

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
KENILWORTH AVENUE :
   
NORTHBRIDGE, LLC : Case No.
   
VOLUNTARY DESIGN REVIEW : 19-09
   
@ Square 5113, LOT 806 :
   
AND PARCEL 185/38 :
   
-----:

Thursday,
   
June 20, 2019

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

The Public Hearing of Case No. 19-09 by the
   
District of Columbia Zoning Commission convened at 6:30
   
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
   
4th Street, N.W., Washington, D.C., 20001, Anthony J.
   
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.  
MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from  
the Public Hearing held on June 20, 2019.

A-G-E-N-D-A

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CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia.

Today's date is June 20, 2019. My name is Anthony Hood. We're located in the Jerrily R. Kress Memorial Hearing Room.

Joining me this evening are Vice Chair Miller, Commissioner May and Commissioner Turnbull, Office of Zoning staff, Ms. Hanousek, Office of Attorney General, Ms. Cain. We're also joined by the Office of Zoning staff, Mr. Lawson and Mr. Mordfin. District Department of Transportation, Mr. Zimmerman.

I actually paused because my phone sounds like that and I was trying to think did I leave my phone on vibrate or did I leave it on ring because it sounds just like that. No problem, but I wanted to cut it off and I wanted to make sure I cut it off before I got to that part in this testimony so I won't be looking back. But anyway, it's all good.

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

Notice of today's hearing was published in the DC

1 Register and copies of that announcement are available to my  
2 left on the wall near the door.

3 The hearing will be conducted in accordance with  
4 provisions of 11 Z DCMR Chapter 4 as follows. Preliminary  
5 matters, applicant's case, report of the Office of Planning,  
6 report of other government agencies, report of the ANC,  
7 organizations and persons in support, organizations and  
8 persons in opposition, organizations and persons who are  
9 undeclared.

10 The following time constraints will be maintained  
11 in this meeting. The applicant has five minutes because we'd  
12 rather ask our questions. You look like you smiled when I  
13 said that.

14 Okay, organizations also five minutes.  
15 Individuals, three minutes.

16 All persons wishing to testify before the  
17 commission at this evening's hearing are asked to register  
18 at the witness kiosk to my left and fill out two witness  
19 cards.

20 The staff will be available throughout the hearing  
21 to discuss procedural questions. Please turn off all  
22 electronic devices at this time so as not to disrupt these  
23 proceedings.

24 Would all individuals wishing to testify please  
25 rise to take the oath. Ms. Hanousek, would you please

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1 administer the oath.

2 (Whereupon, the witnesses were sworn.)

3 CHAIRMAN HOOD: Thank you. Ms. Hanousek, does the  
4 staff have any preliminary matters?

5 MS. HANOUSEK: Yes, we do.

6 CHAIRMAN HOOD: Let me just acknowledge we do have  
7 from the Office of Attorney General Mr. Tondro as well.

8 MS. HANOUSEK: Yes. We have three proffered  
9 expert witnesses, one previously accepted and two new ones.  
10 Do you care to go through that at this time?

11 CHAIRMAN HOOD: Let's do one at a time. The new  
12 ones. Well, any objections? Who are the ones that we have?

13 MS. HANOUSEK: Robert Schiesel is the previously  
14 accepted transportation expert.

15 CHAIRMAN HOOD: I think that's the only one we  
16 have that was previously accepted. So certainly no  
17 objections. We'll continue that status.

18 MS. HANOUSEK: And then at exhibit 9C you'll see  
19 resumes for Brian Coltrane, architect.

20 CHAIRMAN HOOD: Okay. Colleagues, as called by  
21 the secretary Brian Coltrane is an architect. His resume is  
22 9C.

23 MR. SOUADI: It's actually 9D.

24 CHAIRMAN HOOD: 9D. Okay, yes. I was about to  
25 say 9C didn't have anything much on it, but anyway. In

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1 architecture.

2 COMMISSIONER TURNBULL: Unfortunately, unless Mr.  
3 Coltrane can explain it, Mr. Kadlecek should have checked  
4 this, it does -- are you a registered, licensed architect?  
5 You're not.

6 CHAIRMAN HOOD: Turn your mike on so we can --

7 COMMISSIONER TURNBULL: Why are you being --

8 CHAIRMAN HOOD: Let me just say this. Mr.  
9 Coltrane said no, he was not, correct? Yes, I want to make  
10 sure it's on the record.

11 COMMISSIONER TURNBULL: I mean, if you want to be  
12 something in construction management or some other field that  
13 has to do with what you're -- unless you're a licensed  
14 architect, you've got a degree in architecture and have  
15 several years of architectural background, Mr. Kadlecek, I  
16 don't think -- I can't support this.

17 MR. KADLECEK: Mr. Coltrane has been the primary  
18 architect on the project.

19 COMMISSIONER TURNBULL: An architect is a term of  
20 art meaning a licensed architect. Either -- in any one of  
21 the 50 jurisdictions throughout the United States.

22 I can't call a paralegal an attorney because  
23 they're not an attorney. So Mr. Kadlecek, let's be precise  
24 when we use a term of art such as an architect, an engineer,  
25 or anything else like that.

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1 MR. KADLECEK: Understood. It's not critical to  
2 the presentation so we can withdraw that.

3 COMMISSIONER TURNBULL: All right, thank you.

4 CHAIRMAN HOOD: So that has been withdrawn. Do  
5 we have --

6 MS. HANOUSEK: Yes, we have another one. Ryan  
7 Connor, a civil engineer.

8 CHAIRMAN HOOD: All right. Any objections to Mr.  
9 Connor?

10 COMMISSIONER TURNBULL: I have no issues.

11 CHAIRMAN HOOD: Okay, no issues. So we will give  
12 him expert status as civil engineer. Anyone else, Ms.  
13 Hanousek?

14 MS. HANOUSEK: No. The only other thing is the  
15 maintenance affidavit was filed and it's in order. That's  
16 it.

17 CHAIRMAN HOOD: Okay. So it sounds like we're  
18 ready to move forward. Mr. Kadlecek, I think if you want to  
19 do brief introductions or whatever you want to do for the 5  
20 minutes, or even if you need 10 minutes.

21 But I think it's more advantageous for us  
22 especially this case bring it straightforward to us that we  
23 ask our questions.

24 MR. KADLECEK: That's fine. And we're happy to  
25 stand on the record if that's the commission's pleasure and

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1 I can give a very brief introduction.

2 CHAIRMAN HOOD: If you can just introduce  
3 everybody at the table.

4 MR. KADLECEK: Sure. I'll let everyone at the  
5 table introduce themselves starting from my left.

6 MR. H. GRAGG: Haaziq Gragg, Gragg Cardona  
7 Partners.

8 MR. CARDONA: Juan Cardona, Gragg Cardona  
9 Partners.

10 MR. V, GRAGG: Vance Gragg, Gragg Cardona  
11 Partners.

12 MR. SOUADI: Oussama Souadi, Gragg Cardona  
13 Partners.

14 MR. KADLECEK: Cary Kadlecek from Goulston &  
15 Storrs.

16 MR. COLTRANE: I'm Brian Coltrane with  
17 Environments for Health Architecture.

18 MR. CONNOR: Ryan Connor with Urban Engineering.

19 MR. WHITAKER: Rich Whitaker, partner with E4H  
20 Architecture.

21 MR. SCHIESEL: Robert Schiesel with Gorove/Slade  
22 Associates.

23 MR. KADLECEK: I'm just going to give a brief  
24 introduction and then we can answer questions.

25 Good evening again, members of the commission.

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1 Just for the record I want to correct a small thing. The  
2 applicant in this case is actually Kenilworth Avenue North,  
3 LLC, not what's indicated. It's just a technical thing that  
4 we just wanted to make clear for the record.

