

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: :

:

CLARION GABLES :

MULTIFAMILY, L.P. : Case No.

: 14-12E

AND :

:

EAJ 1309 5TH STREET, LLC :

-----:

Monday,

November 25, 2019

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 14-12E by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.
JACOB RITTING, ESQ.
DANIEL BASSETT, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

JONATHAN ROGERS

The transcript constitutes the minutes from the
Public Hearing held on November 25, 2019.

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

(6:28 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. This is a public hearing of the Zoning Commission
5 for the District of Columbia.

6 My name is Anthony Hood. I'm joined this evening
7 by Vice Chair Miller, Commissioners Shapiro, May, and
8 Turnbull. We are also joined by the Office of Zoning staff,
9 Ms. Sharon Schellin, and also Mr. Paul Young, who is handling
10 all of our streaming and video equipment; Office of Attorney
11 General, Mr. Max Tondro and Mr. Jake Ritting.

12 I am going to ask Mr. Tondro if he can introduce
13 our newest attorney.

14 MR. TONDRO: Yes. It's my pleasure to introduce
15 Daniel Bassett, who is joining us. This is his first day on
16 the job.

17 CHAIRMAN HOOD: His first day. Okay.
18 Congratulations, Mr. Bassett. We're glad to have you aboard,
19 and I believe today will be real easy for you. But I tell
20 everybody, don't get used to it. But glad to have you
21 aboard.

22 Also, the Office of Planning staff,
23 Ms. Steingasser and Mr. Lawson; and District Department of
24 Transportation, Mr. Rogers.

25 Notice of this hearing was published in the D.C.

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1 Register, and copies of that announcement are available in
2 the bin near the door. Because this hearing is being
3 recorded by a court reporter, and is also webcast live, we
4 ask you to refrain from any disruptive noises or actions in
5 the hearing room, including the display of any signs or
6 objects.

7 The hearing will be conducted in accordance with
8 provisions of 11-Z DCMR Chapter 4 as follows: preliminary
9 matters, the applicant's case, report of the Office of
10 Planning and the Department of Transportation, the report of
11 other government agencies, report of the ANC, testimony of
12 organizations and individuals -- each have five to three
13 minutes, respectively -- and we will hear in order from those
14 in support, opposition, and undeclared.

15 After testimony of those in support, we will hear
16 from the parties, but we don't have any in this case,
17 opposition, and then proposed and then individual testimony.

18 That's my normal script. I probably could have
19 skipped that.

20 Then, rebuttal and closing by the applicant.

21 While the commission reserves the right to change
22 the time limits for presentations if necessary, it intends
23 to adhere to the time limits as strictly as possible and
24 notes that no time shall be ceded.

25 I don't think I need to go over the housekeeping,

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1 but I will just ask that we turn off all electronic devices.
2 Again, when you present your testimony, turn on and speak
3 into the microphone, first stating your name and home
4 address. When you are finished speaking, turn off your
5 microphone at that time so we won't get any feedback.

6 The staff will be available throughout the hearing
7 to discuss procedural questions.

8 And before I go to -- rise to take the oath,
9 before I forget, because sometimes we get into the meat of
10 the case, I want to wish everyone a Happy Thanksgiving, and
11 have a safe and sound holiday with your family and be safe
12 and enjoy yourselves.

13 Okay. Would all individuals wishing to testify
14 please rise to take the oath?

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

17 (Witnesses sworn.)

18 CHAIRMAN HOOD: Okay. At this time, the
19 Commission will consider any preliminary matters. Does the
20 staff have any preliminary matters?

21 MS. SCHELLIN: There's three proffered expert
22 witnesses -- Frank Andre, previously accepted in architecture
23 from HCM. Matt Renauld from Mahan Rykiel from -- he is being
24 proffered in landscape architecture. The Commission has not
25 accepted him before, at least I did not find him on our

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1 expert list. And Robert Schiesel. Of course, he is a
2 regular here, has previously been accepted from Gorove/Slade.

3 So just ask that the Commission would accept the
4 two previously accepted.

5 And also, Daniel Solomon, he is another
6 transportation engineer who will be available for questions,
7 but he is not being proffered as an expert. So there is just
8 one expert for the Commission to look at, at Exhibit 14B.

9 CHAIRMAN HOOD: That's Mr. Renauld, right?

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay. So Commissioners, as Ms.
12 Schellin has already mentioned, we already have everyone else
13 as expert status. So we will continue that unless I hear an
14 objection.

15 So let's look at Mr. Renauld, and he is being
16 proffered as a landscape -- no. Is it landscape
17 architecture? Okay. And that's Exhibit 14B.

18 COMMISSIONER MAY: No objection.

19 COMMISSIONER SHAPIRO: No objection.

20 CHAIRMAN HOOD: Okay. Any objections or any
21 questions?

22 COMMISSIONER TURNBULL: I'm good.

23 CHAIRMAN HOOD: All right. Thank you. I really
24 depend on the architect. I depend on everybody, but I really
25 look at my architects. Okay.

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1 MS. SCHELLIN: One other thing, I know that on
2 Friday Mr. Lewis filed a motion in order to respond to the
3 OP and DDOT report. However, I don't know -- did the plans
4 actually revise the application? I don't think they were,
5 so I don't think the motion was necessary. So even though
6 the motion is there, I will just mark it that it was not
7 necessary because the motion is only necessary if the
8 application is being revised less than 20 days prior to the
9 hearing.

10 So that motion is --

11 CHAIRMAN HOOD: Okay. I was unaware -- I thought
12 I may have already approved that, but --

13 MS. SCHELLIN: No.

14 CHAIRMAN HOOD: I didn't. Okay.

15 MS. SCHELLIN: I did not send it to you.

16 CHAIRMAN HOOD: So that answers that question.

17 Any other questions or comments?

18 Okay. Is there anyone here who is in opposition
19 to this case? All right.

20 So, Mr. Utz, what we want you to do is to hit the
21 highlights, and especially the issues that you have answered
22 which were concerns of Office of Planning and DDOT, and
23 anything outstanding in your presentation. That would
24 probably help us move it along a little faster.

25 MR. UTZ: Okay.

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1 CHAIRMAN HOOD: Thank you. You may begin.

2 MR. UTZ: Thank you. Thank you, Commissioners.

3 We are really excited to be here tonight. This has been the
4 culmination of quite a bit of work and quite a bit of time.

5 My name is Jeff Utz. I'm with Goulston & Storrs,
6 the land use counsel for the applicant. I will skip
7 everybody at the table in the interest of moving along my
8 piece.

9 But just globally, this is a second stage approval
10 for the building at 1325 to 1329 5th Street, Northeast. It
11 has approximately 300 units, with 24 of those units as
12 affordable and commercial, retail, PDR maker, on the first
13 floor.

14 We're here with the support of ANC 5D, and we are
15 not aware of any opponents to the case.

16 A couple of major themes I just wanted to touch
17 on generally to kind of set the stage. This application
18 simplifies the first stage approval in that it reduces the
19 flexibility that was requested as part of that first stage.
20 It also enhances the benefits and amenities that were
21 approved as part of the first stage.

22 And what we can talk about, if you wish, is that
23 many of those benefits and amenities have actually either
24 been completed or they are underway right now. And then you
25 can see on the slide here right now there are some new and

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1 enhanced public benefits that exist as well.

2 The application doesn't seek to modify the first
3 stage application, so it really is an exercise in
4 simplification. With that, I will turn it over quickly to
5 Eddie Meder to say a quick word about the applicant and move
6 it along.

7 MR. MEDER: Good evening, Commissioners. My name
8 is Eddie Meder with -- I'm a development director with Gables
9 Residential.

10 Gables, as a firm, builds, owns, and operates
11 apartment buildings throughout the country. In addition to
12 the D.C. metro, this includes South Florida, Atlanta, Boston,
13 Houston, Dallas, Austin, and Denver.

14 Locally, we have owned and managed properties in
15 the D.C. -- in D.C. since 2003, including properties in Mount
16 Vernon Triangle, Dupont Circle, Takoma, and up until last
17 year Woodley Park. In addition, we have recently completed
18 several projects in Northern Virginia and Rockville.

19 Of note, we are long-term owners of property, and
20 we try to build strong local partnerships in the communities
21 in which we build and own.

22 We are excited to enter the Union Market
23 community. This will be the third time partnering with EDENS
24 on a project, and we are looking forward to continuing that
25 partnership and building on the success of this vibrant

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1 neighborhood.

2 As Jeff mentioned, we presented our project at the
3 local ANC 5D a number of times, including for a unanimous
4 vote back in June of 2019. We also presented at the local
5 single-member district and also received very positive
6 feedback. Both groups were eager for our project to start.

7 Support letters for both the ANC and SMD are part
8 of the record.

9 And with that, I will hand it over to Frank to
10 continue our presentation.

11 MR. ANDRE: Thank you, Eddie.

12 Again, my name is Frank Andre, and I'm the lead
13 architect/designer on the project with Hord Coplan Macht.

14 I'm going to abbreviate my presentation, but try
15 to hit the highlights of the design thinking behind the
16 project. Just to begin, a quick word about the District and
17 the vision that EDENS has brought to the redevelopment of the
18 District. Of course, it's historically a very vibrant,
19 bustling wholesale market district, and it has been for many
20 decades.

21 More recently, EDENS has developed a vision for
22 redeveloping it and developed planning strategies and
23 streetscape guidelines that very cleverly preserve the
24 existing character and weave in new elements, upscale retail,
25 Class A office space, entertainment events, and other uses

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1 that live alongside and beside the existing uses and fabric
2 of the neighborhood, giving it a very rich and diverse
3 character that is unique in the D.C. market.

4 I will just point out a couple of the
5 architectural features of the neighborhood that I think are
6 worth mentioning as they play into the design. First of all,
7 the mercantile buildings that are the most prevalent part of
8 the architectural fabric of the District, you can see in the
9 upper -- some of the upper right images, light brick masonry
10 kind of utility buildings that have a one-story expression
11 on the street, a setback second story, and these have a very
12 distinct feature, a -- long continuous canopies that protect
13 the old truck bays that service the market.

14 And then the setback second story more recently
15 has been -- have been occupied by roof terraces, adding to
16 the active uses on the street.

17 And then of course the central gemstone of the
18 place is the market itself, white painted red brick, two-
19 story, which is -- again, has a host of diverse preexisting
20 and new tenants living side by side.

21 Jumping to the massing, the site, as you saw, it's
22 a long site, about twice as long as it is wide, with the
23 narrow ends facing 5th and 6th. The south elevation faces
24 the open space between existing Union Market and the new
25 project.

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1 The massing really is two major components. The
2 primary one is the masonry mass, which is a nod to the
3 existing masonry architecture in the District. The brick was
4 selected to have a kind of -- a historic varied look, has
5 punched openings with vertical proportion that are
6 reminiscent of the existing buildings.

7 The second major element is the lighter volume,
8 which is clad and metal, which harkens to some of the
9 transportation elements, the sheds and dock doors that also
10 live within and around the masonry fabric of the
11 neighborhood.

12 And then the transparency is highlighted in the
13 third diagram, and that's an important aspect of connecting
14 the uses of the building to the District, especially 5th and
15 6th Street, and of course to the south at the plaza and the
16 market beyond.

17 And this first rendering is an overview of the
18 most active two elevations, 5th and the plaza to the south,
19 showing how the articulation is applied to that massing. You
20 can see the masonry touches the ground on all sides and
21 frames the retail and the residential uses as they -- and
22 extends the one-story scale of the neighborhood.

23 The second story, you see a setback as kind of a
24 gap between the second volume and the primary masonry volume,
25 basically a nod to the active roof terraces that exist across

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1 5th Street and continuing that scale.

