



OFFICE OF ZONING STAFF PRESENT:

RON BARRON, Secretary  
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, Esquire  
(UNIDENTIFIED) LIU, Esquire

The transcript constitutes the minutes from the  
Regular Public Hearing held on January 10, 2022

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 19-29 - Application of UM 1348 4th Street, N.E., LLC  
 and 1250 4th Street, N.E., LLC . . . . . 5

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen.  
4 Today's date is January the 10th, 2022. We are convening and  
5 broadcasting this public meeting by videoconferencing. My name is  
6 Anthony Hood. Joining me are Vice Chair Miller, Commissioner May,  
7 Commissioner Shapiro, and Commissioner Imamura. We're also joined  
8 by the Office of Zoning Staff, Mr. Ron Barron and Mr. Paul Young  
9 who will be handling all of our virtual operations. Also our  
10 Office of Zoning, Office of Land, Office of Zoning Legal Division,  
11 Ms. Lovick and Mr. Liu.

12 I will ask all others to introduce themselves at the  
13 appropriate time. The virtual public hearing notice is available  
14 on the Office of Zoning's website. This proceeding is being  
15 recorded by a court reporter and the platforms used are webcast  
16 live, Webex, and YouTube Live.

17 The video will be available on the Office of Zoning's  
18 website after the hearing. All persons planning to testify should  
19 have signed up in advance and will be called by name at the  
20 appropriate time. Excuse me. At the time of sign-up, all  
21 participants will complete the oath or affirmation required by  
22 Subtitle Z 408.7.

23 Accordingly, all those listening on Webex or by phone

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1 will be muted during the hearing and those who have signed up to  
2 participate or testify will be unmuted at the appropriate time.  
3 When called, please state your name and home address before  
4 providing your testimony. When you are finished speaking, please  
5 mute your audio.

6 If you experience difficulty accessing Webex or with  
7 your telephone call-in or not have signed up, then please call our  
8 OZ hotline number at 202-727-5471. If you wish to file written  
9 testimony or additional supporting documents during the hearing,  
10 then please be prepared to discuss it at the time of your  
11 testimony.

12 The subject of this evening's hearing is Zoning  
13 Commission Case No. 19-29 as to UM 1348 4th Street N.E., LLC and  
14 1250 4th Street N.E., LLC consolidating PUD, related Planned Unit  
15 Development, related Zoning Map amendment and special exception  
16 for rooftop eating and drinking establishments, excuse me, at  
17 Square 3587, Lot 3, 1348 4th Street, N.E. and Square 3587, Lot 7,  
18 1346 4th Street N.E. Again, today's date is January 10th, 2022.

19 The hearing will be conducted in accordance with  
20 provisions with 11Z D.C.M.R. Chapter 5 as follows: Preliminary  
21 matters, Applicant's case. The Applicant has up to 60 minutes,  
22 report of Office of Planning, District Department of  
23 Transportation, report of other government agencies, report of the  
24 ANC. In this case, I believe there's two. I believe it's 5D and

1 5C. Testimony of organizations, five minutes, and individuals  
2 three minutes and we will hear in the following order from those  
3 who are in support, opposition, and undeclared. Then we'll have  
4 rebuttal and closing by the Applicant.

5 Again, the Office of Zoning hotline number at 202-727-  
6 5471 for any concerns during these proceedings. Again, our Office  
7 of Zoning Legal Division, Ms. Lovick and Mr. Liu. I believe I did  
8 mention that, but I will mention it just in case I didn't.

9 At this time, before I go to Mr. Barron, I'm going to  
10 just say that we're wishing Ms. Sharon Schellin well, a speedy  
11 recovery and we wish her well and get well soon.

12 So let's go to if we have any preliminary matters. Mr.  
13 Barron, do we have any preliminary matters?

14 MR. BARRON: Thank you, Mr. Chairman and I'd like to  
15 second your sentiment to Ms. Schellin and just make -- reiterate  
16 to the Commission since I am filling in, if I do miss any steps  
17 please feel free to correct me. But with that, the only thing  
18 that I believe we have is the proffered expert witnesses for this  
19 case. There are four that have been proffered.

20 Three of them have been previously accepted; Brian Pilot  
21 who has been previously accepted by the Commission as an expert in  
22 architecture, Daniel Solomon and Daniel Van Pelt, both of them  
23 whom have been previously accepted as experts in transportation  
24 and there's also David A. Rubin whose resume is at Exhibit 34E who

1 is being proffered as an expert in landscape architecture. So I  
2 would ask that the Commission consider and accept these experts.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr. Barron.  
4 Commissioners, the only one that we have -- I believe that we have  
5 not, unless someone wants to undue the other three is Mr. Ruben  
6 who is being proffered -- David Ruben who is being preferred as a  
7 landscape architect. So let's see, any -- that's in Exhibit 34E.  
8 Any objections or any questions?

9 COMMISSIONER IMAMURA: No objections.

10 CHAIRPERSON HOOD: Okay. It sounds like we will give  
11 him that status. Anything else, Mr. Barron? And we will continue  
12 the status of the others. Anything else?

13 MR. BARRON: I believe that's it, sir.

14 CHAIRPERSON HOOD: Okay. Mr. Young, can we bring up the  
15 Applicant's team? I see Mr. Utz and the others who are on his  
16 team. Can you bring them up?

17 Mr. Utz, when your team gets up, if you're going to be  
18 the presenter -- I have David Lewis, but anyway, Mr. Utz, if  
19 you're going to be the presenter, you can go ahead and get  
20 started. Once your team gets up, introduce everybody and you may  
21 begin.

22 MR. UTZ: Great. Thank you so much, Commissioner Hood.  
23 Let me just make sure our team is online. I see Brian Pilot  
24 joining. I see Sohael Chowfla, I see Sara Link, David Rubin,

1 Daniel Solomon. So I see everybody, but I don't see any cameras  
2 on yet.

3 CHAIRPERSON HOOD: So if they can hover over -- there  
4 they go. There they come.

5 MR. UTZ: I'm sorry.

6 CHAIRPERSON HOOD: There's all the cameras.

7 MR. UTZ: In the meantime, would it be okay to pull up  
8 the presentation that we uploaded into the record? Thank you, Mr.  
9 Young. Great. Okay. So I can go ahead and get started.

10 Good afternoon, Chairman Hood and members of the Zoning  
11 Commission. Thank you for your time this afternoon and for the  
12 opportunity to present, Zoning Commission Case 19-29 to you. I'm  
13 Jeff Utz with Goulston & Storrs on behalf of the Applicant. We  
14 have four witnesses available today. It's Sohael Chowfla with  
15 EDENS the parent company of the Applicant who can testify on  
16 behalf of the Applicant, Brian Pilot of Studios is the architect  
17 for the project and David Rubin of Land Collective is the  
18 landscape architect. Daniel Solomon of Gorove Slade is available  
19 for any transportation related questions that arise and then we  
20 also have several others on the line including Sara Link and Dean  
21 Goulston of Bohler DC also available for questions.

22 But all together we are excited to be here for an  
23 application that was filed a bit more than a year ago, so tonight  
24 is really an important moment for us. Next slide please, Mr.



1 Young? Thank you.

2           This application is the latest of several PUDs in the  
3 Union Market district. The property that is the subject of this  
4 PUD is at the northern end of 4th Street shown here in blue. It's  
5 the entrance to the Union Market district from New York Avenue.  
6 Sohael, Brian, and David will talk more about the urban design and  
7 the place making opportunities afforded by this property's  
8 location.

9           The application is for a consolidated PUD and related  
10 map amendment to the Zoning Map as with several other PUDs in the  
11 Union Market district. The proposal is to change the designation  
12 for the property from PDR-1 to MU-9. This map amendment is  
13 consistent with the Future Land Use Map and the Generalized Policy  
14 Map of the recently amended Comprehensive Plan and also the Small  
15 Area Plan.

16           As mentioned, the project is also seeking special  
17 exception relief to allow for eating and drinking -- an eating and  
18 drinking establishment use in the penthouse.

19           So we have a full presentation. We think it'll likely  
20 take about an hour. I'll begin quickly discussing some of the  
21 items raised by the agencies and in particular the Office of  
22 Planning, DDOT, DOEE, and DPR in their reports and then I'll turn  
23 the presentation over to Sohael to talk about the project's  
24 objectives generally and then the benefits and amenities. Brian

1 Pilot will then present the building design. David Rubin will  
2 discuss the plan for place making and the public realm.

3           Sohael, Brian, and David will each include responses to  
4 the agency reports and I'll wrap up with any comments that we  
5 leave out and just a general summary (indiscernible). Next slide,  
6 please?

7           Also along those same lines is (indiscernible) point.  
8 This slide summarizes all of the agency comments that are in the  
9 record, so it's intended to be a summary (indiscernible) detail  
10 around these. A bit more (indiscernible) we can detail that, but  
11 as a starting point, (indiscernible) chapters of (indiscernible)  
12 and our team is really proud to be before you with the support  
13 from OP and ANC 5D, no objection from DDOT, DOEE, or DPR and no  
14 opposition in the record.

15           The broad support for this project is the culmination of  
16 many months of collaboration, careful study and open dialogue with  
17 many stakeholders, but especially the Office of Planning so we  
18 really want to thank them for the amount of time they've spent on  
19 this project with us. Agencies provided about a dozen items for  
20 us to respond to over the past 10 days in their report in  
21 particular and that is what's showing now. Next slide, please?  
22 Thank you.

23           Starting with the OP report, Sohael will discuss in more  
24 detail. We came to an agreement with OP and DHCD regarding the

1 project's affordable housing and the family-sized units. It isn't  
2 showing on this chart, but it is an absolutely essential piece of  
3 this project.

4           The first bullet, Sohael will also discuss this a bit  
5 more, is the project's PDR proposal. This proposal increases the  
6 analogous PDR commitment from other nearby recently approved PUDs.  
7 Of particular note, the proposal includes building approximately  
8 50 percent of the ground floor to a PDR maker's specification that  
9 Sohael will detail and it's also detailed in the record.

10           The second bullet point, OP asked for additional  
11 balconies and design changes to the western facade of the project.  
12 Brian will discuss those changes in his discussion of the  
13 project's architecture. In some, the team has revised the project  
14 in response to this comment by including additional balconies and  
15 as you'll see there's now a third row, actually column, of  
16 balconies on the western facade.

17           This third -- sorry, the third bullet, OP asked for  
18 confirmation from DHCD that the project's balconies are acceptable  
19 to DHCD. There is now a letter in the record from DHCD indicating  
20 it's accepted the balconies and the project generally. That  
21 letter is Exhibit 40 in the record.

22           Just for some quick background, I'm happy to provide  
23 more information on this, but regarding DHCD's involvement, this  
24 PUD and several --

1 CHAIRPERSON HOOD: Excuse me. Can I --

2 MR. UTZ: -- others --

3 CHAIRPERSON HOOD: -- interrupt? Mr. Utz, can I  
4 interrupt for a moment? I'm just -- maybe it's just my unit, but  
5 I'm getting -- sometime you go clear and sometimes you sound  
6 muffled.

7 Are other getting that or is it just me?

8 UNIDENTIFIED SPEAKER: I'm getting that too, Mr. Chair.

9 VICE CHAIR MILLER: I'm getting that too.

10 CHAIRPERSON HOOD: Okay. So it's kind of being muffled  
11 for the public. I don't want the public to say --

12 VICE CHAIR MILLER: Yeah.

13 CHAIRPERSON HOOD: -- they couldn't understand what was  
14 going on. So I don't know what it is. If it keeps on, Mr. Utz, I  
15 may have you just turn off your video, but let's see how it goes.

16 MR. UTZ: Okay.

17 UNIDENTIFIED SPEAKER: Are you --

18 MR. UTZ: Thank you.

19 UNIDENTIFIED SPEAKER: Are you wearing your microphone  
20 here, Mr. Utz?

21 MR. UTZ: No, I don't. I can scoot closer to my --  
22 unfortunately, I'm doing this through a laptop, so I tried to  
23 troubleshoot this, but it doesn't surprise me that there is --

24 UNIDENTIFIED SPEAKER: Maybe leaning forward sounds

1 better.

2 MR. UTZ: -- complications. Okay. Good to know. Got  
3 it. Thank you. Okay. Just going back to giving some background  
4 on Lot 819, like several other PUDs, this property is adjacent to  
5 a district-owned lot. This is known as Lot 819 in Square 3787.  
6 It actually is owned by the district and is under the jurisdiction  
7 of DHCD, but it functions as a private alley system, and I know  
8 you all have seen this before. The balconies on the western  
9 façade project over that alley so DHCD confirmed that it agrees  
10 that allowed EDENS to build over Lot 819.

11 This concept is similar to a condition that existed on  
12 the southern end of Lot 819 where the PUD was approved by Zoning  
13 Commission case 15-27 with residential balconies also over Lot  
14 819. It's also worth mentioning that DHCD supports the affordable  
15 housing proffer per some language included the OP report and we  
16 also appreciate DHCD's involvement on the project and their time  
17 in working with the applicant team on the affordable housing  
18 proffer.

19 Finally, the fourth bullet, OP requested confirmation of  
20 the project --

21 CHAIRPERSON HOOD: Mr. Utz? Mr. Utz, do me a favor.  
22 Turn your video off and then let's see how that goes.

23 MR. UTZ: Okay. I've never been asked that before.

24 CHAIRPERSON HOOD: There we go. Let's try that now.

1 MR. UTZ: Okay. The fourth bullet, OP requested  
2 confirmation that the project would actually be Leed Certified and  
3 it will indeed be certified as the Leed version for Gold. Next  
4 slide, please? Thank you.

5 Brian and David will further discuss the sustainable  
6 design elements of the project later in the presentation and I can  
7 summarize anything that they missed, but as a threshold matter the  
8 project has been designed with a high level of sustainability in  
9 mind and we're really excited to kind of give some of these  
10 details to speak to these DOEE comments specifically. Next slide,  
11 please? Thank you.

12 DPR provided comments on the project as well and we're  
13 able to respond positively to most of these comments although we  
14 cannot commit to the -- making the project rooftop completely  
15 available to the project like a public park. It will still be  
16 open and function as an eating and drinking establishment. Sohael  
17 and David will discuss some of these items in more detail. Next  
18 slide, please? Thank you.

19 Finally, we've been in regular communication with DDOT  
20 since it filed its report and we have reached an agreement with  
21 DDOT on all open items in that report which I'm sure Mr. Zimmerman  
22 and Ms. Vacca can speak to during their report this afternoon.  
23 Generally, DDOT set forth four conditions which are shown here by  
24 the four bullets in the top chart of the slide on the screen.