5 We're pleased tonight to present this application  
6 to allow the development of an all-affordable senior assisted  
7 living facility with 155 residential units.

8 This much needed facility will be the first of its  
9 kind east of the Anacostia River and it will restore and  
10 enhance many of the natural features of a vacant and formerly  
11 mistreated site.

12 With this application we have requested voluntary  
13 design review for flexibility for additional height to 60  
14 feet, 5 stories, and for special exception approval for a  
15 continuing care residential facility.

16 The building otherwise conforms to the matter of  
17 right development standards in the RA-1 zone and will provide  
18 more open space than is otherwise required.

19 We are pleased to have the support of the Office  
20 of Planning, DDOT, ANC 7D, Councilmember Vince Gray and the  
21 Department of Healthcare Finance all of whom have submitted  
22 letters or reports on the record.

23 With that we are available to answer questions and  
24 have a full amount of resources here. So we're happy to  
25 answer whatever is the commission's pleasure. Thank you.

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1 CHAIRMAN HOOD: Okay. Briefly can you give us a  
2 status update before I go to my colleagues on the Park  
3 Service's submission to us.

4 MR. KADLECEK: Yes. So that was filed pretty  
5 recently. I did prepare a couple of remarks about that.

6 I understand that the National Park Service is  
7 requesting the Zoning Commission to postpone consideration  
8 of this case pending an investigation for activity on their  
9 property.

10 So I wanted to be clear that their letter concerns  
11 National Park Service property, not the private property  
12 that's the subject of this case.

13 I think that's an important distinction because  
14 whatever happens to this commission in proceeding with this  
15 case in no way impedes the National Park Service's ability  
16 to investigate whatever may have occurred on their own  
17 property.

18 Certainly the applicant is sensitive to that. I  
19 think that's demonstrated by the robust restoration plans  
20 that are part of this case to improve all the natural area  
21 on this property leading up to the National Park Service  
22 land. It's certainly important to them.

23 But there's no reason that the commission should  
24 postpone -- continue with this case because the National Park  
25 Service has concerns about something happening on adjacent

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1 property.

2           As a practical matter to the extent that it even  
3 affected the title to this case the applicant certainly would  
4 not take title to this property. They're just the contract  
5 purchaser right now. They are not the owner.

6           They certainly would not take title to this  
7 property if there were some impediment to that title. So as  
8 a practical matter this project wouldn't be able to proceed  
9 until that title is clean anyway.

10           So if somehow the NPS investigation somehow  
11 affected this property it would still work itself out in that  
12 respect.

13           CHAIRMAN HOOD: So let me just say before I go to  
14 my colleague. I've never shunned the Park Service, or the  
15 police department, or the fire department. And I understand  
16 -- I think that they're asking for a little more time I guess  
17 to have a conversation or whatever case. And I would be  
18 inclined to give them that. I'm just letting you know up  
19 front where I am.

20           I thought it was pretty straightforward, but I  
21 don't want to shun the Park Service. So that's kind of where  
22 I am so I'm letting you know where I am to start with.

23           So let me, Commissioner May.

24           COMMISSIONER MAY: Yes. So, I'm not sure why you  
25 think that the letter is only concerned about what may have

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1 happened on Park Service property. They're talking about  
2 resource injuries associated with the subject property that  
3 require further review and investigation.

4 So they're -- I learned about this letter 10  
5 minutes ago myself. But the concern seems to be associated  
6 with the property that we are talking about tonight and  
7 effects that have spilled over onto parkland as a result of  
8 that.

9 So why do you think it's just an investigation of  
10 Park Service property?

11 MR. KADLECEK: Well, it does say resource injuries  
12 associated with the subject property. To me that indicates  
13 that it's really to do with National Park Service.

14 But nevertheless I don't know how National Park  
15 Service really, other than the permitting processes that the  
16 case is already going through by the way. I think it's  
17 pretty clear from the record that there's a robust dialogue  
18 with DOEE with respect to all the remediation that's  
19 happening on the site plus the Army Corps of Engineers with  
20 respect to the wetlands that are on the site.

21 That's all being remediated and the site's being  
22 improved as part of this.

23 I don't see how proceeding with this case impedes  
24 the National Park Service's ability to do their  
25 investigation, whether it's on their own property or on this

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1 property to the extent that they have jurisdiction over this  
2 property.

3 COMMISSIONER MAY: So tell me this. What meetings  
4 have you had with the Park Service about this development?

5 MR. SOUADI: We have not had meetings particular  
6 to this letter because it's recent. However, our  
7 environmental consultants who are not actually at the table  
8 tonight have been actually engaged with National Park Service  
9 in terms of the Anacostia division as well as the Rock Creek  
10 division to identify mitigation sites that would be used as  
11 part of our mitigation strategy. So we've been exploring  
12 sites --

13 COMMISSIONER MAY: You're talking about the  
14 wetland mitigation.

15 MR. SOUADI: The wetland mitigation. So as  
16 opposed to this enforcement, this is -- the language of this  
17 letter is brand new to us.

18 MR. KADLECEK: Yes, this whole issue is as new to  
19 us as it is to you.

20 COMMISSIONER MAY: I mean, I understand having  
21 conversations with the Park Service about mitigating wetland  
22 loss because the Park Service owns a lot of property in the  
23 District, or we're responsible for a lot of property in the  
24 District.

25 And so it's logical that you'd be talking to them

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1 about doing wetland mitigation on parkland. There are  
2 opportunities to do that.

3 But they are an abutting neighbor and I would  
4 think a pretty important abutting neighbor. And I'm a little  
5 surprised that there was no direct outreach to the  
6 superintendent who wrote this letter. Because that would  
7 have prevented this letter. If there had been a call to the  
8 superintendent or to that office.

9 Now, it doesn't sound like that happened. I mean,  
10 you say they talked to the Anacostia Division. Maybe  
11 somebody didn't do some outreach about hey, we have a  
12 project. We're looking to do some wetland mitigation. Are  
13 there opportunities in the park.

14 And that's got to be handled differently than hey,  
15 we're building a new building right next door to you, to your  
16 property and we'd like to let you know what it is so we have  
17 your support.

18 So, and that's really all I'm interested in seeing  
19 happen before we can take action on this is that there's some  
20 direct conversation with them.

21 I understand that there are limits about what  
22 you're doing in comparison to what could be happening on  
23 parkland, but this is just an indication that there's a  
24 conversation that hasn't happened now and probably should  
25 have before we got to this point.

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1 MR. SOUADI: I believe there was actually the  
2 official notification was sent out.

3 COMMISSIONER MAY: I understand. We get a dozen  
4 of those a week.

5 MR. SOUADI: I agree.

6 COMMISSIONER MAY: That's not what I'm talking  
7 about.

8 MR. SOUADI: I'm simply saying we actually  
9 conducted a site walk with Army Corps of Engineers. I wasn't  
10 actually present at it because I had to attend to a family  
11 emergency.

12 However, our consultants were there. Actually,  
13 my partner Juan was there. And I don't believe if National  
14 Park Service was represented at that meeting.

15 MR. CARDONA: No, they were not.

16 COMMISSIONER MAY: Were they aware of it? I mean,  
17 because certainly they would have --

18 MR. CARDONA: So we've been interacting with DOEE  
19 and we understand that there's been a process and  
20 communication between DOEE and PS and Army Corps of  
21 Engineers.