2 Here is an elevational rendering of 5th Street
3 showing a little bit more detail of those same relationships.
4 You can see the retail to the right. It's most of that
5 western elevation, very transparent, with the masonry frame
6 and the continuous long balcony, which you see has greenspace
7 on top.

8 Again, extending that scale of the neighborhood,
9 on top of that you see that's the residential amenity setback
10 with an active terrace addressing 5th Street. And then that
11 amenity glazing then turns down, meets the ground, and you
12 can see within that I'm going to talk a little bit about the
13 design, some of the unique features of the lobby design for
14 the residential entry, most notably the mezzanine. You can
15 see it's -- there's a mezzanine inserted into the tall retail
16 space.

17 This is a more experiential rendering. I included
18 -- I think it's a good one to talk about some of the
19 evolution of the material choices that we have made in
20 response to some of the OP comments.

21 There are really two parts of the evolutions that
22 I want to highlight. One is to create greater contrast
23 between the light-colored brick and the dark metal to create
24 a bolder expression and to sort of differentiate the two in
25 a more striking way.

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1 And the third is the accent material, which you
2 see is basically applied to all of the horizontal surfaces
3 at overhangs, undersides of bays, canopies, balconies, that
4 kind of thing. And that's what I call the fifth elevation.
5 It is not evident in the orthogonal elevations, but it's a
6 very major contributing factor to the way the building is
7 perceived in the neighborhood.

8 And then a similar view from 6th Street, just to
9 point out that the same attitude is applied, the same
10 detailing. The only major differences here are that there
11 is no lobby on this side. At the north edge of the site we
12 have the vehicular entry, which gives access to the
13 internalized loading as well as the three levels of
14 underground parking. And the setback second level there is
15 also amenity -- or it is also terrace space, but it is
16 residential terraces as opposed to amenity.

17 And then, finally, I included this rendering
18 because it's a little different in that it's a rendering of
19 the building inserted into an actual photograph of the
20 District as a reminder of kind of the grit and rugged quality
21 of the neighborhood, both materially and programmatically.

22 And then a quick word about the materials. I
23 believe there are some physical samples up behind you, but
24 it's a very simple pallet, purposefully simple. There is a
25 single brick, which is a light-colored brick.

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1 It's a little different from some of the other
2 newer buildings that reference the brownish or light-colored
3 tan brick in the neighborhood. This one is a white brick,
4 which has a feeling of being whitewashed, which references
5 the market itself.

6 And then the metal that clads the metal volume
7 above is a brushed, dark gray metal to kind of soften the
8 quality of it. It's detailed, so that it has depth and
9 offset joints to make it feel a little more rugged and
10 evocative of some of the industrial quality of the
11 neighborhood.

12 And then the accent material you see in the upper
13 right is a rust-feel metal, which has a very saturated
14 quality to it and a very organic kind of texture to contrast
15 with the other two materials and really pop against the more
16 muted pallet.

17 And then I won't spend a lot of time on these
18 elevations except to point out that, you know, we are
19 adhering to all of the setbacks. We're not asking for any
20 relief on penthouse setbacks. You see the red lines at the
21 top.

22 Southern elevation, I think I failed to mention
23 the bay element that exists about a third of the way in from
24 the west on the southern elevation, help break it up, and
25 also kind of marks the beginning of the deeper part of the

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1 plaza space that hosts events, and so forth.

2 And the north is a lot line condition. I'd just
3 point out here that, you know, we're using all of the regular
4 primary materials on this space, and we have designed in
5 details that, again, suggest that the building has a history,
6 abandoned lot line windows, and then there is a shallow
7 courtyard there that is, again, designed to be very
8 consistent with the level of detailing materiality on the
9 other two, east and west, facades.

10 Just quickly, the plans -- I'll start with this
11 one. You can see the predominant color of the building there
12 is pink. That's the retail space, and that is, you know,
13 intentional to have all of that active use of three sides.

14 The other two secondary uses, the residential
15 lobby, we have created a very small footprint for that lobby.
16 It also, notably, is designed as a public space, so the
17 elevator for the retail parkers actually comes up and people
18 can flow through the lobby into the retail space. And I'll
19 talk a little bit more about the mezzanine quality of that
20 or mezzanine aspect of that, but you can see the public stair
21 that leads up to the mezzanine there.

22 In the upper right you see the single curb cut and
23 entrance, the internalized service there, which is two 30-
24 foot berths and one 24-foot trash compactor berth, as well
25 as a 250 square foot dock. And then, continuing past that,

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1 a ramp down to the retail parking, and then eventually at the
2 bottom, the residential parking.

3 Moving up, this -- I included this just to
4 illustrate that there is that mezzanine that overlooks the
5 retail space. Again, this is slotted into the 20-foot-high
6 first floor. It has an open space in the middle so that as
7 people walk into the space, which again is conceived as a
8 public space, you can see all the way up through the openings
9 to the second level, and even, you know, occupy -- there
10 would be -- this will be furnished as kind of a lounge space,
11 a public lounge space.

12 And then moving up to the second level, you can
13 see how the skin is set back, east and west. The residential
14 amenity is the lighter color, and you can see the units there
15 occupying the eastern majority of the site. You can see the
16 shallow courtyard to the north and the setback to the south.

17 And then I will go quickly through these plans.
18 These are --

19 CHAIRMAN HOOD: Let me just interrupt for a
20 moment.

21 MR. ANDRE: Yes, sir.

22 CHAIRMAN HOOD: I want you all to take your time
23 and do your presentation. Don't worry about -- we don't have
24 anything to do until Thursday. So just take your time and
25 go through your presentation. Okay?

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1 MR. ANDRE: All right. Sorry. I was trying to
2 get through it all in a short amount of time, so apologize
3 if I was rushing.

4 Just point out a few of the features here. The
5 shallow courtyard to the north, you can see the lot line
6 walls there as well, and then also point out that we took
7 advantage of the bay definition to articulate the ends of the
8 metal volume you see on the left and right on 5th and 6th,
9 the projections that conform to the allowed bays on those two
10 streets. And they allow that volume to break the plane of
11 the property line and sort of express itself on those two
12 ends.

13 These plans are largely the same, a few -- you see
14 the bay feature here at the southern edge pops in at this
15 level and continues all the way up. This is -- goes up all
16 the way to Level 10 where there is some -- the bay begins to
17 drop off, and then the top, 11th floor, the last residential
18 level, where there are some minor setbacks having to do with
19 the penthouse expression and the balconies.

20 And then I will talk briefly about the plan at the
21 roof. The major uses of the roof is there is -- you can see
22 dedicated mechanical space, primarily to the north edge, all
23 setback according to the code. In the center, you can see
24 the enclosed amenity space. The elevators give on to kind
25 of the lobby, and then the sort of yellowish-tan residential

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1 amenity spaces occupy -- are, you know, mostly on the eastern
2 side. And then the white is outdoor terrace space, and the
3 green of course is green roof.

4 Now we'll talk a little bit more about the
5 landscape design for that in a moment.

6 And then, finally, the roof of the penthouse, you
7 can see a lot more green roof occupying that uppermost level,
8 and also the purple -- I'd point out that is the -- that is
9 a well essentially where there is a lower ceiling below, and
10 that hosts the solar array, about 2,000 square feet of solar
11 panels in that zone there.

12 And then here is a rendering of how that all comes
13 together. I failed to mention when we were looking at the
14 elevations that we conform to the three levels as required
15 by the penthouse definition.

16 The trellis element, which terminates the bay you
17 see on the left side, and that is an independent trellis.
18 It's not engaging the architecture of the penthouse
19 otherwise. And with that, Matt, do you want to take over?

20 MR. RENAULD: Sure. Thank you. Matt Renauld with
21 Mahan Rykiel Associates.

22 Just to dovetail onto Frank's initial comments for
23 the rooftop, we have designed it as a series of rooms that
24 maximize the views to the south and the southwest. You'll
25 see that the main overlook terrace has the architectural

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1 element. That's the focal point, in concert with the pool,
2 which is -- we are hoping to be an infinity edge kind of on
3 the edge of the rooftop.

4 We are also going to be incorporating some gray
5 change. On kind of the western side there, you see some of
6 the terracing, about 18 inches just to, again, accentuate the
7 views, create some visual interest.

8 On the right side of the plan, we have a terrace
9 amenity space. This is going to be the outdoor amenity
10 kitchen, kind of grill area, for the amenity space on the
11 inside. And then we have a series of quieter terraces as we
12 work our way around the building.

13 Go to the next slide, Frank.

14 This is the plan, again, kind of highlighting the
15 activity. You can see the pocket of rooms that are meant to
16 kind of blend the activity and experiences together, but they
17 are still separate and unique. We really wanted to layer the
18 experiences for the guests and residents coming to the space.

19 We can go ahead to the next one, Frank.

20 And then, here again, you get a sense of that
21 space, the pool space, and then the upper level amenity
22 terrace that may be used for games, lounge, maybe a fire pit,
23 maybe outdoor movies, that type of activity. And then you
24 can see the overlook terrace up beyond that accentuates the
25 bay element that Frank had mentioned before that works its

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1 way down towards the plaza.

2 So, again, we are really trying to create that
3 connectivity with the rooftop and the plaza space below.

4 Go to the next one.

5 And then this is just a view of the quieter side
6 of the building with the fitness area, the potential dog run
7 kind of to the right, the idea of a morning room for kind of
8 this garden space that, again, the idea is to allow the
9 rooftop to blend indoors and outdoors together. Gables does
10 a great job of doing that on many of their projects. We
11 really want to bring that experience to the rooftop.

12 Go to the next.

13 And then just real briefly, I just wanted to hit
14 on some of the highlights of the ground plane design. We
15 primarily have three zones. We have the 5th Street
16 streetscape, the plaza space, and 6th Street.

17 Go to the next one, Frank.

18 The main focus, as Frank had mentioned before, is
19 the plaza space. This is really designed to have ultimate
20 flexibility for uses. So we really want to allow the market
21 -- existing market space to be able to expand out northward.
22 We also want the Union Market North building to expand
23 southward, so they kind of converge in the middle.

24 The idea is that all of the furniture and elements
25 in the space would be moveable, which is going to allow for

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1 various programming and uses, which I will mention in a
2 moment.

3 All of these pieces are meant to be playful
4 elements. You can see kind of the pictures below of colorful
5 seating, you know, different types of benches and elements
6 that people can experience and sit upon, also different
7 elements of shade that can be movable.

8 We do anticipate some sun in here, but allowing
9 those shaded elements to be able to be moved around
10 periodically will actually allow the space to adapt.

11 And then, if you go to the next one, Frank, the
12 idea of the flexibility is that during the day and in the
13 morning the purple area allows the servicing for the Union
14 Market building to be maintained. Vehicles and trucks would
15 be passing through in kind of the reddish pink zone, and then
16 the pedestrian circulation would mostly be oriented towards
17 the Union Market North building in the morning.

18 And then, if you go to the next one, Frank, the
19 idea is that then at certain times of the day the plaza gets
20 closed down, the trucks come out, and the plaza expands and
21 allows for daily uses, the restaurants, and allowing for
22 those larger events, the EDENS programs, throughout the year
23 as well.

24 Go to the next one, Frank.

25 Just a couple of quick shots. As Frank had shown

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1 before, just, again, showing the idea of the ground plane.
2 Very simple, similar to some of the current installations
3 that are happening on 4th Street. Very simple ground plane,
4 really letting the architecture speak, unifying the ground
5 with simple materials and spaces.

6 Again, you can get a sense for, you know, the
7 flexible furnishings.

8 You can go to the next one, Frank. That's okay.

9 One thing to notice here is the green wall
10 elements that will be kind of animating the retail facade
11 along the plaza space. That wraps around onto 5th Street as
12 well as kind of a way to anchor the building, build in an
13 element of green. There could be potential opportunities for
14 overhead lighting and other elements that will further
15 animate this space.