1 First, the applicant will find and install a 4-dock  
2 Capital Bike Share station within a one-half mile radius of the  
3 site. Second, if the Applicant builds the P3 level of the garage,  
4 it will find and install a 19-dock bike share station with 12  
5 bikes and one year of maintenance cost and at least 325 of the on-  
6 site long term bike parking spaces will be on levels B1, P1, and  
7 P2 with up to 85 on P3.

8 DDOT also set forth continued coordination items that  
9 are detailed on this slide and the Applicant's team looks forward  
10 to working with DDOT on these item and again, our team really  
11 appreciates the amount of time DDOT spent with us on these items  
12 showing and some that aren't and if you have any questions about  
13 any of these items, Daniel Solomon, is available for further  
14 details.

15 I inadvertently skipped the last bullet in the top chart  
16 where DDOT conditioned that the amount of EV charging stations be  
17 noted in the commitments of the project for a minimum of five  
18 stations and that is a commitment that the Applicant will happily  
19 make. Next slide, please? Thank you.

20 As I mentioned, Sohael and the design team will provide  
21 further color on the response to the agency comments, so now I'd  
22 like to turn it over to Sohael to provide a short project overview  
23 and discuss the public benefits. Thank you, so much. Sohael?

24 MR. CHOWFLA: Thank you, Jeff. Good evening.

1 Commission, for the record, my name is Sohael Chowfla and I'm a  
2 Director of Development with EDENS, the Applicant. First of all,  
3 thank you to you all for allowing us the opportunity to present  
4 today and specifically to OP and DDOT and all the agencies for  
5 their continued coordination, feedback, and all of the time so  
6 far. We appreciate all of the partnership.

7           So I wanted to make a very short introduction to EDENS  
8 and our involvement our Union Market. You may be familiar with  
9 some of this, so I'll be brief. EDENS is a national owner and  
10 operator of retail places including stand-alone retail centers and  
11 mixed-use retail districts. Our portfolio encompasses places  
12 across the eastern U.S. from Boston down to Miami and then west  
13 out to Texas, Denver further up.

14           At EDENS our primary goal is to build community. We  
15 have approximately 1,500 national and local retail tenants in our  
16 portfolio and we have partnered with many of these partners for  
17 decades now. So, you know, I think we like to think of ourselves  
18 as retail experts and we think that place-making is in our DNA.

19           At Union Market specifically -- next slide, please -- we  
20 have been involved for approximately 15 years now. We purchased  
21 our first property, the market, in 2007 and since that time we've  
22 partnered with the community, the ANC, other developers, retail  
23 partners, and district agencies to execute on the Small Area Plan  
24 vision that was laid out by OP in 2009 and I think we've played an



1 | important role in spearheading the overall development in the  
2 | Union Market district at large.

3 |           The market itself was opened in its current form with 40  
4 | local small business vendors in 2012 and since then we've been  
5 | involved in the development of an important grocery store in Ward  
6 | 5 with the Trader Joes, The Batley building, and a new Latin  
7 | market called La Cosecha in its ground floor. We've opened  
8 | several retail shops, restaurants, and maker concepts in the  
9 | historic warehouse buildings in the historic district and we are  
10 | currently under construction with two new buildings, the north  
11 | building in the top left of this image and Maurice west in the  
12 | center left.

13 |           And overall, we've helped create over two-and-half  
14 | thousand new units of housing, but spurring some of this  
15 | development and another 2,000 units of housing under construction  
16 | and at least 2,000 additional units and approved PUDs. So we're  
17 | really excited about how Union Market is developing and coming  
18 | into its own now as a place.

19 |           We've created over 1,500 new permanent jobs, over 400 of  
20 | which are held by local D.C. residents which we are very proud of  
21 | and is an important part of our ethos and we've helped launch  
22 | dozens of new businesses including over 15 minority owned business  
23 | and almost 20 women-owned business many of which have scaled out  
24 | of Union Market now into the rest of D.C. and the country.

1           We've also had great local educational partners with  
2 Gallaudet, KIPP, and other local institutions and importantly, as  
3 retail people we've delivered over 150,000 square feet of new  
4 retail now in the Union Market district since we opened the market  
5 itself. Next slide, please? And actually, I think we flipped  
6 slides. I'm sorry. Could we go back two slides? Thank you.

7           So we're excited today. So this is an existing  
8 condition set of photographs. We're excited today to be here to  
9 bring this new PUD in front of the Commission and execute on what  
10 we think is one of the most exciting projects at Union Market.  
11 The site is a significant part of the gateway into Washington,  
12 D.C. along New York Avenue and an opportunity to provide iconic  
13 architecture at the entrance of the Union Market district and into  
14 downtown D.C.

15           This was a site that was a long time coming for us.  
16 We've been working on it for a while and we had a pandemic in the  
17 middle and it's still going on and is essential overall to the  
18 build-out and identity of this place. Today we have a  
19 presentation for a proposed 379-unit building with approximately  
20 50 units of affordable housing in that mix, plus ground floor and  
21 rooftop commercial retail and PDR/maker uses. Two slides forward,  
22 please?

23           So as you saw in that slide, there's a lot of grade to  
24 the site which you'll see later on in the project how we have

1 | addressed, but I think importantly the site has an existing bank  
2 | use which is part of Union Market economy. The bank itself will  
3 | be maintained on-site and there's significant improvements to the  
4 | public realm that we're making and I'll sort of give you a very  
5 | high level overview of the public benefits which you see here on  
6 | the screen, the first being architecture and urban design.

7 |           So we've worked with Studios Architecture to envision a  
8 | unique architectural design and massing for this project and it's  
9 | intentionally like no other in D.C. The design's signature  
10 | features, the leading element in all of the renderings that we'll  
11 | present today, is the chamfered massing and stepped façade with  
12 | numerous oversized and richly vegetated balconies and canopies, an  
13 | iconic and memorable form of architecture in a city of  
14 | predominately cubed shaped buildings.

15 |           And we've also collaborated with Land Collective to  
16 | create a rich public private ground floor experience that also  
17 | cleverly works to address the steep grade at the site with  
18 | welcoming areas of open space for people to gather and rest. Each  
19 | pocket has its own special character and we have proposed to  
20 | extend this experience to include parklets and flex space in the  
21 | on-street parking zones to create a dynamic street experience like  
22 | nowhere else in D.C. in a true blurring of public and private  
23 | space at the ground floor.

24 |           Another really important and key benefit of the project

1 is the affordable housing. We've worked closely with OP and DHCD  
2 to put together an affordable housing package that we are proud of  
3 and that makes a material contribution to affordable housing in  
4 northeast D.C. And to be honest, we really appreciate the great  
5 deal of time that OP and DHCD have spent with us to get this  
6 project to where it is.

7           So the approximately 50 affordable housing units in this  
8 project or approximately 13 percent total represent one-quarter of  
9 the Mayor's goal for upper northeast for the next four years. And  
10 this project has evolved, we've learned a lot. We've learned a  
11 great deal as the council, the Comp Plan, and the Commission has  
12 clarified its views on affordable housing over the past 18 months  
13 and so we think our proposal rises to the moment given the amount  
14 and depth of affordable housing, the amount of family-sized  
15 housing, three-bedroom units, and the iconic architecture and  
16 design approach especially given the lack of any financial subsidy  
17 for this project.

18           Another important goal is the PDR -- next slide, please  
19 -- next slide, please. Another important goal is the PDR and  
20 maker use. So we've -- working with OP and in response to some of  
21 their comments, we've increased our commitment to PDR and maker  
22 uses. So we had initially started -- proposed 5 percent and we  
23 doubled that now to 10 percent of the commercial GFA and I think  
24 really importantly our vision for the place and our starting point

1 is to provide a building that will last for decades or more, for  
2 hundreds of years hopefully, and that is constructed to higher  
3 specifications to meet the needs of PDR and maker businesses.

4           And I will go into that in more detail later in the  
5 presentation, but we're not building typical retail spaces with  
6 this building. We're building a custom specification for this  
7 site that anticipates the needs of the variety of users in the  
8 Union Market district both past, present, and future. So we've  
9 have -- next slide, please? Next slide, please.

10           So we have -- I'll just walk you through some of the  
11 components of the specification. We have widely spaced columns  
12 and on the right is a representation of our specification and on  
13 the left is what I would call typical retail under a residential  
14 building in D.C. But we've got widely spaced columns. We're  
15 spacing the columns at the 30-foot typical as opposed to typical  
16 buildings are at 20, 22 feet. We have very high ceilings,  
17 ceilings that go up to 17, 18, clear 21 to 22-foot floor to floor  
18 that really allow a variety of uses to exist within this space and  
19 we've got specific HVAC, mechanical, power and electric  
20 requirements that are very important for makers and all types of  
21 users for space. All of these features you do not see in typical  
22 D.C. buildings.

23           And this type of benefit which is in perpetuity and for  
24 the long term will be built into the very DNA of this building

1 will really allow the space to appeal to a wide variety of users  
2 and changing types of uses including PDR maker and wherever the  
3 economy on the ground floor evolves to in today's world that's  
4 shifting day-by-day with e-Commerce and the pandemic accelerating  
5 everything.

6           But the value of this build-out is about \$2 million. We  
7 put a range of \$1.5 to \$2 million in our submission, it's closer  
8 to \$2 million, above a typical retail build-out of this size in  
9 D.C. and these images sort of illustrate. On the left you can see  
10 a typical build-out. You've got columns in the way, you've got  
11 low ceiling heights and you've really got a planned grid that's  
12 responding to the residential above, the residential typical grid  
13 and so you can see how those columns get in the way of equipment,  
14 machines uses, that a variety of users like makers might want.

15           And then on the right you've got an expert from our PNC  
16 buildings project and photographs of a building up the street at  
17 Union Market, the 500 Penn building, that illustrates the maker's  
18 specification that we proffered with that PUD, the 500 Penn PUD,  
19 and we're now replicating here at this PUD, but you can see the  
20 open and consistent 30-foot grid, the high ceilings, the placement  
21 of critical services spread throughout the building so that makers  
22 can have easy access to all of the utility and all of the other  
23 infrastructure they need and then very expansive loading docks and  
24 loading facilities that allow a variety of uses to come and serve

1 the building. Next slide, please?

2           And so this is an overall floor plan and very  
3 simplistically, we sort of tried to layout left and right, what a  
4 typical D.C. build-out would be and on the right side what our  
5 project's maker specification is in comparison. And so you can  
6 see there's a great enhancement of the structural and floor  
7 design, the very fundamental design of the building, increased  
8 utility requirements, power, electric, lighting, HVAC, and  
9 ventilation, sound attenuation for loud activities to occur in a  
10 mixed-use building without disturbing the neighbors.

11           And actually, what this doesn't even mention is the loss  
12 of residential height or potentially a residential floor by  
13 expanding the retail to this point and the sort of inefficiency  
14 that's placed on the residential unit design by forcing a 30-foot  
15 column grid to occur through a building typology that typically  
16 has a narrower grid. Next slide, please?

17           And over here you can see the loading dock facilities.  
18 They are quite expansive for a building of this type in D.C.  
19 We've got multiple loading booths and trash and recycling dock  
20 locations with raised docks, and levelers, and special elevators.  
21 This elevator is almost -- I think it's 8-foot by 8-foot to allow  
22 a variety of users to come into this space and plug and play and  
23 do what they need to do. Next slide, please?

24           So some of the other improvements on this site include

1 improvements along 4th Street. So 4th Street today is a narrow  
2 sidewalk condition. We're expanding that sidewalk to be built per  
3 the Union Market Streets Design Guidelines and we're also actually  
4 enhancing that sidewalk to now include a new opportunity for a  
5 dynamic retail experience in the parking zones, the on-street  
6 parking zones.

7 And so we're proposing, and we've worked with DDOT on  
8 this, proposing removing some amount of on-street parking  
9 sporadically to allow for a more ephemeral activation of that  
10 space to create parklets and a variety of streetscape and retail  
11 experiences that ultimately will benefit small and local  
12 businesses so that they can have different spaces and scales of  
13 space to occupy and start up their new businesses. Next slide,  
14 please?

15 And then finally I'll also mentioned that we've  
16 committed to a number of additional neighborhood-focused and  
17 sustainability benefits. As Jeff Utz mentioned, this building  
18 will be Leed Gold v4 certified. We've increased the amount of  
19 solar panels from 300 square feet to 1,800 square feet and at the  
20 community's request we are funding studies to add bike lanes on  
21 Mount Olivet Street and we are providing commitments to a local  
22 community park, Lewis Crowe Park, in SMD 5D01.

23 And we -- you know, I would like to note that ANC 5D is  
24 in support of our PUD. We've worked very hard to establish a



1 continuously strong relationship with ANC 5D over many years and  
2 many PUDs and this project came together just as Commissioner  
3 Linehan was leaving his seat and Commission Rhodes was taking over  
4 at the start of her term, and we've spoken with both.

5 Commissioner Linehan provided a letter of support, of  
6 unanimous support, and Commissioner Rhodes has expressed continued  
7 support as well and the importance of the benefits that this PUD  
8 will bring to SMD 5D01. And we have -- we've laid out, reached,  
9 the other neighboring ANC. We have not heard back, but ANC 5D has  
10 been a greater supporter.

11 I will now turn it over to Brian Pilot to talk through  
12 the design and architecture and then, of course, we'd love to hear  
13 any questions or feedback you may have. Thank you.

14 MR. PILOT: Great.

15 MR. CHOWFLA: Next slide?

16 MR. PILOT: Thank you, Sohael. Good evening,  
17 Commission. For the record, Brian Pilot, principal at Studios  
18 Architecture. I'm very excited to be here tonight to walk you  
19 through the design. I know you're familiar with the neighborhood  
20 here, but a couple high level points in our vicinity diagram and  
21 as mentioned before, this is a really important site, really an  
22 iconic gateway site.

23 What we have shown in that darker fuchsia arrow is that  
24 importance at New York Avenue as one would arrive here at 4th and

1 Penn. It's really a -- the geometry of the site relends itself to  
2 this very dramatic, you know, iconic corner as well as arrivals  
3 from both 4th Street which we see as a really strong pedestrian  
4 connection from the Metro as well as Penn Street from areas to the  
5 east. Next, please?

