

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

Gateway Market Center :
Modification to PUD @ Square : Case No.
3587 : 06-40C
-----:

Thursday,
December 5, 2013

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

The Public Hearing of Case No.
06-40C by the District of Columbia Zoning
Commission convened at 6:32 p.m. in the
Jerrily R. Kress Memorial Hearing Room at
441 4th Street, N.W., Washington, D.C.,
20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS
JAMIE HENSON

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JONATHAN ROGERS

The transcript constitutes the
minutes from the Public Hearing held on
December 5, 2013.

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

6:31 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, December 5, 2013. My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Planning Staff, Ms. Brown-Roberts and Mr. Gyor, District Department of Transportation, Mr. Henson and Mr. Rogers.

This proceeding is being recorded by a court reporter. It's also webcast live. Accordingly, we must ask you refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission case number 0640C. This is a request by Gateway Market Center for approval of a modification to a PUD property located at Square 3587.

Notice of today's hearing was posted in the D.C. Register on September 27, 2013, and copies of that announcement are available to my left on the wall near the door.

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

The following time restraints will be maintained in this meeting: The

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applicant has asked for 60 minutes, but we have reviewed the record, and we think you can do it in 30 minutes, organizations, five minutes, and individuals, three minutes. And I ask for you to pick the hot spots that DDOT mentions and those issues.

The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door. Before coming forward to speak to the Commission, please give both cards to the reporter sitting to my right before taking a seat at the table.

When presenting information to the Commission, please turn on and speak into the microphone, first stating your name and home address. When you are finished speaking, please turn your microphone off so your microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engage members of the Commission in conversation during any recess or at any time.

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

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

MS. SCHELLIN: Please raise your right hand. Do you solemnly swear or affirm that the testimony you'll give this evening

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will be the truth, the whole truth, and nothing but the truth?

(CHORUS OF AYES)

MS. SCHELLIN: Thank you.

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

MS. SCHELLIN: Yes, sir, we have a couple. We did receive the affidavit of maintenance this evening, and it is in order. There were a couple of waiver requests, one from DDOT. They filed their report a day or two late, I believe, and so they were asking for a waiver for the late filing of their report.

Then, we have a waiver request from the applicant. They posted the property on time. However, they filed their affidavit of posting late. So, they're asking for a waiver for the late filing of the affidavit of posting.

And then also they're asking for a waiver from the 20-day pre-hearing submission rule to allow them to replace Page G-002 in the submission that was made on time. They want to replace that page, and you have that before you this evening.

CHAIRMAN HOOD: So, basically we have three waiver requests. Commissioners, without me being redundant, you've heard all three waiver requests from Ms. Schellin. Any objections to any one of those requests?

FEMALE SPEAKER: No.

CHAIRMAN HOOD: Not hearing any objections, so we will waive all three of those.

MS. SCHELLIN: And then you have the proffered experts that are before you. Let's go through those.

CHAIRMAN HOOD: Okay, the proffered witnesses, Commissioners, I'd just like to deal with the ones that we have not

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accepted, or have not had an opportunity to proffer yet - I mean, make them experts possibly, behind Tab E, and also, I think there was a resume that was submitted in one of our filings. But, I'll turn it over to you Mr. Utz.

MR. UTZ: Okay, thank you. Good evening. I'm Jeff Utz with Goulston & Storrs. The first person to my left, your right, is Dennis Connors from SK&I Architects. I believe - have you been an expert witness before the Commission?

MR. CONNORS: Yes.

CHAIRMAN HOOD: He's testified that we have proffered him as an expert, okay. It's just not in my records from anyone. We'll make sure - okay, any - I want to - let's go to anybody - anybody else that has not been proffered?

MR. UTZ: Jami Milanovich with Wells & Associates has been previously determined to be an expert.

CHAIRMAN HOOD: Right, right. So, I mean, do we have anybody else?

MR. UTZ: Other folks can come up if questions relate to their area of expertise, but they won't be -

CHAIRMAN HOOD: The only person I have is two architects from SK&I Architecture.

MR. UTZ: Got it. So, today Dennis will be providing all the testimony for SK&I.

CHAIRMAN HOOD: Don't we have someone else?

FEMALE SPEAKER: No, just -

CHAIRMAN HOOD: They supplied their resume.

MR. UTZ: Right.

CHAIRMAN HOOD: They're not going to testify.

MR. UTZ: Right.

CHAIRMAN HOOD: Okay.

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MR. UTZ: Thanks.

CHAIRMAN HOOD: And what's the -
Mr. Fitch has been previously accepted.
Where is Mr. Fitch? Have you been accepted
in front of us before?

MR. FITCH: Oh, yeah, several
times.

CHAIRMAN HOOD: Several times,
okay, okay, all right. We're working on our
list, so just be patient with us. Okay, and
Mr. Connors has been accepted. Okay, so we
will accept unless I hear any objections.
No objections.

MR. UTZ: Great, thank you.

CHAIRMAN HOOD: Anything else?
Are we ready to go?

MR. UTZ: Yes.

CHAIRMAN HOOD: And 30 minutes,
let's just see the highlights.

MR. UTZ: Okay.

CHAIRMAN HOOD: Okay.

MR. UTZ: We appreciate that.
Good evening, members of the Commission. As
I said, my name is Jeff Utz with Goulston &
Storrs, here on behalf of Gateway Market,
Incorporated, the applicant in tonight's
case. With me today are Jeff
Kaufman and Rahul Sood of Edens testifying
on behalf of the applicants, Jeff Connors of
SK&I Architects, the project architect, Jami
Milanovich of Wells & Associates, and also
with us today in the audience and available
for questions are Dan Duke of Bohler
Engineering, Jonathan Fitch of Landscape
Architecture Bureau, and Maureen Dwyer, also
with Goulston.

We greatly appreciate the
opportunity to appear before you this
evening.

The application before you is a
modification to the project approved by
Zoning Commission Order 06-40. This
modification results from the redesign of

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the project, including the removal of the office component, the enlargement of the residential component, and the redesign of the exterior to be more reflective of the historic context of the market.

As you can, and as we'll walk through in a little bit, the redesign responded to the Zoning Commission's comments from the July 29 setdown meeting.

In total, the applicant proposes approximately 153,300 square feet of residential space, with a significant affordable housing component, and approximately 27,400 square feet of retail. The project will be 5.0 FAR and 79 feet, one inch in height.

As described in the submission from last week, the - we are requesting a range of units from 170 to 260 units, but to get the amenities package, it's designed to accommodate that range. The square footage of the affordable housing will remain the same. The square footage of the project will remain the same.

The previously approved project was for a building area of approximately 307,400 square feet, which equated to 7.7 FAR, and it had a height of 119 feet, four inches, with a lot coverage of 93 percent.

The current application before you also includes a two-year extension request to order number 06-40a, under section 248.10 of the regulations. That application was submitted separately from the modification, but at the same time.

As described in the affidavits of the applicant, and other supporting materials in that submission, the development team has been actively working towards making this project a reality with a two-year extension.

The property comprising the subject site is approximately 38,452 square

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feet. It is located in CM1 zone district. The prior PUD approvals approved the rezoning to C3C, and the current project is consistent with that zoning.

Therefore, our project on the property can be constructed to a maximum FAR of 8.0, and a maximum building height of 130 feet.

Let me just go ahead and turn it over to Jeff Kaufman of Edens to give an introduction of Edens.

MR. KAUFMAN: Sure, good evening. My name is Jeff Kaufman. I'm with Edens. I'm here tonight on behalf of Gateway Market. I want to thank the Commissions on behalf of the Choi and Edens for allowing us the opportunity to present the PUD modification.

I think it may be helpful for the Commission to get a very quick, and I promise to be quick, overview, timeline overview of the project. The Choi family assembled these parcels in 2004.

The PUD was originally approved in 2009. The PUD was extended in 2011. Edens entered into a J.V. with the Choi family in October of 2012. We submitted the PUD modification in April of this year, which brings us here tonight. Next slide, please.

Quick introduction to Edens for those of you who haven't had an introduction from us before, it's a private retail and mixed-use focus. We have 80 employees in the D.C. metro. And right now, we have 430,000 square feet of space in the city currently today. Next slide, please.

I think it's important to point out to the Commission that Edens has a unique approach to development. We always focus on the first, what we call the first 20 feet, and we let that drive the floors above. Next slide, please.

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Quick history on the market, you guys probably know it better than I do. But originally the Central Market in D.C. was on the National Mall, where the National Archives building is today. When the Archives building was built, they moved the Market to its current location.

Since then, the Market has continued to evolve in it was the Central Market for the city until the late '60s when the health code regulations changed, and it forced the vendors inside in all the buildings. And then since then, it's really turned into a very unique multi-cultural wholesale and retail market. Next slide, please.

We've always had a very broad vision for this place. We see this project in particular, Gateway Market, as the front door to the 45 acres. It connects the 45 acres to the metro. And it really introduces the first residences to the 45 acres.

And if you'll bear with me, I'll just get up. It may be easier. Testing, does that work?

MR. UTZ: Yes.

MR. KAUFMAN: If you could maybe raise the lights for a second? So, I brought this board just to illustrate the 45 acres, and I think it's important because we keep referring to it, and so you know what I mean when I say 45 acres.

So, the 45 acres is this piece of property right here bounded by Florida, the train tracks of New York Avenue, and this is a federal facility in the back, and then Sixth Street. So that, essentially, is 45 acres, and it is also the smaller plan for Florida Avenue market. Next slide, please.

So, we've always seen this place - we've always seen this place as - it's curated retail. It's unique, concept-driven

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dining. It's unique residences, and it's potentially office space. But if it's office space, it's alternative office space. Slide.

So, the red star on the map is the site. You can see the metro, New York Avenue, Florida Avenue, Gallaudet University, the bus routes, and so on. Next slide, please.

And I will just keep moving through these orientation slides unless anyone has any objection. So, you see the site on the corner of 4th and Florida, some of the imagery of the surrounding buildings.

