek from
14 the Law Firm of Goulston & Storrs on behalf of the Applicant.

15 Thank you for the opportunity to present this
16 consolidated PUD and Zoning Map Amendment to the MU-9 zone
17 to allow an exciting addition to the Union Market District.

18 The proposed mixed-use project will include 11
19 stories of apartments above ground-floor retail in a new
20 building of high-quality design, and it will be the first
21 redevelopment on this particular block.

22 Importantly, this project will include an
23 exceptionally deep and broad package of proffered benefits
24 and amenities that range from significant affordable housing
25 to support for a job readiness programs for ANC residents.

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1 As described in our pleadings, this project will
2 not be inconsistent with the comprehensive plan's future land
3 use and generalized policy maps, and it will advance numerous
4 policies of the comprehensive plan, the Ward 5 Works
5 Industrial Land Transformation Study, and the Florida Avenue
6 Market Small Area Plan.

7 Accordingly, the proposed PUD and rezoning satisfy
8 the standards for approval under Subtitle X, Section 304.

9 In addition, we are pleased to have the support
10 of the Office of Planning, DDOT, and ANC 5D, which reflects
11 the hard work and extensive collaboration between the
12 Applicant and those stakeholders.

13 With that, I will turn it to Chris Spendley to
14 give you more information about the project.

15 MR. SPENDLEY: Good evening, Commissioners. Thank
16 you for having us here tonight. My name is Chris Spendley.
17 I'm a Director of Development for UDR, Inc.

18 We're an owner, operator, and developer of
19 apartments across the country. And more specifically, we have
20 ownership in and operate five buildings in DC that are of
21 similar skill to the one being presented here tonight.

22 Of the five communities that we own in DC, we
23 acquired the oldest of those communities in 2003, with our
24 most recent development in the district, Capitol View on
25 14th, was completed in 2012.

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1 This illustrates how UDR is a longer-term of the
2 communities that we acquire and develop, and with that, in
3 an effort to provide a sense of place and stability for our
4 residents within the community, we focus on a high-quality
5 and durable design with architecture that promotes and aligns
6 with the existing fabric of the neighborhood. And we're
7 proud to present this project here to you today, as it meets
8 that description.

9 We consider ourselves experts in the apartment
10 business, and we're excited here to be joined by our co-
11 applicant EDENS, an expert in the retail business who will
12 own and program the ground-floor retail space of the
13 building.

14 EDENS, as you know, has a significant presence in
15 the Union Market district, and is responsible for many of the
16 great projects that are taking shape in the area.

17 We initially met with the Office of Planning on
18 this project two years ago to the day, and I bring this up
19 only to illustrate the process that we've been going through
20 in an effort to listen to and anticipate the needs of the
21 various stakeholders to create the project that we believe
22 responds to those needs, and captures the spirit of the
23 Florida Avenue Small Area Plan.

24 The result of these meetings led us to a unique
25 benefits and amenities package that garnered the enthusiastic

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1 support of the ANC 5D, as referenced in their support letter
2 that's in the record.

3 With that, I'd like to turn it over to our
4 architect, Eric Colbert.

5 MR. COLBERT: Good evening, Mr. Chairman and
6 members of the Commission. I'm Eric Colbert with Eric
7 Colbert & Associates Architects, and I would like to just run
8 you through quickly, through the drawings.

9 So this is just orientation. I figure you all
10 know where it is. But you have New York Avenue coming down
11 on the top of the page diagonally, and then parallel to the
12 front of our site is Penn Street NE, and then 4th on the left
13 side and 5th on the right side, coming up to our site.

14 I just included this shot because it's important
15 to note that this PUD process could authorize as much as 9.36
16 FAR. However, we have, I'll explain to you why we have
17 limited the development to 8.4 FAR.

18 And then next is the, we're not in a Historic
19 District, but working with my client, UDR and EDENS, we've
20 elected to, we're proposing to save the existing Rock Creek
21 Ginger Ale Building that was in the market. We're taking
22 down the lefthand side, which is not, doesn't have any kind
23 of distinctive architectural characteristics, but using the
24 piece that is the more well-known and dominant piece as,
25 integrating it into our, our building facade.

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1 This drawing I put up there to kind of help
2 explain the FAR issue, because we could have gotten more
3 density by having a footprint of the building that was C-
4 shaped. However, instead we're, went with a T-shape, which
5 allows more light and air on the, you know, you have the
6 extension of the building going up to the north side, and
7 this configuration enables kind of more openness around the
8 building than another configuration, which might have
9 actually netted in more square footage for the project.

10 So here we have canopy precedents. As you know,
11 like in the market, on the lefthand side of this document
12 you'll see pictures of the old market. And we want to not
13 only embrace that aesthetic, but also look at other
14 precedents that were very similar. So you have, a lot of
15 these old industrial buildings have these continuous extended
16 canopies, where trucks would come in and unload. So we're
17 trying to take advantage of some of that.

18 And also capturing some of the, the way these
19 things were put together with, you're seeing kind of the
20 framework of the structure underneath, and so we've used some
21 of that aesthetic in our facade.

22 And so here we have storefront precedents. Again,
23 with the old fabric, we want to celebrate that -- but then,
24 you know, converting it to more commercial use, at the same
25 time putting in some storefronts that are very transparent,

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1 but also connote the industrial aesthetic.

2 In terms of materiality of our building, we're
3 again trying to, you know, take the theme of the old market,
4 and put a building there that doesn't exactly duplicate it,
5 but also is consistent with it in the sense that we have
6 things like metal frameworks, concrete materials, and kind
7 of large windows broken down in a way that connotes the old
8 industrial precedent.

9 So here you see a document that we created showing
10 the, you know, some of these buildings are under
11 construction, like another PUD we did on the lower lefthand
12 side. And then, you know, Shapiro, which is under
13 construction. There's one next to us that has the Trader
14 Joe's in it now, and then other PUDs that are kind of working
15 their way through the system.

16 And then our, our project, on the north side of
17 this. And then, as you can see, the old buildings in the
18 center, so our design fits in very well with the concept that
19 the Office of Planning has created to keep it density low
20 where the old buildings are, and then build density around
21 it to help support it from an urban design perspective.

22 One thing that we have done since the set-down
23 hearing is a lot of refinements. One you see here, you know,
24 here we have a couple, several renderings, actually, that
25 show the roof -- and I know that you're very focused on that.

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1 But also, you can see here the we've added solar
2 panels as part of our green effort, and that was actually
3 something that was recommended by the Commission, and also
4 DDOE was supportive of that. So we, we've incorporated that
5 to achieve a certain level of energy into the building.

6 And here's another rooftop exhibit that we
7 created.

8 Again, so since the set-down hearing, we've
9 continued to refine the design, and massage certain elements.
10 For instance, in the center we're using this vertical piece
11 to accentuate the residential entrance of the building. And
12 if you compare this to what we had before, we've, it was, it
13 was symmetrical before, and now we've, we have a little bit
14 of an offset there -- and the idea being that it's kind of
15 in keeping with the balance, but asymmetrical composition
16 that we had previously created.

17 And then here's another view of it. So you can
18 see, like, some of the details, you know, since the set-down
19 we've really kind of massaged a lot of the details, and it
20 has a, kind of a more rich appearance now, you know, having
21 added some of those, you know, looking at how, you know,
22 materials turn the corner, and the railings, things like
23 that.

24 And here, this is, I think, a perspective that the
25 Zoning Commission was asking for, as you see it from 4th

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1 Street looking at the building as it kind of turns the
2 corner, with New York Avenue on the lefthand side.

3 This rendering is informative in the sense that
4 one of the things we've added to give the facade a little
5 more richness is the fact that the balconies are strong
6 horizontal elements in the facade, but if you look carefully
7 you can actually see that they're broken up.

8 We have these openings that occur in the balconies
9 that we've included, kind of structural beams in there to
10 give it an added layer of texture in the facade.

11 And then, this is a very important drawing,
12 because it shows that, you know, we have certain requirements
13 based on the green area ratio of things that we have to do.

14 But in addition to that, all these plantings that
15 we're using on the facades are not even, they're kind of in
16 addition to all the, the plantings that we're putting in for
17 the green area ratio.

18 For instance, the canopies are all going to have
19 significant plantings, as well as on the sides of the retail
20 entrances, we're going to have green walls there. And then
21 also, around the opening that goes, you know, there's a, in
22 terms of the elevators -- we have elevators, of course, for
23 the residents, going down to the garage -- but we also have
24 no, you know, with EDENS, their own commercial parkers that
25 will have their own elevator lobby coming out to the street.

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1 So we've surrounded that with a lot of greenery.

2 The other thing you'll see, on the top drawing
3 here, you'll see this glass, and then there's kind of a wood-
4 looking strip horizontally, and then a concrete underneath.
5 And that's an aesthetic element that we added because it kind
6 of suggests these old loading docks, where you had the
7 concrete, and then a strip of wood, or some kind of material
8 that the truck would actually drive in, at, you know, when
9 they were unloading and loading, in the old, this, you know,
10 the old market.

11 This is another drawing that I think the
12 Commission asked for where, so what we've done here is, you
13 know, at some point in time there will be another building
14 called Maurice East to the east side of our site.

15 But knowing that that will take several years, we
16 have done some embellishments to our east facade and, but
17 also the main purpose of the three-dimensional drawing is to
18 show the volume of what's going to eventually be there.

19 And then this is a more scaled version showing our
20 east facade, and how we're planning to use different
21 materials and windows to enliven that in the meantime, before
22 that other building is constructed.

23 So again, as I was saying, you know, the Zoning
24 Commission is really focused on roofs, so we've put some
25 attention to make sure that we have adequate documentation

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1 to achieve the one-on-one setbacks, the green roof. So you
2 can see, again, the solar collectors that we're going to be
3 adding up there, and the amenities for the residents.

4 And this document is showing where we're proposing
5 to have signage in the facades of the buildings. And you
6 have, in your documents we submitted, some precedents for
7 what we're thinking in terms of the signage possibilities.

8 And I think that's about it.

9 MS. MILANOVICH: While JV's pulling up my slides,
10 I think in the interest of time I'm going to focus on the
11 proposed transportation improvements -- and in particular,
12 the DDOT report -- and then, of course, be happy to answer
13 any questions if I skipped over something that you were
14 interested in.

15 The Applicant, along with DDOT's input, developed
16 a series of improvements to mitigate the, the traffic impact
17 of the project. This comprehensive list of improvements
18 included demand management strategies aimed at reducing
19 vehicular traffic, operational strategies to help facilitate
20 loading activities, particularly with respect to the
21 neighboring properties abutting the alley, as well as
22 physical improvements.

23 This slide shows a summary of the elements of the
24 transportation demand management plan. The items in red have
25 been added at the request of DDOT.

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1 This slide shows a summary of the elements of the
2 loading management plan, and also a list of physical
3 improvements that will be made by the Applicant. Again, the
4 items in red were added at the request of DDOT.

5 The physical improvements include the design and
6 installation of a new traffic signal at 4th and Penn, which
7 is the intersection immediately adjacent to our site. They
8 also include phasing improvements to an existing signal,
9 significant pedestrian improvements, and conversion of a
10 portion of 5th Street to two-way operation in the event that
11 that's not completed prior to completion of our project.

12 As shown on the previous slides, the Applicant has
13 incorporated many of DDOT's requests -- in fact, they have
14 agreed to all but four of the requests outlined in DDOT's
15 report.

16 We've had conversations with DDOT as late as this
17 afternoon, and believe we have agreement on these four items,
18 or at least very close to agreement with DDOT. And I'm sure
19 Jonathan Rogers will weigh in on that.

20 The first of the items where we weren't in
21 complete alignment is the missing sidewalk on the east side
22 of the subject site, and the construction of curb ramps that
23 do not meet current criteria.

24 The intersection, or the, the crosswalks in
25 question are shown on this slide in the white circle. The

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1 missing sidewalk in question is in this area, and then DDOT
2 has asked us to upgrade the curb ramps for this crosswalk,
3 and the curb ramps for this crosswalk.

4 What we have --

5 COMMISSIONER MAY: I'm sorry, which is the, I'm not
6 sure what the, what this you're referring to, because I'm not
7 seeing --

8 MS. MILANOVICH: You can't see my arrow there?

9 COMMISSIONER MAY: I don't see it.

10 MS. MILANOVICH: It would be --

11 COMMISSIONER MAY: Can't use a pointer either.

12 MS. MILANOVICH: Yeah, let me try this. Are you
13 seeing the yellow dot?

14 COMMISSIONER MAY: I'm not seeing anything, do you
15 see anything?

16 MS. MILANOVICH: Are you seeing the red line I'm
17 drawing?

18 COMMISSIONER MAY: Oh, yes.

19 MS. MILANOVICH: Okay. Sorry about that. I don't
20 know why the pointer's not working.

21 So, we have agreed, or proposed to upgrade the
22 curb ramps for this crosswalk shown in red. That would,
23 obviously, facilitate pedestrian traffic coming to and from
24 our site, as well as other pedestrians in the Union Market
25 area.

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1 On the east side of the intersection, the issue
2 you can see we're faced with is there is a fire hydrant in
3 the middle where the crosswalk, or the ADA ramp would be
4 constructed. And then we also have an issue with a curb cut
5 immediately to the east, so if we were to angle the crosswalk
6 to the east, we couldn't do that either because of the curb
7 cut.

8 And so our thought is that when that adjacent
9 property redevelops, there may be a better opportunity to get
10 a more optimal location for that crosswalk and curb ramp, as
11 opposed to us sort of shoehorning something in, only to have
12 to have it be replaced when that property redevelops.

13 So, you know, again, we've, we're hoping that
14 we've reached a compromise with DDOT, and have agreed to
15 upgrade on the west side of the intersection.

16 The second item is the construction of missing
17 sidewalk on the west side of 4th Street along the PNC Bank
18 property. We have agreed to, or we propose to complete the
19 sidewalk connecting New York Avenue to this intersection of
20 4th and Penn, where we've proposed a traffic signal.

21 DDOT has then asked us to extend that sidewalk
22 along the west side of 4th Street across this property, where
23 the PNC Bank sits, where I've shown in, in the red there.

24 Our concern there is, again, we would be spending
25 money for an interim condition that would be replaced when

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1 that property redeveloped. And we also have a concern,
2 because you can see in this picture there's a very narrow
3 buffer there between the roadway and the parking lot, and
4 there's some landscaping in there -- at least some of which,
5 I believe, is on private property.

