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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Zoning Commission Case No. 14-07 (1250 4th St.
Edens, LLC - Consolidated PUD & Related Map
Amendment at Square 3587, Parcels 129/95 and
129/96 - 1270 4th Street, N.E.)

6:30 p.m. to 9:32 p.m.
Thursday, March 26, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairperson
3 MARCIE COHEN, Vice-Chairperson
4 ROBERT MILLER, Commissioner
5 PETER MAY, Commissioner
6 MR. TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10 Office of Planning:

11 JENNIFER STEINGASSER
12 JOEL LAWSON
13 BRANDICE ELLIOTT

14

15 District Department of Transportation:

16 JONATHAN ROGERS
17 ANNA CHAMBERLIN

18

19 District Department of the Environment:

20 JAY WILSON

21

22 Other:

23 JEFF UTZ
24 DANIEL VANPELT
25 GEOFF SHARPE

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1 APPEARANCES CONT'D:

2 JEFF KAUFMAN

3 DAVE AVAILABLE

4 SHALOM BARANES

5 RONAN GULSTONE

6 TONY GOODMAN

7 ALISA BREM

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P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Good evening,
3 ladies and gentlemen, this is the public
4 hearing of the Zoning Commission for the
5 District of Columbia. Today's date is March
6 26th, 2015. It's approximately 6:30 p.m.
7 We're located in the Jerrily R. Kress Memorial
8 Hearing Room.

9 My name is Anthony Hood. Joining me
10 are Vice Chair Cohen, Commissioner Miller, May,
11 and Turnbull. We're also joined by the Office
12 of Zoning staff, Ms. Sharon Schellin. Also the
13 Office of Planning, Mr. Lawson, Ms. Elliott,
14 and District Department of Transportation, Mr.
15 Rogers and Ms. Chambers. And the District
16 Department of the Environment, Mr. Wilson.

17 Are we expecting Ms. Steingasser
18 tonight? Okay. So we'll be expecting Ms.
19 Steingasser shortly.

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

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1 Notice of today's hearing was
2 published in the D.C. Register, and copies of
3 that announcement are available to my left on
4 the wall near the door.

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

13 The following time constraints will be
14 maintained in this meeting: The applicant 60
15 minutes, organizations five minutes,
16 individuals three minutes. The Commission
17 intends to adhere to the time limits as
18 strictly as possible in order to hear the case
19 in a reasonable period of time.

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

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1 seat at the table.

2 When presenting information to the
3 Commission please turn on and speak into the
4 microphone, first stating your name and home
5 address.

6 Please turn off all beepers and cell
7 phones at this time so not to disrupt these
8 proceedings. Would all individuals wishing to
9 testify please rise to take the oath. Ms.
10 Schellin.

11 MS. SCHELLIN: Please raise your right
12 hand.

13 [Oath administered to the
14 participants.]

15 MS. SCHELLIN: Thank you.

16 CHAIRPERSON HOOD: Okay. Do we have
17 any -- at this time the Commission will
18 consider any preliminary matters. Ms.
19 Schellin, do we have any preliminary matters?

20 MS. SCHELLIN: I think there's one
21 expert that may not have been previously
22 accepted. Geoff Sharpe.

23 CHAIRPERSON HOOD: Okay. I think, Mr.
24 Kadlecek, are you taking the lead or -- okay.
25 Mr. Kadlecek, I think we do have one person

1 that you're proffering as an expert who has not
2 been proffered before in front of the Zoning
3 Commission. Am I correct?

4 MR. UTZ: Yes. Correct. And, Geoff
5 Sharpe.

6 CHAIRPERSON HOOD: And that is Geoff
7 Sharpe.

8 MR. UTZ: Correct.

9 CHAIRPERSON HOOD: And we have his
10 resume?

11 MR. UTZ: We submitted it into the
12 record, correct.

13 CHAIRPERSON HOOD: And you're
14 proffering him as what, urban design?

15 MR. UTZ: Yes. Correct.

16 MR. MAY: Doesn't Mr. Sharpe work for
17 the developer? Okay. So I mean, we don't
18 usually qualify experts who are employees of
19 the developer, right? I mean, that's not been
20 our recent practice anyway.

21 CHAIRPERSON HOOD: I agree, but I
22 didn't know he works -- where is Mr. Sharpe?

23 MR. SHARPE: Right here.

24 CHAIRPERSON HOOD: Okay.

25 MR. SHARPE: I will ask you to

1 withdraw that. Typically we don't do that.
2 It's usually somebody else who does not exactly
3 -- on the team. Okay? If you come down on
4 another team we'll consider your -- and I want
5 to thank Commissioner May. I didn't catch
6 that, actually.

7 Any other comments? But we will take
8 his testimony.

9 MR. UTZ: Okay. Thank you.

10 MR. SHARPE: Thank you.

11 CHAIRPERSON HOOD: All right.

12 MR. MAY: And I'm sure he's quite
13 expert. So, but it doesn't -- you know, it's
14 just our standards.

15 CHAIRPERSON HOOD: Okay. Do we have
16 anything else? Anything else, Ms. Schellin?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. Mr.
19 Kadlecek, you may begin. Is this a tag team
20 tonight or --

21 MR. UTZ: It is. Yeah.

22 CHAIRPERSON HOOD: Oh.

23 MR. UTZ: My name is, it's Jeff Utz
24 with Goulston & Storrs.

25 CHAIRPERSON HOOD: Oh, what did I say?

1 MR. UTZ: We almost went to a three
2 man team with that one.

3 CHAIRPERSON HOOD: Hold on for a
4 second. I've been calling you Mr. Kadlecek
5 since you've been here and you have not
6 corrected me, not one time.

7 MR. UTZ: Well, today. Yeah. I
8 think, I just got a haircut so I look very
9 close to Kerry. But I do work with -- right
10 down the hall from him.

11 CHAIRPERSON HOOD: Maybe that's what I
12 was thinking. You all right down the hall from
13 each other.

14 MR. UTZ: Yes.

15 CHAIRPERSON HOOD: Mr. Utz, forgive
16 me. You may begin, Mr. Utz.

17 MR. UTZ: No worries. Thank you.
18 Thank you.

19 Good evening members of the Zoning
20 Commission. I'm Jeff Utz. I'm with Goulston
21 and Storrs on behalf of the applicant, 1250 4th
22 Edens, LLC. With me today, let me just run
23 through the team really quickly. Jeff Kaufman
24 and Geoff Sharpe of Edens, testifying on behalf
25 of the applicant. To my left, Shalom Baranes

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1 of Shalom Baranes Architects. Also, I forgot,
2 Alisa Brem of Edens is also up at the dais with
3 me. Dan VanPelt of Gorove/Slade and Associates
4 at the end of the bench. Dan Duke of Bohler
5 Engineering is in the audience. Mark Pelusi of
6 Mahan Rykiel, the project's landscape architect
7 is with us. And then Dave Avitabile and
8 Maureen Dwyer of Goulston are here as well.

9 We appreciate the opportunity to come
10 before you tonight and let me please go ahead
11 and launch right into a brief case summary.

12 The application before you is a
13 consolidated review and approval of a PUD and
14 map amendment from the C-M-1 to C-3-C zone
15 district for property known as 1270 4th Street
16 Northeast. That's parcels 129/95 and 129/96.
17 And the first stage review and approval of a
18 PUD and map amendment from C-M-1 to C-3-C as
19 well for the property immediately north of
20 that. It's known as Parcel 129/77.

21 The property consists of approximately
22 67,200 square feet of land area. The project
23 will provide a catalyst for future development
24 of the 45 acre market area and be consistent
25 with the goals of the Florida Avenue Market

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1 Small Area Plan and the D.C. Comprehensive
2 Plan.

3 The plan development is consistent
4 with those goals and the designation as high
5 density commercial, medium density residential,
6 and production distribution and repair in the
7 comp plan's future land use map.

8 As you can see, and as we'll walk
9 through tonight, the team responded to the
10 Commission's comments from set down and also
11 the comments of DDOT, OP, and DDOE.

12 We have received DDOT, OP, and ANC's
13 support, and we really appreciate all the work
14 that they have been continuing to do with this
15 development team over the many months that this
16 has been going on. They've kind of gone above
17 and beyond once again, and we appreciate that.

18 Without further ado I'd like to turn
19 it over to Jeff Kaufman of the applicant.

20 MR. KAUFMAN: Good evening, everybody.
21 My name is Jeff Kaufman with Edens. My address
22 is 2817 Cathedral Avenue Northwest.

23 I want to thank the Zoning Commission
24 again for the opportunity to present here
25 tonight. I'd also like to reiterate what Jeff

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1 Utz has just said. I really want to thank OP,
2 DDOT, DDOE. We've spent a lot of time working
3 through a lot of issues with them over the last
4 couple months and we're really proud of the
5 project that we're bringing before you tonight.

6 The image just will sort of give you a
7 little bit of color on our thinking. This
8 image here is an image of the existing building
9 that we're talking about tonight. And the
10 President of Edens, Jodie McLean, has decided
11 that I have to carry this image with me
12 everywhere I go so that I can show everyone I
13 talk to what the sort of beauty and opportunity
14 that we see here in the existing fabric of this
15 place. So I'm not allowed to be caught without
16 it.

17 Next slide, please. To orient
18 everyone really quickly, this is the subject
19 property, 1270 4th Street. This is the gateway
20 project which we've been in front of the Zoning
21 Commission before on. This project should
22 start construction in April. We're excited to
23 see that come out of the ground.

24 We have a PUD working through the
25 process right now, through the Zoning

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1 Commission on the Union Market building and we
2 hope to have our -- you know, we're hoping to
3 have a final action at the end of this month.

4 550 Penn is a building that we
5 renovated and is in place now. This is where
6 the pop-up movie theater is, the Dolcezza
7 Gelato Factory, and the Red Apron Factory is --
8 well, and then a little bit of exciting news.
9 This is 1340 4th Street, and it will be a new
10 restaurant called Mascseria. It's the chef
11 from Bibiana, Nick Stefanelli. And this will
12 be his first restaurant and we should -- it's
13 under construction right now. It should be
14 open in spring of this year.

15 Next slide, please. What I really
16 want to do is show you our passion for this
17 neighborhood and how this project will continue
18 to build on what's already there. This is a
19 really great story.

20 This is a woman that we met at one of
21 the architects that we use in D.C. Sorry,
22 Shalom, this is not one of your people. But we
23 were sitting in a meeting one day and someone
24 else at the firm mentioned that she makes her
25 own clothes, and she was wearing her own

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1 clothes. So we convinced her to come to an
2 event that we had at Union Market. And
3 literally as she's rolling her rack of clothing
4 into this event, people are taking the clothes
5 off the rack. I mean, she couldn't even get to
6 her booth before she sort of had sold out of
7 her rack. And today she's got -- she's started
8 a new clothing company with her two sisters.

9 This is a picture of an event called
10 Emporium, where we brought 40 vendors from all
11 over the country to the Maurice Electric
12 Building, which is the building at the top of
13 the market. People from all walks of life came
14 to this event. It was very, very, very much
15 fun. And the point, or the importance of
16 showing you this is that, you know, small
17 companies are all in different phases of their
18 evolution. And so small business like -- and
19 small businesses like this create jobs and
20 really the energy of a city. And so bringing
21 groups, having events like this, and bringing
22 groups like this to Union Market, and you know,
23 to a Ward 5 event really starts to set a
24 precedent for what can happen here.

25 Next slide. This is the inside of the

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1 Angelica Movie Theater. The pop-up. I hope
2 everyone has had a chance to go there. And we
3 felt like it was very -- we took a big risk
4 doing this. We felt like it was very important
5 to bring culture to the market because it
6 enhances communities. And to our -- to sort
7 of, I think, a number of people's surprises,
8 this theater has been wildly successful.

9 Next slide, please? This is also a
10 really great story. This is Naya. She works
11 with us on another of other projects. But she
12 wanted to teach Yoga. So she started with 13
13 people on Saturday morning doing yoga in one of
14 the properties at Union Market. And now she's
15 got up to 50 people who come from the
16 neighborhood every Saturday morning and do yoga
17 with her.

18 Next slide, please? This is a great
19 event. This is D.C. Scoop. This is really a
20 children's event, with ice cream. And this is
21 in the space in between the market and the
22 other building here. And, you know, it's just
23 a really, really great time.

24 Finally, this -- or this. This image
25 is an example of what we're planning to do in

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1 one of the small shops on 5th Street. So you
2 can see, you know, it's a very raw space, very
3 sort of authentic, what's there today. But you
4 can do really great retail in a place like
5 this.

6 Finally this is the pop-up -- or
7 sorry, this is a drive-in movie theater that we
8 do. You can see the number of sort of people
9 who walk over from the community, and then you
10 can also see, you know, you're talking like 30
11 cars deep here, watching the drive-in movie
12 theater.

13 Next slide. And so I think the point
14 or the point I'm trying to make is, this is
15 sort of a typical street scene on, this is 5th
16 Street, in the market today. And that sort of
17 vibrance is happening here. And it's important
18 that the Zoning Commission, I think, understand
19 the context within which these projects are
20 sort of adding to that energy.

21 Next slide, please. So we have met
22 often and regularly with the communities. And
23 that process has really, I feel like, led us to
24 a good place on our benefits and amenities
25 package. So what I'd like to do instead of

1 sort of hitting this at the end, I'd like to
2 sort of hit on the first four quickly. And
3 then we'll summarize the rest of the benefits
4 and amenities package at the end.

5 So starting with the first one, this
6 is -- we call this the cut-through. And so
7 today it's sort of hard to see from here, but
8 there's -- right now there are two buildings
9 sort of sitting in the way of the ability of
10 Neal Place from cutting through. We heard very
11 clearly from OP and DDOT and the community, and
12 probably a number of other groups I'm not
13 remembering, that they wanted per the Small
14 Area Plan, this road to go through.

15 So we spent a lot of time redesigning
16 to make that happen. We needed to do a new set
17 down to bring in the property that we
18 fortunately owned to the north, which allowed
19 us to align the road for the cut-through. And
20 so what we're showing here is ultimately we
21 understand that this road will cut through and
22 connect to a third street.

23 But in the interim what we'd really
24 like to do here, because right now it's sort of
25 a road to nowhere, or to the back of a

1 building, we want to do a park, or a temporary
2 park. And the idea is, is the parking garage
3 runs underneath this park to eventually connect
4 to the building on the other side. And so
5 we'll design this parking garage to accommodate
6 the, you know, a sidewalk and a park that can
7 fairly easily be converted into a road.

8 In terms of exemplary architecture, we
9 spent a lot of time and Shalom can walk you
10 through the numerous iterations of this
11 building. But I just want to point out that
12 the -- you can see here the preservation of the
13 existing building and we've really tried to
14 work and make this a prominent feature of this
15 building.

16 Next slide. And then finally in terms
17 of the retail, the exemplary retail, Geoff
18 Sharpe will walk you through in detail what we
19 see as the retail potential. But that, we
20 think we can really do something special here
21 on 4th Street. And with that I will turn it
22 over to Geoff Sharpe.

23 MR. SHARPE: Thanks, Jeff. Can I grab
24 the pointer?

25 Good evening. My name is Geoff Sharpe

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1 with Edens. Home address, 7919 Kentbury Drive
2 in Bethesda.

3 So as you heard from Jeff, there's a
4 lot of great stories and a lot of great
5 projects that we see coming and that are
6 happening at Union Market right now. And what
7 I'd like to talk about is how we make these
8 connections between them, the connectivity
9 between those things.

10 The slide that you're looking at right
11 now shows what you might think of as
12 streetscape improvements. There is our project
13 right there; the subject of this application.
14 You can see on the east side we will be
15 improving the streetscape along 4th Street,
16 putting in some really nice streetscape.

17 That will be part of the -- you may
18 recall, from the other PUD that we were in
19 front of you for recently, that we had
20 proffered to do a set of public space design
21 guidelines with DDOT. So the exact design of
22 that streetscape will be coming out of that
23 design guidelines process that we're working
24 through. But needless to say, and we'll get
25 into the detail a little bit later, there will

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1 be high quality streetscape along our retail
2 frontage to the east.

3 Here is the park/street connection
4 that Jeff was referring to a moment ago. That
5 will also function as a retail frontage for us.
6 There's a fairly important retail tenant who
7 will be going at the north end of this
8 building, acting as an anchor in the
9 development, and it's quite important that they
10 have some space for things like outdoor dining
11 on their frontage.

12 Next slide, please. Is there another
13 -- oh, okay. Sorry. I couldn't see it.

14 So this is a little hard to read on
15 the screen. This, that shows up as kind of
16 brown, is really a bright vibrant orange.
17 Hopefully in your version of the presentation.
18 But the point that we're trying to make with
19 this slide is that the streetscape that we're
20 building as part of this project connects to a
21 network that we're building as part of other
22 projects as well.

23 You can see below us to the south what
24 used to be called the Gateway Market Project is
25 now being referred to as the Edison. That

1 streetscape will be constructed with that
2 project, which as Jeff said is going under
3 construction very shortly. There are
4 streetscape improvements that we're making as
5 part of the Union Market redevelopment to the
6 east, including connections that we committed
7 to along Neal Place and the west side of 5th
8 Street.

9 And then as part of our redevelopment
10 of 550 Penn Street to the north we've also
11 already built streetscape improvements along
12 there. So you can see what's beginning to tie
13 together all these different projects, as well
14 as over to our neighbors at Gallaudet, as well
15 as to the northern edge of Capitol Hill to the
16 south, as well as to the Metro. An integrated
17 pedestrian circulation network that links all
18 these great things together.

19 Now the other thing about that, it's
20 not just pedestrian circulation. We are, as
21 I'm sure you've heard us talk about in other
22 venues, we are retail developers and we're very
23 sensitive to how retail gets developed and what
24 makes it successful. What I would say is, you
25 know, here is an example of the existing urban

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1 fabric on 5th Street today. And it doesn't
2 take a lot of imagination to see it getting to
3 this.

4 The point that we would make is that
5 in terms of developing retail, it's in many
6 cases, in fact in most cases, not a question of
7 knocking down or demolishing or erasing what's
8 there. It's a question of reinforcing it,
9 backfilling it, and dressing it up so that you
10 can have a really wonderful retail environment
11 that retains some of the fabric, the urban
12 fabric that's in place.

13 The reason that's -- sorry, just back
14 up a second. The reason that's important is
15 that in terms of connectivity, retail is a
16 synergistic animal. And by that I mean, when
17 you have good retail next to good retail, that
18 retail is successful greater than the sum of
19 its parts. When you have bad retail next to
20 good retail, you're at risk of the whole lot
21 failing. And so for that reason it's very
22 important that this connection, the 1270 4th
23 Street connection that's the subject of this
24 application, successfully connect to the retail
25 at Gateway Market and at Union Market.