And I think this is a good sort of summary slide of the zoning. What you see in the dotted red line is the area on the map that I just pointed out, which is also the area of the smaller area plan. The site is in red. It's just under an acre.

It was rezoned C3C as part of the original PUD, and we're not changing that. And the surrounding area inside the dotted red line is all zone C1 industrial, but the smaller area plan recommends an up-zoning to mixed use. Next slide, please.

When we were here at the setdown hearing, the Zoning Commission gave us several comments that we wanted to make sure we were responsive. And I won't read these back to you right now, but I'm going to address the first two now, and then I hope, or I believe the rest of the comments are addressed in the remainder of the presentation. Next slide.

The Commission said very clearly, "Work with the ANC." We went; we did that. We met with ANC 5d, with ANC 6c, who is, even though we're in 5d, they're a party to the - ANC 6c is a party. We met with the Trinidad Neighborhood Association, and we tried to meet with most of our neighbors. All of these groups have submitted letters

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of support for the project.

The Zoning Commission also asked to see a comparison of the PUD, the original PUD with our PUD modification. So, we've included this sheet - it's sheet G101 in the PUD submission - that compares the two projects.

We also have included several excerpts from the original PUD submission in Exhibit B of the 20-day submission. And then we also brought hard copies of the original PUD with us here tonight if anyone would like a copy of it. I'd be happy to provide that. Next slide, please.

So, I just want to touch real quickly on the design approach, and then I'll turn it over to the architect. We - I think it's important to point out that we really struggled with how you build a new building in a place with such history and historic architecture. OP and SK&I really helped lead us to what we think is a very elegant design. The image on the, I guess, the left, is the original PUD elevation, and then the image on the far right is what we're here presenting tonight, and I think in larger part, the metamorphosis due to some of the urgings from the Zoning Commission. And with that, I will turn it over to SK&I.

MR. CONNORS: Good evening. Thank you, Jeff. As Jeff mentioned, the project has gone through several design changes to find the right aesthetic. And the proposed current design on the right has the same massing that we've studied all along.

What has changed is that the one of the right is more attuned to the area and what is existing in the surrounding context. And in fact, each massing consists of very simple pieces of background solid plane, and then three lighter volumes that area applied

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to that mass, one for each of the major streets.

The one on the right, the proposed current design, is more grounded. It has more of a connection to the streetscape, which we felt was very important, and is responding to the comments from the OP and Zoning Commission. Next slide, please.

As I walk through the design of the building, we'll talk about some various items. Here is a detail, and you can see closer up these components of the building.

It's made up of three very simple components, a solid masonry background frame, which is shown in the dark, charcoal brick, and then a lighter metal and glass frame, which are the large piers that come down from the top of the building all the way down to the ground, and then occur as horizontal bands at the second, fifth, and sixth floor, and then the third element, which is a more detailed frame, within that frame itself.

To the right we have two examples of interpretations of this industrial aesthetic that we were looking for. The top one on the right is a more contemporary feel, and the design on the bottom is a more traditional look, and our proposed design is somewhat in between. Next slide, please.

These are detail pieces. We can skip this one. Next slide, please.

This is probably the most important slide to show the intent of the design on the project. It's a section from Morse Street on the north to Florida Avenue on the south. And we took advantage of the extreme grade change on the property. There's almost nine-tenths of grade change on this site.

We were able to bury the parking right behind major anchor store retail space

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on Florida Avenue, which could have a tall volume, and then the retail on Morse Street would still have enough space above that parking line. It provides immediate parking access to the retail space along Florida, which is very important for the vitality of such a retail space. Next slide, please.

Here's an example of the ground floor plan showing the anchor retail space on the ground floor with the higher volume, and the parking, which is on the same level right behind it, which provides that immediate access.

We were also able, because of the grade change, able to wrap or maximize the streetscape with as much retail as possible on all three streets, Florida, Fourth, and Morse. Next slide, please.

This is the first floor plan, which is the higher grade, and you can see the retail to the north, as well as the loading to the northwest of the property.

This is the perfect condition for the loading because it provides access to all of the spaces or uses of the property, as well as being out of sight. It's the least visible place in the design, and it's the safest for truck turns.

The community room itself would also have a street access on Morse Street, and the residential lobby would be between the two retail spaces on Fourth Street. So, it would be visible, but it wouldn't be on such a busy street such as Florida Avenue.

The loading itself also provides direct access to a mezzanine space which is for the anchor retail which faces Florida Avenue, which is important because if a tenant such as a small grocer, were to move in, they would need storage space in probably large volume. Next slide, please.

As I walk up the building, I'll show you the different levels quickly. This

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is the second floor plan. It's the first floor of the residential dwellings, and it's the courtyard space which will act as an amenity to the residents.

It was very important to us when we looked at this configuration that not only did the courtyard get sun from the west, and it could be broken up into smaller, intimate pieces, but it also had a direct connection to the building core and amenities space, so potential residents could be brought up into the building and shown the space almost immediately. Next slide, please.

Here's an example of the typical floor which occurs from the third to the fifth level, and this shows the - what we've arrived at the comfortable layout of the various dwelling units that would be dispersed throughout the building. Next slide, please.

This is the sixth floor, which shows some of the setbacks which you will see in more detail in the renderings. Next slide, please.

And again, per the Office of Planning and Zoning Commission's request, we have provided a more detailed roof plan, and this reflects all of the details that occur on the facade. Next slide, please.

Jeff would like to step in and talk about this slide for a moment.

MR. KAUFMAN: May I ask Dennis to include this just because I think he wanted to illustrate the lease - the retail leasing plan? And you can't really see it unless you sort of compress the ground level and the first level together.

So, just real quick, what we like about this plan from the leasing and retail perspective, you know, it allows us to simply wrap the retail around Florida, up 4th Street, and then up Morse Street.

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It allows us to activate, you know, sort of three sides of the buildings, which would - and we'll talk about this a little later. You know, what we'd like to see here is a restaurant on the corner of 4th and Morse with outdoor dining right here.

MR. CONNORS: Next slide, please. Here's the first rendering. This is a good image where I can talk about the architecture and detail. You can clearly see that there's a distinct base, middle, and top for this building in a tripartite design, and that we've established quite a rhythm with this building.

Not only does it go from that background plane, to a volume, to a background plane again as it goes around the streetscape, but the major frame will come down to the streetscape and define a rhythm within that frame.

And then up on the sixth floor, there are some minor and more prominent setbacks to further articulate that top of the building. Next slide, please.

Here you can see on 4th Street, and this is a good example of the grade change on the building. Up on Morse Street to the right you can see we're providing a space for outdoor seating, and that would be for the more neighborhood-type of retail.

Down to the south is the more prominent corner on 4th and Florida. But this facade as well as Morse Street carries the same language and the same intention to details throughout the design. Next slide.

I want to take a moment to mention how we started with our clients on this project. There was quite a lot of focus made on this very important intersection of 4th of Florida, which is not only the gateway to this area in the comprehensive plan, but it's a first - it's the front door to the rest of the

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development that will occur behind and is also existing behind this property.

And we really were able to work with the building section and create this dramatic, high retail space that faces Florida Avenue and continues to this corner. It's about 26 feet tall.

And you can see in this rendering the details that we - we're paying a lot of attention to the ground plane, and how the materials from up above come down and intersect.

But not only that, how the marquee canopies, the metal canopies, which echo the historic nature of the industrial past of the neighborhood, how they've been implemented into the retail base of this design.

And these canopies will wrap Florida, and then step up at the entry to the residential, and continue around on Morse Street. Next slide, please.

This is the south elevation on Florida. Next slide. This is the east elevation on 4th Street, and it's the north elevation on Morse Street. This is the party wall elevation.

And we wanted to make - take a chance to also say that we've studying this, put a great attention to detail on this facade. Normally a party wall is typically a blank facade. It's often an after thought. But this involves a lot of detail of various brick and cast stone details on this facade. There's - you can see the transition on the sixth floor with the setbacks and then the bands carrying around, the at risk windows that are currently proposed in this facade, and the green screens that would be applied at the lower mezzanine and ground level, which enhance the fabric of the neighborhood.

(Off mic comment)

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MR. CONNORS: Yes, then it's - I've mentioned the - there's cast stone bands that is at the transition of the fifth and sixth floor. It continues around from the other setbacks that are shown on the other elevations. Next slide, please.

We've provided a material board. I hope it's made its way around to the Commissioners' desks. And the building is made up of brick, a very high quality brick, cast stone, and metal and glass, which basically reflects the type of building this is, the topology of that warehouse aesthetic. Next slide, please.

There are close-up details of those materials, and you can see how they interact in the different transitions. Next slide, please.

And this is a close-up shot of the retail base where again, you can see how some of these materials, the same materials from above come down and interact with the retail space. And the canopies will be detailed in the same fashion, and tie into the architecture that's above. Next slide, please.

I'll walk through the landscape plans quite quickly. This is the proposed landscape plan itself, and it reflects the goals of the comprehensive - the small market, small area plan with the street widths on Florida Avenue being arranged between, I believe, 26 feet to, I believe, 17 feet at its narrowest.

(Off mic comment)

MR. CONNORS: I'm sorry, sidewalk streetscapes, yes. Then, next slide, please. And here you see on 4th Street the area plan calls for 15 feet, although we intend to work with public space to make the streetscape as viable as possible and improve upon that. And then on Morse Street, there's quite a wide streetscape

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there of 23 feet, I believe. Next slide, please.

We thought very closely about the courtyard plan itself and how the residents would interact with these various spaces. The courtyard is broken up into three distinct spaces, a lounge area when you first come out of the amenity space, a more intimate dining and cooking area, and then thirdly, a green space. Next slide, please.

And I believe this about covers my end. I'll turn the presentation over to Jami who's done traffic coordination. Thank you.

MS. MILANOVICH: Thanks, Dennis. Good evening. For the record, my name is Jami Milanovich with Wells & Associates, the transportation consultant for the project. In the interests of time, I'm going to make my presentation brief, and I hope to hit the highlights that you're interested in, in terms of addressing the proposed improvements with the project, as well as responding to some of the comments of the DDOT report.