6 So as a private property owner, the Applicant
7 would have to go in and remove landscaping on somebody else's
8 property. So we have a bit of a concern with that.

9 The third item is to charge market rate parking
10 for retail parking. Not necessarily saying we wouldn't do
11 that, but not wanting to commit to it at this point, not
12 knowing what the future holds.

13 We think it's important that we create an easy to
14 circulate, affordable parking scenario -- especially in an
15 evolving retail market such as Union Market, and, you know,
16 particularly given the location at the intersection of a
17 couple major arterials, being New York Avenue and Florida
18 Avenue.

19 And then finally, DDOT requested that we provide
20 vehicular access through our site for the future neighboring
21 development immediately to the east. Logistically, that's
22 a bit challenging. We've worked really hard to design an
23 access scenario and a loading scenario where we can provide
24 that access off of the public alley -- which is, as you know,
25 what DDOT prefers.

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1 And we've also worked really hard to create that
2 loading area that allows for front-in, front-out loading
3 maneuvers, so all of the backup is, is done on-site.

4 And again, without knowing what the future holds,
5 and what the exact redevelopment of the neighboring property
6 would be, we're concerned about committing to something at
7 this point that might be challenging for the access for this
8 particular project.

9 So again, not saying that we wouldn't necessarily
10 do that in the future. We're just not willing to commit to
11 that at this time with so many unknowns. We think there
12 would be further study required as to what that development
13 would be, and what that cross-access would look like.

14 And so, you know, we believe that we've developed
15 a very comprehensive mitigation strategy that focuses on both
16 vehicular improvements and significant pedestrian
17 improvements, as well as demand management strategies and
18 operational strategies to ensure that the impact of the
19 project is mitigated.

20 We think with the implementation of those
21 improvements, we would not anticipate any objectionable
22 impacts to the surrounding roadway network.

23 MR. SPENDLEY: So just one last slide here to talk
24 through. This slide summarizes the benefits and amenities
25 package as it now stands, and its evolution since the initial

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1 application.

2 So just a couple, in the interest of time, to get
3 through. We're providing large floor plans, including three-
4 bedroom homes.

5 It's a topic that's come up multiple times with
6 the Office of Planning, the SMD and ANC. We know it's a, a
7 home type that rarely makes it into the design of similar
8 projects.

9 We'll be providing 15 three-bedroom homes in this
10 project, and this will also be represented in our
11 inclusionary housing mix.

12 We also are providing funding for employment
13 training opportunities for ANC 5D residents. We came up with
14 this program --

15 We came up with this program as a direct response
16 to concerns about job readiness of residents raised during
17 the conversations with the SMD and ANC.

18 We're working with and funding Jubilee Jobs, a
19 nonprofit workforce development provider in the District.
20 And our contribution to the program will enable Jubilee Jobs
21 to provide training, coaching, transportation benefits, and
22 scholarships for ANC 5D residents who are looking for work,
23 and who are committed to continuing the program.

24 Just the last two here to note. Two, two items
25 that have been added to the package since set-down. We've

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1 added solar to the roof, as Eric mentioned earlier, and we've
2 also added a new contribution to the Department of Parks and
3 Recreation for \$10,000 for new playground equipment, or
4 upgrades to a nearby park within ANC 5D.

5 So I'd again like to thank the Commission for
6 hearing our project this evening, and would like to thank the
7 staff at Office of Planning and Department of Transportation
8 for their continuous availability as our project has evolved.

9 And with that, we'd like to open it up for
10 questions.

11 CHAIRMAN HOOD: Okay. Want to thank you all for
12 your presentation. Let me go right into what you worked out
13 with Jubilee.

14 I, I've heard that before. Eventually, I'm going
15 to ask for a track record, and I think that's the new way
16 we're doing jobs now.

17 Did you have another case, Mr. Kadlecek, that you,
18 you talked about Jubilee Jobs?

19 MR. KADLECEK: That was my colleague, Jeff Utz, I
20 believe -- for another project in the --

21 CHAIRMAN HOOD: Okay, so --

22 MR. KADLECEK: Union Market area.

23 CHAIRMAN HOOD: -- so it'll be one of you all
24 that'll be able to give me the track record on how that's
25 working out.

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1 MR. KADLECEK: We should, be yeah.

2 CHAIRMAN HOOD: Okay.

3 MR. KADLECEK: And, and we did file the Memorandum
4 of Understanding into the recording today outlining the terms
5 --

6 CHAIRMAN HOOD: So --

7 MR. KADLECEK: -- with Jubilee Jobs.

8 CHAIRMAN HOOD: So we're talking about training,
9 and giving job readiness. As a result of that, eventually
10 jobs will come to fruition, right? It'll come the reality
11 that jobs will come out of all this.

12 MR. SPENDLEY: Correct. So Jubilee Jobs has two
13 offices in the District already, one in the northwest
14 quadrant, one in the southeast quadrant. Nothing in
15 northeast right now. So some of the residents are aware of
16 their services, they're just not actively participating. So
17 we're bringing some of the services of Jubilee Jobs to this
18 ANC. They're going to provide services at the new ANC 5D
19 community space in the Edison Building.

20 And the program, you'll have this initial
21 orientation -- residents will come in, hear what, what
22 Jubilee Jobs provides, and then from there they have three
23 workshops. Jubilee Jobs will have career coaching, they'll
24 have a conflict resolution in the workplace workshop, and
25 they'll also have a third for interviewing skills.

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1 CHAIRMAN HOOD: So and, and this is for 5D
2 residents only.

3 MR. SPENDLEY: Correct.

4 CHAIRMAN HOOD: Are we, can we do that? The reason
5 I'm asking, and I don't want to put 5D residents on promised
6 land. Some years ago, we, we were trying to designate some
7 job issues to a certain SMD or ANC, and we found we couldn't
8 do that. So I want to make sure that we're not putting this
9 community on promised land.

10 MR. SPENDLEY: Yeah, I mean obviously, we'll do
11 only what the law allows us to do. But certainly the intent
12 of the program is to target 5D residents.

13 CHAIRMAN HOOD: Okay. All right.

14 MR. SPENDLEY: I mean, I don't know that as a
15 matter of law, that they can exclude people. But certainly,
16 I think the intent --

17 CHAIRMAN HOOD: So we can target. I, that --

18 MR. SPENDLEY: Yeah.

19 CHAIRMAN HOOD: -- that word sounds better to me,
20 target.

21 MR. SPENDLEY: Yeah. Yeah.

22 CHAIRMAN HOOD: I don't want to undo what, what's
23 been done with 5D. I think that's a great idea. But I don't
24 want you to run into any problems, and then when you see all
25 of Ward 5 coming, or the city coming, and that wasn't

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1 expected so.

2 MR. SPENDLEY: Yeah.

3 CHAIRMAN HOOD: Okay.

4 MR. SPENDLEY: Yeah, I think the intent is to,
5 largely through the SMD, get the word out to, to those
6 residents to then be able to take advantage of --

7 CHAIRMAN HOOD: Mr. --

8 MR. SPENDLEY: -- the services.

9 CHAIRMAN HOOD: Mr., Mr. Kadlecek. Let me make
10 sure that as, as we move forward, and if we move forward,
11 that we say targeted.

12 MR. KADLECEK: Okay.

13 CHAIRMAN HOOD: Okay, so we won't run into any
14 illegality. Okay. I'm going to, I just wanted to get on the
15 jobs piece. But let me, coming to my colleagues. Any
16 questions or comments, Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
18 thank, thank you for your presentation, and thank you for all
19 the work you've done on the project for at least two years,
20 and the responsiveness and work with the community -- ANC 5D,
21 obviously, you wouldn't have that kind of letter of support
22 if you hadn't worked with them.

23 And your responses to both the requests for
24 information and refinements that Zoning Commission asked at
25 set-down, and Office of Planning asked for, and all the work

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1 with the other agencies, including DDOT and DOE, and so
2 appreciate.

3 And on behalf of our missing Commissioner tonight,
4 Shapiro, we thank you for the solar panels. Not that we
5 aren't thankful as well.

6 So I mean, I like the ANC. I think, I think it's
7 a very attractive project. The massing, the design, the
8 materials. Most of the program, especially the 299 housing
9 units, 12 percent of which I believe are affordable.

10 And the size of the, and it's, that's a larger
11 set-aside than what would be, inclusionary zoning would, the
12 minimum requirement under inclusionary zoning, and, and
13 you're doing larger-sized units than normal, than we often
14 see.

15 You have the 31 percent, 94 units of it are two
16 bedrooms, and 17 units, particularly commendable, six percent
17 of the units are at three bedroom.

18 And the Office of Planning, I think had
19 recommended that there not be flexibility to reduce that
20 percentage on the three bedrooms. Do you have a comment on
21 that?

22 MR. SPENDLEY: Sure. So right now, what's really
23 driving the, those last two or three units is the programming
24 on the penthouse level. We're working with, we're showing
25 three in our drawing, the penthouse level. And that's kind

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1 of just going through initial demising plans.

2 We know that that's going to change based on some
3 of the roof uses, added in solar, and, and working through
4 how the mechanical equipment will impact the ceiling height.

5 And so some of those, the rooms that are currently
6 showing bedrooms, depending on where we end up, could end up
7 being bathrooms, or a dropdown for a kitchen or something
8 like that.

9 So we think that we'll end up with 15 three-
10 bedrooms in the project, and we can proffer to not go under
11 that number.

12 VICE CHAIR MILLER: And the penthouse residential
13 space is going to be used to three, three residential units
14 up there, or --?

15 MR. SPENDLEY: I think the penthouse level is
16 seven?

17 VICE CHAIR MILLER: Seven.

18 MR. SPENDLEY: Currently.

19 VICE CHAIR MILLER: So that, and that triggers the
20 50 percent median family income requirement, which in your
21 latest submission, or an OP submission, it said that that
22 translated, I think, to 644 square feet, but you wanted the
23 flexibility to do a contribution to the Housing Production
24 Trust Fund of \$144,000. Is that --

25 MR. KADLECEK: That, that's an approximation based

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1 --

2 VICE CHAIR MILLER: -- is that --

3 MR. KADLECEK: -- on current --

4 VICE CHAIR MILLER: I'll ask OP this, to confirm
5 this, but is that alternative contribution --

6 I would personally rather see the square footage,
7 even if it's only 644 square feet of the 50 percent MFI. But
8 is that alternative contribution something that's explicitly
9 provided for in the, wherever we set forth the 50 percent
10 trigger for the penthouse residential space?

11 I didn't recall that for new construction.

12 MR. KADLECEK: Yeah, the way, my understanding of
13 the regulation is, the way it says is if you don't have to
14 provide other, if you, otherwise you're not required to
15 provide 50 percent MFI units, which this building isn't
16 required to -- it's 60 percent, because it's a residential
17 building, a rental building, rather.

18 And the set-aside is smaller than the smallest
19 unit, then you wouldn't have to do that. So that's why we're
20 asking for the flexibility to do either, because the
21 regulations would allow for that normally, but they just
22 haven't come to a decision about whether they would want to
23 provide to the Trust Fund, or the actual square footage.

24 VICE CHAIR MILLER: Okay. I realize that it's
25 maybe a greater cost to do the square footage, and certainly

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1 will be a greater cost to the city to produce that unit, and
2 the \$144,000 won't cover it. So I would encourage you to
3 cover it in your building of 299 units. I think you can find
4 a way to make that happen. It's not that much. It's
5 probably just a, I don't know, what is, what is 644 size, a
6 one bedroom? Or a studio? I mean, or, or is that, yeah,
7 it's not, it's not more than that.

8 MR. SPENDLEY: Yeah, somewhere in between one of
9 those two --

10 VICE CHAIR MILLER: Yeah.

11 MR. SPENDLEY: -- unit types.

12 VICE CHAIR MILLER: But it's important symbolically
13 that we, that these projects produce as much affordable and,
14 as, at deep levels as, actually produce the units, rather
15 than make the city have to figure out how to do it, which
16 sometimes we do well, and sometimes we don't do too, do so
17 well. I think you all can do it well.

18 So I trust that you can.

19 But we can't require you to, I don't think --
20 although, I still am unsure about whether you have that
21 flexibility, whether the provision requires that flexibility.
22 So I need to go look at that provision that you made a
23 reference to, the --

24 Well I'll look at that further.

25 So, and I appreciate I chart that you provided,

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1 that -- I think it was your chart and not OP's. Or maybe it
2 was OP. It was all the responses to the agency comments.
3 That was a very helpful response, even though we weren't
4 agreeing, but it was really the, the OP report, response to
5 the OP report.

6 That was a very helpful chart, and I think that's
7 a template that we should encourage other applicants to bring
8 forward. It just put it all right there, and then we knew
9 where, where the differences remain, and Milanovich reduced
10 those differences this evening on the DDOT side I'll look
11 for.

12 And I think your explanation in general made sense
13 for the four. We'll hear from DDOT.

14 On the access to the adjacent property through the
15 alley, don't you, one of you own that adjacent property?
16 Aren't you going to need that access?

17 MR. KADLECEK: Well, it's, they're technically
18 under different ownership.

19 VICE CHAIR MILLER: But it, I mean it's a, same
20 principal, or no?

21 MR. KADLECEK: Well, I mean the contract purchaser
22 for the site that we're talking about tonight is a, is a
23 different entity than the owner of --

24 CHAIRMAN HOOD: Yeah.

25 MR. KADLECEK: -- the adjacent site. I mean, yeah,

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1 there's some affiliation at this point, but kind of to
2 Jamie's overall point, it's, we don't know what that is going
3 to be in the future, so to sort of dedicate that is, one, I
4 think, kind of unprecedented.

5 But secondarily, I mean, it does have the impacts
6 of really changing what the design of the loading area and
7 the parking access area was for this building in an effort
8 to make that the best possible condition for the alley.

9 VICE CHAIR MILLER: Okay, I think those were the
10 major things I wanted to touch on, Mr. Chairman. I may come
11 back as, as others talk, as I look through my notes. Thanks.
12 Thank you.

13 CHAIRMAN HOOD: All right. Thank you.
14 Commissioner Turnbull.

15 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
16 would echo the Vice Chair's comments. I want to thank you
17 for your presentation on the changes that have been made
18 since set-down. I think there's a big improvement.

19 I just want to go back to the IZ for a minute.
20 Maybe the, I guess the numbers have changed. I originally,
21 I had on my notes that there was 39 IZ units. But is that,
22 am I wrong on that final count?

