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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning  
Zoning Commission of the District of Columbia

PUBLIC HEARING

CASE NO. 14-12

(EAJ 1309 5TH STREET LLC, FIRST STAGE AND  
CONSOLIDATED PUDS AND MAP AMENDMENT @ SQUARE 3591)

6:36 to 9:08 p.m.

Monday, January 5, 2015

441 4th Street, N.W.

Jerrily R. Kress Memorial Room

Second Floor Hearing Room, Suite 220 South

Washington, D.C. 20001

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1 APPEARANCES:

2

3 Board Members:

4 ANTHONY HOOD, Chairman

5 ROBERT MILLER

6 PETER MAY

7 MICHAEL TURNBULL

8

9 Office of Zoning:

10 SHARON SCHELLIN, Secretary

11 SARA BARDIN, Director

12 ESTHER BUSHMAN

13 ZEE HILL

14

15 Office of Planning:

16 JENNIFER STEINGASSER

17 JOEL LAWSON

18 BRANDICE ELLIOT

19

20 DDOT:

21 JONATHAN ROGERS

22 ANNA CHAMBERLIN

23 JAMIE HENSON

24

25

1 APPEARANCES (continued):

2

3 DDOE:

4 JAY WILSON

5

6 ALSO ATTENDING:

7 JEFF C. UTZ, Goulstin & Storrs

8 JEFF KAUFMAN, Edens

9 GEOFF SHARPE, Edens

10 ROBERT SPONSELLER, Shalom Baranes Architects

11 DAN VANPELT, Gorove/Slade Associates

12 Transportation Planners and Engineers

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

2 CHAIRMAN HOOD: Good evening, ladies and  
3 gentlemen. I want to welcome everybody back from  
4 the holiday season. I hope you had a great  
5 holiday, however you celebrate.

6 Good evening, ladies and gentlemen. This  
7 is a Public Hearing of the Zoning Commission for  
8 the District of Columbia, for Monday, January the  
9 5th.

10 My name is Anthony Hood. Joining me are  
11 Commissioners Miller, May, and Turnbull. We are  
12 also joined by the Office of Zoning staff, Ms.  
13 Sharon Schellin; from the Office of Planning, Ms.  
14 Steingasser and Mr. Lawson, Ms. Elliott; from the  
15 District Department of Transportation, Mr. Rogers,  
16 Ms. Chamberlin, and Mr. Henson.

17 This proceeding is being recorded by a  
18 court reporter. It's also webcast live.

19 This proceeding is being recorded by a  
20 court reporter and is also webcast live.  
21 Accordingly, we must ask you to refrain from any  
22 disruptive noises or actions in the hearing room,  
23 including display of signs or objects.

24 Notice of today's hearing was published  
25 in the D.C. Register and copies of that

1 announcement are available to my left on the wall  
2 near the door. Again, we are located in the  
3 Jerrily R. Kress Memorial Hearing Room.

4           The hearing will be conducted in  
5 accordance with provisions of 11 DCMR 3022 as  
6 follows: preliminary matters; Applicant's case;  
7 report of the Office of Planning; report of other  
8 government agencies; report of the ANC, in this  
9 case, the ANC is 5D; organizations and persons in  
10 support; organizations and persons in opposition;  
11 rebuttal and closing by the Applicant.

12           The following time constraints will be  
13 maintained in this meeting. The Applicant has up  
14 to 60 minutes, organizations 5 minutes,  
15 individuals 3 minutes. The Commission intends to  
16 adhere to time limits as strictly as possible in  
17 order to hear the case in a reasonable period of  
18 time.

19           All persons appearing before the  
20 Commission are to fill out two witness cards.  
21 These cards are located to my left, on the table  
22 near the door. Upon coming forward to speak to  
23 the Commission, please give both cards to the  
24 reporter sitting to my right before taking a seat  
25 at the table. When presenting information to the

1 Commission, please turn on and speak into the  
2 microphone, first stating your name and home  
3 address. When you are finished speaking, please  
4 turn your microphone off, so that your microphone  
5 is no longer picking up any sound or background  
6 noise.

7           The staff will be available throughout  
8 the hearing to discuss procedural questions.  
9 Please turn off all beepers and cell phones at  
10 this time so not to disrupt these proceedings.

11           Would all individuals wishing to testify  
12 please rise to take the oath. Ms. Schellin, would  
13 you please administer the oath.

14           MS. SCHELLIN: Yes. Please raise your  
15 right hand. Do you solemnly swear or affirm the  
16 testimony you will give this evening will be the  
17 truth, the whole truth, and nothing but the truth?

18           WITNESSES: I do.

19           [Witnesses sworn en masse.]

20           MS. SCHELLIN: Thank you.

21           CHAIRMAN HOOD: Okay. At this time the  
22 Commission will consider any preliminary matters.  
23 Does the staff have any preliminary matters?

24           MS. SCHELLIN: Just a couple. We've  
25 received the Affidavit of Maintenance. It's in

1 order, and the Applicant has proffered some expert  
2 witnesses. All of the witnesses have previously  
3 been accepted by this Commission before.

4 CHAIRMAN HOOD: Okay. Anything else?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay. Commissioners, as  
7 stated by Ms. Schellin that all the witnesses  
8 we've had previously have been accepted, or may go  
9 back some years. Any objections to any of them,  
10 or any questions?

11 Okay. Mr. Utz, we will accept all as  
12 expert witnesses, and you can identify yourself  
13 and you may begin.

14 MR. UTZ: Great. Thank you so much. My  
15 name is Jeff Utz. I'm with Goulstin & Storrs.  
16 Thank you for allowing us the opportunity to come  
17 here this evening and spending the first true,  
18 kind of business day of 2015 with us. I think  
19 it's a good way to start a new year.

20 I'm here on behalf of --

21 CHAIRMAN HOOD: Can I ask you a question?  
22 Do you really mean that, or are you just saying  
23 that?

24 [Laughter.]

25 MR. UTZ: Given how much time has gone



1 into this one, I really do, in this case.

2 CHAIRMAN HOOD: Okay. All right.

3 MR. UTZ: I really do.

4 CHAIRMAN HOOD: Okay. I'll deal with  
5 that one. That's good.

6 [Laughter.]

7 MR. UTZ: I'm here on behalf of the  
8 Applicant, EAJ 1309 5th Street, LLC, and with me  
9 today, at the table before you, are Jeff Kaufman  
10 and Geoff Sharpe of the Edens, testifying on  
11 behalf of the Applicant; Dan Duke, all the way to  
12 your right, from Bohler Engineering; Alisa Brem is  
13 also just to my right, your left of me, also of  
14 the Applicant; Robert Sponseller of Shalom Baranes  
15 Architects; Dan VanPelt of Gorove/Slade; and then  
16 Mark Pelusi of Mahan Rykiel, the landscape  
17 architect of the project. Also, we have some  
18 folks in the audience who probably won't come up,  
19 but they're here with the team.

20 The application before you is for  
21 consolidated and first-stage PUD, and related  
22 zoning map amendment from the C-M-1 zone district  
23 to the C-3-C zone district, for the property known  
24 as 1309 to 1325 5th Street, N.E., which is also  
25 known as Lot 800 in Square 3591.

1           The property consists of approximately  
2 85,820 square feet of lot area, and it's currently  
3 improved with two structures. The first is the  
4 unique artisanal market and event space known as  
5 The Market at Union Market, in the existing south  
6 building, and the warehouse and distribution  
7 facility in the existing north building. The  
8 consolidated PUD is requested for the south  
9 building, while the Phase 1 approval is requested  
10 for the north building.

11           A few quick words about some of the  
12 planning documents and such. The project is  
13 consistent with the goals of the Florida Avenue  
14 Market Small Area Plan and the Comprehensive Plan  
15 of the District. It is designated as high-density  
16 commercial, medium-density residential, and  
17 production distribution and repair by the  
18 Comprehensive Plan's Future Land Use Map.

19           The project truly is a mixed-use project,  
20 with up to 541,400 square feet of overall  
21 development in a retail theater and/or office or  
22 residential use. This amounts to a maximum FAR of  
23 6.3 and a building height of 120 feet. This truly  
24 will act as a catalyst, a further catalyst, for  
25 the 45-acre Market District, and as you will see

1 tonight, we are very excited about this project.

2 I'd like to turn it over to Jeff Kaufman  
3 of the Applicant to say a few more words about the  
4 Applicant. Thanks.

5 MR. KAUFMAN: Thank you, Jeff. Again, my  
6 name is Jeff Kaufman. I'm with Edens, and I really  
7 do want to thank the Zoning Commission for  
8 scheduling us tonight, coming right off the new  
9 year.

10 This project has sort of become a work of  
11 passion for the Edens team, and I just would point  
12 out that if you look at the audience here, with a  
13 raise of hands, how many people are from Edens in  
14 the audience? I'm just curious. So you can see  
15 that we have a pretty strong group here and a  
16 pretty big interest in what's going on here.

17 To orient the Zoning Commission, if you  
18 can go to the next page, this -- can you hear me?  
19 -- this, this is the, what we call Union Market.  
20 It's a 45-acre piece. And what we've done here is  
21 we've taken the liberty of superimposing one of  
22 OP's Small Area Plan plans into a broader plan. So  
23 you can see Gallaudet University, the 45 acres  
24 that we refer to as Union Market, the new Metro,  
25 NoMa-Gallaudet Metro stop is here, Ivy City. This

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1 is Ivy City here, New York Avenue here, coming in  
2 and out of the city, and then the main Metro line  
3 running here. Next slide, please.

4 Just to sort of further focus everybody  
5 on The Market, the 45 acres, again, is sort of  
6 bounded by Florida Avenue -- Jeff Utz is kind of  
7 tall. I'm having trouble seeing over his head --  
8 Florida Avenue, 6th Street, Penn, and then the  
9 railroad tracks and New York Avenue, and that is  
10 the 45 acres. We've been in front of the  
11 Commission previously to talk about Gateway  
12 Market, which is PUD on the corner of 4th and  
13 Florida. It's 200 apartments and about 30,000  
14 square feet of retail, and we are very hopeful  
15 that that will start construction as soon as the  
16 weather improves this year, so March or April  
17 construction commencement.

18 Union Market itself, which we opened in  
19 2012, is a 40-vendor artisanal market with an  
20 event space that we call Dock 5 upstairs. We've  
21 had over 100 events at Union Market and Dock 5  
22 since 2012. We have 550 Penn, which we've also  
23 been in front of the Zoning Commission before on.  
24 This is an important, I think, piece to point out  
25 because one of the visions that we've always had

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1 here is to maintain the historic fabric and  
2 maintain the wholesale and production uses that  
3 have historically occurred here. So in this  
4 building, which was an old flour market, there is  
5 a Dolcezza Gelato, which is -- it's their  
6 manufacturing facility, so they make all their  
7 gelato for all their locations here, as well as  
8 have a sort of secret little coffee and gelato  
9 shop, which is a really cool, to spend a corner on  
10 that afternoon, on a nice day, because you can  
11 actually see the Capitol from the sidewalk.

12 In between that we've done what we call  
13 Pop-Up movie theater. It's a first of its kind in  
14 the country. It's a three-screen Angelika movie  
15 theater, and it's really the temporary location  
16 for Angelika until we open them their eight-screen  
17 facility in the building we're here to talk to you  
18 about tonight.

19 There is, next to that, is a, Michael  
20 Babin has a charcuterie production facility, where  
21 he makes all of his charcuterie for his Red Apron  
22 store, as well as a number of his other  
23 restaurants. He also bakes bread there. Next to  
24 that is the Maurice Electric building, which isn't  
25 highlighted here, but in Maurice Electric we've

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1 put a group called Vango, which is a technology  
2 start-up company that's opened up a new office  
3 there, which is pretty exciting.

4 At 1340 4th Street is going to be a  
5 1,900-square-foot, high-end, white-tablecloth  
6 restaurant, which should open in the middle of  
7 this year. Next to that is the Shapiro Building,  
8 which is, we've previously been in. We've had our  
9 set down in front of Zoning Commission and we'll  
10 be back in February to present that building to  
11 you.

12 So there's a number of things sort of  
13 going on in The Market, and the subject tonight is  
14 the PUD for the, the combined PUD for the north  
15 and south buildings, so it's a consolidated PUD  
16 for the south building and a stage-one PUD for the  
17 north building. Next slide, please.

18 I'm going to geek out a little bit on you  
19 guys, because I'm sort of a history buff here.  
20 The Market -- some of you may know this, but The  
21 Market was originally Robert Brent's manor, and he  
22 was the first mayor of D.C. So that was located  
23 on this site. In 1890, what was called Boundary  
24 Road was turned, was renamed Florida Avenue  
25 Market, or Florida Avenue, and so that's, that

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1 Florida Avenue is the boundary for the L'Enfant  
2 Plan, right here.

3           In 1919, or in 1917, the site was used  
4 for World War I training facility for soldiers.  
5 In 1919, Hechinger's bought a big portion of it  
6 and used it as a lumber yard. And then, in 1931,  
7 the Union Market Terminal was established, and  
8 essentially it was the relocation of the Central  
9 Market, which moved from the Mall, which is  
10 currently the National -- where currently the  
11 National Archives building is. It was a 2-acre  
12 site there, and it was moved. It was actually  
13 founded -- the original Central Market was founded  
14 by George Washington, and it was moved, in 1931,  
15 here. Next slide, please.

16           So, we've always had -- and I think we've  
17 said this before -- sort of macro- and micro-  
18 vision for The Market. We wanted it to have a  
19 district-wide appeal, but we also wanted it to  
20 have a specific community appeal, so that it  
21 became a community gathering place but also  
22 brought people from all over the city, and,  
23 frankly, the whole metro area. And I think we've  
24 been fairly successful in doing that with The  
25 Market itself. If you go there -- and, hopefully,

1 everyone has been there -- there is a strong  
2 neighborhood presence there, but there's also, you  
3 know, Maryland and Virginia license plates on the  
4 weekends, which we think is a great thing.

5 Part of the vision was always to create a  
6 sustainable neighborhood through retail, dining,  
7 music, film, and then the introduction of  
8 additional uses like residential and alternative  
9 office space. So these elements, designing the  
10 music, the retail, are all sort of the things that  
11 we're trying to achieve here. Next slide.

12 So, today, The Market itself is, as I  
13 mentioned, 40 vendors. You can see sort of some  
14 of the vendors here. Salt and Sundry, I think  
15 it's worth sort of repeating a little bit of some  
16 of their story. Salt and Sundry, she was an  
17 online blogger. This was her first retail  
18 business. We worked with her, created a business  
19 plan, helped her put it together, helped her build  
20 out her space, and now she's got another location  
21 on 14th Street, and she's sort of off and running  
22 as a small business.

23 Harvey's Market is a really great story.  
24 They were one of the original vendors in the  
25 Florida Avenue Market, when it was built in the



1 '60s, or even prior to that. We worked with them  
2 when The Market burned down to sort of reconfigure  
3 their approach to butchering, and put them in  
4 touch with a number of local vendors, and so  
5 they're one of, sort of our strong tenants at The  
6 Market today.

7 Almaala Farms, again, also was one of the  
8 original vendors at The Market, and the great  
9 thing about him is his farm is in Prince George's  
10 County, so it's a very local -- local produce,  
11 local business, local farmer. A couple of the  
12 other ones, Rappahannock Oysters, I think  
13 everybody knows, that's a Virginia company.  
14 Regardless -- I won't go through them all, but  
15 these are all local, incubated businesses that  
16 have gone into Union Market.

17 We hit on this already. These are the  
18 three -- this is the, these are two businesses  
19 that are in the 550 Building, and, you know, it  
20 was very important to maintain that wholesale and  
21 manufacturing component within The Market, and so  
22 these two groups were particularly brought here to  
23 help maintain that fabric. Next slide, please.

24 This is the Angelika Pop-Up. I actually  
25 recommend that you go there. It's amazing what

1 you, we, what they did, what the Angelika team did  
2 with the inside of this old warehouse building.  
3 It's probably one of the nicest movie theaters  
4 I've ever been in, and it's a pop-up.

5           Then, just some of the other things that  
6 are going on right now, we have some local artists  
7 that have studios here. This is a lighting artist  
8 who makes lighting. He made the chandelier in  
9 Union Market. We also have John Dreyfuss. I  
10 don't know if you know that name or not, but he's  
11 a fairly well-known sculptor whose in residence in  
12 one of our other buildings. You can see the  
13 Vango, which is the technology company that's  
14 moved in, and then Thread, which is the Dock 5,  
15 the event space. It's been a really interesting  
16 concept.

17           Basically, what we've done is pop-up  
18 retail. You know, The Market, in general, has  
19 been very food-oriented, and so we've brought true  
20 retail goods to The Market in different, sort of  
21 both local and from outside, to see, you know, if  
22 they can be successful, and these events have just  
23 gone over exceedingly well, and have brought  
24 people from all over the city. Next slide,  
25 please.

1           Finally, in terms of the community  
2 engagement and community events, we, like I said,  
3 we have had over 100 events since we opened The  
4 Market in 2012, everything from chess tournaments  
5 to, we run an outdoor movie theater, a drive-in  
6 movie theater, where people come and park and  
7 watch a movie, or you can come and bring a lawn  
8 chair and watch a movie.

9           We have a program with the Wheatley  
10 School, which is in Trinidad, a public school in  
11 Trinidad, where they bring their students over to  
12 The Market for different tours. We have a guy  
13 there named Richie Brandenburg who sort of takes  
14 them through all different kinds of fun exercises,  
15 like how to buy groceries for a meal, and all that  
16 kind of stuff.

17           D.C. Scoop, you know, a number of other  
18 things. We've also had a number of Sunday  
19 Suppers, which is one of our partners with James  
20 Beard out of New York, and these were the first  
21 Sunday Suppers done in D.C., which was really, in  
22 the food world, is a really big sort of thing.  
23 Next slide, please.