22 We don't know the specifics of that conversation.  
23 Certainly we have been very proactive in making sure that  
24 we're having conversations.

25 COMMISSIONER MAY: Well, I mean that's apparent

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1 from the record. I was really surprised to know that you had  
2 not reached out to the Park Service or to get this letter at  
3 the last minute because, you know, one of the things that's  
4 apparent in the record is that you've done exceptional  
5 outreach to the neighbors. You just forgot one of them which  
6 is a really big one.

7           So, and you know, the fact that again you're  
8 having conversations with the Corps of Engineers, the DOEE,  
9 to me that's all about wetland mitigation and that's not a  
10 discussion about specific impacts or effects that this  
11 development might have on parkland that's immediately  
12 adjacent.

13           So, and you know, furthermore, it's not just --  
14 I won't get too far into this, but there's a greenhouse  
15 facility near there that has special considerations that I  
16 need to be thinking about as well.

17           So, there's a conversation that needs to be  
18 happening through Superintendent Morrison with regard to that  
19 facility. And all those things should have happened by now,  
20 but it's okay. We can have the hearing. But those  
21 conversations I think have to happen before we can make any  
22 decisions about it.

23           MR. KADLECEK: That's fair and that's a point well  
24 taken. I think the way we understood this letter was they  
25 were, the National Park Service was concerned about

1 environmental degradation that had happened. I didn't get  
2 any indication from the letter that they had concerns with  
3 the project itself, especially because the project doesn't  
4 encroach on that area.

5 But nevertheless we --

6 COMMISSIONER MAY: I don't know. They're like  
7 many people who are affected by -- the superintendent and her  
8 staff are like many people across the city who are not  
9 regularly affected by zoning cases. So they don't know it  
10 necessarily the way I do.

11 But looking at this project one of the questions  
12 I had even before I got this letter is have you talked to the  
13 superintendent about it because I would have wanted to hold  
14 off until that conversation happens anyway.

15 And again, because there's this other facility  
16 there, I mean they may have some questions or interest in  
17 what happens with this building nearby. So, particularly  
18 since you're talking about raising the height of the building  
19 over what's matter of right. So, that's enough about the  
20 Park Service.

21 All right, so my other questions. Let's stick  
22 with the height question. So relief from the height  
23 restriction to go from 40 feet to 60 feet.

24 MR. KADLECEK: Yes.

25 COMMISSIONER MAY: I didn't get a chance to sort

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1 of look at the rules for RA-1 but I was surprised that a 20  
2 foot increase or a 50 percent increase over matter of right  
3 would be considered a special exception. Is that the case?

4 MR. KADLECEK: It's not. So under the voluntary  
5 design review standards one of the areas of flexibility --  
6 it doesn't talk in terms of special exception. It talks  
7 flexibility. Is that you can get relief from -- sorry,  
8 flexibility for height up to what a PUD would allow. A PUD  
9 allows up to 60 feet which is what we're asking for.

10 COMMISSIONER MAY: Got it. That's how it works.  
11 All right, I appreciate that explanation. I just didn't have  
12 time to look at it more closely.

13 And then the second thing is the DDOT letter which  
14 had some pretty costly conditions in it. And I want to know  
15 whether or not you've agreed to the intersection  
16 construction, all that kind of stuff, and the right of way,  
17 the reservation right of way. Those are big ticket items.

18 MR. KADLECEK: They are. So, I'll let Rob address  
19 the specifics, but in terms of the right of way for Anacostia  
20 Avenue we want to make it clear that we were not dedicating  
21 the land.

22 We wouldn't be dedicating it to the District  
23 insofar as if we had to give the land away that creates FAR  
24 problems, that creates yard problems.

25 But what we have agreed to do --

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1 CHAIRMAN HOOD: Just ask him to turn your mike off  
2 right next to you. We get feedback.

3 MR. KADLECEK: I'm sorry.

4 CHAIRMAN HOOD: I know you're getting ready to  
5 talk, but when you're not speaking you need to turn your mike  
6 off.

7 MR. KADLECEK: I'm sorry. So what we are agreeing  
8 to is not impede by any means the ability for that road to  
9 be constructed which is why the building has been sited  
10 partially where it has been.

11 Secondly, not ask for compensation from the  
12 District if there is a point in time in which this road is  
13 funded, planned and actually going to be constructed all of  
14 which are big unknowns.

15 It is part of some planning documents we  
16 understand, but in terms of anything that actually is  
17 allowing this project to move forward it could be years in  
18 the future if ever. So that's why we're agreeing to do that.

19 Now, we're willing to memorialize something that  
20 says we won't somehow impede the right of way or ask for  
21 compensation but as a zoning matter we can't dedicate the  
22 land.

23 I'll let Mr. Schiesel address some of the other  
24 items in the report.

25 MR. SCHIESEL: This is Rob Schiesel from

1 Gorove/Slade. In the presentation there were three slides  
2 that go over like this one our response to some of the  
3 comments in the DDOT staff report. So they're in the record  
4 if you want to read them. I'll give a quick summary.

5           These are the three recommendations and the  
6 applicant is agreeing to all three with the slight changes  
7 in language that are shown here. Cary just went over the one  
8 on the bottom which is replacing the word dedicate with not  
9 obstruct nor ask for compensation for the right of way land.

10           The other one is just a technical change to the  
11 TDM measure because DDOT asked that the applicant meet zoning  
12 requirements for showers and lockers. It's a gray area  
13 because technically not required for residential use. So we  
14 just recommended replacing it with a straight number.

15           And then if you go to the next slide you can see  
16 this in the record. Basically applicant is agreeing to work  
17 during public space to coordinate and they've acknowledged  
18 all these issues.

19           And then the final slide, I think did not  
20 explicitly in their recommendations, but recommend that the  
21 applicant have one electric vehicle charging station and the  
22 applicant is agreeing to that. So you can look through this  
23 in detail on what was put in the record for the slides.

24           The only thing I would note is we sent DDOT these  
25 three slides prior to the hearing so they've had a chance to

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1 review them and from what I understand and they concur with  
2 these changes and the language changes we just talked about.

3 COMMISSIONER MAY: Thanks. I look forward to  
4 hearing from them their confirmation of that. The  
5 intersection construction was in there too and you've agreed  
6 to that?

7 MR. SCHIESEL: To modify the signal so that it  
8 could accommodate the driveway, yes.

9 COMMISSIONER MAY: Okay, all right. Thanks.

10 CHAIRMAN HOOD: All right. Vice Chair.

11 VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
12 thank you for all the materials and information provided with  
13 the application that I've reviewed including today's  
14 submission from the National Park Service.

15 And I appreciate all the community engagement that  
16 you did with ANC 7D and your responsiveness to their concerns  
17 and the dialogue that you had with them.

18 It is a very exciting project to see 155 units of  
19 senior assisted living all affordable at 60 percent MFI or  
20 lower under the low-income housing tax credit program.

21 I'm pleased to see that that program is still  
22 useful and available. I think I'd read some stories that the  
23 tax cuts, the federal tax cuts had taken some of the  
24 incentive, the usefulness of that program for developers.  
25 But I'm glad to see that it is still useful in producing

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1 affordable housing.

2           As your materials state this will be only one of  
3 two senior assisted living facilities east of the river which  
4 is vitally needed.

5           What is the definition of senior eligible under  
6 that program? Fifty-five or sixty?

7           MR. SOUADI: By zoning under RA-1 I believe 55 is  
8 the cutoff. But there's also eligibility based on need and  
9 medical conditions.

10           VICE CHAIR MILLER: Right. And what will be the  
11 size mix of the units? Are they mostly one-bedroom or are  
12 there going to be some larger units?