6 This slide, I know Sohael touched upon this quite a bit.  
7 We've mentioned each of these points here with respect to the  
8 affordable components, Leed Gold. This is a really important  
9 bicycle amenity site and we'll talk through those. You know, one  
10 of the important things that we're hearing across the city and  
11 with this ANC was the three-bedroom units and larger units and  
12 that's something that we have improved upon. Based our  
13 discussions with them, we're at 3 to 4 percent of the units in  
14 that location. And many of the other points, we can come back and  
15 talk to this in detail, but we have responded to each of those ANC  
16 requests and improved upon many of others. Next?

17 Some diagrams that capture the major moves of our  
18 architecture, this first one to the left, this is a residential  
19 building and it's a fairly unusual geometry and our goal was to  
20 really push that geometry. This shows how we've carved away the  
21 form, primarily on 4th Street to bring in daylight and air into  
22 these residential units.

23 And then a very impactful and thoughtful design approach  
24 to the streetscape, such an important edge here along 4th Street

1 | where we begin to take those elements where we've carved away and  
2 | bring those down to street which you see in that green diagram  
3 | where we're beginning to blend that public and private zone,  
4 | really bringing the community in and engaging. We know that those  
5 | spaces sort of between the public and private really bring our  
6 | residents together and we've really taken a thoughtful approach  
7 | not only to the architecture, but also the ground plane at that  
8 | location. Next, please?

9 |           Diagram No. 3, this is really the big move in our  
10 | architecture. Sohael had mentioned this before where we begin to  
11 | chamfered the corners. So in these important edges and arrival  
12 | moments, what we've done is cut away that sort of typical  
13 | orthogonal extrusion of the ground plane up to create this slowly  
14 | tapering back chamfered edge at the corners where we've introduced  
15 | these dynamic unit terraces for a really powerful architectural  
16 | move at these major corners and arrival points.

17 |           And then Diagram No. 4 is really being, once again,  
18 | thoughtful of what happens at the base and where the building  
19 | meets the street and there being a different and scale appropriate  
20 | architecture at that level and then another slight transition at  
21 | the top where the building meets the sky. Next, please?

22 |           And in this view, you see that sort of dramatic  
23 | chamfered at the corner here. This is a southeast perspective  
24 | along 4th Street looking towards the north. You see that shifting

1 geometry as we've carved away the major volume here along 4th  
2 Street and added attention to the transparency.

3           There's canopy areas that you see in the Union Market  
4 neighborhood, a special attention to what's happening in the  
5 landscape that David Rubin will speak to a bit later, enhancing  
6 that landscape in front of the smaller commercial building that  
7 you see to the left, but really that dramatic move here is this  
8 slowly tapering move of the balconies.

9           It allows for additional sunlight in this what is an 18-  
10 inch deep planter that will have fresh and vibrant landscape, that  
11 takes that landscape from the ground plane and carries it up the  
12 façade with the introduction of a warmer material at the underside  
13 of those balconies. Not just for the -- I think a warmth and a  
14 sort of really, a fantastic terrace experience for the residents  
15 in the building, but also enhancing the architecture at these  
16 corners. Next, please?

17           In addition to the major move, the chamfered, which you  
18 see once again here at the northeast perspective which is from  
19 Penn Street. New York Avenue is to the right. There is a  
20 dynamism to the rest of the façade. We have an 18-inch wide  
21 horizontal band that steps in profile at every floor.

22           The glass separation is set-up on a 5-foot module, but  
23 very greatly through the introduction of an opaque 8-inch vertical  
24 band, 6-inch deep vertical fins and operable windows that

1 alternate every other floor creating an overall sense of movement  
2 and texture across the façade without distracting from the bold  
3 geometry of the chamfered. So the goal is to have an overall  
4 cohesive architecture that really emphasized the chamfered, but  
5 still had a really exciting dynamic interest along the rest of the  
6 façade. Next, please?

7           The geometry becomes very pronounced creating a prow at  
8 New York Avenue. So this is the north perspective as your sort of  
9 traveling into the city. You can also get a sense of how the  
10 tapering balconies open up as the building steps back. It opens  
11 up the viewshed into the Union Market neighborhood. Next, please?

12           In this view at the northwest, once again we're at New  
13 York Avenue in this view, the prow is still the dominant  
14 architectural element in this view. This is our most efficient  
15 residential planning elevation which is allowing us to make some  
16 of those other bold moves in the architecture and per -- as  
17 mentioned before, as per our last meeting with Office of Planning,  
18 we've introduced a third vertical column of balconies at this  
19 location. Next, please?

20           This is a zoomed in elevation, so you can get a better  
21 sense of what's happening at these terraces. Each one of these  
22 terraces supports two units on the inside, so there is useable  
23 terrace space that's separated by a privacy divider, a 42-inch  
24 guardrail for safety purposes and then as I mentioned before, an

1 18-inch deep planter. There is an operations and maintenance plan  
2 that will be in place. These will be irrigated for insurance of,  
3 once again, this fresh and vibrant landscape expression and then a  
4 warmer material at the underside just bringing warmth to the --  
5 that -- the façade as well as an experiential moment for  
6 residents. Next, please?

7           The ground floor plan, so we're going to start here at  
8 the ground then we're going to move down to the parking levels  
9 then back up in the building. Sohael had addressed the different  
10 elements here that really make for an exciting commercial PDR and  
11 maker space opportunity. This is primarily commercial space which  
12 you're seeing in the pink. We do have about 2,200 square feet for  
13 our residential lobby and some additional support that links to  
14 our vertical circulation up the building.

15           One of the unusual aspects of this site is the change in  
16 grade from as one arrives at New York Avenue and 4th Street down  
17 to the southernmost part of the site and we're navigating this  
18 through these small inlets that you see and that David Rubin will  
19 speak to in a bit more detail.

20           I think we've all experienced those retail on streets  
21 that have a significant grade and somehow it can -- and it can be  
22 challenged, but we've really worked closely with the landscape  
23 team, how you see the change in elevations here. We're almost --  
24 we're at 116 feet at the commercial area along 4th and then down

1 to 99 feet at that southernmost commercial that you see to the  
2 left here.

3           So a lot of grade to navigate that we're doing through  
4 these different inlets and staggering moments to create a really  
5 viable commercial space as well as really strong connections from  
6 inside and out, being really thoughtful about access to this PDR  
7 and maker space. You can see the one dedicated commercial  
8 elevator that's to plan north and then a ramp that runs east/west.  
9 This allows for any heavy deliveries to come in directly from the  
10 loading dock and have access to each of these spaces.

11           And in addition, we have an elevator that would have  
12 direct access all the way up to the roof for the commercial space  
13 at the roof. So if someone from the public is coming to one of  
14 the retail elements at the roof, they can go directly from the  
15 ground level to the roof without interacting on any of the  
16 residential floors. Next, please?

17           Now, I'm moving down to the P1 level. So this is the  
18 sort of primary access point from the alley. We have an in and  
19 out lane for the parking. The required loading here, a  
20 significant amount of internal loading with, once again, direct  
21 access to the commercial surface -- service elevator for the PDR  
22 and maker space.

23           There's a lot of different things competing for use in  
24 what's a fairly unusual geometry and we've really tried to

1 maximize our bike parking here. We have 122 bike parking spaces  
2 on this level as well as 58 vehicular spaces. Our total bike  
3 parking on the site, this is an important aspect of this building,  
4 is 410 long-term. We have 39 that are exterior to the building  
5 and then 102 long-term spaces which is the requirement on P1, but  
6 we're showing 122.

7 In this plan, I would also note if you look to the  
8 smaller bike room that's at the upper left which only has 10  
9 spaces, the reason why that number's so low is that also has a  
10 required bike and shower locker room as well as a bike repair  
11 outside and we'll also be including electrical outlets in that  
12 room for the bicyclists in the building. Next, please?

13 Now I'm moving up. Once again, given the really unusual  
14 and significant grade here, we have a mezzanine level of parking  
15 as that retail begins to step down, so we're able to get another  
16 partial floor of parking here which we also have an additional 36  
17 bicycle spaces as well as 30 vehicular spaces. Next, please?

18 Now, I'm going back down from the P1 level to P2 where  
19 we have 90 spaces for cars and an additional 167 spaces for bikes  
20 which are primarily at that central area around the loop of  
21 parking. Next, please?

22 And then our final P3 level, 90 additional car spaces  
23 and 85 bike spaces in the same general vicinity. Next, please?

24 Now moving up the building, I won't spend too much time



1 on these and we can come back to these if we want to get specific  
2 about anything, but in these plans we're starting at Level 2 which  
3 is the lower plan, Level 3 is the plan above and we'll slowly move  
4 up the building so you can see how the building begins to taper  
5 back, how we've designed the units to allow for that tapering.  
6 We're using the, you know, the generous canopy here along 4th  
7 Street for some additional terrace space which you see in those  
8 white rectangles within the green areas. We can go to the next  
9 please.

10           Levels 4 and 5, once again very similar, but you can  
11 start to see how these chamfered areas become smaller and smaller  
12 as we move up the building. Next, please?

13           You can see our variety of units, the -- some of the  
14 larger units located here at the terraces and the darker colors.  
15 Move up, please, one more. The additional three rows of balconies  
16 are visible at plan north. Once again, the terrace is beginning  
17 to step back as we move up here at Levels 8 and 9. Next, please?

18           10 and 11, once again we can keep moving forward in the  
19 interest of time, but building just becomes smaller as we move up  
20 given the chamfered. Next, please?

21           And then the final two floors, 12 and 13. Next, please?

22           Moving to the roof, so this is the commercial retail  
23 space. So just over 13,000 square feet. One would arrive in the  
24 central portion of the building via an elevator. The area to the

1 left is laid out in a way that we would expect to incorporate any  
2 kitchen area central to the plan and really leverage this south  
3 area for a fantastic restaurant bar. I mean, much of this is  
4 still being planned, but that is really the area that's dedicated  
5 for outdoor dining, leveraging that great -- the views to the  
6 south.

7           And then additional areas to the right which is north  
8 plan for residents of the building to have lounge, game room,  
9 fitness, as well as access to a pool area. Next, please? And  
10 then our upper roof plan trying to find every bit of room for  
11 additional green roof, the necessary mechanical equipment as well  
12 as a PV array with green roof below which is anchored towards the  
13 south part of the plan. Next, please?

14           I want to get into a bit more detail here and some  
15 visuals on the roof plan and especially one of the primary  
16 features we have here adjacent to the outdoor dining which you see  
17 in the images to the left is an overhead view and the goal here is  
18 to really try to extend the ability to use this outdoor space. We  
19 know the importance of these spaces, the -- particularly these  
20 days and how hot the D.C. summers can be.

21           So what we've incorporated here is a solid part of our  
22 canopy that sets back at a 1:1 ratio to the roof and then a  
23 separate temporary structure that would be -- that could be  
24 installed. It would be less than 182 days a year. We've had

1 | these discussions with Matt Grant at -- the Zoning administrator  
2 | and, you know, the intent is that this would only be installed  
3 | within that 182 days with a retractable canopy.

4 |           So it only being that canopy coming out during hot and  
5 | sunny days, so once again extending the use of that space during  
6 | those hot summer months. And then some additional views here to  
7 | the right illustrating the pool and open area that could be  
8 | utilized for residents. Next, please?

9 |           In a view from the ground level of what that temporary  
10 | vertical post and support structure would be for the retractable  
11 | canopy. So it would be visible, but once again only a temporary  
12 | application. Next, please?

13 |           Just some additional detail on that, we can come back  
14 | and look at this if needed, but once again that section on the  
15 | right showing the 1:1 setback to the solid portions of that canopy  
16 | area and then the area in blue which is the non-permanent vertical  
17 | supports for the retractable canopy and where the extents of that  
18 | are on this south part of the building. Next, please?

19 |           Our major materials as I've mentioned before and is  
20 | visible in the renderings, the images to the left the intent here  
21 | and we'll be working closely with the landscape architecture team  
22 | as we do have fresh and vibrant planters that you see in the  
23 | bottom left as well as additional green screen at the lower  
24 | levels. We've introduced this really, I think, beautiful brick at

1 the podium, a longer roman brick module that has a beautiful  
2 texture. Almost a little bit of a sort of green tint to it. It's  
3 more of a charcoal color, but a way to really sort of enhance that  
4 scale at the ground level.

5 Fin extensions. As I mentioned before, we have 6-inch  
6 deep vertical fins across the façade which really gives it a great  
7 interest and texture, and dynamism at oblique angles. We do a  
8 metal picket rail when it is visible at the terraces and then a  
9 glass railing at the roof and the majority of the metal is a --  
10 that sort of warmer gray that you see in the upper right and then  
11 we do have some painted CMU down sort of within -- adjacent to the  
12 loading area as the building steps down into the alley at the  
13 north. Next, please?

14 I'm going to go through these elevations in the interest  
15 of time pretty quickly. A couple things I want to call out are  
16 just, once again, the steepness of the grade from the north part  
17 of the side which is page right to the south part of the side  
18 which is page left and how we've navigated that through the  
19 different entry points, through the landscape. We have a very  
20 continuous strong canopy at that -- the bottom of Level 2 that  
21 creates that really strong architectural datum where it's solid.

22 It's brick at that location, but once again bringing a  
23 lot of transparency and precocity to the ground level are the  
24 consistent architecture at the middle part of the building with

1 that variation and staggered elements across the façade, but  
2 really putting an emphasis on the chamfered and then a sort of  
3 lighter architecture as it meets the sky. Next, please?

4 Looking at the north, once again this is where the  
5 building is at its thinnest create the prow. Next, please?

6 A view of the west elevation. This is where we've  
7 introduced that third row of balconies creating a nice balance in  
8 symmetry across the majority of this façade and then the lower  
9 portion as we step down within that sort of deep alley area is  
10 where we introduce the CMU. Next, please?

11 And then the south elevation here with that smaller  
12 commercial building in front, once again, emphasizing the  
13 chamfered at the corner. Next, please?

14 As mentioned before, we are committed to certifying at  
15 Leed Gold Version 4 and our current scorecard is showing 62  
16 points, so we're just a little bit north of that target in our  
17 current scorecard. Next, please?

18 And I'm about to hand it over to David Rubin from Land  
19 Collective, but a couple key elements. The sustainability is a  
20 really important part of the project. Building electrification,  
21 we're committed to that in all of the residential unit. As I  
22 mentioned before, we have significant bike facilities so we see  
23 this as a really important multi-modal site in the city with an  
24 emphasis on wellbeing and that's how we've developed the

1 architecture.

2           We really look for great outdoor spaces and opening up  
3 to views for an incredible wellness component for the residents,  
4 but also being really, really thoughtful about how that -- the  
5 building touches the ground and creates this wonderful  
6 public/private zone to welcome in the community and provide  
7 wellness and wellbeing for not just the residents, but for all of  
8 the city.