As you've seen and heard, the site is situated on the northwest corner of the Florida Avenue, 4th Street intersection. Access to the proposed parking garage will be provided via a curb cut on Florida Avenue, which is shown on this slide in the pink color.

Access to the loading area will be provided to the rear of the property off of Morse Street. Importantly, the curb cuts for the site will be reduced from the seven existing curb cuts that are present today, to just two under future conditions.

When we looked at the traffic study to determine the impact of the proposed development, there was some marginal impact, and we've recommended a series of improvements to offset or mitigate

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those impacts, which the applicant has agreed to implement. And you can see the full list on the handout that we provided. I'll just hit the highlights.

At the Florida Avenue, 4th Street intersection, we've recommended just some modified signal timings during the p.m. peak hour to better accommodate the future traffic that's resulting from the proposed development.

At the 4th Street, Morse Street intersection, we've recommended a number of safety improvements, and those improvements were based on our evaluation of the crash data, and really looking at improving the visibility of the stop sign and the stop condition for eastbound traffic on Morse Street.

We've also developed a comprehensive transportation to man management plan that the applicant will implement. Among other things, they will provide a complementary SmarTrip card to each of the initial residents in the project, as well as a car sharing subsidy for each of the initial residents in the project.

And the project is providing significant bicycle parking in the garage level for residents and employees of the retail use, and we're providing 72 bicycle parking spaces.

The applicant has also agreed to implement a loading management plan. The loading management plan will designate a loading coordinator who will manage loading activities for the building, including residential move-ins and move-outs, and including retail deliveries, regular and rescheduled deliveries, as well as occasional deliveries for the retail component.

That loading manager will also be

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responsible for informing tenants of the policies and guidelines with regard to the loading at the site.

In response to DDOT's report, I just wanted to touch on a few issues. The applicant has received a letter from DDOT confirming their acceptance of the curb cut location, which states that any restrictions to the operation will be addressed during the public space permit process.

In terms of the parking, we believe that we're providing the number of parking spaces that is essential to the viability and success of the retail component.

In addition, we've heard concerns from the neighbors and from the ANC, and they've expressed their desire for us to ensure that we provide sufficient parking so as to prevent spill over parking in the adjacent neighborhoods. So, considering those two factors, we think we have the right number of parking spaces.

As I outlined, the applicant will be implementing a loading management plan to promote the safe and efficient access for all users, and that loading management plan will also help facilitate the use of the loading docks, including ingress to and egress from the proposed loading area.

And finally, the applicant will implement a comprehensive transportation to man management plan, again, which I outlined earlier, that will encourage the use of non-auto modes of transportation by both residents and employees of the proposed project.

MR. UTZ: Great, thank you. Let me just say a few words about the amenities package and the benefits of the project. I'll just go through them quickly at the interest of time.

But the first general area of the benefits are the community benefits, one of

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which is the community space on the first floor that we showed, both for ANC 5d and then community uses generally.

The project will also have neighborhood serving amenities, and also provide streetscape improvements along, well, all three street frontages.

There are two executed agreements with the District, one is the first source employment agreement with the Department of Employment Services, another is the memorandum of understanding, essentially the DSLBD MOU with the Department of Small and Local Business Development.

The second area of amenities, and probably the most important, is the affordable housing component of the project. 20 percent of the residential square footage of the project, which equates to about 30,662 square feet, is going to be set aside for affordable housing at 80 percent AMI. So, it's quite a bit larger than the previously approved affordable housing set aside.

Thirdly, the site planning and efficient land utilization of the project itself is an amenity. I won't go through all of the sub-bullets on the slide here, but it really - the design solution kind of elegantly solves a lot of issues that the site brings up.

Similarly, the fourth element of the amenities and benefits package, the urban design, architecture, landscaping, and open space, the architecture itself we believe has reached a level of exemplary architecture.

The pedestrian friendly urban streetscape itself is a benefit, and the sustainable design with a commitment to achieve 29 LEED points, which again, is in excess of the 24 LEED points that were previously approved as part of the original amenities package.

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And then finally, the transportation features that comprise the trans-oriented development and then the transportation to man development plan, comprise the fifth element of the amenities package.

I just want to say a couple quick words about we're also maintaining the loading variance that was previously approved, and requesting a roof structure for 11.11 relief as well, which was in the original - our original application from April.

So, in the interests of time, I just wanted to reiterate that there is strong support for the project. DDOT and OP submitted positive reports into the record, and we'll continue working with both of those agencies and other district agencies.

And there is very strong community support for this project. The development team has done a great job reaching out to and engaging the surrounding communities. So, ANC 5d and ANC 6c, the Trinidad Neighborhood Association, Two Rivers School right across the street, and then even other folks are excited to see this go forward. And that brings our direct presentation to a close.

CHAIRMAN HOOD: Okay, I want to thank you all for your presentation. Colleagues, any questions? Commissioner Miller, would you like to start us off? Who'd like to start us off, Vice Chair?

VICE CHAIR COHEN: No. Oh -

CHAIRMAN HOOD: Maybe we don't have any questions.

VICE CHAIR COHEN: Yeah -
(Laughter)

VICE CHAIR COHEN: I'll start. In your proffers, at least you mentioned when you made your oral presentation that it was for 80 percent of median income, but in

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your statement it says less than or equal to 80 percent of median income.

So, I just am asking you to clarify that, and how far below the 80 percent you believe you can achieve?

MR. UTZ: It is intended to be less than or equal to 80 percent of Washington, D.C. AMI. So, that was just me racing through it to say it's linked directly at 80 percent and that's it.

VICE CHAIR COHEN: So, are you able to go down to, let's say, 50 percent of median income in some of these units?

MR. UTZ: The intention is to provide the - up to 80 percent AMI for these units. The previous amenities package that was approved was at 80 percent, so this project is inheriting that amenities package along with -

VICE CHAIR COHEN: I'm still not clear. Most people state that they could - that they're going to meet 80 percent of median. You state you'll meet either 80 percent or less than 80 percent.

So, I'm asking how will you accomplish that? I mean, I'm very happy to read that, but how is that going to be accomplished financially, economically in the project?

MR. UTZ: The intent is to set aside affordable units for up to 80 percent. It's - there isn't, there isn't any sort of immediate action plan to go below that. It is - the amenity of the affordable housing has been inherited from the prior PUD approval.

VICE CHAIR COHEN: Okay, I'll read the zoning order and check on the working.

MR. UTZ: Okay.

VICE CHAIR COHEN: Okay. I'm going to defer to several of my colleagues on the architectural side, but that black,

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why did you choose such a dark, dark color?
I mean, I didn't quite get that in the
discussion.

MR. CONNORS: Sure, yes, I can
address that, if you have the material
board. Even though it itself is a very dark
brick, it actually, when it reflects the
sunlight, it does shimmer. It's a real
brick.

It's extruded from - that's the
color of the clay itself, and it's an iron
spot brick. So, in many industrial types of
neighborhoods, such as New York, Chicago,
and some places in Washington, D.C., there
are - there's a heavy use of that iron spot
brick.

What's nice about this
dark brick is that it really sets itself
cleanly apart from the other pieces of the
composition, so it will be the dark charcoal
versus the white metal.

VICE CHAIR COHEN: Yeah, I think
it's going to be a very stark, shocking
site, and I don't know. As I said, I think
my colleagues may have some -

MR. CONNORS: Sure, if you do -
if you were to hold up the board and angle
it in the light, you would see the coating
on it would, in fact, it shimmers.

(Laughter)

VICE CHAIR COHEN: No, I -

MR. CONNORS: So, the renderings
do it better justice because they're using
real sunlight in order to achieve the
renderings, which shows that impact.

MALE SPEAKER: This?

MR. CONNORS: No, that's an in-
house rendering. I'm talking about the one
on the right of that board, the professional
rendering.

(Off mic comments)

VICE CHAIR COHEN: Yeah, it -

MR. CONNORS: It is a dark, it is
a dark color. There is no question, yeah.

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VICE CHAIR COHEN: All right, I'll just let it pass for now. I just wanted to get a greater compelling reason why you need a two-year extension as opposed to maybe a one-year extension on the PUD.

MR. UTZ: Sure, the applicant, Edens element of the applicant has just kind of recently been formed. Edens has been involved in this project for about a year, so they are really going full speed ahead as it is, and we think that it will require a two-year term from now to continue to develop the project to be ready for submission for permits.

VICE CHAIR COHEN: Usually what takes the longest amount of time are really, you know, architectural drawings to that point. And so, I guess I just really feel that you've got more than enough time.

I mean, I don't really under - I'm not getting it. So, we can leave it at that. I just believe that it's really on the shoulders mostly of the architect or the engineers now.

MR. CONNORS: I mean, I can understand your - where you're coming from. The project's been around a long time, and you'd like to see something happen as would we. I think that our intent is to get this started much sooner than two years, but I think to get it started by the end of next year is tight.

And so, the two years is enough time for, you know, changes, things that go wrong, etcetera. So, you know, I don't feel like from where we, from where we sort of engaged in the project, I don't think that two years is sort of an unreasonable sort of outside time frame.

We also do have both an affordable housing covenant and a construction use covenant that's already recorded with the city that has sort of

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outside dates where things have to be delivered, so - which lines up with a two-year extension.

VICE CHAIR COHEN: All right. Well, I guess this is a new project coming forward. There was a major modification, so, all right. Well, thank you. Mr. Chairman, I'm finished.

CHAIRMAN HOOD: Okay, any other questions?

COMMISSIONER MAY: Why, thank you. First of all, let me say I think that this project is a vast improvement over the project that we originally approved. I just had such anxiety over that on many levels. I won't go into the details there.

So, I think that this is a great improvement, and I also think that the design that we see tonight is a significant improvement over what we saw at setdown, so I think you're making very good progress.

