

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

NOVEMBER 29, 2021

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Commission convened via Videoconference pursuant to notice at 4:03 p.m., EST, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT MILLER, Vice Chairperson
PETER SHAPIRO, Commissioner
PETER MAY, Commissioner
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the Regular Public Hearing held on November 29, 2021.

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

INTRODUCTION AND PRELIMINARY MATTERS:
Anthony Hood 1

CONSENT CALENDAR:
Case Number: 15-24(b), JBG -- Second-stage PUD
Modification of Significance at Square 3591, Lot
4 and 6, and 6, Parcel 14169 Part 3 7

COMMENTS AND QUESTIONS:
Commissioners 32

ADJOURN:
Anthony Hood 137

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

(4:03 p.m.)

CHAIRPERSON HILL: Okay. Good afternoon, ladies and gentlemen. Again, I want welcome everyone back. I hope that you all had a tasteful and happy Thanksgiving with your family and friends. Today's date is November 29th, 2021. We are convened and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chairman Miller, Commissioners May, Shapiro and Imamura.

We are also joined by the officers of Zoning staff, Ms. Sharon Schellin, our secretary, Mr. Paul Young, who will be handling all of our virtual operations, and Mr. Jacob Ritting, who's with our Office of Zoning Legal Division. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are Webcast Live, Webex, and YouTube Live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath or affirmation required by Subtitles Z48.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or

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2 please state your name and home address before providing your
3 testimony. When you are finished speaking, please mute your
4 audio.

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

11 This hearing will be conducted in accordance with the
12 provisions of 11Z DCMR Chapter 4 as follows: Preliminary matters,
13 applicant's case. The Applicant has asked, I believe, up to 30
14 or 45 minutes. I think we can do it in 20 or less. And we have
15 read the materials and some of it is duplicate. Report of the
16 Office of Zoning, report of the Office of Planning, Department
17 of Transportation, report of other government agencies, report
18 of the ANC, our testimony of organizations, five minutes and
19 individuals three minutes. That's of organizations, five minutes
20 and individual three minutes. And we will hear in the following
21 order from those who are in support, opposition, undeclare
22 (phonetic), and then we'll have rebuttal and closing by the
23 Applicant.

24 The subject of tonight's Zoning Commission hearing is
25 JBG 6th Street Associates, LLC and Gallaudet University, Second-

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1 stage PUD -- consolidated PUD related and the first-stage PUD
2 modification of significance at Square 3591, Lot 4 and 6, parcels
3 12970, 129103 and the portion of Parcel 14169.

4 Tonight we're having Part 3, Second-stage PUD for
5 Parcel 3, and that's tonight, and that's on a Commission Case No.
6 15-24(b). I know I read a lot, but all of it's kind of running
7 together, and all of it's not tonight. The last part I know is
8 tonight is Second-stage PUD for Parcel 3. And if I had any of
9 that incorrect, I'm sure legal counsel will correct me.

10 So Ms. Schellin, do we have any preliminary matters?

11 MS. SCHELLIN: Yes, sir, a couple things. First, there
12 is one request for party status and support at Exhibit 38 from
13 NL1271 5th Street, LLC, A.K.A. EDENS. They are being represented
14 by Meredith Moldenhauer. They are the owners of property at 1271
15 5th Street, N.E. Although our regs only ask for -- ask that --
16 if the applicant has opposition to a party status that they submit
17 a filing, the owner of the property did submit that they had no
18 issue with the party status at Exhibit 44.

19 CHAIRMAN HOOD: Okay. And I think we did get a
20 response, and I'm hoping that we keep everything germane to the
21 topics that are before us tonight, but we'll see how that goes.
22 I always ask for it up front, but I'm sure it won't happen, but
23 we can at least ask.

24 All right. Let's see any objections to the party status
25 in question. This is a party status in support.

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1 Not seeing any objections. So we will grant party
2 status, Ms. Schellin.

3 MS. SCHELLIN: Okay. And next, some more experts.
4 Let's see. Lucas Posada at Exhibit 26E in Architecture. The
5 others, you guys have previously accepted; Ms. Meckley in
6 Architecture and Mr. Andres in Land Use Planning, although I
7 think he's actually Transportation. I don't think he's Land Use
8 Planning --

9 CHAIRMAN HOOD: Well --

10 MS. SCHELLIN: -- he's Transportation. That's a
11 mistake.

12 CHAIRMAN HOOD: Okay. So we will not -- excuse me --
13 Meckley and Mr. Andres, we will not revisit unless someone has a
14 concern. Okay. So Mr. Posada, Exhibit 26E, a stated by Ms.
15 Schellin, in Architecture. Any objections? Let me look. Any
16 questions or comments? So we will add Ms. -- Lucas Posada our
17 list of experts of -- in Architecture.

18 Anything else, Ms. Schellin?

19 MS. SCHELLIN: ANC 5D is represented by Sydelle Moore.
20 She's the chairperson. ANC 6C, Karen Wirt is the chairperson.
21 They are the ANC across the street. And that's it.

22 CHAIRMAN HOOD: Okay. Thank you. We want to welcome
23 Chairperson Moore and Chairperson Wirt from 5D and 6C, and we
24 will hear from them at the appropriate time. Anybody -- so that's
25 it.

1 So let's bring up the Applicant, Ms. Roddy, and all of
2 her team.

3 And without further ado, Ms. Roddy, when everybody gets
4 settled, again, I hope -- I'm sure you've heard the opening
5 statement about the 45 minutes that was asked for. I think we
6 can do in much shorter time and that's shorter, shorter time. So
7 without further ado, I turn it over to you, Ms. Roddy.

8 MS. RODDY: All right. I appreciate it. Thank you.
9 We do have a slide deck, so if we could pull that up, that would
10 be helpful.

11 And so while that's happening, I'll just jump into the
12 intro. So as you mentioned, Christine Roddy, Land Use Counsel
13 of Goulston & Storrs, and we are very happy to be here tonight
14 with the third and last of the hearings for this application.

15 As you noted, we have had the hearings for the
16 modification of significance for Parcel's 1, 2, and 3, as well
17 as the second-stage application for Parcel 2. So tonight is the
18 second-stage application for parcel 3.

19 And as you can see on the slide, Parcel 3 is located
20 across 6th Street from Parcel 2 in the Union Market neighborhood.
21 It has frontage on both 5th and 6th Streets and abuts private
22 property to its north and south.

23 The parcel was rezoned from CM-1 to C3C during the
24 first-stage application, and the design presented is consistent
25 with the parameters for that zone. So it's currently used as a

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1 surface parking lot, but it will be converted to a multi-family
2 building with ground floor retail that will introduce
3 approximately 597 residential units into the market.

4 You are quite familiar with our team at this point, so
5 I will turn it over to our team. We have Robbie Saclarides from
6 JBGS, and she will testify as a representative of the development
7 team. Lucas Posada of Morris Azumi Architects will walk through
8 the design of the building on Parcel 3. And Zenobia Meckley with
9 Future Green Studio will discuss landscape design. Erwin Andres
10 of Gorove Slade, will testify to the transportation management
11 aspect specific to Parcel 3. And we are prepared to provide the
12 abbreviated presentation this evening, but, obviously, we are
13 happy to elaborate on any specific point.

14 And then, finally, as discussed, there is a party in
15 support this evening, the adjacent property owner. And so, also
16 joining our team is Zach Williams with Venable, and he will
17 address the comments raised in Eden's submittal.

18 So with that, I will turn it over to Robbie with JBG.

19 MS. SACLARIDES: All right. Good evening. I'm Robbie
20 Saclarides, Development Manager with JBG Smith. Long time no
21 see. It's great to see you all again. Thanks for your time and
22 for sticking with us through all these hearings. We're happy to
23 be here to present the design for Parcel 3.

24 As with all the parcels in this application, JBG Smith
25 is partnering with Gallaudet to develop Parcel 3, with Gallaudet

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1 continuing to be the landowner and JBG Smith developing the
2 project we are presenting.

3 We're really excited to present the design for Parcel
4 3. As with Parcel 2, we're proud of both the building design
5 and the pedestrian experience we're creating on and around Parcel
6 3. This will include the Tapscott extension running east-west
7 through the two wings of the building, connecting 5th and 6th
8 Streets. It also includes Neal Place on the north side of the
9 building, which will be connected to Tapscott, via an open-air
10 pedestrian retail passage cutting through the north wing. And
11 altogether, we think this will make for a vibrant and active
12 pedestrian space that will dovetail nicely with what we've shown
13 you previously across the street on Parcel 2 and with the
14 surrounding development in the market area.

15 We're happy to continue to have the support from OP,
16 DDOT, and the ANC. As we've noted in our prior -- at our prior
17 hearings, ANC supports this application and has submitted their
18 report reflecting as much. With that, I'll turn it over to the
19 architects to walk you through with the building design.

20 MR. POSADA: Hi, again, I'm Lucas Posada with MA
21 Architects, and we're the designers for Parcel 3. On behalf of
22 my team, I want to thank the Commissioners and OP staff for your
23 consideration of this project.

24 And if you could advance to the next slide, please.

25 Since you've seen a lot of these exhibits before, we're

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1 just going to focus primarily on things that are newer that we
2 haven't discussed yet, even though you've seen it all in print.
3 This, again, is the bird's eye view that describes the Parcel 3
4 extents.

5 Next slide, please.

6 These are the images that describe the existing
7 conditions, and we'll just highlight Image 10, which shows Neal
8 Place with the Union Market building to the right, and our site
9 would be to the left.

10 Next slide, please.

11 This is an exhibit that you saw last week, so we'll
12 just touch on it very, very briefly. But this is the site plan
13 describing the circulation around the site and the difference
14 between vehicular, pedestrian, and shared multi-modal streets.

15 Next slide, please.

16 So we'd like to talk about the architecture and the
17 design concept for the building. This is a very early sketch
18 that shows the concept for the design. At the most basic level,
19 we've broken down the building and articulated the base, middle,
20 and top. We pulled the mass apart to breakdown the scale and
21 then link the two separate masses with the connecting bridge that
22 you see in the top right image. A large super grid is applied
23 to the mass to help organize the architecture and further
24 breakdown the scale, while also creating a template for material
25 interpretation that is responsive to the context.

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1 It was important for us to recognize the tectonic
2 differences of the university across 6th street and the Market
3 District along 5th Street, and we feel that the architecture
4 should respond to that. We always imagined that Neal Place facade
5 on the bottom right of your screen as a connector between these
6 two elements and the connecting bridge that faces 5th Street as
7 an iconic element that helps unite the two separate masses and
8 creates an iconic urban moment.

9 Next slide, please.

10 This is a rendered view as seen from 6th Street, looking
11 back toward the Market District. You can see the two separate
12 masses that open toward Parcel 2 and the university. The base,
13 middle, top arrangement is also clear here. The super grid serves
14 as an organizing element. And on this facade, it's articulated
15 primarily in brick masonry, referencing the materiality of the
16 university.

17 Next slide, please.

18 This is a view from 5th Street, looking back toward the
19 connecting bridge, which serves as a threshold into Tapscott
20 Street. The bridge is now articulated mostly in metal with brick
21 accents, a reference to the utilitarian nature of the Market
22 District. On the bottom left of the image is a recessed arcade,
23 which opens the ground floor to the Union Market building.

24 Next slide, please.

25 This is a view of that upper corner, showing the depth

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1 of the facade and the various layers of detail. The bullnose
2 details around the windows reference the masonry ribbing found
3 on Gallaudet's campus on buildings like Chapel Hall and College
4 Hall. The super grid is broken down by secondary and tertiary
5 elements that establish an organizing rhythm at various scales.
6 The frames articulated differently on the various facades to help
7 reinforce the concept, while creating a cohesive design across
8 the large building.

9 Next slide, please.

10 The slide shows that material concept in greater
11 detail, moving from a primarily brick facade with metal accents
12 on the 6th Street side, towards a primarily metal facade with
13 brick accents on the 5th Street side. The Neal Place facade
14 weaves these two ideas together in a combination of brick and
15 metal.

16 Next slide, please.

17 Now focus on a few views highlighting the pedestrian
18 experience. This is in the middle of Tapscott Street looking
19 toward 5th Street, or the Market District. The connecting bridge
20 draws you in through Tapscott. The Juliet balconies that line
21 both facades that face the street, helped to activate upper floors
22 and create an indoor/outdoor environment for residents. This
23 will be a shared one-way car/bike/pedestrian street. But the
24 materiality and the streetscape design will help create a vibrant
25 pedestrian experience and retail environment.

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1 Next slide, please.

2 This image gives you a good sense of that pedestrian
3 environment, carefully detailed with paving patterns, landscaped
4 areas, and dedicated pull-off areas to sit and talk. The two-
5 story base establishes a human scale at the pedestrian realm.
6 The arches loosely reference the forms found at buildings like
7 Chapel Hall on Gallaudet's campus, while the simplicity of the
8 articulation recalls the concrete days of the market District.
9 Planted canopies create a visual separation between the ground
10 floor retail and the second-floor residences with arched windows.
11 The passage connection between Tapscott Street and Neal Place can
12 be seen here at the left of the image. The retail will wrap in
13 and through that connection.

14 Next slide please.

15 This is a view at 5th Street, almost under the bridge
16 and looking north toward the Union Market building. The base
17 steps back to create a covered outdoor space, publicly accessible
18 and activated by retail uses. This is a typology typical of the
19 Market District, where the covered loading and service areas have
20 been converted to restaurants, like Saint Anselm. The setback
21 opens up the ground floor toward the Union Market building,
22 helping to activate Neal Place.

23 You can also see the shape and the depth of the precast
24 concrete arches. The first and second floor setback 3 feet,
25 creating a more generous pedestrian environment. The bridge

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1 portal onto Tapscott Street is double height, which aligns with
2 the start of the brick super grid. This double height dimension
3 is large enough to be open and inviting, but intimate enough to
4 feel like an intentional gesture and true threshold.

5 Next, slide, please.

6 At the top of the building, the penthouse and
7 mechanical levels are set back, as required by the Zoning Code,
8 but the architecture also evolves, becoming lighter and simpler
9 in articulation. This differentiates the design of the penthouse
10 from the rest of the building. A portion of the penthouse in
11 the foreground is dedicated to residential units, and you can see
12 the dividers between what are the private terraces. In the
13 background is an amenity terrace that will be accessible by all
14 building residents.

15 Next slide, please.

16 And this is a detail of that private residential
17 terrace at the penthouse and the mechanical screen above. The
18 materials will be primarily dark metal and glass. We're not
19 trying to hide the penthouse, but simply differentiate it from
20 the architecture below.

21 Next slide, please.

22 So now we'll describe the plans with primary focus on
23 the ground floor and the circulation around the site. This,
24 again, is the site plan, and we've zoomed in to describe access
25 into the building. And to orient you north, it's still to the

1 right as we've shown in the master plan. On this plan, we're
2 showing the 5,000 square feet of makerspace that will be dedicated
3 on Parcel 3. The final location may shift depending on the needs
4 of the tenant.

5 There are two access points to the below-grade garage;
6 one along 5th Street, which is on our parcel, and one on 6th
7 Street, which is actually on the neighboring parcel, but will
8 allow cars into the garage via knockout panels and coordinated
9 access. The loading and service bays is accessed off Morse Street
10 to the left of your image, with the arrow and the letter L. So
11 this is access through our neighboring parcel, and it provides
12 retail loading, service access, trash collection and resident
13 move-ins and move-outs.

14 And then to the right of the image, the ground floor
15 passage that links Tapscott Street and Neal Place, serves as an
16 architectural and retail feature for the project.

17 Next slide, please.

18 So now, in the interest of time, we'll quickly run
19 through the floor plans of the building, and we're happy to
20 revisit any of these sheets if you have any questions. And to
21 help orient you, we've actually rotated the plans 90 degrees
22 counter-clockwise, so now north is up.

23 There are two levels of parking, one dedicated to
24 residents and one for public and retail uses. Bike parking,
25 tenant storage, and utility spaces will also be located on the

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1 garage levels. And the arrows indicate the access points into
2 the garage from 5th Street and 6th Street on the street above.

3 Next slide, please.

4 So this is the ground floor plan. And, again, now all
5 the plans are north facing up. This is primarily dedicated to
6 active retail uses, as well as the main residential lobby. The
7 arcade and pedestrian passage can be seen on the north bar, and
8 you can see that the passage is on access to the main residential
9 entrance. But we worked really hard to design a ground floor
10 that could be very active and inviting and oriented towards the
11 pedestrian. And we even set back the ground floor 3 feet, as
12 you can see by the dash line of the third floor above.

13 So to that end, all the loading and services occur in
14 that share loading area, which is accessed through the shared
15 alley to the south or to the bottom of the image. And this really
16 helps keep that ground floor active and pedestrian-oriented.

17 Next slide, please.

18 This is the second floor, which is really the only
19 level that's split between the north and the south bars.

20 Next slide, please.

21 The third floor, you can see that the connecting bridge
22 now unites both the north and the south element, and that's on
23 the left of the image, and you can see that the bridge opens up
24 towards Tapscott Street. We also highlight that -- the Juliet
25 balconies that line Tapscott Street, and also the balconies and

1 private terraces in the courtyard.

2 Next slide, please.

3 This is Level 4 through 11, very similar.

4 Next slide.

5 And this is the penthouse, which, as you can see, is
6 set back from the property line, as is required by the Zoning
7 Code, and the north bar is dedicated to residential units and the
8 south bar has indoor and outdoor amenity space for all the
9 building residents.

10 Next slide, please.

11 This is the roof plan showing the location of the
12 elevator and stair overruns, as well as the location of solar
13 panels and green roofs. The solar panels will be vertical mounted
14 on the mechanical screen. So you can see there's a dash line
15 that indicates where those occur, but there's also a diagram on
16 the top right of this image that shows the location of those
17 solar panels.

18 Next slide, please.

19 So we'd just like to touch on the IZ distribution for
20 the building. You can see the IZ units which are located in red,
21 and those are the exact square footage dedications. We'd like
22 to know that of the nearly 600 total residential units, about 25
23 percent of those have access to some sort of dedicated open space,
24 such as a private terrace or balcony, which is quite good for a
25 building of this size. And the IZ distribution takes that into

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1 account, so that same 25 percent will have access to some sort
2 of dedicated open space, which is a private terrace or balcony.
3 And if you have any questions of this, we're happy to discuss in
4 more detail.

5 Next slide, please.

6 So in the interest of time, we'll just quickly flip
7 through these elevations. They're more here for reference, but
8 if you have any questions, we're happy to come back and discuss
9 these. This is the 6th Street facade, so Parcel 2 will be behind
10 you.

11 Next slide.

12 This is the Neal Place facade, so the Union Market
13 building would be behind you.

14 Next slide.

15 This is 5th Street showing the connecting bridge and
16 the entrance to the parking at the bottom right and the Union
17 Market -- existing Union Market building to the left of the image.

18 Next slide, please.

19 This is Neal Place section elevation, so you see you're
20 cutting through the main bridge on the left side and then the
21 connecting bridge at the third floor on the bottom right of the
22 image.

23 Next slide, please.

24 And this is the courtyard elevation, so this is the
25 interior courtyard. So you see the slightly different material

1 palette and the projecting balconies.

2 Next slide, please.

3 So we just want to discuss the materials. The
4 slideshows, the overall palette, these are all materials that
5 we've used quite a lot and are very comfortable with specifying
6 and detailing in a way that allows us to execute the details that
7 we've described and shown in the renderings. These are all
8 durable, very reliable materials, fully appropriate for this
9 urban environment, and will definitely would stand the test of
10 time.

11 Next slide.

12 The metal panel in the building will be in two tones.
13 We will prevent the oil caning effect that's common in some metal
14 panels through the use of a rigid composite panel or extruded
15 metal shapes, similar to the image that you see on the right,
16 which is one of our buildings. As it relates to the finish, we
17 also typically specify paints and finishes that provide a dynamic
18 mica-like finish to avoid the flat look that you can also see in
19 some of the panels.

20 Next slide.

21 The connecting bridge has a unique metal panel, which
22 has a prefinished oxidated copper look, so it'll be mounted
23 similarly to the other metal panel, which is on some sort of
24 concrete or steel backup system.

25 Next slide, please.

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1 The brick will be a red clay brick with a molded texture
2 and gray mortar, so that references the materiality of the
3 University. We'll use one common modular brick and two custom
4 shapes, a rounded bullnose and a long format, Roman. These will
5 be produced in collaboration with our masons and our fabrication
6 partners. And this is something that we've done in the past
7 quite successfully.

8 Next slide, please.

9 The store fronts will be made of precast concrete
10 panels in medium to dark gray tone, and we'll work with
11 fabricators then to create mockups that find the balance of the
12 visible aggregate matrix that creates texture and depth that's
13 appropriate for the pedestrian level. This material also has an
14 inherent plasticity that allows for the double curve of the
15 storefront arches, which is kind of a modern take on the classical
16 forms that exist at the University and the utilitarian materials
17 that exist in the Market District.

18 Next slide, please.

19 And, as previously mentioned, the inner courtyards will
20 use a simple palette of light gray brick to reflect light into
21 the space.

22 Next slide.

23 And before we hand it off to our landscape architects,
24 we just wanted to show a detail of that publicly-accessible
25 pedestrian passage that runs top spot in Neal Place. We've

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1 created several pull-off initiatives that anticipate places where
2 retailers can setup tables, chairs, seating, plants, et cetera.