16 Go to the next slide.

17 On 6th Street, we have our -- more of a D.C.
18 standard streetscape with the three street trees. This is
19 kind of the quieter side with the loading dock. We have our
20 bike parking and our transition back to the existing curb
21 lines. We are also extending some of the existing utilities
22 on 6th Street out in this area to accommodate those.

23 And then the next one just, again, is the
24 rendering showing that streetscape Frank had mentioned
25 before, the loading dock and parking entry to the right side.

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1 Go to the next.

2 On the 5th Street side, this is where we are
3 trying to blur the lines. We were involved with the Union
4 Market design guidelines, and they are fairly prescriptive
5 with the tenant zone, the circulation zone, and the flex
6 zone.

7 Here, Frank's team had incorporated an interesting
8 element of the angle of lobby entrance. We wanted to use
9 that as inspiration to kind of blur those lines a bit, so you
10 can see some of the angled forms of the planters, the paving,
11 and some of the streetscape furniture, again, to kind of blur
12 the lines of what those zones may be and to create some
13 energy and build upon some of the atmosphere that is
14 happening in front of Union Market itself.

15 And then, as part of that, with Union Market
16 design guidelines, using the -- kind of allowing that space
17 to be more used for -- in the tenant zone or for the flex
18 zone. And placing that focal point tree at the lobby space,
19 it really accentuated that on the northern side.

20 Go to the next.

21 And then just a couple renderings of that again,
22 kind of looking back at the lobby, very open streetscape.
23 Again, you can see the green wall elements and the engaging
24 -- kind of the engaging atmosphere of the architecture
25 speaking to the street, and vice versa.

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1 Go to the next one.

2 And then, just very quickly, kind of keeping the
3 materials consistent of what is existing and what has been
4 installed currently in Union Market, scored concrete, warning
5 that up with potential paver accents, and then really
6 embellishing with, you know, a series of, you know, bollards
7 and planters and site furnishings that really kind of bring
8 that character and kind of the fun elements and similar
9 things that are in the front of the Union Market building
10 currently.

11 MR. SCHIESEL: Good evening, Commissioners. My
12 name is Robert Schiesel. I'm a transportation engineer with
13 Grove Slade Associates.

14 In the essence of time, I think what I'd like to
15 do is go straight to our slide number 10 and just talk mostly
16 about our responses to the DDOT report.

17 Our CTR is on the record, and if you -- if any of
18 the Commissioners has questions about this material, we could
19 come back to it. So just, in particular, just summarizing
20 the DDOT conditions and our responses, DDOT requested -- one
21 of their conditions is that we implement the transportation
22 management plan as it was presented in our report. And that
23 is agreed to.

24 They did ask for one additional TDM, and this kind
25 of goes back to the Stage 1 PUD. Stage 1 PUD for the south

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1 building had a TDM element to propose that the applicant
2 would provide annual Bikeshare memberships to residents. It
3 kind of left the north building a little unopen.

4 DDOT pointed to this in their staff report, and
5 the applicant is proposing that, upon request, it would
6 provide memberships similar for the north building with a cap
7 of \$14,000 on that. That is the similar -- that is the same
8 amount as what was in the zoning order for the south
9 building.

10 DDOT staff report did not have a cap on that, so
11 the applicant is agreeing, but just effectively doubling the
12 cap for the entire PUD.

13 I would mention that the letter that Mr. Utz
14 submitted on Friday has these responses in more detail than
15 what is on the screen with more language explaining some of
16 the reasoning and when/what would be proposed.

17 DDOT's condition about electrical vehicle charging
18 stations is agreed to.

19 Next page?

20 The language about the knockout panels is agreed
21 to. DDOT did ask for condition that the applicant would
22 provide a letter of acknowledgement from the adjacent
23 property owner. As you will see in Mr. Utz's letter, the
24 applicant agrees to make reasonable efforts. They can't
25 guarantee they can get a letter from a third party, but they

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1 are agreeing very much in principle with DDOT and will do --
2 make efforts to obtain such a letter.

3 That covers DDOT's conditions. DDOT also
4 mentioned a couple of things for continuing coordination.
5 I guess we just want to have on the record our response here.
6 This is mostly things that will be handled in public space.
7 DDOT is requesting coordination on, as the market evolves and
8 the sequencing of this and adjacent developments and the
9 landscape, obviously that is agreed to and looked forward to,
10 having everything come in place and being very compatible
11 with each other.

12 DDOT requested that the south building loading
13 access during construction of the plaza and the north
14 building be maintained. They didn't want trucks on the
15 street. Applicant agrees in general with that.

16 They only want to have a -- as we go through
17 public space, all discussions about exceptions for when work
18 is on the plaza itself. But when work is being done on the
19 building and just general construction, they are going to do
20 their best efforts to make sure that plaza is available and
21 trucks will be able to access it.

22 And DDOT also brought up a building projection
23 issue. This is gone into in Mr. Utz's letter, but basically
24 the applicant agrees with what DDOT is suggesting for
25 continued coordination. And, specifically, he is requesting

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1 some flexibility to remove or modify the specific
2 embellishment cited -- DDOT in their report.

3 And with that, like I said, my report is on the
4 record. And if there are questions, I'd be happy to answer
5 them.

6 MR. UTZ: Please. Great. Thanks, Rob.

7 Just a few quick words. I want to bat cleanup on
8 some of the open items that you mentioned when we first
9 started, Chairman Hood, with the -- yes, right there. No,
10 first slide of the appendix, please. Thank you.

11 So the open items from the OP report. We didn't
12 touch on these during the prior part of the presentation, but
13 the project increases the inclusionary zoning benefit and
14 amenity from what it was before -- eight percent --
15 80 percent, an eight percent set-aside of the residential
16 component and 80 percent AMI to nine percent, with 30 percent
17 of that set aside for 50 percent MFI/AMI units. And then the
18 70 percent remaining at 80 percent MFI/AMI.

19 There is loading flexibility that is required for
20 the north building. That was mentioned as part of the first
21 stage approval, although since there wasn't a site plan
22 specifically approved at the time, we anticipated needing it
23 and do indeed need it. So that the loading flexibility is
24 required, the loading relief for all dimension spaces in the
25 north building is required.

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1 The maker space request from the Office of
2 Planning, the benefit and amenity that has been added to the
3 project is that five percent of the commercial on the first
4 floor is set aside for PDR and maker uses. Fifty percent of
5 the commercial space on the first floor is designed to the
6 industrial, the PDR maker specs. And it's essentially the
7 same suite of components that was approved under Case 17-14.

8 The materials, we did cover that. There is a
9 materials board submitted, and there is also actual materials
10 floating around behind the dais.

11 The residential lobby location, we didn't really
12 detail that as part of this presentation. But this -- the
13 team feels strongly that 5th Street is the right place for
14 this particular residential lobby.

15 It's in the location that was originally proposed
16 as part of the first stage approval. There is a desire to
17 bring, you know, the varied uses that residential can bring
18 immediately adjacent to retail, commercial, PDR uses along
19 5th Street. So we feel it actually activates 5th Street in
20 a way that it would not do if it was on 6th Street.

21 There are additional elements that are added that
22 -- additional reasons that are described. And it is Exhibit
23 25 of the record, so I won't belabor that point any longer.

24 And then the first source agreement, there was a
25 question about the status of that. It actually has been

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1 executed with the Department of Employment Services, so it
2 exists for the project, and then any GCs, partners, other
3 subcontractors that exceed the threshold will have to sign
4 first source agreement as well over the course of the project
5 construction.

6 So that, I believe, addresses all of the open
7 items from the OP report. Rob touched on the open items from
8 the DDOT report. We are happy to answer any other questions,
9 but that brings our presentation a close.

10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you all for your
12 presentation. Let's see if we have any questions or comments
13 from the Commission.

14 Commissioner May, our normal order.

15 COMMISSIONER MAY: I'm happy to cede to somebody
16 else, but, you know, nobody is jumping at it, so --

17 So do you know what's going to happen on the lot
18 to the north and when that might happen? Because it's a big
19 blank facade on the north side. Anybody know? Everybody is
20 looking at each other. There has got to be somebody who
21 knows something.

22 MR. CHOWFLA: Yeah. Hi. I'm Sohael Chowfla. I'm
23 a developer with EDENS. The lot to the north is owned by
24 Gallaudet University, and it's currently the subject of an
25 approved Stage 1 PUD, in partnership with JBG. And that's

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1 all that I currently know.

2 We have agreed --

3 CHAIRMAN HOOD: Before you keep going, not that
4 we don't trust you, would you stand, so we can swear you in?

5 MR. CHOWFLA: Okay.

6 MS. SCHELLIN: Please raise your right hand.

7 (Whereupon, the witness was sworn.)

8 CHAIRMAN HOOD: All right. That's just the normal
9 -- not that we don't believe you, but anyway, go ahead. We
10 even have priests and everybody else. We have to swear you
11 in. That's our process. Okay?

12 MR. CHOWFLA: Okay. Yeah. So the building is
13 subject of an approved Stage 1 PUD, and it's purported to be
14 residential. And I think in terms of timing, our
15 understanding is that it's still quite far out. But that's
16 all that I know.

17 We have agreed to provide a knockout panel in this
18 garage for this subject PUD to connect at a later date to
19 that garage.

20 COMMISSIONER MAY: Okay. Thank you.

21 So do you have any -- I don't remember the Stage
22 1 approval. I have no idea what the massing of the building
23 is. Does it -- is it going to match up with your courtyard,
24 so that it sort of doubles the size of the courtyard, or --
25 nobody has any idea on that one?

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1 MR. UTZ: We've looked at it, yes.

2 MR. ANDRE: I mean, it's -- it's not a 100 percent
3 match, but most of the courtyard will remain open. The
4 eastern party wall will mostly be adjacent to the adjoining
5 party wall, and then the open -- their court, in the PUD,
6 extends out to 5th Street.

7 COMMISSIONER MAY: Oh, okay.

8 MR. ANDRE: So it will mostly be open. There's
9 a slight offset, but --

10 COMMISSIONER MAY: How far off of the west side
11 of the --

12 MR. ANDRE: The distance from the lot to their --

13 COMMISSIONER MAY: Yeah. The lot line to their --

14 MR. ANDRE: I believe it's similar to our court,
15 if I -- I don't remember the exact dimension, but it's a
16 similar dimension, which is about --

17 COMMISSIONER MAY: Thirty-plus.

18 MR. ANDRE: -- 30-plus feet, something like that.

19 I'm just going from memory, but --

20 COMMISSIONER MAY: So 30 feet away from your blank
21 wall there is going to be --

22 MR. ANDRE: Oh, no.

23 COMMISSIONER MAY: -- a wall.

24 MR. ANDRE: Oh, yes. On the east side.

25 COMMISSIONER MAY: On the east side. Does it give

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1 you any desire to think about whether that -- you might take
2 a chance on a few windows there. I know that they would be,
3 you know, lot line windows that would -- could be -- you
4 know, if the PUD changes, they could go away.

5 MR. ANDRE: We have discussed it. The way the
6 units work, they don't add a lot of value, but for the units
7 themselves, we have talked about whether it might be
8 advantageous for the exterior. We have sort of compromised
9 by including some I'll call them dummy abandoned windows.

10 COMMISSIONER MAY: Yeah.

11 MR. ANDRE: They're obviously not actual windows.

12 COMMISSIONER MAY: Yeah. And they are just
13 indented there, and they're the same white brick?

14 MR. ANDRE: Correct. But the intent for those --
15 for that surface is to -- and also with, you know, graphics
16 and murals that are consistent with kind of the -- some other
17 art installations in the neighborhood. So it would be
18 painted directly over it, so it starts to have a layered
19 effect, but --

20 COMMISSIONER MAY: So are those in the
21 presentation somewhere, the package somewhere?

22 MR. ANDRE: I think there's a note about it in the
23 submission. I skipped over mentioning it in my presentation
24 because I was trying to keep it short, but -- and they are
25 not represented graphically, no, because they're not designed

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1 yet.