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1 Next slide. So I'm going to talk in a
2 little bit of detail about some of the
3 improvements that we're making, both in public
4 space and on private land. Jeff Kaufman had
5 already spoken about the Neal Place Connection.
6 You can see here the two phases of the interim
7 park, and the ultimate street connection.

8 Next slide. You can see here, now the
9 project is turned and north is to your right.
10 The streetscape to the south -- I beg your
11 pardon, to the east, on 4th Street. Again,
12 that will include street trees, high quality
13 furnishings, LID measures for storm water. All
14 the things that one would expect.

15 And then to the west we will be
16 improving the service alley behind us so that
17 we can provide efficient service loading and
18 parking access to the back of our building,
19 keeping those service functions off of 4th
20 Street, off of our retail frontage. Next
21 slide.

22 Here is an enlargement of the
23 streetscape on -- and again, this is conceptual
24 as we haven't been through the design
25 guidelines process yet. Streetscape on 4th

1 Street.

2 Next slide. The alley in the back.
3 Which I would just add a couple things about
4 that. One, we've heard some concerns about
5 safety in the alley, so we will be alighting
6 the alley to a minimum lighting standard of two
7 foot candles, just to keep it safe. We are
8 also making sure that at DDOT's request, there
9 is space in the alley for a future cycle track
10 that will be on the west side of the alley.
11 That's not part of our work, but we're sort of
12 not doing anything to prevent it.

13 And we are also ensuring, and we
14 worked quite closely with DDOT to make sure
15 that this was the case, that there's enough
16 space to get trucks in and out of our loading
17 docks because this is a fairly, you know, large
18 amount of retail in this building, without
19 having to either make multiple turning
20 movements or in such a way that they would
21 block vehicular traffic in the alley. So
22 there's enough space to get trucks by each
23 other in the back.

24 Next slide. Here's the interim park
25 condition that Jeff spoke of earlier. Again,

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1 in the interim condition, street trees, long
2 panel, sidewalk side to side. The intent would
3 be that once we build this we put in, for
4 example, root barriers around the trees so that
5 when we go to the next phase street trees can
6 be retained. We don't have to, you know, kill
7 them to replace them.

8 And with that I'm going to turn it
9 over to Shalom Baranes who can talk about the
10 architecture.

11 MR. BARANES: Great. Thank you. Good
12 evening. I'm Shalom Baranes and I just want to
13 point out, I'm here with Carolyn Brodie and
14 Andrew Taylor from my office, who are sitting
15 in the audience.

16 You know, as you know, we are not in
17 an historic district here. And yet you know,
18 you look at these buildings and they clearly --
19 I mean, all the elements here are here that
20 could potentially constitute something that
21 would be a very significant -- deemed a very
22 significant historic asset here in the city.

23 And Edens, of course as you've heard
24 this evening, is very concerned about
25 maintaining the character of what we see here.

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1 And so, you know, we're doing something that in
2 my view is pretty extraordinary in a situation
3 like this, which is we're saving a façade, a
4 major façade of a building without having been
5 required to do that. In my career it's the
6 first time we've ever done that.

7 Let's go to the next one, please. You
8 know, these buildings have enormous character
9 to them. And, you know, two of the
10 characteristics I'd like to point out that we
11 are incorporating in the development of our
12 design, involve both the repetitive pattern,
13 very simple repetitive pattern of the windows
14 you see on the upper right. It's a very
15 disciplined geometry and it really, you see it
16 on every façade of every building practically.

17 And then you also have this very
18 interesting extension of the roofs with these
19 canopies that creates a real ambiguity between
20 outdoors and indoors. Of course the function
21 here was loading, you know, being able to load
22 out of the rain. Had a real reason for doing
23 this. But we're going to try to capture the
24 character of these canopies with some of the
25 new canopies that we're going to be building

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1 and associating with the retail over these very
2 side sidewalks that we have. I'll show that to
3 your shortly.

4 Next please. So our approach, just
5 conceptually to this whole design has been to
6 try to recreate the simple volume of the
7 historic industrial buildings that are there.
8 So we're creating a plinth, what you see her in
9 this terracotta, in this brown color.
10 Repeating this very simple volume, you know
11 with the existing façade, it becomes a plinth
12 for the entire project.

13 And then above that where we don't
14 have retail, we have residential, we're
15 switching to a very different, but again very
16 muscular kind of geometry that recalls the
17 genre. You know, the types of warehouse
18 buildings that you see both here in Washington
19 and in other cities I think, across the U.S.

20 Here are a couple of examples of these
21 types of buildings. One is on the Potomac by
22 the Whitehurst, the other one is by the canal
23 in Georgetown. And you know, we think of these
24 as being dumb buildings, you know, without a
25 lot of design having gone into them. But in

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1 fact I notice as you look at these more
2 carefully you realize there's just an enormous
3 amount of subtle sophistication to them. And
4 it's that, that we're hoping to capture with
5 our new building.

6 No. So stay on that for a moment.

7 Thanks. Sorry.

8 You know, and one of the things I want
9 to point out here that I think is really
10 interesting is that, you know, when you look at
11 a building like this, which is very close to
12 our office on K Street, you know, it starts out
13 having a very strong vertical proportion to the
14 openings. And then as you march up the façade,
15 those vertical proportions become very
16 horizontal. I mean, there's a real subtle
17 switch of geometry there. And the geometry is
18 quite complex. And the piers, the vertical
19 piers are a little bit wider than the
20 spandrels. You have brick in-fill.

21 And although these are very industrial
22 and very simple buildings, they still held on
23 to the quality of that Bozarts quality of base,
24 middle, top. Again, done in a very abstracted
25 way. And it's all of those things that we try

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1 to capture with our new building.

2 So as you look at these modules that
3 we have above the existing -- above the retail
4 base, you can see that we basically took this
5 idea of a grid and just wrapped it around all
6 the modules as a starting point for the
7 facades; for the design of the façades.

8 I'm sorry, this is a little washed out
9 and it's a little hard to see here. But what
10 we've done here is we've recessed all of these
11 double story openings across the top, and then
12 rather than treating them in a traditional way
13 and just marching that all the way around the
14 project, we came to the corner and then we
15 dropped it down the corner of the façade. And
16 dropping it, we also introduced a series of
17 projecting balconies, just to accentuate the
18 corner.

19 So you have Juliette balconies up here
20 with this 18 inch recess and these top two
21 stories, and then here you have the 18 inch
22 recess with two and a half foot projection
23 beyond the façade, and these are all balconies
24 designed basically, in the fire escape
25 aesthetic.

1 And furthermore what we did is, you
2 know, rather than just repeating this across
3 the site, we inflected all of this towards the
4 center. So you see this happens here, it
5 happens here again, and then when you get to
6 the other two modules it flips and reflects
7 towards the center. And this was all done in
8 an effort to try to express these, again in
9 somewhat of a subtle way, as a pairing of two
10 modules. You know, two separate buildings,
11 although obviously they look very very much the
12 same. Next?

13 As you move further away from the
14 building and you look at the north end here, I
15 think this geometry that I'm talking about is a
16 little more apparent, with the recess along the
17 top and then spilling down the corner here. So
18 I think there will be a real interesting play
19 of forms and shadows that will evolve as this
20 building gets built. Next.

21 Here you see a close-up of some of
22 these bays. Again, here as in the projects --
23 earlier projects I just showed you, you can see
24 that we turned the window system so they
25 express a very strong horizontal language as

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1 opposed to the vertical of the overall frame.

2 Next?

3 And then looking south along here,
4 again, it's a little more evident the way we
5 wrap these and inflected these recesses towards
6 the center of the project.

7 Next. Here is a close-up of one of
8 these two story elements. We emphasize the
9 vertical by making the vertical appear 10
10 inches wider than the horizontal spandrel.
11 Again, it's a subtle difference but it will add
12 to the verticality and the lift of the
13 building. And then we designed the window
14 system so that next to the pier we have
15 vertical metal panels. And, you know, next to
16 this vertical stacking of smaller windows. And
17 again, all of this done in an effort to
18 accentuate the verticality of the building.
19 Next.

20 I'm sorry. Let's stay on this one.
21 We treated the spine against which these four
22 modules are placed with a slightly different
23 type of brick, a different type of brick, and a
24 different type of window. So rather than
25 continuing the frame vocabulary into these

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1 courtyards, here we switched to a punched brick
2 vocabulary, punched window vocabulary, because
3 we wanted that spine to feel more solid so it
4 could really carry the weight of these four
5 separate modules.

6 Next. And basically we carried the
7 mullioning of the windows across these punched
8 openings so that they do relate to the window
9 system you see in the grid. And we've changed
10 to a much darker brick, again to enhance the
11 sense of depth. Next.

12 And here on the alley side you can --
13 we show the grid against the punched window
14 opening. And again, I think the continuity of
15 the window system through those openings is
16 pretty essential to having this whole thing
17 hold together. Next?

18 On the retail base, we are not saving
19 this façade in its entirety because of the
20 creation of Neal Place having to go through
21 there. So we are going to try to keep the
22 façade in place. We're going to underpin it,
23 we're going to build a steel structure to
24 support it. And then we're going to try to
25 work with as many of the openings as we can.

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1 For example, these loading docks here will
2 pretty much remain as they are. We will be
3 introducing some new openings along here where
4 we have a solid wall. Again, that's for the
5 retail. And then of course we'll be keeping
6 all of these almost square type windows, these
7 little porthole type windows along the top.
8 Next.

9 Here is a view looking south. Again,
10 with the existing façade. Some new openings in
11 it and some existing openings with the canopy
12 extending out over the sidewalk. And again, I
13 want to point out here that we have recessed
14 the façade back. We've set all of these four
15 modules back from the main cornice line of the
16 retail.

17 Here is a close-up that starts to give
18 you an indication for the type of variety that
19 we'll have in the retail. And, you know, one
20 of the things that we need a little bit of
21 flexibility with here, as we do on almost every
22 project is configuring the façade of the retail
23 tenants. You know, as different tenants move
24 in and out, of course, we'll see changes in how
25 these openings evolve and get developed over

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1 time. Next.

2 The canopy, as I mentioned earlier,
3 here they are again. And again, we use these
4 as an inspiration for -- next. For the
5 canopies that we're adding to the historic
6 façade, we have a sidewalk that's about 28, 29
7 feet wide, and 10 feet of that will be occupied
8 by this new canopy.

9 Here is an example of Chelsea Market,
10 which I suspect you're familiar with in New
11 York, which utilizes the same kind of feature.
12 Next.

13 And again, with the retail, so here we
14 have the historic façade. We'll be creating
15 these openings here and here, as for example,
16 one possibility for how that might be treated
17 with wood, with metal, with glass, different
18 types of materials.

19 This is the ground floor plan, and the
20 main thing I want to point out here is just the
21 continuity of the retail all along 4th Street
22 here. Very minor interruptions for the lobby,
23 for the residential, and then just one for a
24 retail shuttle to the garage.

25 On the upper floors, here you see a

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1 floorplan of the two Hs. And again, I want to
2 call your attention to the fact that these
3 really are two Hs. You have an H here with its
4 own dedicated core, its own set of apartments.
5 And then you have a separate one on the other
6 side from here to here with its own separate
7 core, dedicated core. So these will
8 essentially function as two separate buildings.
9 And with the number of units that we have, we
10 think it's critical to be able to separate
11 these.

12 Next. We essentially reflected the
13 geometry of these four modules up to the roof
14 top where we have the main penthouse. And we
15 establish a datum line at a height of 13 feet,
16 instead of 18.6 for the penthouse. So
17 everything you see here, from here to here with
18 the exception of these dark areas, is 13 feet.
19 The dark areas go up to 18.6 where we need a
20 little bit of additional height for mechanical
21 equipment.

22 Next. And we do follow all of the
23 regulations for the setbacks. We're not asking
24 for any exceptions there.

25 Next. We're only asking for an

1 exception really -- I think it's an exception,
2 not a variance, for the dual heights of the
3 penthouses.

4 So here you can see that reducing the
5 height of the penthouse really reduces their
6 impact on the visibility.

7 Next. And then with the darker brick,
8 at the back of the court, and the somewhat
9 darker metal at the penthouse, we're trying to
10 essentially associate these two and have the
11 idea of the spine be reinforced there.

12 Next. We do have two material -- we
13 have material boards which I think we've
14 submitted already, terrific. Okay, you have
15 them. And again, very quickly we're using two
16 kinds of brick on the primary façade. The
17 frame is expressed with a light brick. The
18 rear elevations with a darker brick. And then
19 here you have a photograph of the existing
20 brick. Right now we're showing it in its
21 natural state. There is a possibility that we
22 may have to paint it, depending on how the
23 mortar comes off the brick and how we can work
24 and reuse some of the existing brick. So,
25 until we get out into the field it's really

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1 difficult to make that decision. But for now
2 we're hoping to keep it in its natural state.

3 Next. And that basically wraps up my
4 presentation. Thank you.

5 MR. VANPELT: Good evening,
6 Commissioners. For the record my name is Dan
7 VanPelt. I'm a principle with Gorove/Slade
8 Associates Transportation Planners and
9 Engineers. We performed the transportation
10 study that supported the PD application and
11 we've been collaborating with Edens and DDOT on
12 the project.

13 I'm going to discuss some of the
14 transportation review for the project and the
15 TDM plan.

16 As with the 1309, 1329 5th Street PUD
17 that we were here to talk to you about a few
18 weeks ago, this site is surrounded by the same
19 extensive regional and local transportation
20 that accomplishes the multi-modal vision of the
21 project in the greater market. Access to
22 several regional roadways and transoptions make
23 it convenient to travel from destinations in
24 the District, Maryland, and Virginia. New York
25 Avenue, U.S. 50 is a primary material

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1 immediately to the north and Florida Avenue and
2 6th Street Northeast are also arterial streets.
3 The Noma Gallaudet University Metro Station is
4 a third of a mile to the southwest and there
5 are two Metro bus lines on Florida Avenue.

6 The pedestrian accommodations outside
7 of the market generally provide a pedestrian
8 friendly environment and those that don't are
9 particularly -- Florida Avenue are being
10 studied by DDOT's Florida Avenue multi-modal
11 transportation study. There are multiple high
12 quality bicycle facilities and there are future
13 facilities planned, and one of those is
14 adjacent to the project that will provide
15 increased bike access to the area.

16 The addition of the new vehicular
17 trips generated by this project will have some
18 limited impacts to nearby intersections that
19 can be mitigated. There's signal time and
20 adjustments necessary to couple the external
21 intersections, and the traffic study
22 recommended that the intersection of 4th and
23 Morse be converted to an all-way stop control.

24 Internal to the market, 4th Street
25 will be converted to two-way traffic operation,

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1 and as Jeff described earlier, there's
2 pedestrian provisions that can be provided
3 where they are currently deficient provisions
4 in the site.

5 This really isn't driven by traffic
6 capacity, necessarily, but it's more about
7 creating the environment that is more fitting
8 with the changing land uses and it helps reduce
9 the existing driver confusion that results from
10 the current one-way pattern.

11 The PUD will also work with DDOT, OP,
12 and existing property owners in the community
13 developed streetscape guidelines as was
14 discussed earlier, that were committed under
15 the other PUD application that we spoke with
16 you about a few weeks ago, along with a
17 curbside management plan.

18 The two-way conversion, new
19 streetscape guidelines and the curbside
20 management will better organize traffic
21 operations as the current configuration of the
22 public realm leads to elevated crash rates,
23 higher vehicular speeds, and it just isn't
24 conducive to the pedestrian friendly or bike
25 friendly environment.

1 These changes are consistent with the
2 Small Area Plan, as is the significant
3 commitment by Edens that Jeff spoke to you
4 about earlier by extending Neal Place. Neal
5 Place isn't required to accommodate the new
6 trips associated with this PUD but will
7 ultimately be necessary to support future
8 development behind the site along future 3rd
9 Street.

10 Edens has been working with DDOT to
11 detail a monitoring program that will determine
12 when opening this connection to public traffic
13 would be required. From our coordination with
14 DDOT and review of their staff report we
15 understand that DDOT is in concurrence with
16 these recommendations and the change is
17 proposed by Edens.

18 Moving on to the transportation demand
19 management, the plan has been developed for the
20 project that will encourage non-auto trips.
21 Out of our dialog with DDOT the TM Plan has
22 been amended and will include the following
23 elements.

24 Two real-time transportation screens
25 have been provided. One in each residential

1 lobby. There will be 147 to 149 long-term bike
2 spaces for the south building, and 48 to 71
3 long-term spaces for the north building.
4 Additionally there would be at least 20 short-
5 term spaces will be installed with the south
6 building.

7 There would be two electric vehicle
8 charging stations provided in the garage.
9 There would be at least two parking spaces made
10 available to a car sharing company should there
11 be interest from such a service provider. Each
12 new residential tenant will be provided with an
13 annual car share or bike share membership, up
14 to a max of \$350,000 worth of incentives for
15 the project. Links to commuter connections and
16 Go D.C. Go will be provided on the developer
17 and property manager websites. There will be a
18 TDM coordinator designated as the point of
19 contact and the person will be responsible for
20 organizing the TDM plan. And finally,
21 residential parking will be unbundled from the
22 cost of the units.

23 So I appreciate your time to give my
24 testimony and I'll pass it back over to Jeff, I
25 believe.

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1 MR. UTZ: Thank you. Yes. Many of
2 these benefits and amenities we have already
3 talked about and Jeff Kaufman already ran
4 through the first four. I just wanted to say a
5 few more words about those showing in black
6 right now. And I'll try to make them
7 relatively quick.

8 For the site planning and efficient
9 land utilization item, the project is going to
10 augment an existing low-scale structure.
11 Actually a couple of them. And a service
12 parking lot with a mixed use transit oriented
13 development that will restore the urban street
14 grid, provide multi-modal transportation
15 connections, strengthen the emerging Union
16 Market area, and fulfill many of the planning
17 goals and policies of the Small Area Plan.

18 For the sixth item, the street network
19 improvement benefit and amenity, Mr. VanPelt
20 just ran through several of the concepts that
21 are being proffered by the applicant, but I
22 just wanted to run through several of them to
23 highlight kind of their importance. There will
24 be a reconfiguration of 4th Street to eliminate
25 head in parking and convert it to a two-way

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1 street.

2 The construction of new sidewalks,
3 installation of street trees and street tree
4 planting areas along 4th Street from Morris to
5 Neal, the reconstruction of portions of the
6 private alley along the property's western
7 frontage and south to Morris Street in
8 coordination with DEMPED (phonetic), that is
9 District property, and the construction,
10 design, and maintenance of the Neal Place
11 extension, pedestrian and vehicular
12 connections.