24           So, with that, I'm going to stop talking,  
25 but I'll just talk a little bit about the public

1 realm. I tend to run on, so, I'm getting looks  
2 like I'm running out of my time, from my team  
3 here. But, in terms of the public realm, we  
4 wanted to -- there was a few things that we wanted  
5 to specifically address tonight, and I think it  
6 will be addressed sort of throughout the process.

7           But the main sort of components are the  
8 plaza here, the park here, and then the treatment  
9 of 5th and 6th Street. So, a couple of things to  
10 point out with that. One is, the plaza, because  
11 it's part of the consolidated PUD here and then  
12 the stage-one PUD here, there will be an interim  
13 condition that we'll need to have this plaza in,  
14 until the retail that is part of the stage one  
15 comes in. I just want to point that out, and we  
16 can expand on that more.

17           And then, as well as the park here, in  
18 front of existing Union Market, we'll probably  
19 need an interim condition where, while we work,  
20 and wait for our neighbor, Gallaudet, and their  
21 development partner, JBG, to sort of mirror what  
22 we're doing on our side of the property line, so  
23 that, combined, we sort of create a unique urban  
24 park here.

25           With that, I'll turn it over to Geoff

1 Sharpe.

2 MR. SHARPE: Good evening. My name is  
3 Geoff Sharpe with Edens, and if you can go to the  
4 next slide, please. So, when we were approaching  
5 the initial design of the redevelopment of this  
6 parcel at Union Market -- and I'm going to steal a  
7 little bit of our architect's thunder, I'm afraid  
8 -- one of the things that was very important to  
9 us, and I think to some of the neighbors, and also  
10 to some of the folks that we've spoken to on  
11 staff, and this is also, I think, identified in  
12 the Small Area Plan, was that it's quite important  
13 that there be pedestrian connectivity east and  
14 west through The Market.

15 If you've been up to The Market, you're  
16 probably aware that they are quite long blocks  
17 heading north and south, and we felt that, just in  
18 terms of being able to bring some of our neighbors  
19 at Gallaudet further into the 45 acres, and  
20 providing some additional connections, it was  
21 quite important that we maintain what you saw in  
22 the previous slide, the plaza and the park, to  
23 allow that to happen. That also has the nice  
24 effect of also breaking up, just architecturally,  
25 some of the long blocks, just to break down some

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1 of the scale of some of the larger buildings and  
2 larger blocks at The Market. Next slide, please.

3 And here, again, we see the site plan of  
4 the development, with the plaza to the north,  
5 between the consolidated PUD for what we call the  
6 south building, and the stage-one PUD, which is  
7 the north building, as well -- oh, thank you very  
8 much. I'm going to shoot people in the eye with  
9 this -- as well as the -- watch out -- as well as  
10 the park to the south, which, as Jeff Kaufman  
11 pointed out, is abutting our neighbor, Gallaudet,  
12 to the south.

13 So -- sorry, if you could stay with that  
14 one -- so, having said that, one of the important  
15 things about both the plaza and the park is that  
16 they're fronted by retail on two sides, in both  
17 cases to the north and to the south, and that's  
18 actually quite important to us, as retail  
19 landlords and retail developers. And the reason  
20 for that is that there's a tremendous synergy  
21 between public space programming and the adjacent  
22 retail. You know, the obvious example I could  
23 give would be if you can imagine an evening  
24 concert. When folks are done, you know, just sort  
25 of enjoying something on a Saturday evening, they

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1 can very easily go and get a drink or a quick bite  
2 at some of the adjacent retail programs.

3           And, to that end, because, you know,  
4 there needs to be a great deal of flexibility  
5 about how that programming might occur in the  
6 future. The intend -- and this speaks to what we  
7 call the design guidelines for the open spaces on  
8 the project, and these are part of our proffers --  
9 there needs to be a great deal of flexibility  
10 about those spaces, and we think that it's quite  
11 important that, for example, they not be  
12 encumbered with a great deal of site walls,  
13 permanent fixed site furniture, and that sort of  
14 thing, and that things like site furniture and  
15 planters be movable and flexible.

16           If you've been up to Bryant Park in New  
17 York, one of the successes of that project is that  
18 the outdoor seating is flexible, and folks are  
19 able to move things around, which enables a large  
20 variety of different kinds of programmings to  
21 occur in that space. We think that's really quite  
22 important for the success of the project. Next  
23 slide.

24           The other piece that we think is quite  
25 important, when it comes to the open space design

1 guidelines, is that if you look at the kind of  
2 authentic history of the site, since 1931, you  
3 know, The Market, the 45 acres, it really has  
4 become, in a way, the kind of industrial heart of  
5 D.C., and the architecture there and the materials  
6 used in the architecture and in the public realm,  
7 there's a kind of authenticity and boldness and  
8 grittiness and durability to those materials, and  
9 we're pretty convinced that in order to create an  
10 authentic place, we need to follow suit, in a way.

11           So we think that using materials such as  
12 concrete, whether it's plum-finished or exposed  
13 aggregate, exposed steel, whether that's Corten or  
14 mild steel, or something else, and materials like  
15 that will kind of go to maintaining the authentic  
16 nature of the place. I think if we were to go and  
17 put in a great deal of granite and stainless  
18 steel, we might have missed the boat.

19           So that gets at what we think of as two  
20 documents to address the public realm design. One  
21 is a set of design guidelines that are part of the  
22 application, and the second item is something that  
23 we've proffered to work with DDOT on, which is  
24 we've committed to spending \$100,000 to coming up  
25 with a set of design guidelines for the public



1 realm, so we had the streetscape on 5th and 6th  
2 Street. And the intent would be that that would  
3 set the tone for the streetscape throughout the 45  
4 acres at The Market.

5           And the things that we've been speaking  
6 with DDOT -- and we've been working with them  
7 quite closely over the past several months -- that  
8 we've been speaking about are that we'd obviously  
9 need to reach out to the other stakeholders at The  
10 Market, both institutional and private land  
11 owners, as well as some of the businesses, and  
12 come up with a set of design guidelines that would  
13 really bring the design of the public realm up to  
14 something like a 30-percent completion on design,  
15 looking both in plan and section, and that those  
16 design guidelines would address, essentially, all  
17 the surface infrastructure at The Market. So we  
18 are quite happy to do that with DDOT's  
19 involvement.

20           If you go to the next slide -- the last  
21 couple just shows some initial thoughts we have on  
22 the way the streetscape out to work, we think, at  
23 The Market. We think that there ought to be wide  
24 sidewalks to encourage connectivity for  
25 pedestrians. That also comes out of depth space

1 guidelines. We're very impressed and big  
2 supporters of some of the work that Hansel Bauman  
3 has done with Gallaudet, in terms of coming up  
4 with depth space guidelines that speak to things  
5 like unencumbered, intuitive circulation paths,  
6 and for that reason we think wide sidewalks are  
7 quite important, as well as potentially looking at  
8 curbless section for some of the streets. You'll  
9 see that in these two slides.

10           And, with that, I'm going to pass it over  
11 to Robert Sponseller, with Shalom Baranes  
12 Associates.

13           MR. SPONSELLER: Good evening. Thank you  
14 very much, Geoff. I think the Jeffs,  
15 collectively, have covered a lot of ground and  
16 given a lot of good background and history on the  
17 site, so I'm going to focus on the architectural  
18 issues, what our thinking was, how our design  
19 process unfolded, and what drove our concept for  
20 the submission that we're going to share with you  
21 tonight.

22           The site is actually very compelling for  
23 us, as architects. I think I speak for my  
24 colleagues when I say that. The role that the  
25 site has played in the development of the city's

1 history, as a source of food entry, as farmers'  
2 markets, and then, later, wholesale distribution,  
3 and the sort of industrial warehouse character.  
4 This is one of those unique Washington districts  
5 that's really kind of one of our industrial  
6 warehouse districts. We don't have a lot of this,  
7 as a non-manufacturing city, and so the  
8 characteristics of that place were very  
9 significant to us.

10           You can kind of get a sense for what some  
11 of those, what that architecture is, as you look  
12 at some of these photos. These are historic  
13 photos taken over time. On the lower left is a  
14 photo from the 1930s, and what characterizes the  
15 buildings is a very repetitive sort of building.  
16 It's a bit utilitarian, but very dignified and  
17 elegant. Urbanistically, that model, that sort of  
18 industrial aesthetic was carried from the 1930s  
19 through the more recent buildings, as well. The  
20 urban pattern has very narrow and long parcels, as  
21 has been mentioned. This drove our thinking about  
22 dividing the site in two, and having a couple of  
23 through-block connections on the site.

24           We're not the only ones that found it  
25 very compelling. This is a site that's had, I

1 think, six or seven plans and master plans done  
2 for it, including the Florida Avenue Market Study,  
3 the NoMa Revitalization Study, the Industrial  
4 Transformation Study for Ward 5, not to mention  
5 the Comp Plan. And what these planning documents  
6 all had in common was sort of methodology about  
7 how to transform the site by adding additional  
8 uses to it, incorporate a more pedestrian-  
9 friendly, public realm design into the  
10 neighborhood and into the place, and then the  
11 Small Area Plan, itself, went the furthest in  
12 terms of kind of laying out a strategy for the  
13 rezoning and the heights and the densities that we  
14 are very consistent with.

15           That's sort of half the story. I think  
16 the other interesting side of this story for us,  
17 as architects, and what makes it so interesting is  
18 thinking about the way cities are made, and the  
19 way cities become a collage of their various  
20 neighborhoods, and the neighbors are a  
21 manifestation, in 3-D, of the city's narrative of  
22 how it grows and develops. And so we thought one  
23 of our unique challenges here was to design the  
24 building in such a way that it spoke to the past  
25 and the history of this unique site and

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1 neighborhood.

2           So, a lot of this zoning information has  
3 been covered already. I will kind of skip over  
4 it, other than mentioning that our site is C-3-C  
5 and consistent with the other zoning submissions  
6 that have been done recently, and before I get to  
7 our design principles that we established, one of  
8 which, the urban design concept has been covered a  
9 little bit, I just want to talk about the  
10 buildings and their character.

11           There's a lot of sort of very  
12 straightforward, utilitarian rectilinear buildings  
13 on the site. This first slide focuses on the area  
14 in our immediate adjacency to the project. Some  
15 of the images are the fronts of the building, with  
16 various activities going on, as has been  
17 mentioned. There's a lot of clay masonry being  
18 used, a lot of brick masonry used on the site, in  
19 our building and surrounding areas. And then,  
20 further away, these are some of the older  
21 buildings that are between the 4th and 5th Street  
22 side. They're the more intimate scale, with an  
23 alley that runs kind of through the center of it.  
24 These used to have a portico and an overhang where  
25 the goods and the deals were happening along the

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1 street front. And that's a very strong character,  
2 that sense of arcade and portico, but you also get  
3 a sense of the repetition and the brick masonry  
4 that the buildings utilized in these slides.

5           And so, collectively, then, we developed  
6 our design principles. The first was urban, and  
7 Jeff covered this, the idea of breaking the  
8 building into two sections, allowing -- what drove  
9 that thinking was that there's a lot of cross  
10 connections that are going to be happening between  
11 the Gallaudet University to the east and the  
12 center of the market area, to the west, so adding  
13 these two urban green spaces and public access  
14 routes through the center of the site seemed very  
15 apropos and appropriate, and allows us to  
16 accomplish some of the interconnectivity that is  
17 so important in this neighborhood.

18           And the second aspect has to do -- the  
19 second principle has to do with the architectural  
20 approach that we took. So, the first thing that  
21 we thought was very important was to maintain some  
22 of the building existing fabric. So the existing  
23 market building will remain on site, as part of  
24 the south building. And you can see here, in the  
25 diagram, the market building is this lower volume

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1 that is the bottom of this sort of deck of uses,  
2 if you will.

3           The other aspect that we thought was  
4 important was to capture the scale of the  
5 neighborhood through the massing approach. We've  
6 done a very unique design here that allows this  
7 existing market building to stay open during  
8 construction, something that the owners didn't  
9 mention but is a very unique solution. To  
10 accomplish this, we've spanned the building  
11 completely, structurally, in a north-to-south  
12 direction, and then provided, above that, two  
13 additional uses -- the theater volume, which is in  
14 the middle area, it's the yellow volume, and then  
15 the blue volume on top is the residential or  
16 office use, at the very top of that.

17           So this sort of compositional approach of  
18 three distinct volumes, which is very direct, it's  
19 very simple, and yet, I think, very unusual and  
20 interesting, captures the scale of the  
21 neighborhood, in terms of the scale of the smaller  
22 surrounding buildings.

23           At the bottom of the page are some images  
24 of other projects that capture some of the spirit  
25 of what we're trying to accomplish, from the Tate

1 Modern in London, where an addition was very  
2 clearly expressed over an existing building, to  
3 downtown, the Martin Luther King Library proposal,  
4 and other projects in other jurisdictions.

5           To reinforce this concept of the three  
6 distinct uses and the three volumes, we're  
7 assigning a specific material to each use and each  
8 volume. So on the very top -- actually, let me  
9 begin at the bottom. So at the bottom of this  
10 stack of uses is the market building, which is a  
11 brick masonry construction type, that existing  
12 warehouse building. In the middle -- and that's a  
13 clay masonry -- in the middle tier is the theater  
14 building, which will have a metal panel system of  
15 different textures and colors, to animate it.

16           And at the top of this building is the  
17 office or residential use, which has its own  
18 distinct character and architecture, again, using  
19 the clay masonry. This will either be a porcelain  
20 or terra cotta rain screen system, in a distinct  
21 texture and pattern. So it's these three volumes  
22 that are stacked up vertically, each with its own  
23 distinct character and appearance, maintaining the  
24 scale of the neighborhood and connecting to the  
25 site's history.

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1           So now I'm going to show some renders  
2 that we've produced of the proposal. This first  
3 view is looking up 6th Street form the southeast,  
4 looking north, if you will. The existing market  
5 building is here, below the arcade, the theater  
6 volume is the middle tier, and then the top volume  
7 is the four stories of the additional use of  
8 residential or office.

9           We are providing outdoor space. One of  
10 the unusual things we're doing is providing  
11 outdoor space for the office building, and that's  
12 an area, and we've used that to articulate the  
13 upper volume. But you do get a sense of the  
14 distinct texture and character that each of these  
15 wings of the building, if you will, has, and the  
16 way that, by stepping back the buildings, each use  
17 has a certain dimension that it requires to work  
18 and function properly, and we've taken advantage  
19 of that and massed the building in such a way that  
20 it has a very interesting aspect from the public  
21 realm.

22           This is a view -- the second image is  
23 view looking up 5th Street at the south façade of  
24 the building. You can see, in this image, the  
25 large aperture that we've provided in the theater

1 volume to provide some outdoor space for that use,  
2 as well, and animate the sort of 5th Street side  
3 of the project there. And then the iconic Union  
4 Market sign is seen at the top there, with the  
5 park that Jeff had mentioned briefly, the market  
6 park on the south, in the foreground of that  
7 rendering.

8           The next view takes us in between the  
9 north and south buildings along 5th Street, and  
10 starts to focus -- I have another image in a  
11 moment that shows more detail on the market plaza,  
12 what we're calling the market plaza. This is  
13 where the main theater entrance occurs, off of 5th  
14 Street. This is the theater volume with its  
15 combination of flat, perforated, textured, and  
16 large opening that actually affords wonderful  
17 views out to the city, and then the regular,  
18 repetitive rhythm of openings that we're showing  
19 for both the residential and the office use.  
20 Again, this is very consistent with the nature of  
21 the buildings and the architecture that occurs in  
22 this context around us, surrounding us.

23           And now a view directly in the plaza,  
24 looking toward 6th Street. The aspect of this  
25 space is 30 feet. It's similar to Cady's Alley,

1 at its widest, if you're familiar with that urban  
2 space, 30 feet between the buildings at the lowest  
3 level, wide enough to have ample areas for outdoor  
4 seating and pedestrian flow at the same time, with  
5 a large -- there's a large bump-out area in the  
6 center of it that increases the width to about 70  
7 feet between the two buildings.

8           And then, more detail that Jeff has  
9 already shown you, on the south side, at the  
10 market park area. You can see how the arcade is  
11 formed. Again, this is an architectural reference  
12 to the older market buildings. The arcade is  
13 formed at the south side of the market building,  
14 and the space between the future Gallaudet  
15 buildings and our building is formed here, in this  
16 urban park space.

17           And, finally, the last perspective is  
18 taken on the roof. One of the other unusual  
19 features of this site is the significant  
20 topography that occurs. If you're familiar with  
21 driving over the New York Avenue bridge, as you  
22 head east out of the city, you have a sense of  
23 that change. There's about a 40-foot elevation  
24 from floor to avenue, to New York Avenue, and  
25 that's one of the things that allows us to sort of

1 have this unusual architectural moment of creating  
2 prospects to the south and to the city. This is  
3 an image, standing on the theater platform,  
4 looking to the south.

5           Okay. So, I'm now going to walk you  
6 through the buildings, floor by floor, if you  
7 will, use by use, and just describe how the  
8 various components function, and as I go through,  
9 I'll mention some of the areas of relief that  
10 we're seeking, and flexibility that we're seeking  
11 from the Zoning Commission.

12           This is the ground level floor plan, that  
13 shows -- now, because there's about a 10-foot  
14 elevational change from south to north, there's  
15 actually two main floors, one between the two  
16 buildings and one on the south side of the  
17 building, and that one is the Union Market park  
18 frontage. So, along that frontage, as you've seen  
19 in all the images, that market will still be  
20 accessed and entered from that main space. In the  
21 future, there will be a below-grade parking deck,  
22 below-grade, underneath the market plaza, for the  
23 office, residential, and even for the first phase  
24 of use.