3 Next slide.

4 And the space will have the coppered ceiling and the
5 lighting details that are unique, as well as glass storefronts
6 that make sure the space is bright and active and -- as you can
7 see in these images here.

8 So with that, I will turn it over to our landscape
9 architect, Zenobia, here to describe the streetscape.

10 MS. MECKLEY: Well, great to see everyone again, and
11 thank you for your consideration. For the record, my name is
12 Zenobia Meckley, and I'm a landscape architect.

13 Sorry. Next slide, please.

14 I'm a landscape architect with Future Green Studio.
15 I'll be walking you through the streetscape and open space design
16 at Parcel 3 this evening. Here we have the overall plan, just
17 as a refresher and for context, with Nortech page light. We're
18 looking at Parcel 3 and its landscape in relation to Parcel 2,
19 and the University at the bottom of the page, and the Union Market
20 building at page right in the neighborhood to the top.

21 The presentation this evening will focus on 5th Street,
22 6th Street, Neal Place, and Tapscott Street, where it bisects the
23 Parcel 3 building.

24 Next slide.

25 The streetscape axis is designed to be an inviting

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1 threshold to the Union Market neighborhood to the west. It will
2 be (indiscernible) and includes contrast paving at the flexible
3 line to indicate the transition from pedestrians to vehicular.

4 Next slide.

5 You can see that flush condition a bit more clearly
6 here in this section. The primary material at the sidewalk and
7 at the street, in keeping with the character of the neighborhood,
8 is cast in place concrete and contrast paving is also included
9 at the door swing zone that Lucas pointed out, to provide visual
10 cues for changes in circulation.

11 Next slide.

12 As noted in our previous testimony, planting throughout
13 the project is designed to bring beauty to the public realm, but
14 also as a performative future, providing food for birds and
15 pollinating insects, absorbing stormwater and resisting drought,
16 and other harsh urban condition. Each palette is distinct to the
17 specific state it helps to define.

18 So here, at this (indiscernible), the pallet is
19 comprised of some living species in a range of yellow.

20 Next slide.

21 So I'll go over these briefly, as we've looked at them
22 before. But as noted during the -- last week's testimony, this
23 too will be a vibrant, activated corridor with furniture and
24 decking incorporated into the flexible zone and retail programing
25 at the ground floor of the building. The raised crossing,

1 highlighted previously, plugs directly into the two main open
2 spaces at Parcel 3 at Tapscott Street and Neal Place. And I'll
3 talk a bit more about those in the following slide.

4 Next slide.

5 And just briefly, I'll note here that 5th Street is
6 designed in accordance with the new Market Streetscape Design
7 Guidelines that addresses the space design guidelines as well,
8 true contrast paving and planting strategies, and it includes
9 shade trees for pedestrian comfort.

10 Next slide.

11 The trees along 6th Street were selected from species
12 in the Union Market Streetscape Design Guidelines and their
13 qualities reflect the character of the neighborhood. The
14 understory palette is comprised of pallet shrub and perennials
15 in a range of purple hues.

16 Next side.

17 Neal Place -- so just -- we're looking at the Neal
18 Place Plaza here. It's a pedestrian-only plaza designed to
19 accommodate the existing program at the neighboring Union Market
20 building, as well as the extended program that will be introduced
21 in the form of ground floor retail at Parcel 3. This was designed
22 in collaboration with the adjacent property owners and
23 (indiscernible) of workshops and meetings beginning in 2020.

24 Next slide.

25 The design maintains the flexibility to accommodate the

1 broad array of events that currently take place in a typical
2 year, while creating a current -- I'm sorry -- a full-scale
3 comfortable and functioning space for day-to-day activity.

4 Next slide. The proposal includes lush planting areas,
5 generous pedestrian paths adjacent to each building, and a
6 clearly marked program zone for day-to-day dining and rotating
7 events.

8 Next slide.

9 The plaza is flanked by a large feature tree on the
10 (indiscernible) side and a box to the east that frame a large
11 central open space. Here you see a series of options for each
12 of those trees, and these proposed trees focus on increasing the
13 biodiversity of the neighborhood urban forest, while also
14 providing habitat and food to the beneficial insects.

15 Next slide. Perennial and shrub selections are shaped
16 (indiscernible) to work in this particular micro-climate, and the
17 pallet blends the color ranges on the 5th and 6th Steet pallets.

18 Next slide.

19 So the Tapscott Street extension is curbsless shared
20 (indiscernible) with a distinctive tapestry-like paving pattern
21 in the pedestrian zone. There are several physical and visual
22 cues incorporated into the design to enhance pedestrian safety,
23 including incorporation of bollards along the straight edge and
24 contrast paving of the driveway. The flexible zone includes
25 carve-out trees by retail tenants, as well as u-shaped public

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1 seating to create conversation edits.

2 Next slide.

3 It also incorporates standing height pedestals for
4 (indiscernible) of hands for signed conversation. As it is
5 throughout the project, the ground plane here is divided into
6 clear zones marked by changes in paving color and patterns. You
7 can see through the clear walkway with a contrast band of paving
8 that leads you into the flexible zone. And again, contrast paving
9 at the door swing zone adjacent to the building.

10 Next slide.

11 The planting is designed as a thread that connects from
12 Parcel 2 to Parcel 3 with a continuous line of trees that will
13 be a fluent shade of red in the fall.

14 Next slide.

15 So just briefly as this -- as a slide that we're
16 familiar with, the pallet in Parcel 3 tree is consistent with
17 that of Parcel 2 and as noted last week, employs a range of
18 neutral tones to stitch the site together across this. Again,
19 tactile paving is incorporated to signal crossing and softer wood
20 decking is incorporated to signal areas of rest and occupation.

21 Next slide.

22 The penthouse terrace, as was just noted, includes a
23 ramp (indiscernible) bridge connection, a series of private
24 terraces, and an amenity terrace that is available to all
25 residents.

1 Next slide.

2 The amenity terrace includes generous areas of intense
3 agreement to create an immersive experience, as well as for
4 stormwater. Programing includes a pool area for grilling,
5 outdoor dining and a dedicated dog run.

6 Next slide.

7 And finally, the plant palette is comprised of rugged
8 and resilient species in a range of vibrant colors, for year-
9 round interest. And with that, unless there are immediate
10 questions, I'll pass the presentation over to Gorove Slade.

11 MR. ANDRES: Evening Commissioner Hood, members of the
12 Commission. For the record, Erwin Andres with Gorove Slade
13 Associates. I'm principal vice president of our D.C. office.

14 Next slide, please.

15 In the interest of time, I'm going to move through
16 these first two slides, site location. Everybody knows where the
17 site is.

18 Next slide, please.

19 Mr. Posada had articulated relatively thoroughly the
20 proposed access for the site.

21 Next slide, please.

22 Relative to parking and loading, as part of Parcel 3,
23 we are providing 306 spaces, 403 were previously approved in the
24 Stage 1 PUD. What's also important to note is that 156 of those
25 spaces of those 306 spaces are part of the TIF associated with

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1 the overall area. Relative to bike parking, we are providing 129
2 bike parking spaces with electrical outlets -- excuse me,
3 electrical outlets and a repair station. We are also meeting the
4 short-term bike parking requirement. Relative to loading, access
5 for loading is off of Morse Street, where we are providing two
6 30-foot loading berths and a 20-foot service delivery, where all
7 head in -- all activity associated with the alley and the loading
8 berths are head-in and head-out, consistent with DDOT posed space
9 requirements. And with that -- and --

10 Next the slide, please.

11 With that, we've also identified the TDM plan that I've
12 articulated in our -- in the previous hearing two hearings ago,
13 and those are -- these commitments are up on the screen and are
14 consistent with the Stage 1 PUD. So with that, I'm available
15 for any questions. I'll pass it over to Robbie Saclarides.

16 MS. SACLARIDES: Thanks, Erwin. As has been discussed
17 already, the neighboring property owner, EDENS, is participating
18 in the hearing tonight and has raised some concerns about the
19 alley located on the private property adjacent to Parcel 3 that
20 is owned by a different developer. As we stated in our written
21 response, EDENS's concern about the access to the private alley
22 relate to land that neither Gallaudet nor JBG Smith controls,
23 and, therefore, we don't believe those issues should have any
24 direct bearing on this PUD application. Further, those issues
25 are already being addressed separately in an appeal before BZA.

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1 I'll now turn it over to our other land use counsel, Zach
2 Williams, who can provide further context on these issues briefly
3 before we conclude our presentation. We're happy to answer any
4 questions the Commission has and provide any information that
5 would be helpful.

6 CHAIRMAN HOOD: Ms. Saclarides, let me just say I'm not
7 sure how far -- and I'm sure Ms. Ritting is listening -- I'm not
8 sure I fine down the road we want to go talking about a case
9 that's before the BZA, because one of my colleagues is going to
10 be on that case. So I'd rather for them to be on that case than
11 have to recuse himself, then we got to start going down the line
12 to other Commissioners. So I'm not sure -- I just know for a
13 fact Andrew Hood is not on, at least not yet. So I just don't
14 recognize the case, so I don't remember it right off. But I just
15 want to caution all of us, Mr. Williams and others, be very --
16 tread very lightly. Don't put us all in a situation where we
17 have to be all recused at the same time. So -- and I'm sure Mr.
18 Ritting will let me know if we go too far, so.

19 MR. WILLIAMS: Okay.

20 CHAIRMAN HOOD: Not to interrupt any more, but I just
21 want to put that out there. Thank you.

22 MS. SACLARIDES: No, I appreciate it. It's a --
23 something we should be cognizant of. And I think we go over it
24 in a little bit of detail. If you could bring the presentation
25 back up on that next slide. Has a little more information about

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1 that case. The next slide. Sorry. There we go. Okay. I'll
2 turn that -- I'll turn it over to Zach.

3 MR. WILLIAMS: Great. Thank you. Good afternoon,
4 members of the Commission. My name is Zach Williams with Venable,
5 and I am assisting the Applicant. The issue's related to a
6 private alley and shared access to the private alley. There are
7 essentially four main points I'd like to go over, and I don't
8 plan to get into the appeal. And so stop me if I go too far,
9 but I'm planning to avoid any of the legal issues involved there.

10 With respect to this PUD, the Applicant requested
11 flexibility to modify its first-stage PUD plans to accommodate a
12 private alley system and an agreement with private -- with
13 adjacent property owners. The current plans in the second-stage
14 PUD that you saw today reflect the private alley contemplated in
15 that first-stage PUD. The Applicant is upholding all of its
16 commitments and complying with all the conditions as part of that
17 first-stage PUD. And finally, access to the private alley is
18 provided through a separate adjacent property not owned by the
19 Applicant.

20 Next slide, please.

21 Here you can see how the plans originally evolved to
22 accommodate the private alley onsite. The original plans that
23 were first filed as part of the first-stage PUD did not include
24 the alley. Subsequently, an alley was contemplated as part of
25 the plans, as you can see in the revised plans on the right side

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1 here. You can also see the site owned by EDENS and the site
2 owned by LCOR, both adjacent to the Applicant's parcel.

3 Next to the -- next slide, please.

4 The first-stage PUD order contained two conditions
5 related to this private alley. Condition A4B stated the Applicant
6 shall have flexibility to modify the site plan on Parcel 3 to
7 accommodate the private alley. Condition B1 stated that the
8 Applicant missed the best faith efforts to implement the site
9 design by reaching out, working with neighboring landowners to
10 create a shared private alley. As part of this PUD, the Applicant
11 has fulfilled both of those conditions.

12 Next slide, please.

13 Here are the current proposed plans on the ground floor
14 level. As shown, the private -- shared private alley has been
15 incorporated officially into the plans. The Applicant slightly
16 adjusted the location of the alley to line up with the alley on
17 the adjacent LCOR site, which, as you know, has recently been
18 completed, the LCOR project. JBG Smith and the Gallaudet, do not
19 control that portion of the site by which the alley is to be
20 accessed from Morse Street and is not part of this application.
21 The extent that EDENS, as an issue, were asked questions about
22 access, and we respectfully suggest that those concerns should
23 be addressed to LCOR and not raised as part of this application.
24 Further, as I already noted, EDENS is pursuing an appeal with the
25 BZA over this access question, as related to LCOR's PUD, not this

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1 PUD. Therefore, we believe those issues should be addressed and
2 resolved by the BZA and not part of this proceeding. We're
3 available to answer any questions on these issues that the
4 Commission may have. And with that, I'll turn it back over to
5 Christine Roddy to conclude our presentation.

6 MS. RODDY: Thanks.

7 And if you wouldn't mind just progressing the slide one
8 slide. Thanks.

9 So we appreciate your time and your attention to this
10 application. This is a project that has been a long time in the
11 making, and we're really excited to be here and take it one step
12 closer to fruition. So, as you know, these sites don't allow
13 residential use per their underlying zoning, yet through the PUD
14 process and the PUD-related map amendment, the buildings on
15 Parcels 2 and 3 will deliver nearly 850 units, about 90 of which
16 will be IZ units.

17 An immense amount of time and effort has gone into
18 these projects, and I think you've seen that tonight through the
19 attention to detail in the building designs, the landscaping
20 features, and the thought that was put toward the pedestrian
21 experience. And all of this is a great improvement upon the
22 existing conditions. So, again, we appreciate your time, your
23 attention, and we're happy to answer any questions that you have.

24 CHAIRMAN HOOD: Okay. Ms. Roddy and team, I want to
25 thank you for your presentation and really want to thank you for

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1 keeping it under 20 minutes. No, that was joke. I would
2 seriously thank you all for your presentation. I think it was
3 very well given to us, and the materials, I think, were very well
4 done for us to be able to review. At least that's my opinion.
5 I'm sure others probably feel the same.

6 Let's do some different. Let's start out -- well,
7 let's go back to what we normally do. Commissioner May, any
8 questions or comments?

9 COMMISSIONER MAY: Okay. Now for something completely
10 different, I'll go first. Yeah, I have a handful of sort of
11 scattered questions.

12 Is there a -- there's a bridge that's open air that
13 goes from one wing to the other that's toward the eastern end of
14 the property, and I've seen it in plan, but I can't see it in
15 other views. I can't see it in the section elevations. I can't
16 see it in the perspective. Maybe I missed something. I'm just
17 wondering if there's something -- there's just a good view of
18 what exactly that is.

19 MR. POSADA: Yeah, that's a that's a good question.

20 If you could go to slide 24, please, after you pull up
21 our presentation. Or the next slide, actually. Yes. No, the
22 previous slide. Sorry. Go to the previous one again. There
23 you go.

24 Yeah, so you can see there the connecting bridge, that
25 -- you see that at the ground floor sort of aligned with the

1 bottom of the brick surround is basically one set of arches and
2 then some planting, and then the rest of the bridge is actually
3 faded back to represent the vats in the background. So this
4 would be very, very similar articulation to what you've seen on
5 the 5th Street side, but it's just one floor, so it doesn't
6 continue up. So it would be -- you'd basically see like a railing
7 there. So it's basically an open-air connection between -- and
8 that occurs at the third floor. I'm not sure if that that
9 clarifies it for you.

10 COMMISSIONER MAY: Well, it's helpful to have that
11 pointed out, because I swear I flip back and forth in your
12 presentation and the plans and just didn't see, but I can see
13 now it's a little darker, so it's in the forefront. It would be
14 helpful, I think, to be able to see that a little bit better. I
15 mean, I can sort of see that there's a rail there. Is that a
16 glass rail or is it going to be a metal rail and is it -- how
17 exposed is it going to be?

18 MR. POSADA: Yes, so the railings that we're
19 anticipating -- and we have an image of that in material -- it's
20 the kind of woven metal mesh.

21 COMMISSIONER MAY: Okay.

22 MR. POSADA: It feels kind of little bit more
23 appropriate for the design here as opposed to the glass railings.

24 COMMISSIONER MAY: I'm not advocating for glass rails.
25 I'm not a fan of glass rails. I'm just --

1 MR. POSADA: Okay.

2 COMMISSIONER MAY: I just wasn't sure what I was seeing.

3 MR. POSADA: Yeah, so -- okay.

4 COMMISSIONER MAY: It would be helpful to see that
5 zoomed in, and maybe even on a perspective view, if that's not
6 too hard to do, just to understand what it is, because it's not
7 really very apparent in the drawings. Like seeing it from across
8 the street and a perspective view, so we can see how it sits in
9 that foreground right there. It might be helpful.

10 MS. SACLARIDES: The aerial on our cover, on the very
11 first slide, shows it in a 3-D view. You might have to zoom in
12 a little bit on the Slide 1. The process overview, even -- so
13 if you can zoom in there, you could sort of -- you can see the
14 one-story bridge there.

15 COMMISSIONER MAY: Yeah, that isn't doing you any
16 favors.

17 MS. SACLARIDES: Yes.

18 MR. POSADA: And also the very, very last slide. So
19 the very last slide in the presentation shows it pretty well too.

20 MS. SACLARIDES: That's sort of intending to bookend
21 your experience and frame your experience on Tapscott.

22 COMMISSIONER MAY: Yeah, I mean, that --

23 MS. SACLARIDES: At the pedestrian level.

24 COMMISSIONER MAY: -- that's why I want to see it.

25 MS. SACLARIDES: Gotcha. Yeah.

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1 COMMISSIONER MAY: Yeah, I mean that, like I said,
2 neither of those views is really that great. And because these
3 are the views where it is seen in perspective, they are these
4 aerial shots, you know, which is not how anybody will see it
5 ever. So --

6 MS. SACLARIDES: Right.

7 COMMISSIONER MAY: -- it would be nice just to see it
8 to understand it -- understand what that feature really is.
9 There's reference to flexibilities having to do with mezzanines.
10 Where's that intended to be?

11 MS. SACLARIDES: I believe that's Parcel 2.

12 COMMISSIONER MAY: Oh, it's only Parcel 2?

13 MS. SACLARIDES: Yes.

14 COMMISSIONER MAY: All right. Sorry, I get confused
15 about that. And the penthouse setback issue went away because
16 your planters are set back appropriately. I see that in a revised
17 section drawing. And then I appreciate seeing in the plans, it
18 wasn't in the presentation, but in the plans, there was something
19 about how you intend to do the maintenance on those various
20 planting areas that are -- because it's pretty prominent. You're
21 showing a lot of things growing along the edges of the top of
22 the building, then the top of the penthouse, and then also on
23 the connector section. There are those things. So understanding
24 what your approach is and what your experience is in maintaining
25 something like that, I think, is very useful.

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1 See, the -- on the issue that was raised by the
2 adjoining property owner, by EDENS, I mean, we'll hear from them
3 to understand exactly why they think this is not what they'd like
4 to see, but just to be clear, I mean, you are also relying on
5 this private alley system to provide access to your loading
6 spaces, right?

7 MS. SACLARIDES: (No audible response.)

8 COMMISSIONER MAY: Okay. I did not hear anything.

9 MS. SACLARIDES: Yes. Yes.

10 COMMISSIONER MAY: All right. And it's a pretty
11 substantial alley coming -- of the north-south alley section is
12 20-plus feet, right?

13 MS. SACLARIDES: Yes.

14 MS. RODDY: Yeah.

15 MS. SACLARIDES: I believe it's 25. Is that right?
16 Lucas, do you know the exact dimension?

17 MR. POSADA: If you just give me a second, I'll find
18 the --

19 COMMISSIONER MAY: Yeah.

20 MR. POSADA: -- dimensions of that.

21 COMMISSIONER MAY: I mean, anything over 20 feet is, I
22 think, pretty substantial, though I don't know what kind of
23 vehicle maneuvers might be needed for the EDENS property. There
24 is reference, of course, to the electric vehicle charging. I
25 think this came up the other day. I assume that you also look

1 at having bike charging capability with your hundreds -- hundred
2 bikes.

3 MS. SACLARIDES: Yes, we actually added that in there
4 for tonight's presentation for you ahead of time.

5 COMMISSIONER MAY: Thank you. Thank you. I missed
6 that. I'm sorry I missed it. And there is reference to -- in
7 the chart that showed the distribution of the inclusionary zoning
8 units, I see the, you know, I appreciate having the chart and
9 seeing the proportions of the different types of units, but there
10 are one-bedroom units, and then there are two-plus bedroom units.
11 What does that mean or incorporate? It's two bedrooms and then
12 some that are three bedrooms, or is it two plus den? I mean,
13 what's the -- what is that column supposed to indicate, or is
14 that just a mistake?

15 MS. RODDY: Sure. So we provided that as an opportunity
16 to investigate the possibility of providing three bedrooms, but
17 there currently are no three bedrooms planned at the time. It
18 could also include a two bedroom plus den.

19 COMMISSIONER MAY: Okay. So it's at least two bedroom,
20 could include two plus den or three bedrooms?

21 MS. RODDY: Correct.

22 COMMISSIONER MAY: And you're requesting flexibility
23 to do that. And I know the Office of Planning was recommending
24 that we not -- that even with that flexibility, there will be a
25 reduction in the number of units or the amount of space, right?

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1 MS. RODDY: So my understanding is that the Office of
2 Planning was recommending that there be a commitment to not only
3 the minimum square footage set aside for IZ, but also a minimum
4 number of IZ units, as well as a specified mix of units --

5 COMMISSIONER MAY: Okay.

6 MS. RODDY: -- and that that not change. And so, we
7 have not incorporated that into the IZ proffer. We are proffering
8 with the IZ the minimum of the greater of 11.2 percent or the
9 77,098 square feet between Parcels 2 and 3. OP had indicated
10 that they wanted that to be split between the two parcels, so it
11 was clear how much each parcel is providing, and we can do that.
12 And we are providing a commitment to at least two, three-bedroom
13 units on Parcel 2. But given that these are conceptual floor
14 plans, and we don't expect things to change, but they are
15 conceptual, so things could move around.