9           With that, David.

10           MR. RUBIN:     Good evening or good early or late  
11 afternoon, Commissioners. My name is David Rubin. I'm founding  
12 principal of Land Collective and I am the landscape architect lead  
13 for the project. Thank you for giving me the opportunity to  
14 present to you this evening, and I just wanted to build upon some  
15 of Brian's points.

16           Focused specifically on wellness and belonging in the  
17 context of resiliency and in particular climate resiliency, this  
18 is a landscape rich project and we are working to ameliorate the  
19 extreme heat effects and storm water management issues associated  
20 with urban living in the 21st Century and in particular are  
21 focused on the great social experiences of the street, but lifting  
22 that up over and through the building as part of a green roof  
23 system that really does focus on sustainability. Next slide,  
24 please?

1           As Brian mentioned, this particular site is very unique  
2 in that it deals with a 6 percent grade change from New York  
3 Avenue down 4th Street and our significant challenge has been to  
4 find opportunities for tangency where the social experience and  
5 the engagement of retail and these creative spaces can be found  
6 along the streetscape. And so those moments of tangency and  
7 accessibility are true math in how to figure out the social  
8 construct and profile of the street. Next slide, please?

9           I just want to walk you very quickly along the length  
10 walking from the south to the north so you begin to see just how  
11 that tangency works in the sloping plane of the street. Here you  
12 see a curbless street environment and the typical streetscape flex  
13 zone, 10-foot pedestrian clear zone typical throughout the project  
14 and then the 9-foot tenant zone which is where we begin to  
15 transition between those social -- socially purposed spaces and  
16 the engagement of the retail aspect. Next one? Next slide,  
17 please?

18           Moving further north, you see how the grade begins to  
19 slip and the building begins to come down, the landscape begins to  
20 come up, the profile of the street expands using the 9-foot tenant  
21 zone into one of those significant courtyards where opportunity  
22 for engagement begins. Next, please?

23           And then as we move further up the street, this is the  
24 condition of where you would enter as a resident to the building.

1 | There is a flush condition at this point. The 10-foot pedestrian  
2 | clear zone transitions into the tenant zone and into the building.  
3 | Next?

4 |           And then as you move further north getting towards New  
5 | York Avenue, the landscape of the street begins to rise up. You  
6 | have fully visually accessible engagement of the next courtyard  
7 | which is compliant and accessible at specific points, but that you  
8 | can access either by slope or by stair. Next, please?

9 |           And then as you turn the corner towards New York, you  
10 | see another flush condition. This is now a curbed street  
11 | condition. So it's gone from curbless to curb as it turns around  
12 | the building. You have the 6-foot planter zone, the 10-foot free  
13 | and clear zone and then the tenant zone. Next, please?

14 |           And then as you move all the way around the building to  
15 | New York Avenue, you can see how that 10-foot circulation zone,  
16 | now we've met grade. We are aligned with New York and you see how  
17 | the streetscape, New York Avenue curbed, moves into the  
18 | streetscape continuation for New York Avenue, 10-foot clear zone  
19 | and then into the building zone. Next, please?

20 |           The site furnishings are robust and resilient and  
21 | appropriate to Union Market. The vocabulary has a bit of grit and  
22 | verve which we like to see in this type of unique environment for  
23 | Union Market. We think it's wholly appropriate and we're building  
24 | upon that throughout the site. Next, please?



1           It's been an exciting collaboration with both EDENS and  
2 Studios to really inform the green roof systems which move up the  
3 building. It is not only about ameliorating the heat island  
4 effect, but it's about creating a bio habitat of diversified  
5 plantings for pollinators and other aspects of the urban forest.  
6 Next, please?

7           This is -- it is important for us that we recognize that  
8 4th Street is one of parklets, but there are these strategic  
9 gateway parklets that are at the intersection of the New York  
10 Avenue and Penn Street and then at the southern portion of Morse  
11 Street where 4th intersects. These are the gateway parklets and  
12 then in between there are significant flexible parklets that are  
13 focused on engagement and joy, and play, and fun in the context of  
14 all the best assets of this flush street condition. Very  
15 flexible, very adaptable, resilient, and (indiscernible) at the  
16 same time. Next, please?

17           It is -- we look forward to continuing the coordination  
18 with DDOT and other agencies, so I'm distributing the character or  
19 describing the character of the public realm and spaces within  
20 these. So this is a multi-modal streetscape with emphasis on both  
21 cars and bicycles as well as significant pedestrian experience  
22 along both sides. Next, please?

23           This is very much a kit of parts in the context of the  
24 parklets from which to describe opportunities for civic

1 engagement. It's flexible, programmable spaces that are fun and  
2 create civic elements. This is very much a unique canvas in  
3 keeping with the joyful character of Union Market.

4 So here you see on the lower left the flush condition  
5 along the sloping plane, but if you go to the next one you begin  
6 to understand -- next slide, please? There we go. You begin to  
7 understand what that 6 percent does to these parklets. There are  
8 moments of tangency that allow us access to that -- to these  
9 platforms in this very sort of fun and flexible condition, but the  
10 stepping experience gives us great opportunity as well. Next,  
11 please?

12 Those opportunities include really flexible seating  
13 arrangements that can be diverse in character and form, really  
14 movable. Opportunities, places for people to see and be seen, a  
15 very dynamic street condition. Next, please?

16 And also opportunities to really define the safe edge.  
17 We are working in the discretionary zone between moving traffic  
18 and true sidewalk, so we want to make sure that they're safe and  
19 resilient and occupiable. Next, please?

20 There are opportunities for overhead elements. Again,  
21 this is a kit of parts, so we can begin to describe really  
22 different opportunities along the length of the street, ones that  
23 really enhance the proposed courtyards, bring them out to the  
24 street, but also a level of resiliency in that if something

1 | doesn't work we can change it. It really has that beauty in terms  
2 | of sustainability. Next, please?

3 |           And it's also a particular opportunity, particularly in  
4 | the gateway parklets for signage and branding not just for the  
5 | retail, but for Union Market itself and the experience at 4th  
6 | Street as a unique street in the district. Next, please?

7 |           And then it also allows us to expand the retail aspect  
8 | in pop-ups and opportunities for testing retail for young startups  
9 | or young entrepreneurs to have a canvas for expressing their  
10 | unique approach to retail or commercial opportunities. Next,  
11 | please?

12 |           And there's also a significant opportunity for public  
13 | art and we think that's the beauty of this flexible canvas in that  
14 | every one of these can be a unique experience, but we have  
15 | cultural assets and descriptions for identity as well as  
16 | engagement socially. Next, please?

17 |           MR. UTZ: Great. Thank you, David. I can take it from  
18 | here. Just two more slides and I know we're at about an hour, so  
19 | I won't belabor these points, but this is the same slide that we  
20 | had before that summarizes the agency comments and the responses  
21 | from the team and I would just say that thematically hopefully  
22 | it's apparent through our discussion just now and from what's on  
23 | this slide in prior slides, but the goal has been to be responsive  
24 | and try to get to yes as much as possible.

1           So if there are open questions from this or any open  
2 items, we're happy to return to this and speak with specificity  
3 about what those might be. Next slide, please? Thank you.

4           This is the last slide of the presentation and it  
5 summarizes the areas of flexibility that the team is requesting.  
6 So I will just quickly run through these and also we're happy to  
7 chat about these in more detail, but starting counterclockwise  
8 with the one in the sky to the upper right at about 2 o'clock, the  
9 first flexibility component is the special exception relief itself  
10 for food and beverage use of the roof and the roof use  
11 flexibility.

12           The second item going counterclockwise is the  
13 flexibility for the projecting balconies along the western  
14 property line. This is the flexibility that relates to projecting  
15 over a lot line and it is akin to the balconies that are -- were  
16 approved as part of Case 15-27.

17           The third item just below that is the flexibility to  
18 remove one level of the parking garage, P3.

19           The fourth item is back on -- hovering over 4th Street,  
20 this is the flexibility relating to the project's increase of its  
21 maximum density under Subtitle X, Section 303.10 which amounts to  
22 4 percent. And then finally, just over that is flexibility  
23 related to the project's non-conforming courts which are detailed  
24 in the package as well. There are two instances of courts not

1 | having adequate widths.

2 |           With that, that brings our presentation to a close and  
3 | we really appreciate the hour that you gave us to walk through  
4 | this project. We're happy to answer any questions and provide  
5 | additional information. Thank you, so much.

6 |           CHAIRPERSON HOOD: Okay. Thank you. Thank you all for  
7 | the presentation. It's a lot of moving parts. A lot of things  
8 | that are happening here, but I do have -- before I go to  
9 | Commissioner May, I do have one quick question for Mr. Chowfla.  
10 | Chowfla? How do you pronounce your name? I want to make sure.

11 |           MR. CHOWFLA: Chowfla.

12 |           CHAIRPERSON HOOD: Chowfla. Okay. You mentioned about  
13 | the ANC and I was curious. Has the ANC submitted, and if they  
14 | have I can look for it while others are asking their question,  
15 | have they submitted an updated letter? The only one I think I saw  
16 | was from the Chairperson back in 2020. Has anything been updated  
17 | and also have you spoken with ANC 5C which is an adjacent ANC?

18 |           MR. CHOWFLA: So the ANC 5D, first I'll take that,  
19 | submitted a letter as you note at the end of 2020 and that was  
20 | under Commissioner Linehan. They have not submitted any  
21 | subsequent letters in support. We have met with the new  
22 | Commissioner, Commissioner Rhodes, for our SMD, SMD 5D01, to talk  
23 | about the project just to keep her apprised, but nothing has been  
24 | submitted in the record although she does support the project.

1           Regarding ANC 5C, that is the ANC that is across --  
2 northwest of the project, across from New York Avenue and across  
3 the railyard, so Brentwood area. So we've made multiple efforts  
4 to try and contact this ANC. We've contacted the SMD directly  
5 across from us, across the road and the railyard and then also the  
6 Chair of the ANC, but to no avail. But we have made multiple  
7 attempts to contact them and to present and get their input as  
8 well, so.

9           CHAIRPERSON HOOD: Okay. I am sorry to hear that that  
10 ANC is not responding because that's my ANC. So they will be  
11 getting admonished. But even beyond that, that's fine. Maybe  
12 they just didn't want to weigh-in. But I do notice that the  
13 Chairperson of ANC 5D which I think is the most effective, the  
14 Chairperson at the time and you're mentioning a single-member  
15 district, but the Chairperson at that time was Chairman Lee,  
16 Clarence Lee. Is he still the Chair?

17           MR. CHOWFLA: No, I believe he's no longer the Chair.  
18 The Chairperson is now Ms. Sydelle Moore.

19           CHAIRPERSON HOOD: Sydelle? Okay. Sydelle Moore.  
20 Yeah, we -- at some point, we want to update that and we may want  
21 to reach back out to 5C. But either way, we want to update that  
22 with Chairperson Moore, but right now I'll take your word for it.  
23 I think the record needs to be updated with -- because some things  
24 have changed since Chairperson Lee has submitted his letter back

1 in -- December 14th, 2020, but I don't think that would be a hard  
2 piece. From what I'm hearing from you, you have been working with  
3 them hand-to-hand and glove already, so.

4 Okay. Let me go to Commissioner May to start us off.

5 COMMISSIONER MAY: Thank you. So you took care of my  
6 first question which was the latest of the ANC. It's  
7 disappointing that we don't actually have a letter, more current  
8 letter, from the sole ANC in the record, but hopefully we can get  
9 that.

10 Regarding the IZ unit distribution, I mean I think that  
11 looked pretty good, but there are some units that look like they  
12 have relatively little exposure to the outside, but they have --  
13 but they're shown as like two-bedroom units and I'm wondering, are  
14 all of these -- do all of these units have exterior windows on the  
15 bedrooms in the IZ units?

16 MR. CHOWFLA: Yeah. Yes, they do. We're not -- we're  
17 categorizing units as two-bedroom only if both bedrooms have the  
18 appropriate light, and air, and egress.

19 COMMISSIONER MAY: Okay. Yeah, I -- it just seemed  
20 improbable given some of the unit configurations, but I won't  
21 question that because they have -- if you're telling us that you -  
22 - if it's a two-bedroom unit it has two bedrooms with exterior  
23 windows --

24 MR. CHOWFLA: Correct.

1           COMMISSIONER MAY:    -- so, all right.  So one of the  
2 first big design moves you did was you moved back the southernmost  
3 façade because of that retail building to the south and I'm not  
4 sure I really understood why that -- you made that move.  I mean,  
5 there's nothing really precious about that building, right?  Is  
6 this just about getting space and separation from future  
7 development to the south?

8           MR. CHOWFLA:  That's a great question.  So I can help  
9 answer part of it and Brian, jump in if you want to add anything.  
10 So it's a really a -- it's a two-fold reason for why that setback  
11 exists.  So the first is actually very practical and important  
12 related to the PNC bank building that currently exists on site.  
13 PNC Bank owns the surface parking lot and is an important  
14 community pillar in that they actually accept cash deposits which  
15 is becoming rarer and rarer and they're an important part of the  
16 ecosystem.

17           So PNC Bank is something that will be maintained as  
18 operational continuously throughout construction of the project  
19 and they have requested to be located adjacent and so they're  
20 being moved into that building while the new building is  
21 constructed and then they will build-out their new space in the  
22 new building and move back into that new building which will leave  
23 that old building now vacant.

24           And so that's one reason as to why that building must



1 remain and the second reason is actually an urban design reason.  
2 I think, you know, the unique thing about Union Market is that the  
3 grid is a grid, but it's a kinked grid at 45 degrees and so that  
4 offers light and air at new angles that doesn't really exist in  
5 other parts of the city.

6           So you have the 45-degree angle to the grid and we  
7 didn't want to present as, you know, long-term owners, operators  
8 vested in the neighborhood and really focus on the ground floor.  
9 We did not want to present the continuous street wall of buildings  
10 along the western side of 4th Street.

11           So that is intentional to leave a moment of relief  
12 between the building to the south of that and this building so  
13 that there's light and air in units that can open onto the space  
14 and have views out from the building, but also for pedestrians and  
15 people on the street to not feel like they're walking in a canyon  
16 and enjoy light and air at all times of the day. That's the  
17 second reason.