And I think that this - there's a bit of irony in the fact that, you know, this is now a stick-built building and you're doing sort of a faux industrial look, so it's, you know, it's saying it's a heavy, steel, you know, New York loft kind of building, but at the same time it's, you know, it's built with 2x4s.

Anyway, it's sort of an odd circumstance, but I think that overall the design is fairly consistent and well done within that, the style that you've chosen. And this, the rendering of this style, and I don't mean literally the rendering, but the way you have designed this is better and more consistent than what we saw at setdown.

Now, that having been said, I do have a few questions. First of all, on the LEED 29 points, did we get a checklist? Is that in their package somewhere? Okay. Can you tell me just what is that, what does that translate to, 29 points? Is that

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certified, silver, what is it?

MR. UTZ: It is below certified.

COMMISSIONER MAY: It's below certified, all right. That's what I thought. What do you need to get certified, 40?

MR. UTZ: Correct.

COMMISSIONER MAY: Yeah. So, first of all, I don't - when somebody comes in here and just wants to do a building that's certified, we give them a hard time because we're used to seeing silver, gold, platinum. So, I really think that you need to take another look at that and see if there are ways that you can improve the sustainability on it. At the very least, it shouldn't be listed as one of the benefits of the project because it's not. It's just not.

The - let's see - I understand the relief that you're requesting, the roof setback is really only for the elevator core that goes up and abuts the courtyard, right? Okay.

Well, that's probably the least problematic place to do it, and so, I don't have great anxiety over that, although it's always nice to try to avoid that whenever possible.

I appreciate the fact that you actually pushed the stairs away from the edge of the building, because sometimes people just do the simple thing and put the stair all the way at the end of the courtyard, and then therefore it's at the edge of the building, and, you know, put in requests for relief. So, that's better.

The - back to the black brick and the very dark brick. You've given us three, and is the idea that it will be one of those three, or something in that range, or is it going to be a mixture of those three bricks?

MR. CONNORS: Those types of

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dark, iron spot bricks, they're all a charcoal type, and they often come in subtle ranges, either reddish dark, or brownish dark, or bluish dark, so it's a range. It's not a mixture. There is -

COMMISSIONER MAY: So - but you're showing us three different tones there. They're all out of the same - it's essentially the same brick, right?

MR. CONNORS: There are three different dark, iron spot bricks.

COMMISSIONER MAY: They are.

MR. CONNORS: Yes, they are three different of the same type of brick.

COMMISSIONER MAY: Right.

MR. CONNORS: Correct.

COMMISSIONER MAY: When you check off the order form, you're checking off three different - you know, you're picking one of those three?

MR. CONNORS: Oh, yes, yes, whether it's going to be the straight gray or the reddish -

COMMISSIONER MAY: Right.

MR. CONNORS: - gray.

COMMISSIONER MAY: I just want to be clear that you're - are you, you know, are you proposing mixing those three different shades, or are you trying to communicate that there might be some variability under it's not a perfectly consistent brick?

MR. CONNORS: No, we're not. I don't think we would do a range with this type of brick because the brick itself has a lot of -

COMMISSIONER MAY: Right.

MR. CONNORS: - material - other

-

COMMISSIONER MAY: Yeah.

MR. CONNORS: - minerals in it.

COMMISSIONER MAY: It's an iron spot and it's got a - it looks like it's a

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glaze, or if it's not actually a glazed brick, it looks like it's got a glaze to it. So, again, I'm still confused. Are we going to see all three of those colors in some form on this facade, or is it going to be one of those three?

MR. CONNORS: It's going to be one of those three.

COMMISSIONER MAY: One of those three, okay, all right. I have no problem with the episodes of the black wall on the facades, you know, where it's on either side you've got the white metal.

But it's the west wall that's all black in the renderings that we have, and maybe it's just because the rendering we have is just so muddy and dark that it looks - I mean, it looks really, really black. And I'm wondering if there's something that you can do there for a different treatment of that wall?

MR. CONNORS: On the printing wall itself, that was where we came up with the concept of, on the client's behalf, of introducing the green screens.

COMMISSIONER MAY: Right, and that's on the ground, or the lower level, right?

MR. CONNORS: Correct.

COMMISSIONER MAY: Yeah, I mean it's -

MR. CONNORS: And the windows and the cast stone which would carry through, which could be lighter than that brick of course, so it would pop out. But then the - there's a corner of the building too that might have some sort of brick texture.

COMMISSIONER MAY: Okay. So, I just think that that's an awful lot of really black brick, really - I mean, is it the brick or is there going to be, is there going to be some other material there too? Is it going to block or something, or is it

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just all brick?

MR. CONNORS: The intent right now is it to be all brick.

COMMISSIONER MAY: Okay. So, I like the fact that you're putting in all the brick, and the brick is -

MR. CONNORS: Sure, it's a much higher -

COMMISSIONER MAY: Yeah.

MR. CONNORS: - grade party wall.

COMMISSIONER MAY: Right. But, I'm not convinced that it should all be that dark brick, because I think it kind of, you know, there's something special about having, you know, a very dark contrasting color like that, and then when you have a really huge facade of it, you know, you kind of lose it, especially since that facade is going to be visible for some period.

I know it's a party wall, and eventually it's going to be covered up most likely, but I think you're missing something there. So, I think a little bit more attention to that wall is worthwhile.

And the idea of a green screen, you know, mitigates that a little bit on the lower levels, because otherwise you'd have blank walls. You know, I think that's fine, and it's a relatively easy thing for a throw away as opposed to blocking up all the windows, but I just think you need to look at that a little more.

Do we actually have a rendering or a drawing that shows more of the courtyard walls, or is that the only one that shows the courtyard?

MR. CONNORS: We do. We can walk through some of the elevations that are in the appendix. We have building sections which show -

COMMISSIONER MAY: I guess my basic question is, what are the materials that I'm looking at right there? We have a

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lighter color, and then we have the darker color.

MR. CONNORS: The courtyard would be comprised of the same type of material palate.

COMMISSIONER MAY: It's a metal panel.

MR. CONNORS: Right, a metal panel with -

COMMISSIONER MAY: And there's the - and then it's a black -

MR. CONNORS: - glass.

COMMISSIONER MAY: Right. So then, are the, are - is there any kind of modulations of the facade? Are the white panels forward of the black brick, or you know, even a few inches or feet, because it - it's certainly not all going to be flush, yeah.

MR. CONNORS: For itself on in the party wall?

COMMISSIONER MAY: In the courtyard.

MR. CONNORS: Yes, we've thought of those types of -

COMMISSIONER MAY: But you haven't detailed it yet?

MR. CONNORS: Not extensively, if - are the sections in the appendix? We can show.

COMMISSIONER MAY: Okay. Let me - you know, I think you've got - you've done a good job of making the courtyard as - so - as special as the outside walls. And very often, you know, you go into the courtyard and what we see is, you know, vinyl.

MR. CONNORS: Well -

COMMISSIONER MAY: Maybe not vinyl, but -

MR. CONNORS: Correct.

MALE SPEAKER: It's cementitious fiberboard.

COMMISSIONER MAY: Cementitious

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fiberboard, yeah, exactly. Don't get any ideas.

(Laughter)

MR. CONNORS: Well, in keeping with the coordination with the typical plan, you can see, if we go through these elevations, they're grayed out because they're not the, they're not the primary focus of the project. A lot of attention and detail is on the main streets.

However, we do intend to have large glass and then small glass, and large glass and small glass, and then some changes in materials potentially here and there with French balconies and then an accent where you have the amenities space and the -

COMMISSIONER MAY: Okay. So, I just want to clarify, you know, what the materials are more than anything else, but we know what we're looking at and I think we're good that you've got them. It's not the biggest concern. This is not going to be -

MR. CONNORS: It's the same palette of materials reused in a slightly different manner.

COMMISSIONER MAY: So -

MR. CONNORS: More subdued manner as I would say it that way.

COMMISSIONER MAY: Okay. So, let's look at the - sort of, I guess, bring up the best version that you have of the main facade of the building where we can see the light colored metal panel. Maybe it's the professional renderings.

MR. CONNORS: 32, I believe, yeah.

COMMISSIONER MAY: So, I'm looking at it on my sheet. First of all, I noted in particular that you, as a precedent, you cited 1150 18th Street, NW.

MR. CONNORS: Correct, it's an office building downtown.

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COMMISSIONER MAY: Right.

MR. CONNORS: Yes.

COMMISSIONER MAY: So - and do you actually have any involvement with that building, or are you just - is it something that you're just showing as an example?

MR. CONNORS: No, we're just showing it as an example.

COMMISSIONER MAY: So -

MR. CONNORS: It's hard to find precedents like this in the -

COMMISSIONER MAY: Right.

MR. CONNORS: - immediate area.

COMMISSIONER MAY: Well, I remember when that was built, and it must be 20 years old now, it was a very unusual building for Washington because of the way it was detailed like that.

MR. CONNORS: Yes, it's aged well because of the metal panel.

MR. CONNORS: Well, that's what I wanted to ask you about, because I went by there recently just the other day, and admittedly I was sort of zipping past it on my bicycle through the alley, and I didn't get a really good look at it, but it did strike me as the white being a little bit dingy.

So, I mean, do you really feel like that has aged well over time? Because that was my - always my one question about that project was whether it was really going to age well.

MR. CONNORS: We do if you compare it to other buildings downtown and in D.C. in general. Cast stone can often in itself, for instance, collect all of the bus fumes and then age quicker.

COMMISSIONER MAY: Right.

MR. CONNORS: But also on our material palette, we don't just have, for instance, a white. We have what's called a crushed ice white. So, another slight tone

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of white, like a pearlescent white or a crushed ice white, in all likely, will age better because it won't show that -

COMMISSIONER MAY: It's not going to be pick up the -

MR. CONNORS: Pollution as much.

COMMISSIONER MAY: And this is - the way it's actually shown on the facade there, it's almost looking like it's - you're expressing steel beams, right? The detailing of the metal is showing these -

MR. CONNORS: Correct, that's the intent of the design to mimic that type of effect, so there will be major channels -

COMMISSIONER MAY: Right.