16 We are thinking the same flexibility with respect to
17 the IZ unit that we're seeking for the market rate unit. I would
18 also just say that this -- the IZ will, obviously, comply with
19 the proportionality requirements that are in the IZ program, so
20 we would have the same mix of units as was reflected in the
21 market.

22 COMMISSIONER MAY: Okay. Well, I'm sure we'll hear
23 more about this topic as other Commissioners ask questions and
24 the Office of Planning gives their report, so I won't try to dive
25 too deeply on that. But I'm not sure that's going to -- that

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1 that level of commitment is going to be sufficient in the end.

2 MR. POSADA: Commissioner May, sorry to interrupt. I
3 have some info on that alley dimensions --

4 COMMISSIONER MAY: Oh, yeah.

5 MR. POSADA: -- if you'd like. So it's 26 feet, call
6 it 25 feet nominal wide, and then the height is still being
7 coordinated because we're, you know, in the middle of design.
8 But our basis of design is that we want it to be tall enough for
9 a garbage truck to be able to get back there. So it'll be an
10 appropriate height there to provide those clearances, which the
11 clearances are usually to the underside of structure. But it
12 then -- then it goes up from there. So that's kind of what we're
13 using as a basis of design.

14 COMMISSIONER MAY: Okay. All right. Thank you. I
15 don't think I have any other questions, Mr. Chairman.

16 CHAIRMAN HOOD: Okay. Thank you, Commissioner May.
17 Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Can you
19 hear me okay? I switched microphones again. Yes?

20 CHAIRMAN HOOD: You might want to move just a little
21 closer. Well, they could probably hear you. I'm over 50 so --

22 COMMISSIONER SHAPIRO: Hold on.

23 CHAIRMAN HOOD: -- you know.

24 COMMISSIONER SHAPIRO: How's that?

25 CHAIRMAN HOOD: That sounds good. Thank you.

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1 COMMISSIONER SHAPIRO: Thank you. So as is often the
2 case, Commissioner May picked up a few of these issues. Just
3 some positive things I want to say. I love the recessed arcade.
4 I think that's a wonderful feature. And thank you for the
5 vertical solar panels and the healthy distribution of the IZ
6 units. And I have the same question around the -- what the unit
7 type was with the IZ units. And I'm sure that will come up as
8 well with other Commissioners and with OP.

9 I had a couple questions on the design. One is I wasn't
10 clear about when you were choosing -- and when and why you were
11 choosing to have that sort of thin brick detail in the windows.
12 Just help me to understand. Maybe -- or you or were my architect
13 colleagues could help me to understand why you picked that on
14 some facades and not others.

15 MR. POSADA: Yeah, I can answer that question. So that
16 that bullnose -- it's like a bullnose-shaped design. That's
17 actually -- and I don't know if you want to pull up the
18 presentation; I can reference the slide -- but it's actually the
19 same detail at each facade. It's just that the materiality
20 changes. So it actually picks up on a very traditional kind of
21 neo-gothic, neo-classical detail from the University, which is
22 more of the stone ribbing detail. But we take that and kind of
23 reinterpret it in brick, reinterpret in metal. So the profile
24 is actually exactly the same, we're just doing it in a slightly
25 different material based on which facade we're doing it. So it

1 goes from brick then to metal. So it's kind of a play on that.

2 COMMISSIONER SHAPIRO: Yeah. I mean, it -- and in my
3 sort of lay view, it looked like it was there and then it looked
4 like it just disappeared on some of the facades. And that just
5 may not be -- I just didn't zoom in enough.

6 MR. POSADA: Yeah, and Slide 8 of our presentation has
7 that in more detail if we need further clarification.

8 COMMISSIONER SHAPIRO: Okay. All right. I'll look
9 into that. So the other question I had, is that the passageway
10 from the existing Union Market is at 10 feet, and then it opens
11 up into a big courtyard, a much wider courtyard. Why 10 feet?
12 Why not bigger? How did you come to that number? My quick
13 reaction to it is it feels quite small. And I get at some level
14 it's about preserving real estate that can be income-producing,
15 but it, yeah, that feels like a pretty small passageway.

16 MR. POSADA: Yeah, that's a good question. So we
17 studied a lot of different -- these -- this different type of
18 typology of passageways that are very common all over Europe.
19 Union Market, in its own right, is kind of its own system of
20 internal passageways. So it's kind of about finding the balance
21 between the height and the width of it. What we want to do is
22 find that balance between allowing enough retail dimension, but
23 then also creating -- have enough space for tables and chairs and
24 things like that. So that's why in the design, it kind of ended
25 up with that hybrid, where it's narrower on one side towards the

1 market side, but then it opens up, which we anticipate that kind
2 of getting filled up by retailers, as they choose, with plants
3 and different elements, tables and chairs and things like that.
4 So it was just kind of about finding that balance, but we felt
5 that that proportion was wide enough to be, you know, accessible
6 by pedestrians and be inviting as a kind of walkway. But then
7 as it gets bigger, enough space to really have that be kind of a
8 usable, active courtyard type of feel.

9 COMMISSIONER SHAPIRO: Yeah, I mean, the bigger makes
10 sense to me, the 10 feet doesn't as much. And so, you have active
11 retail? Are there entrances to the retail on the -- in the 10-
12 feet section as well?

13 MR. POSADA: Yeah, I don't know if we can pull that up
14 again.

15 COMMISSIONER SHAPIRO: Yeah, Paul, if you can help pull
16 up the slide, it will be good for me.

17 MR. POSADA: No, we have -- what's this slide that's
18 enlarged? It's right before the -- it would be Slide 34 or 35.

19 COMMISSIONER SHAPIRO: Yeah, gotcha. Yeah, I don't
20 know what to say, except for it, you know, I'm thinking of the
21 pedestrian experience, I'm thinking of the connection with Union
22 Market, because that's what it's right across the street from,
23 that entryway. This entryway feels kind of hidden. I mean, I
24 know it's -- well, I think we'll have to -- it's not marked in
25 any way, and it's relatively narrow. And maybe, who knows, right,

1 maybe that's your intention, and maybe there's something fun
2 about that.

3 MS. SACLARIDES: Right. I think the idea would be to
4 differentiate the space. There's a lot of retail experience
5 around Union Market now, and we were trying to create an intimate
6 and intentional sort of portal between these two unique spaces,
7 Neal and Tapscott. If you look back in our signage plans, that
8 we did identify the space above this entrance on both sides for
9 building signage to be able to do some sort of artistic, creative
10 marker there. And that's the intent, whether it's some antique
11 doors, or -- the idea is just to create a kind of different space
12 type that doesn't exist in the market now.

13 COMMISSIONER SHAPIRO: Okay.

14 MR. POSADA: And if you see, too, in the examples that
15 are typical in, like, London or Italy, those, you know, that's
16 basically a subdivision. That 10 feet is derived as a subdivision
17 of that one bay, and then those windows become kind of special
18 windows, you know, opportunities for the retailer to really do
19 something that kind of is part of that entrance that brings you
20 in. So it's all kind of one move. And that's that bay, which
21 is really in the center of that entire facade --

22 COMMISSIONER SHAPIRO: Right.

23 MR. POSADA: -- becomes something quite special.

24 COMMISSIONER SHAPIRO: I mean, it does break up the
25 block, I mean, which is helpful in its own right, so. Okay. All

1 right, that explanations was helpful.

2 Paul, I'm fine with that, yeah, thank you.

3 I'm trying to think if there's anything else on my
4 list. I think that's all I have for now, Mr. Chair.

5 CHAIRMAN HOOD: Okay. Thank you. Commissioner
6 Imamura.

7 COMMISSIONER IMAMURA: Okay. Thank you, Mr. Chair.

8 Paul, if you could pull that image back up?

9 I just have a few questions, a few comments, most of
10 which, Commissioner May and Commissioner Shapiro, have picked up
11 on already. And I certainly don't want to belabor the point
12 here, but I guess my question here is for Mr. Posada and Ms.
13 Meckley, if you all have considered or thought about how wind is
14 channeling through that pinch point, either coming through
15 Tapscott or through Neal Place, so -- and how that area is lit.
16 So we know that the building's about 140 feet tall. So what does
17 that look like by it being so narrow?

18 MR. POSADA: Yeah, so is the question specifically
19 about lighting?

20 MR. IMAMURA: Lighting and airflow.

21 MR. POSADA: Okay. Yeah, so from a lighting point of
22 view, our focus is going to be on access points just generally
23 throughout the site. So there'll be some sort of light -- we
24 don't have a full lighting design prepared right now, but it'll
25 be focused on these entry points and making sure that access and

1 the entry access points are highlighted. There's also
2 anticipated to be lighting in the ceiling of the space, because
3 we want to make sure that it's bright and inviting, and the way
4 that we're designing the retail storefronts along the passage,
5 you know, that there would be lights spilling from the retailers
6 themselves onto that space, so as to avoid a dark space. So
7 that's kind of the general approach with that.

8 MS. SACLARIDES: Slide 11 -- sorry to interrupt. Slide
9 11 does a good job. It's included in the rendering. You can
10 see what like some initial thoughts on the lighting there would
11 be. I would say that's very near and dear to our hearts. It's
12 a big part of that space design, so it's something we've -- we're
13 thinking a lot about to make sure these -- all the spaces are
14 properly lit. Maybe it's the side before or after. I thought
15 it was Slide 11. There are slides this? Before that. The slide
16 just before that. There on the bottom left, you can sort of see
17 how the ceiling has some sort of integrated lighting feature.

18 COMMISSIONER IMAMURA: It's a little difficult to tell,
19 and I think this perspective is a little -- to me, it's a little
20 distorted. We know that it's about 55 feet, right, between each
21 of those masses. I think at least somewhere I saw in plan view
22 it's a 15-foot road width and about 20 feet of pedestrian on both
23 sides, right? So I don't know. I think it's difficult to see,
24 as I mentioned before, especially along Tapscott here, it's
25 really hard to understand what that lighting is going to be like

1 at night. So just something to think about.

2 Mr. Posada, you mentioned you haven't been fully
3 thought through the lighting plan yet, but certainly give that
4 some consideration. We know that this is going to be in the
5 shade a significant part of the day, and then in the evening,
6 it's going to be, you know, really, really quite dark. So please
7 give that some thought.

8 I do appreciate the way you described your super grid
9 and how your architectural forms reflect some of the architecture
10 on campus in the Market District. I share the same thought with
11 Commissioner Shapiro on Slide No. 20 -- or Slide No. 8 with the
12 facade details or your fenestration details, and Commissioner
13 Shapiro is right, it does disappear. And I think, Mr. Posada,
14 that was probably intentional. What I noticed, looking a little
15 more closely, is that those -- the bullnose is on 6th Street,
16 and then as it wraps around the building, that brick detail pulls
17 away, and then it's no longer there on 5th Street. Is that right?
18 So just kind of, as you wrap the building around, that brick sort
19 of disappears in a way.

20 MR. POSADA: Yeah, I mean, the detail --

21 I don't know if we can pull that up -- that slide up.

22 COMMISSIONER IMAMURA: I'm guessing that was
23 intentional.

24 MR. POSADA: Yeah, I mean, definitely the actual
25 profile, the dimensions of the profile are actually the same.

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1 COMMISSIONER IMAMURA: Okay.

2 MR. POSADA: So everything would be kind of like the
3 same. But, yeah, the material kind of like disappears, as you
4 move more towards the market. So that is very intentional that
5 it sort of evolves, and then it becomes much more nuanced. So
6 that's definitely -- you picked up on that just right.

7 COMMISSIONER IMAMURA: I wanted to at least make that
8 comment that Commissioner Shapiro had picked up on. So it does
9 disappear, and that was intentional, so, all right. I guess the
10 only two other questions that I have, Commissioner May had picked
11 up on the generous planting on the terrace penthouse and sort of
12 that maintenance plan so you all have, I would imagine, a pretty
13 robust seasonal maintenance plan to take care of the plantings
14 that you -- your palette that you've selected and how that's
15 going to work, right?

16 MS. SACLARIDES: That's right, and we're learning from
17 experience on some of our portfolio buildings now, and we've
18 worked with Future Green and Zenobia, actually, on planted
19 canopies and planted features on buildings. So with each project,
20 we're learning and applying lessons learned from prior projects
21 to make sure that we can maintain the kinds of plants that we
22 like to have.

23 COMMISSIONER IMAMURA: Okay. So I thought I saw maybe
24 fountain grass or something like that. And so, as you, you know,
25 trim those in the season, you know, where do all those clippings

1 go? How do you bring them back down, or, you know, how does all
2 that work, so. I guess the other comment I had was just the faux
3 patina panels that you all had selected and the facade that that
4 goes on. So it's kind of, I guess, one in the same question.
5 One, where did the -- where was the inspiration for the faux
6 Patina? And, two, if you can articulate -- you've got the arches
7 in the vocabulary there on that facade or on that element that
8 connects those two masses together, right? And, you know, we
9 have the arches on sort of the soft story there. I'm curious,
10 what does that moment look like where the window -- the two sort
11 of really incongruent window frames come together? And so, they
12 -- it just -- it -- I'm not understanding where that inspiration
13 came from and how you're addressing that. That corner of that
14 edge.

15 MR. POSADA: Yeah, that's a good question. I mean, the
16 most important thing for us is that there's an underlying series
17 of datum lines that help unite specifically kind of what's going
18 on with the windows. So even if -- though everything might not
19 be exactly the same dimension, there's like an inherent
20 organization between where the floor levels are and the window
21 spacing and proportions. And so, there'll be some cohesiveness
22 between everything, even though the things are contrasting. So
23 at that point, our hope is that when things like the metal
24 spandrel of the bridge aligns with the brick bullnose at the
25 regular mass, that those things will actually contrast off each

1 other, and they'll sort of work well and help provide some visual
2 variety and some contrast while still being cohesive. That's the
3 kind of thought there.

4 COMMISSIONER IMAMURA: Okay. I was looking at the
5 perspective where those two sort of facades come together, and
6 they -- I understand you're trying to align things with the
7 datums, and that makes sense to me, but what's still not making
8 sense to me is where you have sort of one full bay, and then it's
9 half bays on each side and where they end and how they meet the
10 other two masses. And so, that's what I'm having a difficult
11 time understanding. So I was just hoping for some clarification
12 in that, not that it changes this project at all, but just sort
13 of curious what your thought process was and how you're matching
14 that up, so.

15 MR. POSADA: Yeah, I mean, just because of the spacing,
16 I mean, for us getting those proportions right, especially as it
17 relates to that threshold into Tapscott Street, so a lot of that
18 came down to there, right, so that basically the spring point of
19 the arches could land in a place that would be kind of on the
20 sidewalk, so you could still have these two pedestrian passages
21 on the sidewalks and then the one in the center for cars and
22 bikes. And so, in a way, that seemed to work and resolve a little
23 bit better to keep the proportions of all those arches the same,
24 as opposed to having two small thin arches at the sidewalk and
25 then one larger one.

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1 COMMISSIONER IMAMURA: All right.

2 MR. POSADA: So we felt that that kind of resolved and
3 felt like this bridge element might continue on visually into the
4 masses and help bring those together.

5 COMMISSIONER IMAMURA: And where did the inspiration
6 come from, as you have sort of this rectilinear form and these
7 two other masses and then, you know, this connecting piece, which
8 I suppose could be, you know, appropriate from the arches. I
9 guess I'm curious where that came from. So you've got all these
10 rectilinear forms that go from ground floor essentially all the
11 way to the top, and then you've sort of chose this connection,
12 this piece that's really sort of -- has a different texture,
13 different materiality to it, right? And that's probably by
14 design, by intention, so I guess I just wondering maybe if you
15 could clarify that.

16 MR. POSADA: Yeah, I think we wanted to do something
17 that was kind of unique, that borrowed from some of the language
18 and some of the DNA that we'd already established. So this arched
19 form, which, you know, in a way, this is kind of references a
20 little bit of a piece of all the infrastructure, utilitarian
21 architecture, service-oriented architecture, which might be
22 referencing the Market District side, which is kind of what we
23 establish at the base. But then we really wanted to use a bridge
24 and bring that language up in a way that would create a sort of
25 very different moment to everything else that was going on, so

1 really let those arches carry all the way up and create something
2 that was visually memorable, differentiated in material,
3 differentiated in the form, and just let that carry all the way
4 up, so that that connecting piece would be something truly
5 different than everything else that was going on in the project.

6 COMMISSIONER IMAMURA: All right. And then the faux
7 patina, where did that come from?

8 MR. POSADA: Well, the -- I mean, we love real oxidation
9 and real corten and everything --

10 COMMISSIONER IMAMURA: Sure.

11 MR. POSADA: -- but at the same time -- so it is a real
12 material -- it is a real copper material, and then what the pre-
13 oxidation or the pre-, you know, the faux patina, it really
14 prevents any sort of bleed, any sort of staining on the sidewalk.
15 So it's really something that's kind of more pre-weathered as
16 opposed to faux. So it's not like the screen-printed material
17 that you might see somewhere. It's just a kind of a pre-finished
18 material, which we're hoping helps with some of that maintenance
19 and staining that you see typical at the base of some buildings
20 that you specifically like a corten type of metal.

21 COMMISSIONER IMAMURA: It has a very New York feel to
22 me. Sure. And I think I saw some images of New York -- some of
23 your work too, probably, that's reminiscent of that. So thank
24 you for the explanation. The last question that I have is on
25 the courtyard elevation. So clearly, this building has a lot of

1 character and depth to it, I mean with materiality, form, mass,
2 all that. And then in the courtyards, it's just sort of like
3 this flat gray. And I don't -- again, if you could just kind of
4 articulate what the decision, you know, design decision was at
5 that moment.

6 MR. POSADA: Yes, certainly. So, I mean, there is --
7 it is a simple facade, but we are not afraid of very nice, well-
8 composed, simple facades. We do have a kind of vertical soldier
9 brick detail that runs in between the windows that provide some
10 texture and scale and there's a little bit of the play with just
11 the materiality and how you can use a simple material in a kind
12 of creative way. The windows should be trimmed out, kind of
13 neatly. I mean, this facade also looks very similar to some
14 primary facades that we have on some of our buildings. So we
15 think it's just a nice, simple, large windows, well-proportioned.
16 And also, too, a lot of it was about keeping the material light
17 and allowing as much light to kind of come in and reflect since
18 that is a courtyard condition.

19 So we think, you know, it's definitely different than
20 the other facades, but we feel it's the appropriate response for
21 this specific condition, and we think the balconies add kind of
22 another layer of interest to that facade. So that's the that's
23 the reasoning there.

24 COMMISSIONER IMAMURA: Okay. All right. I think that's
25 all that I have. And I would just encourage you to think more

1 about the lighting and sort of how wind is being channeled through
2 Tapscott and through that courtyard space, so.

3 Mr. Chair, that's all that I have.

4 COMMISSIONER HOOD: Okay. Thank you.

5 Let me just make a quick announcement. We have a
6 procedure and a process, an order in which we go on the Zoning
7 Commission, so everyone's going to have a chance to speak.
8 Everyone's going to have a chance to cross-examine, so just hold
9 tight. It reminds me of when you take your clothes to the
10 cleaners, and you want it to be starched before they even clean
11 the shirt or wash it. So just hold tight. We have a specific
12 order. And this order was when I got here, so it's in the
13 regulation. So just hold tight. Just hold tight.

14 Y'all like that. Well, don't nobody use that one I
15 gave you. You starch your shirt before you wash it or clean it,
16 so don't nobody else use that one. All right.

17 All right. Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you very much, Mr. Chairman.
19 You always have a perfect analogy or metaphor, and I always learn
20 something. We all learn something from you when you share with
21 us those descriptions.

22 So I just want to thank the Applicant again for their
23 presentation on this case, part three of this case and all of
24 your responsiveness thus far to Commissioner comments and agent
25 -- Office of Planning and DDOT and other agency comments, ANC

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1 issues, engagement. And I appreciate my fellow Commissioners'
2 dialog with you, which covered a lot of ground. So I'll try get
3 to -- keep this brief, so we can get to questions by parties to
4 the Applicant. So I mean, this is a very attractive aspect of
5 this case, the 597 housing units primarily. I mean, that's a
6 lot of housing units. And the most recent two cycles of
7 comprehensive plans amendments that the Council emphasized the
8 need for more housing in the City, which this Parcel 3 is
9 contributing to, not just market rate housing, but the greater
10 amount of and deeper level of affordable housing than what would
11 otherwise be required under the inclusionary zoning regulations.

12 But, as I said previously, we -- and as Office of
13 Planning has reiterated, we always would want more. It's a
14 minimum. You're doing -- might be doing more than the minimum,
15 which means you can do more if you choose to do more. I think
16 there's that flexibility to do more. I'm just trying to
17 understand what Commissioner May was asking about your
18 commitment. I understand the 11.2 percent or the space, the
19 square footage amount, whichever's greater. And I realize you're
20 complying with all the proportionality, whether --
21 proportionality in terms of location, size, and finishing, all
22 that, but are you -- what was Office of Planning -- they were
23 asking for you to commit to no less than a certain number of two-
24 bedroom -- and I know you're doing 16 two-bedroom -- I think it
25 is 16 two-bedroom units in this parcel, although no three-bedroom

1 units, although you have the flexibility to go to that. And
2 those two-bedroom units, I think, the 16 are 25 percent of the
3 -- correct me if I'm wrong, if I say anything wrong about this.
4 I'm just reading from my own notes from your presentation. That
5 those 16 two-bedroom units on this parcel are 25 percent of the
6 total affordable units, which, I guess, then are 64 units of the
7 597. But what -- what was it that -- and I realize that you've
8 already said that 70 percent of the affordable housing is at the
9 50 percent for the entire project -- is that the 50 percent, 70
10 percent of the affordable housing subsidized at the 50 percent
11 median family income level and 30 percent is at 80 percent MFI,
12 which deeper than what was required at the time that this got
13 approved originally.