25           This next floor is that second main floor

1 that I mentioned. It's about 7 feet above the  
2 south market park area. This is the market plaza  
3 area. And the retail entrances, office, and  
4 residential buildings will all enter off of this  
5 upper pedestrian plaza, if you will. The loading  
6 -- one of the variances that we're seeking is a  
7 reduction in the loading. We think that two  
8 spaces for the south building is adequate for the  
9 south building market, and theater, and office  
10 uses. Those will occur here, on the south side of  
11 the plaza. Those will be managed by the ownership  
12 team, to minimize conflicts. That's the only  
13 loading and service for the south building on the  
14 site.

15 The parking, as I mentioned, will be  
16 handled as described in the report with OP, will  
17 be handled on various sites during construction  
18 until the second building is finished, and then  
19 we'll be parking below this building for both  
20 uses. So, eventually, all of the parking will be  
21 accommodated on site for both uses.

22 And then, as you move up in section, you  
23 come to the theater floor, and this is the unusual  
24 part of the project. This is a floor that is  
25 completely spanning the existing market below in

1 section. So the theater boxes will be arranged in  
2 between these dramatic long-span trusses that  
3 we're providing. This is the outdoor portico and  
4 belvedere that we're putting in the building, on  
5 that floor of the theater, and then the typical  
6 office building or residential building to the  
7 north here.

8           And then the final sort of layer in this  
9 deck of cards, if you will, is the  
10 residential/office floor, and we've designed the  
11 building with a narrow aspect. This is an  
12 unusually narrow office footprint. It's about 100  
13 feet deep, which is 20 to 25 percent narrower than  
14 the typical Washington office building. This will  
15 allow the building to function as either an office  
16 or a residential use. The ceilings will be some  
17 of the tallest in the city, in terms of the clear  
18 span. That ample height and section will allow  
19 ample light to the interior of the residential and  
20 the office uses.

21           And then, at the top of the building, I  
22 want to mention just a couple of the other areas.  
23 This is the roof structure diagram for the  
24 submission. We are asking for relief because we  
25 have a penthouse that meets all of the setback

1 requirements from the roof edge, consistent with  
2 the height act, but in order to accomplish the  
3 various functions in this programmatic stacking,  
4 we have two different elevations in the penthouse.  
5 We have a low, 10-foot height on the north  
6 elements, both the elevator core and the stair,  
7 and then a taller, 16-foot-6 section which handles  
8 our main mechanical plant. So these are all  
9 fitting within the 45-degree setback required by  
10 zoning code, but we needed two heights to  
11 accomplish this, so that's one of the areas of  
12 flexibility.

13           And the other area of flexibility has to  
14 do with open courts and closed court relief, and I  
15 can go into the detail on these. The other area  
16 of flexibility has to do with the open and closed  
17 courts. A couple of these are due to the fact  
18 that there's a hypothetical lot line. The closed  
19 court is actually open to an adjacent court, but  
20 because of that lot line, it is noncompliant, and  
21 some of the open courts are just slightly below  
22 the actual required dimensions, and I can go  
23 through these, item by item, if you'd desire.

24           Okay. Now the building section. This is  
25 actually quite interesting. I don't think you're

1 going to be seeing a lot of these any time soon,  
2 in your next projects. The unusual feature of  
3 this building is the fact that the existing market  
4 here, on the right, this is the Phase 1 south  
5 building. This is the existing market that we're  
6 actually spanning with a construction truss, a  
7 full-floor-height truss that spans that existing  
8 market, allowing it to stay open and maintain the  
9 energy in the neighborhood. That creates the  
10 theater volume which these theater boxes will be  
11 set in between these large-span trusses, and then  
12 set back from that edge of the theater are four  
13 stories of the residential or office use that are  
14 30 feet setback from the south edge of the  
15 building. This is what creates that interesting  
16 scale and texture and composition of the building,  
17 the setbacks and the three distinct volumes,  
18 arranged vertically, and then the penthouse, as  
19 you can see how the penthouse complies with the  
20 one-to-one setbacks.

21           This is just a diagram we put together to  
22 illustrate the use relief that we're seeking. So,  
23 as I've mentioned, on the south building we'd like  
24 to be able to do either residential or office.  
25 We've designed the building with, you know, lots



1 of glass on the exterior, a 15-foot module that  
2 works with both uses. We'd like that flexibility.  
3 And on the Phase 2 building, we'd like to be able  
4 to do either the residential or the office use on  
5 the north building. And the section, the FAR, and  
6 everything else remains the same.

7           Okay. And then, finally, just to show  
8 the elevations, this is the south elevation, pure  
9 elevational drawings now, walking around the  
10 building, showing the three distinct uses --  
11 market, arcade, theater -- and then either office  
12 or residential. Same thing from the north  
13 elevation. And then the east and west facades,  
14 which actually vary quite a bit. There's a lot  
15 more of a serrated texture on the 5th Street side,  
16 which is kind of the more pedestrian-focused side  
17 of the project than there is on the 6th Street  
18 side, where things are a little more true and  
19 formal, architecturally.

20           And, finally, our idea about materials  
21 for the building. So each building, each  
22 component has its own material palate. The retail  
23 and the brick masonry will have their own  
24 expression at the lower levels. This is the  
25 market, existing brick texture with different

1 ideas about the retail storefronts. The next tier  
2 of images relates to the theater, which will be a  
3 metallic, sort of neutral volume in between the  
4 two masonry clay volumes. These are long-span  
5 panels that have different shades and textures and  
6 reflectivity. We've brought these materials with  
7 us, and I think, at some point, when the lights  
8 come on, we'll pass these around so you can see  
9 our ideas about the materials.

10           And then, finally, the uppermost volume,  
11 the residential and office volume, will be another  
12 clay product of porcelain or terra cotta tile  
13 installed in an exterior ventilator rain screen  
14 system, with its own kind of unique horizontal  
15 texture, again, similar to the brick masonry. I  
16 think the use of the clay connects well to the  
17 neighborhood, in terms of the existing brick  
18 textures, and the metal and volume in the center  
19 of these two, I think, breaks up the overall  
20 composition nicely.

21           So that's the architectural portion. I'm  
22 going to turn it over to Dan, next.

23           MR. VANPELT: Good evening,  
24 Commissioners. For the record, my name is Dan  
25 VanPelt. I'm principal with Gorove/Slade

1 Associates Transportation Planners and Engineers.  
2 We performed the transportation study that  
3 supported this PUD application and we have been  
4 working with Edens and DDOT on the project.

5 I'm going to review some of the  
6 transportation aspects of the project and briefly  
7 highlight some of our efforts.

8 The site is surrounded by extensive  
9 regional and local transportation that provides  
10 the basis for the multi-mobile vision of the PUD.  
11 Overall access to several regional roadways and  
12 transit options make it convenient to travel from  
13 destinations in the District, Virginia, and  
14 Maryland. New York Avenue, U.S. 50, is a primary  
15 arterial, immediately to the north of the site,  
16 right here, and Florida Avenue and 6th Street  
17 N.E./Brentwood Parkway are also arterial streets.  
18 The NoMa-Gallaudet University Metrorail station is  
19 located about 10- to 12-minute walk to the  
20 southwest, and there are several Metro bus lines  
21 on Florida Avenue, which runs along the southern  
22 edge of The Market, proper.

23 The pedestrian accommodations outside of  
24 The Market generally provide a pedestrian-friendly  
25 environment, and those that do not, particularly

1 Florid Avenue, are being studied by DDOT's Florida  
2 Avenue Multimodal Transportation Study. Internal  
3 to The Market, there are improvements that will be  
4 made by the Applicant, and other future projects.  
5 There are multiple, high-quality bicycle  
6 facilities and future facilities planned that will  
7 improve access by cycling to the area. There is a  
8 Capital Bikeshare station located across 6th  
9 Street from the site, at this location here.

10           The scope of the traffic study and our  
11 assumptions were reviewed with DDOT. In addition  
12 to the new vehicular trips generated by the  
13 project, we'll have some limited impacts to nearby  
14 intersections. The traffic impact study  
15 recommends that the intersection of 4th and Morris  
16 be converted to an all-way stop control, this  
17 intersection at this location. Secondly, the  
18 southbound approach of 4th to Florida Avenue is a  
19 right-turn-only lane, and a shared left through  
20 turn lane during peak times at this location, just  
21 to the south of that other intersection.

22           With these adjustments, the vehicular  
23 capacity impacts of the site-generated trips can  
24 be mitigated. It is our understanding, from  
25 reviewing the DDOT staff report that came out

1 earlier today, they are in concurrence with these  
2 recommendations and they expect them to be  
3 implemented by the Applicant.

4           There are some additional operational  
5 changes that could be implemented, associated with  
6 streetscape improvements, such as some new all-  
7 way-stop intersections within The Market, and  
8 these will be worked out through further  
9 coordination with DDOT.

10           Pedestrian, transit, and bicycle trips  
11 will not have a detrimental impact on the network.  
12 However, Edens will be reconstructed in the  
13 streetscape adjacent to the site and making some  
14 off-site modifications along Neal that will  
15 greatly improve the pedestrian environment.  
16 Details of these improvements will also continue  
17 to be worked out through further coordination with  
18 DDOT during the public space permitting process,  
19 as DDOT recognizes in their staff report.

20           Switching to parking, this slide, which  
21 might be a little bit difficult to read, but what  
22 it says, in essence, is on the left. There's a  
23 weekday -- hold on here a second. With the  
24 addition of the -- sorry. With the addition of  
25 new uses on the south portion of the PUD, over the

1 existing market, the parking demand is estimated  
2 to be about 180 spaces. So that's probably  
3 difficult for you to read, but that's kind of what  
4 you're seeing here, with, on this chart, and  
5 you're looking at shared parking needles, parking  
6 demand during a weekday, on the left-hand side,  
7 and a weekend on the south side, once the south  
8 building is constructed.

9           This takes into account time of day  
10 factors for the land uses, and utilizes parking  
11 ratios that are about 25 percent of suburban  
12 ratios, which has really been our experience with  
13 projects in the District. It's pretty typical,  
14 given the excellent transportation opportunities  
15 that exist.

16           So, with this about 180 spaces of demand,  
17 there's parking to be provided immediately to the  
18 south, which is currently utilized by Edens. It's  
19 a lot that's leased from Gallaudet, and if you  
20 look at this slide, you'll see the Phase 1 of the  
21 PUD, and adjusted out to south of that is the lot.  
22 That lot provides about 220-some spaces, which is  
23 more than adequate to accommodate the demands of  
24 the first stage of the PUD. Edens will continue  
25 to utilize that lot, such until a time that it's

1 no longer available.

2           If the north portion of the PUD, the  
3 future parking that we'll include in that, is not  
4 being constructed, there is an interim lot that  
5 can be provided on that location, along with other  
6 available street parking, which would be enough to  
7 accommodate the first phase of the PUD. There are  
8 approximately 700 on-street parking spaces located  
9 within the streets of the greater market, and much  
10 of the street parking is available evenings and  
11 weekends, when the uses of this project are  
12 peaking, and when the wholesale uses that exist in  
13 the rest of the greater market do not require  
14 parking.

15           Additionally, Edens controls other lots  
16 within the vicinity, such as the Penn Street lot,  
17 up at this location, and the 4th Street lot, over  
18 in this location. These lots may not comply with  
19 the dimensional requirements under the  
20 regulations, but they have functioned in a  
21 practical manner for many years, in our current  
22 configuration, and may be used in the interim, if  
23 necessary.

24           Ultimately, the second phase of this PUD  
25 will provide below-grade parking that will serve

1 the entirety of the project on the site. The goal  
2 is to ultimately right-size the amount of parking  
3 provided on site, but not create interim solutions  
4 that would end up with more parking than is needed  
5 at this location, in the long run.

6           Switching to transportation demand  
7 management measures, a TDM plan has been developed  
8 for the project that will encourage non-auto  
9 trips. Additional plan included a TDM coordinate  
10 on site, un bundled market right parking, covered,  
11 long-term bike parking in the north building, and  
12 a real-time transportation information screen in  
13 the building lobby.

14           At this time, the TDM plan has been  
15 augmented to include the following additions:  
16 provide at least two transportation information  
17 screens in the south building and one for the  
18 theater lobby, and then one for the other lobby,  
19 whether it be office or residential; provide 54  
20 bike spaces in public space until below-grade  
21 parking is possible in the future north building;  
22 provide links to the commuter connections and the  
23 goDCgo.com, on the project's website; provide two  
24 car-sharing spaces reserved in the future garage,  
25 should there be interest from a service provider;



1 provide an employer outreach and new employee  
2 welcome packet with non-auto transportation  
3 options.

4           If residential is in the project, provide  
5 a \$40 subsidy for car share or bike share upon  
6 move-in for a period of 3 years after certificate  
7 of occupancy. If office is the land use, provide  
8 a \$20 preloaded SmarTrip card per person to  
9 initial office occupants. And, lastly, install  
10 infrastructure for two electric vehicle charging  
11 stations, should the demand for such exist.

12           I believe that the updated TDM plan is  
13 largely in line with DDOT's recommended elements  
14 in the staff report issued today, with a few  
15 exceptions, that we need to review with DDOT in  
16 detail.

17           Switching to bike parking, this figure  
18 shows the location of the bicycle parking at the  
19 site as it currently exists today, which is really  
20 in the southeast and the southwest corners. At  
21 each of those locations, there are spaces for 24  
22 bikes, for a total of 48. Also, but not shown  
23 here, on the other side of the street, is the  
24 Capital Bikeshare station, but I'd mentioned that  
25 earlier.

1           The proposed bike parking, with the  
2 proposed development of the site, additional bike  
3 parking would be required in the way of covered,  
4 secured spaces. The Applicant is seeking relief  
5 from this requirement in the first phase of the  
6 PUD, as there is practical hardship to providing  
7 it. If residential is included in the first phase  
8 of the PUD, the requirement is for 54 spaces. The  
9 requirement is less for office. This shows how 54  
10 spaces would be accommodated on the site, these  
11 two locations.

12           With the second phase of the PUD, the  
13 covered, secured bicycle parking could be provided  
14 in the new north building, and the need for the  
15 entirety of the site would be met at this  
16 location.

17           So, just to kind of finish up, I wanted  
18 to talk a little bit about our coordination with  
19 DDOT. From a transportation perspective, a  
20 project at Union Market is more complicated than  
21 the typical PUD case. The Market has historically  
22 served wholesale businesses that use the public  
23 realm in a rather ad hoc way. It's the sort of  
24 activity, though, that defines the character of  
25 the market and gives it some of its charm, but it

1 is also what is responsible for the elevated crash  
2 rates and a less-than-ideal pedestrian environment  
3 that exist.

4           New retail, commercial, and residential  
5 uses are bring new energy to the neighborhood.  
6 This project is among them, but the needs of the  
7 new land uses will have to balance with the needs  
8 of the existing wholesale businesses that will  
9 continue to function as they have here for many  
10 years.

11           The public realm requires a new attention  
12 to better organize and manage traffic flows by  
13 mode as the overall transportation needs evolve.  
14 We've met with DDOT and the Office of Planning  
15 numerous times, on a regular weekly basis, over  
16 the last couple months, to work through things  
17 like flush curb street sections, overall  
18 streetscape design, conversion from one-way to  
19 two-way operation, and truck maneuvering  
20 requirements, curbside management, signing and  
21 marketing plans, and site access design. The  
22 dialog has been very a productive one on all of  
23 these fronts. As a result of this interaction,  
24 Edens has even changed the design to eliminate a  
25 proposed curb cut on 6th Street and has refined

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1 other aspects of the plans.

2           There is still certainly work to be done  
3 on the public space elements of the project, as  
4 DDOT reflects in their report, and we look forward  
5 to continuing to work with DDOT and OP on these  
6 aspects. In fact, we greatly appreciate all the  
7 time and effort that the agencies have given this  
8 project, and Edens other projects in the market.  
9 It is well beyond the typical PUD coordination and  
10 we believe it will result in great improvements to  
11 the neighborhood and it will maintain the  
12 character that makes this portion of the district  
13 unique. So I appreciate you hearing my testimony.  
14 I'll be happy to answer any questions, and I'll  
15 now turn it over, back to Geoff.

16           MR. SHARPE: I'm going to speak very  
17 quickly on sustainability, not that it doesn't  
18 warrant more conversation, but we have submitted a  
19 response to the memo we received from DDOE into  
20 the record. There is more detail there, and I  
21 would certainly be willing and happy to answer any  
22 specific questions afterwards about  
23 sustainability.

24           I will say just two things. In the DDOE  
25 memo, there were two things that were requested

1 from us. One was that the Applicant select a  
2 sustainability path. We have done that. We will  
3 be certifying the building. Whichever the  
4 flexibility option we end up going with, we will  
5 be certifying that building to a silver level,  
6 under the LEED program. And then they also  
7 requested particular detail about a range of  
8 things, from storm water to GAR to air quality,  
9 all of which is included in our response to their  
10 memo. And, with that, I'm going to pass it on.

11 MR. KAUFMAN: So wanted to touch on, just  
12 real quickly, on community engagement. What you  
13 see in front of you is sort of a list of the  
14 technical community engagement meetings we've had  
15 with the different ANCs and the neighborhoods, and  
16 I think it's important to sort of show this, but I  
17 think that you'll see, from some of the testimony  
18 that you'll have tonight from some of the members  
19 of the audience, particularly some of the vendors  
20 in The Market and residents in the neighborhood,  
21 that there is continued, deep, ongoing community  
22 engagement.