13           MR. SOUADI: The majority of them are studios and  
14 there are one-bedrooms with kitchenettes. Because there will  
15 be a dining room that provides full service meals three times  
16 a day.

17           VICE CHAIR MILLER: And I saw one of the  
18 references to services that would be provided would be a  
19 shuttle type service I guess to the Metro that's not too far  
20 away, the Deanwood Metro. Are there any details on that yet?  
21 Or how that would work?

22           MR. SOUADI: The transportation services will be  
23 complete. In other words it's not a shuttle to Metro, it's  
24 a shuttle service for residents to medical services, to  
25 offsite medical services because we don't have medical

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1 services on the site in terms of doctor appointments and the  
2 like, to groceries, shopping, so on. So it will be scheduled  
3 through the operator so residents will be able to utilize the  
4 shuttle services to and from services they seek offsite.

5 VICE CHAIR MILLER: And just a couple of things  
6 on the design. I think I saw a reference that there are  
7 balconies but on the illustrations I really can't see where  
8 they are.

9 Are there balconies in this? Because certainly  
10 the Aquatic Gardens would be lovely to look over.

11 MR. COLTRANE: We did remove the balconies. They  
12 were adding to our FAR and to reduce it we took them out.  
13 But we did provide glazing on all three sides overlooking the  
14 Aquatic Garden area and the wetlands towards the back of the  
15 building.

16 VICE CHAIR MILLER: What's that that you added,  
17 glazing?

18 MR. COLTRANE: If you look at this view this is  
19 the back of the building here. You can see we have the  
20 elevator lobby, we have glass on all three sides that  
21 overlook the wetlands towards the back and we do have a large  
22 terrace on the back of the building at the lowest level.

23 Right there is all the glazing at the elevator  
24 lobby in the back.

25 VICE CHAIR MILLER: Right, right.

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1 MR. COLTRANE: And then we have a large terrace  
2 right here at the back.

3 VICE CHAIR MILLER: Right. Well, that's  
4 attractive and that's helpful in terms of bringing the  
5 outdoors, the beautiful outdoors around there in, inside.

6 How many balconies did you have and what FAR are  
7 you at? And I guess the voluntary design review doesn't  
8 allow that flexibility to increase the FAR because it  
9 certainly in my mind would be worth it to have the balconies  
10 and certainly for the residents there I'm sure they would be  
11 happier to have balconies.

12 MR. COLTRANE: We're close to FAR. I guess when  
13 they reach over 6 feet they do count against FAR and we were  
14 getting really close. And at 6 feet they were almost too  
15 small to bother. We did have a design for it. We did look  
16 at it and it wasn't really a benefit that we could find.  
17 They would have to be big enough to be a benefit.

18 But we did supplement them with a large terrace  
19 on the front of the building and on the back. And we do have  
20 glass on all sides of the elevator lobby for all of those  
21 views.

22 VICE CHAIR MILLER: Since we're putting off action  
23 anyway is it possible that you could submit what that  
24 illustration was of the -- that old illustration, the design  
25 with the balconies.

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1 MR. COLTRANE: Sure.

2 VICE CHAIR MILLER: And are there illustrative  
3 renderings, I might have missed it, of the boardwalk  
4 extension which will go I guess to the Aquatic Gardens and  
5 the other pedestrian connections. Those are important  
6 pedestrian connections and access and they sound attractive.

7 MR. COLTRANE: If you look at this view here  
8 you'll see where we have connectivity with a boardwalk  
9 structure that goes all the way back through the wetlands and  
10 connects to a pathway to the adjacent Aquatic Gardens.

11 That boardwalk is connected to the outdoor terrace  
12 on the back as well as to the sidewalk that runs along the  
13 side of the building here. So they meet together.

14 There is a seating area that's incorporated into  
15 that on the back. And as far as illustrations we do have in  
16 our renderings you can begin to see it right over here.

17 VICE CHAIR MILLER: And I think OP, Office of  
18 Planning had recommended some kind of outdoor screened in.

19 MR. COLTRANE: That's correct. We do have  
20 screened in pergola on the back of the building and we also  
21 have incorporated one -- let me go back to this other view --  
22 on the front of the building we have two screened in pergola  
23 areas right here on the upper terrace.

24 VICE CHAIR MILLER: So that was done in  
25 consultation with Office of Planning?

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1 MR. COLTRANE: Yes, sir.

2 VICE CHAIR MILLER: Okay. I'm sure they'll  
3 address that in their statement. I like the wood tone  
4 panels.

5 Are you able to -- I think DOEE's comments as  
6 summarized by OP mentioned putting green roof somehow along  
7 with the solar on top of the -- I know you have it on the  
8 terrace. Is that the terrace?

9 MR. COLTRANE: Yes, sir. You can't see it on this  
10 view. We have two patches of green roof on the terrace in  
11 the design.

12 We don't have it on top of the roof. We do have  
13 a large area there for the solar panels. There are some  
14 structural limitations we're trying to stay away from and the  
15 height limitation that we are already encroaching on.

16 Our floor to floors are not ideal already and that  
17 adds more inches believe it or not even to the green roof on  
18 top.

19 VICE CHAIR MILLER: Okay. All right. Well, I  
20 don't think I have any more questions. I would like to see  
21 the old design of the balconies just to see them, just to see  
22 them so I can see if I think that they're worth it and even  
23 if we're able to do it. I'll ask Office of Planning about  
24 that. But thank you for all the work -- yes, sir.

25 MR. SOUADI: Just on the balconies. There was an

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1 -- the property operator did suggest that there may be some  
2 challenges from an operation perspective given the  
3 population. There would be potentially a tendency to utilize  
4 those balconies for smoking and what have you so  
5 operationally there was some challenges. There was some  
6 tension there. But at the end of the day that wasn't the  
7 ultimate decision driver for losing the balconies. But I did  
8 want to mention that for the record.

9 VICE CHAIR MILLER: Okay. All right. Thank you  
10 very much. Appreciate all the work that's gone into this  
11 project.

12 CHAIRMAN HOOD: Okay. Thank you. Mr. Turnbull.

13 COMMISSIONER TURNBULL: Thank you, Mr. Chair.  
14 Following up on the OP comments one of the ones was benches  
15 throughout the site along the pathway, the walking loop.

16 MR. COLTRANE: I'll go back to that rear view  
17 elevation. Actually I'll go to the site plan. The site  
18 plan, we do have a place here, a stopping point with benches  
19 incorporated into them right here on the rear wetlands.

20 And of course there's seating on the rear terrace.  
21 And we do have a covered porch area on the front of the  
22 building with seating as well. And beyond this terrace.

23 We also have the second floor terrace of course,  
24 but there is a covered porch area on the front.

25 COMMISSIONER TURNBULL: Okay. Is there smoking

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1 in the rooms allowed?

2 MR. SOUADI: No.

3 COMMISSIONER TURNBULL: So why would you be  
4 concerned about smoking on the balcony if there's no smoking  
5 in the rooms?

6 MR. SOUADI: Historically the population would  
7 include some smokers, but smoking would be prohibited within  
8 the building. And there was a concern that people would use  
9 the balconies to smoke on them which would impact the  
10 environmental -- the air quality.

11 COMMISSIONER TURNBULL: Seniors sneaking in  
12 smokes. Who would have thought. Yes, I guess.

13 In the seniors building is there any provision --  
14 a lot of, depending upon how the facility is run as seniors  
15 get older sometimes they get dementia. Is there any  
16 provision for that within this facility then?