MR. CONNORS: - and then minor channels and other details.

COMMISSIONER MAY: Okay, all right. Well, again, I would just take a really good, close look at 1150 18th and see if there are other lessons to be learned, whether it's detail or how the water is shed, because when you've got those very vertical kinds of projections that, you know, where the water goes becomes very important because the water collects the soot and then it runs down the base of the building, and so.

MR. CONNORS: Yes, absolutely, that's why we -

COMMISSIONER MAY: Right.

MR. CONNORS: We're not looking at one particular type of application at the moment because we have to find out what works best in which condition on the building.

COMMISSIONER MAY: Right, right. And it's more, I think it's more than just a matter of the exact color that you select, it's also a matter of how it's detailed than what the colors are.

MR. CONNORS: Yes, we've spent a day around the neighborhood photographing

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and measuring different buildings that had these types of components, and we had a review with the client during this design. So, the proportions that are there now seem appropriate to the height and scale of the building.

COMMISSIONER MAY: Yeah, it -

MR. CONNORS: The proportions on the building you referred to are more appropriate to the height and scale of that building, which is probably 11 stories. This is -

COMMISSIONER MAY: Right. Well, and that one has a lot of these horizontal, very shallow fins, which, you know, it's an interesting look, but it's not what you're going for here, and it's - you almost have to do a double take on this to understand that it's - the detailing of it is actually quite modern, whereas, you know, from a distance, it evokes, you know, the cast iron kind of construction from 100 years ago.

MR. CONNORS: Correct. We didn't want to outright just do historic mimicry.

COMMISSIONER MAY: Right.

MR. CONNORS: We wanted to do something that was unique.

COMMISSIONER MAY: Okay. So, I have one last architectural question, which is that this - there's a - these little things here that appear in some of the spandrel panels. Are those actually vents?

MR. CONNORS: There will be vents on the project, and we are debating whether they're going to be continuous or - but - or like that where they're thin linear types of vents. They will be the same color of the metal panel. They'll be part of the metal panel itself between the two windows.

COMMISSIONER MAY: Right.

MR. CONNORS: So -

COMMISSIONER MAY: So, I think I want to see something about that up close to

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understand what it is, because when I look at those things, what I immediately think is through wall units, and they never look good.

MR. CONNORS: Oh, no, this is a much finer scale than that. The through the wall units are about two feet high. These are only about eight inches tall, and they're linear so they're not looking -

COMMISSIONER MAY: Right. Well, and I mean, it's assumed you could make that to look like it's a decorative portion of the spandrel panel, but it also could come off looking like a through one. So, showing us something, you know, closer up I guess - zoom in on that a little bit and show us a little bit more about what you have in mind -

MR. CONNORS: Sure.

COMMISSIONER MAY: - would be helpful. And I do note that those show up in some of the renderings that way, and then in some of them they don't, so it looks like you're looking at it a couple of different ways.

And the last question I have is that, you know, the - do you believe that with all of the questions that DDOT raised in their report, whether you actually have satisfied all of those concerns?

I mean, you had answers for some of them, but do you think everything has been answered to their satisfaction? Of course I'm going to ask them too, but -

MS. MILANOVICH: I do. I guess I'll be interested to see what they say. I mean, we had several conversations prior to them issuing their report, where we went back and forth addressing some of their concerns, which, I believe, to their satisfaction. If you have a specific concern -

COMMISSIONER MAY: You know, I

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mean, the thing that sticks out for me is the backing in maneuver for the loading.

MS. MILANOVICH: Right, so, you know, we obviously have a fairly tight site. We have a 55-foot loading berth, so we need to accommodate 50-foot trucks. Unfortunately, in the city, it's very difficult to be able to accommodate front-in, front-out maneuvers in all sites.

And so, that just, frankly, wasn't feasible in order to get a 55-foot truck in there to turn around and front-in, front-out. In terms of the back in maneuvers, I think Morse Street is the most appropriate place to have that occur.

It's certainly the lower functional pacification of the roadways. We will have a loading coordinator on the site that will be managing the deliveries, and so, they will help ensure that when trucks are entering and exiting the loading area, that they'll be doing it in the safest manner possible.

COMMISSIONER MAY: Right, okay. Well, I'll have to ask DDOT what they think about whether you've addressed that fully. Thanks.

CHAIRMAN HOOD: Commissioner Miller?

COMMISSIONER MILLER: Thank you, Mr. Chairman. This is a very exciting project, and I think the modifications, based on what I've - from my review of the record are all definitely improvements as Commissioner May has said, particularly the design and the program. They increased the residential.

So, if I recall, you're asking for a range of residential units from 170 to 212. What is the need for the, that flexibility, and what will be the determining factor on settling on a number, and what is the mix of units? I guess 188

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was the number that was used in the submission.

MR. CONNORS: Yeah, that's a fair question. We have a design for 188 units right now. I think that that's sort of the target. That reflects the sort of target mix of our thinking today.

I think the range is really essentially just to create a little flexibility that, as the design evolves and the details get, you know, worked out, that, you know, the mix might change slightly.

But that, it's really, I mean, you know, what we have in there today is what I believe is, you know, to be close to what we will end up with.

COMMISSIONER MILLER: So, for the - so, we're working with the 188 number just as a -

MR. CONNORS: Yeah, I think that that's - I mean -

COMMISSIONER MILLER: What would be - what is the mix of the units in terms of size and -

MR. CONNORS: Sure, it's about 40 percent one bedroom, 20 percent two bedrooms, and then you know, five percent or ten percent studio and 10 percent, you know, other, you know, one bedroom and a half, you know, those kinds of things, one bedroom dens, those kinds of things.

COMMISSIONER MILLER: And the 80 percent AMI units are - it was about 38 units, they're in that same percentage mix in terms of size?

MR. CONNORS: Yeah, the way that our affordable housing covenant works is it's proportional. So, whatever we end up doing as our unit mix, we have to have the same proportional amount of affordability, 20 percent, in those - in that - in those unit types.

COMMISSIONER MILLER: And they're

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distributed equally?

MR. CONNORS: Correct.

COMMISSIONER MILLER: I would associate myself with Commissioner May's comments about the LEED. We do generally, and I think OP also, encourages LEED silver.

I see you have increased the amount of LEED certified points from 24 to 29 between the original and this modification. And on your chart, you show 15 possibles. So, we would encourage you to get that, to make that possible achievable with the additional green benefits that are there.

On the streetscape improvements, do they include the public benches on the - benches on public space in ANC 6c, is it? It's mentioned - it's in their support letter that they wanted to see - I don't know if that's consistent with -

MALE SPEAKER: Yes.

COMMISSIONER MILLER: - DDOT's standards, but it seemed like a reasonable request to add public benches on the public space, and I believe they say on the 4th and Morse Street elevations.

MR. CONNORS: Yeah, I think that comment came out of our last meeting with them, and we would have no problem meeting that - those requirements. We just - they just weren't in the, in the drawings.

COMMISSIONER MILLER: And the - you may have mentioned this, are you adding the bike racks on public space as well? The letter mentions that as well. I think I saw it at number 16 somewhere, but I don't know if that was -

MS. MILANOVICH: We're happy to work with DDOT in the public space to provide the outside bike parking spaces in the public space. So, assuming we can fit 16 in there per DDOT's specs, then we can do that.

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COMMISSIONER MILLER: That's about all the questions I have, Mr. Chairman. I just wanted to comment that I think that, you know, from this non-architect side, I think you have convinced me, at least, that you've created the industrial aesthetic, the warehouse aesthetic that you're trying to achieve, and I think it does work, and I think it's a dramatic - provides an interesting and special gateway entrance to the whole special Union Market area.

I think that dramatic retail, the 26-foot high retail at 4th and Florida, I think that's fantastic, and the restaurant and outdoor - is that where the restaurant and outdoor - that's over on Morse.

MR. CONNORS: Yeah, the restaurant would be inward facing into the market.

COMMISSIONER MILLER: The terrace and outdoor café on Florida, and then this.

MR. CONNORS: Now, if we end up with some of the studies of Florida Avenue that I've seen out there, then I think -

COMMISSIONER MILLER: Turn it into a graded boulevard?

MR. CONNORS: Only Florida would be grade as well.

COMMISSIONER MILLER: Thank you very much.

COMMISSIONER MAY: Thank you. Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I guess I would start off by agreeing with my colleagues that I think that this is going to be a great project for the area, and it's - there's been tremendous improvement from the original project that we saw several years ago.

I think a lot of my - some of my comments repeat what the others have said, and I definitely want to see improvement in

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the LEED score card. I think that's critical. I don't think we've ever had a project that's been below come before us even thinking to be below certified, so I think we really need some work on that.

On the - maybe one thing, let's just talk a little bit about the retail. We've got the restaurant at the corner of Morse and 4th, but what else do you see going in?

MR. KAUFMAN: Sure, yeah, we've always - we're - Edens is very - is always food focused. 94 and a half, or 95 and a half percent of our portfolio is grocery anchored. So, we would love to see this as a small format grocer on the corner of Florida and 4th, and then the remaining retail would be a restaurant, probably about a 5,000 square foot restaurant, white tablecloth restaurant, concept driven, and then the remaining retail would be, you know, service oriented retail.

COMMISSIONER TURNBULL: And so, the mezzanine on 4th is accessed from an elevator, I see at least preliminarily.

MR. KAUFMAN: Yeah, the mezzanine I think could sort of be used in two different ways. One would be an internal, to be internally accessed from the grocer for, you know, sometimes you'll see a grocery store that puts, you know, a wine room upstairs or something like that.

Or more likely, because of the grade in the building, it allows you to unload a truck, move the material into the mezzanine space, and then use the freight elevator to stock your floor. So, I think it could be used either way, but, you know, that's why it's sort of assigned that way.

COMMISSIONER TURNBULL: So, you mean, there would be some modifications to the plan to make it work that way though.

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MR. KAUFMAN: To work as a stock room?