13 For the seventh item there is also
14 first source agreement in the record that will
15 be entered into with the Department of
16 Employment Services.

17 The eighth item on the slide is the
18 housing and affordable housing component of the
19 benefit and amenities package. As we've
20 mentioned the project will deliver housing and
21 affordable housing in an area close to the
22 Metro where there's not currently any housing.
23 In total the project will deliver approximately
24 545 to 680 residential units ranging from
25 studios to two-bedrooms. It will deliver a

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1 significant amount of affordable housing as it
2 will set aside eight percent of its residential
3 component for 80 percent AMI units, which
4 equates to 39,725 square feet.

5 And of that set aside, five units,
6 which will be the equivalent of at least 12
7 percent of the affordable housing component
8 pegged to 50 percent AMI, which will be
9 approximately 3,411 gross square feet of
10 residential area.

11 And then the transportation demand
12 management plan was already detailed by Mr.
13 VanPelt, although I think the cap on the
14 subsidy is \$35,000 in total. And then the temp
15 item on the slide, the parking, loading, and
16 curbside management plans will -- are already
17 in process and have been created to kind of
18 improve the transportation and public safety,
19 and curbside experience and the market itself.

20 I'd like to turn it over to Jeff
21 Kaufman again.

22 MR. KAUFMAN: So we wanted to include
23 this in the presentation. There is obviously a
24 lot of talk about parking. And we felt like it
25 was important to sort of make sure the

1 Commission understood sort of what the parking
2 situation there today is, and where we see it
3 at the end of these three projects. Sort of
4 got a high level -- can you go back, please?
5 There's about 800 head-in surface parking
6 spaces on the street right now. And the
7 Gallaudet lot, which we lease, is about 225
8 parking spaces. And we basically make that lot
9 open to the public.

10 So combined between the street parking
11 and the Gallaudet lot today, there is about
12 just, you know, 1,025 public parking spaces.

13 When we go and change the streets from
14 one-way to two-way, those head-in parking
15 spaces essentially become parallel parking
16 spaces. And if you sort of think about the
17 geometry the head-in, you know, turned on its
18 side sort of takes two spaces to create one
19 parallel space. So, that's the 800 to 400
20 analysis. Now that's not, you know, accurate
21 to the space but that's an approximation of,
22 you know, approximately what the parking,
23 street parking changes from over time from the
24 conversion from one-way to two-way.

25 The Gallaudet lot, which we use now,

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1 will eventually go away when Gallaudet and its
2 partner develop that site. The timing of that,
3 you know, we've talked about previously is sort
4 of unclear. But at some point that parking
5 goes away.

6 The gateway which is now Edison, that
7 will deliver 107 retail parking spaces which
8 we're sort of referring to as public spaces.

9 The North Building, which is in the
10 Angelica South Building PUD, delivers 227
11 retail spaces. This is just retail spaces.

12 And then this project has 310 retail
13 spaces, public spaces.

14 So when you add -- when you sort of
15 add back in the parking in these three
16 projects, we sort of end up in approximately
17 the same place. And that's, you know, the
18 thinking now. This doesn't address the fact
19 that there's, you know, 250, 300,000 square
20 feet of retail currently there, operating today
21 that essentially doesn't have any parking other
22 than the street parking that's there.

23 So, you know, the assumption is, is
24 that as other projects come along as well, they
25 will contribute to the pool of available

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1 parking for the businesses within the overall
2 45 acres.

3 MR. SHARPE: I'm going to speak
4 quickly to sustainability. I would say that a
5 high level the main things that we would
6 highlight about the project are that it will be
7 a LEED Silver project, certified at the Silver
8 level. And as Shalom alluded to earlier, one
9 of the other main things that we're doing that
10 we think is not only great for the character of
11 the project and the sort of authenticity of the
12 project, in saving the existing building façade
13 at the base of the project, you know, we're
14 essentially diverting a tremendous amount of
15 material from a construction landfill and also
16 avoiding having to bring in new materials to
17 bring that -- to build that shell or that
18 envelope at the base of the project. So we see
19 that actually as a pretty important amenity, if
20 you will. Not just from a character point of
21 view, and a historic point of view, but also
22 from a sustainable point of view as well.

23 We also are doing a number of other
24 things which, you know, we can certainly answer
25 questions about such as buying green power,

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1 including LID measures in the streetscape and
2 things like that, which are part of our LEED
3 points. Next slide.

4 This is our draft LEED scorecard. It
5 shows us getting just above 50 points. What I
6 would say is that, just like with our other
7 projects we will endeavor to see if we can get
8 additional points. Right now this is what we
9 feel we can get.

10 Next slide. At a site level this
11 slide just shows how we're meeting our storm
12 water and GAR requirements.

13 Starting with storm water, for onsite
14 storm water we're relying upon large areas of
15 green roof. Kind of, if you imagine the
16 building of course being three dimensional,
17 those green roofs sit at various elevations on
18 the building. They take up a lot of area, and
19 they satisfy our onsite storm water
20 requirements. In the alley we'll be making use
21 of most likely permeable paving, possibly with
22 some buyer attention to satisfy the storm water
23 requirements there. And then in the
24 streetscape, again, subject to working with
25 DDOT through the design guidelines, we imagine

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1 that we'll be using areas of bi-retention or
2 infiltration basins integrated with the tree
3 pits to satisfy storm water in the streetscape.

4 Now, sorry. If you could stay on that
5 slide? Now the nice thing about having the
6 large areas of green roof is that for purposes
7 of GAR, our GAR score is above what we need to
8 do, just to meet the regulation. We're 10
9 percent over our requirement on GAR and we're
10 getting to that.

11 With that I'm going to turn it over to
12 Dave.

13 MR. AVITABILE: That's right. Thank
14 you. All right. So just to conclude, we
15 wanted to recap the areas of flexibility we're
16 seeking as a part of this PUD. The areas we
17 identified in the initial application was
18 flexibility from the rear yard requirement,
19 flexibility from the court's requirement, it
20 was always detailed in interapplication and on
21 the page up on the screen.

22 We're also seeking flexibility from
23 the roof structure height, the one uniform
24 height requirement as Shalom detailed earlier.
25 And then finally we had indicated flexibility

1 to not have to provide 55 foot loading spaces
2 as would be normally required for the
3 residential.

4 And then finally in our prehearing
5 statement we had kind of noted a couple areas
6 of additional flexibility in the plans and I
7 just wanted to explicitly call them out to make
8 sure that the Commission was aware.

9 The first is, for our parking spaces
10 we're seeking to do nine by 18 parking spaces
11 instead of nine by 19 parking spaces. And this
12 is to provide an extra foot for the drive
13 aisles to make them a little bit wider. And I
14 believe more comfortable and convenient for
15 circulation.

16 And then the last thing is that this
17 will be two buildings on a single record lot
18 for zoning purposes. They will be connected
19 below grade because it will be one garage, but
20 it will technically be two buildings on a
21 single record lot for zoning purposes because
22 they will not be connected above grade and we
23 just wanted to note that. I think we can do
24 that through section 2517. But we wanted to
25 bring that to the Commission's attention.

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1 So with that we've wrapped things up.
2 I wanted to note again that we're appreciative
3 of the support of the District Department of
4 Transportation and the Office of Planning, DDOT
5 in its report listed two conditions. The first
6 was regarding the timing of the conversion from
7 the park to the roadway for Neal Place. And we
8 have been working with DDOT closely, literally
9 right up to about an hour before this hearing.
10 And I think at this point I can say that we're
11 there with an agreement on the terms and we're
12 just kind of ironing out the language, which I
13 think we can address in the normal post-hearing
14 submissions where we detail the language of
15 conditions.

16 And then we've already addressed their
17 comments on the transportation demand
18 management program earlier.

19 The Office of Planning had a couple of
20 conditions to their support. First was that we
21 worked things out with DDOT. So as I just
22 said, we've done that regarding the Neal Place
23 trigger. The second thing that DDOT requested
24 is that we do a parking study that OP
25 requested, is that we do a parking study in

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1 connection with the second stage PUD for the
2 north building and we'd be certainly happy to
3 do that.

4 They also noted a couple of issues in
5 the report that I wanted to briefly address.
6 The first was they noted the range of
7 residential units in the project. And just a
8 note on that. For the southern building the
9 consolidated PUD, if you will.

10 What we're seeking is essentially 465
11 residential units, plus or minus 10 percent.
12 If you look at our identified range that's what
13 it is. And a 10 percent range is not unusual
14 for a PUD. So we think that that range is
15 appropriate here.

16 The northern building, which is the
17 first stage PUD, what we're seeking there is
18 essentially 165 units, plus or minus 20
19 percent. And that broader flexibility reflects
20 that this is still first stage and conceptual.
21 And as that building evolves we'll then narrow
22 that range of units down.

23 Second issue that OP raised was
24 regarding the range of parking spaces, and just
25 briefly address that. Again, in the southern

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1 So with that I think we'll close and
2 we're happy to answer questions. Thank you.

3 CHAIRPERSON HOOD: Okay. And thank
4 you all for your presentation to us and I think
5 we'll start with questions. I don't know, you
6 know, I'm going to start taking with -- we may
7 not have any questions because I think that was
8 a very thorough presentation. But I don't see
9 anybody reaching for the mic. So, do we have
10 any questions?

11 Okay. We do have questions. Okay.
12 Let's start with the Vice Chair.

13 MS. COHEN: Okay. Thank you, Mr.
14 Chairman. Can you again confirm the
15 affordability? It's eight percent for
16 inclusionary zoning. And are the five units
17 part of that or in addition to?

18 MR. AVITABILE: Part of that.

19 MS. COHEN: That's what I thought I
20 heard. Now, a question on the affordability.
21 There are a number of jobs already in that
22 neighborhood, specifically at Union Market.
23 Are those people who work there going to be
24 able to afford to live there as well, based on
25 your numbers? I am just curious because I

1 don't think you're hitting what's needed in
2 that neighborhood.

3 MR. UTZ: I don't think we've looked
4 at it from that perspective. But the intention
5 is to provide 3,400 square feet of residential
6 space at 50 percent AMI in addition to a
7 significant -- and I was just searching for
8 the number. It's almost 40,000 square feet
9 overall, of affordable space at 80 percent AMI.
10 A large --

11 MS. COHEN: You might want to, you
12 know, just do a little bit further thinking
13 along those lines. Obviously you don't have
14 to, but it might be helpful for you as well
15 since there are a number of other projects
16 coming online in that area and you may not be
17 hitting the market.

18 How many levels down does the parking
19 garage go?

20 MR. KAUFMAN: So the garage is between
21 three and four levels, and that's really why
22 the -- there's so much range. If we do the
23 fourth level, which would be pretty expensive
24 because we feel like we need the parking, you
25 know -- but then again, you know, there is --

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1 once we get into this I don't even know that we
2 can do the fourth level.

3 So, you know, once we get more detail,
4 engineering studies and so on, and we figure
5 out, you know, where the water table is and all
6 those kinds of things, that will influence that
7 decision as well.

8 MS. COHEN: And you did not go through
9 those engineering studies yet to determine what
10 are level?

11 MR. KAUFMAN: Well, we've done, I
12 mean, we've done sort of standard geotech
13 pourings and those kinds of things. But as we
14 get into the very specific design of the
15 building and we figure out exactly what the
16 foundation systems are, and all those things,
17 that will all start to play into the cost of
18 that fourth level.

19 MS. COHEN: And, you know, I
20 understand why you need maybe a higher number
21 of spaces than the housing -- is necessary for
22 the housing and the retail on site. And I
23 understand how that can alleviate some of the
24 traffic congestion on the one hand.

25 On the other hand what you're doing is

1 adding a very costly level which will impact on
2 your rents and which will also --

3 MR. KAUFMAN: Yeah. Yeah.

4 MS. COHEN: I think it's an added
5 benefit to you to the existing project.

6 MR. KAUFMAN: Well, I think that the
7 added level is not really for the residential.
8 And so, it's really for the retail. So the
9 decision really will be whether the cost of the
10 additional retail spaces is worth the sort of
11 perceived demand that goes with the tenants
12 that we put in. So if you mean in terms of the
13 rents for our benefit for the retailers, I
14 agree. I don't think that it will have much
15 impact on the residential rents because the
16 amount of spaces for that component is sort of
17 set.

18 MS. COHEN: And so you're going to go
19 different levels for residential and they'll be
20 deeper and the retail will be closer to the
21 entryway? Is that how you're planning it?

22 MR. KAUFMAN: Correct, yeah.

23 MS. COHEN: Yeah. Let's see. On the
24 design of the building, and I understand that
25 you've omitted the street connection that was

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1 above -- I hope I have the right project.
2 Didn't you at one time have a connection above
3 street level?

4 MR. AVITABILE: That's right. We were
5 contemplating a connection between the building
6 and --

7 MS. COHEN: And that's gone, correct?

8 MR. UTZ: Correct.

9 MS. COHEN: Okay.

10 MR. KAUFMAN: Yeah. It was a
11 measuring point conversation and we decided
12 that we would rather just -- we didn't want the
13 connection and we just went with that.

14 MS. COHEN: In the building itself,
15 can the windows be open? Is that one of the
16 design attractions?

17 MR. BARANES: Yes.

18 MS. COHEN: They can.

19 MR. BARANES: The windows will be
20 operable. Not all of them, but a certain
21 percentage will be.

22 MS. COHEN: Okay. All right. It
23 doesn't matter, actually, which ones they are.

24 I think I'm going to just make a
25 statement and I think the roof tops feel very,

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1 very bulky. And I think they are going to --
2 and maybe you can provide us with some
3 additional site lines. From where I would be
4 able to see it from other streets, but it just
5 looks so heavy on the building. I like the
6 building a lot, the architecture of it and as
7 you walked us through the elements I really
8 appreciated it and found it to be
9 understandable. But somehow that roof just
10 makes me feel that it's a bulk sitting on a
11 very beautiful building.

12 MR. BARANES: You know, we did reduce
13 the overall height on not all of it, but I
14 would say significant percentage of the
15 penthouse by about six and a half feet. So I
16 don't think that you'll really notice these
17 penthouses as much as you notice other
18 penthouses around town on other buildings.

19 MS. COHEN: Is there some way that you
20 can indicate that so that I could visualize it
21 better?

22 MR. BARANES: Right. The rendering --

23 MS. COHEN: The rendering itself? I'm
24 --

25 MR. BARANES: Let's go back to the --

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1 MS. COHEN: Tell me what page and I'll
2 --

3 MR. BARANES: Here we go. This one
4 right -- it's on the screen here. So you see
5 that very --

6 UNIDENTIFIED SPEAKER: Could we turn
7 the lights down?

8 MS. COHEN: What page number so that -
9 -

10 MR. AVITABILE: Page 52.

11 MS. COHEN: Ooh, sorry.

12 MR. BARANES: If you see the dark line
13 on the left-hand side at the top of the
14 building, this is taken from my level.
15 Actually this rendering is actually slightly
16 above eye level. I mean, the penthouse is not
17 particularly visible. The portion that's at
18 18.6 is right here. And you know, we've
19 located that closer to the center of the
20 building so it will be less visible from any
21 public streets.

22 MS. COHEN: Sorry. I was looking at
23 page 53, and that's kind of where I thought
24 that -- and I guess I won't be that high up to
25 look at it.

1 MR. BARANES: No, you'd have to be
2 inside another building, high up, in order to
3 see this much.

4 MS. COHEN: Okay. Well, I'll see what
5 my colleagues say. Thank you.

6 MR. BARANES: Sure.

7 CHAIRPERSON HOOD: Who's next?
8 Commission May?

9 MR. MAY: Okay. So I'll just continue
10 on the same theme. Excuse me a second. Let me
11 get my notes back up.

12 So you know, I actually appreciate the
13 way that the penthouses have been designed to
14 set back and to be as unnoticeable as possible.
15 And I do appreciate.

16 You know, one of the things that I
17 always struggle with is the desire for people
18 to try to keep the height of penthouses down
19 and we wind up with sort of chocka-block, you
20 know, building heights on top of the buildings.
21 And the fact that you've done a very simple
22 system and concentrated the higher heights in
23 those areas and set them back, I mean, I think
24 it's as good as it gets when you're dealing
25 with multiple heights.

1 The thing that I actually find missing
2 is any indication of the rooftop recreation
3 space. It's, I mean, I only found one drawing
4 that seemed to indicate it, and it's -- I
5 almost didn't notice it. I flipped past it
6 several times when I was looking for it, and
7 that was the roof top plan. I'm not sure if
8 it's in the presentation or if it's in the,
9 just in the set. Yeah, you just had it. It's
10 one that shows the pool in the lower left-hand
11 corner. Is that it?

12 Oh, maybe it's the upper left there.
13 Low roof plan?

14 I mean, I can't really -- what page
15 number is that?

16 MR. BARANES: Page 50.

17 MR. MAY: Right there. Okay. So in
18 the upper left we see pool terrace, and you
19 know, the elevations there. And then we also
20 see an indication of what's actually inside the
21 penthouse structures. So the majority of the
22 north half seems to be mechanical and the
23 majority of the south half, or a big chunk of
24 the south half looks like it might be
25 occupiable space because it connects to the

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1 pool terrace. But we don't have any indication
2 of what that looks like.

3 Normally when we see a rooftop
4 recreation of any kind we have some views of
5 that and we see what the windows are like, what
6 the terrace space is like. I mean, if you're
7 going to have -- if that, you know, the second
8 wing from the, you know, second wing from
9 moving from south to north, the one that's next
10 to the pool terrace, wouldn't that show -- I
11 mean, wouldn't that be a recreation space and
12 wouldn't you want to have terrace space outside
13 of it?

14 MR. BARANES: It's a combination of
15 mechanical space. We have the elevator
16 overrides there.

17 MR. MAY: Right.

18 MR. BARANES: We'll have some
19 additional equipment. But you're right, there
20 will be recreation space up there that we
21 haven't shown in detail.

22 MR. MAY: Right. Right. So we do
23 need to see that in detail.

24 MR. BARANES: Okay. We will do that.

25 MR. MAY: And you know, one of the

1 things that we need to see with that is a
2 calculation of the percentage of rooftop --
3 sorry. What's the right word? The accessory
4 recreational use in comparison to the outdoor
5 recreation use. And so -- and of course we
6 want to see things like, you know, what that --
7 the plan is like, what the terrace is like.
8 How you treat handrails and things like that.
9 And of course we don't have a -- we need some
10 sort of perspective view showing that because
11 it looks like the southernmost wing, if you
12 will, of the penthouse is not a full height
13 penthouse. It's just that four foot platform
14 for the pool. Right?