17 MR. SOUADI: No. This facility would --

18 COMMISSIONER TURNBULL: Strictly for seniors who  
19 can take care --

20 MR. SOUADI: It's assisted living. So dementia  
21 would be in either memory care residence type of place or  
22 depending on the medical needs it could be a combination of  
23 medical care and nursing care.

24 COMMISSIONER TURNBULL: Okay. Could you maybe  
25 explain how -- I think DOEE in this, how your design

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1 addresses the requirements of the project's location within  
2 the 100-year and 500-year flood plains. And how does your  
3 design address the flood plain issues?

4 MR. CONNOR: This is Ryan Connor with Urban  
5 Engineering.

6 The property obviously is in flood plain and we  
7 are -- let me turn to the slide. It is in the flood plain.  
8 And what we are doing is we are raising the building to the  
9 500-year flood plain elevation per recommendation of DOEE as  
10 well as just taking into account the sensitive nature of the  
11 population.

12 And with that normally you would have to raise it  
13 to 1.5 foot above the 100-year elevation but we're going  
14 beyond that to the 500-year.

15 And if you do not impact flood plain elevations  
16 with fill it's permissible. So we have analyzed the flood  
17 plain study for the Anacostia River and this area is in an  
18 ineffective flooding area. So fill in this area does not  
19 impact the water surface whatsoever.

20 COMMISSIONER TURNBULL: How high do you have to  
21 raise it?

22 MR. CONNOR: We're going to elevation 17'9  
23 approximately for the finished floor. So the 100-year flood  
24 plain is 16.0 in this area. The central area to the site is  
25 approximately a 14.5 elevation so it's about 18 inches of

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1 water in the 100-year storm.

2 So you can see on the slide that's on the screen  
3 now when we raise the development area the flood plain will  
4 recede back to the area in blue.

5 And we are preparing the package which is called  
6 a conditional letter of map revision to FEMA to demonstrate  
7 our compliance with this. And they will update their maps  
8 as well. And that's in coordination with DOEE.

9 COMMISSIONER TURNBULL: So, you're saying you can  
10 maintain access to and from the site in the event of a storm.

11 MR. CONNOR: Yes. In the event of a 100-year and  
12 the 500-year.

13 COMMISSIONER TURNBULL: Do you have a plan laid  
14 out that would -- I mean something that whoever is going to  
15 be running the facility is going to have a plan as to how to  
16 get -- if something gets to a point where there's a -- you're  
17 at the 500 years and it's getting maybe more, I mean, is  
18 there a way to get people out? Do you have a plan on how to  
19 do that?

20 MR. CONNOR: So, the building is at 500-year and  
21 the access coming down from Kenilworth stays above the 500-  
22 year elevation all the way to the eastern corner of the  
23 building. And so even as the water, even if they rose above  
24 500-year it would be a matter of inches.

25 COMMISSIONER TURNBULL: But staff are going to be

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1 trained on access? Is that in the record anywhere about  
2 training to have staff available to remove?

3 MR. SOUADI: For one other detail just to add and  
4 I'll answer that is we've located all of the actual resident  
5 units above the first floor just out of an abundance of  
6 precaution.

7 The actual generator, emergency generator is on  
8 the roof just from lessons learned from previous events that  
9 have occurred.

10 COMMISSIONER TURNBULL: So if water came up and  
11 you had an issue it would be shelter in place.

12 MR. SOUADI: That could be one of the options.  
13 The operator would obviously train all the staff on all the  
14 different kinds of emergencies. But we designed the building  
15 for resiliency so that residents could be safe in their rooms  
16 with power and -- or at least power in the rooms.

17 COMMISSIONER TURNBULL: Okay. I think DOEE has  
18 pointed out that the flood plain regulations are in the  
19 process of being revised. Are you, the applicant, aware of  
20 the regulations being revised and changes that are coming?

21 MR. SOUADI: Yes. DOEE had mentioned it -- oh,  
22 go ahead, Ryan. Sorry.

23 MR. CONNOR: Yes. Essentially they are  
24 considering raising the requirement to be at the 500-year and  
25 we are going to be at that requirement in advance of those

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1 changes. And as a result if and when those new requirements  
2 come into place we would not be in non-compliance if we ever  
3 need to do any future.

4 COMMISSIONER TURNBULL: Okay. All right. Just  
5 going back. So basically you're following all of OP's  
6 suggestions then, incorporating that in your design.

7 And the transportation demand management plan is  
8 fully compliant with Department of Transportation?

9 MR. KADLECEK: Yes, we've agreed to all of their  
10 suggestions. Yes.

11 COMMISSIONER TURNBULL: Okay, thank you.

12 CHAIRMAN HOOD: Okay. Let me just talk about the  
13 building, the perspective of the front. When I walk in the  
14 front I really like the way it looks. I'm just trying to  
15 understand the rust color framing. What are we trying to  
16 outline? Is there a reason, rationale, Mr. Coltrane? What  
17 are we trying to do there?

18 MR. COLTRANE: You mean the accent yellow?

19 CHAIRMAN HOOD: Yes, the accent, right, right.

20 MR. COLTRANE: That was -- we're trying to keep  
21 the facade, we're trying to break it up with blocking of  
22 color. And there had been some desire to have some accent.  
23 That was the color that everybody liked. And we do have it  
24 sprinkled throughout the building.

25 We have it in the equitone panels. You do have

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1 the sample board back there.

2 CHAIRMAN HOOD: Yes, I saw the sample board.

3 MR. COLTRANE: We have it sprinkled through there.  
4 We have it sprinkled through the mullions of the curtain wall  
5 feature. And we also have it on the rear of the building if  
6 I go to that slide.

7 CHAIRMAN HOOD: So, that leads to my next  
8 question. I appreciate the rationale. Is it that much  
9 difference in the materials from the front to the back? And  
10 if so, why did we do that?

11 MR. COLTRANE: So, we do have the wood style  
12 materials on the front of the building because that's where  
13 the building is most visible from the public way.

14 And we were shedding it towards the back just to  
15 save some cost on the project. That is a little more  
16 expensive material.

17 CHAIRMAN HOOD: So, my initial thought when I was  
18 looking at that, I said well, I really like walking through  
19 the front. I'll never go on the side or in the back.

20 But I figured it had something to do with cost,  
21 especially with what we're trying to accomplish here. So I'm  
22 not going to make a big issue over it. But I really like the  
23 front of the building. I just think that the side and the  
24 back detracts with what we're trying to do here I think. I  
25 think that's reasonable.

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1 MR. COLTRANE: Thank you so much.

2 CHAIRMAN HOOD: I really like the front of the  
3 building. It's just that my heart drops when I start going  
4 around the corner. So if I have visitors I won't go around  
5 the corner. I'll just stay in the front. All right.

6 MR. COLTRANE: You'll be dazzled by the wetlands  
7 in the back.

8 CHAIRMAN HOOD: Yes. So let me ask this question.  
9 Mr. Kadlecek, this may be for you. I see that there's a CBA.  
10 So I just wonder -- here's the thing. If we don't honor  
11 that, I know it's not a requirement. If we don't honor that,  
12 you know, we have Ms. Douglas and I know Ms. Douglas very  
13 well. And Mr. Brown. And I know I'm not talking about them  
14 because I would say that if they were here. Mr. Brown is  
15 here. And I'm not sure where he is on all this.

16 But let me just say that if we don't honor that  
17 you're going to have to leave that neighborhood.

18 MR. KADLECEK: I'll let one of the members of the  
19 development team --

20 CHAIRMAN HOOD: Well, I said it to you so they  
21 would get the message.

22 MR. KADLECEK: I think that they know quite well  
23 the dynamics. And as you can see I think that their hard  
24 work in working with the ANC has paid off.