14 And maybe even deeper than what's required now, I'm not
15 sure. Probably. But what is it that you're not committing to
16 that Office of Planning asked you to commit to with the -- was
17 it the number of two-bedroom --

18 MS. RODDY: So --

19 VICE CHAIR MILLER: -- one-bedroom MPI units? What was
20 it?

21 MS. RODDY: -- we had requested flexibility to modify
22 the total number of units within 10 percent, the plus or minus
23 10 percent from the 597 number, and the Office of Planning
24 indicated that they understood that these were conceptual floor
25 plans and that that number could change. And so they were in

1 support of that flexibility with respect to the market rate unit.
2 But they did not want to grant that flexibility for the plus or
3 minus 10 percent with respect to the IZ units, though we -- and
4 the type of IZ units. I understand that to mean that they would
5 like to have a minimum commitment for the number of IZ units
6 provided on Parcel 3, as well as the mix that is currently being
7 shown.

8 And so, we don't expect there to be big changes
9 here, but as the market rate makes changes and the floor plans
10 are refined, we would just like to have that flexibility so that
11 we could provide the same mix of IZ units as are being shown in
12 the market rate unit.

13 VICE CHAIR MILLER: Well, yeah, I certainly don't mind
14 the flexibility on the plus side, but I'm not sure about the
15 minus side, since that's part of the public benefit.

16 MS. RODDY: So those --

17 VICE CHAIR MILLER: That you changed, actually, from
18 the original application, you went from 10 to 11.2.

19 MS. RODDY: Yes.

20 VICE CHAIR MILLER: Well, that's -- you're doing the
21 overall. So you're doing the overall. I --

22 MS. RODDY: And we're still -- right, we are still
23 committing to the set aside of 11 -- the greater of the 11.2 or
24 77,000 square feet. And the IZ program has always been based on
25 square footage, and the IZ program itself has a requirement with

1 respect to the proportionality of the unit types. We will be
2 committing to all of those requirements that are already in the
3 program.

4 VICE CHAIR MILLER: And I meant to say that I also --
5 I agree with my colleague's comments that -- about, well, I concur
6 that the design is very attractive; the material, the scale,
7 especially the way the arches interact the -- with the grid design
8 that -- I'm learning new terms tonight -- this faux patina green
9 copper thing, that's all very attractive, and I hope the green
10 vegetation that was shown also, as Commissioner May explored,
11 will be able to be maintained as well. But that's all very
12 attractive, especially for 120-foot-high building, which, I mean
13 this is a -- does call -- this -- the Comp Plan does call for
14 high density on this site, and this is high density.

15 So 25 percent of the total units, and, I guess,
16 proportionally speaking, the affordable units, you said will have
17 access -- direct access to a terrace, I think. I don't know if
18 that was a private terrace or a public terrace, so I just want
19 to hear a little more about it or balcony. 25 percent of the
20 units will have -- and I think, I notice that is on the courtyard
21 side, I think. But if Mr. Posada or somebody could just give me
22 a bit more information, or show the slide that has that, as --
23 are those balconies more than just Juliet balconies? I saw a
24 person depicted on one of them. I guess they might be just
25 standing. They might not be able to pull out a chair there. I

1 don't know. But maybe you can tell me what -- how functional
2 are those balconies? I realize you have the rooftop amenity
3 space. I think you have the other -- you have the whole
4 pedestrian promenade thing going on there on the ground floor, I
5 mean. I think -- but I think you also have a rooftop; I mean
6 second floor -- do you have a second for terrace too?

7 MR. POSADA: The terrace is on the rooftop, on the
8 penthouse level.

9 VICE CHAIR MILLER: And there is a second floor terrace.

10 MR. POSADA: Yes.

11 VICE CHAIR MILLER: So -- just can you explain to me
12 how -- what is that 25 percent of the units have direct access
13 to open space, because I think that is so important, and, I
14 personally would never buy in a multi-family building if it didn't
15 have. So I would have to be among the 25 percent. So I think
16 it's better for your marketing if I'm any typical of other buyers
17 -- of other renters or whatever, especially during this period
18 that we've lived through during the past two years, where we want
19 our private open space. Tell me a little bit more about the 25
20 percent that have access to -- direct access to a terrace or a
21 balcony.

22 MR. POSADA: Yeah, yeah, definitely. So we have three
23 basic types of outdoor space. We have -- what we're calling a
24 terrace is some sort of outdoor rooftop type of thing that occurs
25 on the second floor in the courtyard, and at the penthouse level

1 at the rooftop, so those are terraces. We have balconies or
2 protecting balconies which occur in the courtyard, which are
3 places that you can go out onto and they project out from the
4 facade, and they protect out 6 feet. And then we have the Juliet
5 balconies, which line Tapscott Street, which those are sort of a
6 way that your window opens up and creates kind of an
7 indoor/outdoor environment. So they project out a little bit
8 from the facade, but they allow you to open up your space.

9 So in some combination of those three approaches, 25
10 percent of the units have access to that in a private capacity.
11 And then all of the residents will have access to the rooftop,
12 which will provide outdoor space. So it's sort of the private
13 sort of dedicated -- let's call it, dedicated to your unit versus
14 I live in the building, and I can go outside without having to
15 leave the lobby, which everyone will have access to that. So I
16 hope that makes sense.

17 VICE CHAIR MILLER: And so, how -- thank you again,
18 that's helpful. So how many real balconies are there, the real
19 balconies as opposed to the Juliet balconies are on Tapscott --
20 face up Tapscott Street? How many are these? How many of those
21 --

22 MR. POSADA: Yes, so the Juliet balconies, we have
23 about 70 Juliet balconies, and we have about 40 projecting
24 balconies in the courtyard, and then about 25 outdoor terraces.

25 VICE CHAIR MILLER: So the 40 that project into the

1 courtyard, how many units actually project -- how many units face
2 the courtyard? You could do more there, if you wanted to, but
3 you don't want to?

4 MR. POSADA: Yeah, we can certainly look at that. I
5 mean, we just -- we want to find that balance to make sure that
6 we're not doing so many balconies that now you're blocking light
7 into the units themselves. So we're trying to do a good mix,
8 and that's where the staggering of them comes from, so that we're
9 making sure that the balconies actually have access to light and
10 that they're not blocking them, because they also serve as a
11 solar shading device for that unit once you put them in, because
12 they project out so far. So we want to make sure that we're
13 finding that right balance.

14 VICE CHAIR MILLER: Yeah, so just to -- but just to
15 -- so I understand, there are 40 of them, and of the number of
16 units that are in that location, what's the percentage?

17 MR. POSADA: Yeah, I could -- I don't have that number
18 --

19 VICE CHAIR MILLER: Approximately.

20 MR. POSADA: -- of units in front of me, but I could
21 find that for you in a minute.

22 VICE CHAIR MILLER: Okay. Okay. Okay. So I'll, while
23 you're doing that, I'll ask a question about the -- this private
24 alley, just -- and then I think that my -- might be my last
25 question. So there is this -- I don't want to get too much into

1 this, as the chairman warned us, one of us is supposed to be
2 sitting on this appeal. I think it's Chairman Hood right now.
3 I shouldn't probably announce that. But I checked to make sure
4 it wasn't me. There is space between the -- between your
5 property, Ms. Roddy or Ms. Saclarides. There is space -- your
6 -- you had a private -- you're creating a private alley space
7 between your property and EDENS, that's going to be a part of
8 this ultimate private alley easement that hopefully will go all
9 the way to the street, right? You -- and you control the -- do
10 you control the space, or you and EDENS each control that space
11 between the two of your buildings right now, or do you all control
12 all of that space? Just the -- just that segment.

13 MR. WILLIAMS: I'll answer that. So that segment that's
14 -- there's a segment that's on the Applicant's property, as part
15 of this PUD, which is the segment that we control, and then
16 there's a segment that is not under our control that's on the
17 LCOR property, which is adjacent.

18 VICE CHAIR MILLER: I understand that, but just between
19 you and the part where you're adjacent to EDENS, who controls
20 that private alley that's to be -- that is to -- that is
21 contemplated to be created?

22 MR. WILLIAMS: The Applicant controls that parcel --
23 that area.

24 VICE CHAIR MILLER: And, okay, you do control that. So
25 have you done anything, which was part of the letter, I think,

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1 that we got from the party, and we'll hear from them very shortly,
2 to talk about having that shared access to that space between
3 you?

4 MR. WILLIAMS: Yes. However, the access is provided
5 through Morse Street, so that's the issue.

6 VICE CHAIR MILLER: I understand that part of it, but
7 just between the two properties, there would have to be this
8 agreement between the two of you --

9 MR. WILLIAMS: Right.

10 VICE CHAIR MILLER: -- and there hasn't been a
11 communication to develop anything until something happens with
12 the other part, I guess.

13 MR. WILLIAMS: Yeah, there has been a lot of
14 communication between the parties, and there will be a private
15 agreement, eventually. But as I understand it, and the -- EDENS
16 can speak to this directly, I think their primary concern is
17 access to that alley from Morse Street.

18 VICE CHAIR MILLER: Yeah, I understand, but you don't
19 have a problem with sharing this --

20 MR. WILLIAMS: No.

21 VICE CHAIR MILLER: -- alley that -- this space that
22 you say you control that you're going to have to share with EDENS
23 --

24 MR. WILLIAMS: No.

25 VICE CHAIR MILLER: -- the segment that would be part

1 of that, you don't have a problem, or do you have a problem?

2 VICE CHAIR MILLER: No, it was -- in fact, it was
3 contemplated and designed as a shared alley.

4 VICE CHAIR MILLER: Right. Right. That's -- so I just
5 wanted to clarify that for the record. Thank you.

6 MR. MILLER: Uh-huh.

7 VICE CHAIR MILLER: Okay. So did --

8 MR. POSADA: Commissioner Miller, I have some --

9 VICE CHAIR MILLER: Okay.

10 MR. POSADA: -- additional information on the balconies
11 for you. So we have -- I don't want to get too in the weeds
12 here, but we have roughly between 100 and 110 units that face
13 the courtyard. And of that number, 40 would have balconies.

14 VICE CHAIR MILLER: That's -- okay, thanks. That's the
15 one -- that's the unit that I want to live in. Thank you. All
16 right. Thank you.

17 Thank you, Mr. Chairman.

18 CHAIRMAN HOOD: Well, thank you, Vice Chair. It looks
19 like you solved the issue, so that may be a case going away for
20 the BZA.

21 Anyway, let me start off by asking Mr. Andrews, I'm
22 just -- and I can't remember exactly how many parking spaces are
23 underground in the Parcel 3, but I do know there's a lot of phase
24 that's going on over there. That's the vibrant area. Everybody
25 wants to go over there. Everybody wants to be seen in that area.

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1 Everybody wants to go do things, especially with the markets and
2 everything. Has that -- the amount of parking -- first of all,
3 what is the amount of parking, again, under Parcel 3 in the
4 building below grade? And also, what -- was that taken into
5 consideration how this area now is thriving, and everybody goes
6 there on Saturday morning, and -- you can answer that for me
7 first.

8 MR. ANDRES: Yes. So Commissioner Hood, with respect
9 to the number of spaces we're providing, we're providing in Parcel
10 3, 306 spaces. Now --

11 CHAIRMAN HOOD: Now, what you mentioned earlier was
12 broken up. Help -- walk me through that again. I'm trying to
13 keep all that in my mind --

14 MR. ANDRES: So yeah.

15 CHAIRMAN HOOD: -- because it's just broken up.

16 MR. ANDRES: So there are 306 spaces. Now in order to
17 address that issue that you were specific about, relative to, you
18 know, visitors coming to the Union Market area, in general, the
19 developer is part of a tiff, where they're providing, of those
20 306 spaces, 156 spaces to essentially address that specific need
21 that you're talking about.

22 CHAIRMAN HOOD: Oh, okay. Okay. I missed that part.
23 And let me ask, is there -- is that enough? I don't want to over
24 park the situation, but is -- do we believe from past track record
25 in history, is that enough?

1 MR. ANDRES: Well, it, you know, it's a question that,
2 you know, as the neighborhood matures, you know, obviously,
3 there's a lot of other units coming online. There's a lot more
4 developments coming online. As this Union Market matures,
5 relative to more and more people choosing to live in this area,
6 they'll understand, just like some of the other attractive
7 neighborhoods in the District, that at some point that it's not
8 going to be convenient to own a car.

9 And essentially that you -- they will achieve what DDOT
10 set out to achieve, that, you know, if you make it sort of parking
11 less available, and in this respect, that's what DDOT has
12 essentially identified in their parking initiatives, that people
13 will be less likely to drive.

14 And we're in a position now as more and more units come
15 online and more and more residents move into the neighborhood,
16 there's -- given the attractiveness of this neighborhood with its
17 proximity both to the Metropolitan Branch Trail, as well as to
18 the Metro, that people will choose to live in this neighborhood
19 because of those amenities, not because parking is easy or
20 convenient. So --

21 CHAIRMAN HOOD: Yeah.

22 MR. ANDRES: -- so we are providing though, these tiff
23 spaces in order to address the issue related to sort of out-of-
24 area people coming to Union Station as a destination. You know,
25 there are, you know, a lot of great retail -- there's a lot of

1 great retail here, there's a lot of great restaurants and bars
2 as part of the overall development schedule for the entire
3 neighborhood. And so, those 156 spaces are meant to address the
4 short-term parking needs for people coming to visit.

5 CHAIRMAN HOOD: Okay. I think you've satisfied my
6 question. I'm actually satisfied, I just want to make sure I
7 ask the question, but I will say that there are a lot of people
8 in the City who are older. And I know this is a -- this is where
9 I get in trouble, but I hear from them, the ones that are in
10 their 80s. Sam Hood, are you crazy? I'm not riding a bicycle.
11 So I hear those things. So, again, we have to balance those
12 things when we look at being in this area. This is a neighborhood
13 that people are thriving to go to, especially on Saturdays, so
14 we have to balance this thing.

15 And let me ask you, the programmatic, and I guess maybe
16 the Applicant, Ms. Roddy, or someone can answer this, what is the
17 fee going to be to park? I hope it's not like down at the Wharf.
18 And I mentioned this to the Wharf folks as well. I've -- we've
19 gotten a lot of complaints, I don't know if my other colleagues
20 have, about the cost. We want to make things cost (indiscernible)
21 so people can come. And we -- do we -- have we put that -- and
22 I know that's probably not even in the pipeline. If it is, I
23 would like for you to think about that. As Ms. Andrews mentioned,
24 people are going to come -- people want to come down to the market
25 right now. People want to go down there on Saturday mornings at

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1 10 o'clock. I don't -- it's a lot going on, especially in the
2 summer -- and around the fall and spring and summertime. So is
3 parking going to keep people away, or we're going to make it
4 conducive for people to come?

5 MR. ANDRES: So in that respect, Commissioner Hood, you
6 know, as part of our commitment to the TDM, that we've identified
7 as part of the first-stage PUD, one of those commitments is
8 essentially providing market rate parking. So in that respect,
9 you know, whatever the market dictates for short-term parking is
10 what we'll provide to be compliant with the TDM that we've
11 committed to.

12 CHAIRMAN HOOD: And, Mr. Andres, in your, excuse me,
13 your expert opinion, what is market rate? Give me a pricing for
14 two hours.

15 MR. ANDRES: So, you know, so if you park on the street,
16 the market rate is, I believe, two dollars an hour. However, if
17 you park in the garage, you know, depending on what neighborhood
18 you're in, you know, downtown is roughly, I'd say in the range
19 of 10 to 15 dollars for a potential two-hour stay. You know,
20 this is a little bit more outside of the urban core, so it might
21 be adjusted down, but that's roughly the range, if I were to
22 guess what market rate would be.

23 CHAIRMAN HOOD: Okay. Well, I'm hoping that the
24 Applicant will really consider that, because we have a lot of
25 seniors in the City who may not be able to afford that, and they

1 want to enjoy the opportunity as well, so.

2 My next question is probably to Mr. Posada --
3 hopefully, I didn't butcher your name. I'm just curious. I do
4 like the design. And my rationale for asking this question,
5 because it was asked of me the other day about why we're approving
6 so many buildings with a lot of glass. So I figure I would get
7 the answer from you, and take it back to the person who asked
8 me. I actually like it. I know -- I believe I understand why
9 we have a lot of that, especially with those with lighting and
10 things like that. But if you could help me understand why is
11 there so much glass here?

12 MR. POSADA: Yeah, happy to answer that question. I
13 mean, I think for us, again, I've said this a lot, and, hopefully,
14 I don't sound like a broken record. For us, it's all about
15 balance, right? So it's about-- and, hopefully, you'll see in
16 some of those details, as you zoom in, we're trying to introduce
17 a lot of glass, large windows, access to light and air for the
18 residents, which is such an important thing, but also using really
19 warm and durable materials, especially like the brick and the
20 metal detailing to create a lot of depth.

21 So I think the building will have a significant amount
22 of sort of weight to it, which is what I think people are
23 attracted to is the solidness of the masonry buildings, which the
24 precast base will do, and also the large grid, while being
25 balanced with large glass openings. So I think we're trying to

1 find that that balancing point, so that it's not too glassy, but
2 it's also not too closed. I hope that helps clarify.

3 CHAIRMAN HOOD: Okay. And I probably have extrapolated
4 a lot over the years on that. I had some other justifications,
5 but I think it looks good. I think it really helps the design.
6 I think it really brings out, and, hopefully, it will look nice.
7 So let's -- I do like the design of some of my colleagues already
8 mentioned.

9 I think I have -- and I think those were my only
10 questions that I have. But, again, I would hope that we really
11 consider -- I'm asking the Applicant to really consider that
12 amount of parking, especially when it comes to our seniors in the
13 City, so they can enjoy it. So I know I sound redundant, but I
14 know sometimes when -- once it leaves us, some of those things
15 may not happen. So I would ask you to all to consider that.

16 Let me see. Any follow up questions or comment?
17 Commissioner Imamura?

18 COMMISSIONER IMAMURA: Just one, Mr. Chair.

19 CHAIRMAN HOOD: Yes.

20 COMMISSIONER IMAMURA: Forgive me. So it must have
21 been my age that made me forget this, but it's really the Venturi
22 effect, and I think Commissioner May and Mr. Posada can appreciate
23 that, a new term to be used in addition to the faux patina. So
24 Mr. Posada and Ms. Saclarides, if you would please consider the
25 Venturi effect, particularly where Ms. -- Commissioner Shapiro

1 had mentioned, at least in that small little courtyard, that
2 little pinch point. If we are talking about 10 feet, right,
3 it's, you know, the room that I'm sitting in is much wider than
4 10 feet, and that really only allows for maybe two people to walk
5 through that passage together, right? You have 7 square feet per
6 person, doesn't allow a whole lot of space for people to pass
7 through that space in, you know, bi-directionally. So that's all
8 I wanted to say.

9 Thank you, Mr. Chair.

10 CHAIRMAN HOOD: Thank you very much, Commissioner
11 Imamura.

12 Let me ask this. This is this is kind of off, but I
13 noticed that a lot of people that come and testify, and I think,
14 Ms. Roddy, you and Ms. Saclarides -- hopefully, I didn't mess
15 your -- butcher your name up too bad, when you all come, you say,
16 we're very excited. I forgot who else it was. We're very excited
17 to be here. Mr. Andres, I think you said that too. Are you all
18 really excited to be here?

19 (No audible response)

20 CHAIRMAN HOOD: Okay. For some reason, I can tell you
21 this, you all really sold me on that. But that's fine. I'm glad
22 you're glad to be here. And we're glad to have you.

23 MR. POSADA: Yes. For the record, yes.

24 CHAIRMAN HOOD: So anyway -- okay. All right. Gotcha.
25 All right. Let's go to the ANC, Ms. Schellin. Both

1 ANCs. ANC 5D and 6C. Let me see -- make sure I got the ANCs
2 right. Oh, yes, 5B and 6C. Do we have anyone, Ms. Schellin? I
3 think you mentioned earlier Ms. Wirt and Ms. Moore.