2 COMMISSIONER MAY: Okay. Yeah. No, I wouldn't
3 expect they would be designed yet. But I get a little
4 nervous about murals when we don't have any idea what they
5 are because some murals are good and some of them are not as
6 good. And so, you know, if we're reviewing the design of the
7 rest of the building, I kind of want to review what the
8 design of the mural would be. And, again, it's hard to do.

9 I mean, I would be inclined to suggest that you
10 might look at some different treatments of those recessed
11 portions of the facade to see if some subtle variation might
12 actually help it, particularly if it's likely to survive and
13 be a wall that somebody is looking at out of their apartment
14 from the building to the north.

15 And it's also -- I mean, if it's likely -- you
16 know, if you knew for certain that those lot line walls are
17 going to be covered up or hidden from view by other
18 construction, I'd be less concerned about them. But if
19 there's a prospect that when you're coming down 5th Street
20 you will be able to look up to the left and see that blank
21 facade forever, I want it to look reasonably good.

22 So, I mean, this is better than the average that
23 we get off when we get -- just get, you know, big blank EIFS
24 panels or something like that. But it would be nice to see
25 something a little bit better there if it's going to be

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1 around for a long time.

2 So what are -- this is a common theme for me.
3 What is your experience with very light-colored brick? I
4 mean, I understand this is a little bit different because of
5 the texture of it, and it's a little bit modeled, and so on.

6 But, I mean, my experience with white materials
7 on buildings is that you have to design them very carefully
8 to be able to shed water and not just carry, you know, the
9 soot of pollution down the side of the building and stain it
10 or color it at least and to be washed on a regular basis.

11 And the way it's designed is just, you know, it's
12 basically like a frame. And if there's water hitting the
13 sills there and just draining off, it is going to be pulling
14 that down, and so you're going to wind up with a blackened
15 section of it. And I'm wondering what your experience has
16 been and whether you've been able to detail it in some way
17 so that the water sheds differently or so that it doesn't
18 cause that kind of an effect.

19 MR. ANDRE: Well, we haven't gotten into the
20 detailing, but it is, you know, something that is -- I
21 understand your concern. I think the modeled nature of the
22 brick and -- you know, is part of what will camouflage any
23 staining that happens.

24 But I would also note that if you walk through the
25 neighborhood, I mean, that -- that's kind of an identity or

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1 giving feature of the neighborhood. Some of those light-
2 colored brick buildings have gotten quite dark over the
3 years. I mean, that is part of it.

4 COMMISSIONER MAY: Yeah. And I think more
5 uniformly so. I mean, I think that it -- you know, it just
6 would be a shame to have a new building. I mean, this is a
7 new building, and it's clearly going to look new for a long
8 period of time, particularly compared to the rest of the
9 buildings that are there.

10 And I'm just concerned that it is going to -- you
11 know, after two or three years, it is just going to look like
12 a dirty building. And the fact that you have, you know, this
13 -- it's not quite white, it's sort of off-white, helps a
14 little bit. But the texture of it also is a texture that is
15 going to hold on to the dirt and the soot more than others
16 would.

17 So I think you're just going to have to think
18 carefully about that and how it is -- again, how it is
19 detailed and try to explain it a little bit to us to know
20 that it is going to actually look good, because we don't want
21 to approve a building and then five years later be looking
22 at it saying, "Gee, that looks terrible." And that happens
23 sometimes with white surface buildings.

24 And maybe that's a treatment of the -- you know,
25 where you -- below the sills. Maybe there is, again, a

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1 recess in a slightly different color or something like that,
2 so that it looks intentional that there is -- if it gets a
3 little dirty. I mean, some buildings look better when they
4 start to get dirty, right? I mean, up to a point, right?
5 But it accentuates the features of the building as opposed
6 to detracting from it.

7 MR. ANDRE: One aspect of the detailing that I
8 think will help a bit with that is that the mortar and the
9 sills are intended to be flush, so there is not a lot of
10 projections and things that will catch. And that's -- to be
11 honest, that's really to create a sense of solidity and
12 utility, you know, that is in keeping with the neighborhood.

13 But I think that will also help, you know, at
14 least deter some of that collection of soot and staining that
15 would happen on the more varied surface.

16 COMMISSIONER MAY: Well, I do think you should
17 look at it a little bit and --

18 MR. ANDRE: Okay.

19 COMMISSIONER MAY: -- you know, again, if you
20 think -- if you have experience having used this particular
21 brick or similar brick in color in this kind of an
22 application, and 10 years later it looks great, you know,
23 I'll be satisfied with that, but --

24 MR. ANDRE: There is a building in the D.C. area
25 that utilizes that brick, which I think it's only a few years

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1 old, but I can take a closer look at it and see how it's --

2 COMMISSIONER MAY: Yeah. It's worth looking at.
3 You know, that may be enough.

4 This roof section, the small roof sections where
5 you're showing the setbacks, it indicates in a note a
6 potential location for photovoltaic panels on top of the
7 trellis.

8 MR. ANDRE: We removed that note for I think the
9 last package. If not, it was -- it should have been removed.

10 COMMISSIONER MAY: Okay.

11 MR. ANDRE: The photovoltaic panels only exist on
12 the upper roof, and there is a second location on the
13 stepdown roof.

14 COMMISSIONER MAY: Okay. And I'm not asking where
15 they are. I'm asking about the trellis in particular because
16 it's --

17 MR. ANDRE: The trellis is intended to be open.

18 COMMISSIONER MAY: And it will always be open?
19 You're not --

20 MR. ANDRE: Correct.

21 COMMISSIONER MAY: It's not a potential --

22 MR. ANDRE: The only thing we are contemplating
23 is to have some lights, some string lights or some lighting.

24 COMMISSIONER MAY: Okay.

25 MR. ANDRE: But otherwise, yes.

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1 COMMISSIONER MAY: All right. Then that drawing
2 should be modified to take that out.

3 MR. ANDRE: Okay.

4 COMMISSIONER MAY: Although it might have been
5 interesting to see what you could do with PUD panels up
6 there. But I wouldn't have put them at the typical angle.
7 I would have tried to do something that made it look like it
8 was part of the trellis.

9 Let's see. So how much does \$14,000 worth of
10 Bikeshare buy? I mean, how many memberships for how long?
11 Because they were asking for three years of anybody who wants
12 them pretty much.

13 MR. SCHIESEL: Yeah. At the current rate, without
14 assuming any sort of discount or bulk discount, it's around
15 165 yearly memberships. So the --

16 COMMISSIONER MAY: For one year.

17 MR. SCHIESEL: Yes. So the implementation would
18 be, you know, that the coordinator hands out the -- one of
19 the other CTM improvements would be welcome packets for
20 residents with this kind of information. And then with --
21 included in there would be, you know, you could request this
22 benefit. And it would -- not counting if there's discounts,
23 it would be 165 or so.

24 COMMISSIONER MAY: Okay. So I've forgotten how
25 many units there are going to be.

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1 MR. MEDER: It's 300.

2 COMMISSIONER MAY: 300. So basically half the
3 people moving in will one time get a benefit?

4 MR. SCHIESEL: If they request for it. Usually,
5 when you have a cap, you switch from an everybody-
6 automatically-gets-it system to that the information is
7 provided and then somebody can request it.

8 COMMISSIONER MAY: Yes.

9 MR. SCHIESEL: So, yes, half the people who first
10 move in ask for it; they can get it.

11 COMMISSIONER MAY: But DDOT was asking for whoever
12 wants it for up to three years with no cap.

13 MR. SCHIESEL: Yes. We feel that having this --
14 the cap, no cap, was kind of -- one of the reasons we don't
15 agree with that is because -- and this is touched on in the
16 DDOT report. The Stage 2, the amount of traffic generated
17 by the Stage 2, is -- was much less than what was generated
18 in the traffic report for the Stage 1.

19 So within the envelope of what was included in the
20 Stage 1, traffic analysis, this is coming in at a much lower
21 number. So we just -- the applicant feels that -- like a cap
22 -- having a no expense cap on this is -- you know, they
23 prefer to have a set number, so that it reflects the
24 reduction in traffic since the Stage 1.

25 COMMISSIONER MAY: So you have other buildings in

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1 Washington. Have you done Bikeshare memberships in any of
2 those others?

3 MR. MEDER: I actually don't know that for sure.
4 I'm not sure.

5 COMMISSIONER MAY: Yeah. Okay. I'm going to be
6 interested to know whether, you know, 165 is even going to
7 get you one year's worth of rentals. And, I mean, isn't it
8 going to take you more than a year to lease it up anyway?
9 I mean, they are talking about I think it was three years,
10 right? Is what DDOT was suggesting?

11 MR. SCHIESEL: Well, there would be no time limit.
12 The limit would now be the cap.

13 COMMISSIONER MAY: Got it.

14 MR. SCHIESEL: So if only like 10 percent of the
15 new residents request it, even past one year or two years,
16 it would go, you know, whoever requested it until it's --

17 COMMISSIONER MAY: For as long as it would go.

18 MR. SCHIESEL: Yes.

19 COMMISSIONER MAY: Yeah. And what was magic about
20 14,000?

21 MR. SCHIESEL: It was the number that was
22 committed to for the south building. So it's effectively a
23 doubling of the commitment for the entire PUD.

24 COMMISSIONER MAY: Okay.

25 COMMISSIONER TURNBULL: Can I -- how much is a

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1 Bikeshare cost? What's the price tag on that?

2 MR. SCHIESEL: A yearly membership, just to the
3 public, is \$85.

4 COMMISSIONER TURNBULL: Okay. Sorry, Mr. May.

5 COMMISSIONER MAY: It's all right. It just seems
6 like it's sort of nickel and dime, but -- so the -- let's
7 talk about the projection. And you are requesting design
8 flexibility to deal with the projection, so what does that
9 mean? What would -- the projection they are talking about
10 is a large awning that wraps the corner; is that right? Or
11 what is it; something else?

12 MR. UTZ: It is something else.

13 COMMISSIONER MAY: What is it?

14 MR. UTZ: It is the boxing element. Frank, can
15 you show the -- I call it boxing as the land use attorney.
16 It's the element that fronts on 5th Street, and it frames the
17 windows and the projections on 5th.

18 COMMISSIONER MAY: Oh, oh, all the way around the
19 whole frame of the building.

20 MR. UTZ: Yeah.

21 COMMISSIONER MAY: So it makes -- so those are
22 bays. And it's -- and you're wrapping the whole thing in the
23 bays, and so that whole thing is in public space.

24 MR. UTZ: So the frame itself -- so the OP report
25 touches on this, and we believe that the reference is to the

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1 gray framing element there with the kind of orange --

2 COMMISSIONER MAY: Yeah. I see what it's --
3 yeah.

4 MR. UTZ: So the bays themselves comply, and the
5 concept is that, yeah, the gray element needs --

6 COMMISSIONER MAY: Yeah. This is clever. So, and
7 you're asking for flexibility to change that. So what would
8 the alternative design be?

9 MR. UTZ: So we're asking for flexibility if we
10 don't get the modification approved through the construction
11 code modification process. However, the Office of Planning
12 report indicates that they would be supportive of that
13 request.

14 COMMISSIONER MAY: I understand. But if you don't
15 get it -- you're asking for design flexibility to make a
16 change. So what will that change look like?

17 MR. UTZ: If it's significant, it would need
18 modification. It would need --

19 COMMISSIONER MAY: Well, not if we granted
20 flexibility like you have requested.

21 MR. UTZ: If it -- I think it's a matter of
22 degree. You know, it's -- something, you know, that deviates
23 slightly from this would potentially not need relief. But
24 I think something that --

25 COMMISSIONER MAY: So, I mean, my -- I think you

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1 have two choices here. One is that you show us what it would
2 look like if you had to fix it to comply with current code,
3 or you have to come back for a modification. I don't think
4 that there is any flexibility to be granted here. I mean,
5 that's my -- my take on it because this is just too
6 substantial an element in the design of the building.