15 MR. BARANES: Right. Uh-huh.

16 MR. MAY: Yeah. Yeah. So I mean,
17 this is just not enough information to
18 understand that.

19 So also while we're on architecture,
20 the so-called south garden. I think that's how
21 I saw how it was labeled. That five foot open
22 court.

23 MR. AVITABILE: We've actually
24 increased it to 10 feet. And you'll see in --

25 MR. MAY: Oh, 10 feet.

1 MR. AVITABILE: -- these drawings,
2 it's actually 10 feet now.

3 MR. MAY: Okay. Because I struggled
4 to find the dimension at five feet. Oh, no. I
5 see, actually it's on that same one. It says
6 10 feet.

7 So is even 10 feet enough? I mean,
8 the rest of your courtyards are like 40 feet.
9 And you're going to wind up with -- I assume
10 we're going to wind up with another building
11 directly south of you that's roughly the same
12 height, and it's you know, there -- I'm not
13 sure how that's going to play out.

14 MR. KAUFMAN: Okay. So the -- that's
15 a good question. The building adjacent to us
16 is 1245 4th Street. It's a 36,000 square foot
17 building. 3,600, sorry. Square foot building.
18 These things take a -- it's 30 feet. It's
19 about 30 feet tall and it's about 120 feet
20 deep.

21 It's currently zoned C-M-1, which
22 means it could be up to 40 feet tall. So our
23 residential first level of residential is about
24 27, 28 feet in the air. So there's really
25 about a story, an additional story that could

1 be built there that would block the lowest low.
2 You know, that would be at the same height as
3 the lowest level of our residential, which is
4 why we increased it to the 10 foot setback.

5 And then really the second part of
6 that was a decision that, you know, it is a
7 very prominent corner. The view of that
8 building is very important and so we designed
9 that building to have a full glass façade, and
10 really sort of engage the neighborhood as
11 opposed to a solid wall that's a party wall.

12 Well, and I definitely appreciate
13 that. You know, I like the look of it. I'm
14 just concerned that when somebody comes down
15 here to get a map amendment on a comp plan
16 consistency basis for the property immediately
17 to the south of you, we're going to wind up
18 with all of the people who live in your
19 building complaining about their views being
20 blocked, where they're just asking for the same
21 thing that you got. That property owner would
22 be asking for the same thing that you have,
23 which is a C-3-C zone.

24 MR. KAUFMAN: Well, they can do that.
25 I mean, they could, in theory, they can build a

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1 building there. The 10 feet or just 10 feet
2 something, and maybe it's a little closer to 11
3 feet, but I mean, that's an adequate setback
4 for light and air by code. It could
5 potentially block some of the views of the
6 building, but practically speaking --

7 MR. MAY: By what code? I mean, not
8 by zoning --

9 UNIDENTIFIED SPEAKER: Construction
10 code.

11 MR. KAUFMAN: Construction code.

12 MR. MAY: Right. Okay.

13 MR. KAUFMAN: So --

14 MR. MAY: Okay.

15 MR. KAUFMAN: But practically speaking
16 a 30 foot wide, 3,600 square foot building, I
17 mean, I'm not sure what -- you know, with no
18 windows on either side of it, I'm not sure what
19 -- I mean, I understand theoretically something
20 could be built. I'm not sure practically
21 speaking what you would build there to do that.

22 I mean, you know, at an 8 FAR that
23 would be 28,000 square feet. It would be, you
24 know, 30 feet wide with no windows on the north
25 or south side. So --

1 MR. MAY: You know, I don't know. I
2 mean, I think it's a big question mark and I
3 think that you could wind up with a much taller
4 building there and we could wind up with a lot
5 of, you know, angry people from your building
6 proposing another zoning case down here. I
7 mean, Mr. Utz and Mr. Avitabile, do you think
8 that the property owner for that property is
9 going to be happy with their C-M-1, 40 feet?
10 Or are they going to come in here wanting more
11 height?

12 I mean, you know, we see that happen
13 in other parts of the city with smaller parcels
14 than this, haven't we?

15 MR. AVITABILE: Although I think it's
16 somewhat uncommon for the Commission to just
17 use straight map amendments, it does happen
18 occasionally for competent consistency. But it
19 doesn't happen often.

20 And again, this property is just a 30
21 foot wide property. The properties to the
22 south aren't controlled by the same people.
23 And so the likelihood of just --

24 MR. MAY: Currently. I mean, how many
25 properties are further to the south that are

1 adjacent? Just the one. There are two.

2 MR. KAUFMAN: There are two
3 properties. One of which we own, and one of
4 which we don't own.

5 MR. MAY: I see. So you own the one a
6 block -- or the second one down?

7 MR. KAUFMAN: We own the one on the
8 corner.

9 MR. MAY: Yeah.

10 MR. KAUFMAN: Right. So I --

11 MR. UTZ: There are only two in total.

12 MR. KAUFMAN: So I think really just
13 being a sole 30 foot wide property reduces the
14 likelihood that even if someone could go
15 through the process to up zone the property to
16 redevelop it with a 90 foot tall, 30 foot wide
17 building, is just unlikely.

18 MR. MAY: You know, looking much
19 further down the road, okay, so maybe I won't
20 be on the Zoning Commission when it comes up,
21 but I'd be willing to be it's going to come at
22 some point. It may be because you sell the
23 property at some point later on to the -- or
24 your successors sell it because, you know, I
25 don't know how long you tend to hold

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1 properties, but many of them change hands over
2 the years.

3 So I mean, there are all sorts of
4 scenarios much further down the road that could
5 wind up with a lot of unhappy people in your
6 building. I'm not saying that it's not the
7 right thing to do. I certainly would rather
8 have a building with windows on it facing south
9 like that. But I think it's, you know, there's
10 a certain amount of trouble that that invites
11 later on.

12 All right. Enough about that.

13 CHAIRPERSON HOOD: Okay. Commissioner
14 May, let me just interrupt you for --

15 MR. MAY: Yeah.

16 CHAIRPERSON HOOD: -- one moment. If
17 you can put all your other questions in the
18 parking lot for a moment, this case looks like
19 it has plenty of parking.

20 We have Council Member Duffie's Chief
21 of Staff. I'm going to ask him to come forward
22 and give us the report from the Council Member
23 Ward 5. As you know Ward 5 is very demanding
24 and I'm sure he has other meetings that he
25 needs to be in tonight. So we want to get him

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1 in and get him out at his earliest. And Mr.
2 Avitabile, thank you.

3 And let me thank everyone for their
4 indulgence. And we do this all the time, not
5 just because I live in Ward 5. But everybody,
6 if you come down you know we do this all the
7 time for the Wards.

8 You may begin.

9 MR. GULSTONE: Thank you. Good
10 evening, Chairman Hood, members of the Zoning
11 Commission and staff. My name is Ronan
12 Gulstone. I'm the Deputy Chief of Staff for
13 Kenyan McDuffie, council member for Ward 5.
14 The council member whose ward is which Union
15 Market and the proposed Eden's development, are
16 located.

17 On behalf of Council Member McDuffie
18 it is my honor and privilege to present this
19 testimony in strong support of the applicant's
20 project. Council Member McDuffie has submitted
21 a letter to the Commission and the testimony I
22 provide today mirrors that letter.

23 Council Member Duffie has had the
24 opportunity to meet with the applicant on
25 numerous occasions and believes that this

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1 project is the necessary catalyst towards the
2 execution of the overall vision and plans for
3 the broader Union Market District. The
4 development being presented before you is an
5 important one. Not only to Ward 5, but for the
6 entire District of Columbia.

7 The 1270 4th Street Northeast project
8 achieves the objectives of the District and the
9 goals as outlined in the small area plan, and
10 provides significant benefits to the community.
11 These benefits include green space, mixed
12 income housing, jobs, increased tax space,
13 retention of the existing industrial façade,
14 and the eventual opening up of the street grid
15 which promotes greater circulation within the
16 broader Union Market district.

17 The project's design successfully
18 accommodates the needs of pedestrians,
19 vehicles, and cyclists. Council Member
20 McDuffie is particularly pleased that all
21 loading activities will take place in the alley
22 behind the project, thereby significantly
23 reducing vehicle pedestrian conflicts along 4th
24 Street.

25 Council member McDuffie also applauds

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1 the applicant for incorporating the wishes of
2 ANC 5-D community or the ANC 5-D community by
3 considering the future parking needs of the
4 Union Market District. The applicant's parking
5 plan accounts for the fact that many of the
6 parcels within the Union Market District will
7 be unable to accommodate off-street parking
8 once redeveloped.

9 The Ward needs these jobs, the retail,
10 as well as the opportunities and amenities
11 provided by this project for our families and
12 children.

13 As you know, Council Member McDuffie
14 has been an author, advocate, and champion for
15 the Ward 5 Industrial Land Transformation Study
16 Ward 5 works, which seeks to manage the
17 transformation of industrial land, much of
18 which is located in Ward 5, in a responsible
19 and inclusive manner.

20 This is a wonderful opportunity for
21 Ward 5 to institute many of the Task Force's
22 recommendations to spark redevelopment, all the
23 while preserving the buildings, character, and
24 existing uses, many of which have been a
25 mainstay in the community for the past decades.

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1 It should be noted that the Committee
2 echoes the support. The applicant has received
3 unanimous support from ANC 5-D, as well as
4 support from many community residents, business
5 owners, and employees in the neighborhood. The
6 1270 4th Street Northeast project in
7 conjunction with the applicant's other recently
8 Zoning Commission approved projects in the
9 neighborhood will further the implementation of
10 the D.C. Council Approved Small Area Plan.

11 As council member for Ward 5, Council
12 Member McDuffie is proud to be a part of what
13 he believes will be one of the most
14 transformative and community oriented
15 development projects in the District.

16 Thank you for indulging me the time to
17 present this testimony on behalf of the council
18 member, and the council member are available
19 should the Commission have any questions
20 regarding the statement. And thank you for
21 taking me out of turn. I do appreciate that.

22 CHAIRPERSON HOOD: Thank you, Mr.
23 Gulstone. Let's see if we have any questions
24 up here. Okay. Does the applicant have any
25 questions?

1 MR. UTZ: No, we don't.

2 CHAIRPERSON HOOD: Is there anyone
3 here from ANC 5-D, I think. 5-D? D. 5-D
4 here? Okay.

5 I want to thank you and thank the
6 council member. We appreciate it.

7 MR. GULSTONE: Appreciate it.

8 CHAIRPERSON HOOD: Okay. Let's go
9 back to Commissioner May.

10 MR. MAY: Okay. I'll try to wrap up
11 quickly.

12 So one of the early images that you
13 show is something about Maurice Electric, and
14 it looked like an interior warehouse base. Is
15 that correct?

16 So I mean, are they still -- is
17 Maurice still there?

18 MR. KAUFMAN: Is the company still
19 there?

20 MR. MAY: Yeah.

21 MR. KAUFMAN: So, the Kogod Family
22 owned that company that owns Maurice Electric
23 company, was there for a very long time. They
24 sold the business, retained ownership of the
25 building, which we bought the building from.

1 MR. MAY: So, I was really just
2 looking for the short answer. Is Maurice
3 Electric still there?

4 MR. KAUFMAN: They're moving their
5 operations, but they still have some of their
6 operation there.

7 MR. MAY: Okay. And so where are they
8 moving to?

9 MR. KAUFMAN: I'm not sure.

10 MR. MAY: I'm sorry. They're my
11 electrical supplier so I'm just curious.

12 MR. KAUFMAN: I think they're moving -
13 - so many people have bought their light
14 fixtures from there in the city.

15 MR. MAY: Yes.

16 MR. KAUFMAN: They're moving to
17 Maryland and they're moving out of the city.

18 CHAIRPERSON HOOD: Yeah, I heard they
19 were moving to Maryland. How unfortunate.
20 Yes.

21 MR. MAY: Yes. I remember when they
22 were downtown on 11th Street. So, anyway.

23 What do you expect the actual life to
24 be of the Neal Street Park? I mean, once you
25 get this built, how long do you think it will

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1 actually be there? What's your best guess?

2 MR. KAUFMAN: I think it has a lot to
3 do with things that we don't control,
4 unfortunately. I'd say that if the building
5 behind us develops quickly or, you know, soon,
6 then I don't think the park would be there all
7 that long.

8 If that building doesn't move forward
9 soon I hope the park stays for a while because
10 I think it would be very important for the
11 retail on 4th Street, as well as just much
12 needed green space there. So, you know, it
13 sort of depends on what our neighbor does
14 behind us.

15 MR. MAY: Right. So your best guess?
16 I'm not going to hold you to it, obviously but
17 you know, you think it's going to be there for
18 a year or you think it's going to be there for
19 five years?

20 MR. KAUFMAN: Three years. Three
21 years.

22 MR. MAY: Three years. Okay.

23 Mr. Avitabile, you mentioned nine by
24 18 parking spaces to afford --

25 MR. AVITABILE: That's correct.

1 MR. MAY: -- more generous drive
2 aisles.

3 MR. AVITABILE: Yes.

4 MR. MAY: Okay. So to give more than
5 the standard drive aisle? Is that really what
6 it boils down to?

7 MR. AVITABILE: Yeah. I was wondering
8 if you want to talk to that a little bit?

9 MR. BARANES: Yes. We normally do 20
10 foot aisles.

11 MR. MAY: Right. And 19 foot spaces.
12 And so this is going to be a 22 foot aisle?

13 MR. BARANES: Right. Correct.

14 MR. MAY: Okay. So why don't we
15 always do that? If it's better, why don't we
16 always do that?

17 MR. BARANES: Because the regs don't
18 allow us to.

19 MR. MAY: I see.

20 MR. AVITABILE: And the regulations
21 are 50 plus years old on that topic.

22 MR. MAY: Right. I don't disagree.
23 That's why I'm asking the question. So we'll,
24 I guess, DDOT will speak to that too.

25 MR. SHARPE: Could I just add one

1 thing to that?

2 MR. MAY: Uh-huh.

3 MR. SHARPE: So in our experience, and
4 this is just as retail guys, as retail
5 developers. You know, it's tremendously
6 important for folks who shop at our projects
7 that the parking is very convenient and very
8 simple to use and that the circulation is very
9 easy. And we know that from experience from
10 projects in D.C., the suburbs, Boston, New
11 York, Philly, Miami. All over the country.

12 And we can tell you from sort of
13 painful experience that we've spent a lot of
14 time kind of figuring that geometry out, and we
15 think it's quite important that you have an 18
16 foot stall. I think it's actually a 24 foot
17 drive aisle, and another 18 foot stall. And
18 that affords you sort of easy maneuvering room
19 for everybody who uses the parking spaces.

20 MR. MAY: Okay. I don't disagree and
21 I'm just -- I think this is the first time
22 anybody just came up and said, well, we'd like
23 to do, you know, shorter stalls and wider drive
24 aisles. Okay. It's just different.

25 MR. AVITABILE: It's attention to

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1 detail.

2 MR. MAY: Okay. I'll buy that.

3 The ANC 6-C, I think, suggested that
4 you also include a bike share station. Did you
5 have a comment on that in your amenities?

6 MR. UTZ: Right. So the focus of the
7 amenities package at this point is still kind
8 of bringing order to the chaos of the Florida
9 Avenue Market District's public space. You
10 know, if you go in there, try to drive or even
11 walk around the streets it is not always safe
12 and it doesn't always make sense.

13 The effort that the applicant is
14 putting forth right now is to bring order to
15 the chaos, to bring striping, signage, two-way
16 traffic on to 4th Street and actually on to 5th
17 Street as well for Case 14-12. And really
18 focus on making the network make sense; making
19 the network safe for pedestrians and vehicles
20 first.

21 So it's more of kind of -- it's more
22 of focusing on creating that environment as a
23 first step, and then later once folks come,
24 revisiting questions like that about bike
25 share.

1 MR. MAY: Have you actually discussed
2 that, the bike share station, with DDOT? They
3 didn't try to sell you on putting one in?

4 MR. UTZ: Not to date. The focus
5 really has been on, and I would --

6 MR. MAY: I'm surprised and
7 disappointed. They usually try to get
8 everybody to -- oh well.

9 MR. UTZ: I think this is --

10 MR. MAY: I'll ask them that question
11 too.

12 MR. UTZ: I think this is just a
13 unique condition with this kind of state of
14 affairs in the market right now.

15 MR. MAY: Okay. What about DDOT's
16 issue with the canopy design?

17 MR. AVITABILE: I can speak to that
18 briefly. But first, one more thing on the bike
19 share station. There is one two blocks to the
20 east. It's on 6th Street. So there is a bike
21 share station in the vicinity.

22 Right. Oh, there's also one two
23 blocks away in Noma. So there are a couple of
24 bike share stations also nearby.

25 MR. MAY: Two blocks away by the --

1 how is Noma two blocks away?

2 MR. UTZ: It's officially Noma.

3 MS. BREM: It's two or three blocks
4 just south.

5 MR. MAY: Directly south?

6 MS. BREM: Yeah, I think so.

7 MR. MAY: Okay.

8 MS. BREM: That's like a little --

9 CHAIRPERSON HOOD: Can I just say
10 this? Let me just interrupt. Sometime I
11 really like the way you answered that, Mr. Utz,
12 because you even had me. I really believed it.
13 Normally I don't believe, when you talk about
14 bicycles, I usually don't believe a lot of the
15 answers I hear. But the way you poised that
16 answer, for me, I really thought about what you
17 just said, about the safetiness of the bicycle
18 share and what the ANC -- and I wasn't going to
19 ask them. I thought I would tell you that
20 publically.

21 MR. UTZ: Thank you. I appreciate
22 that.

23 CHAIRPERSON HOOD: All right.
24 Commissioner May.

25 MR. MAY: Okay. So back to the canopy

1 design.

2 MR. AVITABILE: Right.

3 MR. UTZ: The pressure is on.

4 MR. AVITABILE: So I think what DDOT
5 was trying to convey with the canopy is that we
6 haven't engaged DDOT in a discussion of those
7 canopies. Those canopies, as proposed, are
8 deeper than is normally permitted under the
9 building code, and we'll still need to talk
10 with DDOT about those canopies and they wanted
11 to flag that. Their approval of this PUD
12 didn't necessarily constitute approval of that
13 canopy element just yet. We have --

14 MR. MAY: So normally something like
15 that would be resolved here at the Zoning
16 Commission. We would see the building as its
17 been designed, including the canopy. And it's
18 not unusual for us to require that canopies be
19 reduced in size because they just look too big.

20 Now, I mean, this -- I don't know that
21 they necessarily look too big. I don't think
22 we have really good views of exactly how big
23 they are. But, you know, how far off are they
24 and can't we get that resolved before we give
25 final approval to this?