4 MS. SCHELLIN: I don't think either are here, but let
5 me check one more time.

6 COMMISSIONER MAY: Mr. Chairman?

7 CHAIRMAN HOOD: Yes?

8 COMMISSIONER MAY: Going back to what you said about
9 our normal order, wouldn't we be asking the party in support if
10 they have cross-examination? We do, but we're --

11 MS. SCHELLIN: ANCs are first. Yeah.

12 CHAIRMAN HOOD: ANCs are first.

13 COMMISSIONER MAY: Oh.

14 CHAIRMAN HOOD: This -- Commissioner May, I appreciate
15 -- I always appreciate your help, and I know --

16 COMMISSIONER MAY: I thought they went right after us
17 and the cross.

18 CHAIRMAN HOOD: Well, in this City --

19 COMMISSIONER MAY: Okay.

20 CHAIRMAN HOOD: -- ANC is the first. They are first
21 in the elected district.

22 COMMISSIONER MAY: I don't have any problem with that,
23 but I just figured that they're --

24 MS. SCHELLIN: But in this case, they're not here, so
25 you're right.

1 COMMISSIONER MAY: -- years, I wouldn't know that.

2 MS. SCHELLIN: Commissioner May? Commissioner May, you
3 have --

4 CHAIRMAN HOOD: So I wanted to make sure I called them
5 --

6 MS. SCHELLING: Right.

7 CHAIRMAN HOOD: -- but please bring -- please bring the
8 party in support up. Ms. Moldenhauer.

9 MS. SCHELLIN: That's Ms. Moldenhauer, yes.

10 CHAIRMAN HOOD: Yeah, normally, we do the ANCs first,
11 out of respect.

12 Ms. Moldenhauer, good evening. You may begin.

13 MS. MOLDENHAUER: Good evening. How are you? Meredith
14 Moldenhauer here on behalf of the party in support, as identified
15 EDENS. We just have a few questions. I'll start off with Mr.
16 Andres.

17 I see you turned your camera off, but I'll just start
18 with a few questions for you. Looking at your report --

19 CHAIRMAN HOOD: Ms. Moldenhauer, let's wait. There he
20 is. He's back. Okay.

21 MS. MOLDENHAUER: Looking at your report, I'm just
22 trying to understand there were some questions about the size of
23 the, you know, alley. And so from looking at the loading alley,
24 am I correct to understand that it goes from 26 feet 8 inches
25 across the LCOR property, then it gets reduced down to 24 feet 9

1 inches across, then the rear of the JBG Smith property, the
2 Applicant's property?

3 MR. ANDRES: Ms. Moldenhauer, I would need to review
4 the site plan. If we can bring up the site plan, I can confirm
5 those dimensions for you.

6 MS. MOLDENHAUER: That'd be great, thank you. I just
7 -- I didn't see any dimensions on the site plan that was pulled
8 up before.

9 MR. ANDRES: Mr. Young, if can bring up Slide 17? It's
10 the one before this. Great. And if it's possible to zoom in to
11 the -- sort of the lower portion, where the -- where it says
12 loading? If you can pan -- if you can zoom in a little bit more.

13 According to the plan, the width that's dimensioned, I
14 guess, adjacent to both the EDENS property and our property is
15 20 -- the 23 feet 11 inches. And then as you move further north
16 as you approach the actual loading berths, they widen out.

17 MS. MOLDENHAUER: And to access the portion that you're
18 showing now, how would a truck that's going to the JBG Smith
19 property access this portion of the loading that you're showing?

20 MR. ANDRES: So we have provided auto turn diagrams,
21 where essentially if a vehicle is heading north up this shared
22 alley, essentially what it'll do is pull to essentially the end
23 of this northern alley, and turn left into the area identified
24 as turn around, and then will back into the requisite space that
25 that vehicle is designated for.

1 MS. MOLDENHAUER: And as we understand it, JBG Smith
2 owns the portion that's in the dark gray here; is that correct?

3 MR. ANDRES: It's my understanding that JBG owns
4 everything to the to the right of the EDENS property line.

5 MS. MOLDENHAUER: And if you zoom back out?

6 So the only way though to get to this portion is to
7 come across access from Morse Street; is that right?

8 MR. ANDRES: Yes, that's correct.

9 MS. MOLDENHAUER: Your report references, I think you
10 just said it, a shared alley. What's your basis or understanding
11 of that shared alley?

12 MR. ANDRES: It's my understanding that JBG Smith and
13 the loading associated with the loading berths on our property
14 would be accessed through this alley.

15 MS. MOLDENHAUER: And what's your understanding of how
16 they have that ability, that right to access?

17 MR. ANDRES: Well, they would -- well, given that the
18 northern portion of it is actually on JBG Smith property, that
19 it's my understanding that they have the right to access an alley
20 that's on their property.

21 MS. MOLDENHAUER: But I think you mentioned in your
22 report that it's accessed, proposed off of a private access from
23 a curb cut along Morse street. And that's off of property that's
24 owned by LCOR; is that correct?

25 MR. ANDRES: That is correct.

1 MS. MOLDENHAUER: And have you reviewed or understood,
2 you know, what type of rights they're granted, JBG Smith is
3 granted in regards to this shared access --

4 MR. ANDRES: Well --

5 MS. MOLDENHAUER: -- of or our LCOR property?

6 MR. ANDRES: That is not in sort of my scope of work.
7 I believe somebody else on our team can address that question,
8 Ms. Moldenhauer.

9 MS. MOLDENHAUER: But -- and so then just looking at
10 your report, which does have a lot of data and information, you
11 have a lot of information on the parking and parking access to
12 the site. Your parking, queuing, and vehicle split numbers are
13 all based on two access points; is that correct?

14 MR. ANDRES: That is correct.

15 MS. MOLDENHAUER: So your report talks about how it's
16 based on two access points; one, which is a new curb cut off of
17 5th Street, which is shown here. And that 5th Street curb cut,
18 is that on JBG Smith's property?

19 MR. ANDRES: Yes, it is.

20 MS. MOLDENHAUER: And then a second point of access,
21 which is an existing curb cut that you reference along 6th Street,
22 is that 6th Street curb cut on JBG's property?

23 MR. ANDRES: It is not.

24 MS. MOLDENHAUER: In your report on page 35, you
25 reference that JBG Smith will have access to that 6th Street curb

1 cut that's not on their property through knock out panels. What
2 is your statement based on? What documentations did you review
3 to make that statement?

4 MR. ANDRES: It's based on the coordination with my
5 client, JBG Smith.

6 MS. MOLDENHAUER: Did you review any documentations/
7 agreements to make that statement?

8 MR. ANDRES: I did not. They told me that they would
9 be coordinating with LCOR, and I took their word for it.

10 MS. MOLDENHAUER: If those -- if -- let's just talk
11 about the parking access. If the parking access that's not on
12 JBG Smith's property was closed for some reason or terminated,
13 you would have to redo all your calculations to account for not
14 two points of access to the site, but only one point of access;
15 is that correct?

16 MR. ANDRES: That is -- that would be correct.

17 MS. MOLDENHAUER: And then your queueing analysis would
18 have to be reconfigured to assess only access on 5th Street?

19 MR. ANDRES: That would be correct.

20 MS. MOLDENHAUER: Do you believe that that would have
21 an impact on your overall spill back to the public road?

22 MS. ANDRES: It would be -- I would not know what those
23 impacts would be unless I run the calculations.

24 MS. MOLDENHAUER: Which you have not done.

25 MR. ANDRES: That's correct.

1 MS. MOLDENHAUER: Thank you.

2 No other questions for Mr. Andres.

3 Thank you for taking the time to answer my questions.

4 MR. ANDRES: Thank you, Ms.. Moldenhauer.

5 MS. MOLDENHAUER: I have questions for Ms. Saclarides.

6 I'm (indiscernible) Saclarides. I'm sorry for your last name.

7 I'm the worst at pronouncing last names.

8 MS. SACLARIDES: Saclarides.

9 MS. MOLDENHAUER: Saclarides. Moldenhauer, I should

10 know better, right? So your submission calls the area that we

11 just discussed with Mr. Andres that goes over the LCOR property.

12 You call it a shared alley. Can you just describe to me your

13 understanding of how that would function?

14 MS. SACLARIDES: Yes. So the -- my understanding is

15 that the -- all of the owners on the block would have access

16 across the shared alley for purposes of loading.

17 MS. MOLDENHAUER: And what's your understanding of how

18 that is either similar or different than maybe a public alley,

19 because you're using the word shared alley versus public alley.

20 How would you describe how it's different from a public alley?

21 MS. SACLARIDES: That only the owners on the block

22 would be able to use it for loading.

23 MS. MOLDENHAUER: So otherwise it would have the same

24 general characteristics and, you know, longevity as a public

25 alley?

1 MS. SACLARIDES: For -- with controlled access, yes.

2 MS. MOLDENHAUER: Sorry. What do you mean by
3 "controlled access"?

4 MS. SACLARIDES: In that the owners of the alley operate
5 and manage it, and maintain it, and control who accesses it.

6 MS. MOLDENHAUER: But it would still have, you know,
7 be permitted for open access, obviously, for the purposes as
8 necessary for those three owners?

9 MS. SACLARIDES: Sure. Yeah, for retail and
10 residential loading.

11 MS. MOLDENHAUER: And how long -- you indicated
12 initially that, obviously, JBG Smith is the development partner
13 for a property that is owned by Gallaudet. How long is the ground
14 lease that you have with Gallaudet?

15 MS. SACLARIDES: I'm not sure how this is relevant to
16 the issue.

17 CHAIRMAN HOOD: I actually was allowing this, Ms.
18 Moldenhauer, because I was hoping that maybe the -- through some
19 of this discussion that the BZA case could go away, but obviously
20 not. I do know that the access to the private alley on this
21 parcel, because my counsel has briefed me very well on this,
22 concerns are unrelated to this application. So I was allowing
23 that, but I would ask that you just kind of bring it back to this
24 application as much as you can, even though I know you're going
25 to go back to where we were, and I've asked that early on. So

1 this is really -- that's really unrelated, and I'm hoping that
2 the other parties -- this will be addressed in other formats, but
3 not in this particular setting, so.

4 MS. MOLDENHAUER: Well --

5 CHAIRMAN HOOD: Thank you.

6 MS. MOLDENHAUER: -- Chairman Hood, I would like to
7 engage because, obviously, it sounds like you are restricting our
8 party status, which you didn't --

9 CHAIRMAN HOOD: No, don't -- don't --

10 MS. MOLDENHAUER: -- you restrict our status in full.

11 And --

12 CHAIRMAN HOOD: Don't put -- don't put -- Ms.
13 Moldenhauer, don't try to put something on the record for the
14 court. That's an old trick. Let me just say this. I'm not
15 restricting anything. I let you -- I've let you go ahead with
16 your questioning, which is not necessarily germane to our
17 proceeding. I haven't -- I have never restricted -- even though
18 you're off course, I have never restricted your cross-
19 examination, because I don't do that. I have never done that to
20 anyone. So let's correct the record for that to start with.
21 Now, you can continue to ask me any questions you have.

22 MS. MOLDENHAUER: The issues of the shared alley are
23 germane to the JBG application that we're discussing tonight,
24 given the fact that it's the only way that they can access their
25 loading. And so we are only talking about it. It has nothing

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1 to do with the BZA application or the appeal. This has only to
2 do with the JBG Smith project that we're discussing tonight.
3 They are two separate issues that have an underlying similarity,
4 but they are two different issues. Right now, we are only
5 concerned about how JBG Smith is going to have access for their,
6 you know, 306 cars and their loading for their 600 units, and
7 that is the purpose of our question.

8 CHAIRMAN HOOD: And you are a party in support or
9 opposition? What have you got to say?

10 MS. MOLDENHAUER: We're a party in support with very
11 specific conditions on our support that we would like to see the
12 issue of the access confirmed or clarified in a condition here.
13 And that -- we'll get into that when we present our case, but we
14 are supportive of the design. We're supportive of the project,
15 but we have concerns about the access, which is the only --

16 CHAIRMAN HOOD: Have you -- let me ask you.

17 MS. MOLDENHAUER: -- issue we want to discuss.

18 CHAIRMAN HOOD: Have you had previous -- have you had
19 previous conversations with this Applicant?

20 MS. MOLDENHAUER: JBG Smith and EDENS have had
21 extensive conversations, and they have had, you know, discussions
22 about this issue, but they have been unresolved to date, which
23 is why they need to be resolved in connection with this PUD and
24 addressed either in a condition or in subsequent, you know,
25 submissions to the Zoning Commission.

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1 CHAIRMAN HOOD: So what I would ask, Ms. Moldenhauer,
2 that we stick to the point, and you're saying that I'm -- I'm
3 not restricting you, but we stick to the point specifically as
4 it relates to your applicant and -- your -- who you're
5 representing -- I'm not going to call names, but who you're
6 representing as well as this application with JBG. So I'll leave
7 it at that. You may continue.

8 MS. MOLDENHAUER: Now, I'll just ask how -- do you have
9 documentation or an agreement that provides you with unfettered
10 access over LCOR's property in order to provide your loading and
11 to provide the two points of access that Mr. Andres referenced?

12 MS. SACLARIDES: Yes, the easements that LCOR has
13 recorded, and they already provide that access both through the
14 garage ramp as well as over the shared alley to access our
15 loading.

16 MS. MOLDENHAUER: And so you're referencing the LCOR
17 ramp easement and the LCOR alley easement that allow for under
18 Section 8(L) for it to be modified unilaterally by LCOR?

19 MS. SACLARIDES: Yes, those easements.

20 MS. MOLDENHAUER: And my question about the ground
21 lease referred to the fact that the security is about how long
22 your ground lease was, as it relates to the fact that the easement
23 that you referenced terminates under Section 8(s) in 75 years.
24 Do you believe that you're building a high-quality, this
25 beautiful we just talked about, would still potentially be

1 standing in 75 years?

2 MS. WILLIAMS: I'm just going to step in here and note
3 an objection and ask that the Commission limit the scope of the
4 questioning, which the Commission has the power to do under the
5 zoning regulations. Now we're talking about ground leases and
6 private agreements that are completely outside the scope of what
7 this --

8 CHAIRMAN HOOD: Mr. Williams, I have -- I've been doing
9 this a while, and I'll be frankly honest. Even though people do
10 get off course, as I've already asked Ms. Moldenhauer to stay on
11 target, she continues as she is, but eventually people get tired.
12 So I usually wait for them to get tired, because I want them to
13 get everything they want on the record, and then if it goes to
14 court, or where it goes, then the judge will probably say, why
15 you let all this in? So I've always learned it's more to have
16 enough for the record, so others who may have to look at this
17 and say, okay, well, this is not germane, this is not germane.
18 They can throw it out. I don't necessarily throw it out.

19 But I will ask again, Ms. Moldenhauer, if you can stay
20 as close to this application as possible, you can -- you say that
21 this is -- I understand this is convoluted. I understand the
22 PUD is being challenged, and I understand all that. But I would
23 ask that we try to refrain from going too far off course. So
24 you may continue.

25 And Mr. Williams, your objection is so noted.

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1 Ms. Moldenhauer, you may continue. I'm not going to
2 move it out of order.

3 MS. MOLDENHAUER: Then if witness can answer the
4 question?

5 MS. SACLARIDES: I'm sorry. Could you repeat the
6 question?

7 MS. MOLDENHAUER: Oh. Do you believe that the building
8 that you're proposing here would still be standing in 75 years?

9 MS. SACLARIDES: Possible, yes.

10 CHAIRMAN HOOD: That answer's yes. Next question,

11 MS. MOLDENHAUER: No other questions, Commissioner
12 Hood.

13 CHAIRMAN HOOD: Thank you very much, Ms. Moldenhauer.
14 Commissioners, any follow up questions on that?

15 (No audible response)

16 CHAIRMAN HOOD: If not, let's go to the Office of
17 Planning and DDOT.

18 And, Mr. Young, let Ms. Moldenhauer stay up here, so
19 she can chime in when she needs to. Let's bring OP up.

20 Okay. Thank you.

21 Ms. Elliot?

22 MS. ELLIOTT: Good evening, Mr. Chairman.

23 CHAIRMAN HOOD: Good evening, Ms. Elliott.

24 MS. ELLIOTT: You got it right. And also to members
25 of the Commission. OP recommends approval of the requested

1 second-stage PUD for Parcel 3, as it would not be inconsistent
2 with the first-stage PUD, and the proposed modification of
3 significance that is also part of this application. The parcel
4 would be developed with a 120-foot-high building consisting of
5 retail on the ground floor and residential use on the upper
6 floors. A total of 11.2 percent of the residential GFA would be
7 set aside for IZ, 70 percent of that would be set aside for
8 households earning no more than 50 percent MFI, and 30 percent
9 would be set aside for households earning no more than 80 percent
10 MFI. A habitable penthouse would also be included, resulting in
11 an additional 1,500 square feet of IZ, which is required by the
12 zoning regulations.

13 This project also incorporates an Open Space program,
14 including Neal Place and Tapscott Street alley. OP's report does
15 not reflect the addition of solar panels to the project, so we
16 would like to take an opportunity to note that the Applicant has
17 added 3,000 square feet of solar panels to the mechanical screen
18 around the penthouse. We're happy to see this addition to the
19 project.

20 OP has provided an analysis of the proposal through a
21 racial equity lens in the report pertaining to the modification
22 of significance in the related hearing. And so to summarize that
23 briefly, Parcel 3 would be developed with a mixed-use development
24 providing market rate, residential, affordable housing and
25 ground-floor commercial development. The project would not

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1 result in the displacement of residential units for commercial
2 uses.

3 Parcel 3 would also provide a total of 597 dwelling
4 units, with 11.2 percent of the units being set aside as
5 affordable units under the District's IZ program. The
6 development of Parcel 3 would provide economic opportunity, as
7 5,000 square feet would be set aside for makerspace. And the
8 modification would provide improved circulation with a
9 realignment of Tapscott Street with the alley on Parcel 3, and
10 it includes pockets of open space that provide connections
11 throughout the project.

12 So in reviewing this application through the equity
13 lens, we found that the modification would increase affordable
14 housing opportunities, provide inclusive economic opportunities,
15 and encourage a healthy neighborhood. As stated during previous
16 hearings, OP is generally pleased with the progress of this
17 application, particularly as it relates to affordable housing,
18 deeper levels of affordability, and improvements to circulation.

19 And on that note, I would be remiss if I did not address
20 some of the questions related to flexibility that we've heard.
21 And so I'd like to address that now. OP's report does evaluate
22 some of the requested flexibility for this project, and it
23 suggests revisions that would limit a degree of flexibility,
24 particularly as it relates to the IZ units.

25 There has already been some discussion regarding these

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1 revisions, but to clarify, we know that there is a need for
2 affordable housing in D.C. And we also know from working with
3 our counterparts in DHCD, that there is a significant need for
4 two-bedroom units. There is a -- DHCD confirms every time that
5 we speak with them that there is a very long waitlist for two-
6 bedroom units in the IZ program. The IZ component of this project
7 is a significant benefit of the PUD that should benefit D.C.
8 residents and the IZ program, and it should not reduce the number
9 of two-bedroom units, because that is where the greatest need is.
10 We've proposed a revised language, so that the significant
11 benefit isn't watered down.

12 So this concludes OP's presentation, but I'm happy to
13 answer any questions that you have.

14 CHAIRMAN HOOD: Thank you, Ms. Elliott. Let's see if
15 we have any questions of the Office of Planning. Commissioner
16 May, any questions?

17 COMMISSIONER MAY: Yes, just one quick one. There was
18 a -- one -- there was a provision having to do with the addition
19 of solar panels, and the Applicant was seeking some flexibility,
20 provided it does not require -- flexibility to add solar panels,
21 provided it doesn't require seeking relief for setbacks and so
22 on, and you were suggesting that the qualifier not be -- not
23 require relief be removed. And are you just thinking that just
24 because that's not needed or are you trying to push so hard for
25 solar panels that they've got to violate setback provisions? I

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1 mean, what's your -- what's the thinking?

2 MS. ELLIOTT: I think I need to take a look at our
3 report to see where that is so that, hopefully, I can clarify
4 that before we're done with questioning. I --

5 COMMISSIONER MAY: Page 14.

6 MS. ELLIOTT: Thank you.

7 COMMISSIONER MAY: It's not a really big deal, I just
8 found it a little curious.

9 MS. ELLIOTT: Okay. I'm not sure. I'm -- it does seem
10 a little odd that we -- if it requires relief from the zoning
11 regulations, I think we would want them to obtain that relief,
12 and so, I apologize, I'm not able to provide a more coherent
13 answer than that. But I'm happy to clarify and respond in a
14 supplemental report, if you would like.

15 COMMISSIONER MAY: No, that's okay. I was just -- I
16 don't know if it's necessary one way or the other, right. I
17 don't know if the phrase is necessary to be in there or necessary
18 to not be in there. I just was trying to understand the logic,
19 but it's okay.

20 MS. ELLIOTT: It --

21 COMMISSIONER MAY: Thank you.

22 MS. ELLIOTT: It sounds like it may have been crossed
23 off in error --

24 COMMISSIONER MAY: Okay.

25 MS. ELLIOTT: -- but we -- yes, absolutely, if relief

1 is necessary, we would want them to obtain that relief.

2 COMMISSIONER MAY: Well, right. I mean, they wouldn't
3 be able to do it unless they got relief, if they needed to do
4 it. But I don't necessarily want to push them to do things that
5 require relief and set back this, so. Anyway, thank you.

6 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

8 And thank you for your report, Ms. Elliott, and all the
9 work on this project.

10 So I thought that there were some outstanding issues,
11 other outstanding issues, if I'm reading my notes correctly,
12 related to some utility issues in the public space and conflict
13 with (indiscernible), and -- are these issues been resolved or
14 they're still outstanding issues for you all?

15 MS. ELLIOTT: Well, it sounds like the Applicant is
16 having dialog currently with D.C. Water, and they have come to
17 an understanding. I don't I don't know the specifics of that.
18 So they could probably provide some more information. Public
19 spaces is another process, you know, and so they'll be going to
20 public space following us. So any of those issues that have to
21 be worked out would be done at that time.