COMMISSIONER TURNBULL: As a separate, stand alone space.

MR. KAUFMAN: Yeah, sorry if I'm not speaking clearly. I think that's it's part of - it's used by the grocer.

COMMISSIONER TURNBULL: It is used, okay.

MR. KAUFMAN: Either one way or the other.

COMMISSIONER TURNBULL: I got you.

MR. KAUFMAN: It's just a question of whether they use it for active floor space or storage.

COMMISSIONER TURNBULL: Okay. The only other thing I think which is a little troubling on Morse Street is the community room. It's sort of like you've got some space left over and were going to make that the community room.

There's a long corridor which is like 40 feet long before you can actually get to the community room. It just seems - I don't know if people are going to know - it looks like it's just lost on that.

I mean, it's tucked away and it's just - I don't even know how people when they come in, there's no sense of entry, it's just a long corridor, and then you come all the way down to another door. So, I'm not sure how this is going to be used.

MR. KAUFMAN: Yeah, I understand that question. There was actually a fair amount of thought in the community room. And you might not, you know - the - it's not the most elegant solution, I will agree.

The idea though is, what its location does is it allows it to be both accessed from the residential lobby and also separately just from the outside of the building.

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And so, that was an important, sort of, having that dual functionality of being able to get into it separately and not have to go through the residential lobby, but then also be accessible from, through the building in that way. And so, that's - that was how we achieved that sort of dual entrance. Now, I don't -

COMMISSIONER TURNBULL: Well, I guess what I'm a little concerned about, I see the other entrance there, but - into what looked like basically a service entry lobby. That's where a lot of -

MR. KAUFMAN: Yeah, I mean, it isn't - it doesn't have a front door, but you know -

COMMISSIONER TURNBULL: Because you go through it from a mail package storage too. It sounds like a round about way to get to a community room.

MR. KAUFMAN: You know, it's - the community room is - doesn't have a front - doesn't have a street presence because we really tried to maximize the presence of the retail around three sides of the building and, you know -

COMMISSIONER TURNBULL: No, I can understand that, but I guess I'd like to see a little more of an attempt to try to, if the community are going to come here, I think somehow there needs to be something. I mean, somehow, either architecturally, as you get to it, to sort of spruce it up a bit to make people feel like, "This is our community center."

MR. CONNORS: I think I'll chime in briefly too that the current design has integrated that presence on the street better than the previous design, because with this current design, and we have the established bays for the retail -

COMMISSIONER TURNBULL: Right.

MR. CONNORS: - storefront, that

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continues around the building, and the door into the community center is within that framework. It's part of that retail and entry framework to the building.

COMMISSIONER TURNBULL: Here's my point, I'm coming, the community's coming, do I ring a doorbell, and then is someone going to - it sounds like someone's got to be there to let me in. I got to walk all the way down a 40-foot corridor to another door to go in. I'm just worried about the whole sequence of how community members get in and out, and the sense of presence as you come into this space, to a windowless space. Granted, we want the retail to work, but I'm just concerned about what this - how the community room is actually going to work for the community, and how it's controlled, who operates it and how it really works, and I'd like some answers or some sense of feeling on who runs this, who operates it, and how is it - is it leased out? Is the ANC going to be -

MR. CONNORS: Yeah, I mean, I think that the ANC - it's going to be the ANC's. They're going to have the keys essentially to it, and that's why it's important that there be two separate entrances so that they can use it as they see fit without having to, you know, access it through the residential bit in the lobby.

COMMISSIONER TURNBULL: So, are you, as part of this project, providing the signage, and the graphics, and - for this, or how is this going to be integrated? Is this just a raw space that they take over or what?

MR. CONNORS: Yeah, I mean, we're, you know, we're happy to get into that, to figure that out. It's a multi-purpose space. It's supposed to have 100 seats in it. It's supposed to have an ANC office in it, and then it also is supposed

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to be an opportunity for a police substation. So -

COMMISSIONER TURNBULL: But, are you proffering to provide some of this material?

MR. CONNORS: Yeah, correct, correct. Well, we're putting -

COMMISSIONER TURNBULL: Maybe you could describe that a little bit more in the benefits package, I guess -

MR. CONNORS: Okay.

COMMISSIONER TURNBULL: - on this to what's actually going into it. I trust that all of the affordable units are not going to be on the party wall?

(Laughter)

MR. CONNORS: Yeah, the - our - we have an affordable housing covenant, as I've said, that's been recorded, and it very specifically dictates how those units are designed, you know, where they're placed.

COMMISSIONER TURNBULL: Are they, are they going to be on all floors or -

MR. CONNORS: Correct, they have to be proportional through the building, both in terms of unit type and location.

COMMISSIONER TURNBULL: Okay, on all floors, okay. I guess I would - the other grief from an architectural standpoint, I'm concerned. I almost was hoping you were going to say that all three color bricks are going to be on the facade. That might make it a little bit more interesting, and maybe that's what Commissioner May was getting at.

One solid color, I think, could be a little bit - this could be a party wall that could be up for 10 more years or whatever, I don't, you know, and it may look a little start. And I think what he's looking at is for something that might offer a little bit of relief to it. There is a - what you have is a rich rhythm going around

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the building.

MR. CONNORS: Correct.

COMMISSIONER TURNBULL: You come to what's going to be a party wall. I understand that that's going to be built up to it at some point and covered over, but I just think there's a way architecturally to at least make it a little bit more not quite as -

MR. CONNORS: I think we're going to -

COMMISSIONER TURNBULL: Take a look? You are going to take a look at that?

MR. CONNORS: - take that into consideration -

COMMISSIONER TURNBULL: Okay.

MR. CONNORS: - to an extent, yes.

COMMISSIONER TURNBULL: All right. If - that's good. I also echo his concerns about the vents, the AC units, the through wall units. Hopefully, are the bathrooms being exhausted through the roof, or are they also going to come out the - bathroom vents or kitchen exhaust, would they be coming out -

MR. CONNORS: Some will be coming through the facade, and some will be going through the -

COMMISSIONER TURNBULL: Well, I think what he was getting at too is that we need a drawing that might show how you might puncture the facade, the skins of the aluminum curtain wall or whatever as they come through. I would like to see an elevation of something of the courtyard, the wall. When you said it could be brick, if it's going to be all black brick, then I'm a little bit concerned that we've got this nice, elegant exterior and the white alternating brick, and then just have all black brick on the inside. So, if you're not, then I'd like to see something of an

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elevation that would -

MR. CONNORS: Sure.

COMMISSIONER TURNBULL: -
convince me that you've got both the
aluminum, or you've got metal, and what the
rhythm is, what I'm actually going to see on
that courtyard.

MR. CONNORS: I highly doubt we
would have all black brick in the courtyard
because it would create a canyon effect -

COMMISSIONER TURNBULL: Yes.

MR. CONNORS: - for the light.

COMMISSIONER TURNBULL: Right.
But since we don't have that elevation, I
think we ought to get one that would, at
least, for the record show us what it's
going to look like.

On the Department of
Transportation, I guess what - their
comments, I guess what we don't have is
something from you telling us what you're
not going to be compliant with or what you
don't agree with. The screen in the lobby
you're going to be providing for
transportation I'm assuming?

MR. KAUFMAN: We had not intended
to provide a screen.

COMMISSIONER TURNBULL: I think
that's not an issue for discussion. They
need the transportation screen in the lobby.
All the other units - all the other PUDs
coming before us, we push for it, and
they're giving it to us.

It's not a lot of money. It's a
very - it's an insignificant factor for
getting people in their - I think we need a
response from you as to tell us what from
DDOT you're not complying with.

I mean, we can certainly ask them
when we talk to them about what, but I think
for the record we ought to know what you're
doing and what you're not doing. Mr. Chair,
those are my comments.

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CHAIRMAN HOOD: Okay, thank you. First of all, let me just say I think the extension from my standpoint, and I know the Chois have been working a long time, and I think it's very warranted. Let's go back again about the office space. How is that going to work?

I see where it says the ANC is going to have an office, there's a community room. Are they leasing? And this kind of goes in a line with Commissioner Turnbull. Are they going to lease it? Is it being given to them? Are they going to pay you rent? How is that going to work?

MR. KAUFMAN: It's being given to the community.

CHAIRMAN HOOD: And which ANC, 5d, the one it's in?

MR. KAUFMAN: Correct, 5d.

CHAIRMAN HOOD: Okay, and they'll have a place to lock up their files and everything, so this will be their office?

MR. KAUFMAN: Right, we will furnish the community room as part of what we deliver to them.

CHAIRMAN HOOD: Okay, but I mean, the office part of it. This will be their office. They'll be able to lock up their office and everything, and then the community room, they will be able to use that at will. Will they manage that, who uses the community room? How is that going to work?

MR. KAUFMAN: Yeah, I mean, the assumption is that they will manage it. Now, if they ask us to manage it for them, we would probably do that.

CHAIRMAN HOOD: So, ANC 5d will be the ones managing the room. Who uses the room from the community, they would have to go ask the ANC 5d?

MR. KAUFMAN: Correct.

CHAIRMAN HOOD: What about is 5c

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wants to use it?

MR. KAUFMAN: It's up to 5d. You know -

(Laughter)

CHAIRMAN HOOD: Oh, you're going to put ANC's against each other. Okay, I see where we're going.

MR. KAUFMAN: That's - I mean, the intention would be that they would all be able to use it.

CHAIRMAN HOOD: Okay. But 5d basically has the main say?

MR. KAUFMAN: Correct.

CHAIRMAN HOOD: Okay, got you. And hopefully that's spelled out somewhere at some point, because ANC's do change, even boundaries change.

MR. KAUFMAN: Correct.

CHAIRMAN HOOD: So, hopefully that's spelled out so we won't have any problems after everything's been moved on, people have moved on.

On page 39, and we're going back to this dark brick, and I know it's reflective, and I've turned around on it a couple of times. It says up here, "Response to Zoning Commission comments." Sometimes you've got to listen to us, and sometimes you don't. Because I can tell you, I don't know where this came from.