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1 MR. AVITABILE: Well, it ultimately --
2 I mean, the ultimate decision on that obviously
3 certainly the Zoning -- I mean, the Building
4 Code official typically decides. We would have
5 to apply for a code modification to the
6 Building Code official to exceed the normal
7 permitted depth of a canopy.

8 MR. MAY: Right.

9 MR. AVITABILE: And what the Building
10 Code official does is gets input from the
11 various agencies.

12 MR. MAY: Right. Okay. So I mean, I
13 guess my point is that the canopy design and
14 how it looks is an important aspect of what we
15 would normally review under PUD. So I think we
16 want to approve it the way it's going to be
17 built, or approve a buildable version of it
18 with some flexibility if you manage to get that
19 waiver. In any case I think we need to see it
20 on paper in some form. Right?

21 Now if we're talking about a six inch
22 difference, you know, just tell us it could be
23 six inches larger. But, you know, if we're
24 talking about two or three feet difference
25 then, yeah, we need to see that and we need to

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1 approve it one way or the other.

2 MR. AVITABILE: Right. And that's, I
3 mean, what we are showing is a few feet. And
4 what we're trying to evoke are the canopies and
5 --

6 MR. MAY: I understand why.

7 MR. AVITABILE: Okay.

8 MR. MAY: That's not the question and
9 I don't dispute what they look like. I don't
10 have a problem with it. You know, typically
11 when we see gigantic canopies it's associated
12 with hotels and things like that. And you
13 know, the last one we looked at, which we had -
14 - which we talked to them about making smaller
15 was just, you know, absurdly sized. And we're
16 not talking about that here. It's just that,
17 you know, I don't like to see things like that
18 floating after we approve it.

19 MR. AVITABILE: Okay.

20 MR. MAY: So, last thing is that I
21 want to go back to the affordability issue,
22 which is that you know, I recognize that the
23 affordability is approved. But given the
24 really large increase in FAR that's associated
25 with this project going from 3.0 to 5.0, it

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1 seems meager.

2 I understand that there's a lot of
3 dollars associated with some of the other
4 amenities that have been proffered here. But
5 it still seems quite meager. And you know,
6 maybe you just need to demonstrate to us that
7 the totality of the amenities package is a
8 really big dollar amenities package. But, you
9 know, when I look at it I'm not seeing -- you
10 know, it's not adding up in my head.

11 So, and the best way to try to bump
12 that up, I think, I to improve the
13 affordability. Either increase the overall
14 percentage or increase the level of
15 affordability for more units, or maybe even
16 both.

17 So, I mean, this is a really, really
18 big increase in FAR. So, I think we should be
19 looking for more. So, I'll leave it at that.

20 CHAIRPERSON HOOD: Okay. Any more
21 questions? I mean, Commissioner Turnbull? I
22 had to do that.

23 MR. TURNBULL: Thank you, Mr. Chair.

24 No, I just want to go back to
25 something at the -- I want to thank you for

1 your presentation. I think it was very good,
2 very concise, and I think of all of the Edens
3 presentations we've had, this was the best.
4 This was clear, concise, and I think the
5 building looks the best of all of the buildings
6 you've presented. I think it was very well
7 articulated, I think it looks very good.

8 But getting back to the front, I just
9 want to go back to the beginning. Mr. Utz is
10 taller than Mr. Kadlecek. I just want to
11 clarify, he's taller.

12 MR. UTZ: Yeah. A bit older too.

13 MR. TURNBULL: Significantly taller.

14 CHAIRPERSON HOOD: So next time we'll
15 have both of them stand and I'll be able to --

16 MR. TURNBULL: That's right.

17 CHAIRPERSON HOOD: Okay.

18 MR. TURNBULL: You'll be able to see.
19 Okay.

20 I think my colleagues have copied a
21 lot of the comments that I had. I agree with
22 the penthouse. The penthouse.

23 I think we need some sections, some
24 plans, maybe some views, and a little bit talk
25 about the lighting up there. Just to see what

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1 it really looks like so that we -- as I think
2 we've heard said before, we usually get that
3 package that shows us what's really going on up
4 at the penthouse level. So I think we'd like
5 to see some more plans on that.

6 And I agree with Commissioner May's
7 comments on the canopies. I think we need some
8 better information on that.

9 Let's talk about the existing wall.
10 Are we only saving the existing wall on 4th
11 Street?

12 MR. BARANES: Yes, that's correct.

13 MR. TURNBULL: But a lot of that is
14 going to be gone too, like 50 percent or --

15 MR. BARANES: No, less than 50 percent
16 will be gone.

17 MR. TURNBULL: Okay.

18 MR. BARANES: I don't know what the
19 percentage is, but --

20 MR. TURNBULL: Yeah.

21 MR. BARANES: -- I would say just
22 guessing, maybe two-thirds of the length is
23 what we're keeping.

24 MR. TURNBULL: Two-thirds. Okay. So
25 I mean, so basically we're just saving the 4th

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1 Street elevation --

2 MR. BARANES: That's correct.

3 MR. TURNBULL: -- as much as we can.

4 Okay. I think the architecture, I like the way
5 it's going. I think the design -- I'm just
6 curious. On the back side, the alley side, a
7 lot of things drop off and I guess the question
8 is, and I heard the comment from Mr. Kaufman
9 about, depends upon what our neighbor does on
10 the south side.

11 So right now there's no balconies back
12 there. It's just pretty -- you've got the grid
13 and the architecture but the articulation that
14 we see on the 4th Street side is not going to
15 be there. It's just a lot simpler.

16 MR. UTZ: That's correct. We don't
17 have the projecting balconies which are -- just
18 project beyond the face of the grid.

19 MR. TURNBULL: Yeah.

20 MR. UTZ: Those do not occur on the
21 alley side. But on the alley side we do recess
22 the top two floors in the same way we do on the
23 front side.

24 MR. TURNBULL: Right. Okay. I mean,
25 I guess if that becomes residential or -- I'm

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1 not sure what your neighbor to the south is
2 going to do, but it's going to be too bad that
3 you've then lost an opportunity to have more of
4 a more vibrant site. But I know right now
5 you're rolling the dice not knowing what's
6 going to happen with that property back there.

7 MR. KAUFMAN: Yeah. I mean, I
8 actually think, you know, there could be a
9 really cool environment back there if our
10 neighbor goes, you know, to high and does
11 residential like we do, it would be a very
12 urban sort of --

13 MR. TURNBULL: Right.

14 MR. KAUFMAN: -- New Yorkesque kind of
15 place where, you know, people hang out on their
16 fire escapes for lack of -- you know, and
17 there's like a real sort of unique kind of
18 environment back there. And that's something
19 that we've actually looked at and talked about.
20 And I think it's worthy of continuing to do
21 that.

22 MR. TURNBULL: Okay. Did we ever say
23 that these are rental or condos or --

24 MR. KAUFMAN: We did not, but you
25 know, it's not fixed, but the assumption is

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1 they're going to be rentals.

2 MR. TURNBULL: Rental. Okay. On the
3 affordability there is approximately 3,400
4 square feet for the five units.

5 MR. UTZ: Correct.

6 MR. TURNBULL: How do you see that
7 playing out between two bedrooms, one bedroom.
8 I mean, I'd hate to see them all fairly small
9 units. I mean, is there going to be a two-
10 bedroom unit in this mix?

11 MR. KAUFMAN: Yeah. I mean, we
12 haven't -- the unit mix is still in flux but I
13 mean, my understanding is, and the intent is,
14 is that the affordable units, both the
15 inclusionary affordable units and the units
16 that we designate at 50 percent AMI will need
17 to be proportional to the unit mix within the
18 building. And so I don't know that it
19 specifically, you know, to the nose hits that.

20 MR. TURNBULL: Right.

21 MR. KAUFMAN: But that would be the
22 intention and that's sort of my understanding
23 of how it's supposed to be done.

24 MR. TURNBULL: Well, I guess, consider
25 that. I mean, I think you've already been

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1 asked to look, and the questions come up about
2 the affordability and the amenity package in
3 general. So I think if you could just, you
4 know, consider that in your calculations on how
5 you look at that.

6 Now the sidewalks on 4th Street that
7 you said were like 28 feet wide? Did I hear
8 that originally?

9 MR. SHARPE: Yes, that's approximately
10 correct.

11 MR. TURNBULL: Twenty-eight feet wide.
12 And so you're planning to have restaurants or
13 you want to have dining, outside dining there.
14 So apparently that's why it's so large there.

15 MR. SHARPE: Yeah, it's a couple
16 things. It is indeed outdoor dining. It is
17 partly canopies because we recognize that the
18 DDOT clear zone for pedestrian circulation
19 would have to start at the sort of drip line of
20 those, at the minimum.

21 MR. TURNBULL: Okay.

22 MR. SHARPE: And then the treatments
23 beyond; obviously beyond that as well.

24 MR. TURNBULL: Okay.

25 MR. KAUFMAN: And we do, we actually

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1 have -- it's super secret, but we have a signed
2 lease for 20,000 square feet on the northern
3 corner of that building with a really exciting
4 restaurant or market person who is going to do
5 something very similar to what's going on in
6 the Union Market Building with a little bit of
7 an ethnic twist to it. So it's --

8 MR. TURNBULL: Okay.

9 MR. KAUFMAN: It's exciting.

10 MR. TURNBULL: Well, how much is
11 actually usable sidewalk? Are you looking at
12 least 10 feet, 10, 12 feet?

13 MR. SHARPE: That's approximately
14 correct, 10 to 12 feet. Again we're going to
15 be working with, you know, with our friends at
16 DDOT to sort of finalize that.

17 MR. TURNBULL: Finalize that.

18 MR. SHARPE: But that's the intent.

19 MR. TURNBULL: Okay. All right.
20 Well, I think I want to thank you for your
21 presentation. I think it's again, again it's
22 an exciting project in an exciting part of town
23 so I think it's going in the right direction.

24 CHAIRPERSON HOOD: Thank you.

25 Commissioner Miller.

1 MR. MILLER: Thank you, Mr. Chairman.
2 Yeah, I would echo Commissioner Turnbull's
3 comments that it is very exciting project and I
4 think all of the changes that you've made, both
5 the architectural design changes and the
6 programmatic changes, the commitment to the
7 extension of the street, all have gone in the
8 right direction and very -- and I'm
9 appreciative that, you know, on the affordable
10 housing, that I think at set down there weren't
11 the 50 percent AMI units. You've added that
12 since then.

13 We, of course, would like to see more
14 than that because there are going to be 600
15 units in this -- the two phases. Or
16 approximately 600 units, which is great in and
17 of itself and we're glad that some of them will
18 be at the -- a few of them, five of them will
19 be at the 50 percent. But if you can stretch
20 that again, I think that would be very much
21 appreciated or added to the second phase as
22 well, which you did to the first phase.

23 The canopies, I think are very
24 attractive. I don't know what it is in the
25 DDOT regulations. We'll have DDOT address that

1 when they present their report. But I think
2 they're very attractive and they do evoke -- I
3 think they're less projecting out than the
4 existing canopies. They seem that, at least on
5 the pictures that I saw, and then the existing
6 canopies that are there today, but they're much
7 more attractive than the existing canopies that
8 are there today.

9 And if it is going out 10 feet on a 28
10 foot sidewalk, I don't think it looks too big.
11 At least on page -- the rendering on page 45,
12 which looks particularly attractive, to my eye
13 at least.

14 You know, all of the elements and the
15 materials, I think, are really outstanding and
16 the colors. It's just it really is very, all
17 the words that everybody -- that those who have
18 supporting -- that the applicants mentioned and
19 that the ANC and others have mentioned, the
20 catalytic, the transformative nature of this is
21 just kind of -- it's just amazing given what's
22 been there all these years. And what you've
23 done to liven that market area is very
24 commendable.

25 On the street -- so you've got this

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1 alley which, this 48 foot alley, which is owned
2 by the District Government but you're going to
3 enter into an easement agreement, or you
4 already have an easement agreement with the
5 District? There are three streets I wanted to
6 ask. But it's not a right-of-way, which -- so
7 there's that, there's the 3rd Street
8 dedication, and there's Neal Place extension.
9 If you could just talk about what the status is
10 of easement agreements for all of those, or
11 what the plan is, or is there street
12 dedication, or alley dedication easement,
13 establishment legislation that's necessary?

14 MR. UTZ: Okay. I'll take a shot at
15 answering that and people can jump in.

16 Currently, as you noted, 3rd Street is
17 not a right-of-way, it's not part of the street
18 grid of the District. It is a publically owned
19 A & T lot that looks like a street when you're
20 on it, when you look at it. There are
21 easements running over that District owned lot
22 that allow access and equivalent kind of rights
23 of ingress/egress for vehicles that benefit
24 several adjacent property owners, including
25 this parcel. So it is not technically a

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1 street, but it kind of looks like it just is
2 headed in the direction of a street.

3 The third, or the Neal Place connector
4 itself will be privately owned but there will
5 be an easement over it that would allow
6 permanent public ingress and egress, and 24
7 hour enjoyment of that space. And it would
8 connect through to the District owned A & T lot
9 that will function in a similar way.

10 MR. MILLER: So I assume that
11 references to these three easements would end
12 up being in the -- wouldn't it be appropriate
13 for it to end up in the zoning order on this
14 case? That it's such an important -- all these
15 connections are such an important part of
16 making your project work, and that neighborhood
17 work.

18 I guess maybe we're ahead of
19 ourselves, but --

20 MR. AVITABILE: I think it would be
21 appropriate to include reference, certainly the
22 easement that will grant on our portion of the
23 Neal Place extension because that's part of
24 what we're proffering as part of the PUD.

25 I think what Jeff just discussed, the

1 easements for the alley area that's already
2 covered and unprocessed. So that's already in
3 existence.

4 And then what's happening with 3rd
5 Street and the rest of Neal Place is really
6 beyond the scope of where we have control over
7 the scope of the PUD. That depends on other
8 private property owners in the District and
9 their work with the agencies, and potentially
10 with the Commission in the future.

11 MR. MILLER: And I guess my final
12 question is, you said that you're at 50 -- on
13 the LEED you're at 51 on your scorecard and you
14 are going to seek Silver Certification. You've
15 got 21 points there though, that are in the
16 question mark category. And if you got nine of
17 them you'd be at gold. So you're going to
18 endeavor to get to gold?

19 MR. SHARPE: We're going to try our --

20 MR. MILLER: How questionable are
21 those question marks?

22 MR. SHARPE: Well, I mean, we're
23 always careful about, you know, not wanting to
24 commit to something we don't feel solidly that
25 we can achieve. I would say that the -- you

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1 know, we feel really strong about the 51 points
2 that we can get to. We're going to try hard to
3 get more. Our suspicion is that it would be
4 difficult to get to gold without changing some
5 of the building systems, which we've already
6 kind of selected and designed. And we're not
7 comfortable going there or committing to going
8 there at this point.

9 MR. MILLER: And like another previous
10 project, are you getting sufficient credit for
11 saving the façade?

12 MR. SHARPE: We're not getting a lot
13 of credit for saving the façade.

14 MR. MILLER: Okay. Well, I think
15 that's an important -- another factor too, for
16 us to consider when we look at the LEED. Thank
17 you, Mr. Chair.

18 MR. SHARPE: Thank you.

19 CHAIRPERSON HOOD: Okay. And I guess
20 this goes to Mr. Kaufman. What are we doing
21 with -- I don't want to bring all the other
22 developments into it, but what are we doing
23 with this development per se, as far as the job
24 opportunities? What are we doing?

25 I mean, this is a big deal, I think,

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1 for the city. What are we doing going above
2 and beyond the signing the DOE -- I mean, the
3 DOES agreement?

4 MR. KAUFMAN: So the DOSE (sic)
5 agreement is first source.

6 CHAIRPERSON HOOD: First source.
7 First source.

8 MR. KAUFMAN: Yeah. So we've agreed
9 to do a first source agreement. I mean, we've
10 talked with OP at length about some of the
11 things that we do to incentivize retailers and
12 businesses and makers to come to the market. I
13 think we've done a really good job of that so
14 far.

15 The problem is, is that it becomes
16 very sort of hard and uncomfortable for us to
17 quantify those incentives and sort of like, you
18 know, setting aside TI dollars for new
19 businesses and so on.

20 And so while I -- or reduced rents and
21 so on. And so, you know, while we do that and
22 we intend to continue to do that, I don't know,
23 or we're not comfortable sort of formalizing it
24 in a very formulaic way as part of a PUD. And
25 so we sort of have struggled with how to add

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1 that component in a way that we're comfortable
2 with.

3 I'm not sure if that answers the
4 question, but --

5 CHAIRPERSON HOOD: Actually, I'm not
6 sure if -- maybe I'm not understanding your
7 answer, because the project was going all
8 uphill until I just got that answer, for me.

9 Maybe I didn't articulate. What I'm
10 saying is, what are we doing with Department of
11 Employment Service with this first source
12 agreement? We already know pretty much what
13 pool. What are we doing as far as trying to
14 make sure that we have the people trained and
15 ready, just in case the opportunities arise
16 through this particular project, and all the
17 other ones that's going on down there?

18 I guess I think because of the
19 opportunities that are there, I think we need
20 to just do a little more. What are we doing?
21 Or are we doing anything?

22 MR. KAUFMAN: I'm not sure I follow
23 the question.

24 CHAIRPERSON HOOD: Okay. Let me
25 rephrase it. In the first source agreement

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1 there are particular agenda items that you're
2 supposed to try to accomplish and achieve. You
3 know what you probably are expecting. Some of
4 it you may not know exactly, but you know what
5 kind of pool you're going to need when you
6 exercise that first source, correct?

7 MR. KAUFMAN: Correct.

8 CHAIRPERSON HOOD: So what are we
9 telling the Department of Employment Service to
10 make sure that when it comes that time that
11 they have a pool ready to be able to jump into
12 action?

13 MR. KAUFMAN: You mean in terms of
14 like notification and like --

15 CHAIRPERSON HOOD: Jobs. You know,
16 what we might be able to expect so we can start
17 doing some training now, or they can start
18 doing the training now. You know, this is a
19 question I've asked many times and for many
20 years.

21 MR. KAUFMAN: Okay. I think I
22 understand what you're saying. And so one of
23 the things that we do sort of regularly is
24 through the ANCs, you know, through 5-D, is we
25 sort of let them know when job opportunities

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1 are sort of coming their way or are being
2 created.

3 But it sounds like what you're saying
4 is, is are we willing to sort of put some kind
5 of projection plan in front of --

6 CHAIRPERSON HOOD: No, no, I'm not
7 actually -- you actually answered my question.
8 You are communicating with ANC 5-D, and I know
9 the Chairperson. So that's answering my
10 question.