23 MR. SPENDLEY: I think we're currently showing 36
24 based on the demising plan that's in place.

25 But, however, those, those units will end up

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1 laying out, it'll be 12 percent of the residential floor
2 area.

3 COMMISSIONER TURNBULL: Okay. I guess what was,
4 I mean my original count, based upon doing a count from the
5 original drawings we had here was 15 studios, 10 one-
6 bedrooms, six one-bedrooms with den, seven two-bedroom, and
7 one three-bedroom. Now maybe the numbers have changed, so.

8 But there was a predominance of studios.

9 MR. SPENDLEY: We'll look at that. I think the
10 predominancy of studios sounds like there might be some
11 interior bedrooms, which a lot of our units are.

12 COMMISSIONER TURNBULL: You know, I was just
13 counting the drawings on A40 and 41, I mean, the units.

14 And I think I'm, and I was looking at Exhibit 27
15 B1, 27 1, 27 B5. I guess that was the latest drawings, I
16 think, that you had.

17 Anyways, that's where I just counted. I was just
18 counting from that drawing.

19 But I guess my question is, that mix of units --
20 was that decided with the ANC's input, or how did you come
21 up with that mix?

22 MR. SPENDLEY: So this mix was just made kind of
23 proportionate to the overall unit mix.

24 COMMISSIONER TURNBULL: Okay.

25 MR. SPENDLEY: We wanted to make sure that all unit

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1 types are represented.

2 COMMISSIONER TURNBULL: Okay.

3 MR. SPENDLEY: So you have some one-bedrooms plus
4 dense, you have some two-bedrooms, you have a three-bedroom,
5 some studios, some units that have interior bedrooms. So
6 it's just kind of laid out throughout the building,
7 proportionate to how the units lay out.

8 COMMISSIONER TURNBULL: So the ANC had no input as
9 far as, like, saying well, we'd like to see more of these
10 other kind of units in the community, or anything?

11 MR. SPENDLEY: They were, they were excited that
12 we had included a three-bedroom, but the rest of the unit we
13 hadn't discussed with them.

14 COMMISSIONER TURNBULL: Now, nine of the units are
15 on the third floor, which is almost a quarter of the overall
16 units. I'm just wondering why the, the third floor is so
17 heavily staggered with IZ units, and then they sort of
18 gravitate upward, get, get less.

19 I guess I'm just curious as to your rationale on
20 how you're laying out these IZ units.

21 I mean, usually we see them interspersed amongst
22 the floors a little bit more --

23 MR. SPENDLEY: Yeah, I think we tried to
24 intersperse them throughout the remaining floors. I think,
25 you know, we tried to not stack as much as possible, and --

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1 COMMISSIONER TURNBULL: Well, looking at your
2 floor, they're pretty much stacked in, in rows in the same
3 area on every floor. There's quite a bit that's sort of, I
4 mean, I guess the 22 of these, my count was that 22 of these
5 units are sort of on the alley side, angle of the building.

6 I got, I had 13 on the closed court, and only four
7 units are on Penn. I'm just trying to figure out the
8 rationale as to --

9 MR. KADLECEK: Well, ultimately, you know, there's,
10 there's still, that, some demising that will happen in the
11 future development of the plans, and interior layouts.

12 And, and ultimately the goal is to intersperse
13 them, but I believe that it's been generally accepted
14 practice that IZ units don't have to be on the top two
15 floors.

16 And of course, there is still the requirement
17 going through the Zoning Administrator that they're, you
18 know, consistent with the zoning regulation that requires
19 that they're evenly dispersed.

20 And so this is really meant to be a sample plan.
21 It's not the final plan, because the exact demising and unit
22 types haven't been laid out yet. So it's --

23 COMMISSIONER TURNBULL: Right, I --

24 MR. KADLECEK: -- not meant to be --

25 COMMISSIONER TURNBULL: No, I understand that, and

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1 I understand about the top floor also. But it just seems to
2 be, even at this early stage, there would have been a little
3 bit more integration of the units within the floorplans, try
4 to make it a little bit more mixed.

5 So I mean, when I see, like, nine, almost 25
6 percent of the units on the third floor, it, I think you
7 might even want to look at that, and just make it seem a
8 little bit more random than what it seems at first.

9 MR. KADLECEK: Yes, that's something we can look
10 at.

11 COMMISSIONER TURNBULL: Okay. The other, can you
12 talk a little bit about the maker units? I mean, in the
13 Office of Planning's report, like I think it's on page 21,
14 they list a lot of structural reasons, so what requirements
15 for what the PDR spaces, have you, going along with that,
16 what Office of Planning is requesting?

17 MR. SPENDLEY: In terms of --

18 MR. KADLECEK: Oh --

19 MR. SPENDLEY: -- page 21?

20 MR. KADLECEK: Yeah, actually, no, that's, so those
21 are --

22 (Simultaneous speaking.)

23 COMMISSIONER TURNBULL: Boilerplate?

24 MR. KADLECEK: -- conditions that we proffered.

25 COMMISSIONER TURNBULL: Okay.

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1 MR. KADLECEK: Yes.

2 COMMISSIONER TURNBULL: They're boilerplate in the,
3 in the --

4 MR. KADLECEK: Yeah, so the, the idea is that the
5 retail space would be built to these specifications in order
6 to facilitate and accommodate PDR and maker uses.

7 COMMISSIONER TURNBULL: Now, from what I was
8 reading, it sounded like you were a little bit hedging on
9 whether or not you could do this, or where it was going to
10 go, and I wonder if you could talk a little bit more about
11 that.

12 MR. KADLECEK: No, those specifications --

13 COMMISSIONER TURNBULL: No, I mean the actual
14 implementation of the maker units at the time of opening.

15 MR. KADLECEK: Oh, you're asking about the, the
16 actual uses themselves.

17 COMMISSIONER TURNBULL: Yeah.

18 MR. KADLECEK: Yeah, so as we've proffered in the
19 package, it's a commitment, there, there's sort of a
20 multifaceted aspect to the package, and we can run through
21 it more specifically. But it includes a commitment of, of
22 PDR maker uses for five years, as well as a commitment in the
23 adjacent site for, for some maker uses.

24 And then I think the really big piece of this is
25 the buildout specification of the space in order to

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1 accommodate any PDR uses in the event that there are
2 continued interest by tenants to occupy that space.

3 COMMISSIONER TURNBULL: Okay. On the rooftop --
4 and I appreciate the amount of the effort you've put on
5 redefining that, and making it look as nice as it does -- I
6 just want to be sure that there's -- I'm assuming there's no
7 uplighting. It's all downlighting on the, up there, that the
8 lighting is at a minimal level for the rooftop.

9 Is there any lighting on the penthouse? Is that
10 lit up? Is that not lit up?

11 MR. COLBERT: We will assure that we will, you
12 know, have the absolute minimum light pollution by carefully
13 specifying fixtures to achieve that goal.

14 COMMISSIONER TURNBULL: Okay. And if you could
15 just follow up with something on that, that would be
16 appreciated.

17 The other, and I do appreciate your pages on the,
18 responding to the signage issue.

19 I guess the, in looking, and if I looked at the
20 presentation tonight with the signage, very happy with what
21 I saw. I think it looks very low-key, I think it's
22 distinctive. I think it goes with what you're trying to do
23 with the building.

24 My only question is, when I look at the actual
25 pages that you have for the signage, S, I forgot, S-something

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1 there, there's like six pages or whatever.

2 You do talk about designing to, that it was going
3 to maintain the design integrity of the building, and I'm not
4 really sure what that means, per se.

5 I sort of understand what you're getting at, but
6 when I look at some of the images, especially with signs that
7 are on, going vertical, it reads, some of those signs look
8 like they could be 20 feet tall.

9 You sort of indicated on the plan an area where
10 they're going to be, but I'm concerned that you could put up,
11 as long as the sign is attached within that area, it could
12 stick up 10 feet.

13 I mean, you, I don't think that's your intent.
14 But I'm just concerned that there's, you might want, I would
15 like to see that tightened up a bit. I understand you wanted
16 some kind of signs that you might need to do that, but I just
17 want to be sure that we're not going to be suddenly getting
18 a 10 foot blade sign sticking up beyond that area.

19 Yeah, I think somewhere you say it won't go beyond
20 the second floor. I don't know if that's the top of the
21 second floor, or --

22 MR. KADLECEK: Well, the area that's indicated in
23 light blue on the drawing is limited to the ground floor.
24 So --

25 COMMISSIONER TURNBULL: Right.

1 MR. KADLECEK: -- in no event would the signage
2 extend beyond that.

3 COMMISSIONER TURNBULL: In height, too.

4 MR. KADLECEK: In, in anything.

5 COMMISSIONER TURNBULL: In blade. Okay.

6 MR. KADLECEK: Correct. Yeah.

7 COMMISSIONER TURNBULL: You do show an area on the
8 Maurice Electric Supply, you've sort of dashed over an area
9 in there, and it looks like you're trying to keep the
10 original Maurice Electric Supply Company sign? But it,
11 there's also a dashed area that sort of goes over that.

12 So I'm just curious as to what you really mean by
13 that.

14 There's a blue area, yeah. If, yeah, on that
15 drawing that you've got there, 20, you've got the Maurice
16 Supply, Electric Supply Company sign, which I'm assuming is
17 the existing signage, that you're either replacing to put it
18 there, that you're also covering up.

19 I'm just curious as to how you're integrating what
20 you're doing there.

21 MR. KAUFMAN: Hello, Commissioner. Excuse me. My
22 name's Jeff Kaufman. I'm with EDENS, and I just jump in on
23 the signage because we're very focused on that.

24 I think the intent is, is definitely to, to keep
25 the Maurice Electric sign. There is some retail to the --

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1 COMMISSIONER TURNBULL: Right.

2 MR. KAUFMAN: -- left --

3 COMMISSIONER TURNBULL: Yes.

4 MR. KAUFMAN: -- that will be new, and so we will
5 want some kind of signage for that retail. But again, it
6 would be within the, it wouldn't be instead of, it would be
7 in addition to, and it would obviously have to work with,
8 sort of the aesthetic of the building.

9 COMMISSIONER TURNBULL: Oh, okay.

10 MR. KAUFMAN: And the historic aesthetic of the
11 building.

12 COMMISSIONER TURNBULL: All right. I --

13 MR. KAUFMAN: Does that answer your question?

14 COMMISSIONER TURNBULL: Yeah, I was just curious.
15 When I saw the, the, I figured you were going to do
16 something, but it's just sort of like this blank blue swatch,
17 and I was wondering if you were, I didn't think you would
18 screw up the Maurice Electric sign. But, so you're going to
19 have some lower, some signage, probably, lower than that
20 around those, tops of those windows or something.

21 MR. KAUFMAN: Probably. And if you would like, I
22 mean, we can look at it in more detail, and figure out, show
23 you something so that you can understand that it doesn't --

24 COMMISSIONER TURNBULL: Okay.

25 MR. KAUFMAN: -- detract from the Maurice Electric

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1 sign --

2 COMMISSIONER TURNBULL: All right, that would --

3 MR. KAUFMAN: -- because that's not the intention.

4 COMMISSIONER TURNBULL: That would be fine. And

5 I think, Mr. Chair, those are my questions.

6 CHAIRMAN HOOD: We'll go to Commissioner May, and

7 I think the Vice Chair and I have some follow, well I have

8 my original question. Okay. Commissioner May?

9 COMMISSIONER MAY: Yeah, thank you. So I

10 appreciate that you showed us the views of the eastern side

11 of the building, and what might happen eventually with that

12 site.

13 The rendering, though, is based on an assumption

14 that it's going to be zoned similar to what this property is?

15 Is that right?

16 MR. KADLECEK: That's the assumption, yes.

17 COMMISSIONER MAY: Right. What could happen there

18 right now? What's the height that would be allowed there

19 now?

20 MR. KADLECEK: IT'S PDR 1, so I believe the maximum

21 height is 50 or 60 feet. That's off of memory, I don't

22 recall off the top of my head.

23 COMMISSIONER MAY: Okay. And is that the location

24 that you were talking about, where the promised PDR would be

25 off-site?

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1 MR. KADLECEK: Yes, that's what is referred to as
2 Maurice Office. So that's where part of the proffer is.

3 COMMISSIONER MAY: It would be in that, it would
4 be in the building next door.

5 MR. KADLECEK: Correct.

6 COMMISSIONER MAY: So you have enough of connection
7 to the building next store to promise PDR use there, but you
8 don't have enough of a connection to the building next door
9 to figure out a way to share access from the alley?

10 MR. KADLECEK: They're -- I think they're slightly
11 different issues in that the, the, the commitment for the use
12 next door is for five years.

13 COMMISSIONER MAY: Mm-hmm.

14 MR. KADLECEK: And the development can be well
15 beyond that. And of course, then the nature of that --

16 (Simultaneous speaking.)

17 COMMISSIONER MAY: Well, I mean, how quickly are
18 you going to break ground on this?

19 MR. SPENDLEY: The plan will be as soon as we get
20 final order, and, and all approvals are in place, we would
21 just start finalizing design, and, and get under
22 construction.

23 COMMISSIONER MAY: Okay. So it's, it, two or three
24 years, it'll be finished. Something like that. Three years?

25 MR. SPENDLEY: That would be the goal.

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1 COMMISSIONER MAY: Right. And the other one could
2 be, then, would be eight years out, presumably, because the
3 PDR use wouldn't survive the redevelopment.

4 MR. KAUFMAN: Sorry, I don't want to jump in, but
5 yes. That's, the space that you're referring to is fully
6 leased right now. And so those leases are tied to all roll
7 at the end of 2022. And so the idea would be that in 2022,
8 we would start the development of that next piece.

9 COMMISSIONER MAY: So is the PDR that you are
10 promising now the existing PDR?

11 MR. KAUFMAN: So the tenants that are in there --
12 Not, I'm not sure I totally follow the question, but --

13 COMMISSIONER MAY: Well you're, I mean, you're
14 promising, in order to meet the PDR requirement, you're
15 trying to do it off-site in the building that's adjacent.
16 And is that because there is existing adjacent PDR uses that
17 you are trying to take credit for?

18 MR. KAUFMAN: So we've been doing PDR uses in this
19 area for the last 10 years. Most of the uses in the space
20 right now are PDR, or would qualify for PDR -- which, retail
21 being one of them.

22 But the proffer is, is that as these tenants
23 leave, come and go, that we will maintain those PDR uses for
24 the next five years to 2022.