18           COMMISSIONER MAY: Thank you. So and that was very  
19 helpful. That's good to understand exactly why you're --- why you  
20 made that move. I was trying to understand the courts and sort of  
21 what those spaces would be in those indentations along 4th Street  
22 and I think one of the things that might be missing from the  
23 presentation and maybe you -- maybe it's there and I missed it  
24 somehow, but I'm really longing for sort of street level views of

1 | those spaces where the indentations occur. It's sort of explained  
2 | with the sections, but again the sections are a little bit  
3 | confusing.

4 |           I mean, are there drawings already in the package or can  
5 | you provide something that, you know, would show us what those  
6 | moments are because you're -- you know, you put all the emphasis  
7 | on these breaks in the building façade along 4th Street and I'm  
8 | longing to see them and I haven't really yet.

9 |           MR. CHOWFLA: Yeah. No, there really are important and,  
10 | you know, wonderful moments in the project. We do have drawings  
11 | of them in the package. I don't know if they're adequate or not  
12 | for you. I mean, there's a lot of details in these drawings. You  
13 | may have to zoom in.

14 |           COMMISSIONER MAY: Okay. So where's the sections?

15 |           MR. CHOWFLA: I don't know how to direct someone to pull  
16 | them up for you on the screen.

17 |           COMMISSIONER MAY: No. I mean, if you can tell me a  
18 | page number in the drawing package that you submitted or in the --  
19 | was it in the PowerPoint?

20 |           MR. CHOWFLA: I don't -- I'm not -- it was not in the  
21 | PowerPoint, but I do not know the page number in the package. I  
22 | apologize. Brian or --

23 |           COMMISSIONER MAY: There are --

24 |           MR. CHOWFLA: -- David, do you know?

1 MR. RUBIN: No. I have to look specifically. Peter, I  
2 apologize. I don't know that number page off-hand, but I will --

3 COMMISSIONER MAY: Do you --

4 MR. RUBIN: -- find it for you.

5 COMMISSIONER MAY: I mean; you're talking about the  
6 landscape sections in this? It's like -- it's No. 67. I'm not  
7 sure what exhibit this is.

8 MR. CHOWFLA: You know, I'm talking about the overall  
9 building sessions, Commissioner May, that really describe the  
10 scale of that space relative to the whole building and they're  
11 (indiscernible) sections and then there's also the landscape  
12 sections that zoom in a little bit more.

13 COMMISSIONER MAY: Yeah. Yeah, that's where I felt like  
14 something was missing. Looking at those landscape sections, they  
15 -- you know, they give you some of the picture, but they don't  
16 really give you a three-dimensional sense of what's happening in  
17 those spaces and what they're like.

18 MR. CHOWFLA: We can --

19 COMMISSIONER MAY: So if that's possible to do, I think  
20 I would appreciate seeing that.

21 MR. CHOWFLA: Yeah. We can certainly follow-up with  
22 three -- I think you're looking for three-dimensional views --

23 COMMISSIONER MAY: Exactly.

24 MR. CHOWFLA: -- renderings or something like that.

1 COMMISSIONER MAY: (Indiscernible), yeah.

2 MR. CHOWFLA: Images. Yeah, we can certainly follow-up  
3 with that. There is also a plan in the package. I'm not sure if  
4 that's helpful to you.

5 COMMISSIONER MAY: Yeah. You know, it's -- I'm an  
6 architect, right, and I can think in three-dimensional designs. I  
7 can look at plans and sections and I'm just not getting this, so I  
8 really do think that it's -- it would be helpful to see it --

9 MR. CHOWFLA: Of course.

10 COMMISSIONER MAY: -- in a three-dimensional --

11 MR. CHOWFLA: Okay. We'll get you a couple of views of  
12 each of those spaces.

13 COMMISSIONER MAY: I appreciate that. So what -- I  
14 don't -- just -- I mean, I guess we encountered this before, but  
15 the DHCD controls the alley space so what is that and why is it  
16 there, and what's it going to be in the future? It seems like a  
17 really weird thing to be up against. It's not a public right-of-  
18 way. What is the -- what's the deal there?

19 MR. CHOWFLA: It's a peculiarity. Jeff Utz, did you  
20 want to explain this?

21 MR. UTZ: Sure. Yeah. I'm happy to give it a shot and  
22 then feel free to jump in Sohael or anyone else, but it is highly  
23 unusual Commissioner May, I would say. It is -- it looks and  
24 feels like a street and alley network and we have an exhibit that

1 | is not in the record, but we created one in case you wanted to see  
2 | it, but I would need to email it to you that kind of shows it in  
3 | the most specificity.

4 |           But it is an A&T lot that is basically all the  
5 | interstitial space within the Union Market district on the western  
6 | side; west of this parcel, west of the cases that came through as  
7 | 14-07 A and B also and then it's actually right smack in the  
8 | middle of Case 15-27. It provides all the streets and sidewalks  
9 | and everything else among the -- right in the middle. They  
10 | actually have two parcels that are completely surrounded by Lot  
11 | 819. This is their C building, C1 and C2.

12 |           So it is something that probably should have been made a  
13 | public street at some point or, you know, alley and street. It  
14 | just never was so dedicated or so processed. So it is owned by  
15 | the District and it is administered by DHCD. And actually, at the  
16 | time that the case came through, 15-27, it was administered by  
17 | DMPED and then there was a swap of jurisdiction among several  
18 | different parcels and this went into the column for DHCD.

19 |           COMMISSIONER MAY: Okay. Maybe I just spent too much  
20 | time worrying about the worst possible outcomes, but I assume that  
21 | the -- this is not -- there's no potential that there's --  
22 | somebody's going to try to building something there? Like DHCD is  
23 | not going to dispose of it at some point in the future and build a  
24 | building right smack up against your building?

1 MR. UTZ: Correct. There is an easement that is  
2 recorded on the entirety of the property. There are actually  
3 several different similar covenants as well that keep it,  
4 essentially, what it is. It looks and acts like a public street  
5 and alley network, so there is not a possibility that it can be  
6 constructed with buildings or anything --

7 COMMISSIONER MAY: All right.

8 MR. UTZ: -- similar to that.

9 COMMISSIONER MAY: Yeah. I think that's the thing that  
10 just sort of threw me because otherwise you're right up -- you  
11 know, you're right up against it and if it's not a public way,  
12 what's your guarantee or a public space. So in terms of the west  
13 façade, I mean, you know, the relief associated with having those  
14 balconies, I mean I think the balconies are fine. I think the  
15 number of balconies is also fine.

16 I think it's -- you know, what you've done with the form  
17 of the building puts this emphasis on the, you know, the terraces  
18 that are on the east side and, you know, I really -- I appreciate  
19 that design approach and this is not a building that's really  
20 screaming out to have a lot or balconies on the west side in my  
21 view. I mean, if they were -- if you were to integrate them and  
22 sort of have recessed balconies, I mean I think that would be  
23 okay, but I don't see a whole lot of rationale for adding  
24 projective balconies certainly.

1           The small question; so I assume that in the many, many  
2 bike rooms that you have that you're planning on having power for  
3 people to charge eBikes there; is that right?

4           MR. CHOWFLA: Yes, that is correct. Every one of those  
5 many rooms will have power for eBikes and every floor of the  
6 garage will have bike repair facilities.

7           COMMISSIONER MAY: Oh, really? Okay. Yeah. I'm more  
8 concerned about the eBikes because, you know, that's sort of at  
9 the top of a hill for a lot of folks so they're -- I think you're  
10 going to have more -- you might have more eBikes than many  
11 developments.

12           Okay. So the last thing I have is the -- this rooftop  
13 feature, the 182-day a year frame, that's really problematic for  
14 me. You know, it's probably not a secret that I'm very concerned  
15 about what happens on rooftops and, you know, just a reminder that  
16 the whole reason why we have rooftop setbacks is to make those  
17 things that are happening on the roof not feel like they are  
18 adding height to the building and what you are doing is including  
19 a feature that for half the year is going to look like -- make it  
20 look like it's a taller building than it really is.

21           And, you know, I -- I mean, there's just been -- you  
22 know, I have so many battle scars about the height Act and the  
23 changes that we made having to do with rooftop setbacks, rooftop  
24 views, and I'm really pleased with the outcome of that for the

1 most part because, you know, we now have a lot less mechanical  
2 stuff just thrown up on the roof willy-nilly and a lot more  
3 rooftop use.

4           And I think that's really great, but what you're -- you  
5 know, this particular move, you know, when those canopies are out  
6 there, it's going to really look like the building is that much  
7 taller and it's on the south side where it's already -- you know,  
8 you're building height measuring point is at the north side and so  
9 already your building is 130 feet tall plus that extra slope, the  
10 6 percent slope. So now it's a 150-foot tall building and you're  
11 making it look even taller with that thing on the top.

12           Plus, when you look at it when the -- you know, in the  
13 view that you showed us, it doesn't really look very good just  
14 having that thing up there. So I'm -- I would encourage that you  
15 look at other solutions for providing shade there and I don't know  
16 if that means having, you know, intensive green roof features  
17 because I'd rather see trees or something like that up there that  
18 provides some shade than to see a big frame structure. It really  
19 looks like a big, heavy frame structure and I just think it's -- I  
20 don't know, it's inconsistent with what I think I've been trying  
21 to push forward in terms of rooftop use.

22           This is just sort of pushing the limit a little bit too  
23 far. Or even, you know, other things that are more temporary in  
24 nature. You know, canopies that can be extended out and sort of



1 cantilevered out so when they are not needed and they pull back  
2 you're not left with the frame. You know, just other solutions  
3 that are less imposing than that and less active so.

4 MR. CHOWFLA: Yeah. I appreciate the comment and the  
5 feedback. Thank you, and I understand where you're coming from.  
6 From our perspective, it was really about, you know, the hot  
7 southern sun which seems to only be getting warmer every single  
8 year and we wanted to sort of extend the use of that space, but I  
9 think what we can do is we can try and see if there are other ways  
10 to do it so that it doesn't leave that frame structure on there  
11 since it's a taller building than really it is. So maybe --

12 COMMISSIONER MAY: Yeah. I completely agree with the  
13 intention. No doubt about that. It would be great to make as  
14 much use of that space as you possibly can, but at the same time I  
15 don't -- I want to do it in such a way that it's not as imposing.  
16 So anything that you can look at that might be an alternative, I  
17 think I would appreciate that, so --

18 MR. CHOWFLA: Okay.

19 COMMISSIONER MAY: -- thank you.

20 MR. CHOWFLA: We will do that.

21 COMMISSIONER MAY: That's it from me, Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.  
23 We'll go to Commissioner Shapiro. Commissioner Shapiro, I saw  
24 your name on one of his slides so I'm waiting to hear your

1 question on that, the Shapiro Building. But anyway, go ahead  
2 Commissioner Shapiro.

3 COMMISSIONER SHAPIRO: Yeah. I appreciate you building  
4 a building for me. I just wanted to start with that. That's a  
5 kind gesture. I think Commissioner May pretty much captured every  
6 one of my questions. I want to emphasize his last point around  
7 the canopy and I like the idea of something -- using Commissioner  
8 May's words, just something less imposing because I do think that  
9 there's value to -- the intention seems good. I just didn't like  
10 the look of it either. It just seemed, you know, heavy. So if  
11 you could figure out a way there.

12 A few other questions. One is you're asking for parking  
13 garage flexibility to remove one of the floors or potentially to  
14 remove one of the floors. How are you -- what's going to make  
15 that determination?

16 MR. CHOWFLA: So the PUD is sort of operating under this  
17 guise of complete lack of clarity with the pandemic and whether  
18 people will want their own cars or not once this building is built  
19 and then you've also got this accelerating trend of Ubers or sort  
20 of third-party driving that's occurring and there's also this  
21 fantastic growth in bicycle use which I think we're supporting on  
22 site.

23 And so between all of the sort of unknowns, we wanted to  
24 preserve the flexibility to remove the third level or build it.

1 Our current parking ratio for the residential is .4 per unit which  
2 is not terribly high and especially relative to other recently  
3 approved PUDs when you include the third level of parking. So  
4 it's .4 with that. So it's really about that. It's not having a  
5 crystal ball and not knowing, but still wanting to ensure that the  
6 building is successful when it's delivered in, you know, three or  
7 four, five years.

8           And so that's the reason for the flexibility and I think  
9 in return for the flexibility DDOT asked that we provide  
10 additional bike parking and Capital Bike Share, and so we've  
11 responded to that, I think, satisfactorily, as far as I understand  
12 from DDOT by moving a lot of the bike parking up in the building  
13 out of P3 and then also providing additional Capital Bike Share  
14 locations.

15           COMMISSIONER SHAPIRO: How are you -- thank you for  
16 that. How are you factoring in, speaking of needing a crystal  
17 ball, but the other sort of shared mobility devices? You know,  
18 this -- how are you going to deal with the litter of scooters and  
19 eBikes that -- on the street versions and all that? And maybe  
20 that's a question for Mr. Rubin. Just before you answer it  
21 actually, just to shout out, I loved your streetscape design and  
22 just all the -- with the tiered elements there and the flexibility  
23 you're talking about and the public art. Now, granted those are  
24 all a bunch of pretty pictures so, you know, we're not necessarily

1 approving those elements, but just the vision that you're -- that  
2 the team is bringing too that you presented I thought was  
3 fabulous.

4 MR. CHOWFLA: Thank you, Mr. Shapiro.

5 COMMISSIONER SHAPIRO: But back to the question around  
6 the other elements, the other shared mobility elements, how do you  
7 deal with that?

8 MR. CHOWFLA: Well, thank you Mr. Shapiro for --  
9 Commissioner Shapiro for the comment. It is a kit of parts and  
10 we're thrilled that that's the starting point of this language.  
11 It's great that EDENS has been so welcoming of it.

12 In terms of the eBikes and the like, it is an aspect of  
13 management of the site and while one can't control where citizens  
14 leave them which is always a challenge, I think part of the aspect  
15 will be to signify where we wish them to go in hopes that people  
16 might abide in a description, perhaps maybe even one of these  
17 moments on the adjacency of the streetscape where that could take  
18 place, but also some aspect of management that in order to deal  
19 with them sometimes they need to be corralled even when their  
20 owners, the people that actually franchise these pieces, don't do  
21 it fast enough. So there is that balance that needs to be found.

22 COMMISSIONER SHAPIRO: Thank you for that. I mean, that  
23 may be a longer DDOT conversation, but they're -- you know, I  
24 think there needs to be a strategy that there isn't right now.

1           So a couple other quick questions. I had the same  
2 question that Commissioner May had about the southern end and the  
3 stepping back and the building to the south, but you answered that  
4 quite well. The Masseria is right there past it too. You're not  
5 touching that restaurant are you?

6           (No response.)