22 There is some, you know, a few things in limbo as we
23 go through the PUD process that we would expect to tighten up
24 after the fact, particularly since permitting, you know, D.C.
25 Water wouldn't typically get involved until the permitting. But

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1 in this case, you know, we had those discussions with them
2 beforehand, and they -- they're having those discussions earlier
3 this time, which is good for the Applicant and very helpful for
4 D.C. Water, as they plan the improvements needed for this area.
5 So as far as I know, those are not insurmountable issues because
6 the Applicant is continuing discussions.

7 COMMISSIONER MAY: Right. But they're not
8 insurmountable issues, but from your perspective, they're not
9 -- it sounds like they're not germane to our decision, given
10 where the process is. Okay. All right.

11 MS. ELLIOTT: Correct.

12 COMMISSIONER MAY: That's all I have, Mr. Chair.

13 And thank you, again, Ms. Elliott.

14 MS. ELLIOTT: You're welcome.

15 CHAIRMAN HOOD: Thank you.

16 Commissioner Imamura?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chair.

18 Ms. Elliott, I don't have any questions this evening.

19 I will yield my time to Vice Chair Miller.

20 CHAIRMAN HOOD: Vice Chair Miller.

21 VICE CHAIR MILLER: Thank you, Commissioner Imamura.

22 And thank you, Ms. Elliot, for your report, for
23 continuing report on this continuing case and your continuing
24 vigilance on the -- of the Office of Planning on the whole
25 inclusionary zoning, affordable housing issue. I agree with your

1 assessment that it's minimum number of units, of two-bedroom
2 units is a significant public benefit, which is part of the whole
3 balancing of the density and the PUD in this case, and it should
4 not be reduced whenever the overall flexibility happens. So I
5 just wanted to say I agree. I agree. I appreciate your report
6 on that, and that (indiscernible).

7 MS. ELLIOTT: Thank you.

8 CHAIRMAN HOOD: I, too, thank you as well, Ms. Elliott.
9 Vice Chair, were you looking for a response? Did you
10 want Ms. Elliott to respond to something that I missed something?

11 VICE CHAIR MILLER: No.

12 CHAIRMAN HOOD: Okay.

13 VICE CHAIR MILLER: No, I think she has said it all,
14 and I agree with her.

15 CHAIRMAN HOOD: Okay. Okay. Ms. -- okay. So I don't
16 have any questions, Ms. Elliott. I thank you. Let's see if we
17 have any follow up questions from any of the other parties as
18 applicants.

19 Ms. Roddy, you have any questions

20 MS. RODDY: We have no questions.

21 CHAIRMAN HOOD: And Ms. Schellin, again, we don't have
22 either one of our Commissioners -- chairpersons or anyone
23 representing the ANCs? Two ANCs?

24 MS. SCHELLIN: I will look one more time just to check.
25 Nope, I do not see either.

1 CHAIRMAN HOOD: Okay. Ms. Moldenhauer, you have any
2 cross?

3 MS. MOLDENHAUER: Two quick questions. Ms. Elliot,
4 the -- in looking at this second-stage PUD, I'm assuming that you
5 also were kind of viewing the Comp Plan and the transportation
6 element, which has a reference, a policy T1.2.3 that encourages
7 minimizing the number of curb cuts in the new development. Is
8 that part of the reasoning that OP was very encouraging of this
9 shared alley and shared curb cuts on the site?

10 MS. ELLIOTT: Without going back to our previous
11 reports for that PUD, I would assume that that justified, in
12 part, our support of that design.

13 MS. MOLDENHAUER: And when this project redesigned the
14 loading access and the garage access on 5th -- on 6th Street, is
15 that also kind of consistent with the Florida area market study
16 that was kind of encouraging 5th Street to be more of a pedestrian
17 heart of the Union Market and trying to encourage the curb cut
18 on 6th Street?

19 MS. ELLIOTT: Again, without going back to that
20 previous PUD, and sort of speaking on the fly, I would assume
21 that that would have had to been supported by the Small Area Plan
22 as well.

23 MS. MOLDENHAUER: Thank you.

24 CHAIRMAN HOOD: Okay. Thank you. Thank you again, Ms.
25 Elliott. We appreciate your report. Very well done. Thank you.

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1 Other government comments has already been noted, I
2 believe, for the most part. We know where DDOT is. They've
3 already been here for the first part of this. D.C. Water comments
4 as well. Department of Energy and Environment comments and
5 Department of Housing and Community Development comments. And I
6 think I've covered all of the other government agencies. Let's
7 now hear from my colleagues. The report of the ANC.

8 Ms. Schellin, again, even though I'm calling for it,
9 I'm pretty sure that they're not here. It's not -- at least
10 (indiscernible) --

11 MS. SCHELLIN: They are not here.

12 CHAIRMAN HOOD: Okay. So I believe, again, just make
13 sure -- believe, again -- and I would ask Ms. Roddy to turn her
14 camera on -- I believe that both ANCs still, even in this parcel,
15 still have unanimous support or support, I'm not saying
16 unanimous. Is that a correct statement?

17 MS. RODDY: That is correct that ANC 5D did vote. ANC
18 6D did not take action. They did not review the application and
19 ceded their review 5D, since the PUD is within the boundaries of
20 5D.

21 CHAIRMAN HOOD: Okay. Okay. So it's the same continuum
22 through the other cases as well.

23 MS. RODDY: Right.

24 CHAIRMAN HOOD: Okay. So thank, again, Ms. Roddy, for
25 helping -- I can't seem to pull that file up right now.

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1 All right. Ms. Schellin, do we have anyone who would
2 like to testify -- organizations or persons who like to testify
3 either in support, opposition, or undeclared?

4 MS. SCHELLIN: Let me check real quick. Last time I
5 looked, I did not see, but --

6 (Pause.)

7 MS. SCHELLIN: It's part of the party, the EDENS. And
8 that -- seven. JBG. There are no witnesses signed up to testify
9 in any of the three categories.

10 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

11 With that, unless my colleagues have any other closing
12 comments right now, we'll come back and do that shortly.

13 Ms. Roddy, if you can -- if there's any rebuttal or
14 closing? I will say this, Ms. Roddy. With the support from Ms.
15 Moldenhauer, and I understand that some of those issues about
16 access will be dealt with in other venues, I would like to see
17 some predictability -- oh, did I forget you?

18 MS. SCHELLIN: Yes, Ms. Moldenhauer's party.

19 CHAIRMAN HOOD: Forget you, Ms. Moldenhauer? Okay.
20 Ms. Moldenhauer -- I'm sorry, I forgot, Ms. -- I was getting to
21 talk about Ms. Moldenhauer and then asking for some
22 predictability, but I'm sure she'll ask as well.

23 MS. MOLDENHAUER: I have to remember whether I'm
24 ironing my shirt or what, but so.

25 CHAIRMAN HOOD: Just never starch it before you clean

1 it.

2 MS. MOLDENHAUER: Okay.

3 CHAIRMAN HOOD: So you can go right ahead, Ms.
4 Moldenhauer.

5 MS. MOLDENHAUER: We did have someone sign up to testify
6 from EDENS, so I would ask that Mr. Hillcroft (phonetic) get
7 admitted into the panel.

8 CHAIRMAN HOOD: And Ms. Moldenhauer, so we'll know, I
9 actually messed up and went out of order. You were supposed to
10 go right after the ANCs had finished, and we didn't any ANC, so
11 I should have called you first before I called -- do we have any
12 more organizations or persons to testify. So I wanted to
13 apologize first, and put that on the record.

14 MR. YOUNG: Sorry, can you say that name again?

15 MS. MOLDENHAUER: L. Chowfla.

16 And so, Mr. Chowfla will testify, and then I'll have
17 remarks as part of our permitted party status.

18 CHAIRMAN HOOD: Okay.

19 Well, Mr. Chowfla, you may begin.

20 MR. CHOWFLA: Good evening members of the Commission.
21 Thank you so much for the opportunity to speak today. For the
22 record, my name is Sohael Chowfla, and I'm a director of
23 development with EDENS. EDENS is the parent company of the owner
24 of a Lot 3 in Square 3591, which is located on 5th Street,
25 Northeast and directly abuts Parcel 3 to the south and west. In

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1 addition to EDENS' direct ownership interest in this neighboring
2 lot, EDENS also abuts Parcel 3 to the north with the Union Market
3 building and as a major stakeholder in the overall Union Market
4 District.

5 Through a number of projects over the past decade,
6 including the market building itself, EDENS has made significant
7 investments in energizing and revitalizing the Union Market
8 District and has worked with OP, DDOT, other District agencies
9 and, of course, the Zoning Commission, towards the implementation
10 of the Small Area Plan vision for this neighborhood. Therefore,
11 my testimony is intended to address the subject application from
12 the perspective of our interest in a directly abutting parcel,
13 as well as the broader planning and transportation goals of the
14 Union Market District.

15 While EDENS is supportive of JBG Smith and Galludet's
16 design proposal of Parcel 3 and believe that their proposals mix
17 of use and architecture will be a good addition to the
18 neighborhood, we are concerned with the fundamental issues
19 related to the lack of reliable parking and loading access for
20 JBG Smith's project and the impact on EDENS adjacent lot 3 parcel
21 parking and loading access. Therefore, we file party status to
22 raise these important issues regarding transportation, loading,
23 traffic and public space, as is relevant in a stage-two PUD.

24 Our property's landlocked and relatively small with
25 only 90 feet of width. We share a lot line with the Applicant's

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1 property to the north and east and a property owned by LCOR to
2 the south, those reviewed under Zoning Case No. 16-05. Our
3 property has no curb cut on 5th Street.

4 The only access to EDENS' property would be through
5 shared alley created by LCOR and JBG and referenced in JBG's
6 first-stage PUD filings for this case. JBG Smith's PUD has its
7 only loading access for its entire 600-unit and 50,000 square
8 foot retail building via this shared alley, and that crosses over
9 to LCOR's property. Unfortunately, the shared alley has not come
10 to fruition, as directed by the Commission in the first-stage
11 approval of this case, or as directed in LCOR's PUD order.

12 The idea for the shared alley arose when the first-
13 stage PUD for this project was approved and LCOR's case was filed.
14 At that time, Union Market was rapidly evolving into a walkable
15 mixed-use neighborhood. Given JBG Smith and LCOR's proposals,
16 EDENS' intent for a similar development and the lack of alley
17 access in this square, EDENS worked directly with JBG Smith and
18 LCOR to identify that shared alley that would provide loading
19 access to all three future developments. Back at that time,
20 EDENS chose not to participate in the PUD cases, relying on JBG
21 Smith and LCOR's private statements and filings to the Zoning
22 Commission.

23 The shared alley was discussed multiple times during
24 the first-stage case for JBG Smith's PUD. JBG Smith repeatedly
25 proffered that it would work with neighboring landowners

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1 including EDENS, to consolidate loading access through this
2 shared alley. Both OP and DDOT strongly encouraged the shared
3 alley. OP found the shared alley would constitute a public
4 benefit, because it would, quote, "Reduce the number of curb cuts
5 and allow for better design of public space, creating a more
6 pedestrian-oriented environment," end quote. Exhibit 12, page
7 25 of stage-one submission.

8 The Commission's order of knowledge is that JBG
9 committed to best faith efforts to work with neighboring
10 landowners in order to create, quote, "a shared private alley
11 network to minimize curb cuts and better distribute traffic," end
12 quote. From the order itself, page 39. Given the complexity of
13 the shared alley involving three separate developments, the
14 Commission's order allowed JBG Smith some flexibility to finalize
15 the alley system during this stage-two PUD process that's
16 currently underway. Following the Commission's approval in the
17 first-stage case, the Commission also approved LCOR's PUD, which
18 expressly proffered the shared alley as a public benefit.

19 Five years later, JBG Smith has not been granted
20 perpetual and unconditional access to the alley. After building
21 the alley, LCOR granted an easement that EDENS and JBG Smith can
22 join, but the easement has several conditions, including that
23 LCOR could unilaterally terminate the easement. JBG Smith simply
24 cannot rely on the alley for loading, access, or for parking.
25 This is directly contrary to the clear intent of the Commission's

1 first-stage approval for the JBG Smith PUD.

2 Why does EDENS care that JBG Smith has a reliable
3 perpetual easement, you may ask? And why should you, the Zoning
4 Commission care, for that matter of fact? Because this PUD is
5 constructing 600 units and 50,000 square feet of retail. Both
6 uses will produce a lot of trash, deliveries, and drop offs. If
7 JBG Smith can't rely on their alley -- on the alley, I'm sorry,
8 to access their loading, or loading berths, or loading platforms,
9 then this project will be a huge burden on the neighborhood, and
10 all loading will have to occur via the street through the front
11 of the building.

12 Furthermore, the lack of a reliable easement also
13 results in adverse transportation and traffic impacts to EDENS'
14 property and the Union Market neighborhood at large. EDENS is
15 concerned that the currently recorded easement is not reliable.
16 JBG Smith would lose its parking access via 6th and loading access
17 via the Morse Street curb cut. This would reflect poor land use
18 and planning policy by creating an unnecessary disruption to the
19 public sidewalk on 5th Street and 6th Street.

20 JBG would have to load its entire 450,000 square foot
21 building from the street on 5th, 6th and Tapscott, creating
22 significant negative impact to the public realm and disruptions
23 to the flow of cars, trucks, bicycles, and pedestrian traffic.
24 The inclusion of more traffic and trucks on 5th Street would pose
25 an unnecessary safety risk as well in public space and is directly

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1 contrary to the goals for Union Market to become an active
2 pedestrian-friendly neighborhood.

3 The need to consolidate curb cuts is even more
4 important, given that JBG is already proposing a new curb cut
5 along the shared lot line with the EDENS property. It is also
6 important to note that JBG Smith, CTR, and traffic analyses assume
7 shared parking access via 6th, and all of its loading access via
8 Morse Street. Assumptions that rely on a verifiable easement and
9 perpetuity, an easement which we know does not exist.

10 Given this fact, the CTR has been submitted -- that has
11 been submitted is fundamentally flawed. It should be
12 resubmitted, assuming that an easement does not exist for parking
13 access via 6th Street and an easement does not exist for loading
14 access via Morse Street. And instead, it should assume the very
15 real scenario of all loading occurring on-street via dedicated
16 curbside spaces and all parking access occurring via the singular
17 5th Street entry and exit point.

18 Alternatively, we believe that this can all be easily
19 remedied with documentation of a proper shared alley, as
20 envisioned in the first-stage PUD and the LCOR case. The record
21 in this case confirms that at some point JBG Smith and LCOR
22 conducted a land swap so that LCOR could construct its project
23 and build a new alley. It is our understanding that in connection
24 with papering and documenting that land swap, any -- an agreement
25 contains details pertaining to the shared parking access via the

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1 6th Street entrance on LCOR's property and shared loading access
2 via curb cut on Morse Street that is more reliable than what
3 currently exists in the record.

4 But nothing exists right now. JBG Smith has not
5 satisfied its burden in this case and needs to prove, we believe,
6 to the Zoning Commission, that the access LCOR's -- that the
7 access across LCOR's property is perpetual and reliable before
8 the Zoning Commission should approve the construction of 600
9 units and 50,000 square feet of retail that has no loading and
10 reduced parking access.

11 The Zoning Commission's first-stage order directs JBG
12 Smith to resolve the shared alley as part of this second-stage
13 PUD. EDENS simply asked the Zoning Commission to address and
14 require JBG Smith to ensure that a true shared, reliable, and
15 perpetual alley for Square 3591 is in place before approving such
16 a large project. This would achieve the intent of the first-
17 stage order to provide transportation and traffic mitigation
18 benefits and support proper public space design.

19 Thank you for your time, and I am available for any
20 questions.

21 CHAIRMAN HOOD: Let me just ask you right quick before
22 we go to Ms. Moldenhauer, so do we have your statement?

23 MR. CHOWFLA: You do not have my statement submitted
24 into the record. I just read it, but I'm happy to follow up with
25 it.

1 CHAIRMAN HOOD: Yes, if we could get that into the
2 record (indiscernible). Thank you. And I'm sure others are.
3 Ms. Moldenhauer?

4 MS. MOLDENHAUER: Thank you. Good evening. Meredith
5 Moldenhauer on behalf of the party status proponent. We are here
6 today regarding EDENS, who is identified by Mr. Chowfla, that
7 they own the property to the east of the alley and to the
8 southeast of the project. EDENS also own the land at the north
9 of the project, which is the Union Market Building on the other
10 side of Neal Place. Our discussion is relevant to the stage-two
11 PUD under the zoning requirements of Subtitle X 302.2(b), which
12 referenced evaluating transportation management and mitigation,
13 as referenced earlier, as well as compliance with the intent and
14 purpose of the first-stage PUD approval.

15 The failure to provide the proper loading and vehicle
16 access through a shared alley will have negative impacts for both
17 EDENS' property and the Union Market as a whole if not resolved
18 by an agreement entered into the record to verify or show that
19 there is reliable perpetual access or a properly-worded condition
20 that would then address EDENS' concerns. Our concerns are
21 relevant to the second-stage PUD as it must be consistent with
22 the first-stage PUD and references by DDOT that the final site
23 access for Parcel 3 will be reviewed during the stage-two process,
24 as well as documentation in the order of the first-stage PUD.

25 The only concern that is being referenced in our

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1 statements relates to the fact that this property provided a land
2 swap, and the configuration of the shared alley changed between
3 the stage-one and stage-two PUD. The shared alley is located in
4 between of EDENS' property, LCOR's PUD property, and this
5 project. As you are aware, the LCOR PUD has already been approved
6 and constructed. This PUD is the second of the three projects
7 that is anticipated on this portion of the square. This project
8 continues to advance the shared alley system contemplated in the
9 first-stage PUD and the LCOR PUD.

10 As you hear from my client, EDENS is supportive of the
11 PUD design and the rest of the project, but EDENS' support is
12 contingent on resolving these issues related to the loading,
13 parking, shared alley, and shared parking access. They've worked
14 with the Applicant, but have not been able to agree on specific
15 conditions for this PUD as of yet. EDENS' concerns regarding the
16 shared alley and access are relevant to the second-stage PUD as
17 it must be consistent with the first-stage PUD.

18 The first-stage PUD required the Applicant commit its
19 best efforts to implement the site design improvement of Parcel
20 3 and Parcel 4 by reaching out to the neighboring landowners in
21 an effort to create a shared private alley network to minimize
22 the curb cuts and better distribute traffic.

23 EDENS and JBG had engaged in emails and communications.
24 This matter is unresolved even though EDENS had expressed its
25 concerns via email in June and July. The Applicant repeatedly

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1 proffered that the proposed shared alley would reflect the
2 coordinated effort among the landowners in the square to
3 consolidate all the services on a single private alley, but that
4 has not been done yet. To that end, LCOR refused to work with
5 the neighboring landowners to draft a mutually agreeable language
6 of shared alley egress. And now this failure has crated a
7 challenge for the JBG project, as stated earlier, with the need
8 to get access for the 600 units and the 50,000 square feet of
9 retail approved.

10 Testimony from my client of the units and the retail
11 cannot operate without substantial adverse impact to the
12 neighbors if this alley access is either cut off via the shared
13 alley or cutoff via the shared garage ramps. While closing this
14 access point is hypothetical, the LCOR building and the property
15 could be sold to a REIT or foreign investor that would look to
16 the terms of the LCOR easements, and if they did that, they would
17 then be able to, under the agreement, unilaterally modify the
18 agreement as agreed under section 8-L, or terminate it, or provide
19 conditions that are unreasonable. These fatal flaws on the
20 easements create a hurdle for the Applicant, JBG, in developing
21 their project that must be resolved before approval.

22 In accessing transportation management mitigation, the
23 potential to lose access required for loading and vehicular
24 access is critical and will cause substantial concerns for the
25 neighborhood if it was cutoff. The Applicant's transportation

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1 assessment contemplates two points of access for vehicles coming
2 in both on 5th and 6th Street ramps. If access was restricted
3 or closed, then all the queueing and waiting time analysis would
4 be inaccurate. Furthermore, if access was restricted, the
5 traffic study would also need to be reevaluated to determine the
6 all-way stop at Morse Street and 5th Place that would --

7 CHAIRMAN HOOD: Let me just interrupt. Let me just
8 interrupt. Now, you know, one thing I can read language -- I
9 can read body language. I do know that basically what Ms.
10 Moldenhauer is doing is giving us testimony. I do realize that.
11 But also, if this ever goes to court, then that's on her and her
12 client. But I will tell you that I do have a zoning remedy that
13 I'm going to propose at the end, so I would ask Ms. Moldenhauer
14 to curtail her -- some of her testimony, because you all don't
15 usually offer testimony. Mr. Chowfla, hopefully I didn't mess
16 your name up too bad, his testimony is more in line with what I
17 needed.

18 Now, I want you to know, Ms. Moldenhauer, there's not
19 no loss on me that you're actually offering testimony. And I'll
20 leave it at that. Thank you.

21 MS. MOLDENHAUER: I was summarizing the facts that we
22 had pulled out from cross-examination, but I'll just identify
23 from a legal argument we do believe that the Zoning Commission
24 has engaged in resolving concerns of easement other cases. For
25 instance, in Zoning Case 20-18, which is a design review case at

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1 1319 South Capitol Street. In that case, Commissioners did engage
2 the applicant in questions about an easement for neighboring
3 townhouses and access, and asked for the access easement to be
4 guaranteed in perpetuity.