25 COMMISSIONER MAY: What if they don't change at

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1 all?

2 MR. KAUFMAN: Then they would still, in theory,
3 qualify for --

4 COMMISSIONER MAY: Right.

5 (Simultaneous speaking.)

6 So essentially, you're, I mean, for at least a
7 period, a partial, a part of the time that you are
8 proffering, you're just proffering to take credit for
9 existing PDR use in the adjacent building.

10 MR. KAUFMAN: Yes. Without, I mean, I think
11 there's nuance there, but I think --

12 (Simultaneous speaking.)

13 COMMISSIONER MAY: I understand there's nuance, and
14 there are complications, and all this. But I just, I'm
15 trying to understand what it is you're, what you're actually
16 offering in terms of PDR.

17 MR. KADLECEK: There, there's also a commitment in
18 this building itself, as well.

19 COMMISSIONER MAY: Right, for --

20 MR. KADLECEK: So it's not sold --

21 COMMISSIONER MAY: -- .31 FAR, or whatever, some
22 very small amount --

23 MR. KADLECEK: Right, but --

24 COMMISSIONER MAY: -- that the Office of Planning
25 is unhappy about.

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1 MR. KADLECEK: Right, but there, there's also the,
2 the specification piece of it, to build out to PDR
3 specifications. That was what we were talking about earlier.

4 COMMISSIONER MAY: I --

5 MR. KADLECEK: So it's a, you know, it's a
6 multifaceted aspect.

7 COMMISSIONER MAY: I understand. But, I mean, the
8 Office of Planning still believes that it's inadequate to
9 meet what they expect out of a property that's been striped
10 like this.

11 To be consistent with the Comprehensive Plan,
12 there should be a meatier commitment to do PDR on-site.

13 Anyway. So let me ask about the retail that's
14 planned. You have a very large retail space on the western
15 side of the building. Is that anticipated that it might be
16 a single tenant in that space?

17 MR. KAUFMAN: So it could be a single tenant.
18 Probably not. It'll probably be a large tenant that sort of
19 takes, has a presence on the street, and then takes a deeper
20 --

21 COMMISSIONER MAY: Mm-hmm.

22 MR. KAUFMAN: -- piece. And then there'll probably
23 be shop space sort of in between --

24 COMMISSIONER MAY: In the front of it.

25 MR. KAUFMAN: -- the lot --

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1 COMMISSIONER MAY: Yeah.

2 MR. KAUFMAN: -- in front of that. And then on the
3 other side of the lobby, the residential lobby, there'll be
4 additional shop space. I think it's about 25 to 30,000
5 square feet of leasable space in --

6 COMMISSIONER MAY: Right.

7 MR. KAUFMAN: -- between the two.

8 COMMISSIONER MAY: I mean, it just seems
9 extraordinarily deep space, unless you were doing something,
10 you know, like a department store, or grocery store, or
11 something like that. I mean what's the total square footage
12 of that one large section of retail on the western side?

13 MR. KAUFMAN: I think it's about -- and correct me
14 if I'm wrong -- but I think it's about 20,000 square feet on
15 the left side, and then another five on the right.

16 COMMISSIONER MAY: Okay. Yeah, so it's too small
17 for most grocery stores. But it's, I mean, it's just got
18 that depth of space that you don't usually --

19 MR. KAUFMAN: Yep.

20 COMMISSIONER MAY: -- find unless there's a reason
21 to go sort of deeply into it.

22 All right. So one of the things I find very odd
23 about the design of the building has to do with just the
24 layout of the, of that ground floor, and the access to the
25 garage -- and the fact that people who are coming by car and

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1 parking in the garage, so people, presumably people who live
2 in the building are, you know, entering into that alley, and
3 going up along that long facade.

4 They're going uphill just a bit. It's about four
5 feet from the front of the building to the back of the
6 building, and then you go through the loading area, and the
7 trucks backing in and out, making multiple movements to do
8 that -- and then down a very long ramp to get to the floor
9 below.

10 And I'm wondering if you've looked at alternatives
11 that would separate the parking access from the loading at
12 the back of the building, because it seems to be there ought
13 to be a way to figure that out so that you go, you know,
14 halfway up, or three-quarters of the way up the alley, and
15 turn right into the parking garage.

16 And then if you're a truck, you continue on, and
17 you have a segregated loading area.

18 Because I mean, it's not a great thing to go past
19 the loading area to get to the parking garage.

20 Going into the same portal, and going left to
21 loading, right to parking is one thing. But you're making
22 all of the people parking go past the loading docks. So.

23 MR. COLBERT: I -- Excuse me. I think the problem
24 with that is that if you had the parking entrance, like, say
25 halfway down the alley facade, and then you put the loading

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1 further north, it would separate the loading docks from
2 access getting back into the commercial spaces.

3 And I think part of the problem her is this is a,
4 kind of a very awkward site, given the triangulation of it.
5 And, you know, moving the parking and loading entrance
6 further south toward the front of the building onto Penn
7 Street, it, we've looked at a lot of different options. But
8 that would kind of really create problems with the, you know,
9 we spent a lot of energy trying to make as nice of retail
10 space as possible. We worked hard with the column grids to
11 make them open and still work the apartments.

12 So, you know, EDENS is like super-focused on, you
13 know, significant requirements they have for what they needed
14 in the commercial space to make it rentable. And the result
15 of that was really pushing the parking and loading entrance
16 to the back.

17 COMMISSIONER MAY: Yeah, I can appreciate that.
18 But I find it really problematic.

19 I also think that if you thought about this a
20 little bit more -- I mean, I appreciate that there's, you
21 know, the fact that there's, there are economic issues
22 associated with what retail tenant goes into these spaces.

23 But one of the things that you are faced with is
24 the fact that the building as designed, the project as
25 designed, doesn't have adequate PDR spaces.

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1 And you have a very deep building, and that depth
2 could actually be used to your advantage. I mean, you have
3 a deep building with an alley facade.

4 So, I mean, if you did wind up reconfiguring the
5 building, and you wind up with some theoretically rentable
6 space toward the back of that building, it seems like that
7 would actually be pretty decent PDR space.

8 You know, it's not unheard of to go into an alley
9 to get to the, you know, the shop where somebody's building
10 something, making something.

11 I mean, I used to go up that alley all the time
12 to go to the guy who stripped doors. It was on the other
13 side of the alley, but you know, that was his business. You
14 drove up the alley, and went to the loading dock, and he
15 appeared from the depths and took your doors, and stripped
16 them, and you came back a week later. Usually at like 10:00
17 at night. It was very strange.

18 But I don't know. I think you, you wind up with
19 a very contorted plan as a result of this, and you're, and
20 the grades are fighting against you. And it would seem to
21 me that there might be a way to slip a ramp in, onto the left
22 side, and push the retail around a little bit.

23 It's not like you're trying to maintain a retail
24 footprint that's designed for a particular size tenant,
25 right? It's not going to be, most likely not going to be a

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1 single tenant that needs 20,000 square feet.

2 So if you wind up with 15 on the left, and a
3 little bit more on the right, and then some PDR space at the
4 back, it might work actually pretty nicely.

5 I'm not sure what you do with that as a comment,
6 but I think that you do have to address the PDR issue, and
7 maybe this is a way to, for you to think about it.

8 Why is it that, I think I asked, maybe I asked
9 this, sat down and raised the question, and maybe you've
10 answered it and I've missed it.

11 But it's very strange that the property line is
12 right down the entrance, right down the middle of the
13 entrance of the Maurice Electric entrance. Is that just
14 because it was originally, just, it was two lots from the
15 very beginning, and you bought one half, and somebody else
16 bought the other?

17 MR. KAUFMAN: No, it has to do with how the
18 building laid out, and to the right is where there's 35,000
19 square feet of existing tenants.

20 COMMISSIONER MAY: Yeah.

21 MR. KAUFMAN: And to the left is the old Maurice
22 Electric showroom, which, when they left, was empty.

23 COMMISSIONER MAY: Mm-hmm.

24 MR. KAUFMAN: And so that was sort of a clear
25 division between people that were staying, and space that was

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1 empty.

2 COMMISSIONER MAY: Right. So I'm, and, I mean this
3 is just a, this is another, sort of visible architectural
4 oddity about the building, because you have this portal into
5 Maurice Electric, right? There's a recessed opening there
6 into the front door, as I recall?

7 And right in the middle of that, you've got a
8 building growing out of the top of it. So, you know,
9 opening, with a building, a line of the building coming out
10 of it. And it's just very strange architecturally.

11 You, you want, when you have a wall of a building,
12 you want it to come to the ground. And to have it not come
13 to the ground like that just like I said, it's,
14 architecturally bizarre.

15 And I'm not sure what you, you know, obviously the
16 plans are quite advanced, and you've decided how to, how to
17 split up the building. I'm not sure what the solution could
18 potentially be. I don't know.

19 I don't know, Mr. Colbert, do you want, I mean,
20 do you have, I mean, what's your response to that? I mean,
21 how did you feel about, did you see the problem I'm talking
22 about?

23 I mean, this is sort of like, you know --

24 MR. COLBERT: Yeah, I think --

25 COMMISSIONER MAY: -- Architecture 101 problem.

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1 MR. COLBERT: Right. So that's why we created the
2 balancing brick facade on the left side of the, you know,
3 Penn Street face, so that would create a kind of continuous
4 visual base --

5 COMMISSIONER MAY: Right.

6 MR. COLBERT: -- and --

7 (Simultaneous speaking.)

8 COMMISSIONER MAY: And that's a good move. I like
9 that.

10 MR. COLBERT: So I think that part of the answer
11 to that is going to be when they develop the adjacent
12 building, to do it in a way that really captures the
13 continuation of the Maurice facade. So, you know, until
14 that, you know, is done, it'll be a little bit of a question
15 mark.

16 But I think that, you know, given, I, I think
17 there's a strong desire to make sure that there's a
18 continuity there when, you know, the next phase is developed.

19 COMMISSIONER MAY: I mean, is it, is, I, is that
20 building actually historic, or it's just, it just has --

21 MR. COLBERT: No ,it's not --

22 (Simultaneous speaking.)

23 COMMISSIONER MAY: -- and you want to keep it.

24 MR. COLBERT: There was a historic area, but this
25 is not in it.

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1 COMMISSIONER MAY: Yeah.

2 MR. COLBERT: That was newly created for the market
3 buildings.

4 COMMISSIONER MAY: Well, I mean, I think it's worth
5 taking a look at, just to see if there's some treatment of
6 that entrance at Maurice, just to kind of bring the wall to
7 ground.

8 MR. COLBERT: Okay.

9 MR. KAUFMAN: Can I make one --

10 COMMISSIONER MAY: Yeah.

11 MR. KAUFMAN: -- just, observation. I don't know
12 that this helps.

13 COMMISSIONER MAY: Sure.

14 MR. KAUFMAN: I talk, I tend to talk a lot, and so
15 sometimes I talk myself into more problems than, than it's
16 worth. But --

17 COMMISSIONER MAY: I know that feeling.

18 MR. KAUFMAN: One of the things that is sort of
19 hard to tell from the rendering is that the edge of the
20 building is actually not on center with 5th Street. So --

21 COMMISSIONER MAY: Yeah.

22 MR. KAUFMAN: The edge of this building actually
23 lines up with the edge of the left side of the 5th Street
24 buildings.

25 And so when and if you do build the next tower,

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1 that would actually, in theory, be lined up with the
2 termination of 5th Street.

3 So I, so we thought a lot about that when we were
4 originally looking at how to phase that stretch from, of Penn
5 from New York Avenue all the way to 6th Street.

6 I don't, and again, I don't know that that helps.
7 But that was part of the process.

8 COMMISSIONER MAY: Yeah, I mean, I can appreciate
9 that. But I don't know that it necessarily does anything for
10 my particular issue.

11 I mean, I really just feel like there needs to be
12 a, I mean I, what I really would like to see is the whole
13 edge of the building shift over so that it aligns, aligns
14 with the columns that are established on the facade of
15 Maurice Electric. But I know that's impractical.

16 So if it's going to be over there, maybe there
17 just needs to be something done to the treatment of the
18 facade to insert some sort of form, the column form or
19 something that recognizes that.

20 And of course, you'd have to do that on the second
21 floor too, or else it's, you've got that window being
22 squished between.

23 I don't know. I mean, maybe there's nothing to
24 be done with it, but I would appreciate it if you would just
25 take some kind of look at it to see if there's anything that

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1 can be done.

2 And I, last thing is I appreciate what you've done
3 with the western -- sorry, the eastern facade of the building
4 where it will join up with whatever is developed next door,
5 because I think that those look better than what you had
6 before.

7 I assume that those are all just at-risk windows,
8 but there are not very many of them. Right? Yeah.

9 I mean --

10 MR. COLBERT: They're at risk, so they're not
11 required for the apartments.

12 COMMISSIONER MAY: Right. Yeah. But I appreciate
13 the treatment of it. It's, it works with the rhythm of what
14 you have with the rest, the way you break up the facade the
15 rest of the way, and you keep the frame going. So I think
16 that works pretty well.

17 The one last thing is, on the access to the
18 building next door, that DDOT would like you to promise. So
19 the loading is all the way at the back of the building,
20 presumably, are they just asking that you leave a knockout
21 panel or something like that, and agree that in the future
22 trucks or vehicles can access the property next door through
23 a portal that would go through the knockout panel? Is that
24 what the theory is?

25 MR. SPENDLEY: Presumably. If that would be

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1 possible. We've initially studied it, and it just kind of
2 struggled with how all the uses would connect back there,
3 where you have your head-in and head-out loading, which was
4 a request of, of --

5 COMMISSIONER MAY: Yeah.

6 MR. SPENDLEY: -- of DDOT as well, to not have
7 those activities in the alley.

8 You have our residents and retail parking going
9 down the ramp there. So initial thoughts, you have a
10 blindside when you're actually trying to leave the building
11 with the loading on your left as well.

12 So just logistically, something that we couldn't
13 come to grips with at this time.

14 COMMISSIONER MAY: Right. Right. Well, again, I
15 think, I mean, I think that if you got rid of that car ramp,
16 the garage ramp from that location and put it somewhere else,
17 separated it, segregated it from loading, it would be easier
18 to accommodate.

19 I can totally see why you wouldn't want to promise
20 it, given that you have your garage access right there,
21 because I can see how that's a problem on the interior of the
22 building, and it's just inviting issues.