7           COMMISSIONER SHAPIRO: Okay. Thank you. Just checking.  
8 Unless you want to move it inside or anything, but it's too good  
9 so don't -- be careful with it. The private balconies, you were  
10 talking about -- my understanding of how you described them is the  
11 O&M plan applies that the balcony planters are going to be managed  
12 by the building not by the individual tenants; is that right?

13          MR. CHOWFLA: Yes, that is correct. So we'll have a  
14 plan that involves some need for entry into the unit so that we  
15 can do that, maintain the balconies on a more regular basis for  
16 weeding, and mulching, and all that stuff and then on a --  
17 probably a, you know, semi-annual basis to actually replace that  
18 plants or plant new plants, things like that. So the leases will  
19 allow for that to occur.

20          COMMISSIONER SHAPIRO: Okay. I mean, it's complicated,  
21 right, because it's a -- it feels like a significant contribution  
22 to the look and feel of the building and it's going to be hard,  
23 expensive, logistically complicated and I was also thinking about  
24 even the -- I mean, maybe it's more of a question for my architect

1 | colleagues, but, you know, the dirt and water that comes off those  
2 | planters.

3 |           I don't know how contained that is, but what is that  
4 | going to do to the façade of the building and how do you factor  
5 | that in to what color, how light the color you've chosen for the  
6 | façade where the -- just below where the planters are? You must  
7 | have thought of this, but if you could share with me a little bit  
8 | of how you're approaching that?

9 |           MR. CHOWFLA: Yeah. You know, all I'll say before I  
10 | turn it over to Brian is that we -- the balconies are an important  
11 | investment from us and we sort of understand what it will take  
12 | over the longer term to sort of keep them looking good. They're  
13 | really important for us from an overall brand esthetic, value of  
14 | the building. And I know that Studios has done an incredible job  
15 | thinking through all of the design details, the waterproofing, the  
16 | materials, the setbacks, the sizing, to ensure that none of those  
17 | things that you just mentioned would occur.

18 |           So Brian, I don't know if you want to speak to that or -  
19 | - I know, you know, you have some drawings that might help  
20 | Commissioner Shapiro understand that too.

21 |           MR. PILOT: Yeah. No, I'm happy to add some additions  
22 | there. I think it's -- it is an incredibly important detail and,  
23 | you know, I think one of the things working in our favor is that  
24 | it -- as we look at that section, it does begin to step-back on

1 every floor. So part of the condition there is if water did hit  
2 the side of that, it would run down and collect in the planter  
3 below, but these planters are, you know, thoughtfully  
4 waterproofed. They are internally drained, so we're not spilling  
5 any of that sort of, you know, soil laden water sort of off onto  
6 the additional planter.

7           We've also developed a profile edge on the horizontal  
8 bands to help with any -- you know, to act almost as a drip edge  
9 as well and then that's part of the reason why we picked, you  
10 know, that sort of warmer gray material, something that's not too  
11 light to help with that. But I think in some ways we love the  
12 idea that that begins to, you know, almost even maybe a little  
13 patina a bit and really become this long-term sort of beautiful  
14 aspect of the building when the plants become lush and -- but, I -  
15 - you know, I think we've been really -- tried to be really  
16 thoughtful about the material selection, this -- the wall section  
17 detail and I think we have something in the appendix that we can  
18 pull up if you want to look at it in a bit more detail.

19           COMMISSIONER SHAPIRO: Yeah. That would be helpful and  
20 thank you for that answer. That's pretty much all I have. Just  
21 wanted to -- I appreciate the commitment around it; the affordable  
22 housing commitment, the three-bedroom units. I really appreciate  
23 your commitment to, and enhanced commitment, to sustainability and  
24 specifically the increased solar array and that's all I have, Mr.

1 Chair.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Commissioner Imamura?

4 COMMISSIONER IMAMURA: Thank you, Mr. Chair. I have the  
5 luxury to go after Commissioner May and Commissioner Shapiro who  
6 often touch on similar issues that -- or questions that I have and  
7 then not to steal Vice Chair Miller's thunder, but I also get to  
8 go before him and talk a little bit about IZ and distribution, so.

9 And then personally, I get to enjoy watching everybody's  
10 sort of facial expression as each Commissioner has their own sort  
11 of propensity for certain issues and to see the Applicant's and  
12 your facial expressions in the question that we ask.

13 So let me first start with Commissioner May's comments  
14 about the rooftop setbacks and I certainly want to respect the  
15 battle scars that he bears for those rooftop setbacks and  
16 certainly appreciate the attempt to provide a shady element on the  
17 southern exposure.

18 I personally don't have a particular issue with it,  
19 however I think Commissioner May brought up a very good point that  
20 with the grade change we're talking about an additional 20 feet,  
21 so 150 feet there making the building look even taller. But what  
22 I am confident about is that Mr. Pilot, in terms of the  
23 architecture here and the gestures that you've made, I'm highly  
24 confident you'll sus out maybe another creative solution there for



1 a rooftop covering on the south side, so I'm excited to see what  
2 that might be and know that you'll develop something that's equal  
3 in its creative solution.

4 I also want to comment a little bit about, I think, in  
5 terms of the descriptions and how you articulated sort of the  
6 design from, you know, the larger column grid bays there to create  
7 More flexibility and adaptability in the maker's space. I think  
8 it was terrific. Certainly demonstrates, you know, a thoughtful  
9 approach to the architecture, the geometry of carving things away,  
10 then the big move of the chamfered edges.

11 What the public probably doesn't realize is that by the  
12 time you all come to the Commission you've thought through a lot  
13 of these solutions and challenges. Balconies, I agree with  
14 Commissioner May. I don't think any additional balconies on the  
15 west façade are necessary, but what I would like to hear about is  
16 I'm sure you thought about recessing those balconies such that it  
17 didn't -- it wouldn't project over the property line. I'm  
18 curious, for the public's benefit, you know, what the thought  
19 process was and why that was discarded and that you went forward  
20 with the balconies that you have.

21 MR. CHOWFLA: I can start and then, Brian, I'll hand it  
22 over to you. So thank you, Commissioner Imamura. You know, we  
23 looked at the balconies very closely. As you can probably tell,  
24 outdoor space and balconies are a key component of our design and

1 something we thought about very carefully. It was -- really, it's  
2 all about sun. I mean, so much of our daily life, and frankly  
3 mine now that I live indoors so much, is driven around where the  
4 sun is.

5           And that façade is -- if you can sort of -- you can't  
6 tell from the plants because plan north is different than real  
7 north, but that's really a north facing façade. It's not a west  
8 facing façade, and so it's already in some shade and we were  
9 concerned about adding to that shade by recessing balconies  
10 because it then creates further shade for the unit, the bedroom or  
11 the living space behind, and we just want everyone to have the  
12 ability to enjoy light and air and really enjoy what you could  
13 step out onto is a pretty special view once you extend out into  
14 the space that sweeps across the northwest side of D.C. and you  
15 can see the Catholic Basilica from up there if you step out.

16           You know, so it was a really a combination of  
17 maintaining that spectacular view, but also really grounded in  
18 keeping the units lit, well-lit. Brian, I know you did a lot of  
19 solar analysis too, so.

20           MR. PILOT: Yeah, I think you've hit the primary point,  
21 Sohael. I think the other point that I would make is, you know,  
22 in listening to the ANC and I think one thing that we continue to  
23 hear is the size of the units is something that is, you know,  
24 continues to be a request and, you know, when we begin to look at

1 recessed balconies and as we're trying to balance all these  
2 different considerations, you know, it can really -- you know, as  
3 you pull that balcony in, it can either constrain the living space  
4 or push into a bedroom space that then becomes -- you know, starts  
5 to squeeze other areas of the plan. So I think we were -- I think  
6 primarily to Sohael's point, but I think also trying to create the  
7 best units possible bearing in mind that we're trying to, you  
8 know, include those larger units at request of the ANC.

9 COMMISSIONER IMAMURA: Appreciate those answers. I  
10 think given the pandemic, we all have a greater appreciate for  
11 outdoor space and the need for it so I can certainly understand  
12 that. And I guess to the point about the planters being sort of a  
13 significant element, that was noticeable in the renderings. You  
14 all showed a very healthy planter there, so I hope that they grow  
15 to be that healthy and (indiscernible), so.

16 Speaking of outdoor spaces, I want to commend Mr. Rubin  
17 in his design solution for activating the public space. I think,  
18 again with the pandemic, we all have sort of an increased  
19 appreciation for and value for parklets, the kit of parts.  
20 Certainly we see that becoming even more popular in cities like  
21 New York and Philadelphia, I'm sure in other locations, and I  
22 think it's a really terrific way to activate the public realm and  
23 you can create a dynamic space and enjoyable for all.

24 So the ground floor experience I think is quite good and

1 I think you all have provided a very generous streetscape, so I  
2 wanted to comment on that. It's a really generous streetscape and  
3 so I'm kind of excited about that. I think between the tenant  
4 zone and the pedestrian zone, the widths that you all had laid out  
5 and the fact that you navigated a significant grade change is  
6 commendable. That is no easy feat or making it accessible to  
7 (indiscernible).

8 The one thing I would like to hear a little more about  
9 is your storm water management plan and what that looks like.

10 MR. RUBIN: I don't know whether we have Sybil, Sohael,  
11 on the call.

12 MR. CHOWFLA: I think I saw Sara Link on for a second.  
13 Sara, I don't know if you're on there.

14 MR. RUBIN: While she --

15 MS. LINK: Yes --

16 MR. RUBIN: -- chimes in.

17 MS. LINK: -- I am.

18 MR. RUBIN: Oh, sorry. Okay. Very good.

19 MS. LINK: This is Sara Link, L-I-N-K, with Bohler and  
20 to speak to the storm water management practices, green roof and  
21 bioretention will be the primary facilities used as well as tree  
22 planting and we've run some preliminary storm water computations,  
23 but the final design will be calculated and submitted through  
24 DOEE.

1           COMMISSIONER IMAMURA:   Okay.   Very good.   Appreciate  
2 that.   Thank you, Ms. Link.

3           MS. LINK:   Yep.

4           COMMISSIONER IMAMURA:   And I think the only other  
5 comment that I have then I'll turn it over back to you, Mr. Chair,  
6 and might be a good segue for Vice Chair Miller, not to steal his  
7 thunder, but I understand, you know, 13 percent of the units are  
8 IZ, six more would mean 15 percent and 15 sounds a whole lot  
9 better than 13.   So with that, those are all my comments, Mr.  
10 Chair.   I'd turn it back over to you, sir.

11          CHAIRPERSON HOOD:   Okay.   Thank you.

12          Vice Chair Miller, any questions or comments?

13          VICE CHAIR MILLER:   Thank you, Mr. Chairman and thank  
14 you to the EDENS Applicant team including the architects and  
15 attorney Utz for your presentation today and for all the work  
16 that's gone into this project and the responsiveness that you've  
17 had to the Office of Planning, DDOT, the ANC -- particularly, the  
18 ANC 5D, all that community engagement and to the other agency and  
19 comments.

20                 The project has evolved from -- and changed in  
21 responsiveness to the original -- when we saw it originally, I  
22 think, which where OP wasn't even recommending set down, I  
23 believe.   That was a long time ago.   But there is -- that has been  
24 a lot of changes.   It's positive changes including increased

1 affordable housing. I would associate myself with all of the  
2 remarks of my colleagues. I don't mind them stealing any thunder  
3 of myself or others, and so that I don't have to speak too long  
4 especially since I'm losing light in this particular venue.

5 So I associate with all of the comments that they made  
6 and any request. I think there were a couple requests. I think  
7 the Chairman at the outset said if you can get something from --  
8 additional updated from 3D with the new representation and I think  
9 Mr. May asked for some additional renderings. There's nothing  
10 there that, amongst those requests, that I personally need to move  
11 forward with this project because I think it's a really incredibly  
12 positive project with a lot of positive -- a lot of public  
13 benefits, a lot of public amenities, beautifully designed, great  
14 materials, great --

15 I mean, it's a large project; 390 plus units, but the  
16 way you've articulated it, and set it back, and tiered it, and the  
17 terraces, and the balconies, and all of the design features, the  
18 underside of those balconies, the warm material. I'm not sure  
19 exactly that that faux wood is, but I always like it when I see it  
20 and I think it's gotten better in recent years in terms of holding  
21 up and looking better.

22 So I would agree with Commissioner Imamura that 15  
23 percent affordable housing is a lot better than 13 percent. 20  
24 percent sounds better than -- but you have gone from 10 percent I

1 think where it was originally. You are asking, I think, for  
2 flexibility to have additional density, a 4 percent flexibility,  
3 and maybe Mr. Utz or somebody could answer.

4 That would take it from what FAR to what FAR if it's --  
5 or what square footage to what square footage and maybe that's  
6 where a corresponding increase, although it would be a very small  
7 percentage given the IZ proportions, but maybe that's where the  
8 additional -- maybe that flexibility should be continued upon any  
9 increased IZ or affordable. What is that increased density about  
10 though since we're already -- it's a pretty dense project already?

11 MR. UTZ: So it amounts to \$16,884 square feet  
12 approximately in that the reason it exists is really the extreme  
13 topographical change in this location. It changes both from north  
14 to south, but then also from east to west. So when you look at  
15 the P1, B1, and P2 levels, they're -- much of that is counted  
16 towards GFA. So you have this incredible situation where you have  
17 so much parking, loading, kind of back of house space that's  
18 attributable to the building's Gross Floor Area, that it really  
19 skews the number to seem like more GFA than it really is.

20 And actually, you know, corollary to that is there's not  
21 much buried, even if P3 is built, that isn't GFA in this case, at  
22 least compared to a peer project. So it really is primarily  
23 relating to this unusual topo condition that we have to even be  
24 able to kind of put together the -- stack the levels to make it a

1 functional building with residential on top.

2 VICE CHAIR MILLER: And the FAR percentage, it goes from  
3 9 -- it's at 9.7 right now and it's going to go to -- it would go  
4 -- with that 16,000 it would go to what?

5 MR. UTZ: Yeah. So it's at -- the total is 9.74 with  
6 the 16,884 included. 9.74 total.

7 VICE CHAIR MILLER: Okay. And on the balconies, I think  
8 your explanation of why additional recessed balconies would  
9 detract from the light and the square footage of those units, I  
10 think, which -- and everybody wants the larger units and I  
11 appreciate that there are larger units amongst the mix here, both  
12 affordable and market rate. So I think that was a reasonable  
13 explanation and the design is beautiful the way that they -- the  
14 way that -- you did add a tier, I think, of balconies. There were  
15 three -- there was two originally, I think, and now you added a  
16 third, so I appreciate you adding.