23 I was just looking over my shoulder and I  
24 saw Chef John Mooney here, who runs the restaurant  
25 at Union Market, and I think it's great that he

1 took the time to come here, and I'm assuming he's  
2 going to testify on our behalf. I should be  
3 presumptuous, but, John, we do have your  
4 hydroponic garden on the roof of the building.  
5 So, I won't belabor the point with that. You can  
6 go on to the next slide.

7           As I said, I've hit on this a little bit,  
8 we have had a number of community events since  
9 2012. We have an educational program that we run  
10 with the Wheatley School. We also have had  
11 communications with KIPP, who, I'm sure the Zoning  
12 Commission is aware, to opening up a high school  
13 nearby, and also the Two Rivers School across the  
14 street from us.

15           And then, finally, one of the newest  
16 things that we've sort of done is we have a  
17 farmers' market on the weekends now. I think it's  
18 on hiatus for the winter, but that will be an  
19 ongoing, regular event. Next slide, please.

20           Just to point out a few statistics that I  
21 think are really important. We're very proud of  
22 the fact that 35 percent of the businesses that  
23 we've put in the Union Market are women-owned, 40  
24 percent are minority-owned. We've employed 109  
25 D.C. residents. We have a number of Gallaudet

1 students that work for us. I don't know -- I  
2 won't read everything off the list, but those are  
3 all things that we were very proud of and we will  
4 continue to find opportunities to do these kinds  
5 of things. Next slide, please.

6           On the benefits and amenities package, I  
7 would like to take a minute and speak to this in a  
8 little more detail. Jeff Utz can go through the  
9 sort of technical amenities package for you, but I  
10 think it's important, or I'd like to point out to  
11 this group that we've been involved in Union  
12 Market since 2007. We've invested over \$100  
13 million into the area. We think that our goal and  
14 our vision has always been to create a sustainable  
15 neighborhood, and I think that means a number of  
16 things. That means from an environmental  
17 perspective, but it also means from a quality of  
18 life and amenity perspective.

19           There's a baseline of cleanliness and  
20 safety that you have to create in a neighborhood,  
21 and Union Market is sort of the first level there,  
22 and there's been a big focus on creating cleaning  
23 up the market, not just our property but the  
24 overall 45 acres, and creating safety within the  
25 45 acres. And I think that when you hear from the

1 residents, that I think that they'll -- I won't  
2 say that we've gone as far as we need to go, but I  
3 think that there's been a lot of progress there.

4 I think once you create that baseline of  
5 cleanliness and safety, you need to look at  
6 connectivity through the sidewalks, improved  
7 lighting, and, frankly, a more robust retail  
8 experience, particularly with outdoor dining.  
9 That's one of the things that we're now looking at  
10 doing, and I think that this project, this PUD,  
11 starts to bring a significant component of those  
12 things to The Market.

13 Another big component that needs to be  
14 created here the green space, and, again, I think  
15 this project starts to create -- it doesn't create  
16 all the green space that's needed for the 45  
17 acres, but it starts to create a green space and a  
18 plaza, and community gathering places that are  
19 functional and can be used in different ways by  
20 the community and the city.

21 I think parking, which is a controversial  
22 issue, and I understand why -- all the arguments  
23 make a lot of sense -- I think for retail in  
24 particular, in an emerging market like this,  
25 parking is hugely important, and we've provided



1 ample parking for Union Market through a ground  
2 lease with Gallaudet that we pay for. We don't  
3 charge for parking because it's such an important  
4 component that people be able to come and park and  
5 not worry about whether they're going to get a  
6 parking space, particularly early on in a project  
7 like this.

8           The Angelika movie theater, I think, is a  
9 huge win for the city. This will be the first  
10 Angelika in the city. It will probably also, I  
11 believe, be the first new movie theater, other  
12 than the pop-up we've done in Ward 5. And the  
13 Angelika movie theater is an art house movie  
14 theater. It has a certain sort of quality of  
15 film, and sort of public persona that, I think,  
16 when we talk about safety and cleanliness and all  
17 those kinds of things, that fits with the goal of  
18 what we're trying to achieve here.

19           And I mentioned this before, that the  
20 amount of businesses that have been curated, I  
21 think, is unique in the city, at this point. I  
22 mentioned some of the other statistics. But I  
23 think that, in summary, we see the real amenity  
24 here, the real benefit. This is a massive  
25 economic generator for Ward 5, and we think for

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1 the city, as a whole. And Jeff Utz can speak to  
2 the technical amenity package.

3 MR. UTZ: Thank you. With the remaining  
4 time, I just wanted to touch quickly on the  
5 amenities. It is summarized in Exhibit G of the  
6 December 16th filing, the 20-day prehearing  
7 filing, and it's summarized again on the slide  
8 that's up right now. I won't read through each  
9 one, item by item, but we do think it has become a  
10 robust amenities and benefits package, in response  
11 to the Zoning Commission's request and DDOT and  
12 OP's request, and some good ideas, to kind of put  
13 this together. And, of course, the ANC and  
14 community has been heavily involved, as well.

15 I did want to mention, quickly, in  
16 response to the Office of Planning's question  
17 about the safety and security element, and kind of  
18 what the \$400,000 for the first 2 years and  
19 \$200,000 for the next three years, after the  
20 building permit, would equate to. Just to give  
21 you a sense of what that would allow to happen at  
22 The Market, there's an illustration, kind of some  
23 costs that exist now.

24 It would allow for one security guard to  
25 exist in The Market 7 days a week, 24 hours a day;

1 one former MPD employee to exist in The Market for  
2 40 hours a week; and then another security guard,  
3 basically a third security guard, to have some  
4 floating time, 35 to 40 hours in The Market, as  
5 well. So that's the \$400,000 allotment. It is a  
6 very kind of robust benefit and amenity for The  
7 Market itself.

8           And I did want to say a few words, as  
9 well, about the OP response. I'm sorry, but we're  
10 running out of time and not getting into more  
11 details about this, but we wanted to go ahead and  
12 put on a slide, kind of the 14 elements that OP  
13 identified as, in needed more information. We  
14 gave OP a memo on this earlier today. They didn't  
15 have a lot of time to review it, obviously, but we  
16 have been pulling together quite a few responses,  
17 several of which we submitted to you all today,  
18 along with the presentation. One of those is item  
19 number 1, the DDOE response memo that Geoff Sharpe  
20 mentioned. It is up on the dais with you all.

21           The park governance, I think we touched  
22 on that before, when Jeff Kaufman jumped on the  
23 park discussion, just south of the building. The  
24 design streetscape guidelines, we also are working  
25 with DDOT to kind of flush those out. We provided

1 a slide on that, basically referencing the work to  
2 come to get to a scope, to get to deliverables and  
3 kind of a set of directions to head down the path  
4 there. But we have committed to working with DDOT  
5 to flesh out exactly what that activity is.

6 Bike parking, there is a slide that's in  
7 the presentation before you that details what that  
8 bike parking is going to be, but I just wanted to  
9 say a word about that. It's not that we are  
10 asking to not have bike parking. It's that we're  
11 asking for relief from the element of the zoning  
12 regulations requiring it to be housed inside. We  
13 do want to draw attention to the fact that it's  
14 going to be on the property where it's identified  
15 in the sheet that's before you, 54 spaces.

16 Also, I wanted to point out the numbers  
17 5, 6, and 7, we think have been able to be removed  
18 from the discussion. The LED sign that was on the  
19 application, showing its facing the plaza and  
20 there was actually another one that was facing the  
21 park, both of those LED signs have been removed,  
22 so they are no longer part of the application.  
23 That's numbers 5 and 6 from the OP report.

24 The perspective of the park at the south,  
25 there is a slide in the presentation before you

1 that shows four different angles of the park, to  
2 kind of give a sense of exactly how that will  
3 look, in practice. The retail façade flexibility,  
4 that's also been removed. That's relevant for the  
5 north building, so we don't want to bring it up  
6 right now, although we do want to just, as part of  
7 this, ask for the kind of typical flexibility that  
8 exists as a condition in all PUD orders, regarding  
9 exterior materials, as long as they're within the  
10 set that are approved by the Zoning Commission,  
11 and things along those lines.

12           Hardscaping and landscaping materials and  
13 open spaces, we provided the set of guidelines and  
14 materials palette that's also one of the exhibits  
15 floating around the dais today, when we came in.  
16 The parking calculations, there was a question  
17 about how we arrived at there being no parking  
18 requirement for the existing market. This is  
19 based on the existing kind of grandfathered use.  
20 The market was built in the mid '60s, without  
21 parking. It's about a 55,000-square-foot  
22 building, and it has a grandfathered credit for  
23 that 55,000-gross-square-foot building envelope.  
24 So everything on top of that, all the expanded  
25 space, does generate a parking and loading

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1 requirement, but the existing building itself  
2 does.

3           There are some footnotes on there, and  
4 the Z1, Z2, the two pages, Z1 and Z2, that were  
5 submitted are very compact, packed with info.  
6 That is located on there, in the -- I believe it's  
7 in the footnotes, in the chart itself.

8           Temporary parking lots, that was covered  
9 a bit by Dan VanPelt's testimony, but he also  
10 provided a parking plan and summary report that we  
11 submitted to the record today, at the beginning of  
12 the presentation, the infrastructure being  
13 sufficient for development. Similarly, we  
14 submitted a Bohler Engineering memo regarding the  
15 sufficiency of the infrastructure, and to the  
16 extent it isn't sufficient for this project, the  
17 project would install the necessary infrastructure  
18 to exist and not create issues.

19           The residential option, the unit mix,  
20 affordability, and unit range, I don't know if we  
21 touched on that, but I think it's in Z1 and Z2,  
22 again, the densely compact pages that summarize  
23 the zoning data. Do you want to just say a quick  
24 word about the --

25           MR. SPONSELLER: The range?

1 MR. UTZ: Yeah.

2 MR. SPONSELLER: Yeah. So the  
3 residential, the unit range equivalent to the  
4 density that we're asking for is between 100 and  
5 115 units on the four floors. There will be  
6 appropriate, proportionate, 8 percent provided as  
7 affordable housing, and we're asking for an  
8 additional up to 15 units in the event that the  
9 alternate penthouse design is submitted in  
10 conjunction with the zoning, reworking for  
11 penthouse rooftop structures. But the base scheme  
12 is 100 to 115 units.

13 MR. UTZ: Okay. Thanks. And regarding  
14 the last bullet, the First Source or One City One  
15 Hire program, we think that the most relevant  
16 slide element of the discussion today, that talked  
17 about that, was the Jeff Kaufman discussion  
18 regarding the kind of economic mix, the employee  
19 mix of The Market itself, as it exists. It  
20 actually is currently a very kind of robust,  
21 highly representative, diverse body of folks that  
22 work at The Market, but also that own the  
23 businesses at The Market, and are being incubated  
24 by the Applicant, as it stands.

25 Roughly 80 percent of the employees at

1 The Market are currently District residents, so we  
2 think that the goals of those programs are already  
3 kind of being achieved in ways that they aren't  
4 typically achieved in the District.

5 So, I'm sorry that was so rushed, but I  
6 just wanted to provide a very quick overview  
7 response to the OP report, and we are available  
8 for questions. Thank you.

9 CHAIRMAN HOOD: Okay. Thank you. I  
10 appreciate the presentation. Let me open it up.  
11 Commissioners, any questions? Comments?  
12 Commission May, would you like to start us off?

13 COMMISSIONER MAY: Do you want to start  
14 the clock?

15 CHAIRMAN HOOD: I actually don't think --  
16 we're in no rush, so we don't really need to do  
17 the clock.

18 COMMISSIONER MAY: All right.

19 CHAIRMAN HOOD: So I don't think we need  
20 to do the clock. Anybody rushing tonight? Not on  
21 this one. I'm not in any rush.

22 COMMISSIONER MAY: All right. So, first  
23 of all, I think the whole thing is quite  
24 commendable, in concept, in what you're trying to  
25 do and the way you're trying to do it, it's



1 unusual, and it preserves something that's very  
2 recently become, I think, a big asset to the city.  
3 And, architecturally, it's very interesting in  
4 concept, as well.

5           However, the problem I'm having with this  
6 is that the execution seems just so thoroughly  
7 unfinished, and it's very, very difficult to  
8 evaluate this as a PUD. This is somewhere between  
9 a first-stage plan -- I mean, I'm talking about  
10 the consolidated portion of it, which should be  
11 complete, right? It's somewhere between a first-  
12 stage and a second-stage, and it's not been  
13 through all of the vetting that has to happen with  
14 the Office of Planning and DDOT, and so on. And  
15 it makes it very difficult for us to judge, when  
16 we walk in the door with the Office of Planning  
17 unable to make a recommendation, and a list of 14  
18 things that they don't have enough information on.

19           And this is -- I mean, it's been almost 6  
20 months since it was set down. And even when it  
21 was set down, I'm sad. This is not very well  
22 developed, and it needs a lot of work, and I know  
23 a lot of work has happened, but not enough. And  
24 so I just have huge questions about this that need  
25 to be answered. I mean, I think you need to

1 submit a whole new package to describe this, if  
2 you want us to actually really consider it. I  
3 mean, I can't point to any single part of it  
4 that's mature enough for a consolidated PUD  
5 review. It's dumbfounding to me.

6           Again, the concept is great. I love the  
7 idea. I love what you're trying to do. This is  
8 all really good. It's just that it's not ready.  
9 And I'm not saying that it's a year or two away  
10 from being ready. I'm saying it's like 2 months  
11 from being ready, 2 months more work with DDOT and  
12 OP and a better package, and you might be in  
13 really good shape. But right now, it's a mess,  
14 and it's makes it very difficult to evaluate.

15           I'll give you some more specifics, and I  
16 do appreciate the fact that you've tried to answer  
17 the comments from OP, but the bullet points here  
18 aren't sufficient enough, and I can't write down  
19 every word that you say, and even with what you  
20 said it wasn't quite enough, so we need more  
21 information on a lot of those points, that the  
22 Office of Planning had raised.

23           The DDOT issues with the streetscape  
24 design, I appreciate the fact that you're trying  
25 to establish a design for a new area, and that's a

1 challenge, and you're trying to work through it  
2 and come up with some new and different ideas, and  
3 potentially very promising ideas, but when it's  
4 not done, what do we judge it on? Are we just  
5 going to go without having addressed with how this  
6 integrates with the rest of the streetscape, or  
7 it's going to be done to just DDOT standards? I  
8 don't really know.

9 I mean, I think the idea that you want to  
10 try to create some new streetscape design  
11 standards for this part of the city is totally  
12 appropriate, and I think it's a great idea, a  
13 great thing to do. It's just that without it  
14 being done, it makes it harder for us to evaluate  
15 what you've presented.

16 The phasing of the project, particularly  
17 with regard to the parking, is not clear to me. I  
18 mean, I see what you want to do, and, in  
19 principle, you've got parking through 2016 on the  
20 Gallaudet lot, and then you're going to tear down  
21 the north building and park there, and then use  
22 these other two satellite lots, but what happens  
23 when you start building the south lot, which is  
24 going to go under construction before the --  
25 sorry, the north building -- which is going to go

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1 under construction before the south building is  
2 done? So what happens there? How do you phase  
3 this so that you're always maintaining sufficient  
4 parking? I mean, maybe it's in what you  
5 submitted, but it's really not clear to me.

6 And, as you said, having sufficient  
7 parking, I mean, you're not even charging for  
8 parking now, to make sure that you get the  
9 visitors coming to Union Market. You don't want  
10 to choke off the parking supply that your business  
11 is depending on, while you're under construction.

12 I don't really understand what the deal  
13 is with the easement. I think that was an open  
14 question, and I don't know that that's been  
15 answered yet. Part of your building, is it  
16 actually overhanging the easement? Can you put  
17 your microphone on?

18 MR. KAUFMAN: Yeah. The balcony  
19 overhangs the easement, but it doesn't violate the  
20 easement.

21 COMMISSIONER MAY: The balcony.

22 MR. KAUFMAN: The balcony.

23 COMMISSIONER MAY: Okay. The balconies  
24 on the building?

25 MR. KAUFMAN: On the movie theater.

1           COMMISSIONER MAY: The movie theater  
2 itself, that volume.

3           MR. KAUFMAN: The volume of the movie  
4 theater.

5           COMMISSIONER MAY: And it doesn't violate  
6 the easement?

7           MR. KAUFMAN: It doesn't violate the  
8 easement.

9           COMMISSIONER MAY: Okay. So is that  
10 spelled out somewhere in the package, because the  
11 issue was raised somewhere and --

12           MR. SPONSELLER: I think our current  
13 filed, uploaded today, Z3 or Z4 plan delineates  
14 the dimensions from the easement boundaries to the  
15 architecture, and it shows the overhang. It's  
16 actually the south façade.

17           COMMISSIONER MAY: What does the easement  
18 actually protect?

19           MR. SPONSELLER: I'm going to let the  
20 owners answer that.

21           MR. KAUFMAN: The easement is a private  
22 easement between the two property owners, that  
23 allows for access, and it's --

24           COMMISSIONER MAY: So access at grade. It  
25 has nothing to do with -

1 MR. KAUFMAN: At grade, yeah, and it's  
2 been --

3 COMMISSIONER MAY: -- open to the sky, or  
4 anything like that?

5 MR. KAUFMAN: Correct, and it's been  
6 there since the '60s, and it's been, essentially,  
7 we've worked with the adjacent property owner in a  
8 number of different ways to close that area, do  
9 different things with it. So, in our  
10 conversations with Gallaudet and their development  
11 partner now, JBG, we plan on working with them and  
12 sort of mirroring what we're doing on our side, on  
13 their side, and that's sort of the current state,  
14 which will probably end up meaning that the  
15 easement goes away.

16 COMMISSIONER MAY: So it's -- the  
17 easement is basically you own part of their rights  
18 and they own part of your rights.