When I look at that dark piece, I have some issues with it. But anyway, I don't know. Again, I will - that's where we - that's why there's five on the subject, because we all have different opinions, and I don't -

MR. CONNORS: Sure.

CHAIRMAN HOOD: What I'd really like for you to do is take out the words, "Response to Zoning Commission comments."

MR. CONNORS: Sure. Actually, since I kind of compressed my notes from the presentation in the interests of time, a

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little bit of what I was talking about was the material palette itself.

And something we discussed, which was a problem with the previous submission, was that it was showing these faux wood composite panels. So, we simplified the palette.

We made it what we felt was very sophisticated, and this palette was vetted by the community. And there were various brick colors and tones that were presented, and this is the one that has been favored by people up to today in this process.

CHAIRMAN HOOD: Okay, all right, thank you for the clarification.

MR. CONNORS: So that specifically has to do with the faux wood composite panel and the simplification of the material palette.

CHAIRMAN HOOD: Got you, I got you. Ms. Milanovich, let's talk about the parking. I'm starting to - I've been here long enough to start seeing that maybe we are putting a lot of parking in certain places. While I would be - one time I was the last one to admit it, but I've been in some of the parking lots since I've been here of places where we have done parking, and there's plenty of space. How did we get to that parking? I know, I've read the report of DDOT.

How did we get to how to many parking spaces? I understand the community's concern also because I think once this whole thing evolves some of that parking might be used. So, how did we get there? How did we get to those numbers?

MS. MILANOVICH: Well, I think the parking number really revolved around the retail component. And again, there's obviously a very strong desire to ensure that the retail component is going to be viable and successful.

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And, you know, retail uses in particular attract a lot of their business from pass-by traffic. So, although the pass-by traffic isn't new trips on the roadway, we still need to be able to incorporate them in terms of parking.

And I think if we have a retail, it could be a grocer, restaurant, that type of thing, if we have a situation where there's not enough parking, and then, you know, DDOT raised the notion of the parking induced demand, if you provide more parking, more people will come.

So, I think in terms of the retail component, if you don't provide enough parking, then you use that pass-by trip, essentially somebody on their way home from work that wants to stop and pick up groceries as they pass by.

If it's not convenient for them, and there's no parking for them, they're not going to stop. And so, you know, we're essentially saying that if we don't provide enough parking, then potentially the retail component loses business, doesn't become successful, and doesn't become viable.

So, you know, I think that just hearing from potential retail tenants in terms of what they need to make their business successful drove that parking ratio for the retail component.

CHAIRMAN HOOD: Okay, thank you. That was very helpful. I think now I'm going to -

MR. CONNORS: Actually, could I add to that? Because I feel like -

CHAIRMAN HOOD: To the parking question?

MR. CONNORS: Yes, to the parking question, because I think it's a good one, and we've spent a considerable amount of time, you know, on this issue and dealing with retailers.

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So, when we opened Union Market up the street and we had, we fortunately had the ability to lease from a guy that had his parking lot in front of it. And, for right or wrong, access to that parking lot has been very helpful in sort of making the Union Market building successful. And that's not to say that as retail in emerging neighborhoods changes that that level of parking is required.

And so, in our conversations with OP and DDOT, and I think that they'll agree, you know, we've talked about how in an emerging market for retail, it's important to have adequate parking at higher levels maybe than what we - what you see in sort of established, you know, retail core, you know, core areas.

And that what ends up happening is as this area continues to evolve, projects like this that are early become reservoirs of parking, where in the later pieces really that come or put on, that come in, have a lot less parking. And so, that's sort of been our approach to the parking on this particular project.

And then I just echo that in all of our conversations with the small format grocers, that parking, the amount of it, and it's having enough of it that's actually at grade with the store, so someone can roll a shopping cart from their car right into the store and back and forth, is hugely important.

CHAIRMAN HOOD: Okay. And the first source and the small business, that just carries on to this - that's still in play, right?

MR. CONNORS: Correct.

CHAIRMAN HOOD: Okay. Ms. Milanovich, help me understand the mitigation about the back-in truck - What are some of the mitigation - besides an

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attendant, what else are we doing?

MS. MILANOVICH: Well, I mean, I think the attendant is really the key because they're going to be the person that schedules and manages those deliveries, and ensure that the loading dock isn't sort of over used at any one time, so that the deliveries are scheduled such that, you know, you don't have three trucks vying for the same loading dock. But they'll also be there to, you know, to help ensure that the back-in maneuver is made as safely as possible.

CHAIRMAN HOOD: So, when DDOT has - the applicant has proposed a loading management plan to mitigate these impacts, the loading plan is to have someone there and that's pretty much it?

MS. MILANOVICH: Well, I mean, there are other components to the loading management plan, you know, in terms of, you know, the loading coordinator is obviously the primary key to that loading plan because they have the responsibility of scheduling the deliveries, of informing the vendors and the tenants, you know, what the preferred groups are that we've identified at DDOT's request, letting them know what the policies and procedures are in terms of using that loading area.

CHAIRMAN HOOD: I'm just trying to figure out what else is it besides the person? It says here, "loading management plan to mitigate these impacts," what else is part of the plan? Just give me one thing to help me understand. What else is part of the plan besides the attendant?

MR. UTZ: The scheduling itself.

MS. MILANOVICH: Well, the scheduling itself, there's no idling permitted on the premises. The - and this ties back to the attendant, but the attendant is responsible for helping vendors

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or residents apply for permits that are required by DDOT if their trucks are of a certain size.

CHAIRMAN HOOD: So there's going to be a lot of things that are going to happen prior to someone coming and using the loading dock?

MS. MILANOVICH: In a lot of cases, yes.

CHAIRMAN HOOD: Here's what always concerns me when we start doing things in the street. We've had complaints in the Commission on some of that, and we don't want to make a problem, and that is a big concern of mine, making problems where people are unloading and doing, and they have to basically block traffic.

That becomes a problem in the city, so we need to get away from that. That's why I wanted to know what the plan was besides the attendant.

MS. MILANOVICH: Well, I think in terms of trucks blocking the street and blocking traffic, the loading area is intended to prevent that. We're providing space on site so that trucks do not have to stop on the street and block traffic.

Like I said before, unfortunately with a tight site that has some fairly significant grades to it, it's just not feasible to turn around a 55-foot truck so that it can enter front first and exit front first.

And so, we're left with finding a way to facilitate the back-in maneuvers. And by placing the loading area to the rear of the property so that they're accessing it off of Morse Street, is obviously far better than doing it on Florida Avenue or 4th Street which are busier streets and would have more conflict with the truck backing in.

CHAIRMAN HOOD: And some of the other things that other people have done is

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to reduce the size of trucks. So, I just, you know, I just - I don't think it's enough for me. It's not a show stopper for me, but it is a concern.

Anything, any other comments, Commissioners? Okay, is anyone here from ANC 5d? Okay, let's go to the Office of Planning's report and then DDOT's report.

MR. GYOR: Thank you, and good evening, Mr. Chairman and members of the Commission, Stephen Gyor with the Office of Planning.

The Office of Planning supports the applicant's modification and consolidated PUD and map amendment for the Gateway Market. OP has worked with the applicant since setdown to further refine the project, and we are enthusiastic about the applicant's design changes, including changes to the project's facade which suggest an industrial character. OP would support additional articulation on the west elevation which faces other development sites and may be visible for some time. We suggested to the applicant that there might be some banding attitude, to provide some contrast with the brick.

In light of the absence of a LEED silver rating and a green roof, we would encourage the applicant to pursue additional green benefits. At a minimum, we would encourage the applicant to consider installing a cool roof.

And while we support the inclusion of green screen on the project's western elevation, as has been noted, it is located on a party wall and may be temporary.

Lastly, we would support additional bike parking in public space per DDOT's standards. Overall, we support this project, and recommend approval. Thank you very much.

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CHAIRMAN HOOD: Okay, thank you, Mr. Gyor. Mr. Rogers?

MR. ROGERS: Good evening. Jonathan Rogers with the District Department of Transportation. The subject site is located at a busy location along Florida Avenue, which is currently not consistent with DDOT's vision for an urban arterial.

The round - excuse me, the road is designed for industrial service, yet the area is transitioning into an urban neighborhood. Today, curb cuts are plentiful, accident rates are high, and the area has one of the earliest speed cameras to cut down on vehicles speeding in the area.

A human can be an issue in the corridor, and pedestrian facilities do not provide a pleasant walking environment currently.

The project is likely to generate minimally higher impacts than the initial project. DDOT has had concerns with the proposed changes in access to have the driveway on Florida Avenue, and DDOT is working with the applicant to mitigate these concerns.

And a curb cut is allowable in this location, however the operations of the driveway remain to be worked out, which will occur during the public space process. It is DDOT's view that the concern with the operations of the curb cut is not so major that it should impede the zoning process.

However, DDOT does request that the applicant strengthen their transportation to man management plan with the relatively small scale TDM measures that we have requested. These include elements such as bicycle parking, the transportation information screen, and some other elements.

Additionally, the applicant has proposed a loading management plan to

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address the back-in movements for the loading on Morse Street, and DDOT feels they are appropriate, but requests that the applicant add several additional elements to particularly target the issues with back-in movements.

And those include things like requiring both retail and residential tenants to schedule their deliveries, as well as to some time limitations to limit when deliveries can occur to address the safety concerns.

And lastly, with respect to public space, the design, DDOT is currently undertaking the Florida Avenue multi-modal study that will - that quite possibly could make recommendations for changes to the right of way, and the public space plan proposed by the applicant will be measured on its conformity to DDOT's standards as well as to some of the recommendations in the Florida Avenue study.

CHAIRMAN HOOD: Okay, thank you, Mr. Gyor and Mr. Rogers. Any questions, Commissioners, of either DDOT or the Office of Planning? Commissioner Turnbull?

COMMISSIONER TURNBULL: Yeah, Mr. Rogers, how far away is the applicant from some of your requests?