17 Although I think one of my other colleagues said they  
18 don't see the need for additional, I always would take another  
19 tier anywhere. Even though that design -- I think I understand  
20 the beauty of that design that you have there at the corner and  
21 how it relates to non-balcony space, but I wouldn't mind seeing  
22 more. I wouldn't mind seeing 100 percent of that incredibly  
23 beautiful landscaped balcony around the whole building, but I  
24 understand what's being proposed here.



1           And I appreciate that you have operable windows. I  
2 think I saw that somewhere. That isn't always the case and I'm  
3 glad you still have a Leed Gold certification with that. I'm glad  
4 you just have that. I don't -- you don't need to comment.

5           On the DHCD issue, it isn't just that you're projecting  
6 into the air rights. Or correct me if I'm wrong, you're  
7 projecting into the air rights for some of those balconies of the  
8 easement below that's DHCD's ownership or jurisdiction, but you  
9 also are asking for, I think, the zoning change to apply to that  
10 space of DHCD's.

11           And I don't -- I saw DHCD's letter which supports the  
12 application and it's continued upon an executed agreement which  
13 hasn't yet, I assume, been consummated between the Applicant and  
14 DHCD, but I assume that that agreement would specifically -- I  
15 assume that DHCD is providing that support from your understanding  
16 for both the zoning change on their jurisdiction, their property  
17 that's in their jurisdiction and the projection into their space;  
18 is that correct?

19           MR. UTZ: So that the -- yes, the intent is that the  
20 agreement would speak specifically to these balconies and the  
21 intent is, along with the rest of the project. You know there are  
22 other elements that relate to it. So ideally, if this project  
23 were to be approved, we would then know kind of what the basket of  
24 improvements would be that we would reduce down to that agreement

1 and then we would be able to enter into it, but that is the plan  
2 is that the projecting balconies would be wrapped into that.

3 VICE CHAIR MILLER: And I assume since DHCD has  
4 jurisdiction over other what appear to be allies in this part of  
5 the Union Market area, that these agreements already had been  
6 executed in the past for those projects that have already gone  
7 forward and so there's a template and a precedent for your being  
8 able to get that -- EDENS being able to get that in the past.

9 MR. UTZ: Yeah. So there is certainly precedent for  
10 these projections existing and I can speak personally to some  
11 subgrade projection agreements. You know, essentially things that  
12 look like utility vaults and act -- they look, and feel, and act  
13 like utility vaults in streets or alleys exist along Lot 819  
14 already and there are agreements that attach to those for  
15 properties further to the south.

16 So this would be, you know, very similar to that with  
17 other kind of more unique customized components added into it for  
18 this project, but based on the same form which are all based on an  
19 easement, really more of a covenant that exists on Lot 819 already  
20 covering the entirety of that lot. So these are kind of building  
21 on top of these incremental agreements over the years.

22 VICE CHAIR MILLER: Okay. Well, thank you for that  
23 response. Finally, DPR, I read their letter and I realize and I  
24 appreciate, as the ANC does, the public space improvements

1 including the public park improvements that are all being -- that  
2 are part of this project. One of their requests, I believe, DPR's  
3 request, involved a playground. Having a two-year-old grandson  
4 now I'm very aware of the need for playgrounds that are accessible  
5 to the public.

6           Anyway, is a playground part of -- is -- can it -- is it  
7 possibly going to be part of one or some of these public space  
8 improvements? I'm just not sure I saw a specific reference that -  
9 - in your application.

10           MR. CHOWFLA: I can take that. So -- and I have a small  
11 8-month-old son, so I understand where you're coming from. So  
12 this particular project does not have a playground on it. You  
13 know, it's a dense site, mixed use building, generally built out  
14 to the lot line to sort of maximize everything.

15           But there is some discussion that we had with the  
16 community with ANC 5D and ANC 5D, specifically SMD 5D01 which is  
17 the SMD that this project is located in was very much focused on a  
18 park called Lewis Crowe Park and that park sits at sort of the --  
19 it's the only real park in SMD 5D01 proper where all of the  
20 single-family homes are and so that's the park that the SMD  
21 specifically asked us to focus on and so that is the park that we  
22 will be focusing on and that park today already has a playground  
23 and so -- and it's a short walk from this site.

24           And so our improvements per their request will be

1 | focused on making that playground feel safer, adding art, adding  
2 | lighting, adding elements of joy and fun for everyone to enjoy  
3 | including little kids and then this project itself will, of  
4 | course, have the streetscape that you all saw that I think also  
5 | just have elements of playfulness that people of all ages can  
6 | enjoy. So I don't know if that answers your question, but maybe  
7 | it'll -- it's helpful as far as our thinking goes (indiscernible).

8 |           VICE CHAIR MILLER: No, it does. It does and I just  
9 | want to -- I wanted you to amplify that and for me to understand  
10 | better where these improvements were going to be and how  
11 | accessible they would be to both the public in the ANC, in the  
12 | SMD, and many people who live in this project. So no, that's --  
13 | that is responsive. I appreciate that and I appreciate all --  
14 | that's it, Mr. Chairman. I think it's a great project and I'm  
15 | pleased to see it evolve to where it is today. Thank you.

16 |           CHAIRPERSON HOOD: Okay. Thank you. I don't have a lot  
17 | of questions. After an hour worth of questions, I don't think I  
18 | have a whole lot to add, but I do want to do some -- ask some  
19 | questions a little differently. Let's talk about the affordable  
20 | housing component.

21 |           I know you meet the IZ 13 percent. I get all that. 11  
22 | percent at 60 percent MFI. 2 percent of, 50 percent of  
23 | (indiscernible). I appreciate -- I believe it was 8 percent of  
24 | the penthouse habitable space at 50 percent MFI. So I think

1 | that's great, but I want to push you a little more. Why couldn't  
2 | we have had 1 percent at 0 to 30 percent of the MFI? And let's  
3 | just go down that road. If not, why don't we look at it? So I  
4 | don't know if that's you, Mr. Chowfla or whomever, but why don't  
5 | we push it even further?

6 |           MR. CHOWFLA: So, you know, we spent a lot of time and I  
7 | truly appreciate the amount of time DHCD spent with us talking  
8 | through all of the various options and scenarios around the  
9 | affordable housing and we sort of looked at all the levers and it  
10 | was really about, I think from DHCD's perspective, having a good  
11 | balance. And so as you noted earlier or someone noted, we  
12 | actually filed this PUD with 10 percent and through conversations  
13 | and discussions have increased that now to 13 percent and we've  
14 | actually increased the component at 50 percent.

15 |           Keeping all of those levers in mind and basically  
16 | through that process pushed the project to sort of its brink, I  
17 | would say, and the highest level in the Union Market district and  
18 | especially for a project of this size without any subsidy, it sort  
19 | of became hard. It's a goal of ours to provide affordable  
20 | housing. It's part of our ethos to produce and create places and  
21 | spaces for everyone and so we really tried and worked hard with  
22 | DHCD and with OP to get it to this number and it really is sort of  
23 | the maximum threshold that we could push the project to.

24 |           And so, you know, it's not -- I'm not directly

1 | responding to your question other than to say we looked at that.  
2 | We tried it. It sort of like meant that there would be a few -- a  
3 | lower percentage. So 13 percent would go down to sort of make the  
4 | overall scheme work if that makes any sense and so this was the  
5 | balanced point that we reached with DHCD.

6 |           CHAIRPERSON HOOD: Okay. And I hear you, but I would  
7 | just ask you to look at it. Even if you just did one unit from 0  
8 | to 30 percent MFI. I mean, I know it's doable. I know it can be  
9 | done and I'm not asking for a whole lot. You're looking at the  
10 | guy who asked for the affordable unit in the Watergate some years  
11 | ago and actually they came back with something. So I know it can  
12 | be done. I'm a living witness that it can be done and I'm -- it's  
13 | not a showstopper for me because I applaud what you have. I'm  
14 | just asking you to look at it and just respond if you could or if  
15 | you can't, but I would like for you to try.

16 |           MR. CHOWFLA: Okay. So you want to see if we can --  
17 | I'll look at it.

18 |           CHAIRPERSON HOOD: Yeah, just look at it.

19 |           MR. CHOWFLA: We will go back and look at it.

20 |           CHAIRPERSON HOOD: Just look at it. Just if you can get  
21 | -- even if you just get one unit. You don't have to -- you know,  
22 | just -- if -- whatever you can do to try to -- because if we start  
23 | doing that on every project and I -- you know, because a lot of  
24 | times when we get to 50 percent and 60 percent, sometimes it's

1 still affordable to who? You know, we're not really reaching the  
2 people -- and I'm not picking on you all. I'm just saying in  
3 general, this is something I think that I'm going to start asking  
4 and I have asked in the past.

5           So I applaud what I see, but let's just see if we can do  
6 something just a little bit more so we can start really impacting  
7 and getting the folks that really need the help the most. Because  
8 I think sometimes if we start now with this project and other  
9 projects reaching one and two and then -- then it'll start getting  
10 the snowball effect. So I'll just leave it at that and if you can  
11 comment when you come back, if you're able and if you're not, just  
12 explain to me why you can't.

13           Also, I would put myself with Commissioner May. I think  
14 he asked for some views. I'm not sure. It was an hour ago,  
15 because I can't remember whether you responded to it or not. But  
16 if you haven't, if you could do that, I would like to see some of  
17 those views from the street level as well. And I don't think what  
18 I asked for in affordable housing was the bad part. The good part  
19 about it is, I love the design. I really do. I like the design.

20           I think it's newer architecture. I like the way the -- I forgot,  
21 Mr. Pilot, what you call those slanted -- I call them slanted  
22 areas, but I really like that.

23           I really think that it's going to make that interest on  
24 New York Avenue and 4th Street where the bank -- we ride by there

1 | looking at that bank for years and I think that's going to really,  
2 | really continue to improve that corridor on Rhode Island Avenue.  
3 | We did MRP as you're coming up the hill and that's going to add to  
4 | it and soon New York Avenue is going to look totally different so  
5 | I want to applaud you all on the design of that facility.

6 |           And also let me applaud you on the work that you have  
7 | done with the community and I appreciate what you're doing with  
8 | the DPR and the -- the park that the area -- that the community  
9 | has identified. I'm sure you can definitely increase the play and  
10 | put it for kids such as your grandkids and others to be able to  
11 | enjoy that facility. So let's work hard on that. You're already  
12 | in dialogue. There's no sense in me saying any more about it. It  
13 | sounds like you all are moving forward.

14 |           I don't think I have any other questions other than  
15 | let's update the ANC letter. If you reach out to 5C and they  
16 | don't reach back to you, I mean that's not a showstopper for me.  
17 | So anyway, I do really appreciate the design and I'll leave it at  
18 | that.

19 |           Mr. Chowfla, do you have any questions of my ask?

20 |           MR. CHOWFLA: I do not. Thank you very much for your  
21 | feedback.

22 |           CHAIRPERSON HOOD: Okay. Well, thank you for  
23 | considering it and we'll go from there. We'll just see what -- if  
24 | something comes back, we'll see.



1 All right. Commissioners, any follow-up questions or  
2 comments?

3 (No response.)

4 CHAIRPERSON HOOD: All right. Great. Let's go to --  
5 Mr. Barron, do we have anybody from ANC 5D or 5C here? I don't  
6 believe so. I did look. I'm looking myself too.

7 MR. BARRON: Yes, we don't have anyone who registered  
8 and I don't see anyone's name, any name I recognize anyways, in  
9 the attendee list.

10 CHAIRPERSON HOOD: Okay. I got you. Let's go to --  
11 thank you, Mr. Barron. Let's go to the Office of Planning and the  
12 District Department of Transportation and I think we can keep  
13 those presentations brief, Mr. Jessick and I think Ms. Vacca?

14 MR. JESSICK: Thank you, Mr. Chairman and members of the  
15 Commission. The Office of Planning recommends approval of this  
16 consolidated PUD. On balance, OP finds the project to be not  
17 inconsistent with the Comprehensive Plan. Those areas where the  
18 project is not directly consistent such as the PDR use are  
19 outweighed when balanced against the provision of housing and  
20 affordable housing near transit in a mixed use neighborhood and  
21 the opportunities for economic development provided by the ground  
22 floor commercial space.

23 In fact, the Comprehensive Plan framework element  
24 identifies the lack of affordable housing in the District as we

1 all know as one of the most critical issues facing the city and it  
2 specifically calls out affordable housing above and beyond the  
3 legal requirements as a high priority benefit in the evaluation of  
4 PUDs. OP therefore also finds that the proffered benefits are  
5 commensurate with the degree of flexibility requested. Project  
6 would be particularly strong in the housing and affordable housing  
7 benefit categories and would also further the employment and  
8 training opportunities benefit category.

9 So again, OP recommends approval of the PUD, but it does  
10 continue to encourage the applicant to make a stronger PDR  
11 commitment and to add additional balconies on the western façade.  
12 Thank you, and I'd be happy to take any questions.

13 CHAIRPERSON HOOD: Thank you, Mr. Jessick. Let's go to  
14 Ms. Vacca, DDOT.

15 MS. VACCA: Thank you, Mr. Chair. For the record, my  
16 name is Kimberly Vacca with the District Department of  
17 Transportation. DDOT is supportive of the requested approval of  
18 the Consolidated Planned Unit Development and Map Amendment  
19 applications to permit construction of the mixed use development  
20 at 1438 4th Street, Northeast.

21 The proposed development is expected to generate 67 in-  
22 bound and out-bound and peak hour trips and 146 in-bound and out-  
23 bound p.m. peak hour trips. As such, the Applicant was required  
24 to submit a Comprehensive Transportation Review or CTR study. The

1 Applicant is proposing potentially up to 276 off-street vehicle  
2 spaces in a below grade parking garage which is 47 spaces above  
3 DDOTs preferred parking maximums. The study assumed 30 to 35  
4 percent of trips to travel by vehicle. Given the high parking  
5 ratio, DDOT required the Applicant to mitigate the transportation  
6 impact through an enhanced Transportation Domain Management or TDM  
7 plan.

8           Since DDOTs December 30th report, the Applicant and DDOT  
9 have met to discuss DDOT's proposed recommendations to modify the  
10 Applicant's TDM plan. DDOT and the Applicant have come to an  
11 agreement for a revised TDM plan. Changes to the TDM plan from  
12 DDOT's memo include changing one condition to the following.