19 MR. KAUFMAN: Correct.

20 COMMISSIONER MAY: So if you come to  
21 agreement about dissolving it, it can be  
22 dissolved.

23 MR. KAUFMAN: Correct. I mean,  
24 essentially, as long as the two property owners'  
25 opinion is that the easement is not being violated

1 or is acceptable, then there's no issue there.

2 COMMISSIONER MAY: Okay. Of course, we  
3 can't do anything that's going to violate somebody  
4 else's property rights --

5 MR. KAUFMAN: Correct.

6 COMMISSIONER MAY: -- in our approval, so  
7 if they disagree with you, they're just going to  
8 take you to court.

9 MR. KAUFMAN: And if they're -- you know,  
10 we're not proffering anything on their property  
11 right.

12 COMMISSIONER MAY: And do you believe  
13 they actually will do the same, a similar  
14 treatment?

15 MR. KAUFMAN: Yeah. I mean, that's sort  
16 of the discussions we've had.

17 COMMISSIONER MAY: I know. You've said  
18 that several times. That's the discussion, that's  
19 what you're talking about. But do you have the  
20 sense that that actually will succeed, is what I'm  
21 asking.

22 MR. KAUFMAN: I do. I do.

23 COMMISSIONER MAY: Okay. That's what I  
24 was -- I was looking for a little bit of clarity  
25 there.

1           Some of the other things that are kind of  
2 open-ended on this project, you know, I know that  
3 originally we thought that the idea of making the  
4 penthouse development dependent on the Zoning  
5 Commission consideration of occupiable penthouses,  
6 in that other case, it's another piece of  
7 uncertainty about this project, and I'm becoming  
8 increasingly uncomfortable about that, and I'm  
9 more inclined to be thinking about this in terms  
10 of what's currently permitted, and if you want to  
11 do a modification later, come back with a  
12 modification, because it's not -- again, there are  
13 too many moving pieces here for me to feel like we  
14 can evaluate this properly, and that's yet another  
15 one.

16           Did you want to --

17           MR. SPONSELLER: Our submission that I  
18 presented was compliant with current zoning  
19 penthouse --

20           COMMISSIONER MAY: Right.

21           MR. SPONSELLER: -- with the relief  
22 requested, or the special exception, I guess it  
23 is, for the multiple heights, within the 45 but  
24 the multiple height issue.

25           COMMISSIONER MAY: Right, and that was



1 what was presented, but that's not what's entirely  
2 in the package.

3 MR. SPONSELLER: The additional drawing,  
4 yeah.

5 COMMISSIONER MAY: Yeah. You know, I  
6 can't give you direction on what to do about it  
7 here. I'm just letting you know that it's another  
8 area that I'm uncomfortable about, and we might  
9 want to -- well, I think, in the end, we're going  
10 to wind up talking about how exactly to handle  
11 that.

12 Similarly, proposing office or  
13 residential, I mean that's a level of flexibility  
14 that I don't know that we've ever granted. I  
15 mean, maybe I'm wrong about that, but I don't  
16 recall another project where we had basically a  
17 big chunk of the project that could be one or the  
18 other. People usually know what they want to  
19 build and what the market is before they go in.

20 MR. UTZ: I think one of the unique  
21 elements here is that the design works both ways.

22 MR. KAUFMAN: Can I speak to that?  
23 That's a fair question, and I was sort of hoping  
24 we would actually get that question. So we are  
25 Edens, and I didn't want to spend a whole lot of

1 time sort of introducing ourselves to the group,  
2 because I think we've done that in the past. But  
3 we're a pension-owned REIT, and we will not spec  
4 build office space. We have to have a tenant to  
5 build an office building. So, we have been in the  
6 market, talking to several office tenants. We're  
7 also not interested in building traditional K  
8 Street or NoMa office space here. We want to  
9 build alternative office space for a, sort of that  
10 fits the character with the market.

11 So as we went about the process, we've  
12 been negotiating an LOI for about half the square  
13 footage of the office space, which is the  
14 threshold that our board gave us, in order for us  
15 to move forward with it. We haven't completed  
16 that LOI. We haven't signed that LOI.

17 So we talked with Jennifer Steingasser,  
18 actually, she made a great suggestion, which was  
19 look at some alternatives, because we didn't want  
20 to lose the density above the theater. We felt  
21 like the office density above the theater,  
22 creating that daytime population, was hugely  
23 important, but, you know, frankly, residential  
24 above it would be maybe not quite as good as an  
25 office, in terms of activity, but it would be

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1 great.

2           We were concerned, though, is, how do you  
3 do residential, as you're saying, in this sort of  
4 office building, and I think, to our surprise, we  
5 talked to a number of residential partners that  
6 we've worked with in the past, and the fact that  
7 the building is being designed as an office  
8 building, and we're not change the scan, and it's  
9 a 100-foot deep bar instead of a 65-foot-deep  
10 residential bar, and it's got these trusses that  
11 span 55 feet, created this sort of unique  
12 opportunity for residential, that were happily  
13 surprised at how much interest there was to do a  
14 residential building.

15           So it's probably a for-sale building. It  
16 would be a small residential building, which we  
17 like the idea of home ownership, but obviously our  
18 preference is to do an office building, but we  
19 don't want to lose the density, and we also can't  
20 be delayed with delivery the Angelika movie  
21 theater, which is a signed lease, and we have to  
22 open that movie theater in September of 2016.

23           So the flexibility between the office and  
24 the residential, without really changing the skin  
25 at all, in terms of the permitting process, it all

1 makes sense. We can get a core and shell for that  
2 building and then finish out the guts of the  
3 residential later, because we're not going to  
4 change anything -- the windows, the walls.

5           So I understand what you're saying, and I  
6 think that, in most circumstances, there's a  
7 little bit of -- it's not necessarily as well  
8 thought through, but I think in this particular  
9 case, we have a 12-foot-8, floor-to-floor, because  
10 of those trusses. I mean, find a residential  
11 building in the city that has that kind of floor-  
12 to ceiling heights. I mean, and then the kind of  
13 glass that goes with an office building, would  
14 just create fabulous residential space.

15           So I hear what you're saying. We think  
16 it's actually potentially a real opportunity. If  
17 we can't get this office lease done, it allows us,  
18 as I said, to maintain our Angelika schedule.

19           COMMISSIONER MAY: Okay. Well, that's  
20 helpful hearing that. Let's talk for a second  
21 about the urban park, if you will, and we talked  
22 about the overhang of it, which I think has its  
23 own issues. But why are you actually calling it a  
24 park? Why isn't it just a plaza, like the plaza  
25 between the two buildings?

1 MR. SPONSELLER: Can you repeat --

2 COMMISSIONER MAY: Why is it being called  
3 a park rather than just another plaza, because it  
4 looks like another plaza. What makes it park-y,  
5 park-ish?

6 MR. KAUFMAN: It's a good question. When  
7 we were trying to label it, you know, we went  
8 around and around in circles on it. I think the  
9 idea is, is that the plaza inside is a sort of  
10 very urban place, right? So it's the kind of  
11 place where, in the morning, the loading trucks  
12 are there, unloading the goods. The vendors are  
13 putting out their vegetables. There's somebody  
14 hosing off the lawn. And then, sort of as the day  
15 goes on, the tables come out, people start to come  
16 and sit and drink and have coffee or breakfast, or  
17 read a paper. Then it has this sort of energy and  
18 a life, right, of sort of an urban place, a city,  
19 and it sort of has a lifecycle.

20 I think the park in front, I think -- and  
21 maybe that's not the right word -- but the park in  
22 front, I think, is a little different. The park  
23 in front has got more green space. We've always  
24 envisioned it as sort of one of these sort of,  
25 I'll say, New York or French parks, where you have

1 sort of a ring around a green space.

2           So there's seating and benches, and, on  
3 the outside, on the periphery, one of the  
4 peripheries being The Market itself, and then what  
5 Gallaudet does, on its retail piece on the other  
6 side, and then in the center is a green space  
7 that's you know, whether it's just a lawn or it's  
8 more landscaped, or however it is, but it's a  
9 place where kids can run around, and there's no  
10 cars. So that's why we called it a plaza and a  
11 park.

12           I don't know if that answers your  
13 question, but I think that's what we're trying to  
14 --

15           COMMISSIONER MAY: Yeah. It does answer  
16 my question. I mean, it really is just a question  
17 about the name. I'm wondering if it was, what I  
18 was missing about it that made it more park-like.

19           What are the dimensions of the lawn that  
20 you just described, roughly?

21           MR. SHARPE: So we need to obviously  
22 maintain enough space for pedestrian circulation  
23 around the ends, as Jeff was alluding to. So we  
24 have 25 feet from the face of Union Market to the  
25 property line, and if about 10 to 12 feet of that

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1 is hardscape, the balance would be somewhere  
2 between 13 and 15 feet would be lawn on our side  
3 of the property line.

4           As Jeff said, Jeff Kaufman, our  
5 understanding, from speaking with Gallaudet and  
6 JBG is that they're going to mirror what we're  
7 doing, more or less, on their side, so essentially  
8 that property line becomes the center line, so you  
9 end up with something like, call it a 25- to 30-  
10 foot-wide lawn strip down the middle, you know,  
11 that gets broken up with circulation on their  
12 plantings, and things. But that's more or less  
13 the dimensions. And then the width is 275 from  
14 right-of-way to right-of-way.

15           COMMISSIONER MAY: Okay. I think one  
16 other aspect of the design that's a bit  
17 unsatisfying at this point is that I don't feel  
18 like the design of the consolidated project is  
19 really fully matured, and maybe it's just because  
20 the renderings all up here are washed out, or  
21 maybe I'm not seeing the things that I should be  
22 seeing, in terms of the materials. So, you know,  
23 I just find it curious that the selection of  
24 colors, they all kind of blend together too much.

25           There isn't a whole lot of contrast

1 there. There isn't even much in the way of, you  
2 know, shadow lines that come out of it. Even  
3 though I know there's a lot of depth to it, it's  
4 kind of -- it feels a lot flatter than I know that  
5 you want it to be and that I think it probably is.  
6 But, again, I'm basing it on what I see.

7           First of all, the basic question is, you  
8 made reference to materials. Do you have a  
9 materials board?

10           MR. SPONSELLER: We did bring material  
11 samples which we'll pass around.

12           COMMISSIONER MAY: Okay. Can you go  
13 ahead and pass those out, or can somebody pass  
14 them out?

15           And then, the second question I have -- I  
16 guess I should have asked that after I asked my  
17 first question, so I could keep the architect at  
18 the table. Why don't you let somebody else hand  
19 the stuff up and I can keep asking you questions.

20           What is the varied finish and color of  
21 the metal panel?

22           MR. SPONSELLER: We spent a lot of time,  
23 collectively, looking at the degree of variation,  
24 and hue tone and texture of the three components -  
25 -



1           COMMISSIONER MAY: Right.

2           MR. SPONSELLER: -- and we wound up with  
3 something that is a little more subtle and relies  
4 on texture and finish than we started with. And  
5 the idea is that because we wanted to have the  
6 materials that were of the neighborhood, as I  
7 mentioned, the clays involved, and that's both the  
8 clay tiles and the brick masonry, and we thought  
9 that the metal would be a neutral element, and  
10 between those two that would add a lot of life,  
11 just through the fact that one is metal and one is  
12 clay masonry. And as these materials come around,  
13 I think you'll get a sense of that.

14           I think you're correct that it is a very  
15 subtle variation in terms of color and tone and  
16 contrast, overall, between the three components.  
17 I'm not going to argue with that. But we do think  
18 that the materiality of the volumes will do a lot  
19 in terms of providing texture and interest inside  
20 that pretty tight color range.

21           COMMISSIONER MAY: Right. Okay. So the  
22 other reason why I'm having a hard time seeing it  
23 is I don't see the kind of detailed drawings that  
24 we usually have in a consolidated package. Have  
25 they not been done, or have they just not been

1 submitted, or did I miss them somewhere?

2 MR. KAUFMAN: Well, we do have elevations  
3 for every side, as you know, and we've rendered  
4 the building, but we do illustrate the depths that  
5 we're providing in all of the volumes. The  
6 punched windows have a 7-inch return with the rain  
7 screen, and that's been demonstrated in the  
8 renderings.

9 COMMISSIONER MAY: So, I mean, typically  
10 what we'll see is enlarged elevations that call  
11 out the materials, and very often, in the most  
12 helpful cases, what we see is it's actually tied  
13 to the material samples, so we know exactly what  
14 we're looking at when we see the materials.

15 MR. KAUFMAN: Right. In this case, we  
16 did provide a materials submission. We could tie  
17 it, in a follow-up submission, to the bay  
18 elevation details, if you'd like.

19 COMMISSIONER MAY: Right. Okay. So, I  
20 mean, all you have to do is look at some of the  
21 past submissions that your firm has made, because  
22 we've gotten those enlarged elevation drawings  
23 with the materials called out very specifically,  
24 and that's a standard requirement for a PUD.

25 I want to talk a little bit about the

1 benefits and amenities package. The big dollar  
2 amount that's in that amount is the security  
3 package, right? I mean, that's the single largest  
4 dollar amount that's shown in the package. It may  
5 not actually be the single largest dollar amount.  
6 Only some of them are called out that way.

7           So, the way you described it, it made it  
8 sound like this is security that you need to  
9 provide for -- and I'm speaking to you, Mr. Utz --  
10 you referred to it as security that's necessary  
11 for the operation of The Market. So it made me  
12 wonder, is that what you are providing right now  
13 for The Market? Not you, but the owner?

14           MR. UTZ: Yeah. I can, I think, explain  
15 that a little bit. Typically, in an urban kind of  
16 retail operation, you have tenants such as like a  
17 Safeway or whatever, that provide a lot of their  
18 own security. So we own City Vista. I wouldn't  
19 say it's similar but it's similar in terms of the  
20 size of retail and that kind of thing. We also  
21 own Barracks Row. And so, here, what we're doing  
22 is we're providing --

23           COMMISSIONER MAY: I'm sorry. You own  
24 Barracks Row?

25           MR. UTZ: Sorry. Jenkins Row. What did

1 I say?

2 COMMISSIONER MAY: Barracks Row.

3 MR. UTZ: Oh, sorry.

4 COMMISSIONER MAY: You just surprised the  
5 owners of --

6 MR. UTZ: And so, I think that it's two  
7 things. One is I think that it's fair to say that  
8 the security that we're providing for Union Market  
9 itself, which is our building, is higher than it  
10 would sort of normally be, because we're providing  
11 it ourselves and not through our tenants. But  
12 we're also, I think, taking it a step further and  
13 we're providing a fair amount of security  
14 throughout the 45 acres. We have rovers. We sort  
15 of have Captain Smith, who is an ex-D.C. police  
16 officer, who sort of really is spending a lot of  
17 time making sure that the area beyond just our  
18 buildings --

19 COMMISSIONER MAY: If I understand --  
20 sorry. I'm going to cut you off, but I'm trying  
21 to be efficient about this. If I understand you  
22 correctly, the security that you are now  
23 proffering as an amenity to the project is  
24 security that you are currently providing in the  
25 operation of Union Market.

1           MR. UTZ: Yes. Yes. I just want to make  
2 sure that I'm not, I want to make sure I'm not  
3 using the wrong words, but we are currently  
4 providing this level of security, and we're  
5 proffering to continue to provide that level of  
6 security for a number of more years. I don't know  
7 if the semantics of that are confusing or not.

8           COMMISSIONER MAY: Okay. It's not  
9 confusing. The way it was described is that it  
10 sounded like this was security that was essential  
11 to the operation and success of your business, and  
12 that is not what we would typically regard as a  
13 proffered amenity of the project. If what you are  
14 talking about is adding patrols that would  
15 increase security for the full 45 acres, maybe  
16 that would be considered, more easily considered.

17           MR. KAUFMAN: I think what --

18           COMMISSIONER MAY: I mean, I'm just  
19 saying what we have typically done. It doesn't  
20 mean --

21           MR. KAUFMAN: I think that's fair. I  
22 think we're sort of proposing both. I mean, I  
23 think a component of it is what we would normally  
24 provide, and a component of it is sort of  
25 something more robust.

1           MR. UTZ:  When I mentioned The Market, I  
2 was speaking of The Market as a district, rather  
3 than the building known as The Market.

4           COMMISSIONER MAY:  Okay.  Well, I  
5 appreciate that clarification, because it sounded  
6 very much like Union Market itself.

7           I think that's it for me right now.

8           Oh, I do have one other question.  The  
9 sign on the rooftop, the Union Market sign on the  
10 rooftop, that moved from where it was below, and  
11 I'm wondering why you moved it and why you think  
12 that that's an acceptable rooftop structure, under  
13 the zoning regulations.

14          MR. UTZ:  It would require modification  
15 under the construction code, as signage.

16          COMMISSIONER MAY:  So it's -- you're  
17 saying it's strictly a building code issue?

18          MR. UTZ:  Yes.

19          COMMISSIONER MAY:  Okay, but it's a  
20 pretty big structure on the roof, and it's not  
21 something that we typically see on the top of  
22 buildings.  In fact, it's come up before, where  
23 there -- in another project -- where signage was  
24 just part of the penthouse, but it was set back.  
25 I mean, this isn't set back.  This is on the front

1 edge of the building. I mean, it seems to me --  
2 it's not a tower, dome, or spire. It's -- I mean,  
3 what is it that it can conform with the zoning  
4 code?

5 MR. KAUFMAN: Well, I probably should let  
6 Robert answer this question, because I'll probably  
7 get myself in more trouble than it's worth. I  
8 mean, for us, it's an important icon for the  
9 place.

10 COMMISSIONER MAY: I completely  
11 understand that, and it's advertising, too. I get  
12 that. But that's not what it -- I mean, this is  
13 about zoning. What we're here about to day is  
14 about zoning. So tell me how it works with  
15 zoning?