7 I'm interested in hearing more about the
8 inclusionary zoning discussion, but I think I'm going to
9 leave that to others to raise the issues, and I'll just
10 listen attentively.

11 Thank you.

12 CHAIRMAN HOOD: Thank you.

13 Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
15 First, just a question about when you were looking at the PV
16 array on the roof, did you explore at all how it might be
17 integrated into the green roof, so that you could find more
18 solar?

19 MR. ANDRE: I failed to mention that it is sitting
20 atop green roof. So the area is both green roof, and the
21 solar array is mounted above it.

22 COMMISSIONER SHAPIRO: So then why -- why not more
23 -- a larger solar array, since you have more green roof?

24 MR. ANDRE: The area where the solar array exists,
25 we have lowered the ceiling in some secondary spaces. And

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1 to grow it, there is a few more step down -- there is a step
2 down just to the south of it where we could put some
3 additional solar array. But if we were to extend it beyond
4 that, then we're having to drop the ceilings, and it impacts
5 the space significantly.

6 COMMISSIONER SHAPIRO: So you just don't have
7 enough height to put --

8 MR. ANDRE: It's a height issue.

9 COMMISSIONER SHAPIRO: -- the solar array above
10 the green roof, that are above the amenity rooms that you are
11 talking about.

12 MR. ANDRE: That's correct.

13 COMMISSIONER SHAPIRO: Okay. All right. And I'm
14 curious to see you maximize the amount of solar array. So
15 if you know right now that there are some additional options,
16 you know, just -- I wouldn't even conceive of holding this
17 up to go for that, but just go for it.

18 The other question is related to the plaza and the
19 mix of uses on the plaza, the varied uses. And I didn't
20 quite understand how you manage that and how you limit
21 access. I mean, physically how you limit access at certain
22 times, and is that programmed in advance, and do you have
23 neighbors that you have to negotiate that with, and so just
24 a minute to help me understand that a little bit better.

25 MR. CHOWFLA: Hi. So just a little bit of

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1 history. When the consolidated PUD in Stage 1 was approved
2 in 2015, I think our collective thinking regarding the plaza
3 was to create a flexible community gathering space that could
4 accommodate a variety of uses. And so we wanted to design
5 the space as part of the Stage 2 to accommodate community-
6 focused type activities, such as events, art, music,
7 gathering, just hanging out.

8 And then, obviously, we also wanted the space to
9 respond to the practical loading considerations for the south
10 building, for the market.

11 So the current design of the plaza we feel
12 achieves these two goals, and is designed flexibly to
13 accommodate both of these scenarios. And we will control it
14 via time, so in the morning and in the evening, when we load
15 the market, we will have loading access through the plaza.
16 And there's diagrams -- I don't know if you can go to those.

17 CHAIRMAN HOOD: So that's a question I had as
18 well. So, for me, as you talk through it, what would help
19 me -- if not, I can wait and ask the question in my time --
20 but since you're on that, if you could show the renderings
21 as you talk through them, and how all of that is going to --
22 walk us through how that is going to work, the timing, at
23 10:00 we're going to change it over this way, this is how
24 this is going to be done. Just walk me through that whole
25 scenario, so I can visualize it, if you don't mind.

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1 COMMISSIONER SHAPIRO: For my two cents, you know,
2 some of that is going to be determined by the uses that are
3 there, and I would want you to have enough flexibility to --
4 you know, to have it work for whatever range of tenants you
5 have on either side.

6 But to the Chair's point, it's not clear to me who
7 even manages this and, you know, where the -- so, yeah.

8 CHAIRMAN HOOD: If you can't answer it altogether,
9 then I will just ask it later on.

10 COMMISSIONER SHAPIRO: And also, physically, how
11 are you going to limit access? I mean, you know, you're
12 going to put up a police no crossing barrier? You're going
13 to put -- you know, is there a bollard that pops up? Or, you
14 know, what are you going to do?

15 MR. CHOWFLA: Sure. So I'll answer the physical
16 part because that's where I was headed next. So you can see
17 here on this diagram how the plaza would be used during
18 loading hours, and so this would be in the morning. There
19 is existing loading for the dock 5 and market building.

20 COMMISSIONER SHAPIRO: To the Chair's point, do
21 you have set hours for the loading, for the morning loading
22 hours? Or do you just -- you know it will be late morning
23 sometime when it switches, and it depends on the tenants?

24 MR. CHOWFLA: Yeah. We don't have set times, but
25 it would -- our intention is to sort of do the loading in the

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1 morning, and then in the afternoon we have contemplated
2 having some sort of barrier or gate that would physically
3 block cars from entering and turn the plaza into a mixed use
4 event, multi-use gathering space, which would be activated
5 by the retail on the north.

6 COMMISSIONER SHAPIRO: One of my concerns about
7 that is, you know, without forethought -- if that's a word --
8 around that, you know, I -- you have an opportunity to design
9 something attractive that accomplishes -- that serves the
10 purpose, and I wouldn't want it to be, you know, a piece of
11 wood, you know.

12 You know, so some kind of design element that goes
13 into this I think would be quite interesting, whether it's
14 operated manually or automatically or, you know, I don't
15 know. But I just -- I would like to get some more of your
16 sort of creative thoughts around that.

17 MR. CHOWFLA: Okay.

18 COMMISSIONER MAY: I think that's a good point.
19 I mean, even if it's not like a super creative gate design,
20 just a gate design, because it's a substantial element in the
21 public space there.

22 COMMISSIONER SHAPIRO: Exactly. Especially from
23 the pedestrian experience. I mean, this is something that
24 they are really going to see and feel every day.

25 Another question on those lines -- and, Mr. Chair,

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1 I think you had a follow-up question on that, too -- if I
2 look at --

3 CHAIRMAN HOOD: I'll follow back up, but --

4 COMMISSIONER MAY: -- if I look at L8, and I'm
5 looking at -- this is during -- I assume this is after
6 loading hours, and I see a truck off in the corner in one of
7 the docks. And that's okay, right? But does that mean that
8 you expect that there will be some truck traffic, even after
9 loading hours are done? Or is that truck just sort of
10 landlocked there for the day? Or is that a mistake?

11 MR. CHOWFLA: I think that's just an oversight.
12 My apologies.

13 COMMISSIONER SHAPIRO: Because you could have
14 shown the truck actually running over people and then we'd
15 have even more concerns, but I'm with you.

16 CHAIRMAN HOOD: All right. Commissioner Turnbull?
17 Oh, you --

18 COMMISSIONER SHAPIRO: No. This is for OP. I'm
19 fine.

20 CHAIRMAN HOOD: Okay.

21 COMMISSIONER SHAPIRO: I'm fine, Mr. Chair.

22 CHAIRMAN HOOD: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Thank you for your
24 presentation tonight. I have a question on -- you're going
25 for LEED silver?

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1 MR. MEDER: Correct.

2 COMMISSIONER TURNBULL: You have 55 out of 110.
3 Is there any reason why you can't go to gold?

4 MR. MEDER: We are exploring pursuing gold, and
5 it is potentially very achievable. So that is something we
6 are actively looking at.

7 COMMISSIONER TURNBULL: Let me help you on one
8 item. If you go to -- if you pull up -- let me make sure I
9 get the right drawing here -- A7. Yeah, there you go. One
10 of my favorite shots.

11 This is supposed to be a sun-shady trellis. And
12 I saw it as sun-shading articulated. I'm like -- but I don't
13 -- it looks pretty clear up there. Is that some kind of just
14 like shaded glass, or is it any kind of glass? But it looks
15 like I could get a suntan up there. It looks like I could
16 get a suntan underneath that trellis.

17 And you know what? Those lights are on in a night
18 picture, they're on in a day picture, and I don't think
19 that's a LEED scorecard-plus. Most of the buildings we have
20 seen with penthouses that are trying to enhance the outdoor
21 space go with the LEED guidelines. It's usually
22 downlighting.

23 And I understand, you know, I've got a backyard,
24 I've got the little lights around my deck, I go out there
25 with a cigar and I'm having a glass of Madeira. I'm relaxed.

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1 You know, what's what we want to do, right?

2 But, I'm sorry, this might be overkill. I think
3 the little electric meter is going around and around and
4 around up here with these. I think you might want to rethink
5 -- nothing to -- I don't mind hanging lights, okay? I'm not
6 against that.

7 But this just stands out like, we don't want to
8 show off how good lighting -- lighting designers we are. We
9 want to show GE that we -- -- you know, we like them.

10 I mean, think about it. I'm just asking you, I
11 just think it's a little bit of an overkill, and you're
12 trying to make a statement on a sun-shaded trellis. But it's
13 more like you can get a tan up there with that.

14 Think about it. I'm not trying to make a joke up
15 here, but it just seems a little bit like a stretch that this
16 is not well thought out. I mean, I don't mind the trellis,
17 the idea of a trellis up there on that space. Public --
18 people in the building want to get up and enjoy the roof.
19 That's fine. It's a wonderful idea.

20 But I think, please, take another look at this,
21 and try to either tone down that lighting -- I mean, it just
22 looks like it's -- people are going to look at your building
23 and they're going to say, oh, look at that trellis up there,
24 and they're going to want to go up there.

25 Anyways, just one thought. I mean, that's --

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1 especially if you want to go for LEED gold, that's not
2 helping you.

3 The other thing, on that element that you're
4 looking for flexibility on, the surround around the -- the
5 sort of copper/bronze-like material, metal panels that are
6 around there, it almost looks in some of those renderings
7 that it's also lit. Is there lighting on that also? Is that
8 lighting on all day long? Only at night. But the people in
9 those units are going to look out at this copper-lit
10 surround?

11 MR. ANDRE: It's softly lit, and it's not --

12 CHAIRMAN HOOD: Turn your mic on.

13 MR. ANDRE: I'm sorry. It's softly lit, so it's
14 -- and it's just at the sides of the units, so --

15 COMMISSIONER TURNBULL: And how long does that
16 stay on, all night?

17 MR. ANDRE: We haven't determined that, but it
18 probably would not be on all night.

19 COMMISSIONER TURNBULL: I'm just saying, I mean,
20 if I have just bought -- I'm in this building, and I go out
21 to that front window, and all of a sudden I'm going to look
22 out and all I see is this beautiful golden surround and
23 people are going to probably be looking up there going -- it
24 just seems -- now, it's a stationary light. It's not moving,
25 right?

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1 MR. ANDRE: No. Correct.

2 COMMISSIONER TURNBULL: Okay. We've had
3 experiences -- there is buildings that have been doing that,
4 and it's just -- it's like announcing, hey, look up here.

5 All right. I mean, that's --

6 MR. ANDRE: Your point is well taken.

7 COMMISSIONER TURNBULL: Well, I'm just thinking,
8 and it looks also that underneath the expansion, the bay
9 windows, the copper, you are also lighting the underneath of
10 the copper underneath those bays.

11 MR. ANDRE: Only the bay on the south, unless
12 you're -- there is some lighting that's on the soffit that
13 is lighting up the external amenity terrace.

14 COMMISSIONER TURNBULL: Well, I'm looking at the
15 -- at the projection of the balconies or the bays --

16 MR. ANDRE: Here? Or down --

17 COMMISSIONER TURNBULL: Down. Over -- no, down
18 further. The little --

19 MR. ANDRE: Oh, here. Yes.

20 COMMISSIONER TURNBULL: Yeah. Are they lit
21 underneath?

22 MR. ANDRE: They are. Yes.

23 COMMISSIONER TURNBULL: What does that do for you?

24 MR. ANDRE: Well, it's really just adding some
25 energy to that plaza, that retail plaza, between the two

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1 buildings.