5 Also in Zoning Commissioner Case 18-13, for 1550 First
6 Street, Southwest, another Zoning Commission case, Zoning
7 Commission engaged in discussion with the applicant concern over
8 a turning diagram. The truck actually encroached over somebody
9 else's property, and Zoning Commissioners asked the applicant to
10 go back and either get an acceptable adequate agreement with the
11 property owner or to modify the loading. And what --

12 COMMISSIONER SHAPIRO: Mr. Chair?

13 MOLDENHAUER: -- we're asking here is --

14 CHAIRMAN HOOD: Hold on for a second, Ms. Moldenhauer.
15 Commissioner Shapiro, I understand where you're going. I just
16 try to let people finish.

17 COMMISSIONER SHAPIRO: That's fine. Ms. Moldenhauer,
18 if I'm understanding you correctly. What you're doing right now
19 -- well, I want to understand. Are you telling us that we can
20 weigh in or are you telling us that we have to weigh in?

21 MS. MOLDENHAUER: No, I was saying you can, but you
22 were --

23 COMMISSIONER SHAPIRO: I think we know that we can
24 weight in.

25 MS. MOLDENHAUER: Yes. You --

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1 COMMISSIONER SHAPIRO: Okay.

2 MS. MOLDENHAUER: All I'm saying is that you've done
3 in the past and that you can, if you so choose to weigh in --

4 COMMISSIONER SHAPIRO: I hear you loud and clear, but
5 I'm -- I don't think you need to convince us that we can weigh
6 in.

7 CHAIRMAN HOOD: Yeah. So that's not helpful to us.
8 Let me just tell you this, Ms. Moldenhauer, if it'll help you.
9 With me, you made your case. Okay? I'm just trying to get you
10 to get there and end it. You know, no offense. You say I'm
11 cutting you off, but I think you've made your case. You have
12 represented your client well. Okay? So I would -- at some point
13 in time, it's got to be an end point.

14 MS. MOLDENHAUER: Well, I'm -- all we're asking for is
15 we're asking that the Applicant and the Zoning Commission work
16 together to provide documentation, the proper documentation,
17 someone at the Zoning Commission understands, Mr. Wood, what
18 we're asking, because I think that's an important, right? What
19 are we asking is the purpose of us filing this party status. We
20 are asking for proper documentation, something that shows that
21 there is rights to use the shared alley, rights to use the garage
22 ramp that is reliable and in perpetuity, and allow either the
23 Applicant to supplement the record on that point, or for us, as
24 party status, to either, if there's no documentation there, to
25 offer a condition or condition language that we haven't been able

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1 to do in the past. Because at the end of the day, as indicated,
2 EDENS does, obviously, is part of this three-parcel group, and
3 we'd like to, obviously, weigh in here on that point for
4 conditions. So that is our request, and we hope that the Zoning
5 Commission -- I appreciate your time. We know these -- it does
6 taken of our -- conversations get complicated, but we appreciate
7 your time and thank you very much.

8 CHAIRMAN HOOD: All right. Let me just -- I've been
9 thinking about this now for a while, and I'll open up for others,
10 but we will come back to the Applicant. And I was going to say
11 this later, but I feel like I need to say it now.

12 First of all, I have an issue with the BZA deciding
13 -- I've always had this issue, not just this case. I've always
14 had an issue with the BZA deciding stuff that -- especially when
15 the Commission -- some of us are still here. I've always had
16 that issue. I haven't figured out a way to get it rectified,
17 even with the ZR-16. I haven't figured that out yet. I think
18 there's some legal jargon, and some of the lawyers may know it
19 better than I do, Rob and -- excuse me -- Vice Chair Miller and
20 others may know it a lot better than I do.

21 My other issue is I think what's being asked, and
22 I'm saying this to Ms. Roddy, of EDENS, is not too much to ask
23 for. It's -- what the City's predictability. Here we are three
24 major organizations arguing over how to make something work
25 that's going to benefit all three. And I think, for me, when I

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1 think about the people down the street who are getting killed,
2 the people up the street who are getting killed, the people across
3 the corner who are getting killed, here we have something that
4 will help enlighten residents in this City, and we can't even
5 come up with a reasonable accommodation for access.

6 I'm sure others will argue something different, but I
7 don't think what's being asked of us now is a irrational ask.
8 And I'm going to ask, as we get to the end of this, I'm just
9 letting you know here I am, before I can move forward with
10 anything, I need to see that they work together and hopefully,
11 at appeal, which I've looked up and find out that someone's on,
12 will disappear. And I'll leave it at that.

13 Let me open up to my colleagues. If you have anything
14 to say to that. If not, I will go back to the Applicant, or they
15 can cross.

16 Commissioner May. Let me go in the right order.

17 COMMISSIONER MAY: Yeah, I'm going to ask a few
18 questions, but, please, just answer my questions. Don't repeat
19 any of the arguments that you've already made several times over,
20 okay? I got the point. I'm going to ask you very specific
21 questions. So is there anything physically wrong with the way
22 the alley is configured, or is it acceptable from your
23 perspective?

24 MR. CHOWFLA: Physically, we do not see any issues with
25 the alley. It appears that it does narrow. But other than that,

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1 we don't have any physical issues with the configuration.

2 COMMISSIONER MAY: Al right. Even with it narrowing a
3 bit at 23 feet, 11 inches, it's adequate from your perspective?

4 MR. CHOWFLA: Yes.

5 COMMISSIONER MAY: Okay. All right.

6 MR. CHOWFLA: Currently speaking.

7 COMMISSIONER MAY: Ms. Moldenhauer, you made reference
8 repeatedly to the need for a perpetual and unconditional access.

9 Is that the actual language that's in the stage-one approval?

10 MS. MOLDENHAUER: Need for approval references that the
11 Applicant will work with the neighboring property on --

12 COMMISSIONER MAY: Ms. Moldenhauer --

13 MS. MOLDENHAUER: It's not. It's not.

14 COMMISSIONER MAY: -- I asked you if you agreed to that
15 question. It is not?

16 MS. MOLDENHAUER: There is no reference to how the
17 easement should be worded, which is why -- there's no room.

18 COMMISSIONER MAY: Okay. That's my question. And then
19 the last thing is I understand how you think that if this is
20 unresolved, it will result in traffic and other impacts on the
21 neighborhood, but I have to believe that your primary concern is
22 impacts on your development. So is this really just about making
23 sure that JBG's deal with LCOR does not undercut your position?
24 Other words, you want to have that unconditional and perpetual
25 easement that LCOR cannot modify, and you're not going to get it

1 if JBG doesn't push harder on LCOR to get the same thing. Is
2 that what this boils down to?

3 MS. MOLDENHAUER: No, I believe this is -- that is not.
4 I think that is a -- it's trying to put this into a box. This
5 is a concern about a company that owns a lot of property in this
6 neighborhood. They also own the Union Market project. They want
7 to ensure that the same problems that they are currently
8 experiencing are not experienced by JBG Smith in 5, 10, 20 years
9 and then we're all coming back and having concerns.

10 COMMISSIONER MAY: All right. That's enough. I'll let
11 the Applicant state her case or explain why they think that this
12 agreement that they already have is adequate.

13 That's it. Thank you, Mr. Chair.

14 CHAIRMAN HOOD: Thank you. Commissioner Shapiro, any
15 follow up?

16 COMMISSIONER SHAPIRO: Thank you. I just have to --
17 maybe I shouldn't, but I just have to react, which is every time
18 I hear the argument that you're making, it's because you're doing
19 something to take care of JBG Smith. It's just hard for me to
20 latch onto that. I think Commissioner May pointed out very well
21 that there's -- I -- we expect you to work in your self-interest.
22 We expect that. There's nothing wrong with that. We just want
23 to be clear with what the self-interest that you are working for
24 is, because all the rest of it feels more like noise, because
25 I'm just not buying that the primary focus here is to take care

1 of JBG Smith, because they're not doing a good enough job of
2 negotiating. So it's a way of repeating Commissioner May's
3 question again. What's the bottom line here for you all? And
4 please don't tell me it's protecting JBG Smith.

5 MR. CHOWLA: Commissioner Shapiro and Commissioner May,
6 the bottom line for us is we are a large property owner in Union
7 Market. We've owned the market for almost a dozen years in its
8 current form. We own property across the street. We own abutting
9 property, and we own property throughout the neighborhood. And
10 we believe, and we have been -- I mean, I wouldn't characterize
11 our involvement as stewards, but in some effect, we feel like we
12 are stewards of this place, and we truly have a passion for this
13 place. And we have a passion for creating streetscapes in places
14 that are vibrant and successful.

15 And this specific lack of easement jeopardizes
16 everything that we think all of us have been working together
17 towards, you know, EDENS, the Zoning Commission, OP, even JBG
18 Smith, and I'm not -- this is not a backhanded way of saying,
19 yes, I'm trying to help them. I'm not. Like you are right.
20 Everything is first self-serving in self for us it's just
21 something broader here, you know, it's about creating a place
22 that's functional and not about creating a situation that's
23 untenable, because that's what we see. We see an untenable
24 situation on the horizon, and we are concerned that we're going
25 to get there, and your approval which is fundamental to the

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1 creation of this project, will lead to that untenable situation
2 if it doesn't take into consideration that there is currently no
3 access, really, that can be granted in perpetuity for parking and
4 loading. It's just simply that. I hope that's helpful.

5 COMMISSIONER SHAPIRO: It is helpful. Thank you very
6 much.

7 That's all I have, Mr. Chair.

8 CHAIRMAN HOOD: Commissioner Imamura?

9 COMMISSIONER IMAMURA: No further questions, Mr. Chair.
10 I think that was the most genuine statement we've heard, so. I
11 think to Commissioner May and Commissioner Shapiro's point, it
12 came off a little disingenuous, but we appreciate the honesty,
13 Mr. Chair.

14 CHAIRMAN HOOD: Okay. Thank you.

15 Vice Chair Miller?

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. I just
17 wanted to associate myself with your most recent remarks that
18 this is totally resolvable for the good of all three projects,
19 the good of the neighborhood, for the good of the City. And I
20 understand all the nuances of who controls what in this access
21 issue, but I think in this case, I think, this case that's before
22 us, I think we can get something more from JBG that at least
23 guarantees access over the part -- the segment, the very little
24 segment that doesn't go to the street, the very segment between
25 these -- EDENS and JBG Smith that there's a perpetual easement

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1 or easement access there and the other case will -- can work
2 itself out.

3 But there was no reason why -- I mean, that's part of
4 -- that was -- that mutual shared access, at least for their
5 shared part of the alley, was contemplated in the original PUD,
6 and, yeah, I don't think it's asking too much to have additional
7 -- I think we got the clarification tonight. I think I got it,
8 but it -- maybe it needs to be in writing. Maybe it needs to be
9 in a form that easement that's submitted to the record. I don't
10 know. Just for the -- at least for this segment between the two
11 properties. And there -- it -- we spent a lot of time on something
12 that really has -- well, I think it's resolvable, as you've said,
13 Mr. Chairman.

14 CHAIRMAN HOOD: Okay. I'm not going to expound on
15 that. I'll just wait to see when they come back with something
16 that's workable. I'm letting the Applicant know before they
17 respond that I -- that's what I'm looking for. I don't think
18 it's a major ask. As my colleagues have already opined -- at
19 least that's what this commissioner's looking for. So let me go
20 to the Applicant. The Applicant -- you have any cross, Ms. Roddy?

21 MS. RODDY: No, I don't have any.

22 CHAIRMAN HOOD: And I think that cross would include
23 -- you don't have any cross?

24 MS. RODDY: No.

25 CHAIRMAN HOOD: Okay. Let me go back, again, Ms.

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1 Schellin, anybody here from the ANCs?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: Okay. All right. Thank you.

4 Okay. Let's bring up the Applicant for rebuttal and
5 closing. And Ms. Moldenhauer, if there's some rebuttal, stick
6 around, because you do get to cross on rebuttal, as you already
7 know.

8 MS. SACLARIDES: We're not concerned about our access
9 to loading and parking, and are confident and optimistic that we
10 can work collaboratively with our neighbors to ensure appropriate
11 access to loading and parking.

12 CHAIRMAN HOOD: Okay. All right. Well, I think, Ms.
13 Saclarides, did -- how do you pronounce your name again? I have
14 to hear it.

15 MS. SACLARIDES: It's Saclarides.

16 CHAIRMAN HOOD: Saclarides.

17 MS. SACLARIDES: Saclarides.

18 CHAIRMAN HOOD: Ms. Saclarides.

19 MS. SACLARIDES: There you go.

20 CHAIRMAN HOOD: Okay. Ms. Saclarides.

21 MS. SACLARIDES: Yeah.

22 CHAIRMAN HOOD: Next time I see you, I will not have
23 that right, but today I have gotten it right.

24 MS. SACLARIDES: It's the third time.

25 CHAIRMAN HOOD: So -- well, ask Ms. Elliott how long

1 it too me. I think a couple years. Let me go to Commissioner
2 Shapiro first, and then I'll follow up.

3 COMMISSIONER SHAPIRO: Thank you. Let me -- I want to
4 ask in the same way we directed this, because I don't -- first
5 of all, I don't want to load all of the sort of negativity that
6 we're holding onto Ms. Moldenhauer, because that's not quite
7 fair, right? She is truly representing her client in the way
8 that she is working to as well. So I went to put the same
9 question onto you, which is as you respond to us, can you be a
10 little bit more real with what's going on here, from your
11 perspective? What are -- what is the danger in coming up with
12 some kind of negotiation? Is it to -- is -- are you giving LCOR
13 too much leverage over your project? Is that the problem here?
14 I'm really at a loss around the politics of this to figure out
15 why this very simple issue can't just get resolved. We all kind
16 of want the same thing. And the issue is around -- clearly around
17 lack of trust. But -- so from your perspective, what the heck's
18 going on?

19 MS. SACLARIDES: I don't -- I agree. I don't think it
20 is a very large issue either, and we certainly don't have any
21 problems with granting access over the parcel that we and
22 Gallaudet control, at all. I think we're -- we just feel like
23 we're being brought into and asked to do something that we cannot
24 do, because we don't control part of this alleyway, so. You
25 know, we're happy to collaborate and respond where we can and

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1 wherever is possible for us to do so and contribute.

2 COMMISSIONER SHAPIRO: So then the danger for you, if
3 I'm reading between the lines, the danger for you is giving LCOR
4 too much power over this decision that we're making, because you
5 don't control that.

6 MS. SACLARIDES: I'm not sure I totally understand
7 that.

8 COMMISSIONER SHAPIRO: Nor do I. I mean, that's why
9 I'm trying to make sense of it. I'm with you.

10 MS. SACLARIDES: Yeah.

11 COMMISSIONER SHAPIRO: It's like why -- what is it --
12 what -- you know, what I'm hearing -- I believe what I'm hearing
13 is you can't make LCOR do something.

14 MS. SACLARIDES: Right. Yes. Exactly.

15 COMMISSIONER SHAPIRO: And so you don't want this
16 decision to be based upon something that you can't make LCOR do.

17 MS. SACLARIDES: Yeah.

18 COMMISSIONER SHAPIRO: And to make it worst, EDENS
19 wants you to do something that you can't make LCOR do.

20 MS. SACLARIDES: Yes.

21 COMMISSIONER SHAPIRO: Okay. All right. Clear. Thank
22 you.

23 Thank you, Mr. Chair.

24 CHAIRMAN HOOD: Any other questions or comments?

25 (No audible response.)

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1 CHAIRMAN HOOD: Ms. Saclarides, I hear that, and I'm
2 trying to follow that, but I won't belabor it.

3 Is Ms. Roddy -- Ms. Roddy, you're here for rebuttal?
4 And Ms. Saclarides has already spoken, but Ms. Roddy, you want
5 to coordinate a rebuttal?

6 (No audible response.)

7 MR. WILLIAMS: Commissioner, I can speak to that. We
8 don't have any further rebuttal on these points.

9 CHAIRMAN HOOD: Okay. So Ms. Roddy's having technical
10 problems, correct?

11 MR. WILLIAMS: No, she's not -- we're just dividing up
12 labor.

13 CHAIRMAN HOOD: Oh, you, oh, so you --

14 MR. WILLIAMS: It's just (indiscernible).

15 CHAIRMAN HOOD: -- coming to you, Mr. Williams. Okay.
16 So you all don't have any rebuttal or anything. So do you have
17 a closing?

18 MR. WILLIAMS: Yes, and that -- and Ms. Roddy will take
19 the closing. I'll hand it back over to her now.

20 CHAIRMAN HOOD: Oh, okay.

21 Ms. Roddy, you'll take the closing?

22 MS. RODDY: Yes. Thank you. So I appreciate your
23 time. And, Commissioner Hood, yes we are excited. We're very
24 excited about this project. I think that a lot of time and sweat
25 has -- does Commissioner May have?

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1 COMMISSIONER MAY: Yeah, doesn't Ms. Moldenhauer get
2 to cross on that very brief rebuttal we get to her --

3 CHAIRMAN HOOD: Ms. Moldenhauer, do you have any cross
4 on whatever that was she said, which I don't think was even
5 testimony. But do you have any cross on that, which I think is
6 going to exacerbate where we've already been. We already get it.

7 MS. MOLDENHAUER: I have just one question. Again,
8 this is -- we don't have documents. We were trying to understand
9 facts. So I apologize, but I will bear, ask to bear with me.

10 Ms. Saclarides -- and I think I might have written that
11 down correctly. Of course I did, I say that. One of the things
12 you were just asking about with the difficulty between, you know,
13 control or ability to work with LCOR. Do you have certain
14 additional abilities to work with LCOR through the land swap that
15 you did with them in your land swap agreement?

16 MS. SACLARIDES: It's -- the land swap agreement has
17 already been executed, so, I mean, if -- I mean, no more ability
18 than anyone else has to negotiate with LCOR. It's not like an
19 open -- anything is open and currently under negotiation, no.

20 MS. MOLDENHAUER: I'm just trying to find a joint
21 solution here. If there's anything in that land supplement that
22 gave you rights that would be better than what the easement gives,
23 that might be something that we can work together, and you can
24 provide that in the record. Again, just trying to work together
25 here. But if that's --

1 MS. SACLARIDES: I'm not sure it's appropriate for this
2 matter. It was a lot of other issues and --

3 MS. MOLDENHAUER: No other question. That's --

4 CHAIRMAN HOOD: Okay. So, again, Ms. Roddy, you have
5 no rebuttal?

6 MS. RODDY: (No audible response.)

7 CHAIRMAN HOOD: Okay. I'm not pressing for any. Okay.
8 All right.

9 So Commissioners -- let me -- I'm talking to the
10 commissioners now. I have expressed my concern. I think there's
11 not a -- I don't understand. I'm kind of with Commissioner
12 Shapiro and others. I don't understand all the nuances for me,
13 and outside looking in, it looks like it's an easy fix. And I
14 don't mean to talk about bringing in LCOR and all the rest of
15 them. To me, I think all of them for the best interest should
16 want to make this work. But the fundamental problem I've having
17 to start with, is, again, it goes to the BZA. And nothing against
18 my colleagues. They'd look and see who's there, but that's my
19 fundamental problem. I've had that not only in this case, but
20 other cases. But let me open it up to hear from others. You
21 know where I stand. Let me just kind of hear from others.
22 Commissioner May?

23 COMMISSIONER MAY: Yeah, I'm slightly curious. Ms.
24 Roddy, you didn't actually have a closing statement, because we
25 heard the rebuttal. You have a closing?

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1 CHAIRMAN HOOD: She didn't have a close.

2 MS. RODDY: I do.

3 CHAIRMAN HOOD: Oh, okay. I'm sorry. I'm jumping.
4 I'm losing track. Okay. Ms. Roddy, your closing?

5 MS. RODDY: Sure.

6 CHAIRMAN HOOD: You've got to speak up. Around here,
7 Ms. Roddy, if you don't speak up, you get lost, so speak up.

8 MS. RODDY: Well, I just appreciate Commissioner May
9 looking out for all of us. Thank you. So we just -- we do want
10 to reiterate that we are very excited. A lot of time has been
11 put into this. It's a very strong project, as we said earlier.
12 It's going to introduce 850 units into the market on property
13 that otherwise does not allow residential use, but for this PUD.
14 The project design incorporates high quality materials and
15 sophisticated design considerations. As you know, a PUD covenant
16 is required that commits the Applicant to the plans that we
17 presented, including the points of access for the project, the
18 open spaces that we've shown, and the building design and
19 materials that we have presented. So nothing can change without
20 returning to the Commission for -- with a modification request.

21 So we have heard the Commission's concerns with respect
22 to a number of items this evening, including the request for a
23 commitment to a minimum number of two-bedroom IZ units. And so,
24 we are happy to study that, and we can return to the Commission
25 in the post-hearing submittal appropriate to provide additional

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1 information of our analysis.

2 We also understand that there's a question with respect
3 to the 6th Street Bridge from Commissioner May as well as studying
4 the lighting for Tapscott and the passageway from Commissioner
5 Imamura that we are happy to look at in a post-hearing as well.
6 We would also ask, in addition, to leave the record open to allow
7 us to file a full set of plans for both Parcels 2 and 3 that
8 would incorporate these changes just for ease of reference in the
9 record.

10 And we understand that there are further comments with
11 respect to the alley. If Mr. Williams has anything to add, I
12 would refer to him, but it does not seem that we do. So we
13 appreciate your time this evening. Again, we're very -- we are
14 very excited, and thank you.

15 COMMISSIONER HOOD: And again, Ms. Roddy, let me make
16 sure I understand. We are going to try to see what kind of
17 conclusions we can come to with that access in that alley? That's
18 not -- that's also in the making as well, right?