16 MR. KAUFMAN: Well, Robert, you can speak  
17 to it better, but it is set back from the theater.  
18 I don't know whether that --

19 MR. SPONSELLER: So, technically, it is  
20 located on an interior lot line of the project, no  
21 on a street frontage, on that orientation.

22 COMMISSIONER MAY: Yeah, but, I mean, the  
23 rules for rooftop structures, they have to be set  
24 back in relation to the rooftop that they are on  
25 top of.

1           MR. SPONSELLER: I would make the  
2 argument, architecturally, that it's an  
3 embellishment. It's an iconic sign that is part  
4 of the original foundation of this place, and I  
5 think it's part and parcel of the placemaking. I  
6 think, you know, if the embellishment code were  
7 written today, it would allow this kind of thing,  
8 if it had a historic precedence to it, on the  
9 site, as a whole. It is about the whole place,  
10 not about just the building.

11           COMMISSIONER MAY: I'm not sure. But tell  
12 me why you thought you had to move it up to the  
13 top, as opposed to putting it down on the street  
14 level.

15           MR. SPONSELLER: Well, it's actually just  
16 being --

17           COMMISSIONER MAY: It's probably going to  
18 be more visible, because soon Gallaudet and JBG  
19 are going to build a great big building there --

20           MR. SPONSELLER: Yeah.

21           COMMISSIONER MAY: -- and nobody is going  
22 to see that sign.

23           MR. SPONSELLER: It's going from the  
24 current rooftop to the current rooftop,  
25 architecturally.



1           COMMISSIONER MAY: Yeah, but, I mean on  
2 the --

3           MR. SPONSELLER: Think PSFS in  
4 Philadelphia, for example, how important that  
5 signage is to the architecture of the building.

6           COMMISSIONER MAY: Yeah. We don't have  
7 stuff like that here. You know that. I'm just  
8 curious as to why it just isn't, it isn't on the  
9 lower level, where it was in the set down report.

10          MR. SPONSELLER: Well, wanted to increase  
11 its visibility.

12          COMMISSIONER MAY: And I think you're  
13 decreasing the visibility, honestly, by putting it  
14 up 120 feet in the air. I don't know about you,  
15 but I don't normally just see up that high.

16          Anyway, I'll let my fellow commissioners  
17 weigh in on that one, as well. That's it for me  
18 for right now. I may have more questions.

19          CHAIRMAN HOOD: Okay. Next, Commissioner  
20 Turnbull.

21          COMMISSIONER TURNBULL: Thank you, Mr.  
22 Chair. Well, I also want to compliment you on  
23 your presentation on a piece of property that has  
24 been in the public sector, looking to be developed  
25 for quite a long time, and as Commissioner May has

1 said, it's a worthy endeavor and it's a worthy  
2 project.

3           There are many elements of this that I  
4 like, but I think, as Commissioner May has also  
5 said, and I agree, that there's a lot of things  
6 that we normally would get, in this kind of a  
7 project, where things are more clearly called out.

8           I guess when you talked about, Mr.  
9 Kaufman, in the office space, you called it out as  
10 a certain kind of office space. You said it was  
11 unusual and I forget the other, what the exactly  
12 words were that you said.

13           MR. KAUFMAN: I'm not sure I -- I used a  
14 lot of different words but I think a lot of times  
15 we refer to it as alternative office space, not K  
16 Street, not NoMa, not corporate office space.

17           COMMISSIONER TURNBULL: Well, I guess  
18 what I'm confused about is that your response to  
19 the Department of Energy, you talk about the  
20 glazing. One of the responses on number 4 talks  
21 about "the glazing, and it is not possible to only  
22 glazing to 40 percent of either a Class A office  
23 face -- K Street, read K Street -- or luxury  
24 residential, luxury residential."

25           Now here's one of my questions, is that

1 we're talking about community, and neighborhood,  
2 and trying to fit in, and I think in the Office of  
3 Planning report what is troubling -- and I've got  
4 to find the right page -- their concern about  
5 affordable housing. Excuse me while I try to go  
6 through all this. A lot of paper here. I think  
7 they talk about that the neighborhood -- I want to  
8 say it's 49 percent of the census tract in July  
9 10, 2014, is at or below the poverty line.

10 Now let me ask -- so this response here  
11 says "K Street office or luxury housing." How  
12 does that blend in with the neighborhood? We're  
13 looking for diversity. We're looking for -- I  
14 just can't imagine these words being said about  
15 this project, and after hearing your presentation  
16 earlier, about neighborhood, the context, and  
17 fitting in, I'm confused. I'm really confused by  
18 how this works.

19 MR. KAUFMAN: So I don't know whether I'm  
20 misspoken or not, but it's not K Street and it's  
21 not NoMa. That's what I was trying to say. It's  
22 alternative office space.

23 COMMISSIONER TURNBULL: What about your  
24 response on here?

25 MR. KAUFMAN: On the glazing?

1           COMMISSIONER TURNBULL: Class A office  
2 façade and luxury residential.

3           MR. KAUFMAN: Okay. That's fair, but I  
4 don't think that there's --

5           COMMISSIONER TURNBULL: So it is luxury  
6 residential, if you go with luxury residential.

7           MR. KAUFMAN: I think that those two  
8 things are not mutually exclusive, meaning loft  
9 apartments in Soho can be luxury residential.  
10 What I talked about was the 55-foot span, the open  
11 space, the floor-to-ceiling heights. I don't  
12 think that means that it's luxury residential or  
13 not luxury residential. I agree that the choice  
14 of Class A is sort of confusing, what we're trying  
15 to accomplish there.

16           The comment on the 40-percent glazing is  
17 that we don't want to reduce it to 40-percent  
18 glazing. We want more than 40-percent glazing,  
19 which would be consistent with this type of  
20 warehouse vernacular.

21           So we may have stuck our foot in it, in  
22 terms of how we're -- the words that we used, but  
23 I don't think we're trying to communicate that the  
24 office is going to be Class A corporate office  
25 building and --

1           COMMISSIONER TURNBULL: I guess my gut  
2 feeling, getting back, this looks like  
3 gentrification beyond, of a neighborhood beyond  
4 what I would even imagine. I'm just really  
5 concerned that this is --

6           MR. KAUFMAN: Well, we have residents  
7 here, hopefully, tonight, that can speak to that,  
8 speak to some of those concerns. I do think that  
9 one thing to point out here --

10          COMMISSIONER TURNBULL: I mean, if people  
11 who are earning \$40,000 to \$50,000 a year are not  
12 going to be able to afford to live here, and  
13 neighborhood residents want to move, they're not  
14 going to be able to do it.

15          MR. KAUFMAN: Again, you know, we're not  
16 displacing anybody in this.

17          COMMISSIONER TURNBULL: Oh, you're not  
18 displacing but you're not getting in people who  
19 are in the neighborhood who want to maybe move in.  
20 You're getting a higher income. I mean, even your  
21 affordable limits, you're talking about 80 percent  
22 AMI. You haven't even brought it down to a limit  
23 that would allow people in the neighborhood to buy  
24 in.

25          MR. KAUFMAN: Fair enough. I mean, as I

1 said, our strong preference would be to do for  
2 sale here, and I think there's some complexity  
3 with AMI and the percentages, in terms of people  
4 qualifying for loans and stuff.

5 COMMISSIONER TURNBULL: Well, the  
6 complexity is going to hurt the city. There are  
7 people in the city that --

8 MR. KAUFMAN: Understood. Understood.  
9 There are also -- you know, we have another PUD  
10 proposed --

11 COMMISSIONER TURNBULL: I think you're  
12 going with office. My gut feeling, from what I've  
13 heard, and the presentation, says you're going  
14 with office. That's my gut feeling. You're not  
15 even going to look at residential.

16 MR. KAUFMAN: I think our preference is  
17 office, and I said that. I do think we are going  
18 to look at residential.

19 COMMISSIONER TURNBULL: All right. Let's  
20 move on, then, to some of the other issues. I  
21 would agree with Commissioner May on the sign. I  
22 think, in that park, you could put a sign up close  
23 to the height of what the existing sign was, and  
24 you would have historical context, and make people  
25 reference to what it means. I could see that as a

1 more prevalent or a more positive way of fitting  
2 in with the context of what you're trying to do.

3           The rooftop. I'm still confused by  
4 what's going on with the rooftop. I looked at one  
5 of the plans, and there are some dashed-in areas.  
6 I think it was on 17 of your PowerPoint -- no, not  
7 17 -- 41.

8           MR. SPONSELLER: Yeah. I have it up on  
9 the screen here.

10           COMMISSIONER TURNBULL: Okay. 41 sort of  
11 showed a dashed-in something at the lower left.  
12 I'm not sure. It shows the bump-out for where the  
13 elevator would be, but then there's something else  
14 showing, right above that.

15           MR. SPONSELLER: Oh, I see. That is  
16 actually indicating -- there is no elevator roof  
17 structure popping up above 4 feet. The elevator  
18 is actually being stopped at the floor below, and  
19 so there's a less than 4-foot pop-up that occurs,  
20 that is, you know, well within the setback  
21 requirements of that structure. So we're  
22 indicating it in full disclosure, just to be  
23 diligent about it. It does not come above 4 feet  
24 above the roof. It's about 2 feet.

25           COMMISSIONER TURNBULL: I would like to

1 see sections through that rooftop, to see what's  
2 going on. I think it's very confusing. I'd like  
3 to have that all called out, and what is the  
4 material going to be up there, on that roof?

5 MR. SPONSELLER: Metal. It'll be a metal  
6 panel.

7 COMMISSIONER TURNBULL: Metal panel.

8 MR. SPONSELLER: Yeah.

9 COMMISSIONER TURNBULL: Okay.

10 MR. SPONSELLER: Set back, again, from  
11 the edge quite a bit. You can see that on this  
12 plan we're exceeding the minimums quite a bit  
13 around the edges of the roof.

14 COMMISSIONER TURNBULL: The other thing  
15 is when you describe the difference going from the  
16 stone to the metal to the porcelain tile --

17 MR. SPONSELLER: Yeah, that brick to the  
18 metal to the tile.

19 COMMISSIONER TURNBULL: Yeah. What I  
20 don't -- and with all of the glass windows, it's  
21 hard, even on the one, I think it's page, slide  
22 65, which is showing an elevation of the -- with  
23 your big Union Market sign --

24 MR. SPONSELLER: Yeah.

25 COMMISSIONER TURNBULL: -- you can sort



1 of get an idea of what you're trying to do with  
2 the porcelain tiles, but, again -- and  
3 Commissioner May didn't really say, but I would  
4 like to see the blow-up elevation.

5 MR. SPONSELLER: Oh, no. We'll provide  
6 those.

7 COMMISSIONER TURNBULL: Well, yeah, I  
8 think that -- because right now, I can't really  
9 see the horizontality that you're trying to  
10 achieve --

11 MR. SPONSELLER: Okay.

12 COMMISSIONER TURNBULL: -- and I'd like  
13 to see that blown up a little bit better.

14 And on the park, I'm confused that some  
15 of the perspectives show the side of the building  
16 where the long sidewalk, that big stretch of  
17 green, and then another sidewalk, but some of the  
18 plans sort of show it broken up. So it seems like  
19 there was an inconsistency. If you could give us  
20 more clarity on a plan, exactly what you're  
21 planning to do, because some of the plans didn't  
22 quite match up. I mean, I looked on slide 12.

23 MR. SPONSELLER: I see what you're  
24 referring to, and we can do that.

25 COMMISSIONER TURNBULL: And I'm sure what

1 you've done, as you've been developing this, and  
2 you got one thing and you didn't. So if you could  
3 just correct that and give us a better view.

4 MR. SPONSELLER: We can do that.

5 COMMISSIONER TURNBULL: I'd like to see  
6 more than LEED Silver, and I know we've got your  
7 response, but I think the Department of Energy has  
8 got some good points, and I'd like -- Department  
9 of Environment. I'm sorry.

10 I guess on the other issue is there's  
11 still, right now, some serious issues, still, with  
12 the Office of Planning and the Department of  
13 Transportation, and if I look back -- unless  
14 there's been some changes since then -- but the  
15 mitigations, their loading management plan, they  
16 don't agree with. There's quite a few things in  
17 here that the Department of Transportation, it  
18 sounds like you still need some more work with  
19 them to flesh out some of these problems that  
20 you've got.

21 So I think what Commissioner May was  
22 saying earlier is that we're usually a little bit  
23 farther along with this. There's been more  
24 development, and we may have some issues if you  
25 want to come back. But I think, on page 3 of

1 their report, under analysis, and on mitigations,  
2 it sounds like -- and maybe we'll talk to them  
3 when we get our chance to review what they've  
4 submitted. But it sounds like there's still some  
5 more work to be done on that.

6           And I guess I would still have -- and  
7 with some of the things on the amenities and on  
8 the benefits, some of these things are still --  
9 and I compliment you for trying to do as much as  
10 you can -- some of these things are still not  
11 clearly defined. When we talk about security, and  
12 there's simply a number out there, and as  
13 Commissioner May was saying, some of this is just  
14 the cost of what you're doing now.

15           But are there cameras, more cameras? Is  
16 there more manpower? I think we need this fleshed  
17 out, what's going into this security package,  
18 because right now -- is this really a benefit for  
19 the community? Is what -- it sounds like it's  
20 more of a, your cost of doing business for  
21 yourself right now. So I think we need something  
22 further to explain that.

23           We talked about the streetscape, the  
24 guidelines. You're really not there yet. We need  
25 some more information on that.

1 I guess the other thing is the education.  
2 You talked a lot about the educational  
3 partnership, but is there a dollar amount that's  
4 assigned to that? There's really nothing there.  
5 It's simply saying you're working with the group,  
6 you're providing this, with the Wheatley Education  
7 Campus. There's no dollar amount, though,  
8 involved in this, from what I understand.

9 MR. UTZ: We have not put a dollar amount  
10 on the record. Correct. It's a qualitative --

11 COMMISSIONER TURNBULL: It's just a  
12 qualitative statement you're making.

13 MR. UTZ: Correct.

14 COMMISSIONER TURNBULL: Okay.

15 MR. UTZ: It's a program that will  
16 continue to exist with the various schools in the  
17 vicinity.

18 COMMISSIONER TURNBULL: Well, and then  
19 your potential creation of new housing, I don't  
20 know if that's going to happen.

21 I think that this project has got a lot  
22 of things going for it. I mean, I think it's  
23 going to be a significant venture. Again, as a  
24 committee, we're just reiterating what  
25 Commissioner May said. It's not quite ripe for

1 prime time. I think there needs to be a little  
2 bit more tweakings, a few more meetings with  
3 Office of Planning and Department of  
4 Transportation, and some of the architectural  
5 elements need to be -- I guess I'm concerned about  
6 the loading. Is the loading done off the plaza?

7 MR. SPONSELLER: Yes. It's managed by  
8 the ownership. They'll be able to manage that, I  
9 think, sufficiently. There's actually, I think,  
10 an appendix in the example, but it is off the  
11 plaza, but it's timed, it's coordinated. They  
12 have a management plan for the loading, if I'm not  
13 mistaken.

14 COMMISSIONER TURNBULL: Well, Department  
15 of Transportation says that's not really worked  
16 out yet. I don't think they've seen a significant  
17 -- I think we need more information on that, on  
18 how that's going to work. I think part of the  
19 issue we're seeing is, have you really thought how  
20 this complex is going to work, and that we can  
21 review it and say, "Yeah, this makes sense," and  
22 we get feedback from the Department of  
23 Transportation that says, "We agree. They're on  
24 the right track. We think it's going to work."  
25 Right now it looks like there are some serious

1 questions on it.

2           Gallaudet -- the pedestrian access. Is  
3 there any pedestrian access from Gallaudet?

4           MR. SPONSELLER: Well, the two urban  
5 places that we're making are both pedestrian.  
6 They connect through-block. The idea was to  
7 provide through-block connections, east to west,  
8 in addition to the 5th Street and 6th Street  
9 reconstitution. So those --

10           COMMISSIONER TURNBULL: But there's no  
11 like, directly, to the university?

12           MR. KAUFMAN: Yeah. I think you're  
13 saying that Gallaudet properties are not on  
14 Gallaudet's campus, so 6th Street separates --

15           COMMISSIONER TURNBULL: Separates.

16           MR. KAUFMAN: Right. So there either has  
17 to be a crosswalk or whatever --

18           COMMISSIONER TURNBULL: Okay. But you  
19 haven't had any communications with Gallaudet as  
20 to what they might like to see, or if there's any  
21 involvement at all?

22           MR. KAUFMAN: Well, we have had  
23 communications. You know, Gallaudet has just  
24 recently picked its development partner, so while  
25 we've had a lot of communications with them,

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1 they're sort of waiting to get their partner in  
2 place and to start to really engage in the  
3 process.

4 I will say that we're in agreement with  
5 Gallaudet. We'd like to see those connections.  
6 We'd like to see those roads narrowed. We'd like  
7 to see the traffic calmed. We'd like to see stop  
8 signs. We'd like to see another traffic light.  
9 So I don't think that there's -- we're sort of in  
10 alignment with Gallaudet in terms of that  
11 connectivity.

12 COMMISSIONER TURNBULL: All right. Well,  
13 I guess, Mr. Chair, I'll relinquish my time right  
14 now. I just, just reiterating, I think there's  
15 still -- I think this is going to be a wonderful  
16 project, but I just think there's some more  
17 tweaking that needs to be done.