23 And you can put all the curvy mirrors you want,
24 and flashing lights, and stuff like that, and you're still
25 going to have problems.

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1 But it's unfortunate.

2 I mean, I, it's also a little bit hard to predict,
3 because you don't know even how the grades might be different
4 next door, and you know, the efficiency of the layout there.

5 But I, you know, leaving open the possibility, I
6 mean, I guess you're saying that you're open to the
7 possibility in the future potentially, but you're not going
8 to promise it now. Right?

9 MR. SPENDLEY: Correct. Certainly we can look at,
10 but it's, at this point, I can't commit to that.

11 COMMISSIONER MAY: Yeah. I understand that. I
12 just think the whole loading and parking access needs to be
13 redesigned. Small thing.

14 All right. Thank you.

15 CHAIRMAN HOOD: Vice Chair Miller?

16 VICE CHAIR MILLER: Thanks, Mr. Chairman. I forgot
17 to touch on a couple, a few points.

18 Quickly, a couple positive. Maybe one negative.

19 But on the positive, I always like balconies, and
20 I don't know if I mentioned that at set-down. I don't know
21 if you increased them since set-down, but I like all the
22 balconies. They, and I, I like the variation and, that you
23 talked about, and the - so that's great.

24 You know, it's a residential building even though
25 it's the industrial aesthetic.

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1 And I like the wood underneath the canopy, the
2 wood, and I like all the brick, and I think it warms up the
3 glass, and the other materials. So that's good.

4 The, I just wanted to put that comment on the
5 record.

6 On the, but I wanted to chime in on the, on asking
7 you to take another look, as OP has requested, on increasing
8 the time commitment and the square footage commitment on the
9 PDR maker uses.

10 And I read your response, and I understand that
11 the market will drive a lot of that, but, and I appreciate
12 all the, all the PDR that you've done, that EDENS and, and
13 others have done at Union Market for the last 10 years.
14 That's really fantastic, all that activation, and providing
15 all that creative economy space is just great.

16 Did I hear you say that the Maurice office site,
17 all those, the film production, the studio sculpture, the
18 digital stuff that's in there now - did, that comes up to
19 35,000 square feet?

20 MR. KAUFMAN: Yeah, there's, it's about 35,000, I
21 think it's actually 36,000 square feet, but --

22 VICE CHAIR MILLER: So, so my, just the, that
23 jumped out at me, because you're only making a commitment for
24 1100 square feet with this project and, for five years, and
25 that's --

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1 MR. KAUFMAN: Yeah.

2 VICE CHAIR MILLER: -- like, that just drives home
3 the point that OP, I think, was making.

4 MR. KAUFMAN: Yeah, and I, and again, at the risk
5 of talking too much, I just, try it on for a little bit of
6 insight.

7 I think that our vision and OP's vision are very
8 much in alignment. I think we totally agree with what
9 they're trying to achieve there. I think where the, I don't
10 even want to call it a disconnect. But I think where we're
11 struggling is in the best way to achieve it.

12 We've been there for 10 years. We've been doing
13 a lot of stuff; we've done what I would, I would say is about
14 100,000 square feet, between the market and a number of other
15 things, of PDR space.

16 I think there's, it's important to sort of parse
17 the PDR slightly, because retail - I mean, the Small Area
18 Plan, and the vision that I think OP and, and EDENS both very
19 much agree on, and is the goal, is to activate the street.

20 And so the, where we start to get into trouble
21 with the, with OP, is I think the maker space definition -
22 which is what I would say is a sliver of, you know, is a, one
23 segment of the overall PDR concept.

24 And so where we're struggling is, you know,
25 retail, the retail world, you know, the state of the retail

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1 world today is not great. E-commerce is really affecting a
2 lot of retailers - particularly local and small retailers.

3 And so the one area where I would say, that's
4 bucking that trend, is the PDR maker - and not, not even PDR,
5 but the maker space.

6 So fundamentally, we have no problem trying to
7 commit, you know, doing as much maker space as we possibly
8 can. And I think most of the stuff there would qualify with
9 the maker space.

10 I think where we run into trouble is the
11 commitment - things are changing so fast, how much, you know,
12 what is a maker? You know, for example - and again, I'm
13 talking too much - but you know, if you buy your material,
14 if you make your dress at home, dresses at home, but you sell
15 them in a boutique in a shop at Union Market, is that a
16 maker? And you live in Ivy City.

17 So it's not that I, that we disagree. I think
18 it's that we disagree on, or we, we're struggling with how
19 to get there. And so in our, in our minds, the best ways to
20 achieve what that goal is, I think we've worked with OP
21 fairly well on a broad definition, and we're pretty happy -
22 that we're pretty happy with, and I think that they're happy
23 with as well.

24 The commitment to the specification of the
25 delivery of the space is very important. And it's nuanced,

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1 because in a building like this, the Maurice, which is a
2 ground-up, new building, it will likely be 100 percent built
3 to the spec that meets the PDR space.

4 The reason why we are saying we only want to build
5 50 percent of the, of the overall space - and I know it's,
6 we're sort of combining this PD-- this PUD with other
7 projects is, is that, you know, it makes all the sense in the
8 world to build this space to that spec. It does not
9 necessarily make all the sense in the world to build the next
10 project, because of the heights, and the, and the whatever,
11 the, so maybe it's got a piece of historic building in it,
12 or whatever.

13 So the 50 percent is sort of our commitment to OP
14 to deliver on the overall retail PRD ground floor that we
15 intend to do at Union Market.

16 And so I, you know, I'm happy, we're happy to keep
17 working with OP in trying to figure out how to make the maker
18 space segment work. But we're just really, I mean, we're
19 really hesitant to commit to specific sizes and time periods,
20 because the retail market is just changing so fast.

21 And I would just end with, you know, unfortunately
22 I think we're in a moment in time - and all these things are
23 a moment in time - so we're in a moment in time where the
24 more traditional retailers are the ones that I think maybe
25 need some protection, or some things to help them, because

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1 they're the ones that are getting sort of, you know, put out
2 of business by all the e-commerce.

3 So sorry again, that was a long answer. But I
4 hope that --

5 (Simultaneous speaking.)

6 VICE CHAIR MILLER: I appreciate all that. So I
7 would encourage you to just, to continue to work with OP.
8 And, and if that Ivy City dressmaker is not included in their
9 definition, make sure it is included.

10 So, and other similar. Thanks.

11 CHAIRMAN HOOD: First, let me say, I, I thank you
12 for leaving the sign, Maurice Electric. That's all I
13 remember being there, so I appreciate that.

14 Let talk a little about the, I have some
15 clarification.

16 Did you all agree to the tin shopping carts that
17 DDOT is proposing?

18 MS. MILANOVICH: Yes.

19 CHAIRMAN HOOD: And what, what kind of shopping,
20 not like the Home Depot one, I had to take those on my street
21 back to Home Depot one day. But what, what kind of shopping
22 carts are we talking about?

23 MS. MILANOVICH: No, I mean the intent is just to
24 have, you know, I have one in my condo building to help me
25 get my groceries upstairs. But I think the intent is that

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1 if you live there and want to shop in the market, buy your
2 groceries, whatnot, you have a cart that can, you can, it can
3 be one that, you, you know, kind of pull behind you, it could
4 be a pushcart. And you can take that with you, and you can,
5 so you can --

6 CHAIRMAN HOOD: Bring it back.

7 MS. MILANOVICH: -- walk, as opposed to having to
8 take your car because you have too much to carry.

9 CHAIRMAN HOOD: Okay. And I saw somewhere, I can't
10 think of where I saw what I was reading yesterday, the, was
11 it \$50, was that an, was that in the agreement for the jobs?
12 \$50 SmarTrip card?

13 I can't, I had, I'm trying to figure out where I
14 saw it.

15 MR. SPENDLEY: So we have it in two places. One,
16 as part of a TDM measure for our residents. But also, part
17 of our, our proffer with Jubilee Jobs is to provide transit
18 cars for ANC 5D residents who are placed through Jubilee
19 Jobs.

20 CHAIRMAN HOOD: And, and let me ask you this first.
21 Let's talk about the ANC 5D residents. The \$50 card lasts,
22 is it one time, or when you get a job, or what is the
23 timeframe?

24 MR. SPENDLEY: The theory is that the more you have
25 access to public transit, the more likely you are to have a

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1 job, and the more likely to keep a job. So the \$10,000 that
2 we're providing to Jubilee Jobs for those, those transit
3 cards will be for ANC 5D, 5D residents who continue through
4 the program, and continue to maintain that job.

5 CHAIRMAN HOOD: So it's not a one-time thing, it
6 depends on continuation.

7 MR. SPENDLEY: Correct --

8 CHAIRMAN HOOD: Okay.

9 MR. SPENDLEY: -- until the, the amount is --
10 (Simultaneous speaking.)

11 CHAIRMAN HOOD: And help me refresh my memory.
12 What did you say about the residents, as far as the SmarTrip
13 card. Five years like the bike share? Or is it two years
14 of - I can't remember.

15 MS. MILANOVICH: The, the SmarTrip cards for the
16 residents would be, I believe, for three years.

17 CHAIRMAN HOOD: Three years, okay.

18 MS. MILANOVICH: Yeah, and it, that is a one-time
19 card.

20 CHAIRMAN HOOD: It's one-time for three years.

21 Okay. Let's put back up the, I think the west
22 side - the side, on the side of, is that Riggs Bank, P, I'm
23 dating myself. Is it PNC now? What, whatever the bank is.

24 MS. MILANOVICH: Down --

25 CHAIRMAN HOOD: Let's put that street -- Is it

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1 Riggs?

2 PARTICIPANT: It used to be Riggs.

3 CHAIRMAN HOOD: Yeah, I know it used to be, but I
4 don't --

5 MS. MILANOVICH: Yeah --

6 CHAIRMAN HOOD: -- what it is --

7 MS. MILANOVICH: -- it's PNC now.

8 CHAIRMAN HOOD: Yeah, it was. It was. It was a
9 good bank then. I used to go to that one.

10 Okay, as you turn the corner, you showed me where
11 you wanted a sidewalk, I think right on the side of the bank.

12 MS. MILANOVICH: Right.

13 CHAIRMAN HOOD: Can you show me with the red line
14 again where, I know you all are still talking and having
15 conversations.

16 My concern is, I know things have changed. When
17 I used to drive - well, not me, but others used to drive down
18 that street, they come kind of fast. And we want to make
19 sure that when you turn off New York Avenue, that's a concern
20 for me.

21 Maybe I can mention that to DDOT. And I'm not
22 going to say others - I used to do it as well, because I had
23 to keep up with what was going on there.

24 But I can tell you, my concern is - and I don't
25 want to create a problem. When you turn that, when you turn

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1 off New York Avenue, and you're trying, and some people are
2 trying to get off New York Avenue - and when you turn there,
3 to me, for a sidewalk to be that close, and another part, and
4 I'm sure they're not going, you know, another part to be
5 private property.

6 So we need to really make sure if you, if that's
7 what, and I know you all may disagree on that, but we really,
8 I'm really concerned about the safety of someone walking down
9 that area.

10 So that's something, I guess in your continuation
11 conversations with DDOT, you really need to look at that.
12 And I'll, well, DDOT can hear me. I don't need to repeat
13 myself.

14 MS. MILANOVICH: Sure, and I guess I would also
15 add, I mean, I understand your concern, because if you look
16 at the aerial, it is a very wide street. And that, what we
17 know is wider streets encourage speeding.

18 I think with the conversion to two-way, we'll have
19 parallel parking on both sides - whoops - and the, that
20 travel way will actually be narrower, and that will, in and
21 of itself, reduce travel speeds.

22 There have been studies done that show, you know,
23 when you have narrower travel lanes, speeds decrease.

24 So I think that will help with the speeding
25 problem.

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1 CHAIRMAN HOOD: Okay. And also, Penn Street. I
2 know - and again, I don't go over there as much as I used to.
3 But I know Penn Street, there was always something going on.
4 And I know with the district of this building, and others
5 that are soon to follow, some of the same things that
6 happened on Penn Street in the past cannot happen now,
7 because we're going to have more pedestrians.

8 Has that, was that part of the equation in your
9 analysis of what goes on?

10 Or did you, in your expert opinion, did you see
11 a whole lot of things that were going on on Penn Street as
12 you studied it?

13 MS. MILANOVICH: So I mean, we spent, obviously,
14 a fair amount of time out at the site. And, you know, one
15 of the concerns is, obviously, as you mentioned, the speeding
16 traffic.

17 I think the streetscape guidelines that have been
18 developed that call for the on-street parallel parking, that
19 in itself creates, it's essentially a traffic-calming
20 measure. It gives the feeling that it's a much more
21 constrained condition, and it also provides a buffer between
22 pedestrians and the travel way.

23 So I think as this area redevelops, as 4th and 5th
24 are converted to two-way, a lot of the issues that you have
25 mentioned that you know, we also could, could see when we

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1 were out there observing traffic - I think those will go
2 away, and take care of itself.

3 CHAIRMAN HOOD: Okay. All right. I will
4 definitely accept your professional opinion, I believe, on
5 that one.

6 But I, let me just say, as far as the design of
7 the building, I really like the way it looks. It's a lot
8 better than what we've seen for years.

9 And I like the way, when you turn in, I think it's
10 going to really help continue to jumpstart the market, as
11 it's already been jumpstarted.

12 Okay. That's all I have. Any other questions up
13 here? Mr. Turnbull.

14 COMMISSIONER TURNBULL: Yeah, I just had one on
15 phasing of construction. You have this really nice drawing
16 of the elevations perspectives showing the Maurice Electric,
17 the full elevation of the facade of it.

18 But you're really only occupying half of it. So
19 you're building the wall, the foundation wall on there.
20 You're going to be into that part of the building.

21 So how's that going to affect the existing people
22 that are there, then? How do you plan to maintain that
23 facade, and everything else?

24 MR. KAUFMAN: Yeah, so maybe we can both answer
25 this.

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1 From my perspective, we were very concerned about
2 our tenants who were in there. One of them is actually huge,
3 which is a international internet company that has 120
4 employees there - and their, our agreement with them has
5 protections of how close construction can be to their
6 building, and all kinds of stuff.

7 We've actually, over the last two years, been
8 working with all the different permitting departments. And
9 we actually have in-hand permits that allow us to separate
10 the building as the sort of first phase of the construction.