11 MR. KAUFMAN: Okay.

12 CHAIRPERSON HOOD: That's sufficient
13 enough.

14 MR. KAUFMAN: Okay. Thank you.

15 CHAIRPERSON HOOD: So you got off the
16 hook. Let me also --

17 MR. KAUFMAN: I'm digging myself a
18 hole, huh?

19 CHAIRPERSON HOOD: Let me also tell
20 you that this picture here, unique perspective
21 on development. So I guess now when you're
22 coming from the Commission on every project
23 down there we're going to see a picture like
24 this, which makes it easier when we look at the
25 other pictures. Is that what you were trying

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1 to achieve? That's the first picture that you
2 spoke about; the one that you can't leave home
3 without.

4 MR. KAUFMAN: Yes, that --

5 CHAIRPERSON HOOD: You're just trying
6 to show us how sad it looks down there so we're
7 easy --

8 MR. KAUFMAN: No, actually, no, that's
9 not --

10 CHAIRPERSON HOOD: Maybe that's --
11 okay.

12 MR. KAUFMAN: -- how sad, actually.
13 So this is our favorite image of the whole 45
14 acres. We think the president of the company
15 loves this image and thinks that it's just, you
16 know, it's just a beautiful old gritty -- it
17 just has patina. And so she makes me carry it
18 around like it's my football and if I lose it I
19 get in trouble because, you know, this is the
20 best way to communicate what we think is so
21 great about this place.

22 CHAIRPERSON HOOD: Okay. I
23 misunderstood that. I thought you were trying
24 to show -- to me it's -- well, I'm not going to
25 argue with the president of the company. I'll

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1 just let her have her view and I'll keep mine.

2 I was going to talk about the space
3 between alleys. I think that's been covered.

4 Mr. Baranes, you mentioned something
5 about fire. I think you said fire escape
6 aesthetic?

7 MR. BARANES: Yes, I did.

8 CHAIRPERSON HOOD: Okay. So I wrote
9 that down right. Again, explain to me what
10 fire escape aesthetic is.

11 MR. BARANES: Sure. We're trying to
12 keep the balconies that project beyond the grid
13 very light in nature. Typically in an
14 apartment building we extend the concrete floor
15 slab, it's about eight inches thick, and then
16 we put a railing on top of that. Here, we're
17 not going to extend the concrete floor, we're
18 going to put in a metal floor that will allow
19 light to come through, as you see on a fire
20 escape.

21 CHAIRPERSON HOOD: Okay. And I'm not
22 sure who mentioned about the -- installed the
23 two electric car charging stations. Somebody
24 mentioned that.

25 MR. SHARPE: I didn't mention it, but

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1 it is one of the things we're doing as part of
2 our improvements in the garage and part of our
3 sustainable measures.

4 CHAIRPERSON HOOD: I thought somebody
5 -- you mentioned it or --

6 MR. SHARPE: Did you mention it?

7 CHAIRPERSON HOOD: Oh, Mr. VanPelt
8 mentioned it.

9 MR. VANPELT: Yes. I did. I
10 mentioned it as part of the TDM package.

11 CHAIRPERSON HOOD: Mr. VanPelt. Now
12 let me -- I know I'm seeing a lot of this, and
13 I know this is the nation's capital. I
14 actually sat in a meeting yesterday where
15 Kansas City is asking for more charging
16 stations, and they I'm sure they obviously have
17 more than two. Do you see that changing?
18 People asking for -- it seems like we're always
19 asking for two in the nation's capital. But in
20 the meeting I was in yesterday it seems like
21 they were asking for like 15.

22 So do you ever see that changing? I
23 mean, it seems like that the District of
24 Columbia always is in the lead. And so when I
25 heard yesterday and what I hear today, we're

1 asking for two. Kansas City has, I think 15,
2 or whatever they asked for.

3 MR. VANPELT: I mean, I think many of
4 my clients are seeing that while it was a
5 requirement at one time, there's actually a
6 market demand and they're meeting that market
7 demand to provide additional ones. So I think
8 the commitment has been made for at least two
9 here. You know, should that market demand be
10 there. I would not be surprised if those two
11 are quickly realized, the need for those and
12 probably future ones also. I mean, and I think
13 the property owners are meeting that demand.

14 CHAIRPERSON HOOD: So we are probably
15 going to expect, in this city, that demand will
16 probably go up at some time.

17 MR. VANPELT: I think with the number
18 of electric vehicles that we're seeing and
19 plug-in hybrids on the road, I would expect
20 that that probably would be the case.

21 CHAIRPERSON HOOD: Okay. That's all I
22 have. I think the presentation at least gave
23 me a lot of information that I needed. And
24 going last, a lot of questions, especially with
25 the roof top, I never thought I would have said

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1 it was heavy. I just thought it was a lot
2 going on, but heavy sounded to be a better word
3 for it. But I think that's been clarified.

4 So, I think this is going to be a
5 great project and I'm prepared to go to the
6 next -- you all thought I was going to say I'm
7 prepared to vote for it. No, we're not
8 finished the process. But I'm prepared to move
9 forward, but I do like the presentation. I
10 thank you all for that.

11 MR. VANPELT: Thank you.

12 CHAIRPERSON HOOD: Any other
13 questions? Any final questions up here? Mr.
14 Avitabile?

15 MR. AVITABILE: Commissioner Hood, we
16 just wanted to note to respond to Commissioner
17 May's question about the canopies, in the
18 prehearing submission, it was on page A13, we
19 did include a detailed section showing kind of
20 how the canopies would be established and that
21 they would range between seven and 10 feet. So
22 the detail is in there and I think that,
23 combined with the perspective at least starts
24 to show you --

25 MR. MAY: Sure.

1 MR. AVITABILE: -- what we're thinking
2 about.

3 MR. MAY: So the seven is what's
4 allowed by code?

5 MR. AVITABILE: No, the seven I think
6 also exceeds what's allowed by code.

7 MR. MAY: So what's allowed by code?

8 MR. AVITABILE: I think it's either
9 four or six feet. And part of this depends,
10 too, on whether we categorize these as canopies
11 or marquis, and there's some discussion about
12 whether it's a canopy or a marquis. The depth
13 depends both on how far out you can come from
14 the building, but also how far back you are
15 from the curb.

16 And then I think the last thing I note
17 is there have been some situations in the
18 recent past where working collaboratively with
19 all the parties, we have actually added deeper
20 than our permitted canopies, two buildings.
21 Particularly, actually, it was recent approval
22 for a canopy that was being added to a historic
23 warehouse building, partly because it reflected
24 that aesthetic. I think we just haven't really
25 started to have that conversation back and

1 forth with DDOT yet. And we certain can and
2 will do that.

3 MR. MAY: Okay. And I don't have any
4 problem with the canopies in terms of what I
5 have seen. I don't feel like I have seen it
6 exhaustively in what you submitted. And that's
7 all I'm really seeking. I'm actually in this
8 circumstance, kind of like the idea of having
9 the bigger canopies because it is part of the
10 aesthetic of the area. Although I'm not sure
11 exactly what's rendered really follows that
12 aesthetic so much, but the idea of the canopies
13 I think does.

14 So what was the page reference in the
15 prehearing submission?

16 MR. AVITABILE: It's page A-13.

17 MR. UTZ: It's on page 47 of the
18 presentation as well, but it's difficult to
19 read. And then the renderings and the
20 presentation are the 10 foot dimension on page
21 42 and 45.

22 MR. MAY: Say that again?

23 MR. UTZ: The renderings and the
24 presentations --

25 MR. MAY: Yeah. Okay. Yeah. I had

1 seen those. Yeah, all right.

2 MR. UTZ: -- pages 42 and 45.

3 MR. MAY: Got it. Yeah, I had seen
4 the -- I mean, the renderings, I had looked at
5 carefully.

6 So one last thing on an unrelated
7 topic. Back to the affordable units. You
8 know, we do typically see the floorplans with
9 the distribution of those units. We may not
10 know exactly what the size of the units are
11 going to be or what the number of bedrooms and
12 stuff, but we do need that plan because that's
13 what we usually see.

14 MR. AVITABILE: Well, I think here we
15 just don't have those floorplans. We are
16 willing to commit that the units will be, as we
17 indicated, spread out across unit types
18 proportional to the market rate mix, and that
19 they would also be distributed throughout the
20 building on multiple floors. But my
21 understanding is that we're just not in a
22 position yet to really present floorplans or to
23 identify the specific location of affordable
24 units, because the unit mix and the partition
25 walls are just in flux enough that by the time

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1 we actually get to a permit stage, sure it may
2 identify locations. It's not going to be the
3 location where they end up.

4 MR. MAY: Then, you know, the thing
5 normally when we see a PUD, things have formed
6 enough that those commitments can be made. If
7 you're saying that you're not going to get to
8 that before we get to final action this, then I
9 think we need something more than simply
10 saying, yeah, we promise to distribute them
11 about the building.

12 So you know, it could even be segments
13 of the building. You know, one on you know --
14 how many on each floor and what the
15 distribution might be among that floor. You
16 know, I don't think we need to hold you to the
17 exact location of the partitions that separate
18 these things. But approximate locations. I
19 think, you know, you can give us something.

20 MR. AVITABILE: Yeah, we'll work on
21 that. And the last thing I'll just note,
22 having now gone through trying to implement the
23 actual ADU covenants and final ADU matrix plans
24 for projects that were approved by the
25 Commission a few years ago and we're now

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1 getting them permitted and approved. Sure as
2 we identified locations, those locations don't
3 work because the unit mix adjusted, the unit
4 types adjusted, and then you have to move it
5 all around to maintain the proportion.

6 So I think --

7 MR. MAY: So this is an opportunity
8 for you to figure out a new way to describe how
9 such units get distributed in a building --

10 MR. AVITABILE: That's what I'm -- I'm
11 facing the challenge.

12 MR. MAY: -- and yet allow the
13 developer the flexibility to be able to
14 finalize the deal later on.

15 MR. AVITABILE: I agree.

16 MR. MAY: I think it's an excellent
17 chance. Thank you.

18 CHAIRPERSON HOOD: Any other questions
19 or comments?

20 I really want to ask Mr. Utz that
21 question about the bike stations again, because
22 I want to see if that answer stays the same.
23 But I'm not going to do that.

24 Let's go to the Office of Planning,
25 Ms. Elliott, and then we'll go to the District

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1 Department of Transportation, and then we'll go
2 to the District Department of the Environment,
3 in that order. Okay.

4 MS. ELLIOTT: Thank you, Mr. Chairman.
5 The Office of Planning does continue to be
6 supportive of this project, and as noted in the
7 report we do have a couple of conditions for
8 which that approval is attached.

9 The first condition is related to the
10 completion of Neal Place, and I think that the
11 applicant did address this pretty well in their
12 presentation. You know, we don't want Neal
13 Place to become a permanent park. So we are
14 strongly supportive of DDOT's position that
15 there be a time frame attached to Neal Place,
16 and as far as when it should be extended. So
17 we're glad that they're continuing to have
18 those discussions and it sounds like there may
19 be a resolution on the horizon.

20 The second condition relates to the
21 parking that has been proposed. The applicant
22 did address the need for the parking for this
23 project in the presentation, but we're trying
24 to review the parking for Florida Avenue Market
25 holistically.

1 And so we think that it's important
2 for future projects that they actually provide
3 a parking study that demonstrates the need for
4 the parking, so we don't end up with an extreme
5 surplus and create additional issues. So that
6 is the second condition.

7 In our report we did request some
8 additional information concerning the -- how
9 this project furthers the goals and objectives
10 of the Ward 5 Works Industrial Study, and we
11 appreciate, you know, the discussion that's
12 been had tonight regarding how they're
13 achieving that. But I don't think that it
14 quite gets to some of the specifics that we
15 were hoping that they would address.
16 Specifically as noted in the report, some of
17 the objectives are aiming to create high paying
18 jobs and affordable locations for maker uses.
19 And we have received some general comments to
20 that effect, but I don't think that we really
21 have any commitments at this point,
22 demonstrating how the applicant is furthering
23 those goals and objectives.

24 So I think we would just like to see a
25 little bit more from them on that front. But

1 otherwise we do continue to support this
2 project and I'd be happy to answer any
3 questions you have. Thanks.

4 MR. ROGERS: Good evening. My name is
5 Jonathan Rogers with the District Department of
6 Transportation. I wanted to start off by
7 providing a brief update on the conversations
8 related to the Neal Place extension. Neal
9 Place was identified by DDOT as important for
10 three reasons. First, for operational reasons
11 for processing traffic, and also for
12 circulation, expanding circulation in the road
13 network throughout the market. And related to
14 that last point, the Neal Place extension
15 implements an important recommendation from the
16 Small Area Plan.

17 DDOT is in agreement with the interim
18 park use in principle, and just had two overall
19 objectives that needed to be achieved in order
20 to be comfortable with the interim park. One
21 is that the term interim is clearly defined so
22 that there is a guarantee that the street would
23 go in in a brief horizon. And the other is
24 that funds be ensured to be available for
25 future construction of that road.

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1 At the time of the DDOT report being
2 submitted there was some distance to make up,
3 but the applicant and DDOT have coordinated
4 closely over the last week and have identified
5 language that addresses these concerns. We're
6 now at a point where we're comfortable with the
7 level of certainty provided with respect to the
8 Neal Place final condition as a road.

9 We'll continue to refine and finalize
10 the language in the coming weeks.

11 Regarding transportation demand
12 management, I did want to make one point of
13 clarification. DDOT is requesting that rather
14 than a \$75 membership be offered, that we
15 change the language to an annual membership to
16 account for potential changes in car share,
17 bike share membership costs.

18 We feel the \$35,000 maximum is
19 appropriate and would equate to at least 410
20 bike share memberships.

21 With respect to the bike share
22 station, it's not something that DDOT
23 specifically requested as part of this
24 application. We'd certainly be happy to accept
25 it. There are other projects in the vicinity

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1 that could be -- it could have bike share
2 stations tied to them in order to continue to
3 expand the network of bike share stations.

4 And regarding the canopies, I believe
5 it was clarified by Mr. Avitabile, but the
6 canopy regulations that we're referring to are
7 in the building code and they do specify
8 dimensions for the width and the amount of
9 projection of the canopies. DDOT's major
10 consideration in the canopies is to ensure that
11 street trees can grow unencumbered by the
12 projections. This discussion will be affected
13 by several other -- by several permitting level
14 processes, including the streetscape guidelines
15 that have been referred to multiple times, as
16 well as the curbside management plan.

17 Regarding the drive aisle, DDOT had
18 never heard concerns or complaints about the
19 width of the drive aisle. And I would just
20 like to point out that the DDOT minimum
21 requirement for vehicle lane, travel lane
22 width, is 10 feet. And so two-way direction
23 alley would be -- would equal 20 feet, and that
24 is kind of our insight on the wider drive aisle
25 request.

1 And with that I will be happy to
2 answer any questions you have.

3 MR. WILSON: Good evening. My name is
4 Jay Wilson with the District Department of the
5 Environment. I wanted to first apologize for
6 not entering vice comments into the record for
7 this project. Although the design has changed
8 our comments remain mostly the same as our
9 original report filed in October and included
10 with OP's filing.

11 DDOE supports this project moving
12 forward, and the project meets all the minimum
13 design requirements for DDOE. However, we have
14 one concern, which is that the applicant is
15 providing up to five and a half times the
16 amount of public parking required by zoning, at
17 55 spaces a minimum zoning requirement for the
18 retail, they're providing up to 310 spaces.
19 And this property is only a quarter mile from
20 the Metro Station.

21 For DDOE the addition of vehicle
22 parking and the potential vehicles that it
23 represents is an air quality concern. In
24 addition it allows for the increase in vehicles
25 contrary to the sustainable D.C. goal of a

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1 greenhouse gas emissions reduction by 50
2 percent by 2032. And the air quality impacts
3 of the project will be evaluated during the
4 EISF process, during their standard permitting
5 process. And as part of that process an air
6 quality study is required.

7 We'd ask that the applicant fund a
8 very thorough air quality study that takes into
9 consideration the other parking provided by
10 future uses. And they also develop alternate
11 plans that eliminate either one or two levels
12 of parking. And so if the air quality study
13 finds that the parking has a negative impact,
14 either of those plans could be executed.

15 We also support OP's request for the
16 overall parking study for the development, and
17 regarding LEED certification, we met with the
18 applicant earlier this month and are glad that
19 they've agreed to achieve certification at the
20 Silver level, but would again note that this is
21 only slightly improved above what would
22 otherwise be required by the D.C. Green
23 Construction Code, and the International Energy
24 Conservation Code. And so Commissioner
25 Miller's point on the LEED credits, I've

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1 identified six additional LEED credits that
2 would be free and easy to achieve.

3 And then if they exceeded the minimum
4 energy standard, which right now they're
5 showing only the minimum energy requirement,
6 and if they installed any renewable energy on
7 the building then they could get LEED Gold
8 certification pretty easily.

9 That's all I have, so thank you, and
10 I'm here to answer questions if anyone has any.

11 CHAIRPERSON HOOD: Okay. I want to
12 thank Ms. Elliott, Mr. Rogers, and Mr. Wilson.
13 Let's see if we have any questions of either
14 one of our agencies. Any questions? Mr.
15 Turnbull.

16 MR. TURNBULL: I just have one for Mr.
17 Rogers.

18 The curbside management plan, that's
19 part of the public space processing?

20 MR. ROGERS: Correct. And a similar
21 offer was -- or request and offer from the
22 applicant was made as part of the 14-12
23 project. It's basically helping to understand
24 what the curbside uses are, what they're going
25 to be, and how to properly allocate a limited

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1 resource in the context of the market.

2 MR. TURNBULL: Okay. Thank you.

3 CHAIRPERSON HOOD: Okay. Vice Chair
4 Cohen?

5 MS. COHEN: Thank you, Mr. Chairman.
6 First of all I wanted to compliment each one of
7 the presenters for your past and current
8 reviews. They are extremely helpful and I
9 believe they have been very thorough so they
10 have -- appreciate them.

11 But Ms. Elliott, I do have a question
12 for you, and that has to do with the Ward 5
13 Works Industrial Land Study. And I have a copy
14 but I have to confess, I have not read it yet,
15 amongst the other reports that lie around the
16 house. But you mention in your review that
17 most of the warehouses continue to operate as
18 production distribution and warehouse uses.

19 I'm under the impression that most of
20 them are really distribution and warehouse
21 uses. Are there still production uses in that
22 immediate neighborhood that you're aware of?
23 Other than the gelato. Yeah. My favorite.

24 MS. ELLIOTT: Yeah, to be perfectly
25 honest, I'm not positive. That is language

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1 that was taken from the Small Area Plan. So at
2 the time production uses were identified as a
3 use.