2 COMMISSIONER TURNBULL: Okay. So if I am going
3 to -- and, again, I've got to look up at a lighted copper
4 ceiling. I don't know. It just --

5 MR. ANDRE: In part, it was a response to the
6 request from OP to enhance the accent material. So we added
7 some lighting, so that it would --

8 COMMISSIONER TURNBULL: Oh, you're enhancing it
9 all right. You're enhancing it.

10 MR. ANDRE: But it's not a central design feature.

11 COMMISSIONER TURNBULL: Signage. I appreciate
12 your little couple of pages here on signage, but it really
13 doesn't help me. I would like to see -- I mean, it's nice
14 that you locate where the signage is going to go. But then
15 you show some pictures as to examples of it, but some of
16 these examples show blade signs that have got to be like 30,
17 40 feet high, and there are some other ones that have got to
18 be four feet in width.

19 I would like to see a dimensioned signage diagram.
20 In other words, show me where you're -- where the signage is,
21 but also show the signage as to what you think it really --
22 the proposed signage, what it could be -- maximum/min,
23 maximum, as to what those signage could be. That's what I
24 would like to see.

25 The other thing is that on your flexibility,

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1 Exhibit 14-12E, Exhibit 20A -- 20A -- Item C needs to be
2 revised. You've got -- you're saying, "To vary the final
3 selection of the materials within the color ranges and
4 material types as proposed." You need to change that "and"
5 to "of the."

6 You can't change -- you're not going to change the
7 materials. You're going to change the color ranges of the
8 materials proposed. So that needs to be changed.

9 But I think the Office of Attorney General can
10 help you with that language because we've been modifying
11 that.

12 The other thing is, on an item number G, "to
13 revise the design of the public space surrounding the
14 property and the exterior design of the project, to the
15 extent necessary to obtain proposals," blah, blah, blah,
16 blah, blah, are you just -- it sounds like in one way you're
17 talking about public space. But then you have interjected
18 this thing about "and the exterior design of the project."

19 It's confusing. Now it sounds like, well, we
20 might want to change the shape of -- the look of the
21 building, which is, again, getting back into what number C
22 talks about. I think you need to work with the Office of
23 Attorney General and straighten out that language, and either
24 revise that exterior design, get that out of there and get
25 back to basically if you're talking about utilities and

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1 grounds, I think that language should be changed to best --
2 to really tell what you really mean.

3 I think, Mr. Chair, that will be it for me for
4 now.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Vice Chair?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
8 thank you for your presentation.

9 Mr. Meder, you mentioned --

10 MR. MEDER: Meder, yes.

11 VICE CHAIR MILLER: --you're with Gables, right?

12 MR. MEDER: Correct.

13 VICE CHAIR MILLER: And you mentioned Woodley Park
14 Project. Is that the development that was done with Oyster
15 School? Or is it a different --

16 MR. MEDER: That was a different property. And
17 we recently sold our Woodley Park asset last year.

18 VICE CHAIR MILLER: Okay. So I appreciate all the
19 community engagement that you've done, and I -- the amount
20 of times you've met with ANC 5D and the single-member
21 district Commissioner in 5D01. And you've garnered each of
22 their -- both the ANC and the SMD support.

23 I would echo Commissioner Turnbull's urging and
24 your own statement that you are going to try to get to LEED
25 gold. You're just five points short.

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1 You have met with the Department of Energy and the
2 Environment, I assume, or have you met with them and they
3 have given you -- they usually are very forthcoming with
4 suggestions of how you can get there, some of which are more
5 expensive than others, but -- and some of which are not.

6 MR. MEDER: We met with them briefly at the
7 interagency meeting a couple weeks ago.

8 VICE CHAIR MILLER: And they had some suggestions?

9 MR. MEDER: Not specifically.

10 VICE CHAIR MILLER: They didn't.

11 MR. MEDER: No. It was part of a larger meeting.

12 VICE CHAIR MILLER: Yeah.

13 MR. MEDER: But they have offered their
14 assistance.

15 VICE CHAIR MILLER: So I would encourage you to
16 try to get there. And if something changes before we get to
17 final action on that, please let us know, because that
18 certainly would be more of a public benefit.

19 The design I think is very -- is very attractive.
20 I like the metallic accent. I think it warms up the
21 building. And I don't know about the electrified aspect that
22 Commissioner Turnbull was talking about, but I -- the color,
23 I like that, and I like the contrast in the colors and
24 between -- the design between the industrial look at the
25 modern look. And all of the bays and balconies are always

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1 a public amenity for the residents who are there.

2 So on the inclusionary zoning, affordable housing
3 component, I realize you've increased your proffer from the
4 first stage -- I think it was originally eight percent at --
5 all at 80 percent median family income, MFI, and now you're
6 at nine percent, and you've got 30 percent of that reserve
7 for 50 percent at median family --

8 MR. MEDER: Yes.

9 VICE CHAIR MILLER: -- income. Is that 50 percent
10 median being triggered by the habitable penthouse space? Or
11 is your proffer above and beyond what is currently required
12 in the inclusionary zoning regulations? Not maybe what
13 applied at the first stage, but is that 50 percent being --

14 MR. MEDER: No.

15 VICE CHAIR MILLER: Would it be triggered by the
16 current --

17 MR. UTZ: No.

18 VICE CHAIR MILLER: -- the habitable space up
19 there? No.

20 MR. UTZ: It would not because there are not units
21 in the penthouse. It's just --

22 VICE CHAIR MILLER: Residential amenities?

23 MR. UTZ: -- residential and rec space, yes,
24 correct.

25 VICE CHAIR MILLER: So I realize you have a

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1 respectful disagreement with the Office of Planning, and
2 we'll hear more from Office of Planning shortly, where they
3 are saying that it's -- you should be -- is this an all-
4 rental building?

5 MR. UTZ: It is.

6 VICE CHAIR MILLER: So the current inclusionary
7 zoning rental requirement is -- we lowered that to 60 percent
8 median family income, because of a lot of public and
9 executives' testimony that -- and our own experience in
10 dealing with these developments over the years, that the 80
11 percent MFI really just is not -- it's not benefitting --
12 it's not getting to affordable housing where it's needed in
13 the city.

14 It's that MFI level is based on the whole
15 metropolitan DMV area, which includes the richest counties
16 in America -- Fairfax and Montgomery and others. And it's
17 just -- so that MFI level at 80 percent, when it's using the
18 area -- area-wide median income, it just -- it doesn't get
19 to it.

20 So, and I realize that seven of the -- so you've
21 got 24 -- approximately 24 units of IZ of the 300, and seven
22 of those 24 are at the -- I think at the 50 percent MFI
23 level. And four of those seven are two-bedroom units, so
24 that's all very commendable.

25 But I would encourage you to reexamine to see if

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1 you can lower some of those 17 units that are 80 percent MFI
2 to the 60 percent MFI level. Just -- the 80 just does not
3 meet the affordable housing need in this city in any
4 meaningful way.

5 So, and I realize you also had that respectful
6 disagreement I guess on the PDR maker space. I think they
7 wanted a 20-year commitment, and you have five years. But
8 I think you made some good points about not wanting to have
9 vacant space, and there is a lot of PDR maker space that has
10 been developed by EDENS and others at Union Market.

11 And so I think those are -- and you are building
12 out to industrial levels, as you said, for design purposes,
13 50 percent of that retail, ground floor space, so that it
14 could be PDR maker space if the market was there.

15 So I think you made some good points there. Do
16 you have any maker tenants identified or types of retail
17 tenants identified yet for that?

18 MR. CHOWFLA: We do not.

19 VICE CHAIR MILLER: Is there maker space that is
20 empty and vacant currently at Union Market that we have
21 required to be in other developments?

22 MR. CHOWFLA: I think right now at Union Market
23 the PUDs that contain that benefit have not been constructed
24 yet.

25 VICE CHAIR MILLER: Not been constructed yet.

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1 Okay.

2 I think that may be it for now, Mr. Chairman.
3 Thank you very much.

4 CHAIRMAN HOOD: Okay. Commissioner Shapiro had
5 a follow up, and then I'll ask mine.

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

7 Yeah. Just to follow up on Vice Chair Miller's
8 questions around the affordability. I mean, I imagine the
9 only argument you have is that it affects the financing or
10 the -- you know, the performance in some way that just makes
11 it more difficult for the -- I don't know. Are you self-
12 financing? Is it more difficult for the project to get
13 financed? Are you afraid you're going to lose an investor
14 if you cut it down?

15 I mean, I -- and, really, if the only issue is
16 money, then, you know, it's helpful for us to hear it. I
17 don't even know what your IRR is. I don't know if -- you
18 know, what's the real impact of something like this,
19 especially when you see how much of a priority it is for the
20 -- for D.C. and the region.

21 It doesn't seem an unreasonable ask to reduce it,
22 unless it is just such a hit that it really affects the
23 viability of the project, which I imagine it doesn't on a
24 building this size with the kind of rent rates you're going
25 to get.

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1 MR. UTZ: I was going to say, so the project has
2 been looked at for a while now with the AMI levels that were
3 kind of expected by the landowner. You know, the eight
4 percent and 80 percent was the way that it was being valued.

5 There is a hit -- Eddie can speak to it more
6 closely than I, because it's something that we spent a lot
7 of time talking about and trying to figure out ways to move
8 it forward and move it -- you know, larger set-aside at
9 deeper MFI rates. That has been the goal. It has been one
10 of the primary things we have been talking about over the
11 course of this being an application.

12 So, you know, I don't know if there are specifics
13 that we could get into now about what changing would do. I
14 don't think so, but I -- you know, each move does have
15 dramatic effects on --

16 COMMISSIONER SHAPIRO: I mean we don't typically
17 ask these questions. It's just -- it's so clear that the
18 only reason is that it just -- it hits the bottom line.

19 And given how much of a priority it is, then it
20 would be helpful for me to hear how big a hit to the bottom
21 line and, you know, if it's about your financiers, it's a
22 pretty reasonable story to tell that this is an absolute
23 priority for D.C. and the region, and there's, you know, a
24 story about it every day in the paper around how the renewed
25 commitment to this by the whole region on the private -- on

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1 the public sector side, as well as the private sector side.

2 So, you know, a little bit more information would
3 be helpful, and I would really encourage you to, you know,
4 reconsider it and take the hit. But, please, if you have
5 additional specifics you can share without revealing too much
6 company secrets --

7 MR. MEDER: We can't admit too many company
8 secrets, but I will say that the Stage 1 PUD was approved
9 back in 2015 under a very different set of rules and
10 priorities, of which, you know, our partner, EDENS, has made
11 many commitments over the years and was reflected in the
12 agreement that we joined forces together.

13 And it is a significant hit, and more so that the
14 area, it's extremely competitive. And we don't know when we
15 start construction what we deliver into. On paper, it's
16 fine, but that does not reflect reality many years in
17 advance, when things actually go under understanding, when
18 you have a lender, when you have financing partners.

19 And so we have been working very closely with OP,
20 you know, to find an equitable solution, at least we believe
21 to be an equitable solution, but we will certainly take a
22 look at it.

23 COMMISSIONER SHAPIRO: Yeah. And, I mean, so, you
24 know, to really stir the pot, it sounds like there may be
25 some space for renegotiation with EDENS. So it's not just

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1 your issue, right?

2 MR. MEDER: It's primarily a Gables issue.

3 COMMISSIONER SHAPIRO: And I appreciate you saying
4 that, right?

5 MR. MEDER: Yes.

6 COMMISSIONER SHAPIRO: I really do. But the
7 pressure is coming -- you know, we -- we want to provide
8 certainty, and D.C. wants to provide certainty, and we're in
9 a very unique situation in a very difficult time. And it's
10 an absolute priority, again, region-wide.

11 And so it's -- you know, it's a pretty important
12 and significant ask for us. I don't take lightly what OP is
13 doing, and I think that they are pushing in the right way.