25 MR. CARDONA: So we know we're going to be here

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1 on this site for many years to come. And so we want to be  
2 good neighbors.

3 We've demonstrated our desire to engage the  
4 community. And when we talk about the CBA and the agreement  
5 that we're willing to do when we sign that document we were  
6 serious that we were going to be able to execute.

7 And so we do have a full commitment to execute on  
8 that CBA.

9 We're actually excited to do it because not only  
10 is this an affordable housing project, we believe this is an  
11 economic development project. We're here to create jobs and  
12 to give opportunity to small businesses.

13 In fact, our company is excited to be able to do  
14 that.

15 CHAIRMAN HOOD: I just want to commend you. And  
16 also I looked at Councilmember Gray's letter as well and the  
17 ANC. They were very enthusiastic with all the work that you  
18 all have done with the community and neighborhood.

19 And I just wanted to make sure while it's not a  
20 requirement within what our standards are, I just wanted to  
21 make sure that we know on the record that you all are going  
22 to follow through with the CBA.

23 The only other question I have is in Ms. Douglas's  
24 letter she wrote a letter and then she wrote back another  
25 letter to us that said that -- and I'm sorry she's not here

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1 because I wouldn't mind asking her this.

2           And this caught my attention. It says this issue  
3 came before ANC 7D on April 25, 2019, was properly voted on  
4 with proper quorum present and voted in support on. This  
5 measure ANC -- Kenilworth community benefits agreement.

6           The second vote on this matter appears to be a  
7 waste of the commission's time and energy considering the  
8 other given -- I think that's directed at us. Because we  
9 wanted to make sure -- oh, you shook your head. Okay.

10           So and I hope Ms. Douglas, if I see her I'll tell  
11 her -- but we wanted to make sure that they get accorded the  
12 great weight as possible. I believe that's what this is all  
13 about. We don't want to waste anyone's time, but we want to  
14 make sure that 7D is recognized. So I think that's kind of  
15 where we are with that. So I will defend that with Ms.  
16 Douglas when I see her. And I'll tell her we had her back  
17 because she and I are friends.

18           Anyway, again I want to commend you all other than  
19 for the side and the back, but I want to commend you all for  
20 the work that you have done with this community.

21           And also, let's talk about the jobs. I saw you're  
22 going to have 80 jobs. They're going to be local? We know  
23 they're going to be local. I mean, like right within the SMD  
24 or within Ward 7, or how is that going to work?

25           MR. SOUADI: It starts with the workforce

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1 development and I think Mr. Brown is in the back. I think  
2 he's staring at the back of my head. We're certainly engaged  
3 with community organizations who are going to help us  
4 actually -- the stability of this operation depends heavily  
5 on staff.

6 And we're now taking the approach of let's  
7 canvass, see if we can't find them. It's about creating  
8 them.

9 CHAIRMAN HOOD: So I don't need to ask that  
10 question. When you mention Mr. Brown that gives me a comfort  
11 level. I don't have a problem moving forward because I know  
12 his work and I know that you all are going to stick to  
13 whatever promises because I can tell you you'll have to leave  
14 Ward 7 if you don't because Ms. Douglas and Mr. Brown and  
15 some others, you've got to go.

16 So anyway, we appreciate all your hard work and  
17 everything you've done. Commissioners, any other follow-up  
18 questions or comments up here?

19 Okay. Is there anyone from ANC 7D? Yes, 7D who  
20 would like to cross examine? Not seeing anybody, we don't  
21 have any parties in this case. Let me go to the Office of  
22 Planning and the District Department of Transportation.

23 MR. MORDFIN: Good evening, Chair and members of  
24 the commission. I'm Stephen Mordfin.

25 The Office of Planning supports this application

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1 which is basically for three different things. It's  
2 voluntary design review and OP finds that this application  
3 in order to be consistent for that -- I'm sorry, has to be  
4 consistent with the comprehensive plan and it is consistent  
5 with several of the elements including land use and housing,  
6 environmental protection, economic development and also the  
7 far northeast and southeast area element.

8 Part of this application is they're requesting  
9 special exception review for a continuing care retirement  
10 community which this is.

11 It is in conformance with those criteria in that  
12 it will be providing the necessary ancillary facilities for  
13 the residents such as a gym and a hair salon. There will be  
14 a dining room. They will be providing for the needs of the  
15 residents that will live in that building.

16 It's designed not to be objectionable to  
17 neighboring properties. This building will be similar to  
18 surrounding properties.

19 You have the existing public housing that's to the  
20 south and also has to be rebuilt. But this building is  
21 really not much different from the sizes of those buildings  
22 and then you also have the private apartment complex on  
23 Kenilworth Avenue to the east.

24 And OP finds that this building will fit in with  
25 all of those other multifamily buildings and will not look

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1 out of place.

2           The applicant has requested standard design  
3 flexibility under the approval. The language that they  
4 proposed is what is proposed under Zoning Commission Case 19-  
5 05 and although that is not adopted yet by the Zoning  
6 Commission OP supports the request that they are proposing  
7 what the Office of Planning has proposed under 19-05.

8           So, therefore the Office of Planning recommends  
9 that the commission approve this application, but with one  
10 condition, that some screened in areas be provided for the  
11 applicant.

12           The applicant has shown these tonight. What the  
13 Office of Planning was looking for was some areas to be  
14 screened in, but also areas that are not screened in,  
15 providing a variety of outdoor areas that residents would be  
16 able to choose between depending on the weather, their own  
17 personal likes and dislikes.

18           CHAIRMAN HOOD: Before we go to Mr. Zimmerman, Mr.  
19 Mordfin, did you finish? I'm sorry.

20           MR. MORDFIN: Yes.

21           CHAIRMAN HOOD: You mentioned something. And I  
22 actually was reading something I missed that. You said the  
23 commission has not approved it yet. Can you restate what you  
24 were talking about? I think I know what it is but I want to  
25 make sure.

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1 MR. MORDFIN: Zoning Commission Case 19-05 which  
2 is an application to adopt standard design flexibility that  
3 would be a part of the order for the applicant to make  
4 certain modifications to the design as is shown at a hearing.

5 There are certain things that change. Sometimes  
6 it's the columns in the building or things like that. And  
7 the applicant is requesting permission to be able to do those  
8 things without having to come back.

9 If it's something major they will have to come  
10 back for a modification to the application.

11 CHAIRMAN HOOD: So there's another thing which was  
12 aggregation. I thought that's what you were alluding to, but  
13 okay. They're not asking for that here so we're good. Okay.

14 MR. MORDFIN: Correct.

15 CHAIRMAN HOOD: All right. Let me see before we  
16 go to DDOT, any other questions of Office of Planning? Vice  
17 Chair Miller.

18 VICE CHAIR MILLER: Thank you for your report, Mr.  
19 Mordfin, and the information provided in your report.

20 So on the issue of the balconies contributing to  
21 the FAR. So I guess can you confirm that the voluntary  
22 design review process doesn't allow for flexibility to --  
23 while it allows for that flexibility to increase the height  
24 to the PUD it doesn't allow for FAR beyond I guess what the  
25 IZ bonus would be which your table shows 1.09 I think and

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1 they're at 9.99 or something.

2 (Simultaneous speaking)

3 VICE CHAIR MILLER: The voluntary design review  
4 doesn't allow further flexibility to increase the FAR if we  
5 wanted to see balconies there. If they wanted to see  
6 balconies there. Or does it?

7 MR. MORDFIN: I think the applicant could request  
8 that flexibility if they felt that it would benefit their  
9 project.