4 MS. COHEN: Because one of the other
5 things on page 8 of your report, again, it
6 talks about well-paying jobs and in the
7 industrial properties. And I guess this is
8 counter-intuitive to me that a lot of the
9 industrial production in many cities has gone
10 out of business, including this electrical
11 place that Commissioner May is concerned about
12 moving to Maryland.

13 And I mean, I think what's happening
14 is that we're moving away from production into
15 service. And so I guess I should read that
16 report more -- for the first time, and see
17 where production does exist because I really
18 think that in this -- I'm not aware of it in
19 this neighborhood. Of course, I'm not the
20 expert of this neighborhood either.

21 And, Ms. Steingasser, do you want to
22 add to my --

23 MS. STEINGASSER: Well, I think the
24 reference of the term, "production" has a
25 slightly more broader meaning. So some of the

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1 images that you saw from the applicant's
2 presentation about seamstresses and fashion
3 designers, people who are making their own, now
4 also you'll hear it referred to often as, The
5 Maker's Economy, and that we would consider
6 production as well.

7 MS. COHEN: All right. Thank you.
8 And it's just that I don't also -- I just don't
9 think that they are well paying jobs. Again, I
10 think that they are borderline, and they don't
11 pay enough to meet the 80 percent median
12 income. That's just my only, you know, a point
13 and a concern. Thank you.

14 MR. LAWSON: Commissioner Cohen, I
15 think one of the things that the study is
16 trying to encourage is entrepreneurship and
17 supporting new businesses that can become
18 successful and viable businesses and then can
19 lead to employment of other people. That's why
20 we've been encouraging this applicant and other
21 applicants, other future applicants in this
22 area, to be considering how you're going to be
23 -- how they're going to be incorporating that
24 maker space philosophy, I guess, into their new
25 buildings.

1 There's no question that Edens has
2 done that really successfully in their existing
3 building in Union Market. And just how that's
4 carried forward, how that philosophy, how that
5 type of use is encouraged through the PUD
6 process through the rest of the Florida Avenue
7 Market. I think that's what we're getting at.

8 MS. COHEN: I'm actually glad you
9 brought that up because I've been getting this
10 list -- I don't know, some list sever about who
11 made our small businesses. It's called, Scout
12 Mob. You may want to write that down.

13 And I think it's a lot of local people
14 who are trying to produce things.

15 CHAIRPERSON HOOD: Okay. Vice Chair,
16 could you come back with more particulars so I
17 can get all the information on that? Scout --
18 what is it called?

19 MS. COHEN: I think it's called Scout
20 Mob. I'll forward it to you.

21 CHAIRPERSON HOOD: Okay. Thank you.
22 Any other questions up here? Any of the
23 agencies?

24 Commission May?

25 MR. MAY: So as I understand it, DDOT,

1 you have come to agreement on the conditions
2 for the change of the Neal Street Park to
3 roadway, right?

4 I was confused by your statements
5 about the drive aisle and the stall size. So I
6 mean, do you have any concerns or objections
7 about this? It's not standard, right?

8 MS. CHAMBERLIN: Correct. I mean, our
9 only concern is you're widening the drive
10 aisle, so it could encourage some speeding.
11 Again, it's not on our roads, it's on their
12 private property.

13 MR. MAY: Uh-huh.

14 MS. CHAMBERLIN: As Jonathan
15 mentioned, we haven't gotten any complaints
16 about the drive aisle. There's actually, I
17 believe in the ZRR, there might even be a
18 proposal to reduce them, which I have heard
19 some concerns in terms of the turning movements
20 needed for vehicles to, you know, back out, and
21 in and out of a parking spot.

22 So we haven't heard a request or a
23 need to widen them.

24 MR. MAY: Right. So I mean, in the
25 ZRR we're reducing the drive aisles, or the

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1 spaces, or both?

2 MR. LAWSON: There was some discussion
3 of that earlier on in the process --

4 MR. MAY: Yeah.

5 MR. LAWSON: -- and we ended up going
6 back to the current provisions.

7 MR. MAY: Current, 9 by 19.

8 MR. LAWSON: We'd be happy to take a
9 look at those again. We certainly put those
10 out to the industry and we --

11 MR. MAY: Yeah.

12 MR. LAWSON: -- got no feedback on the
13 current standards weren't working well. So if
14 we're getting some feedback now that the
15 current standards are not working well, I guess
16 better late than never. We'd be happy to take
17 that.

18 MR. MAY: Right. So I mean, I think
19 it's something that we ought to address
20 knowingly in this case. So it's either
21 something where, you know, they make a case and
22 DDOT thinks it's okay or OP thinks it's okay,
23 and then therefore there's a basis for us to
24 say, yeah, it's okay. That does have
25 implications for the zoning regs in the long

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1 fun.

2 But I just don't, you know, there's
3 not enough here saying, you know, just to say
4 well, you know, we think a wider drive aisle is
5 better and so therefore we don't want to follow
6 the standard. It's not exactly, you know, the
7 way we should be making decisions.

8 And I can understand the argument for
9 actually having narrower drive aisles. I know
10 that, you know, when I parked a car in Europe
11 in their parking garages, you know, I drove
12 very very slowly because it's just incredibly
13 small spaces. Parking spaces and drive aisles.
14 It's a miracle that I didn't put a lot of dents
15 in that rented car.

16 So I understand that point. But like
17 I said, we have to make this -- if we're going
18 to do something different we have to do it with
19 the right knowledge. So I would encourage the
20 further conversations to sort of figure that
21 out and make a recommendation from DDOT or OP.

22 So you know, I'm still struggling with
23 the right number of parking spaces. You know,
24 I appreciate the idea of wanting to have an air
25 quality study. I don't think that the Zoning

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1 Commission wants to get into the business of
2 requiring air quality studies. I think that is
3 a way that transportation planning is done on a
4 more macro scale. And I'm not sure the utility
5 of that in this kind of micro environment. And
6 if that's something that we do want to do, I
7 don't think it's something that we should
8 simply introduce in a PUD and try to go there.
9 I think it's something that we might want to --
10 maybe we want to consider it, but I just have a
11 hard time understanding that.

12 Nonetheless, I think that the argument
13 that there's just a whole lot of parking here
14 is a really good argument. So, and I'm not
15 comfortable just sort of saying, well, it's
16 going to range this wide amount. I think that
17 somehow between now and the final decision
18 making we ought to narrow it down.

19 And I think there are some ways to
20 narrow it down. Certainly we've seen proposals
21 where they have a half floor on the last -- you
22 know, on the bottom floor or something like
23 that, if that's the right range. But I think
24 that, you know, maybe you actually can go ahead
25 and eliminate an entire floor. Or maybe

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1 there's a solution that allows you to not have
2 any parking under the Stage 2 building, and
3 that you simply have a way to get from the
4 Stage 2 building to the Stage 1 building. I
5 don't know how many parking spaces that saves.

6 And maybe that's the way to deal with
7 it because we can take it up when we take up
8 Stage 2, when you know more about the project.
9 I don't know. I just don't like the idea that
10 we're going in with this really wide range, and
11 it's a really high range. So I think that
12 there needs to be something more on that.

13 Let me see if I actually have any
14 questions left. I think the same -- I'm also a
15 little bit uneasy about the flexibility on the
16 number -- on the count in the units. I mean, I
17 can certainly understand it on the north
18 building, having flexibility there. But on the
19 south building I don't like the idea that it's
20 not developed enough that we have such a wide
21 range.

22 I'm wondering if the Office of
23 Planning had an opinion on the applicant's
24 testimony you know, regarding that range of
25 units where they said that it's, you know, you

1 take this number and they're within 10 percent
2 up or down of that number. I mean, did that
3 explanation make sense to you, or do you still
4 want to see it narrowed down?

5 MS. STEINGASSER: Well, I think there
6 is probably an opportunity as we head in, to
7 narrow it down some. But the reference is what
8 we commonly see in orders, more than we see in
9 projects. So in the order there is a kind of a
10 standard --

11 MR. MAY: Right.

12 MS. STEINGASSER: -- list of
13 flexibility in the Small --

14 MR. MAY: Yeah. I mean, is that
15 correct that it's often 10 percent?

16 MS. STEINGASSER: Often 10 percent.

17 MR. MAY: Yeah. Okay. All right.
18 That's what I'm asking. It's hard for me to
19 remember what flexibility we've gained. But
20 thank you.

21 MS. COHEN: Before I go on to my
22 colleagues I just want to make a comment on
23 Commission May's comment about air quality.
24 Zoning, you know, manages the built
25 environment. And one of the things about the

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1 built environment, and especially related to
2 parking, is air quality. And I think that it
3 is not -- at least not for me, a difficult step
4 to take. The air quality must be taken into
5 consideration for livability issues, for health
6 issues, and as I said, because it's so related
7 to the built environment it is something that
8 I'm glad was brought up. So I have to disagree
9 with you.

10 I know that I rarely do that, but this
11 one I have to. So thank you. And, yes?

12 MR. WILSON: I just wanted to respond
13 to that real quick that -- so the air quality
14 study is required as part of the regulatory
15 process as a standard submission. I think that
16 when we're talking about variety of parking and
17 in large numbers, that there's a benefit to
18 having those studies come earlier in the
19 process when the flexibility is still allowed.

20 I don't know that this is necessarily
21 the venue to require that, but it's something
22 that we can discuss.

23 MR. MAY: So where in the regulatory
24 process is it required?

25 MR. WILSON: As part of the EISF

1 submission, which is permitted by DDOE when
2 they get a building permit.

3 MR. MAY: So when they get a building
4 permit they submit their EISF and they will
5 have studied the air quality by that point?

6 MR. WILSON: Yes. But it's generally
7 a study, it asks to take into consideration
8 other development and future development.

9 MR. MAY: Yeah.

10 MR. WILSON: But it's not very
11 thorough.

12 MR. MAY: So are you asking for
13 something that's more thorough than that?

14 MR. WILSON: More thorough than that -
15 -

16 MR. MAY: Right.

17 MR. WILSON: -- takes into
18 consideration the larger development of this
19 neighborhood because there's so much planned
20 for this neighborhood.

21 MR. MAY: Yeah.

22 MR. WILSON: Several PUDs that are
23 already even underway.

24 MR. MAY: Yeah. I don't know. I
25 still think that there are certain things that

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1 are the proper domain of zoning and certain
2 ones that are not. And I don't believe that
3 this is. So.

4 CHAIRPERSON HOOD: Well, let me just
5 say on that discussion, we're not going to
6 belabor this point because I think that's
7 bigger than this case here in front of us
8 tonight. But having been out to different
9 neighborhoods where -- and I hope they watch
10 were I get beat up on, and also at the council
11 oversight hearing, we're hearing that we need
12 to include more in our decision. And we've
13 heard that. That's something I think this
14 Commission needs to look at. Not saying we are
15 or we aren't, but I don't necessarily think its
16 germane to this case tonight. I think this is
17 something -- a bigger discussion in general.
18 We will have to try to revisit that because I
19 can tell you that some people in the public
20 want us to do that. So I think we need to go
21 through that exercise, find out what's within
22 our germane and what's not, and just redo that.

23 I don't know if it's ever -- it hasn't
24 been done since I've been here, but there may
25 be some things that are discussed that are not

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1 within our germane and some things that are.
2 And I know that the public is -- some people in
3 the public are calling for us to do that, so.
4 I mean, we can have that discussion at a later
5 time; not necessarily germane in this case.

6 Any other questions, comments?

7 Commissioner Miller.

8 MR. MILLER: Yeah, briefly, Mr.
9 Chairman. I just wanted to also echo the Vice
10 Chair and thank OP, DDOT, and DDOE on the
11 completeness of your presentations and reports.
12 Especially the summary tables that are very
13 helpful for our digestion of all this
14 information.

15 On the bike share, car share amount of
16 dollars, I noticed -- I hate to point out a
17 discrepancy, but I noticed a discrepancy
18 between sister agencies. But I noticed OP was
19 recommending up to 76,500. DDOT said they were
20 comfortable with the, up to 35,000. I guess
21 you're using different assumptions or are you
22 now together on that? We're statutorily
23 required to give OP great weight, but this is a
24 DDOT type of issue.

25 MS. ELLIOTT: It does generally fall

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1 within the realm of DDOT. But it was a
2 recommendation of our report. We would like
3 the applicant to consider a higher amount, but
4 --

5 MR. MILLER: Particularly if they get
6 up to the higher residential unit count?

7 MS. ELLIOTT: Correct.

8 MR. MILLER: And there is a lot of --
9 okay. Thank you. There was one other point I
10 wanted to make but I can't remember what it is.

11 Thank you, Mr. Chairman.

12 CHAIRPERSON HOOD: Right. When you
13 think of it we can come back to it. Mr.
14 Turnbull.

15 MR. TURNBULL: Thank you, Mr. Chair.
16 I just had one, getting back to the residential
17 unit numbers. I think Mr. Avitabile said we
18 talked about 10 percent on the south building.
19 But on the north building 165 units plus or
20 minus 20 percent. That seems like a lot of
21 variance at --

22 MS. STEINGASSER: Twenty percent is
23 higher than what we've seen in an order.
24 That's correct.

25 MR. TURNBULL: I mean, he did say he

1 was looking to go down on this, but I'd like to
2 have some assurances on this. Somehow this
3 just seems, right now, an extreme amount, 20
4 percent.

5 MS. STEINGASSER: Well, we'll work
6 with the applicant to get that number into a
7 more comfortable zone.

8 MR. TURNBULL: Okay. Thank you.

9 MR. MILLER: Mr. Chairman, I
10 remembered the point I wanted to make about --
11 comment I wanted to make about the parking. I
12 mean, normally I would not be favorably
13 inclined to providing four to five times the
14 minimum required or parking for a project. But
15 I think they've provided a lot of information
16 which shows why that's the case, including all
17 the surface parking that's being eliminated by
18 developments, the smaller developments that
19 will be coming online that won't be able to
20 provide any parking, and the on-street parking
21 that's being eliminated.

22 And when you go to the comparisons at
23 the end of how many parking spaces were there
24 today, and versus after, you know, after all
25 the development, it made sense that the parking

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1 amounts made sense. They're providing parking
2 that's serving more than just their project and
3 I found that persuasive.

4 I mean, a lot of what's going on in
5 Union Market is retail and retail, you're
6 buying stuff, and sometimes the stuff you're
7 buying isn't always convenient to be walking a
8 third of a mile to the Metro. Maybe if you're
9 biking on Peter May's bicycle, it's convenient.
10 But sometimes you want to have your car to put
11 the stuff in and then go back to the next
12 retail store and buy more stuff.

13 MR. MAY: Actually, I need a place for
14 my wife to be and she usually doesn't want to
15 go on the bike with me, so.

16 MR. MILLER: So, thank you.

17 CHAIRPERSON HOOD: I want to associate
18 my comments -- myself with the comments of
19 Commission Miller on that. I would agree with
20 your comments.

21 MR. MILLER: And the other point I
22 wanted to make on that was the ANC 5-D
23 specifically said that this was one of their
24 requests to have ample parking, and that they
25 were appreciative of the applicant's amount in

1 this area.

2 CHAIRPERSON HOOD: Okay. Again, I
3 would agree with your comments. Any other
4 questions?

5 Okay. Let's go to -- I don't think we
6 have any more other agencies. Report of the
7 ANC, which is our Exhibit 25, 5-D, and this is
8 from Chairperson Kathy Henderson. And she goes
9 on to say, "We appreciate and acknowledge that
10 Neal Place and some of the things that we
11 mentioned, thank you for giving us great
12 weight." They are enthusiastically supportive
13 and I think they took a vote. The vote was
14 unanimous, 5 to 0 to support this application,
15 and they submitted this letter in support to
16 the Commission.

17 And I can tell you having worked in
18 previous dealings with Commission Henderson,
19 this does not take lightly from her leadership
20 and this very strong supportive letter, it's
21 not lightly on my part.

22 Okay. Or on any of our parts.

23 Let's go to the organizations and
24 persons in opposition. You want to come
25 forward, any organizations or persons in

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1 opposition?

2 Oh, wait a minute, first of all. Did
3 the applicant have any cross-exam? Mr. Utz,
4 did you have any cross-examination of any of
5 the agencies?

6 MR. UTZ: Not at this time.

7 CHAIRPERSON HOOD: Okay. Let's go to
8 organizations and persons in opposition. Is
9 there anyone here in opposition?

10 We did have a letter from -- we're
11 going to treat this as an organization. ANC 6-
12 C06, is the person here who is going to read
13 that?

14 (Talking off microphone.)

15 CHAIRPERSON HOOD: Yeah, I realize
16 they're in support. I called for organizations
17 and persons in support. Did you want to come
18 read the letter, or you just want us to --

19 MR. GOODMAN: No, absolutely. Yes.
20 Very much so would like to --

21 CHAIRPERSON HOOD: Okay. Let me go
22 back. Okay. Come forward. Organizations and
23 persons in support.

24 MR. GOODMAN: And then I guess --
25 well, thank you for having me. There we go.

1 I'd also like to point out, I got a --
2 CHAIRPERSON HOOD: First identify
3 yourself.

4 MR. GOODMAN: Sure. Sure. My name is
5 Tony Goodman. I am the ANC Commissioner for 6-
6 C06, and I'm here on behalf of ANC 6-C.

7 I'd also like to point out that I
8 dropped off drawings for Douglas Development,
9 and I just got a text from Paul Millstein,
10 apologizing. He had an emergency and can't
11 make it. He was going to send a letter but I
12 will refer to his drawings briefly because I
13 did look at them.

14 So I am testifying on behalf -- so,
15 members of the Commission, thank you for having
16 me. Testifying on behalf of ANC 6-C. I also
17 reside in the 1100 block of 4th Street
18 Northeast.

19 Our March 11th, 2015 at a regularly
20 scheduled, properly noticed meeting, with a
21 quorum of six out of six commissioners and the
22 public present, ANC 6-C voted six to zero to
23 support this application with conditions
24 relating to safety, comfort, and convenience of
25 pedestrians and bicyclists.

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1 We support this PUD with the following
2 conditions.

3 First, that they add clear glass
4 windows on the ground floor of the west
5 elevation for a minimum of 50 percent of the
6 façade, visible at least 15 feet into the
7 space. Clear story windows alone are
8 insufficient for a comfortable, attractive, and
9 safe trail.

10 Second, improve the entire 48 foot
11 wide D.C. property west of the PUD, to include
12 a sidewalk along the east side, two travel
13 lanes, and a landscaped pedestrian and bicycle
14 trail on the west side.

15 The developer is proposing to use this
16 lot free of charge, which was envisioned in the
17 Small Area Plan as a development site. They
18 should improve the entire portion, not just the
19 area they propose to use themselves. It's
20 never been an alley for this property. It's
21 currently fenced on all sides and improved with
22 railroad tracks.