MR. ROGERS: With respect to the transportation to man management elements -

COMMISSIONER TURNBULL: Right.

MR. ROGERS: - there are elements that we have requested in our report and it's - I will let the applicant respond to which one of those that - or which of those elements -

COMMISSIONER TURNBULL: Yeah, I've asked them for a, you know, a summary that says what don't you want to comply with, but -

MR. ROGERS: Right.

COMMISSIONER TURNBULL: What are

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the key things that - are there certain things that you feel are really critical that -

MR. ROGERS: Yes, so, the - we feel that the additional transportation to man management elements that we've requested are necessary to help mitigate some of the changes - mitigate the change in site access from Morse, which it was originally approved in the original PUD to the Florida Avenue location.

So, the things like reserving space for car share, the capitol bike share membership for all - excuse me, or car share membership for all tenants in perpetuity, and the transportation information screen, are essential to promote non-auto travel, which would have the result of having less traffic coming in and out of that curb cut on Florida. So, we feel like those are essential to help mitigate the change in site access location.

COMMISSIONER TURNBULL: Okay, thank you.

CHAIRMAN HOOD: Any other questions? Okay, thank you. Again, we don't have anyone here from ANC 5d. Let's go to reports of other government agencies. Commissioners, did we have any other reports from other government agencies? Okay, report of ANC 5d - this is from, I'm sorry, Chairperson Henderson.

With a quorum of six commissioners and public present, the above mentioned matter was presented before us. The Commission voted unanimously to support this application and the two-year extension. That's Exhibit number 25.

Also, from ANC 6c, they had some conditions. They supported the application and the two-year extension with the following conditions, and I think my colleague, Commissioner Miller, eluded to a few of them, and that's Exhibit number 20.

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We do, as mentioned, we do have support letters, one in particular from Two Rivers Public Charter, which has already been mentioned, and I thought I saw another

-

MALE SPEAKER: Trinidad.

CHAIRMAN HOOD: Trinidad, was it the Civic Association? Civic?

MR. CONNORS: Neighborhood.

CHAIRMAN HOOD: Neighborhood Association, yes. It's a difference. Okay, I know I saw another one. Okay, so Trinidad. Anyone else? Any other support letters? Okay, let's go any organizations or persons who are here who'd like to testify in support. Any organizations or persons who are here who'd like to testify in opposition?

Okay, Mr. Utz, do you have any rebuttal? If not, we'll take a closing - your closing remarks.

MR. UTZ: Closing remarks, thank you. As a preliminary matter, I just wanted to follow up on one of Commissioner May's comments or questions regarding the roof structure relief. This is - it's actually also because two of the roof structures aren't connected. One is kind of way out to the northwest.

COMMISSIONER MAY: Yeah, that I have no problem with. That's a common thing, and understood in residential buildings that are long and -

MR. UTZ: Great, thanks. Just in closing, quickly, we really appreciate you hearing our project tonight. We're very excited about this. We agree that it is an improvement to the prior approved project.

And particularly with the assistance of the Office of Planning, and your comments, and the community, we're excited about the design specifically. We hear your comments.

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One of the things that this project is doing is inheriting the amenities package that was previously approved along with inheriting some of the elements of a deal with the District as we keep talking about.

There's an affordability covenant that's recorded on the property, and I can - we can submit that into the record. We have, I'm sure, 20 copies of it here. There's also a development agreement with the District, so - the framework within which the development team is dealing, a lot of it has already been kind of given to the development team.

But, that being said, we do think that the amenities package is more robust than what was previously approved. We're happy to take the comments that you mentioned back and think about them more as well.

With that, I think that brings our direct testimony in closing to a close, and we appreciate your time.

CHAIRMAN HOOD: Okay, I want to thank you all for providing us testimony and answering our questions tonight. It was very helpful. Commissioners, I'm not sure what we would like to do.

I know we had asked for some things, but from my opinion, the way things are going, I think it's flavored for us to move forward tonight and get some of those things before final action.

Because we do take two votes in our schedule, we want to try and get as much stuff off the plate. I think it's flavored right, and it's supported right. I would be in support if we moved forward tonight. Any other discussion?

COMMISSIONER TURNBULL: I would just point out - and I would agree, I think we can move forward, but we do have some issues on the table, that I think are

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significant, that need to be positively addressed.

COMMISSIONER MAY: Yeah, I think it would be helpful to recap the things that we're looking for before final, before we actually make a motion and take a vote.

CHAIRMAN HOOD: Okay, we can go over them. Commissioner Miller and Vice Chair, do you want to add anything? Are we good?

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: Okay, all right. Ms. Schellin, can we go over the list? We're going to ask for this before final.

MS. SCHELLIN: Okay. I have Commissioners May and Turnbull asking that they take a look at the sustainability and see if that can be approved. They felt that alone should be an amenity.

The west elevation, Commissioner May asked that they - that a little more attention to that dark party wall is worth looking at. Actually, I think Commissioner Turnbull would like that too.

COMMISSIONER MAY: I'd like to underscore that. I mean, that's - you know, this is a big, black wall on the west side of the building. It's got to be a huge heat sink for you. I mean, it's - there are energy efficiency reasons why you'd want to do that. So, anyway, it's something to look at that.

MS. SCHELLIN: Commissioners May and Turnbull ask that the vents shown between the windows, they'd like to see a close up of those. The community room, Commissioner Turnbull would like to see a better attempt to spruce that up and describe exactly what's going on in that space.

COMMISSIONER MAY: Can I add on that one too?

MS. SCHELLIN: Yes.

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COMMISSIONER MAY: Which is that I think some examination of exactly how it's placed and how you access it is well worth a study. I mean, I think Commissioner Turnbull brought up good points. It's really just - it's a very strange setting for it.

It doesn't connect well. I mean, maybe it's a matter of making a better connection to the lobby so that sometimes that's the way you go in. But, you know, I understand you need to have that separate, private or direct entrance as well.

But right now, it's just, it's like buried in the back of the building. So, I think it's well worth some study. And you might actually wind up improving the loading circumstance for that retail space, because right now it's kind of convoluted.

MS. SCHELLIN: Commission Turnbull would like to see an elevation of the courtyard wall. And Commissioner Turnbull asked that the applicant provide a response to DDOT's report stating exactly what's agreed to and not agreed to.

COMMISSIONER TURNBULL: I think they're asking for some significant items that make sense.

MS. SCHELLIN: And that's what I've got.

COMMISSIONER MAY: Can I add one more, please?

MS. SCHELLIN: You can add as many as you want.

(Laughter)

COMMISSIONER MAY: You know, just for the sake of consistency, I - this is a common theme for me, but the penthouse structures are shown as the white metal panel, and I'm, you know, definitely in the school of dark - darker penthouses are better.

It's makes them recede more even

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though they're up against the bright sky, that it actually looks better when it's darker. So, I think you should take a look at that. And you make the decision about it, but I would like you to take a look at it.

MS. SCHELLIN: That's all I've got. And even if the Commission takes action this evening, I think that it would be best with the amount of items that being requested that we, if the Commission does proceed with proposed tonight, that we do final at the second meeting in January.

CHAIRMAN HOOD: That's fine. Any other comments or questions? If not, I would move that we approve the two-year time extension which I think is Zoning Commission case number 06-4b - 40b.

MS. SCHELLIN: No, that won't come up until we do final action. The time extension we'll consider at final action. When you do final action, the time extension will be considered. So, hold off. The time extension is not before us tonight. It'll come on the agenda.

CHAIRMAN HOOD: Okay, but if - okay.

MS. SCHELLIN: When you do final action -

CHAIRMAN HOOD: So we have to do the time extension before - I'm trying to think. We have to do the time extension -

MS. SCHELLIN: At final action.

CHAIRMAN HOOD: We still have to do it first.

MS. SCHELLIN: At final action, yeah.

CHAIRMAN HOOD: At final action.

MS. SCHELLIN: Yeah.

CHAIRMAN HOOD: Because if we don't approve the time extension, there's nothing to - okay.

MS. SCHELLIN: Correct, at final

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action.

CHAIRMAN HOOD: Okay, thank you. Okay, well, in that case, at least you all did some improvement to the proposed. And I think this case is - I would move approval of Zoning Commission case number 06-40c and ask for a second.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, can you record the vote, please?

MS. SCHELLIN: The staff records the vote 5-0-0 to approve proposed action Zoning Commission case 06-40c, Commissioner Hood moving, Commissioner Miller seconding, Commissioners May, Cohen, and Turnbull in support.

And I just remind the Commissioners - I mean, I'm sorry, the applicant, that if they could provide the additional responses by January 6, and then the ANC being the only party would be able to provide responses there too by January 13.

Are you going to allow DDOT to - I guess you don't need DDOT to print out a response because they're just responding to what they're going to -

CHAIRMAN HOOD: Actually, I think we do.

MS. SCHELLIN: You want -

CHAIRMAN HOOD: I actually would like to hear - They're going to respond, and I think we also need to still hear from DDOT.

MS. SCHELLIN: Okay, so DDOT can respond to the letter, or what they're agreeing to do in their report, and then draft findings, facts and conclusions of law will also be due on the 13th. All of those

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filings are due by 3:00 p.m. in IZIS, and then we'll - the Commission can consider final action on the 27th of January along with 06-04b case.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: And I also - I'm sorry, one more thing - remind the applicant that they need to comply with - I can't remember the section number now - 2403.15 through 2403.20 of the regulations since proposed action was taken this evening unless the Commission is waiving that.

VICE CHAIR COHEN: Ms. Schellin, I assume that they're going to hand us copies of the zoning order or the covenant for the affordable housing tonight.

CHAIRMAN HOOD: Okay, yes, Ms. Schellin, we do want them to comply with that.

MS. SCHELLIN: Okay, all right.

CHAIRMAN HOOD: Okay, do we have anything else, Ms. Schellin?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Commissioners, any other comments? Okay, so we want to thank everyone for their participation tonight, and this hearing is adjourned.

(Whereupon, the hearing was adjourned at 8:20 p.m.)

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