10 MR. LAWSON: Unlike a PUD though the design review  
11 doesn't specifically call out additional density. The intent  
12 to design review is that the project would be within the  
13 density permitted by that zone. There's not a density bonus  
14 like there is with a planned unit development.

15 VICE CHAIR MILLER: But you say the intent is that  
16 it would be within the maximum, but there's no specific  
17 prescription to that effect.

18 MR. LAWSON: Well, every zone has a maximum FAR.  
19 So it would be whatever the maximum FAR is for that zone.  
20 In this case it would be 0.9 because it's zoned RA-1 or 1.08  
21 with the inclusionary zoning. There's no additional bonus  
22 available just by going through design review.

23 VICE CHAIR MILLER: And we don't have that  
24 flexibility.

25 MR. LAWSON: Oh, I'm sorry, I see what you're

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1 saying. The Zoning Commission always has flexibility to  
2 approve if the applicant requested flexibility from FAR.  
3 They would have to make that request and the Zoning  
4 Commission could consider it and if you felt that it was  
5 appropriate you could approve that, yes.

6 VICE CHAIR MILLER: It's just helpful to know  
7 because we haven't had that many of these voluntary,  
8 voluntary design review as opposed to the mandatory design  
9 review in the southeast/southwest area. So thank you. I  
10 appreciate that information.

11 COMMISSIONER MAY: Can I ask a follow-up on that?

12 MR. LAWSON: Sure.

13 COMMISSIONER MAY: If they were to request relief  
14 from the FAR that would in effect be a variance, would it  
15 not?

16 MR. LAWSON: Honestly, I'd have to look at the  
17 regulations and see how that would be evaluated. Like you  
18 these are kind of new regulations to us. We haven't used  
19 them a lot.

20 So whether it would be looked at as flexibility  
21 the same way as a PUD or whether it would be looked at as a  
22 variance I would have to look and see.

23 COMMISSIONER MAY: Okay. I thought that that's  
24 one thing that VDR did not do was give flexibility on FAR.  
25 But I would be interested in knowing the answer to that

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1 question.

2 MR. LAWSON: And you're correct, it doesn't grant  
3 automatic flexibility. But it does grant the Zoning  
4 Commission authority to approve a request for relief from any  
5 regulation, not FAR specific, any regulation.

6 COMMISSIONER MAY: Yes. I mean, but conceivably  
7 it would wind up being a variance in which case they'd have  
8 to meet the variance test.

9 MR. LAWSON: I think that we would probably  
10 evaluate it against the variance test.

11 COMMISSIONER MAY: Yes, okay. Thanks.

12 CHAIRMAN HOOD: Okay. Before I go to Mr.  
13 Zimmerman my normal practice is when I see a young person in  
14 the audience I want to ask the young lady were you here to  
15 testify? Yes, you.

16 You want to come up and tell us -- you feel like  
17 coming up and telling us -- introducing yourself? Is that  
18 okay? You want to tell us who you are? No, the young --  
19 well, you too, you're young. But the other gentleman that's  
20 with you there. No, not the one to your left. I know him.  
21 The one to your right. Yes. You want to come up and tell  
22 us -- just get on the mike. Then you go home, you turn your  
23 computer on, you see yourself. You going to come up and tell  
24 us who you are? You feel like doing that? Yes, you. You  
25 said no? That's all right. Well, we're glad that you're

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1 down here and we hope you find some interest in what we're  
2 doing. So we're glad to see you, okay? All right.

3 All right. Mr. Zimmerman.

4 MR. ZIMMERMAN: Good evening, Chairman Hood and  
5 commissioners. For the record Aaron Zimmerman with the  
6 District Department of Transportation.

7 DDOT is very supportive of this project. We noted  
8 in our June 10, 2019 report that the site will have minimal  
9 impacts on the transportation network due to the excellent  
10 parking ratio, robust TDM program and proximity to the nearby  
11 Deanwood Metrorail station.

12 As you heard in the applicant's presentation which  
13 is also exhibit 14 on the record they have agreed to all of  
14 the conditions in our report with a couple of minor revisions  
15 that DDOT finds acceptable.

16 Most notably the applicant has agreed to keep the  
17 future path of Eastern Avenue clear of buildings in case DDOT  
18 one day wants to construct that road. It is highly unlikely  
19 that anytime soon DDOT is going to pursue this.

20 There's a number of reasons, the main reason being  
21 that's all NPS land and so that's a pretty significant action  
22 to do that.

23 And then even if you take Eastern Avenue up the  
24 state line where it then exits NPS land it's actually a  
25 bridge for New York Avenue. So there are a number of

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1 challenges if that road were ever to be built. But we do  
2 appreciate the applicant keeping the future path clear.

3           Additionally there is a commitment to reconfigure  
4 the existing traffic signal and intersection as necessary  
5 where the site driveway is planned to connect to Kenilworth  
6 Avenue.

7           So with the revised conditions and commitments  
8 included in the final zoning order DDOT has no objection to  
9 the approval of this design review application. Thank you.

10           CHAIRMAN HOOD: Thank you both Mr. Mordfin and Mr.  
11 Zimmerman. Let's see if there are any questions of either  
12 Office of Planning or DDOT. Okay, does the applicant have  
13 any questions?

14           MR. KADLECEK: No questions, thank you.

15           CHAIRMAN HOOD: Okay. Let me just say this, Mr.  
16 Zimmerman. A side note and I'm going to say this publicly.  
17 I'm going to be asking Office of Planning at the next meeting  
18 to get with DDOT and let's see what's going on with something  
19 that this commission approved some years ago up there where  
20 the Costco is for egress. So I just want you to know that's  
21 coming just in case DDOT doesn't show up for our meeting.

22           The next -- let's talk about the ANC's report.  
23 And this is from Chairperson Muhammad, Sherice Muhammad. And  
24 this is -- this shows again, this is another person I'll add  
25 to the list of the names that I've called who worked very

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1 diligently and hard.

2 But to get these compliments really says a lot  
3 about this applicant. "The commission has been thoroughly  
4 impressed with the applicant's forethought, consideration of  
5 the community needs and implementation of good neighbor  
6 practices in approach to this project to date.

7 "It has been refreshing to observe the laser  
8 focused attention given to this handling of questions and  
9 concerns from the commission as well as the community  
10 members."

11 That goes a long way with me and I'm sure -- I  
12 know the work of Chairperson Muhammad and others, and I know  
13 the thoughtfulness and how they really take care of their  
14 communities.

15 And then she says, "Chairman Hood, we hope that  
16 you will render great weight." I sure will. So I just  
17 wanted to say that.

18 Don't nobody tell Ms. Douglas that I was talking  
19 about her before she got here. So I'm not going to repeat  
20 nothing I said. So anyway. All right. So we've got the ANC  
21 report.

22 Also, let me -- Councilmember Gray also has a  
23 letter. Let me get to that. He also had a part in here as  
24 well which shows the work that you all have done. I want to  
25 make sure I put that on the record. Just parts of it, not

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1 the whole thing.

2 "I want to acknowledge and applaud the development  
3 team's diligent and persistent engagement with the Ward 7  
4 community."

5 Those are the kind of sentences I like to see.  
6 And also, Mr. Turner has also supported it enthusiastically  
7 as well.

8 I think so you all have overwhelming support. I  
9 don't see any record of any opposition in this record. I  
10 haven't seen or heard of any as of yet.

11 All right, did I leave any other reports out? We  
12 do have the report from the National Park Service so do I do  
13 want to make sure we follow up on that. Other than that,  
14 colleagues, am I leaving anything out? I think DOEE has been  
15 mentioned. We've heard from DDOT and OP. So I think we're  
16 good. Okay.