19 MS. RODDY: Yes. Yes.

20 COMMISSIONER HOOD: Okay. I'll just take yes for now.
21 Okay.

22 All right. Any follow up questions or comments,
23 Commissioners?

24 (No audible response.)

25 All right. Ms. Schellin --

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1 Thank you, Ms. Roddy, and to the team and to Ms.
2 Moldenhauer, her team and everyone who had a part to play in
3 wherever we are on this.

4 Ms. Schellin, do we have any dates? And we want to
5 make sure we allow enough time for that access to get resolved.

6 MS. SCHELLIN: Does the access need to -- sorry, my
7 computer came unplugged. I'm trying to reach the cord. Does
8 the access need to be -- I know we were looking at trying to get
9 proposed action taken at the December 16th public meeting that's
10 based on the other two hearings. Does the access need to be
11 resolved prior to proposed action, or is that something that
12 could be resolved if we're --

13 CHAIRMAN HOOD: For me Ms. Schellin, I'm in no rush.
14 I'm in no rush now. I am in no rush. I don't know what others
15 think, but this vote is in no rush.

16 Commissioner May?

17 COMMISSIONER MAY: Yeah, I just want to clarify
18 something. This is a complicated case, and it seems there are
19 several different actions, right? One is the modification of
20 Stage-one, which does require proposed and final action. But for
21 the second-stage actions for Parcels 1, 2 and 3, those are single
22 votes. That's what affects this parcel. I think this falls into
23 that category. And then there's the stage -- there's the single's
24 decision on the campus plan. So I don't -- I mean, I would think
25 that we could actually let the decision-making on this question

1 happen when we get to the second stage, which would not be until
2 30-plus days or whatever it is after the stage-one.

3 CHAIRMAN HOOD: But let me --

4 MS. SCHELLIN: This is --

5 CHAIRMAN HOOD: -- let me -- let me chime in.
6 Hold on, Ms. Schellin. Let me chime in. Looking back, I wouldn't
7 have done these cases like this. That's me. I think, for me, I
8 would rather to line them up, and let's do them all in sequential
9 order, whichever one comes first, but -- the map amendment or
10 whatever, the campus amendment.

11 COMMISSIONER MAY: Right.

12 CHAIRMAN HOOD: I'd rather for us to have a full
13 discussion on all of them, because the way we scattered it this
14 time, to me -- a lot of times we talked about some of the same
15 stuff. We just talked about it on different parcels.
16 Transportation, they only showed up once. So that's just my
17 opine. But let me --

18 Ms. Schellin, before you go, let me hear from the other
19 Commissioners on Commissioner May's issue. I'd rather do it all
20 at once. Let me hear from others. Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: You have to have two votes
22 though, Mr. Chairman.

23 CHAIRMAN HOOD: But I'm talking about we first get
24 ready to start talking about all of it in a gamut. I don't want
25 to break it up like we broke up the (indiscernible), which is,

1 to me, that's just my -- let me see what others have to say.

2 Commissioner Shapiro?

3 COMMISSIONER SHAPIRO: So you're -- I want to make sure
4 I understand the difference that you're talking about here.
5 You're -- what we're looking at is whether -- when we're
6 scheduling what will essentially be the first vote, because the
7 --

8 CHAIRMAN HOOD: (Indiscernible.)

9 COMMISSIONER SHAPIRO: -- to Commissioner May's point,
10 there's going to be two votes anyhow.

11 CHAIRMAN HOOD: Exactly. But the first vote -- the
12 votes that we don't have to come back with the next time, they
13 won't be on the docket. It will just be what we'll have to deal
14 with that has it -- another vote. I'm just talking about, I
15 mean, the plan, the map amendment plan. I just want to do
16 everything at once.

17 COMMISSIONER SHAPIRO: Yeah, it's just that --

18 CHAIRMAN HOOD: -- that's all.

19 COMMISSIONER SHAPIRO: -- the way I'm looking at the
20 project, even if it's projects, is --

21 CHAIRMAN HOOD: Projects.

22 COMMISSIONER SHAPIRO -- is before us until --

23 CHAIRMAN HOOD: One night.

24 COMMISSIONER SHAPIRO: -- the second vote, right? So
25 either way --

1 CHAIRMAN HOOD: I don't want to do the votes like we
2 did the hearings. It makes absolutely no sense to do it this
3 way.

4 COMMISSIONER SHAPIRO: No, I'm with you there. But no
5 matter what, we're having two votes. And we--

6 CHAIRMAN HOOD: Okay.

7 COMMISSIONER SHAPIRO: Right. But I'm with you that
8 we don't -- we're not -- we don't want to split up when we're
9 voting beyond that.

10 CHAIRMAN HOOD: I think you and I are saying the same
11 thing. We may talking --

12 COMMISSIONER SHAPIRO: I think Commissioner May is
13 saying the same thing as well though. I think we're probably
14 all aligned about we don't want to have separate dates for these
15 three cases.

16 CHAIRMAN HOOD: Okay. Let me go back to Commissioner
17 May. Maybe I didn't understand you well.

18 COMMISSIONER MAY: Well, the point I was trying to make
19 is that we have to take two votes on the stage-one. I -- we do
20 not have to take two votes on the stage-twos. So we should line
21 up the stage-two decision-making with the second vote. We can't
22 even do the second vote on the stage-twos until we have approve
23 the stage-one modification. So it's going to be staggered.

24 CHAIRMAN HOOD: So I don't -- and I -- here's the thing
25 -- we do -- like we do modifications. We do the first two votes

1 on stage-one, and then the same night, if we approve it now, that
2 takes -- it depends on what happens, then what we got -- the same
3 night, we move on down to whate4ver else we got to do.

4 COMMISSIONER MAY: All right. that will be on the
5 second day that we start voting on this. The first day, we start
6 voting on this is when we take the stage-one up, stage-one
7 modification up, because that has to have two votes. We have to
8 have proposed and final for that.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER MAY: Because the one --

11 CHAIRMAN HOOD: Not as long do what we done here, I
12 don't know what else.

13 COMMISSIONER MAY: Yeah.

14 CHAIRMAN HOOD: As long as we don't do it like this.

15 COMMISSIONER SHAPIRO: It's just the second vote of the
16 first one will be when we take up the other two cases.

17 COMMISSIONER MAY: Correct.

18 COMMISSIONER SHAPIRO: That's all that's going to
19 happen.

20 COMMISSIONER MAY: Correct.

21 CHAIRMAN HOOD: Mr. Ritting, can you chime in and maybe
22 help me understand a little better?

23 MR. RITTING: I don't know if it'll help, but I -- what
24 I hear you talking about is essentially two different questions,
25 which is the first is do you want to wait until the record is

1 complete for all of these cases before you take proposed action
2 at all. And because today is November 29th, and you've sort of
3 set aside the December 16th date already for proposed action,
4 it's created this sense of there's not enough time to resolve the
5 issues that were raised this evening, if I'm understanding you
6 correctly.

7 Now, it's totally up to the Commission when you want
8 to schedule the proposed action. If you want to defer the
9 proposed action until after this stuff is sorted out, that's
10 fine. So that's issue one.

11 Issue two is what's the relationship between the
12 proposed action and this set of issues? And really the proposed
13 action is quite limited in a legal sense. You need to refer to
14 NCPC the map amendment piece. It's new, because that was never
15 submitted to NCPC before. This is a modification case. And so,
16 you could take proposed action on December 16 with there still
17 being some information coming in before final action, and then
18 it's just a matter of whether you want to do that. So I thought
19 that long enough, and I don't know if I've clarified anything,
20 but if you have any other questions or, let me know.

21 CHAIRMAN HOOD: Okay. All right. Let me hear from
22 others. Let me hear Commissioner Imamura. Are you on this case?
23 I guess you are. I get confused somethings.

24 COMMISSIONER IMAMURA: Obviously, this case is -- this
25 is going to have to happen in sequential order. I understand

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1 what you're aiming for, Mr. Chair, and I think we all have sort
2 of the same end goal here, but I think organically this is just
3 going to roll out wherever we'll take -- we should probably take
4 up those actions that we can, really can, and allow, you know,
5 we'll finish it up as we take on those actions until we close
6 them out.

7 CHAIRMAN HOOD: Okay. Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. I think
9 we're all saying the same thing in different ways. I think --
10 well, I'll say it in my way. My way is that we need to move
11 forward as quickly as possible on getting to the final action,
12 where issues will be resolved. There are a lot of public benefits
13 in this project that we didn't spend enough time on tonight or
14 didn't spend as much time on tonight as the unresolved issues.
15 And the unresolved issues need to be resolved, and the Applicant,
16 I think, has expressed a commitment to trying to resolve them.

17 And so, I am satisfied with that commitment to resolve
18 them before we get to final action on whatever the issues that
19 each of us raised and the dialogue that's happened. But I think
20 that we can move forward with the first stages of it -- of the
21 first proposed action, so that we can get to the resolution of
22 issues, which are resolvable and which the Applicant has
23 committed to try to resolve. So I hope that's clear where I am.

24 CHAIRMAN HOOD: Okay. So I'm opening back up again to
25 Commissioner May.

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1 And, Ms. Schellin, let us -- let me finish with my
2 colleagues, then I'll come to you, because you going to be doing
3 the scheduling, not me.

4 All I was trying to do was package it. And I understand
5 about the votes. And however that works out, I would leave that
6 up to Ms. Schellin and to counsel. But I'm just trying to package
7 it in the sequential order in which we have done in the past.
8 That's all I'm trying -- that's all I want.

9 MS. SCHELLIN: That's --

10 CHAIRMAN HOOD: How do we get there, I really don't
11 know.

12 Commissioner May, you want to add anything?

13 COMMISSIONER MAY: No. My whole reason of even going
14 into this is to make sure that we allow the Applicant time to
15 work with the party in support to resolve any issues. And I
16 don't think we have to have that resolved before we take up the
17 stage-one vote - the stage-one modification vote in December. So
18 if we can give them until sometime in January. I don't know what
19 the timing of the final action will be in January or even
20 February. I don't even know. Whatever that is, we should allow
21 them enough time to get all those things worked out. That's all.

22 I just didn't want to press to have the Applicant,
23 like, work, you know, give them a week, so that we could take it
24 all up on the, you know -- so that we can have all this stuff
25 before us on the 16th. Because I don't think, like, Commissioner

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1 Miller, I don't think we have to have confirmation that it's all
2 resolved when we take the proposed action in December.

3 CHAIRMAN HOOD: So as Ms. Moldenhauer pointed out to
4 us, and I'm going to come to you in a moment, Mr. Shapiro. I
5 know sometimes we don't take votes. And the Commission is not
6 sending signals and compromises and getting things done works a
7 lot faster. So -- and she's -- when she brought up some of those,
8 I know a lot of times I've been wanting to push some of that
9 working together and getting some of these things done. So I
10 bought that point very well, and it rung a bell that a light
11 turned on in my head, because she's exactly right. We've done
12 that, but I don't want to send any false signals without getting
13 some with that access. Because now I'm all about access.

14 Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: Under that -- first of all,
16 under the scheduling point, I think I'm -- I concur with the
17 direction that we're going in. So I have no issues with that.
18 But I do have that last point that you made, and that was
19 something that was sticking in my head a little bit about what
20 signal are we sending related to this negotiation or continued
21 negotiation related to the alley? Because I'd, you know, I'm
22 keeping my expectations low, and I think for reasons that I think
23 that the party that has the most influence over this is not in
24 the room. And so one of the parties is suggesting that the other
25 party, the two parties that are here, doesn't like the way they

1 did the negotiation with the party that isn't in the room, and
2 wants them to use different leverage points, which the other
3 party isn't even sure they have. But that's a messy political
4 thing, that feels like it's pretty far out of the bounds of what's
5 before us and this case. So I think it's -- I'm not sure I want
6 to send the signal that this is one of these things that better
7 be resolved by the time we get to final action.

8 CHAIRMAN HOOD: Thank you. The word "better" was never
9 used. The courts have given us a lot of jurisdiction over the
10 years. Whenever we try to talk about justification, oh, no, you
11 can't do that. Guess what? We can do it now. So I'd rather do
12 it ourselves than we get it back from the court.

13 So anyway, Mr. Ritting, did you want to opine? If not,
14 I'll go to Vice Chair and then -- okay.

15 Vice Chair, you have anything else?

16 All right. Ms. Schellin, I'm -- whatever you all come
17 up with is fine.

18 MS. SCHELLIN: Okay. I just want to say that it's been
19 referred to as these cases. This was filed as one case. The
20 Applicant filed it combined --

21 COMMISSIONER MAY: There are two.

22 MS. SCHELLIN: -- except for the campus plan --

23 COMMISSIONER MAY: Right.

24 MS. SCHELLIN: -- which is a separate case, and it is
25 one vote. But as far as the modification to the first stage,

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1 they -- and the map amendment, that was filed together. But the
2 second stage, they filed it with the modification. So they filed
3 it all as one case, and because they did that, it made it two
4 votes, because we don't -- the Commission has not -- its' been
5 asked in the past, and I just have to say this, to break it up,
6 and the Commission has never done that. They've always said that
7 they are not going to vote on part of the case, because it is
8 one case, and it is one order. And that has always been what
9 the Commission has done. That's been the legal advice that's
10 been given in the past.

11 And no offense to Jake, we've talked about this
12 earlier, and I think, you know, it just kind of put him in a bad
13 spot, you know, to have to bring it up again, but that's the way
14 it was done. And so, that's why I ask them -- just explaining
15 why I asked if it was possible to go forward with proposed action
16 on the 16th and the issue about the alley coming in later that
17 they had more time to discuss that prior to final action. That
18 was all I was -- I just wanted to bring that up, because it was
19 filed as one case. There's that issue of we've never bifurcated
20 one case.

21 CHAIRMAN HOOD: Ms. Schellin, I should have let you go
22 first.

23 MS. SCHELLIN: I tried; you wouldn't let me.

24 CHAIRMAN HOOD: I don't know how we got off -- we went
25 all off --

1 MS. SCHELLIN: (Indiscernible) the ones who have to
2 vote.

3 CHAIRMAN HOOD: -- all off to the left and then we back
4 -- I'm fine. Let me hear from others. I'm fine with what Ms.
5 Schellin just presented. I'm still -- I'm kind of now agreeing
6 somewhat with Commissioner Shapiro. I'm not a hundred percent.

7 COMMISSIONER MAY: But there's still no reason --

8 CHAIRMAN HOOD: He's on low expectations, I'm not.

9 COMMISSIONER MAY: Mr. Chairman?

10 CHAIRMAN HOOD: Yes?

11 COMMISSIONER MAY: There's still no reason why we
12 couldn't allow for information to come in before final, as opposed
13 to --

14 MS. SCHELLIN: Right.

15 COMMISSIONER SHAPIRO: Right. I --

16 MS. SCHELLIN: Exactly.

17 MR. RITTING: My understanding is there's going to be
18 one case one vote on final action, and you're going to take
19 proposed action before then, and you're allowing additional
20 information to come in after that, which I -- I've -- that was
21 my understanding. I think I see everyone shaking their head. I
22 think that's what -- I don't see what -- if there's any
23 disagreement or any --

24 CHAIRMAN HOOD: Oh, how do we go on of -- well, anyway,
25 I won't even say that.

1 COMMISSIONER MAY: I guess I brought it up the wrong
2 way. I tried to describe it as -- and the key point is that
3 there's -- the only vote that matters for the second stages are
4 what we're doing after we take propose actions, so.

5 COMMISSIONER SHAPIRO: Right. I think this horse has
6 been beaten to death.

7 CHAIRMAN HOOD: Right. Let's just -- okay. We're
8 good. I don't have anything else to say. Anybody -- any of my
9 colleagues have anyth8nigt else to say? Thank everyone for their
10 help in bringing this back to where we need to be. So --

11 MS. SCHELLIN: So --

12 CHAIRMAN HOOD: -- yes, Ms. Schellin?

13 MS. SCHELLIN: So we'll set a schedule. All of the
14 things that you can provide by 12/6, the same date we set for
15 everything else, you'll provide. And the ANC and the party in
16 opposition will have until 12/13 to provide a response, and then
17 we'll --

18 CHAIRMAN HOOD: Ms. Schellin, who's the party in
19 opposition?

20 MS. SCHELLIN: I'm sorry. Party in support. I'm sorry.

21 CHAIRMAN HOOD: It sounded like opposition to me.

22 MS. SCHELLIN: Seems like she's in opposition. I'm
23 sorry. When they've got that many issues, I think t's crazy when
24 they say they're in support. But that's just my opinion. That
25 doesn't count. So they have until the 13th to provide their

1 response, and then we'll put 1424(b) up for proposed action on
2 the 16th, and then in the meantime, the party in support and the
3 Applicant can work on -- how much time do you guys think you need
4 to work on they alley? I just want to get some dates set so that
5 we're not looking at, you know, a two, three-month delay for
6 final action.

7 MS. RODDY: Ms. Schellin, what is the date in January?
8 The 24th?

9 MS. SCHELLIN: So if by chance the Commission does
10 approve proposed action on the 16th, won't be enough time for the
11 January 13th meeting, but it would be enough time for the January
12 27th meeting. So we would need submissions from you guys. So
13 if we could get you both to submit by the 18th -- so if you guys
14 could meet -- yeah, meet and provide something by the 18th of
15 January. Does that work?

16 Ms. Moldenhauer?

17 MS. MOLDENHAUER: Yes.

18 MS. SCHELLIN: And Ms. Roddy?

19 MS. RODDY: Okay.

20 MS. SCHELLIN: Ms. Roddy's good. Ms. Moldenhauer?

21 MS. MOLDENHAUER: (No audible response.)

22 MS. SCHELLIN: Ms. Moldenhauer?

23 MS. MOLDENHAUER: Yeah, I'm so sorry. Am I on -- I
24 thought was on mute. I think that should be -- that gives us
25 -- the 18th -- that gives us a little less than 45 days. I mean,

1 I just want to make sure we have enough time.

2 MS. SCHELLIN: It's actually over a month. Even with
3 the holidays, that's more than a month. Usually, you get like
4 two weeks.

5 MS. MOLDENHAUER: Yeah.

6 COMMISSIONER MAY: And I went to all that trouble
7 (indiscernible).

8 MS. MOLDENHAUER: I'm hoping that we can resolve it in
9 that time, yes, that works.

10 MS. SCHELLIN: Okay. So 3 o'clock p.m. on the 18th for
11 those submissions relating to that.

12 And, Ms. Roddy, are you guys okay with anything else?
13 I didn't really hear that there was anything major. I started
14 making a list -- I'm not sure what happened to it. I think Mr.
15 -- Commissioner May asked for some -- about the railings and I
16 didn't really hear a whole lot of major things. Is that something
17 you guys may want --

18 COMMISSIONER MAY: (Indiscernible) been captured. We
19 already have it.

20 MS. RODDY: Yeah, we have it.

21 MS. SCHELLIN: Oh, okay. Oh, okay. So you wanted to
22 submit some full sets of plans.

23 MS. RODDY: Yes, we would like to do that.

24 COMMISSIONER MAY: We already have it.

25 MS. SCHELLIN: Okay. So you could submit those by next

1 Monday, do you think?

2 MS. RODDY: Yes, we can do that.

3 MS. SCHELLIN: Okay. Great.

4 MS. RODDY: The findings of fact?

5 MS. SCHELLIN: And conclusions of law.

6 Mr. Ritting, you don't need those by the 16th, do you?

7 MS. RITTING: No.

8 MS. SCHELLIN: Okay. So how about if you submit those

9 by early January, say -- could you do it by the 13th of January?

10 MS. RODDY: Yes.

11 MS. SCHELLIN: Okay. Thank you. And that's it.

12 CHAIRMAN HOOD: Okay. I want to thank everyone for

13 their participation tonight regardless of the issues. I think

14 sometimes we have these kind of discussions and interactions I

15 think you -- hopefully, we'll come up with a better outcome.

16 Also, I would hope that the other party who has nothing to do

17 with this, will involve themselves in helping make it a win/win

18 for this, because this is not just about individual interests.

19 This is about something that's good for the City. So I will see

20 what happens, and I'm holding the expectation up high, and I'm

21 going to leave it at that. So with that, I want to thank everyone

22 for their participation tonight, and this hearing is adjourned.

23 Good night everyone.

24 MS. RODDY: Good night.

25 CHAIRMAN HOOD: Oh, wait a minute. The Zoning

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1 Commission will meet again on -- let me see. When do we meet
2 again? Zoning Commission will meet -- I'm saying this for the
3 public, because aa lot of people should want to see what's going
4 on in the City.

5 We don't meet again, Ms. Schellin, I believe, until
6 December the 2nd?

7 MS. SCHELLIN: That is correct.

8 CHAIRMAN HOOD: Right. I'm like that's a long way to
9 go. That's Thursday.

10 MS. SCHELLIN: Yes, that's on Thursday, yes. You
11 confusing me making it --

12 CHAIRMAN HOOD: I'm thinking that's like next week.

13 MS. SCHELLIN: Okay.

14 CHAIRMAN HOOD: So it's Zoning Commission Case No. 17-
15 08(a). This (indiscernible) is Place One, L.P. And that will
16 be on the same platforms at 4:00 p.m. So again, I thank everyone
17 for their participation. Good night everyone. Have a nice
18 evening and a nice week.

19 VICE CHAIR MILLER: Good night.

20 UNIDENTIFIED: Thank you.

21 (Whereupon the above-entitled matter went off the
22 record at 7:25 p.m.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 11-29-21

Place: Videoconference

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

GARY EUELL

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