14 Thank you, Mr. Chair.

15 CHAIRMAN HOOD: Thank you. I will concur with,
16 actually, everything I have heard my colleagues say and the
17 format and fashion in which they have presented it. I'll
18 take those concerns, too, as well as moving forward.

19 Have you all had any conversations with -- I'm
20 sure EDENS has -- I'm just curious, have you had a
21 conversation with the Council Member? I know you've talked
22 to the ANC, but what about the Council Member in Ward 5?

23 MR. ANDRE: I have not personally spoken with him.

24 CHAIRMAN HOOD: So nobody has -- okay. All right.
25 You know, in your discussions with the Chair, ANC 5D, with

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1 Chairman Lee, what were those conversations like? What --
2 did they add any added value to what you were trying to do?
3 And what -- run me through the typical conversation you had
4 with the ANC to garner their support? Did anybody here go
5 to the meeting?

6 MR. UTZ: Oh, yeah.

7 CHAIRMAN HOOD: Okay.

8 MR. UTZ: We were all at the meeting.

9 CHAIRMAN HOOD: So everybody should know something
10 that happened at the meeting, then. Okay. So just walk me
11 through just some of the discussions. Did they add anything
12 that they wanted to see? Just tell me -- tell me what you
13 got out of that meeting.

14 MR. CHOWFLA: So I think we got overwhelming
15 support from the ANC for this project. The delivery of the
16 plaza ahead, which was originally -- to remind you, the south
17 and the north building were flipped, so that was viewed as
18 a very positive part of this PUD, because it is open to the
19 public.

20 And then, of course, street-activating retail was
21 obviously very well-received as well by this ANC.

22 CHAIRMAN HOOD: So the plaza was the big hit for
23 the most part.

24 MR. CHOWFLA: The plaza was viewed very
25 positively.

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1 CHAIRMAN HOOD: Okay.

2 MR. UTZ: And I think some other elements that
3 were -- the delivery of the building itself, they are eager
4 to have this go forward. They were happy about it. They
5 wanted to see it happen fairly quickly. And then, also, the
6 family sized units came from a request originally from the
7 ANC.

8 So those were integrated into the distribution of
9 units and, you know, maximized as noted by the Commission.
10 The IZ units are focused on that request purposely.

11 CHAIRMAN HOOD: Okay. So I have to eventually,
12 when dock 5 -- my orientation is off with the dock 5 and this
13 site. During the Mayor's Arts Awards, they particularly did
14 something in which you have fashioned. That's why I caught
15 an interest in this. And I really support what you all are
16 doing.

17 I just want to make sure, as Commissioner Shapiro
18 was mentioning, that it works, because that was done that
19 night, and I said, "This is great." But, now, did you all
20 get that idea from the Mayor's team? Or did you all come up
21 with that?

22 I'm just curious, how did -- I come here two,
23 three weeks later. Now I see this -- some of the same
24 fashion happening here. Did you all -- whose idea was it
25 first? I'm just curious.

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1 MR. CHOWFLA: I mean, I can never take any credit
2 for anything I have ever done in my life.

3 CHAIRMAN HOOD: Did you all -- okay. But did you
4 know that the Mayor's office did this when they had the thing
5 at dock 5?

6 MR. CHOWFLA: I did not.

7 CHAIRMAN HOOD: okay. All right. Well, anyway,
8 it works. But let's talk about it again, so I can understand
9 it. And I realize we kind of went through those discussions
10 about the timing of this, but -- so at some point in time --
11 just walk me through it.

12 At some point in time during the day, is this
13 every day it is going to change over to this
14 plaza/dining/gathering, et cetera? Is it going to -- it's
15 going to change over every day just like this, Monday through
16 Sunday.

17 MR. CHOWFLA: Yes.

18 CHAIRMAN HOOD: Okay. Roughly probably about the
19 same time every day or, say, 2:00, 3:00? Because you're
20 missing the lunch hour. I'm just saying, you know --

21 MR. CHOWFLA: It would be before. It would be in
22 the morning.

23 CHAIRMAN HOOD: In the morning.

24 MR. CHOWFLA: Yes.

25 CHAIRMAN HOOD: Okay. So the deliveries will

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1 start early.

2 MR. CHOWFLA: Correct.

3 CHAIRMAN HOOD: And all that was discussed with
4 the ANC, right?

5 MR. CHOWFLA: Yes. Yeah.

6 CHAIRMAN HOOD: Okay. all right. So let's just
7 remember what Commissioner Shapiro -- the discussion we had,
8 explaining to us how a lot of that is going to -- how it's
9 going to work, how it's going to evolve, what protections are
10 we going to put in place, because that's part of what we're
11 supposed to do is make sure what we approve protects the
12 residents as well. We want to make sure we do that here, so
13 we're looking forward to seeing that.

14 I also wanted to concur with Commissioner May
15 about the white brick. I know some projects that I have
16 actually sat on on this Commission and approved, and every
17 time I ride by there I don't even tell nobody anymore that
18 I even had anything -- that I voted on it or anything because
19 I think his evolution of what he is saying about that turning
20 dirty is true.

21 Because one of the projects, I don't even think
22 it's eight years old that we approved. So if what you're
23 saying about the mortar and everything, how it's going to --
24 if you can tell us how it's going to run off, and how it
25 won't set, and the soot won't be in the brick and it won't

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1 look bad after two years, then present that to us.

2 But, also, you mentioned a building that you all
3 already had that had that type of brick. Could you provide
4 some pictures for the record?

5 MR. CHOWFLA: This is not one of our buildings.
6 This was a building that has the brick that we're
7 contemplating using.

8 CHAIRMAN HOOD: Could you --

9 MR. CHOWFLA: But, yes, we can provide pictures.

10 CHAIRMAN HOOD: Just don't give me the address.
11 I don't want to know whose building it is.

12 MR. CHOWFLA: Sure.

13 CHAIRMAN HOOD: But just -- if you can just
14 provide -- I don't want to put you all on the spot like
15 you're coming in here and telling on somebody else, but I --
16 if you can just provide some of the -- some shots of it, that
17 would be great.

18 And also, I would agree with my colleagues about
19 the gold. As was mentioned, you're a few points away, so
20 let's just come back with gold. I mean, that's -- we can do
21 it. Okay?

22 All right. That's all I have. Any other follow-
23 ups up here?

24 I'm really excited about the conversion of the
25 pedestrian to the plaza and everything, and I think that's

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1 what the -- it's a catcher for me, and I know it worked the
2 other night, and it worked well. So hopefully -- I'm sure
3 that's one of the things that the community is looking
4 forward to.

5 All right. Anything else up here?

6 All right. ANC -- is anyone here from ANC 5D?
7 I don't see Chairman Lee.

8 Okay. So let's go to the Office of Planning and
9 DDOT.

10 MR. LAWSON: Good morning, Mr. Chair and members
11 of the Commission. I'm Joel Lawson with the Office of
12 Planning.

13 OP is definitely supportive of this building.
14 We're excited by it proceeding forward. It has been a while.
15 We are supportive of its overall design. We do appreciate
16 some of the comments made by the Commission members tonight,
17 particularly ones regarding the level of flexibility and the
18 potential for maybe some additional detailing along the north
19 wall. We think those are good comments and appreciate the
20 applicant agreeing to take a look at those.

21 We do also appreciate the applicant's response
22 that they provided to the record on our comments that were
23 in our last report. We haven't actually had much time to
24 review it.

25 In general, there were a number of comments that

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1 we talked about. There were kind of two main ones that the
2 Commission has also picked up on. The first one is, of
3 course, affordable housing. We almost can't help ourselves.
4 We have to advocate for more affordable housing and for
5 deeper levels of affordable housing.

6 It does become difficult, and I see the Commission
7 struggling with it as well, when we're dealing with a project
8 that's, you know, kind of extending over time like this one
9 has, one that was approved four or five years ago and is now
10 coming back, and the way we look at projects is just
11 different now than it was back then.

12 Now, we do, however, certainly acknowledge the
13 applicant's discussion about what was approved in the first
14 stage, and we thought that was -- that was certainly
15 interesting and compelling.

16 The second issue was the length of term for the
17 maker space. We actually continue to believe that a longer
18 term for the maker space is appropriate in this case.
19 However, as I said, we really haven't had a lot of time to
20 look in detail at the responses that the applicant provided.

21 So we'd be happy to spend some additional time
22 reviewing that submission that was put into the record on
23 Friday, taking a look at it in a bit more detail, comparing
24 it a little bit more to the first stage approval, and having
25 additional discussions with the applicant, if necessary, and

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1 providing comments, more detailed comments to the record at
2 a later date.

3 Thank you.

4 CHAIRMAN HOOD: Okay. Thank you, Mr. Lawson.

5 Mr. Rogers?

6 MR. ROGERS: Good evening, Mr. Chair, members of
7 the Commission. Jonathan Rogers with the District Department
8 of Transportation.

9 DDOT appreciates the close coordination with the
10 applicant on this Stage 2 PUD. We have reviewed Exhibit 25,
11 the response to the DDOT and OP reports, which was submitted
12 on Friday. We did find that some of the -- there were some
13 incomplete elements in terms of addressing each of DDOT's
14 responses.

15 However, those were directly addressed in Exhibit
16 26, the presentation for this evening. DDOT is in agreement
17 with the applicant, at least in concept, on the responses to
18 the DDOT conditions with the following notes and caveats.

19 We would like clarity on what it means to make
20 reasonable efforts to secure a letter of acknowledgement from
21 the adjacent property owner regarding the knockout panels and
22 potential for future shared access through the driveway.

23 We would also like to review language regarding
24 the permissions proposed by the applicant regarding access
25 to the knockout panels and the driveway.

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1 DDOT appreciates the discussion and points raised
2 by the Commission this evening, particularly on the TDM
3 element, particularly the financial incentive, and would
4 support an increase in that financial incentive for the north
5 building to promote greater uptake of Capital Bikeshare as
6 a means to minimize the site's impact to the adjacent
7 transportation network.

8 With that, I will pause, and happy to answer any
9 questions.

10 CHAIRMAN HOOD: I want to thank both Mr. Lawson
11 and Mr. Rogers.

12 Any follow-up questions or comments? Commissioner
13 Shapiro.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

15 A question for Mr. Rogers. I'm just curious.
16 When we talk about amenities related to shared mobility, it's
17 always around Capital Bikeshare, and I'm just wondering where
18 the -- where or if there are conversations around other
19 shared mobility uses? And, you know, what is there to ask
20 for related to scooters or, you know, the other electric
21 bicycles, et cetera, et cetera. I'm just kind of curious
22 about that and whether that conversation happens and is there
23 some flexibility there.

24 MR. ROGERS: Sure. That's a good question. DDOT
25 would certainly be supportive of measures that promote other

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1 modes of micromobility. At this point, some of the value
2 that comes with Capital Bikeshare membership or station is
3 that it is a real tangible thing. It is supported by the
4 government, and the likelihood that it is going to be around
5 come time for a certificate of occupancy is higher.

6 Some of the challenges with the newer modes is
7 that they are new and their future is unknown, although
8 certainly there is hope that options will continue to remain.

9 We have discussed some means of support for other
10 micromobility devices, which it occurs to me in a recent case
11 there was a recommendation from this -- from the Commission
12 to install electrical plugs in the bike room as a means to
13 electrify the bike room and provide that flexibility for the
14 future. DDOT, unfortunately, omitted that in this particular
15 TDM plan, but we would be supportive of adding something
16 along those lines as well.

17 And then, related to this specific case, we did
18 discuss the potential to identify locations for micromobility
19 parking within the plaza or other areas in the adjacent
20 public space. The applicant I think considered that, but
21 ultimately is not proposing it.