13           If the Applicant chooses to construct the additional  
14 lowest level vehicle parking, Level 3, Level P3, a minimum of 325  
15 long-term bicycle parking spaces will be constructed on the B1,  
16 P1, and P2 levels. The remainder of the long-term bicycle parking  
17 spaces totaling a site-wide 410 long-term bicycle parking spaces  
18 would be located in the P3 level or anywhere in the parking  
19 garage.

20           Otherwise, the proposed development meets DDOTs  
21 requirements for loading and providing head-in and head-out  
22 movements from the adjacent easement and for other DDOT public  
23 space regulations. Overall, DDOT supports the project with the  
24 proposed TDM plan and welcomes any questions. Thank you.

1 CHAIRPERSON HOOD: Okay. Thank you both. Let me ask.  
2 Mr. Jessick, could you just speak quickly to the racial equity of  
3 this project?

4 MR. JESSICK: Certainly. Of course the Comprehensive  
5 Plan direct us to evaluate all projects through a racial equity  
6 lens and the first thing that comes to mind is the provision of  
7 affordable housing and this application goes beyond what is  
8 required in the zone to a higher level of affordable housing at 13  
9 percent and a deeper level of affordability with some of those  
10 units available at 50 percent MFI.

11 We also look at healthy communities as we know  
12 environmental impacts tend to fall disproportionately on minority  
13 communities and by building a healthier city, we hope that we can  
14 mitigate some of those impacts. This would help create a walkable  
15 community, would hopefully create a healthier streetscape  
16 environment and would bring more people closer to jobs and also  
17 provide employment opportunities in close proximity to transit and  
18 other residential uses.

19 So it would also help to create access to employment for  
20 various communities within the city. So we feel that on balance  
21 this project would meet the racial equity goals of the  
22 Comprehensive Plan.

23 CHAIRPERSON HOOD: Thank you, Mr. Jessick and thank you  
24 Ms. Vacca for all the work that DDOT has done with the Applicant

1 as well.

2 Let's see if we have any follow-up questions or  
3 comments. Commissioner May?

4 COMMISSIONER MAY: (No audible response.)

5 CHAIRPERSON HOOD: Commissioner Shapiro?

6 (No response.)

7 CHAIRPERSON HOOD: I think Commissioner Shapiro had to  
8 drop off. Okay. He will be reading the rest of this which  
9 probably won't be much.

10 Commissioner Imamura?

11 COMMISSIONER IMAMURA: No further comments.

12 CHAIRPERSON HOOD: And Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you both for your reports.

14 CHAIRPERSON HOOD: Okay. Does the -- Mr. Utz, do you  
15 have any questions of either Office of Planning or DDOT?

16 MR. UTZ: I do not. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you. Thank you both.  
18 Appreciate your reports and all the work that you put in.

19 The other -- and this has already been mentioned. The  
20 other government agencies that have opined on this case,  
21 Department of Energy and the Environment, Department of Parks and  
22 Recreation, and Department of Housing and Community Development  
23 and I think we have spoken to those pretty clearly which is  
24 Exhibit -- DOE is Exhibit 36, DPR is Exhibit 37, and DHCD is

1 Exhibit 38. I thought it was 40, but maybe it's 42. Okay. No,  
2 Office of -- okay. So it's Exhibit 40.

3 All right. Let's go to -- again, Mr. Barron, I don't  
4 believe we have anyone here to testify. Let me just do one last  
5 check; opposition, support, or undeclared?

6 MR. BARRON: We have no one signed up to testify and I  
7 don't believe there's anyone in the queue, Mr. Chair.

8 CHAIRPERSON HOOD: Okay. Thank you. And I did not see  
9 any of the Commissioners on the list as well from the list that I  
10 can see. So with that, again as we've already asked, Mr. Utz, if  
11 we can just follow-up with some updated ANC letters then I think  
12 that'll be sufficient for the record and some of the other things  
13 that my colleagues have asked for.

14 Mr. Utz, do you have any rebuttal or closing?

15 MR. UTZ: Thank you, Commissioner Hood. No rebuttal.  
16 We really appreciate the Agency's time. Again, it's been really  
17 helpful working with OP, DDOT. I'll just go ahead and list them;  
18 DHCD, DOE, DPR. We think that the project is better. I know that  
19 the Commission mentioned that before and we agree. We're excited  
20 about where the project is and really happy with the state of the  
21 design and the state of the package. It's really a fantastic  
22 blend of a lot of great things that we think are going to be great  
23 for Union Market. So we don't have any rebuttal. We're really  
24 pleased to be able to present to you tonight. We do know what the

1 Commission is asking. We're happy to submit in a post-hearing  
2 submission everything that you asked for and again, we appreciate  
3 your time. Thank you, so much.

4 CHAIRPERSON HOOD: Thank you. Thank you, Mr. Utz. I  
5 have one last question. Were you really happy to come in front of  
6 the Commission tonight or were you just saying --

7 MR. UTZ: Yeah.

8 CHAIRPERSON HOOD: -- that to make us feel better?

9 MR. UTZ: No, I've --

10 CHAIRPERSON HOOD: Okay.

11 MR. UTZ: This will -- yeah, absolutely. I'm always  
12 happy to come in front of the Commission, but this one feels like  
13 the culmination of a really long kind of journey to perfect it so  
14 we're excited about this one.

15 CHAIRPERSON HOOD: Okay. And thank you and let me thank  
16 the team for all the work you have done. I really believe, while  
17 we pushed a little more, I really believe that this shoes when  
18 you've done due diligence in working with all parties involved,  
19 especially residents of the city, this has a lot to do with it and  
20 I know they're looking forward to it. Like Saturdays, I know what  
21 they do at Union Market when it's nice weather so I'm sure that  
22 this is going to be the place to be in D.C., so.

23 Let me see. Now, Commissioners -- some Commissioners  
24 have asked for some things and then Mr. Barron, can we come up

1 | with some dates? Do we need to go over that list, Mr. Utz? You  
2 | and Mr. Barron or y'all can work on that together or at a later  
3 | time?

4 |           MR. UTZ: I don't think we need to go over it. I'm  
5 | happy to, but I think we have a strong handle on what we need to  
6 | submit in the post-hearing and we're happy to do it.

7 |           CHAIRPERSON HOOD: Okay. Sounds good. Mr. Barron, do  
8 | you have any dates for us?

9 |           MR. BARRON: I'm not entirely sure what the regulations  
10 | call for on this, I apologize. I know typically with the ANCs  
11 | afterwards they have about seven days on the -- according to the  
12 | regs to submit something, but I'm not sure where Ms. Schellin  
13 | would normally go --

14 |           CHAIRPERSON HOOD: Okay. We --

15 |           MR. BARRON: -- out with this.

16 |           CHAIRPERSON HOOD: I understand. So why don't we do  
17 | this? I think we have to make it a public announcement. I'm sure  
18 | Ms. Lovick or somebody will tell me if we do. We will just -- I  
19 | would ask if anyone has any questions who is listening to this  
20 | hearing tonight about follow-up for this case, when the Commission  
21 | will consider it, I would ask that you please call the Office of  
22 | Zoning at 202-727-6311. I think that's the -- is that the main  
23 | number, Mr. Barron? Okay.

24 |           MR. BARRON: I believe so. I don't have it in front of



1 me. Unfortunately, I have to look it up.

2 CHAIRPERSON HOOD: Okay. Mr. Utz is saying yes so I'm  
3 sure that's the same. 202-727-034 -- 202-727-6311 and I think we  
4 can do that. Ms. Lovick?

5 MS. LOVICK: Hi. No, I just -- I was just chiming in  
6 because -- so this is a two vote, so I just want to confirm you're  
7 not wanting to take proposed action tonight?

8 CHAIRPERSON HOOD: I think you are correct.

9 MS. LOVICK: Not today?

10 CHAIRPERSON HOOD: Yes, you are correct.

11 MS. LOVICK: Okay. Okay. Just want to make sure.

12 CHAIRPERSON HOOD: Okay.

13 MS. LOVICK: All right. And then, I mean, typically in  
14 the situation you would set a time frame for these submissions to  
15 come in. You can do that within a 7-day period and then set a  
16 time for responses. I mean --

17 CHAIRPERSON HOOD: So let me ask you this. Ms. Lovick,  
18 can you help Mr. Barron out with that?

19 MS. LOVICK: Yeah. Sorry, I'm not looking at a  
20 calendar. I apologize. I chimed in before I pulled up a  
21 calendar. I'm very spoiled by Sharon. Just give me a second.  
22 Okay?

23 CHAIRPERSON HOOD: Okay. Mr. Barron, Ms. Lovick is  
24 going to help us with that.

1 MS. LOVICK: Yeah. Just one second.

2 CHAIRPERSON HOOD: Y'all bear with us. Sometimes you're  
3 not used to doing something. I don't have a calendar either. I  
4 know it's so many days and I usually just leave it -- we leave  
5 that up to Sharon and Mr. Barron is not -- he's not new anymore,  
6 but he's catching on and he's -- we're having a great hearing  
7 tonight. We don't always get everything right off, you know,  
8 everything so.

9 COMMISSIONER MAY: You know, I would just venture to say  
10 our next meeting is on Thursday, so we're clearly not going to  
11 take anything up then. So then two weeks following that, so 17  
12 days from now. It seems to me that if the Applicant can get the  
13 feedback pretty quickly, which I would expect you could, then we  
14 would be able to make the meeting on the 27th. I don't know what  
15 the timing is on when things have to be submitted. That's where  
16 hopefully Ms. Lovick and Mr. Barron can fill it in, but given the  
17 kind of stuff that we asked for and the fact that I don't think  
18 it'll be super hard to produce, it seems like the 17th is doable.

19 CHAIRPERSON HOOD: So in that case, I think we go back  
20 seven days from the day of our next meeting. Is that what we do?  
21 Hang on. Let me --

22 MS. LOVICK: Yeah. Why don't --

23 CHAIRPERSON HOOD: Let me just be quiet, Ms. Lovick.

24 MS. LOVICK: So could you submit -- could you provide

1 | the post-hearing submissions by Monday, January 17th and then  
2 | responses --

3 |           CHAIRPERSON HOOD: The 17th is a holiday, so we might  
4 | have to make it --

5 |           MS. LOVICK: Oh, it is.

6 |           CHAIRPERSON HOOD: We have to make it the 18th.

7 |           MS. LOVICK: I apologize. You know, I thought it was on  
8 | the 20th, but you're right. It's on -- that is a holiday. All  
9 | right. Do it for Tuesday the 18th by 3:00 p.m. and we can receive  
10 | responses into the record by the 25th at 3:00 p.m. and then we'll  
11 | put this on for proposed action on the calendar for the meeting on  
12 | the 27th. So that's the -- the responses would be the 25th at 3  
13 | p.m. and then the post-hearing submissions would be the 18th at 3  
14 | p.m.

15 |           Does that work for the Applicant?

16 |           MR. UTZ: It does. Yes, that's great.

17 |           MS. LOVICK: Okay. Excellent.

18 |           COMMISSIONER MAY: I would think --

19 |           MS. LOVICK: All right.

20 |           COMMISSIONER MAY: I would -- also just want to add I  
21 | think that the -- if we're going to try to get a report from the  
22 | ANC, that could come in at a later date. It doesn't need to be by  
23 | next Tuesday. That would come --

24 |           MS. LOVICK: Yeah, exactly.

1 COMMISSIONER MAY: -- (indiscernible).

2 MS. LOVICK: I mean, you could --

3 COMMISSIONER MAY: Yeah.

4 MS. LOVICK: You could obviously take proposed action  
5 without getting that --

6 COMMISSIONER MAY: True.

7 MS. LOVICK: -- that final report from the ANC.

8 COMMISSIONER MAY: Right.

9 MS. LOVICK: But that's something that we would -- will  
10 hope that the Applicant can facilitate because obviously the  
11 application has been amended. And so -- and just so we're clear,  
12 I think you said you wanted some streetscape renderings, the ANC  
13 was one of the things, you wanted some consideration with regard  
14 to the canopy detail that was on the roof of the property, and Mr.  
15 Hood you wanted some consideration for adding a single 30 percent  
16 AMI unit.

17 CHAIRPERSON HOOD: 0 to 30 percent, but I'll --

18 MS. LOVICK: And what was the last thing?

19 CHAIRPERSON HOOD: -- see what they come up with.

20 MS. LOVICK: Oh, I think the last thing -- no, that was  
21 everything.

22 COMMISSIONER MAY: Yeah, that's everything --

23 MS. LOVICK: That was everything.

24 COMMISSIONER MAY: -- on my list.

1 MS. LOVICK: Yeah, I believe that's everything.

2 CHAIRPERSON HOOD: All right.

3 MS. LOVICK: All right.

4 CHAIRPERSON HOOD: Thank you so much, Ms. Lovick.

5 Excellent.

6 MS. LOVICK: Sure.

7 CHAIRPERSON HOOD: Excellent, Ms. Lovick --

8 MS. LOVICK: All right.

9 CHAIRPERSON HOOD: -- and Mr. Barron.

10 MR. BARRON: Yes, thank you for --

11 MS. LOVICK: Right.

12 MR. BARRON: -- the assistance. I appreciate it.

13 MS. LOVICK: Sure.

14 CHAIRPERSON HOOD: So Mr. Utz, so we're all straight  
15 right, Mr. Utz? You're good with those dates and everything?

16 MR. UTZ: We are good with those dates. Would the  
17 expectation be that the draft findings of fact and conclusions of  
18 law is also submitted on the 18th?

19 MS. LOVICK: That's fine. If you're -- yes. If you're  
20 ready to do that, yes.

21 MR. BARRON: Yes.

22 MS. LOVICK: Yes.

23 MR. UTZ: All right.

24 CHAIRPERSON HOOD: Okay.

1 MS. LOVICK: Okay.

2 CHAIRPERSON HOOD: All right. I want to just thank  
3 everyone for everything. Ms. Lovick, thank you for your help.  
4 Mr. Barron, thank you for your help tonight. Mr. Young, as always  
5 and also Mr. Liu, the Zoning Commission. I want to thank everyone  
6 for their participation in this hearing tonight and we appreciate  
7 all the work that's been done.

8 The Zoning Commission will be meeting again on January  
9 the 13th. As Commissioner may has already alluded to, that's  
10 going to be our regular meeting. We have various agenda items on  
11 the agenda and we will start at 4:00 p.m. on these same platforms.  
12 So unless anyone has anything else, I want to thank everyone for  
13 their participation tonight and this is adjourned. Good night.

14 (Whereupon, the above-entitled matter went off the record at  
15 6:22 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 01/10/22

Place: Teleconference

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