11 So essentially a buffer is built, sort of
12 separating the existing tenants that stay from the new
13 construction.

14 And, and as, I mean, it's got, it's been analyzed
15 with fire, and life safety, and all that kind of stuff.

16 So I don't want to make it sound like it's
17 insignificant, but, but that was one of the major issues we
18 had to figure out before we could get to the point where we
19 are today.

20 COMMISSIONER TURNBULL: So you're able to maintain
21 the whole facade still, or?

22 MR. COLBERT: We've actually had a structural
23 engineer do drawings to show how that can work, because there
24 is an exit corridor that goes along the property line.

25 COMMISSIONER TURNBULL: Yeah.

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1 MR. COLBERT: And also, it's important to point
2 out, too, that the new facade is actually set back several
3 feet, so that enables us to come in there structurally.

4 You know, the, the front, that goes in front of
5 our building, is going to have to be braced from the south
6 side during construction.

7 COMMISSIONER TURNBULL: Okay. Thank you.

8 CHAIRMAN HOOD: Okay. Vice Chair Miller.

9 VICE CHAIR MILLER: Sorry. I promise this is the
10 last. Maybe I asked it, I just can't remember.

11 Green, the green screen is really very, very
12 attractive. But is it really going to be green more than six
13 months a year? Does anybody know?

14 I think I just saw a green screen garage
15 somewhere, I think in the city. I think it was artificial
16 turf.

17 MS. FELDMAN: Good evening. My name is Stacilyn
18 Feldman. I'm a landscape architect with Oehme, van Sweden
19 & Associates. In answer to your question, our intent to have
20 as much green coverage as possible throughout the year. We
21 tend to work with a cocktail of vines, as we refer to it, so
22 that we have different interest coming throughout the year.

23 So the hope is to have a completely green effort.

24 VICE CHAIR MILLER: What with climate change, maybe
25 it'll help with that too. One advantage.

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1 CHAIRMAN HOOD: Any other, okay, any other
2 questions up here? Okay.

3 ANC 5D, is the representative of ANC 5D here?
4 Okay.

5 Okay, so let's go to the Office of Planning and
6 District Department of Transportation.

7 Ms. Elliott?

8 MS. ELLIOTT: You're two for two, Commissioner.

9 CHAIRMAN HOOD: I'm on a roll.

10 MS. ELLIOTT: Chairman.

11 CHAIRMAN HOOD: I'm, you know what I'm doing? I'm
12 doing it right tonight, so when I mess up, you'll forgive me.

13 Her name is Ms. Brandice Elliott. Yes.

14 MS. ELLIOTT: We've come a long way. So good
15 evening --

16 CHAIRMAN HOOD: Let me ask you this. So how many
17 years has it been?

18 MS. ELLIOTT: Six.

19 CHAIRMAN HOOD: You know, that number keeps going
20 up every time. But anyway. Okay.

21 (Laughter.)

22 MS. ELLIOTT: Been here my whole life.

23 Good evening, Commissioners.

24 In general, OP is supportive of this project. You
25 know, we feel that several goals of the Comprehensive Plan

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1 have been met with what's been proposed.

2 We do have some conditions that we think need to
3 be further addressed, and among those is the PDR maker space.
4 We've had a lot of discussions with the Applicant regarding
5 how that could be achieved.

6 One thing that was discussed - and, and actually
7 executed by the applicant - was sort of tinkering with the
8 definition of what maker space is.

9 We empowered them to broaden it in scope so that
10 it would be easier to actually find a PDR or maker space to
11 occupy that space in the building.

12 They did. They've added food hubs. They, and
13 food incubators to the definition. And of course, we're open
14 to additional suggestions. That's just all that came up at
15 the time, and, you know, we thought that that would help them
16 fill their space easier.

17 We have also discussed providing PDR in other
18 locations. Similar to what's been proffered under this
19 application, you know, the 20,000 square feet next door -
20 which is a great proffer. You know, it, those leases have
21 already been signed. So actually, we wouldn't get, you know,
22 that PDR space guaranteed for a full five years, because
23 those leases have already been executed.

24 So we have discussed, actually, we are aware that
25 EDENS owns other properties within Florida Avenue market, and

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1 we're open to them making the commitment to provide PDR in
2 some of those spaces, as well.

3 I know we've talked about PDR in the market in
4 general, and we appreciate, you know, the work that EDENS has
5 done to provide that space in the market area. But the issue
6 that we have up to this point is there is no commitment. So
7 that space could be converted to retail at any moment.

8 Now, the, it is true that retail use is permitted
9 in PDR zones. But the, the property is striped on the future
10 land use map with PDR. And I think that - OP thinks that -
11 if the intent was to provide retail only, then that PDR
12 stripe has no reason to exist on the map.

13 So we really think there needs to be a greater
14 balance of PDR, you know, incorporated into this development,
15 or just within Florida Avenue market, period.

16 And as part of that, we would like to see
17 floorplans actually identifying where that PDR space is.
18 That's part of the commitment of providing it, and you know,
19 I think part of the, the presentation from the Applicant, you
20 know, in discussing some of the, the market conditions,
21 they're a little leery to make the commitment.

22 But I think that that's important to demonstrate
23 that this is actually not inconsistent with the Comprehensive
24 Plan - because we have no guarantee as to where that's going
25 to be provided.

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1 Another issue that has come up is in regards to
2 DC Water, and is condition number three in our report, is up
3 to this point, they have yet to receive a master utility
4 plan. They've had some issues executing some of the reviews,
5 and trying to determine who's doing what, and when, and what
6 improvements are going to be made with various projects.

7 And so we would request that the Applicant
8 continue to work with DC Water, provide that master utility
9 plan prior to any action on this request.

10 The Applicant has also proffered \$10,000 to DPR,
11 which we think is fantastic. But we're not sure how that's
12 being allocated, and so we would also ask that the Applicant
13 continue working with DPR to identify specifically how that
14 money is going to be spent, so that it can be, you know,
15 properly identified as a benefit or amenity to this project.

16 I think that that's, that summarizes the
17 outstanding items that we listed in our report. So I'm happy
18 to answer any questions you have.

19 CHAIRMAN HOOD: Okay. Thank you, Ms. Elliott.
20 Let's see if we have any questions up here. Commissioner
21 May?

22 COMMISSIONER MAY: Yeah, so it's unusual for us to
23 have a DC Water issue under a PUD. Presumably, this is just
24 because there's so much redevelopment happening in that area,
25 and there are significant infrastructure upgrades that will

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1 be required.

2 But is it incumbent upon, I mean the, this is like
3 the sixth or seventh PUD that we've done in this space
4 between, just between Florida Ave and New York Ave.

5 And why is it coming up now, as opposed to, why
6 hasn't this been a recurring theme in past PUDs?

7 MS. ELLIOTT: It has come up before, and the
8 applicant has continued to work with DC Water, I think as
9 these projects have moved forward.

10 But the problem is up to this point, DC Water has
11 not received the information that they need.

12 COMMISSIONER MAY: So it's been, it's been
13 mentioned in the past ones, but it was never --

14 MS. ELLIOTT: Yes.

15 COMMISSIONER MAY: -- something where you put your
16 foot down, and said we have to have --

17 MS. ELLIOTT: Right. We have not put the brakes
18 on, but DC Water is really starting to have some concerns
19 about how to move forward with some of these projects, and
20 so --

21 COMMISSIONER MAY: Right.

22 MS. ELLIOTT: -- it has become more of an issue
23 with this project. But it certainly has been discussed with
24 this Applicant with previous projects.

25 COMMISSIONER MAY: Right.

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1 MS. STEINGASSER: I'd also add it's, it's an
2 evaluation standard in the zoning --

3 COMMISSIONER MAY: Oh, I know it is --

4 MS. STEINGASSER: -- regulations --

5 (Simultaneous speaking.)

6 COMMISSIONER MAY: It just, and --

7 MS. STEINGASSER: -- in the past --

8 COMMISSIONER MAY: -- and it's, when it comes up,
9 it's usually, you know, not an issue. And so it's just, I
10 mean, this is --

11 MS. STEINGASSER: Right.

12 COMMISSIONER MAY: -- what's striking to me, is --

13 MS. STEINGASSER: Right.

14 COMMISSIONER MAY: -- just that it's, now it's an
15 issue when we're saying yeah, it's got to happen.

16 And I agree. It, you know, it's got to happen.

17 MS. STEINGASSER: DC, this is the first time DC
18 Water has elevated it --

19 COMMISSIONER MAY: Ah.

20 MS. STEINGASSER: -- through --

21 COMMISSIONER MAY: Through --

22 MS. STEINGASSER: -- to this level --

23 COMMISSIONER MAY: Right.

24 MS. STEINGASSER: -- for us.

25 COMMISSIONER MAY: Okay. Yeah, I thought there was

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1 something unusual about it. All right.

2 Yeah, I'm curious, your thinking on the
3 possibility that there could be a commitment to PDR uses off-
4 site, and that would somehow satisfy the complaint
5 requirement for the mapping requirement, because it was, you
6 know, striped with PDR uses.

7 And you feel comfortable saying that, well,
8 because this PDR use, it may not be happening exactly on this
9 site, where it's supposed to be by the map, this project is
10 driving the creation of that PDR.

11 Does that, I mean, it feels like it's, we're sort
12 of stretching the, you know, how we interpret the map.

13 Turn your mic on.

14 MS. STEINGASSER: Oh. I'm sorry. Can you call up
15 the Future Land Use Map here? I think that's the zoning.

16 Well, yeah. The issue we have with the PDR - and
17 I agree with Mr. Kaufman that overall, we all have the same
18 vision. It's just, you know, one is prioritizing
19 flexibility, and we're prioritizing permanency.

20 The entire market has a stripe on it, and we've,
21 each PUD has come through without this commitment to it, and
22 now we're beginning to feel a little bit uneasy that they're,
23 the market itself, as a whole, the commitment needs to be a,
24 start to be nailed down.

25 And in this project, they actually build the

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1 space. They agreed to build the space for that PDR
2 availability, which we really appreciate, because it does
3 show, you know, a true importance of it.

4 But without that commitment it could just as
5 easily become, you know, Williams Sonoma or, you know, that
6 it could become any kind of retail chain.

7 And so that's what we're looking for, is now that
8 the market is beginning to be mature through PUDs, there is
9 an opportunity to roll that, that commitment around as each
10 project comes under construction, or, you know, their, the
11 historic spine - excuse me - are, of the original historic,
12 of the original marketplace has the opportunity, also,
13 through those smaller spaces, to absorb some for temporary
14 purposes.

15 So that's why we were encouraging an opportunity
16 to look at more of a fluid standard.

17 And the other thing that's different now about
18 PUDs is the level of modifications, and how quickly the
19 Commission can respond to a modification request, whether
20 it's minor, consequential, or significant.

21 So that allows, that actually accommodates some
22 flexibility, whereas previous PUDs didn't have that.

23 COMMISSIONER MAY: Okay. Well, thanks. I
24 appreciate that explanation. And I agree with you, you know,
25 we will need to have specificity on the \$10,000 to DPR.

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1 Thanks.

2 CHAIRMAN HOOD: All right. Any other questions of
3 Office of Planning?

4 Let's go to DDOT. Mr. Rogers?

5 MR. ROGERS: Good evening, Mr. Chair, Members of
6 the Commission. For the record, I'm Jonathan Rogers with the
7 District Department of Transportation.

8 It's good to be back; it's been a few months since
9 I've been here last.

10 DDOT is largely supportive of the project. There
11 are a few outstanding issues that I'll get into.

12 We appreciate the close coordination with the
13 Applicant. That's always very helpful. And particularly,
14 on a case like this, there was really a need for that level
15 of coordination.

16 There were, from a vehicle standpoint, nine,
17 excuse me, nine impacted intersections. Part of that is from
18 the development program itself, about 300 square feet - or
19 300 units, 30,000 square feet of retail, and an extra level
20 sort of beyond, of parking beyond what we would normally
21 expect to see. A lot of that is generating a significant
22 number of trips that is having an impact intersections in the
23 vicinity.

24 And the other piece is that, sort of the, just the
25 timing of this particular PUD in relation to other PUDs that

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1 have come before it, and sort of claimed some of the excess
2 capacity on the roadway.

3 And now we're at a point where we're, in a, in a
4 very constrained environment from capacity standpoint.

5 There's also still significant substandard
6 pedestrian facilities in the vicinity, although many of the
7 other PUDs in the area have done a good job of starting to
8 claim those improvements, and really to help build out the
9 pedestrian network in the area.

10 I do want to focus on just the four areas where
11 there is maybe a little bit more coordination that still
12 needs to happen, as was highlighted in Ms. Milanovich's
13 presentation.

14 So there were four mitigations that DDOT had
15 requested that there's still some daylight on. The first is
16 regarding the construction of the sidewalk on Penn Street
17 east of the site, and then the pedestrian crossings at the
18 5th and Penn intersection.

19 DDOT understands the challenges, particularly,
20 presented by the fire hydrant, and in putting an ideal
21 pedestrian crossing at that location. For that reason, we
22 are comfortable with just the pedestrian crossings, the two
23 curb ramps, and the crosswalk along the west side of that
24 intersection, which would provide a compliant connection to
25 the 5th Street sidewalk along the west side of the street,

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1 where there is actually a pretty generous sidewalk, and would
2 provide a high quality pedestrian connection.

3 So I think we're in agreement on that particular
4 piece.

5 Regarding the construction of the sidewalk on the
6 west side of 4th Street between New York Avenue and what we
7 requested to be the edge of the PNC property, the Applicant,
8 it is our understanding that they have proposed to install
9 a sidewalk on the west side of the street from New York
10 Avenue just to Penn Street.

11 Our understanding, from discussions earlier, was
12 that there would be a commitment also to provide the curb
13 ramps and crosswalks east-west to connect from the west side
14 of 4th Street at Penn to the east side.

15 I did not hear that particular component in the
16 presentation tonight, so I would ask for clarification on
17 that.

18 I think in the absence of providing the crossing,
19 the pedestrian crossings at that location, that we would
20 continue to ask that the 4th Street sidewalk be brought all
21 the way down to the PNC property.

22 While there are landscaping features next to the
23 PNC property, we believe that they are mostly, if not all,
24 in public space, and could - with, of course, coordination
25 with that property owner - be replaced with a sidewalk to

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1 provide that vital pedestrian connection.