22 However, we would continue to be supportive of
23 thinking along those lines, just so that there could be some
24 taming perhaps of some of the parking issues that are related
25 to micromobility devices, particularly ones that are not

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1 docked that can be parked wherever the trip ends.

2 COMMISSIONER SHAPIRO: Thank you. I'd be curious
3 as, you know, more and more with your reports, to provide us
4 more and more information about that and those options. And,
5 you know, it is so fast-changing, but perhaps the opportunity
6 is to give the developers sort of a menu of options around,
7 as you say, micromobility.

8 And, you know, is there -- is it about a certain
9 level of contribution that could be spread across any of the
10 different kinds of uses? I guess -- I get cabbing is a
11 little different because there is this infrastructure
12 commitment that is made, and that's a bit different.

13 But thank you for the answer. I appreciate it.

14 COMMISSIONER MAY: Can I ask the applicant, are
15 you willing to put some bike charge -- or outlets in the bike
16 storage area for people who have electric bikes? Because I'm
17 glad that Mr. Rogers brought that up again because it only
18 started coming up recently. And it seems like it's a pretty
19 straightforward, easy thing to do, and it doesn't take a lot
20 of power.

21 MR. MEDER: That would be something we would
22 consider. That's not something that I was previously aware
23 of, but we can certainly consider it.

24 COMMISSIONER MAY: Yeah. We didn't even start
25 talking about this until, you know, a month ago or something

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1 like that. But it's -- it seems like a no-brainer. If
2 you're going to put in that number of bike racks, and, you
3 know, so many of the bikes on the road today are e-bikes, and
4 it's just going to keep getting to be more and more and more.

5 MR. MEDER: Yeah.

6 COMMISSIONER MAY: If you could kill some of those
7 LED lights that Mr. Turnbull doesn't like, you'd be able to
8 power this, no problem.

9 CHAIRMAN HOOD: Any other questions or comments?
10 You know what? I just thought about something. Sometimes
11 you have to seize the moment.

12 Mr. Rogers, are bicycles required to obey the
13 traffic laws like the stop signs and the red lights? I'm
14 just curious.

15 MR. ROGERS: Yes, they are.

16 CHAIRMAN HOOD: Okay. I was just wondering. So
17 I'll remind all of those that fly by me on a red light that
18 they are supposed to go by the traffic laws. Okay.

19 All right. Any other questions or comments up
20 here?

21 Does the applicant have any questions of either
22 Office of Planning or -- Office of Planning or DDOT?

23 MR. UTZ: We do not.

24 CHAIRMAN HOOD: Okay. All right. Let's go to the
25 ANC's report, and I had it up. Let me do what I have up

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1 right now. Let me go to other government agencies, and I
2 think, Office of Planning, I appreciate what they did in
3 their report.

4 They mentioned how -- and the responses were in
5 Exhibit 20, I believe, of the applicant's submittal. But it
6 talks about how they did an interagency meeting on the 24th
7 of 2019 of October. Several agencies were in attendance,
8 including D.C. Water, DOEE, DHCD, and DPR. And those
9 comments were provided to the applicant and he responded.
10 The applicant has responded in Exhibit 20.

11 Now let me go to the ANC. Anything else? And we
12 do have the DDOT and OP report. Let me go to the ANC's
13 report. Yeah, it's further up. I just had it. Here it is.
14 It's Exhibit 11.

15 It goes on to, on June 11, 2019, with seven out
16 of seven Commissioners, the ANC 5D voted unanimously seven
17 to zero to support this application and submit the letter of
18 support. Hats off to Chairman Lee for -- he's got all seven
19 votes.

20 And they also go on to say that Gables and EDENS,
21 our development team, has demonstrated the dedication to
22 improving the Union Market district, and the ANC 5D believe
23 that this building will continue to build on the investment
24 in the community.

25 The ANC urges the Zoning Commission, pursuant to

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1 District of Columbia Code 1-309.10, to accord great weight
2 to -- and advice -- to this advice and approve the PUD
3 application.

4 All right. Do we have anyone who is here who
5 would like to testify in support? Anyone who would like to
6 testify in opposition? And anyone who is undeclared?

7 Ms. Schellin, you need to see me? Okay.

8 All right. So, Mr. Utz, do you have any rebuttal?
9 If not, we'll take your rebuttal and closing all at the same
10 time.

11 MR. UTZ: Yeah. But I think that's -- are you
12 ready now for the close?

13 CHAIRMAN HOOD: Okay. You don't have any
14 rebuttal.

15 MR. UTZ: No rebuttal. I think we have a list of
16 items that we're going to immediately start working on
17 getting into the record, and I think we have a handle on what
18 those area.

19 CHAIRMAN HOOD: So you can do your close.

20 MR. UTZ: Thank you. Well, thank you very much
21 for taking tonight with us and all your time and care in
22 reviewing the application. Thank you to the agencies as
23 well.

24 As I stated at the beginning of tonight's
25 presentation, the themes of this project are really

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1 important. You know, this is about simplification of the
2 prior approval of the first stage. This is about actually
3 making something happen, expediting the delivery of the north
4 building, and it's also about enhancing the benefits and
5 amenities package that was previously approved.

6 This team has been working hard to do that exact
7 thing, you know, take a robust package that was approved in
8 2015 and even add to it yet. And we think there is a lot
9 there. We'll continue to take a look at it based on our
10 discussion tonight, but, you know, we think that we're
11 pushing it in a really positive direction from where it was
12 approved before.

13 We also think that it satisfies all of the
14 requirements for Stage 2. It's in line with the Stage 1
15 approval for the building, and there are no modifications
16 requested from that approval, which we think is important.

17 We think it's a big step forward for the Union
18 Market district itself, and the team is eager to deliver it.
19 So when you see fit, we would love to request an approval
20 when ready.

21 Thank you.

22 CHAIRMAN HOOD: Mr. Utz, that close was very good.
23 You really did good for your client. I want you to know
24 that.

25 MR. UTZ: Thank you.

1 CHAIRMAN HOOD: I'm going to say that in front of
2 him.

3 MR. UTZ: Thank you.

4 CHAIRMAN HOOD: You really convinced me.

5 All right. Any follow-up questions or comments
6 up here?

7 Before we go, do the scheduling, and look at
8 things that we need, I just want to say that I was just
9 informed that Mr. Rogers, who has made a difference -- that
10 makes a difference to the reports that we get -- I understand
11 is going to bigger things. I'm not going to say better
12 because DDOT was good. I just told your director the other
13 day what a great job you all did.

14 So we thank you for everything you've done. We
15 thank you for your service. We really appreciate all of the
16 involved reports. You've done an excellent job.

17 So we wish you well, and I'm sure we'll probably
18 see you somewhere down the line. So, congratulations.

19 Do you want to say anything, any closing remarks?

20 MR. ROGERS: No rebuttal. No closing. No. I
21 just wanted to say thank you to the Commission and Chairman
22 Hood for, you know, what has been a wonderful almost seven
23 years of experience being up on this dais, and it has been
24 exciting to be so close to some real -- some real swings in
25 development, a lot of focus on -- outside of the

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1 transportation world, affordable housing, and the role that
2 development can have in improving the transportation
3 infrastructure.

4 I've seen a lot of changes, a lot of shifts. The
5 conversations that we've had have really dramatically changed
6 over the last seven years, and I think we're, together,
7 making a lot of progress to make the District a better place
8 for everyone.

9 So it has been a pleasure, and you may continue
10 to see me in a slightly different role in the future.

11 CHAIRMAN HOOD: You will continue to make impacts
12 like you've done here, and I'm sure you're going to continue.
13 So best to you in your future endeavors.

14 MR. ROGERS: Thank you.

15 CHAIRMAN HOOD: All right. Ms. Schellin? I'm
16 sorry. Do you want to give us some scheduling or --

17 MS. SCHELLIN: Sure. So I think that based on the
18 fact that the December meeting is coming up in, like, two
19 weeks, that we need to shoot for the January meeting. And
20 our first meeting is the 13th of January. Does anybody know
21 when the ANC actually meets again? Do you know?

22 CHAIRMAN HOOD: I'm sorry. What was the date?

23 MS. SCHELLIN: When the ANC might meet again?

24 CHAIRMAN HOOD: They probably won't meet again
25 until December.

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1 MS. SCHELLIN: Okay. So then how much time do you
2 think you guys need to provide your -- everything that was
3 stated this evening, considering the holidays? This is only
4 a one-vote case.

5 MR. UTZ: So we think three weeks.

6 MS. SCHELLIN: Three weeks?

7 MR. UTZ: Yes.

8 MS. SCHELLIN: Okay. So that puts us at, one,
9 two, three, December 9th, 3:00 p.m. And then one week for
10 the ANC. Will you contact the ANC?

11 MR. UTZ: December 9th is two weeks away.

12 MS. SCHELLIN: I'm sorry. Oh, yeah. Today is the
13 25th. One, two, three. December 16th. I'm sorry.

14 MR. UTZ: Yeah.

15 MS. SCHELLIN: December 16th, and that would make
16 it December 23rd for the ANC. If they have an issue with
17 that date, you can just have them contact me.

18 And then, we will put this on for January 13th.
19 And if we could have draft findings of fact, conclusions of
20 law, by -- how about December 31st? Does that give you
21 enough time? Okay.

22 MR. UTZ: Sure.

23 CHAIRMAN HOOD: So I want to note three more
24 things down that we need, and then I will follow back up.
25 We can clarify the benefits and amenities and proposed

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1 conditions through the PUD proffer process at -- we need to
2 do that.

3 We also need to have the proposed conditions to
4 implement the mitigations with its list of proffers and
5 conditions.

6 And I have one more. We need the design
7 flexibility conditions for the Commission's consideration
8 with this list of final proffers and the draft conditions
9 also.

10 So those three. And if you have any additional
11 questions or you're unsure, you might want to check with Mr.
12 Ritting. Okay?

13 MR. UTZ: Got it.

14 MS. SCHELLIN: So, Jake, are you asking them to
15 go through the proffers and conditions process starting
16 today? So the first one would be due in seven days?

17 MR. RITTING: Yes. That was my hope. I
18 understand that there are some things that might change, and
19 if you need more time, I'm willing to work with you and give
20 you that, if you need it. But, yes, I think the
21 understanding should be follow the rules for now, and if you
22 need more time, ask me about it.

23 MR. UTZ: Sure. Yeah, we're happy to do it.
24 Thanks.

25 CHAIRMAN HOOD: Are we clear on the dates?

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: What was the dates again? I'm
3 sorry.

4 MS. SCHELLIN: So the applicant is going to
5 provide the additional requests stated this evening by 3:00
6 p.m. on 12/16. They are going to work with the ANC so that
7 they know that they need to respond to those documents by
8 12/23.

9 If the Office of Planning and DDOT want to
10 respond, they also have 'til 12/23. Draft findings and fact
11 and conclusions of law by 3:00 p.m. on 12/31. And we'll put
12 this on for January 13th, and they will also, even though
13 it's only a one vote, go through the proffering and
14 conditions process starting next week, seven days from today.

15 CHAIRMAN HOOD: Okay. Anything else?

16 All right. I'm going to read -- I haven't read
17 this closing statement in years, but I see it and I'm going
18 to read it. I'm going to start doing this.

19 Okay. We wish to thank you for the testimony and
20 assistance in this hearing. The record in this case is
21 closed, except for the information specifically requested by
22 the Commission, which must be filed as indicated by the
23 Secretary.

24 The Commission will make a decision in this case
25 at one of its regular monthly meetings. Following the

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1 closing of the record, if any individual is interested in
2 following the case further, please contact staff to determine
3 whether this case is on the agenda for a particular meeting.

4 I now declare this hearing adjourned.

5 (Whereupon, at 8:15 p.m., the above-entitled
6 matter went off the record.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Clarion Gables Multifamily, L.P.

Before: DCZC

Date: 11-25-19

Place: Washington, DC

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



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