18 CHAIRMAN HOOD: Okay. Commissioner  
19 Miller.

20 COMMISSIONER MILLER: Thank you, Mr.  
21 Chairman. Yeah, I would echo Commissioner  
22 Turnbull's comment that this is a wonderful  
23 project, and the existing Union Market is iconic,  
24 and I think what you're trying to create is also  
25 iconic. I mean, all the event programming that

1 you have down there now has really just been a  
2 fantastic transformation of that whole site, and a  
3 real public benefit for the District of Columbia,  
4 and for the neighborhood. And I appreciate all  
5 the community engagement that you've done, that's  
6 evidenced by the letters we have in from the ANC  
7 and the single-member district commissioners.

8 I think a lot of the changes -- I think  
9 many of the changes you made have been responsive  
10 to previous comments, both by the Commission and  
11 by the Office of Planning and DDOT. I guess I  
12 need to -- we'll hear from them shortly, but I  
13 think I need a better delineation of where the  
14 points of difference are, and with OP right now,  
15 and how all those issues will be resolved.

16 The Angelika movie theater, that's just  
17 going to be an amazing destination for residents  
18 and for visitors, even though we are now getting  
19 that kind of theater built in other places east of  
20 7th Street, N.W., finally, so that's a good thing.  
21 That's a great thing. It's fantastic.

22 I would share some of the concerns that  
23 have been expressed so far by Commissioners May  
24 and Turnbull. I think the façade treatment that  
25 you did for the upper level, which is going to be



1 office or residential, I think is a great  
2 improvement. Making it more of an industrial  
3 aesthetic, I think you have accomplished that and  
4 I think it looks a lot better.

5 I would agree with Commissioner May that  
6 it seems -- I think he was referring to the two  
7 lower stacks -- that there seemed to be a  
8 blandness there, especially since you removed, at  
9 the request of some, the LED movie sign. I guess  
10 I was the only one who liked that previously, as  
11 long as it didn't cause any accidents. But you've  
12 also removed, or moved up the Union Market sign.

13 COMMISSIONER TURNBULL: You just liked  
14 the movie.

15 COMMISSIONER MILLER: I just like the  
16 Casablanca movie. I could just sit there and  
17 watch that all day, from the urban park.

18 So you did move the Union Market sign to  
19 the roof. I don't have a problem with it being on  
20 the roof, as an architectural embellishment, but I  
21 think it actually worked, as Commissioner May was  
22 saying, where it was previously, at set down, as a  
23 backdrop to what appears to be a bland movie  
24 façade. I think maybe when we get those  
25 elevations, enlarged elevations, which tie these

1 materials -- which I was having difficulty  
2 understanding which ones would go where -- so I  
3 think that will answer some of it.

4           But I think he's right that it would be  
5 more visible -- in the end, when all this area is  
6 developed out, it will be more visible, certainly  
7 to the street, to the people looking for Union  
8 Market from the street, because there it is, right  
9 on top of the Union Market. So I think that maybe  
10 you should look at that again, or we'll see the  
11 enhanced, enlarged elevations that show the  
12 materials, so that might be worked out.

13           I also would agree with Commissioner  
14 Turnbull. I mean, I've said this in almost every  
15 case, where the inclusionary zoning is being  
16 complied with at the very minimum level. This  
17 Commission, for at least a year and a half, has  
18 been requesting the Office of Planning to bring  
19 forward a case that will -- and I think they're  
20 about to, I hope, finally -- that would revise  
21 that exclusionary zoning regulations to, among  
22 other things, not only make them work better for  
23 the development community, but also, on housing  
24 affordability, to have a higher set-aside and a  
25 deeper affordability level.

1           Eighty percent AMI for the District of  
2 Columbia, it's probably market rate or beyond,  
3 right now, in that neighborhood. I mean IZ will  
4 be, is in perpetuity, so maybe 30 years, when the  
5 area is really transformed, it will be good to  
6 have those 80-percent AMI units, but right now  
7 that's not really meeting the needs of the  
8 District's population, when we are including the  
9 incomes of Montgomery County and Fairfax County,  
10 two of the richest counties in America. So if you  
11 can look at that and do anything about that. I  
12 mean, I appreciate that you are providing  
13 residential where current zoning doesn't even  
14 permit any residential, as an option, if you can't  
15 get the office.

16           I would also share the -- I think we do  
17 need more information on the security, because I  
18 had the same question, that I wrote down in my  
19 notes, about why enhanced security should be  
20 considered a public benefit when it's really the  
21 sufficient amount of security that's needed for  
22 this project to work. I realize that it will  
23 benefit the public, because people will feel  
24 secure when they come there, and you want them to,  
25 but I'm just not sure it gets quite the

1 significance, even though it's a significant cost,  
2 just because you need it there to make the  
3 businesses there successful.

4 I think it's great that you're keeping  
5 the market open during the construction. Has that  
6 been done? Is this kind of a, building on top of  
7 a building, with the trusses or whatever, and a  
8 totally different foundation, while an active  
9 retail space is below, has that been done before,  
10 successfully?

11 MR. KAUFMAN: I think it's been done a  
12 number of times. I personally worked on a project  
13 in Maryland that did that over an existing  
14 historic theater. And there's a lot of expense  
15 that goes with it. Because we, fortunately, have  
16 the second building behind us and the plaza area  
17 that's not used for the current market, that  
18 allows us to stage everything from the rear.  
19 We're going to do all the work at night, for the  
20 steel, and what that allows us to do -- the steel  
21 is brought in and assembled, essentially, in the  
22 trusses, and so you can actually erect the steel  
23 in a very short amount of time, and essentially  
24 create a working platform that protects what's  
25 below it, so that you can then continue to build

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1 above.

2           We've actually spent a lot of time with a  
3 number of GCs, working out, and we actually have -  
4 - we didn't bring it, but we actually have an  
5 animated, I don't know what you call it, but it  
6 shows how this thing gets put together. So there  
7 has been a lot of thought about it. It does take  
8 a lot of -- it requires a lot of forethought.  
9 You've got to figure out what needs to be  
10 prefabricated offsite. You get this huge trusses  
11 that you've got to get into the city. So there is  
12 a lot of thought behind it.

13           COMMISSIONER MILLER: Right. That sounds  
14 like a challenge. Are there additional safety --  
15 what are the other safety measures that protect  
16 people who are entering the market, and the  
17 businesses that are there? Are there additional  
18 safety measures?

19           MR. KAUFMAN: Sure. I mean, like I said,  
20 most of the danger, or the steel erection will get  
21 done at night when the market is closed. But then  
22 once they're sort of at a stage where you can work  
23 during the day, there will be all the sort of  
24 urban protections that would have. You know,  
25 you'll have covered walkways, the screens that

1 prevent things from flying off the buildings, all  
2 the kinds of things that you would see in urban  
3 construction.

4           And then, as I said, one of things that  
5 makes that a little easier to do is the back of  
6 the building, we don't have to have that kind of -  
7 - there's not that kind of risk in the back of the  
8 building, if that makes sense.

9           COMMISSIONER MILLER: Right. And going  
10 back to the public benefits and amenities, I think  
11 you -- maybe we need just a little more  
12 information as to -- I guess you have the response  
13 to the DDOE memo. Maybe I just need to look at  
14 it, where you think you're going to get above  
15 Silver in a number of areas that they're  
16 suggesting you can get. They're suggesting you  
17 might able to get to Gold, but you are not willing  
18 to make that commitment right here. But may be we  
19 just need to see a more firmer commitment to what  
20 you think is likely to happen above the Silver  
21 minimum level.

22           MR. SHARPE: Mr. Miller, I can response  
23 do that. The short answer is we're going to try  
24 and get as many points as we can, and I think,  
25 based on the selection of some of the systems in

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1 the building, that we're looking at right now --  
2 you know, on the office side we're looking at a  
3 DOAS mechanical system, which is extremely  
4 efficient. It lets you get a lot of points on the  
5 energy atmosphere level. On the residential side,  
6 we're looking at VRF systems, also extremely  
7 efficient.

8           The challenge for us -- and this, I  
9 think, is the direct answer to why we're not going  
10 to Gold -- perhaps one of the most green things  
11 you can do in the city, which is why we like  
12 building in the city, is to reuse existing  
13 infrastructure, and the existing infrastructure on  
14 this place is Union Market. We're not touching  
15 the building. We're keeping that all intact.  
16 Now, if we could take advantage of that in the  
17 LEED scorecard, we would be LEED whatever --  
18 platinum, platinum, platinum. But we can't  
19 because to take advantage of the building in the  
20 LEED scorecard would entail upgrading every single  
21 system in the building, which we just can't do.

22           So, for that reason, we're sort of  
23 artificially penalized, to some extent, so we're  
24 only looking at the two-thirds of the sandwich, if  
25 you will, for the LEED analysis, and that's kind

1 of the why, for why it looks worse than it  
2 actually is.

3           COMMISSIONER MILLER: Right. I think  
4 that's a valid point. It is such a unique  
5 development that it doesn't give you proper credit  
6 for that preservation, and keeping it open during  
7 construction.

8           The other thing that I noticed, on the  
9 public benefits and amenities listings, on the  
10 donation of event space to community, I mean,  
11 you've done a lot of that, and you mentioned  
12 examples that you've done, that you've recently  
13 sponsored, and it seems like you've done more in  
14 the last 2 years than you're proffering. I'm just  
15 wondering. You say that the market value for each  
16 event is valued at approximately \$15,000 to  
17 \$20,000 and you're proffering \$20,000 per year for  
18 5 years, but you've done I don't know how many  
19 events over the past 2 years.

20           So, it just seemed that -- and I realize  
21 that you're trying to create interest in a new  
22 site, that people aren't used to going to, but it  
23 seems like you probably could do more than -- you  
24 could continue to do almost what you're doing now,  
25 or at least half of it. So that might be



1 something to look at, in terms of upgrading those  
2 benefits.

3 But, in general, I think it's a fantastic  
4 project. If we're going to wait, Mr. Chairman,  
5 for things to come back to us, I hope we don't  
6 wait too long, because they've got a schedule for  
7 the Angelika theater. We want to see this  
8 development move forward for Ward 5 and for the  
9 city, and so I would hope that we would create an  
10 ambitious schedule for that and let them meet that  
11 challenge.

12 CHAIRMAN HOOD: Okay. Thank you. I  
13 would probably ask questions tonight about the  
14 levels of parking. I would asking the loading and  
15 the turnaround. We talked about the  
16 sustainability. Commissioner May, I think, in  
17 your questions -- I think it was yours,  
18 Commissioner Turnbull -- we talked about we've  
19 never seen where we went to office and  
20 residential.

21 That took me back to the Tech Hotels. I  
22 don't know how long ago we did the Tech Hotels,  
23 which never actually came to reality in the city.  
24 But the 96th Congress made us hurry up and do Tech  
25 Hotels. We came here during the day, to make sure

1 about the Tech Hotels, and I think they  
2 disappeared. If they're still around, I didn't  
3 know about it.

4           But there are a number of issues that I  
5 think this case needs to be refined and redone,  
6 and without us wasting time this evening in trying  
7 to push through, I think this project is  
8 definitely going in the right direction. This is  
9 something, as Commissioner Miller mentioned, about  
10 doing right for Ward 5, but this is not something  
11 that we are accustomed to seeing the way we're  
12 seeing it. I don't think there was even a  
13 response, and I'm not sure when the response came  
14 in for DVOE. I think it was today, because I  
15 thought it was uploaded in ZDocs. I just kept  
16 seeing new -- every time I looked at it, I kept  
17 seeing new things filed in ZDocs. Then we need to  
18 have a time to be able to digest it, as well as  
19 hear from the subject matter experts, Office of  
20 Planning as well as DDOT.

21           So, without wasting everyone's time,  
22 colleagues, I would suggest they've heard a number  
23 of statements. I think this is ready, and I like  
24 moving forward, but the problem is I think it came  
25 out of the oven too fast. Case in point, these

1 materials board -- Where did they go? We usually  
2 have something, and if we do have it, I missed it  
3 -- directing where the materials go. So I think  
4 it needs a little more time. You all can put it  
5 on an ambitious schedule.

6 I don't think, Commissioners, that we  
7 need to prolong this and waste everybody's time,  
8 and then come back and have another hearing,  
9 because I think the way we're moving, we're going  
10 to have another hearing.

11 So why don't I go to Office of Planning,  
12 DDOT, DDOE, which I'm glad to see now, Mr. Wilson.  
13 I'm very happy to see DDOE starting to come, as we  
14 have requested. I know you all have a new  
15 director over there, so we're looking forward to  
16 working with DDOE in that fashion. But I think it  
17 would be advantageous for all of us to put this on  
18 an ambitious schedule. I think this is long  
19 overdue, but I think for the filing, for the  
20 record, for the city, we need to have it right  
21 here before we move forward.

22 Colleagues, I'll open it up for any other  
23 questions. I think everything I've heard, from  
24 what I've heard, and even from what I have to ask,  
25 those few things I rattled off, I think we have

1 another hearing. We have another situation right  
2 here where we're here, we give the Applicant some  
3 more time to work with Office of Planning, DDOE,  
4 and DDOT, and then we come back and we do the  
5 exact same thing.

6 Mr. Utz, you give us a presentation. I  
7 think the best way to move, for the sake of  
8 efficiency, because I think all of us up here like  
9 the project. We just need to make sure it's right  
10 for zoning purposes, and that it didn't come out  
11 of the oven too fast. Put all of these things  
12 together, where the material boards go, and  
13 everything, and let's move forward. Let's not  
14 hear from DDOT. Let's not hear from the public  
15 and waste our time. We're going to come back and  
16 do it again.

17 And I don't think this can be done in  
18 submissions.

19 MR. UTZ: Can I ask a couple of questions  
20 about that?

21 CHAIRMAN HOOD: Let me see what my  
22 colleagues say in that direction, first, because  
23 if I don't have their support, we'll keep right on  
24 going. Commissioners?

25 COMMISSIONER MAY: I agree with you 100

1 percent. I mean, my reaction, just reviewing the  
2 materials that we had in advance, that there  
3 wasn't enough information to evaluate that. We  
4 did get some of that information tonight on paper,  
5 but getting a stack of 30 pages of paper on the  
6 night of the hearing is not enough to be able to  
7 evaluate it and to be able to ask good questions  
8 about it.

9           You know, I'm very troubled, from the  
10 beginning, about the fact that we didn't have  
11 clear recommendations from the Office of Planning  
12 and DDOT, and they were simply just raising issues  
13 in their reports. So I think those things need to  
14 get resolved, and we can take it up, and I think  
15 evaluate this relatively quickly, with the right  
16 information. That's really what we're struggling  
17 with. I think we all believe that the right  
18 information is there. We just don't have it on  
19 paper. We don't have it in testimony yet.

20           CHAIRMAN HOOD: Okay. Does anybody else  
21 want to comment on that direction?

22           COMMISSIONER TURNBULL: Mr. Chair, I  
23 would agree. I would just maybe reiterate what  
24 Commissioner Miller said, that we put this on a  
25 fairly fast track so we can get this thing going.

1           CHAIRMAN HOOD: Mr. Miller, do you want  
2 to add anything?

3           COMMISSIONER MILLER: Well, I guess I  
4 would have preferred, to see if we could get it  
5 resolved to submissions, but I defer to your  
6 judgment. You've been here a lot longer than I  
7 have.

8           CHAIRMAN HOOD: Okay. I just think  
9 submissions, we won't have an opportunity to ask  
10 questions on some of the impacts, and we may have  
11 to go to the Office of Planning, DDOT, DDOE, and  
12 ask some questions about some of the submissions  
13 that you all work out. The community, amenities  
14 package, which I saw in Chairperson Henderson's  
15 letter, some issues there that they're waiting for  
16 you all to come back, I guess, to fine-tune some  
17 stuff. At least that's what was in the letter.  
18 Okay, well, it was in the letter.

19           But, anyway, we'll go from there, but  
20 those are the things we need to clarify and get  
21 straight.

22           Okay. Mr. Utz, you wanted to ask some  
23 questions?

24           MR. UTZ: A few things, yeah. We would  
25 like to see if we could hear from the Office of

1 Planning and DDOE. We think there's an  
2 opportunity to winnow some of the issues down, so  
3 we think there are a significant number of issues  
4 that be winnowed down now, both as the result of  
5 the response memo to OP, some of the submissions  
6 that were submitted to you all today, which  
7 actually were exhibits to the memo that we sent to  
8 OP earlier. We think that will bring the scope  
9 significantly into focus.

10           And then, also, we think the DDOT memo  
11 discusses the project in a way that allows a lot  
12 of these items to be reviewed, resolved during the  
13 public space process, down the line. There  
14 actually were a significant number of documents  
15 that I think are close to resolution, that were  
16 submitted as part of the 20-day submissions, the  
17 loading management plan being one. There's the  
18 parking management plan. There's the curbside  
19 management plan, things that are out there. I  
20 think that the issues are being pretty  
21 significantly narrowed.

22           Regarding the timeliness of the  
23 responses, we actually have been moving, I think,  
24 pretty quickly on the information requests that  
25 have been coming our way. Just about the DDOE

1 memo, in particular, we got it for the first time  
2 on December 12th. I know it's dated October 27th,  
3 but in this case we got it on December 12th and we  
4 have been working pretty quickly to respond to  
5 that. In the memo today is the fruit of that  
6 labor.

7           And then, lastly, we would like to -- as  
8 long as they're all here -- hear from the  
9 community, rather than have them come back to  
10 another hearing. We would like to go ahead and  
11 have them step through their discussions this  
12 evening.

13           CHAIRMAN HOOD: I think my rule is going  
14 to stand. I think we're more efficient when we  
15 have stuff narrowed down. Something may change.  
16 I know former Commissioner Laskey [ph] -- I forgot  
17 her last name -- but anyway, I don't call her by  
18 her first name. I know that some of them are  
19 here. I understand that.