2 Regarding charging for the market rate retail, we
3 understand this is a little bit more of a, it needs a little
4 bit more discussion. It's not as simple as, as making a
5 blanket statement about providing, or charging market rate
6 for the retail parking, in part because the market, in many
7 ways, is set by the co-applicant here, EDENS, because of
8 their, their prominence in the market.

9 The other piece is not knowing exactly what, what
10 is happening with other parking environments in the area, and
11 winding up with a situation where there is some paid retail
12 parking, and other retail parking that is not.

13 And so needing just to have a better understanding
14 of the complete retail parking picture is important for us.

15 Just to back up a little bit, the reason why this
16 is an important mitigation for DDOT is because there is so
17 much parking that is provided, particularly for the retail
18 component.

19 And we understand the justification that the
20 Applicant has given. Our, based on our experience, and based
21 on, on research in, in the field, pricing of parking is
22 perhaps the best way to control, and to mitigate the, the
23 effects of, of providing this, this high level of parking,
24 which can lead to negative traffic impacts for the whole
25 area.

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1 So it is, that is a particular piece that we would
2 like to see explored a little bit more, and just teased out
3 a little bit.

4 And finally, regarding the provision of vehicular
5 access through the site for the, the adjacent property. The
6 adjacent property is sort of landlocked without alley access.

7 Therefore, in order to provide access to that
8 parcel, we would be looking at a curb cut, either on Penn
9 Street, which has, is going to have a lot of pedestrian
10 activity, or Brentwood Parkway, which would be a relatively
11 high-volume street, which would not be a street that we would
12 typically want to see a curb cut from, and not meeting the
13 DDOT standards.

14 The thinking with providing the access through
15 this site would be to consolidate the number of curb cuts,
16 so you minimize the number of conflict points between
17 vehicles and pedestrians.

18 And that's really an opportunity that we want to
19 see maintained. And I think there are other examples, even
20 within the market, of where there's been this very
21 thoughtful, forward-looking approach to, to site access.

22 I'm thinking of the square bounded by Morse, Neal,
23 5th, and 6th, where there's a private alley that is shared
24 across multiple owners to provide loading access in one
25 central point.

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1 And so that's the type of thing that we think will
2 really enhance the pedestrian environment over the long run,
3 by limiting these conflict points.

4 This may be something that's easier said than
5 done, and I think we would like to understand a little bit
6 better some of the architectural challenges, the legal
7 challenges of proposing, of that option, and until such time
8 that I think, that we've become comfortable as, with
9 understanding some of those challenges, we still think that
10 there's value in this ask, and would like to keep that as a
11 requested condition for DDOT approval.

12 And so with that, I would like to pause, and be
13 happy to answer any questions you may have.

14 CHAIRMAN HOOD: Okay. Thank you, Mr. Rogers. Any
15 questions of DDOT? Commissioner May?

16 COMMISSIONER MAY: Yeah, so just on this, the
17 loading connection issue. So is everything to the east of
18 this property, is that a consolidated single owner that, and
19 will that whole site be redeveloped at once? Is that what
20 your assumption is?

21 MR. ROGERS: I would defer to the Applicant on
22 that.

23 COMMISSIONER MAY: Is that, I mean, do you know --?

24 MR. KAUFMAN: Yes, we own, EDENS owns everything
25 from where this building ends, all the way to Brentwood.

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1 COMMISSIONER MAY: All the way to Brentwood.

2 (Simultaneous speaking.)

3 And, and do you see it redeveloping as a single
4 property?

5 MR. KAUFMAN: One or two.

6 COMMISSIONER MAY: Okay.

7 MR. KAUFMAN: Meaning --

8 COMMISSIONER MAY: So --

9 MR. KAUFMAN: --- there might be a, two phases --

10 COMMISSIONER MAY: Sure.

11 MR. KAUFMAN: -- more, you know --

12 COMMISSIONER MAY: Right, right.

13 MR. KAUFMAN: -- two more additional phases --

14 COMMISSIONER MAY: Yeah.

15 MR. KAUFMAN: -- but --

16 COMMISSIONER MAY: Yeah. It's a lot.

17 MR. KAUFMAN: It's a lot, yeah.

18 COMMISSIONER MAY: Yeah, right, I understand.

19 MR. KAUFMAN: And the, the leases, as you get
20 further down - like, for example, Dolcezza's factory end is
21 in that sort of end piece where the flower market used to be.

22 COMMISSIONER MAY: Right. So I mean, how are you
23 imagining, I'm going to shift to you, and then I'll go back
24 to, to DDOT.

25 But how are you imagining that you might have

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1 garage and loading access for those two properties, if not
2 through this one?

3 MR. KAUFMAN: I think ideally some kind of shared
4 alley system, garage would be the, would be sort of the hope.
5 I think the issue is sort of chicken and the egg. I think
6 it's easier to, once, you know, once this is in place, it's
7 easier for us to come back, and on the next piece, and make
8 those connections.

9 For example, the ramp for the parking garage is,
10 it's not coincidental that it's located on the edge of the
11 adjacent property because, for example, you could connect
12 garages, because that ramp is there.

13 But I don't think that we can pre-commit to that.
14 I think that's our issue, not that the ultimate sort of
15 solution isn't along the lines of what Jonathan is
16 suggesting.

17 COMMISSIONER MAY: Okay, but I mean, you're saying,
18 you're sort of arguing both sides of the question, right?
19 You know, it's --

20 Just, in more simple terms: when the other
21 properties are redeveloped, and access does not work out
22 through this property --

23 MR. KAUFMAN: Right.

24 COMMISSIONER MAY: What do you imagine happening?

25 MR. KAUFMAN: Well, so I think there will be, or

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1 there would need to be --

2 Well, two things. I, and I understand your
3 question, and I'm not trying to be evasive.

4 The, if you were to join all these things
5 together, you would need more access points regardless. You
6 still couldn't, it all could not function off of just the
7 existing one that's from the property that there is today.

8 COMMISSIONER MAY: Right.

9 MR. KAUFMAN: So that being said, I think that
10 there would be an expectation, or a -- I shouldn't say
11 expectation, but there would be a hope that we could get a
12 curb cut along Penn, and there would also be a hope that we
13 could get another curb cut on Brentwood.

14 COMMISSIONER MAY: Do you actually have frontage
15 on Brentwood?

16 MR. KAUFMAN: I think it's a very --

17 COMMISSIONER MAY: It's --

18 (Simultaneous speaking.)

19 MR. KAUFMAN: -- triangular --

20 COMMISSIONER MAY: -- so close to --

21 MR. KAUFMAN: But yeah.

22 COMMISSIONER MAY: -- so close to Penn, I can't
23 imagine, you wouldn't allow it, because it's too close to
24 Penn.

25 MR. ROGERS: I don't have the measurements in front

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1 of me. DDOT's standard is that curb cuts be at least 60 feet
2 from the adjacent intersection --

3 COMMISSIONER MAY: Yeah.

4 MR. ROGERS: It looks like that space is not there.

5 COMMISSIONER MAY: Yeah, I mean, that's where our
6 driveway, Park Services' driveway is, like 60 feet away.
7 Something like that.

8 And you don't want to try to make a deal with us.
9 We're just --

10 (Laughter.)

11 -- such a pain.

12 MR. KAUFMAN: Duly noted.

13 COMMISSIONER MAY: You know, all tongue in cheek.

14 No, the, I mean, there are already existing curb
15 cuts on Penn, right? So I mean it, I mean, I agree with the
16 point that it's, you end up with such a big property relying
17 on a single entry point, particularly one that has loading
18 in and out of the same portal, is problematic.

19 And is Penn such an important street that you
20 wouldn't want to have a curb cut on it, because it's, I mean,
21 it's really long. It, and it has two north-south streets
22 that essentially dead-end into it.

23 It seems to me it's almost calling out for a curb
24 cut, or an alley entrance, or something.

25 MR. ROGERS: Penn being a local street, there's

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1 nothing particularly objectionable about having a curb cut
2 on that location, from that street.

3 It's not, say, a New York Avenue, or even a
4 Brentwood.

5 I think the effort is to minimize just the
6 potential conflict points. A potential sort of middle ground
7 situation might be to have loading be accessed perhaps
8 through this building, and perhaps a separate access point
9 for the garage.

10 But it's too early to get into that level of
11 detail.

12 COMMISSIONER MAY: Right. But I would just say
13 that if you did reconfigure the loading and garage ramp, as
14 I suggested earlier, it would lend itself to shared loading -
15 as opposed to the current configuration, which, I think it
16 would be impossible to do shared loading, because of the
17 presence of that garage ramp between the property to the east
18 and this property. I'm just saying. So.

19 All right. Thanks.

20 CHAIRMAN HOOD: Okay, any other questions of DDOT?
21 Okay.

22 Does the Applicant have any questions of the
23 Office of Planning or DDOT?

24 MR. KADLECEK: Just a question of clarification
25 from, from DDOT. For the, it sounds like there's just three

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1 issues, really, that you're indicating there's still some
2 difference.

3 Are you suggesting that those are things that
4 could be worked out, sort of as the project proceeds? Or are
5 you suggesting that those are more immediate?

6 MR. ROGERS: Our preference would be that there be
7 further discussion in the context of the PUD. And I'll defer
8 to the Zoning Commission, in terms of how they want to pick
9 that up, and incorporate that.

10 CHAIRMAN HOOD: Okay. Yeah, we will answer that
11 question as we conclude.

12 Any other questions down there?

13 MR. KADLECEK: Sorry, I think it's just two. I was
14 just, I was informed that it's really just the retail parking
15 question and the vehicular access to the adjacent site,
16 right? Just for our clarification.

17 MR. ROGERS: The 4th Street sidewalk, I think is
18 something that we needed additional clarification on, whether
19 the commitment included the east-west crossing or not.

20 MR. SPENDLEY: It does include that. We just
21 missed it on our slide.

22 MR. ROGERS: Okay, then. If that's the case, then
23 yeah, it's just those two.

24 MR. KADLECEK: Just the two.

25 MR. ROGERS: Yeah.

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1 MR. KADLECEK: Okay. Great. Thank you.

2 CHAIRMAN HOOD: Any other questions before we move
3 on?

4 MR. KADLECEK: No more questions. Thank you.

5 CHAIRMAN HOOD: All right. Again, there was no one
6 representing 5D present.

7 All right. I'm going to read the Report of A,
8 Advisory of Commission 5D.

9 They enthusiastically, let me see if I can find
10 it. Well I just remember the word enthusiastically supported
11 --

12 Well, let's see. It's not good to try to do it
13 off the top of my head. Okay. When you-- I got it.

14 All right, so it says, and I'll just read an
15 excerpt from it: ANC 5D voted 6-0-0 with one Commissioner
16 absent to enthusiastically support this application to submit
17 the letter of support to the Commission.

18 And this comes from Mr. Clarence Lee, ANC 5D
19 Chair.

20 And that is in the record, and that is our Exhibit
21 26.

22 (Whereupon, the above-referred to document was
23 marked as Exhibit 26 for identification, and received into
24 the record.)

25 Okay, do we have any organizations and persons who

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1 are here who'd like to testify in support?

2 Any organizations and persons who are here who'd
3 like to testify in opposition?

4 Any organizations or persons who are here who are
5 undeclared?

6 Okay, do we have any rebuttal, Mr. Kadlecek?

7 And if not, we'll have closing.

8 MR. KADLECEK: Yeah, we have just a couple little
9 things that we wanted to clarify that came up in the
10 discussion with OP, and DDOT.

11 MR. SPENDLEY: So Department of Parks and
12 Recreation, we have met with them a couple times. We toured
13 the Trinidad Recreation Center with them as well.

14 Talking through their needs, and I think we
15 concluded with them that the \$10,000 commitment should be
16 within 5D and, you know, to be determined that, should it be
17 replacement of equipment, should it be upgraded or
18 maintenance of equipment?

19 But until we get closer to C of O, maybe not
20 determine which equipment that should be at this time, as if
21 we're, you know, two years out from construction, they might
22 have, you know, their opportunity fund work through some of
23 the existing maintenance issues that they have.

24 So we would continue to work with them, as Ms.
25 Elliott has suggested. But until we had closer to C of O

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1 when we would finally decide what, where it should go.

2 CHAIRMAN HOOD: I would just suggest in this
3 process that that be outlaid, how you're going to do to it.
4 You're not going to give them the money, naturally. You're
5 going to do all the work in procuring and buying, and make
6 sure it's there at that time, correct?

7 MR. SPENDLEY: If it was equipment, then yes, we
8 could make that procurement. But if it's something that they
9 wanted, you know, additional maintenance on an area, or other
10 construction that they wanted to control, we would allow
11 that.

12 CHAIRMAN HOOD: I think maintenance would fall
13 under capital improvement. But anyway, I will, I, typically,
14 well, we like to see it laid out exactly.

15 And I know you, some kind of way you have to work
16 out some language, Mr. Kadlecek, that won't go against what
17 we normally do when you're trying to give something to a
18 community, or to a rec, especially a public rec center. We
19 don't want it to get lost in the general fund. Okay?

20 MR. KADLECEK: Yeah, our understanding is DPR
21 actually has a very specific fund for these types of things,
22 which is an anomaly, as opposed to other agencies.

23 They allow these sorts of contributions. That's
24 our understanding - that other agencies don't. They have a
25 fund to allow for a private entity to give --

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1 COMMISSIONER MAY: Yeah, I don't even think we like
2 it going into the fund. I mean, I think we want to know --

3 CHAIRMAN HOOD: Yeah.

4 COMMISSIONER MAY: -- that it's going to go for
5 something specific.

6 MR. KADLECEK: Okay.

7 COMMISSIONER MAY: And I mean, it's not like they,
8 you know, you have to have the shopping list, and give us the
9 shopping list. It's like, you know, then it's going to go
10 for acquisition of, you know, sports equipment for a
11 particular rec center, or something like that.

12 Just as specific as it can be, and then, you know,
13 we'd want to have, I mean, obviously, you'd have to
14 demonstrate that it had been spent for that in order to get
15 the C of O, but it's, it, we want to know that it's going to
16 go for something specific, and not just going to, you know,
17 some fairly general fund.

18 MR. KADLECEK: Yeah, we can propose a condition
19 that makes that a little more clear.

20 CHAIRMAN HOOD: Okay. Anything else?

21 MR. KAUFMAN: Yes. One other clarification on the
22 coordination of the master utility plan, and particularly
23 with DC Water.

24 So I think there's a little bit of a linguistic,
25 maybe, issue. We have a 30 percent set of a master plan for

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1 the utilities that has been shared with all the different
2 utilities, and it's been done in coordination with them.