23 Third, purchase a bike share station
24 for placement in front of the building or at
25 the corner of 4th and Morris Northeast. I take

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1 issue to Mr. Utz's response to that, that the
2 way to make a safe place is to put in that
3 infrastructure. You know, I'd like to point
4 out that DDOT has, in their 2015 plan, bringing
5 a two-way cycle track to the corner -- all the
6 way up to the corner of 4th and Florida from
7 Noma that will be a continuous path, and they
8 are talking with many people about bringing
9 that up into the market. So there will be
10 protected cycle track right next to the site.

11 Fourth is to fill in sidewalk gaps and
12 add crosswalks for 4th Street Northeast.
13 Especially on the west side from Neal to New
14 York. There's a few gaps there. And we're not
15 asking that that be, you know, as lovely as the
16 sidewalks they're planning in front of their
17 project, but just a six foot sidewalk to fill
18 in a couple little gaps in the network.

19 And fifth, to provide street cleaning
20 on both sides of 4th Street from Florida to New
21 York. It's a very dirty market area right now,
22 and I know this project will help clean it up a
23 lot. But the trash just blows right down the
24 hill into my yard, into other's yards. That's
25 similar to the amenity that is in the PUD for

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1 1309 5th Street.

2 We also discussed with the applicant,
3 but didn't make it one of our conditions, that
4 we would love for there to be either a bid or
5 for them to join the Noma bid. That would
6 really help with safety and cleanliness.

7 We are very pleased that the applicant
8 has included the extension of Neal Place. And
9 the building itself is a very attractive
10 addition providing much needed retail and
11 residential. They've attended many meetings.
12 They've been very responsive and we appreciate
13 working with the Edens team.

14 Safe and clean pedestrian access to
15 this project is essential for the future
16 residents of this building and patrons of the
17 new retail. This project isn't 5-D, but you
18 know, the 1200 block is split between 6-D and
19 5-D. The residents and users of this building
20 will use the bike share stations and bike
21 trails and Metro station that's in 6-D, and
22 similarly the residents of 6-D have shopped in
23 the market for decades. The new Northeast
24 neighborhood is directly across the street.
25 There's row homes directly across from the

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1 market area.

2 So in addition we're extremely
3 enthusiastic about the potential bike trail
4 that will go on New York Avenue Northeast that
5 will connect Noma to Ivy City through the
6 market. And it was mentioned in the DDOT
7 report and the OP report, and we just really
8 want to make sure that this trail is safe and
9 convenient, and that's why we want to make sure
10 that there's windows. We're not, you know,
11 asking for them to actually put retailers in
12 it, but the -- you know, Douglas had intended
13 for this to be a really vibrant trail, and you
14 can see from their filing that they are
15 planning retail on their side. There is a
16 section there that shows what they intended it
17 to look like. Then a section that shows what's
18 proposed at. And then that's on the second
19 page of theirs. And then the third is what
20 they think would work and what we agree would
21 work.

22 You know, I know it's -- you know,
23 always the chicken the egg. You know, they
24 haven't done theirs yet so we don't know if we
25 can provide it. But I mean, that's never going

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1 to work. I mean, if there is a brick wall for
2 hundreds of feet with no windows into it, with
3 no sidewalk along it, it will never be
4 converted to anything better. And, you know,
5 will there be retail there? Will it be a great
6 thing? I don't know. But it would be nice to
7 have that possibility. So thank you very much
8 for your time and consideration.

9 CHAIRPERSON HOOD: Okay. Thank you,
10 Commissioner Goodwin. Any questions up here?
11 I said Goodwin. Goodman, I'm sorry.

12 MR. GOODMAN: Yes. Thank you.

13 CHAIRPERSON HOOD: Any questions? Not
14 seeing any --

15 MR. MAY: I don't have any questions
16 for the Commissioner but I'm interesting in
17 hearing the applicant's response to those --

18 CHAIRPERSON HOOD: Okay. There is a
19 time --

20 MR. MAY: -- conditions.

21 CHAIRPERSON HOOD: -- in rebuttal.

22 MR. MAY: We already heard the
23 conditions on the bike -- or the response on
24 the bike share question, but not on the other
25 issues.

1 CHAIRPERSON HOOD: Okay. At the
2 proper time we will -- I will ask the applicant
3 to respond in rebuttal, I guess.

4 Mr. Utz, you have any cross-
5 examination?

6 MR. UTZ: I think we would save our
7 comments for the rebuttal. No cross-
8 examination right now.

9 CHAIRPERSON HOOD: Okay. No cross.
10 Again, not seeing anyone here from 5-D. Any
11 other questions up here?

12 Okay. We thank you very much. We
13 appreciate your testimony.

14 MR. GOODMAN: Thank you.

15 CHAIRPERSON HOOD: Okay. Let's go to
16 organizations and persons in opposition, if you
17 can come forward.

18 Not seeing any. Let's do rebuttal and
19 closing by the applicant.

20 MR. AVITABILE: Chairman Hood, I think
21 our rebuttal might be a little more organized
22 and productive and efficient if we could have a
23 couple of minutes just to gather our thoughts.

24 CHAIRPERSON HOOD: Okay.

25 MR. AVITABILE: If that's okay?

1 CHAIRPERSON HOOD: All right. Sure.
2 No problem.

3 MR. AVITABILE: Thank you.

4 CHAIRPERSON HOOD: We'll take -- how
5 many minutes you need?

6 MR. AVITABILE: Five minutes.

7 CHAIRPERSON HOOD: Okay. Let's take
8 six.

9 MR. AVITABILE: Okay.

10 CHAIRPERSON HOOD: Okay.

11 [Off the record from 9:08 p.m. until
12 9:15 p.m.]

13 CHAIRPERSON HOOD: Okay. Let's go
14 back on the record.

15 Okay, Mr. Utz, we're ready when you
16 are.

17 MR. UTZ: Thank you for giving us our
18 six minutes. Thank you for letting us take
19 that break and kind of get our thoughts
20 together.

21 We do have several comments and kind
22 of responses that we wanted to bring up. As
23 Mr. Goodman said, we've been to ANC 6-C many
24 times and I think we plan on going there many
25 times in the future as well. So it's a good

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1 relationship and I we hope to keep it there and
2 we appreciate their support, and appreciate the
3 fact they care enough to come down here and
4 write this statement.

5 We did want to kind of walk through
6 the five elements that he brought up and
7 address them each in point if that's okay with
8 you.

9 The first element regarding kind of
10 activating the alley behind the property with
11 some very specific kind of openings and 50
12 percent of the façade 15 feet into the space.
13 This is something that we have looked at very
14 closely over the past several weeks or months.
15 There are a lot of reasons that the design
16 exists in the way that it does. And I should
17 say also that the design actually has evolved
18 to add the clear story and add some of the
19 landscaping and lighting and elements like this
20 along the alley. So it already actually is
21 brought to life a bit along with residents
22 living back there every day, looking on to the
23 alley.

24 But you know, the key element of the
25 design of this building is to make sure that

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1 the retail along 4th Street works, and that the
2 retail, you know, basically a seed is planted
3 and it has to grow into a healthy existence
4 before it can be spread elsewhere. Retail is a
5 very fleeting thing, which I think we all know
6 that it needs to be -- needs to start in a
7 healthy manner before it can go elsewhere. So
8 the critical mass is along 4th Street and it
9 wouldn't make sense yet to open up the alley
10 and kind of diffuse where the retail is.

11 That being said, we would be willing
12 to build into the approval, the ability to open
13 up that space if a tenant requests it to be
14 opened up. Put windows along the alley if a
15 tenant, a retail tenant requests it to be
16 opened up.

17 It is, we think, premature to involve
18 the submission that was put in today, the
19 Douglas Plan. I hadn't seen this before; just
20 now. It's not an official filing by any means
21 and it's hard for this project, which is much
22 further down the line, to respond to something
23 that is so preliminary.

24 So those are generally my thoughts on
25 the first element. If you guys don't have any

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1 others I'm going to jump in to number 2.

2 MR. KAUFMAN: Well, I would just add,
3 on the alley, Commissioner Goodman and I have
4 spoken a number of times and we've had a lively
5 debate about this. I think that shifting the
6 focus off of 4th Street does a couple things.
7 One is, you know, we want the pedestrian
8 activity. We want the bicyclists on 4th
9 Street. And we want the alley to function as
10 an alley.

11 And we were surprised when DDOT sort
12 of initially proposed putting the cycle track
13 in the alley. But then after we came to
14 understand how the cycle track works, and the
15 goals, and the desire to eliminate conflicts
16 with pedestrians, conflicts with vehicles, it
17 started to make a lot more sense to us.

18 So we support the cycle track back
19 there. We've sort of provided for it. But we
20 really want to keep the focus of the pedestrian
21 retail activity on 4th Street. And then, you
22 know, obviously there's an alley system and
23 then, you know, a street like 3rd street should
24 have that same focus of retail on it.

25 MR. AVITABILE: And then the last

1 thing I'd like to add is that, you know, one of
2 the goals that we typically try to adopt
3 through -- work through, through every PUD, is
4 separating out pedestrian and vehicular
5 activity, and certainly a lot of the focus in
6 recent years working with DDOT has been, you
7 know, reducing pedestrian vehicular conflicts,
8 keeping, loading, and vehicular traffic
9 separate from the pedestrians. And so that's
10 clearly the intent here; keep the trucks and
11 the cars on the alley. Keep the pedestrians on
12 4th Street.

13 MR. UTZ: Moving on to the second
14 comment from ANC 6-C regarding the entire 48
15 foot wide alley to the rear of this building to
16 the west of the PUD site should be improved
17 with these kind of elements.

18 This isn't our property. This is
19 district property, so we don't control what can
20 be improved there. That being said we would
21 like to improve it as we're showing, with the
22 ability to access for loading and put in the
23 landscaping as we've proposed so far.

24 We think it makes a lot more sense to
25 not have this PUD design and improve the

1 entirety of the 48 feet when the immediately
2 adjacent parcel is hopefully going to come
3 before you sometime soon. But we're not sure
4 when. Tear all that up and have a totally
5 different first floor plan. It doesn't make
6 sense for this PUD to make those improvements
7 now.

8 We have met, as mentioned, we have met
9 with DDOT and we've met with ANC 5-D, and
10 everybody that's been on board with the way
11 that that alley is being approached, both from
12 a loading and access perspective, but also what
13 we're proposing to improve prospective. It
14 hasn't been a request that the entirety of that
15 48 feet would be improved by this project. And
16 frankly I don't think it makes sense for it to
17 be.

18 Does anybody else have -- also, and
19 moving on to the third comment from the ANC 6-C
20 letter, this is the bike share comment that we
21 addressed previously. Number 4, filling in --
22 essentially summarizing it as filling in the
23 gaps in the sidewalk. This project is actually
24 doing that. It is actually taking an approach
25 with the public space that improves it and kind

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1 of helps to build out that network. This is
2 actually the slide that was shown earlier.
3 It's number 19 in your packet, and then
4 actually I think number 20 does an even better
5 job of explaining kind of what's going on here.

6 But this shows all the pedestrian
7 improvements that are being made. Not only in
8 front of this project, but starting at the
9 north of the project, going all the way down
10 and connecting it to Morris, which will then
11 connect to the public space improvements of
12 Case 06-40. And then also connecting to the
13 east with all the public space improvements
14 that will be made by Case 14-12.

15 So you can see that already is baked
16 into the pie here, including adding sidewalk.
17 Or sorry, adding crosswalks. And then --

18 MR. AVITABILE: And I think the other
19 important point there is that these connections
20 are not only within the market, but also
21 provide a direct connection out to Metro Rail.
22 And I think it emphasizes the connections
23 between the likely pedestrian desire lines,
24 between the various projects, between the major
25 retail nodes, and down to the Metro station, as

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1 well as the connection to the east along Penn
2 Street.

3 MR. SHARPE: One other thing I would
4 add to that is the restaurant that we mentioned
5 earlier in the presentation, Mascseria, which
6 is just north of us, as that restaurant, that's
7 our project. As we finish developing that we
8 will of course be fixing the sidewalk and the
9 frontage right directly in front of that. So
10 we will be filling in one more gap.

11 MR. UTZ: Then moving on to the ANC's
12 fifth point regarding the cleaning of 4th
13 Street. The applicant would be willing to
14 commit to cleaning 4th Street, similar to how
15 they've already adopted 5th Street in Case 14-
16 12.

17 I believe that wraps up the direct
18 responses to the ANC's five conditions.

19 MR. AVITABILE: And then the only
20 other item that we wanted to address just
21 briefly, Commissioner Turnbull, you had brought
22 up the 20 percent range for the northern
23 building, and I just wanted to mention that
24 that, again, that's a first stage PUD, so
25 that's why the range is a little bit broader.

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1 We'd fully expect that when we come back for
2 the second stage PUD we would be able to narrow
3 that range somewhere within that 20 percent,
4 you know, to something more typical, that we
5 typically see 10 percent. Just, for now,
6 that's still very conceptual. So I think
7 that's the intent there, and that's why the
8 range is broader there than typical, because it
9 is a first stage PUD.

10 MR. TURNBULL: No, I appreciate that.
11 I just don't recall 20 percent before, and
12 maybe my colleagues remember, but I just don't
13 recall having that large of an opening right up
14 front. But I understand what you're saying.
15 But I'm just not used to seeing that.

16 CHAIRPERSON HOOD: Okay. Are you
17 finished rebuttal. Let's see if any questions
18 up here from us?

19 MR. MAY: I don't have a question, but
20 I have a comment which is that, you know, again
21 one of the things that I mentioned before is
22 that given the level of increase in the FAR
23 associated with this project, I'm feeling like
24 the overall level of amenities is meager. And
25 you know, one of the suggestions was to make

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1 further improvements on affordable housing.
2 But I think that actually further improvements
3 on the alley might also be a way to do that. I
4 understand it's not your property but that's
5 doesn't -- you know, that's not stopping you
6 from making improvements to the sidewalk areas
7 and so on.

8 So I think that the -- and you know,
9 improvements offsite, if you will, are a
10 frequent amenity in a PUD. So I just think
11 that's something that ought to be given some
12 consideration.

13 CHAIRPERSON HOOD: Any other questions
14 or comments? Okay.

15 Okay. Mr. Utz, you have a closing?

16 MR. UTZ: Yeah. I'll keep this short.
17 Thank you very much for letting us present
18 tonight. I'd just like to say about the alley
19 improvements, we liken the improvement of the
20 other side of the alley all the way to the west
21 to improving the other side of streets for any
22 PUD, particularly when the other side of the
23 street is potentially a development site as
24 well. We just don't feel like it would
25 typically be the most efficient use of dollars

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1 in an amenities and benefits package when that
2 site is later going to be redeveloped by
3 somebody in short order.

4 And we have looked, we have considered
5 it here and just thought that deploying and
6 really focusing on the Neal Place extension is
7 really an important significant amenity for
8 this neighborhood and for the District.

9 MR. MAY: It's up to you to proffer
10 what you're going to proffer.

11 MR. UTZ: And other than that we
12 appreciate the time that you spent with us and
13 all of the kind of procedural wrinkles that led
14 us to this point. We really appreciate
15 everything that you have done to reschedule us
16 and get us on the docket tonight. Thank you
17 very much.

18 CHAIRPERSON HOOD: Okay. I want to
19 thank everyone for their participation, but
20 let's see if anything is owed or anything we're
21 looking for. And before I forget, tell Mr.
22 Kadlecek I said hello.

23 Okay. Ms. Schellin, you want to run
24 through a list for us?

25 MS. SCHELLIN: Yeah. My list is

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1 actually very short, I think because everyone
2 hit on the same issues.

3 Commission Cohen asked that they look
4 at increasing the affordability units. And
5 Commission May said that he thought that the
6 affordability seems meager considering the
7 increase in FAR and that they should take a
8 look at that. And he also stated they need
9 something in the record regarding the location
10 of the affordability units. There was a
11 discussion about that, so I don't know what
12 they're going to provide, but maybe something.

13 And there is quite a bit of discussion
14 regarding the canopy issue. I believe they're
15 going to provide something, maybe further on
16 that. I know that Mr. Avitabile pointed them
17 to something in the prehearing statement, but I
18 believe Commission May wanted something further
19 on that. Commissioner Turnbull asked for some
20 sections, plans on the penthouse level of the
21 roof. Or the penthouse level to submit
22 something on that showing the area up there,
23 the entertainment area.

24 MR. TURNBULL: Yeah, that was coupled
25 with Commissioner May's comment on --

1 MS. SCHELLIN: Commissioner May. Yes.

2 MR. TURNBULL: -- the amenities and --

3 MS. SCHELLIN: Amenities. Yes.

4 MR. TURNBULL: Yeah, up there.

5 MS. SCHELLIN: And I think everyone
6 asked that they look at increasing the lead. I
7 know Commissioner Miller, Commissioner Cohen,
8 and I think pretty much everyone asked about
9 that. May just ask to have the discussion
10 about maybe look at improving the alley since
11 the amenities seemed kind of meager. Of
12 course, it's up to them to proffer their
13 amenities and it's up to the Commission to
14 decide whether they balance their relief that's
15 being requested.

16 And that's pretty much all I had.

17 CHAIRPERSON HOOD: Okay. Are we all
18 on the same page?

19 Okay. Any other comments up here?

20 MR. MAY: I just want to make sure
21 that -- I don't know that you mentioned it
22 specifically, Ms. Schellin, but the calculation
23 of the rooftop recreation space, accessory
24 space.

25 CHAIRPERSON HOOD: Okay. Anything

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1 else? All right. I want to thank everyone for
2 their participation.

3 MS. SCHELLIN: We need to probably do
4 some dates.

5 CHAIRPERSON HOOD: Okay. Let's do
6 some dates.

7 MS. SCHELLIN: Yeah. And we do need
8 to allow time for OAG. You've had a discussion
9 with them so this is not going to be a one-week
10 turnaround. So this will probably -- how much
11 time does the applicant need to -- do they
12 think they need to get this back?

13 MR. UTZ: Two weeks.

14 MS. SCHELLIN: Two weeks? Okay. So
15 if we could have the applicant's submission by
16 3:00 p.m. April 9th. And if the ANC and OP,
17 DDOT, and I'm assuming DOE chooses to respond,
18 they would be able to do so by 3:00 p.m. April
19 16th, and we would need draft findings, facts,
20 conclusions of law by 3:00 p.m. April 16th
21 also. And then we will close this on the April
22 27th agenda.

23 CHAIRPERSON HOOD: Okay. Is there
24 anything else?

25 Okay. So with that I want to thank

1 everyone for their participation and this
2 hearing is adjourned.

3 [Hearing adjourned at 9:32 p.m.]

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