20           But I will tell you, I think that we move  
21 for the sake of efficiency. You all need to have  
22 those meetings with Office of Planning. We don't  
23 need to be involved with those meetings, and  
24 narrowing that stuff down. When you bring it back  
25 to us, make sure it's baked. Make sure it's fully



1 baked. I don't think we need to have that. We  
2 have a lot of stuff going on that we deal with.

3 So I think it's for the sake of  
4 efficiency. That's the best way to do it. I  
5 understand everybody is here, and I apologize if  
6 you have to come back. You know me. I don't have  
7 any problems telling you, come back. Come back  
8 and see us, okay?

9 So I think we can do that, and I think it  
10 will be better. That way you have a full  
11 understanding, it's all here in the record, and I  
12 think everything works together better that way.  
13 Any disagreements up here? Okay. I mean, we  
14 would love to sit in those meetings with you and  
15 Office of Planning and DDOT, and hear about how  
16 you're narrowing things down, but, actually,  
17 really, we won't. Okay?

18 So we're going to move in that fashion.  
19 I think you will find the way we're moving is a  
20 lot better. We do a lot of these cases. We're  
21 down here a lot. We're down here two and three  
22 times a week, so trust me. I think this direction  
23 -- and I'm sorry for the inconvenience to anyone  
24 who came down tonight. We're looking at about 2  
25 months. Unless you tell me you can do it sooner,

1 what we'll do is we'll come in on another night.  
2 That's how accommodating this commission is. So  
3 you tell me. You tell me.

4 MR. UTZ: Do you have a sense of how  
5 quickly we could come back?

6 CHAIRMAN HOOD: What's today? Today is  
7 Monday. You can come back tomorrow if you've got  
8 it all together.

9 COMMISSIONER MAY: Remember, you have to  
10 get the Office of Planning and DDOT, and all those  
11 issues resolved, and you've got a lot of work to  
12 do. I mean, if you're going to come back in 2  
13 weeks, we could wind up with the same result in 2  
14 weeks. So you've got to make sure that when you  
15 come back, you are really, really ready, and the  
16 Office of Planning and DDOT agree.

17 MR. KAUFMAN: I appreciate that. We have  
18 a very tight schedule that we need to meet with  
19 Angelika. I'm in jeopardy of losing that lease if  
20 I can't get this done, and that's my issue. I  
21 understand that. But there are certain things.  
22 We're willing to work with DDOT and we're willing  
23 to work with OP, and I think we've done a lot of  
24 that. We've met a number of times. But, at the  
25 end of the day, I don't know that we're ever going

1 to get to agreement on everything.

2 CHAIRMAN HOOD: Let me say this. We  
3 didn't ask you to come to agreement on everything.  
4 What we're trying to do is make sure that the  
5 record is sufficient, for the four commissioners -  
6 - well, it will probably be five then -- to make a  
7 decision, because right now, to press this on and  
8 try to push this through, you don't have the  
9 votes. That's the reality of it.

10 MR. KAUFMAN: I understand and appreciate  
11 that, and I guess it would be -- I'm not going to  
12 win this argument, so I'll take it as soon as we  
13 can get back on your schedule.

14 CHAIRMAN HOOD: It's not an argument.  
15 We're trying to be very helpful, because we could  
16 press it on through, and I'd call for the vote,  
17 and then it would be denied, and that would be  
18 worse. I don't want to see that happen.

19 MR. KAUFMAN: That's not what I meant. I  
20 said I'll appreciate as soon as you can get us  
21 back on the calendar.

22 CHAIRMAN HOOD: Well, let me ask you this.  
23 What kind of time schedule are you on?

24 MR. KAUFMAN: Well, I have to deliver the  
25 movie theater October of 2016. I have to be open.

1 CHAIRMAN HOOD: Okay.

2 MR. KAUFMAN: And so I need to start  
3 construction -- I have a permit that allows me to  
4 start foundations and footings as soon as I get my  
5 PUD approval. So, you know, I mean, literally  
6 this is impacting our construction schedule.

7 CHAIRMAN HOOD: As Commissioner May was  
8 saying, how soon can you all get everything  
9 together -- you heard all the issues -- and get  
10 back to us? I really will give you 2 months, but  
11 if you can do it sooner --

12 MR. KAUFMAN: Well, I think we can get it  
13 together -- and I'm not trying to be flippant in  
14 any way -- I think we can get it together very  
15 quickly, and we'd be willing to do it as best we  
16 can. But the problem is that we're not in control  
17 of everything. Part of it is in negotiation. And  
18 so I don't know how to hedge that. Maybe you can  
19 help.

20 COMMISSIONER MAY: First of all, what  
21 date do we actually have available?

22 MS. SCHELLIN: March 2nd.

23 COMMISSIONER MAY: March 2nd. So that  
24 would be just about 2 months.

25 MS. SCHELLIN: Yes.

1           COMMISSIONER MAY: I mean, you know, the  
2 thing about this is that if you do it well enough  
3 in 2 months, you could get a bench decision, you  
4 know. But if you push it in 2 weeks and we've got  
5 to wait for more submissions, and we're not even  
6 ready to take proposed action, I mean, this could  
7 drag on for months and months and months. Your  
8 best bet is to get everything done that you can,  
9 and get this in the best possible shape. You  
10 know, 2 weeks, I think, is crazy, even if you  
11 don't control everything. But 2 months, I don't  
12 know, maybe somewhere in between.

13           MR. KAUFMAN: Can I ask -- and this may  
14 be inappropriate, so I apologize -- can I ask  
15 maybe OP and DDOT to sort of weigh in on what they  
16 think? Can we do this in a month? Are you guys  
17 willing to try and do it in a month?

18           MS. STEINGASSER: Well, as you know, Mr.  
19 Kaufman, we're willing to meet with you on a  
20 weekly basis, as we have been doing for the last 4  
21 of 5 months, to move this forward, and we're  
22 willing to uphold that commitment to address all  
23 the issues -- the DDOT issues, the DDOE issues,  
24 which I'm confused by the comments about the  
25 timing of that memo, since we know we discussed it

1 at meetings. So we're willing to commit to get  
2 that done.

3 I think 2 weeks is ambitious. We have to  
4 be able to draft reports, get them in the files,  
5 make them accessible for the public.

6 CHAIRMAN HOOD: Okay. You tell me.  
7 You've heard that. They'll meet with you once a  
8 week, and they're pretty good on their word.  
9 DDOE, I'm sure. And I understand you're not in  
10 control of all of that, but she's already said  
11 they've been meeting with you all once a week, so  
12 they're willing to work with you.

13 MR. KAUFMAN: No, they absolutely have  
14 been willing to meet. I'm not trying to suggest  
15 in any way that they haven't.

16 CHAIRMAN HOOD: Because what I'm thinking  
17 is that -- I don't have a problem coming in on a  
18 Tuesday or Wednesday.

19 MR. KAUFMAN: So let's do a month. Let's  
20 do a month.

21 CHAIRMAN HOOD: What do we have on a  
22 Tuesday or -- colleagues, any problems? Give me  
23 some Tuesdays or Wednesdays, in one month. Nobody  
24 really likes to do Tuesday. I just want you to  
25 know that.

1 MR. KAUFMAN: All right, so --

2 CHAIRMAN HOOD: No, no. We're going to  
3 do it. We're going to do Tuesday or Wednesday,  
4 and you're going to come down here and we're not  
5 going to have any issues.

6 COMMISSIONER MAY: I'm not going to have  
7 volleyball for a couple more months.

8 CHAIRMAN HOOD: Actually, the team said  
9 they'd prefer you to be with us.

10 [Laughter.]

11 MR. KAUFMAN: How about -- does 45 days,  
12 does that get us off a Tuesday?

13 MS. SCHELLIN: No.

14 CHAIRMAN HOOD: We're booked.

15 MS. SCHELLIN: Literally, the next  
16 hearing is March 2nd.

17 CHAIRMAN HOOD: So I'm trying to give you  
18 a Tuesday or Wednesday.

19 MR. KAUFMAN: Okay. We'll take it. I'll  
20 take it. I appreciate it. We'll take it.

21 CHAIRMAN HOOD: Do we have a Tuesday or  
22 Wednesday?

23 MS. SCHELLIN: We have every Tuesday or  
24 Wednesday, because it's not a normal hearing date.

25 CHAIRMAN HOOD: Right. Well, do we have

1 one that accommodates the 45 days?

2 MS. SCHELLIN: You guys tell me. We have  
3 February 3rd, 4th, 10th, 11th.

4 CHAIRMAN HOOD: What about the 18th,  
5 because that Monday is a holiday, right?

6 MS. SCHELLIN: That Monday is a holiday,  
7 on the 17th we have --

8 MR. KAUFMAN: How about the 10th or the  
9 11th?

10 CHAIRMAN HOOD: I was trying to do it  
11 when we don't have to come in two days in a week.  
12 But, okay, the 10th or the 11th?

13 MS. SCHELLIN: We have a meeting on the  
14 9th. 10th, 11th is a Tuesday or a Wednesday.

15 CHAIRMAN HOOD: Okay. What did you want,  
16 the 10th?

17 MR. KAUFMAN: I'll take either. The 10th  
18 would be great.

19 CHAIRMAN HOOD: Is the 10th okay?  
20 Everybody look at your schedule. Okay. Hold on a  
21 second. Are you sure that's enough time.

22 MR. KAUFMAN: We will get it done.

23 CHAIRMAN HOOD: And that's going back out  
24 to the community, if you have to, and all that. I  
25 don't if you have to go back out there.



1 MR. KAUFMAN: I don't think we need to,  
2 but if we need to, we will.

3 CHAIRMAN HOOD: Okay. If you make any  
4 major changes, you need to let them know.

5 MR. KAUFMAN: Understood.

6 CHAIRMAN HOOD: Let me look at my  
7 schedule. The 11th?

8 MS. SCHELLIN: 10th, Tuesday.

9 CHAIRMAN HOOD: Is the BZA --

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: They don't usually go that  
12 late. They used to. Wednesday is what date?

13 MS. SCHELLIN: The 11th.

14 CHAIRMAN HOOD: Okay. The Commissioners  
15 would rather do it on the Wednesday.

16 MR. KAUFMAN: That would be fine.

17 CHAIRMAN HOOD: You've got the extra day  
18 to get everything tightened up.

19 MR. KAUFMAN: Thank you. Thank you.

20 CHAIRMAN HOOD: All right. So are we all  
21 the same page?

22 MS. STEINGASSER: Since OP was invited to  
23 weigh in, as was DDOT, DDOT, I think, would like  
24 to express some of their timing.

25 CHAIRMAN HOOD: Okay.

1           MR. HENSON: Jamie Henson, planner with  
2 DDOT. To be very frank and open and honest, I'm  
3 somewhat doubtful that we can get it done.  
4 There's still a fair amount of issues that have to  
5 be dealt with, a variety of parts of our agency.  
6 We will pledge to work, as we have, for much more  
7 than the 2 months that we've been meeting weekly,  
8 for more like the 6 months that we've been hoping  
9 to meet on a regular basis to address these  
10 issues. We're glad to continue meeting weekly,  
11 but to be honest and frank, I'm somewhat doubtful  
12 we'll get done, but we'll commit to do whatever we  
13 can do to make that schedule happen.

14           CHAIRMAN HOOD: I'm not saying it's  
15 necessary to come in full agreement.

16           MR. HENSON: Sure. No, we'll work out as  
17 much as we can and write a report and tell you  
18 where we are. We're glad to do that. I know that  
19 you all would like a level of certainty that I  
20 don't know that we're able to get to. For  
21 example, delineation on the streetscape standards,  
22 I don't know that we get there by February 10th.  
23 I mean, we're glad to give you an update on where  
24 we are --

25           CHAIRMAN HOOD: Okay.

1           MR. HENSON:  -- but I would not expect  
2 that piece to get done.

3           CHAIRMAN HOOD:  Okay, and it's February  
4 11th.  Commissioner May?

5           COMMISSIONER MAY:  Yeah.  I wouldn't  
6 expect us to get streetscape standards done, but I  
7 think that the approach for this project, in the  
8 absence of those standards, they're not going to  
9 get done.  You'll be lucky to get it done by the  
10 time the Angelika opens.  It's just, what's the  
11 path forward for this PUD, in the absence of those  
12 standards, is kind of what we're getting to.

13           I mean, the thing that concerns me is  
14 that if we're hearing that they're meeting with  
15 the developer, and we still have this many  
16 unresolved issues, then I think that there's  
17 something substantial that has to change in the  
18 way these negotiations are happening.

19           I mean, the Office of Planning does a  
20 lot, and DDOT deals with a lot of projects, and  
21 negotiates with many developers on many issues,  
22 and I can't remember one that had this many issues  
23 at the time of hearing.  And to hear that that's  
24 happening after you're meeting with them weekly --  
25 something's got to change, or you're not going to

1 get there by February 10th or 11th, or March 2nd.  
2 I don't know what you're going to do about your  
3 deadline for opening your theater.

4 CHAIRMAN HOOD: Okay. Any other  
5 questions or comments? So we're looking at  
6 February 11th. Anything else, Mr. Utz?

7 MR. UTZ: I think that's it.

8 COMMISSIONER TURNBULL: Mr. Chair, I just  
9 want to -- the point of this is that when we have  
10 this continued hearing, your goal is to have this  
11 body take proposed action, so you've got a big  
12 chunk of information that you've got to -- I mean,  
13 we've got to digest it. You've heard a lot of  
14 concerns. You know where OP and DDOT are, so  
15 you've got a big piece of the apple that you've  
16 got to bite off and get back to us, and make sure  
17 that we can look at this, and you want us to give  
18 a favorable vote on this. So, as the Chair said,  
19 or Commissioner May, you don't want this thing to  
20 come in and you've still got open items, and we  
21 can't take proposed action. It's going to result  
22 in another couple of weeks or a month.

23 So just that you're aware, there's a lot  
24 of work to do.

25 MS. SCHELLIN: Chairman Hood, if I may, I

1 just want to advise the Applicant that, at the  
2 very, very latest, and anyone else, submissions  
3 must be made by noon, February 2nd, at the latest,  
4 preferably before, because staff has to do its  
5 work, and it puts a burden on us when you don't  
6 get them in early. I mean, that's the very latest  
7 that we can work with it.

8 MR. UTZ: That would be our body of  
9 responses?

10 MS. SCHELLIN: Anything that you're  
11 submitting, yeah. I mean, I'm giving you the  
12 absolute deadline, which means it's putting a rush  
13 on us. But it sounds like you guys need a lot of  
14 time.

15 COMMISSIONER MAY: What does that mean  
16 for the Office of Planning, then? When do they  
17 have to -- same day?

18 MS. SCHELLIN: Well, I mean, I'm assuming  
19 they're working with them. That's what you guys  
20 have asked them to do.

21 COMMISSIONER MAY: Okay. I mean, very  
22 often we don't get -- their report follows the  
23 submissions.

24 MS. SCHELLIN: Well, then, if we need  
25 their report, if they're going to file, I mean, I

1 would think that their report wouldn't have the 10  
2 days before. You guys aren't holding them 10 days  
3 before. So since we've already had the initial  
4 hearing. So if we're going to back it up and give  
5 them a week, say, after the Applicant files, then  
6 the Applicant would have to file by January 26th,  
7 and then OP and DDOT would have until February  
8 2nd, and DDOE.

9 COMMISSIONER MAY: Is there any reason  
10 why we can't take the OP report a little later?

11 MS. SCHELLIN: Sure, if you want it.

12 COMMISSIONER MAY: I mean, we have to  
13 give them to February 2nd, and then, our date is  
14 the 11th? Is that right?

15 CHAIRMAN HOOD: Yeah.

16 COMMISSIONER MAY: I mean, all we really  
17 need --

18 MS. SCHELLIN: If we could have theirs by  
19 the 4th and then the Applicant can file by the  
20 28th, so then they would have a week.

21 COMMISSIONER MAY: I was thinking that if  
22 the Applicant sticks with the 2nd, and that's 9  
23 days before we have our hearing, if we can get it  
24 3 days before the hearing -- we're just talking  
25 about two reports, from OP and DDOT, and they can

1 be transmitted electronically.

2 MS. SCHELLIN: Right. OP's report, then,  
3 would be the 9th, is what you're saying, instead  
4 of --

5 COMMISSIONER MAY: What do the rest of you  
6 guys think?

7 CHAIRMAN HOOD: Whatever accommodations  
8 you make.

9 MS. SCHELLIN: Okay. So then the  
10 Applicant still files on the 2nd, and OP and DDOT  
11 and DDOE would have until the 9th. Okay.

12 CHAIRMAN HOOD: Okay. So are we all the  
13 same -- Mr. Utz, are we on the same page? And,  
14 Tina, forgive me for not remembering your last  
15 name, but I remember before, in a minute. I've  
16 got a lot on my mind up here. Okay. What is it?

17 MS. LASKARIS: Laskaris.

18 CHAIRMAN HOOD: Laskaris. I knew. I  
19 knew it was a "La." Thank you. Okay.

20 Anyway, so we're all on the same page?  
21 February the 11th, 6:30. Any other questions? Any  
22 uncertainty?

23 MS. SCHELLIN: I wanted to also include  
24 the ANC for their submission on 2/9, also.

25 CHAIRMAN HOOD: Okay, and remember,

1 Applicant, we don't usually meet on Wednesdays, so  
2 this Commission is being very accommodating. We  
3 don't normally meet on Wednesdays, so you all make  
4 it work for us.

5 MR. UTZ: We appreciate that. Thank you.

6 CHAIRMAN HOOD: Okay. All right. So  
7 with that, this hearing will be continued on  
8 February 11th at 6:30. Good night.

9 [Whereupon, at 9:08 p.m., the Public  
10 Hearing of the Zoning Commission was adjourned.]

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