3 I think what Ms. Elliott is referring to, and I
4 get why she's referring to it the way she is, is that it is
5 only 30 percent, and I think that they're looking to see, you
6 know, it completed, which is the intent.

7 But it, at this point in time, the master utility
8 plan is only 30 percent complete. And because of that, there
9 are still questions - coordination questions, all kinds of
10 questions that still need to be worked through.

11 So, you know, unless I'm mistaken - and maybe I
12 am, but I don't think it's that they don't have the plan, I
13 just don't think it's as far along as they would like it to
14 be, which is, I, which I understand.

15 CHAIRMAN HOOD: Okay. Any comments on that?

16 COMMISSIONER MAY: Yeah, I mean so, I mean, what
17 is it going to take to get to some level of agreement that
18 DC Water is satisfied

19 MR. KAUFMAN: I don't, again, I don't think it's
20 a, again, I'm struggling with semantics.

21 I don't think it's that they're not satisfied
22 that, like there's a, there's issues that we are disagreeing
23 on.

24 I think it's that the plans, they're, there are,
25 it's 43 acres, it's fairly intensive. We've got all the

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1 utilities involved.

2 There are several, it's actually being coordinated
3 through a coalition of developers, EDENS and JBG being the
4 sort of leads on it, and it's just going to take a lot, it's
5 going to take more time to get it to the level that --

6 COMMISSIONER MAY: Right.

7 MR. KAUFMAN: -- I think the different, you know,
8 with DC Water --

9 COMMISSIONER MAY: So it's not something that
10 you're going to be able to deliver as part of this project,
11 to the level that they would, they're suggesting they might
12 want to see.

13 MR. KAUFMAN: Correct. Correct --

14 COMMISSIONER MAY: So then I --

15 MR. KAUFMAN: -- but it will be --

16 COMMISSIONER MAY: So I mean, and I can appreciate
17 how that may be the case. But it seems that you, there needs
18 to be, you need to have some further discussion with DC Water
19 about how this will actually eventually be delivered, and
20 that they need to give some sort of nod that it's okay,
21 because right now they're raising a red flag with OP, and
22 that's all we have to go on.

23 So we need to know that they're going to be,
24 they're satisfied with the plan for completing these plans,
25 if not the actual plans in hand.

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1 MR. KAUFMAN: Understood.

2 MR. KADLECEK: Just one last thing. I don't want
3 to beat a dead horse, but on the PDR issue.

4 I just want to make a couple of kind of broad
5 stroke points about that.

6 I think Jeff gave a really good explanation about
7 kind of the business case for why a commitment is a
8 challenge, and I think it is important to remember that the
9 goals of the Office of Planning and the Applicant are really
10 quite aligned.

11 It's just the mechanism by which to get there.
12 And I think what EDENS has done is they made a proffer in
13 such a way that it really does try to encourage PDR uses to
14 the extent that it's possible.

15 And in fact, when you look at the framework
16 element of the comprehensive plan when it talks about a mix
17 of uses on the future land use map, it talks about desire and
18 encouragement.

19 And I think if you look at the proffer that's been
20 put forth here, which is building to a particular PDR
21 specification - not to mention the commitment that they are
22 making - that really does go towards encouraging, and showing
23 a demonstration of a desire for these types of uses.

24 And that is, in fact, quite consistent with the
25 comprehensive plan.

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1 I would also note that, as this Commission, I
2 know, is aware, parcel-specific uses as designated on the
3 future land use map are not, it's not a zoning map, it's not
4 a prescriptive map. It's really a map that's in, to be
5 interpreted broadly.

6 And as you've heard and are aware, there's a lot
7 of PDR use that occurs in the market.

8 The Court of Appeals has, has agreed that you
9 don't have to provide every use that the comprehensive plan
10 future land use map shows on a specific property. That's not
11 the obligation, or that's not the, what the comprehensive
12 plan is suggesting or requiring.

13 I mean, I think a, one way to think about it is,
14 if, for instance, this project only had PDR uses on the
15 ground floor, I don't think anyone would argue that it's
16 inconsistent with the other stripe, which is the commercial
17 stripe - the same way that proffering a retail use, which is
18 ultimately the goal of street activation here, does not make
19 this project inconsistent with the future land use map.

20 So I think in totality, when you consider all of
21 those issues, really the goals are being achieved here.
22 They're just being achieved in a slightly different way.

23 So with that, we have nothing further.

24 It looks like there are a few outstanding issues
25 here, but I think that they're actually quite, a fairly small

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1 universe of issues that we could look at.

2 So we would ask that the Commission consider
3 taking the proposed action tonight.

4 And with that, we have availability for any
5 additional questions, and nothing further. Thank you.

6 CHAIRMAN HOOD: All right. Commissioners, I'm not
7 sure if I'm ready for a proposed action.

8 I think the issues are strong enough that we need
9 to continue to get the work, whatever, I think it was like
10 four or five to my, I didn't keep a count.

11 But I am not ready to propose. I think that that
12 work needs to be taken care of before we move forward and
13 propose, but that's just my recommendation.

14 I will ask others, and whatever they are, let's
15 work them out, let's get them done, and then we can hopefully
16 move forward.

17 Any other comments on that? On our progress?
18 Yes.

19 COMMISSIONER MAY: Mr. Chairman, I agree with you.
20 I mean, I was not, I'm not quite ready to go ahead. I think
21 there are a few substantive issues that need to be worked on.
22 I think the one that's still most concerning is the PDR
23 issue, and I think, you know, further work with Office of
24 Planning would be helpful before we consider taking the
25 proposed action.

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1 CHAIRMAN HOOD: All right, any other comments? Any
2 disagreement? Because there's only four --

3 COMMISSIONER TURNBULL: Well, we never do that with
4 you, do we?

5 CHAIRMAN HOOD: Well, I mean --

6 COMMISSIONER TURNBULL: We always agree.

7 CHAIRMAN HOOD: Well, the courts disagree with me,
8 so I mean, might as well join in. No, I just wanted to hear,
9 and make sure that we're all on the same page.

10 COMMISSIONER TURNBULL: No, I'm on the same page
11 with you.

12 VICE CHAIR MILLER: I mean, Mr. Chairman, we've
13 done it both ways. But I think a post-hearing submission
14 that addresses the issues that were raised by us, and by OP
15 and DDOT would be helpful, and we can move forward
16 expeditiously after we get that expeditious submission.

17 Plus we're one Commissioner down today, and maybe
18 he's reading the record as, or watching the record as we
19 speak.

20 Let's make him do it.

21 CHAIRMAN HOOD: No, I'm not going to, I don't want
22 to do that to him.

23 VICE CHAIR MILLER: Anyway, I think we can --

24 (Simultaneous speaking.)

25 (Laughter.)

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1 COMMISSIONER MAY: I was going to say, how come you
2 only make me read the record on these ones --

3 VICE CHAIR MILLER: I think we can proceed
4 expeditiously, and I think the Applicant is prepared to
5 respond in a submission expeditiously.

6 CHAIRMAN HOOD: And I think, Mr. Kadlecek, if you
7 could, if you could give us a, I'm not going to say a one-
8 pager, but a two-pager with the issues, and what the results
9 are, and your discussions with those other outstanding
10 issues.

11 And also in the order, if we get to that point,
12 which, as you get to that point, and I'm probably really
13 going out there. From now on, I'm going to start asking
14 this.

15 All applicants, make sure we put the issues down,
16 and then what the resolve is, the resolve that the Commission
17 put forward. And I want to see that in all the orders going
18 forward.

19 MR. KADLECEK: Sorry, can you explain a little bit
20 more --

21 CHAIRMAN HOOD: Don't ask me to do that.

22 MR. KADLECEK: I wasn't quite following you, I'm
23 sorry.

24 CHAIRMAN HOOD: I'm actually trying to streamline
25 some things, and -- But let's see if this gets approved

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1 first. And then, at that time, a proposed action, if it's
2 approved, then I will tell you a little more detail.

3 So basically what I'm looking for is the issues,
4 and what resolve the Commission gave. I'm looking for the,
5 for you to start giving us that in the orders that are
6 presented.

7 MR. KADLECEK: I understand. All right. Thank
8 you.

9 CHAIRMAN HOOD: Okay. So kind of know where I'm
10 going with this. Okay.

11 MR. KADLECEK: I do, yes. Thank you.

12 CHAIRMAN HOOD: All right. But I will ask for it
13 at proposed action.

14 I don't, I think you all know what --

15 Do we need to talk about what the outstanding
16 issues are? I don't think so.

17 I got --

18 MR. KADLECEK: Yeah --

19 CHAIRMAN HOOD: -- four or five off the top --

20 MR. KADLECEK: -- I, yeah, I think --

21 CHAIRMAN HOOD: -- of my head.

22 MR. KADLECEK: -- we, we have a list. I think --

23 CHAIRMAN HOOD: Okay.

24 MR. KADLECEK: -- we know what they are, and, and
25 I think we can actually respond to them pretty quickly.

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1 MS. SCHELLIN: How much time do you need?

2 CHAIRMAN HOOD: Is that for me? I can't see it all
3 the way over there.

4 MR. KADLECEK: We can probably provide our
5 responses in a week.

6 MS. SCHELLIN: A week?

7 MR. KADLECEK: Yeah.

8 CHAIRMAN HOOD: Oh. Thank you. I've just been,
9 I've just been reminded of a question I normally ask.

10 Who in, I think I've asked you all, EDENS, this
11 before. Who in, who on your development team lives in the
12 neighborhood?

13 MR. KAUFMAN: Who lives in the neighborhood?

14 CHAIRMAN HOOD: Yeah.

15 MR. KAUFMAN: There's a, well, there's a couple
16 different people. We have a couple designers who live in
17 that neighborhood, and we have a developer who lives in the,
18 shoot, I'm going to forget the name of the building that Abdo
19 did on eight, on, just up the block there. His name's David
20 Germakian.

21 CHAIRMAN HOOD: Okay.

22 MR. KAUFMAN: But there are --

23 CHAIRMAN HOOD: On, but they're on 3rd and, what's
24 that, 3rd and H?

25 MR. KAUFMAN: Yeah.

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1 CHAIRMAN HOOD: Yeah.

2 MR. KAUFMAN: That's correct, yeah. And there's
3 a couple other people, like we have a guy, a new guy who
4 came, who just, who we've just hired.

5 CHAIRMAN HOOD: So you have people that live in the
6 neighborhood that's under --

7 MR. KAUFMAN: Oh, we have --

8 CHAIRMAN HOOD: -- development.

9 MR. KAUFMAN: -- a lot of people living in the
10 neighborhood. Yeah, he lives in the MRP apartment building
11 --

12 CHAIRMAN HOOD: Okay.

13 MR. KAUFMAN: -- over on Newark Avenue.

14 CHAIRMAN HOOD: All right, well good. Remind me
15 not to ask y'all that no more. I like when people tell me
16 they don't, so I can hassle them, get on them a little bit.

17 But anyway, good. You all keep up the good work.

18 MR. KADLECEK: And for what it's worth, I live in
19 Ward 5 as well.

20 CHAIRMAN HOOD: Oh, I didn't know that. Have to
21 be a little nicer to you when you come here.

22 (Laughter.)

23 Okay. All right, Ms. Schellin. I'm sorry.

24 MS. SCHELLIN: Okay, so --

25 MR. KAUFMAN: And just one other thing, and I know

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1 you, you didn't ask for this. But we also just moved our
2 office. We moved 75 employees to Union Market. We moved in
3 three weeks ago. We love it, except for our roof is leaking,
4 and there's no one to call but ourselves, so.

5 (Laughter.)

6 MS. SCHELLIN: Okay. So, then that would put you,
7 your submission due by 3:00 p.m. on the 21st of June. And
8 the ANC, being the only party, would respond by the 28th of
9 June.

10 Is OP looking to provide --? And OP also would
11 provide DDOT to --? Okay.

12 So DDOT, OP, and the ANC would be able to provide
13 their responses by the 28th of June and OAG prefers to have
14 a draft order at least two weeks before the meeting.

15 If we try to put you on for July 9th, so would you
16 be able to provide your draft order?

17 MR. KADLECEK: At two weeks before proposed action?

18 MS. SCHELLIN: Yes, they do.

19 MR. KADLECEK: Yeah, I mean if that's, we can do
20 it, yeah.

21 MS. SCHELLIN: I mean --

22 MR. KADLECEK: If we can do it before final action,
23 that'd be a lot more helpful.

24 MS. SCHELLIN: That's not what my, yeah. They
25 always give them, they, they have it at proposed, so that way

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1 if there's any issues, they can --

2 MR. KADLECEK: Okay.

3 MS. SCHELLIN: -- bring it up. So.

4 MR. KADLECEK: Got it.

5 MS. SCHELLIN: I'll just say, if you could just
6 provide it on the 28th also, how about that. That way it
7 won't be quite two weeks.

8 MR. KADLECEK: Right, say it again?

9 MS. SCHELLIN: Provide the draft on the 28th of
10 June. It'll be about a week and a half.

11 MR. KADLECEK: Oh, you, you're not going to give
12 me 'til the 9th? Wait, sorry, sorry, when is the --

13 MS. SCHELLIN: Meeting's on the 9th.

14 MR. KADLECEK: Meeting's on the 9th. I got it.

15 MS. SCHELLIN: No, I'm not --

16 MR. KADLECEK: Got it.

17 MS. SCHELLIN: -- going to give you 'til the 9th.

18 MR. KADLECEK: I was confused --

19 (Simultaneous speaking.)

20 MS. SCHELLIN: Unless you want --

21 MR. KADLECEK: -- with your dates.

22 MS. SCHELLIN: -- move it to --

23 MR. KADLECEK: No, no, no, that's --

24 MS. SCHELLIN: If you want to go to the last
25 meeting --

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1 MR. KADLECEK: -- that's fine. I was, I was
2 confused about what, the dates --

3 MS. SCHELLIN: Yeah.

4 MR. KADLECEK: -- you were talking about. Got it.

5 MS. SCHELLIN: Yeah. Okay. That's it.

6 CHAIRMAN HOOD: All right. Do we have anything
7 else? Okay. I want to thank everyone for their
8 participation tonight, and this hearing is adjourned.

9 (Whereupon, the above-entitled matter went off the
10 record at 8:43 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: UM 500 Penn Street NE, LLC

Before: DCZC

Date: 06-14-18

Place: Washington, DC

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



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