17 And again, I read the report of the ANC, well,  
18 part of it. Organizations -- do we have any organizations  
19 and persons who are here who are in support? Who would like  
20 to testify. Mr. Brown, you'd like to testify? Ms. Douglas,  
21 I know you want to -- come right on.

22 Organizations and persons who are here who are in  
23 opposition. Do we have any organizations and persons who are  
24 here who are undeclared? Okay, so everybody doesn't have to  
25 move, we just have two seats.

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1 Ms. Douglas, know that what I said was not bad,  
2 it was all good. I'm not going to repeat it, but when you  
3 go home and watch it just watch it and then you can get me  
4 later. Turn your mike on and you may begin.

5 MS. DOUGLAS: Well, first of all, I apologize for  
6 being late but we had an event with the Capital One where  
7 Fuddruckers was on 7th Street with a group of kids from Ward  
8 7 and Ward 8 that we're trying to get involved for the non-  
9 violence and bullying.

10 So I had to be there for them as well. So I wear  
11 many, many, many hats.

12 But first of all I wanted to say thank God for  
13 having me an opportunity to be present before everybody and  
14 speak on this. And I want to say personally that this is a  
15 wonderful program that's going on.

16 And I can't say no more from my experience that  
17 Mr. Gragg, the young man here, his daddy taught him well.  
18 I remember him coming to me, saying well, Ms. Douglas, what  
19 shall I do.

20 And I said well, first of all, we need to reach  
21 out to the community. That's what you need to do. And he  
22 so did.

23 But I just wanted to make a little clarification.  
24 We had that discussion, but I wanted to bring it up again.  
25 I submitted that today, to you, Mr. Hood, that zoning -- this

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1 issue for voting of the administrative agreement was voted  
2 on April 25 and was public voted on with the proper quorum  
3 present and voted in support of this measure, the ANC 7D  
4 Kenilworth Community Benefit Agreement.

5 And this was signed and voted on this matter  
6 appears to be a waste of time. We have to go back again  
7 because we don't meet no more until September.

8 So I just want to make note for the record that  
9 we had already voted on this issue and the agreement that we  
10 worked on diligently with Mr. Gragg and them. So I'm just  
11 trying to let them know we're going have to keep coming back  
12 and keep going back when it's already been voted on.

13 CHAIRMAN HOOD: I did ask a question about that.  
14 Was that directed at us?

15 MS. DOUGLAS: Yes, it was directed to you all to  
16 be made aware that we already had voted on that at ANC  
17 meeting as a quorum. So we'll need to go back and vote on  
18 the same thing that has already been voted on.

19 CHAIRMAN HOOD: Did somebody ask you to vote  
20 again? I'm trying to --

21 MS. DOUGLAS: Yes. Well, we had a -- we need some  
22 clarification on that and I was getting clarification. So  
23 this is the reason why I'm bringing it up.

24 CHAIRMAN HOOD: Staff gave you --

25 MS. DOUGLAS: Right, so. That's what I was

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1 saying. Not staff, but I had the clarification. I wanted  
2 to make sure prior to that that it was known for the record  
3 that it was voted, already we voted on. Didn't need to come  
4 back for a second vote. Because we don't meet no more until  
5 September.

6 CHAIRMAN HOOD: Okay, I still don't understand but  
7 it's taken care of now.

8 MS. DOUGLAS: Yes, it's taken care of but I wanted  
9 Mr. Gragg to know that for the record, that it was taken care  
10 of and it's taken care of now so we're straight.

11 CHAIRMAN HOOD: Okay.

12 MS. DOUGLAS: Thank you. And that's basically it.  
13 I mean, I'm just so grateful and blessed to be sitting here  
14 before everybody because God is good to all of us because he  
15 have us all here for a purpose and we need to be thankful,  
16 pat ourselves on the back, our fathers and mothers, our  
17 ancestors, because without any of them we would not be  
18 sitting here talking about this project and the community  
19 because we all have to live together and work together. And  
20 also play in the playground.

21 But I just wanted to make sure that you all know.  
22 And especially the one I really wanted them to read and I  
23 want -- if you could just have Ms. Peaches come up for a  
24 second. And I want her to read the thing about her sister  
25 and the agreement that they voted on.

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1           Would you please come up? Ms. Denise Stanley, I  
2 know you're aware of her because she passed a couple of  
3 years. So would you come? And I just want to let them hear  
4 what they did for her.

5           Thank you. I'm sorry I'm taking up so much time.

6           MS. MACK: Okay, my name is Cornelia Mack and I  
7 am on the board resident council at Kenilworth Courts. My  
8 sister Denise Stanley was the president for many years. She  
9 stepped into Kimmy Gray's shoes.

10           So I am here on the behalf of Denise Stanley and  
11 with this new building coming into our neighborhood. Dorothy  
12 Douglas wants me to read so I will do my best.

13           Of this annual contribution each year \$5,000 is  
14 allocated to education incentives including a scholarship to  
15 be established in memory of the late Ward 7 community leader  
16 Denise Stanley for the educational advance of students in ANC  
17 7D-03 and \$5,000 to be distributed evenly to Ron Brown High  
18 School and H.D. Woodson High School.

19           Also includes a plaque to honor the late Ward 7  
20 community leader Denise Stanley for her accomplishments and  
21 her stewardship to Ward 7 residents.

22           MS. DOUGLAS: Now that's a good arm and a blessed  
23 one. If had rubber arms I would spread over there, but I'm  
24 doing my blessings. Thank you, everybody. Thank you so  
25 much.

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1 CHAIRMAN HOOD: You know, Ms. Douglas, you do have  
2 a way of taking over the whole situation.

3 (Laughter)

4 CHAIRMAN HOOD: So let me hear from Mr. Brown and  
5 I'm going to tell you what I said because I don't want to get  
6 in trouble.

7 MS. DOUGLAS: Thank you.

8 MR. BROWN: Mr. Chair, members of the commission,  
9 after that I don't know that it's appropriate for me to say  
10 much more.

11 But I can tell you that I've been acquainted with  
12 Gragg Cardona for about six years as we've figured out how  
13 we both have a passion and a love for doing the right thing  
14 by the community while still meeting the goals and objectives  
15 of development.

16 There's still a right way and a right thing to do  
17 and that's usually where I show up to try to help guide those  
18 ideas and principles.

19 And they have listened to every recommendation and  
20 every plan suggestion that I've presented to them. And I've  
21 tested them because I have a lot of stake in Ward 7 and 8,  
22 what I call Ward 15. So it's important to me that people  
23 listen to a little bit that I've figured out being here for  
24 52 years in the same basic area of the city.

25 But these brothers, they just have a heart to use

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1 the platform that they have to elevate as many people that  
2 are willing to be prepared for elevation. For the workforce  
3 development, training and life development, community  
4 engagement and things that I've participated in throughout  
5 the city I'll repeat the words I heard read in a letter I  
6 believe it was Chair Muhammad.

7 It's been refreshing and delightful. And I'm  
8 ready to rock with these brothers. I'm ready to rock with  
9 them anytime they're trying to do anything with this spirit.

10 So that's all I have to add. I hope that was  
11 helpful.

12 CHAIRMAN HOOD: Very helpful. We want to thank --

13 MR. BROWN: Oh, I'm sorry.

14 CHAIRMAN HOOD: Ms. Douglas is taking over again?

15 MR. BROWN: No. Well, nothing moves in that SMD  
16 without the leadership and the spirit really of Ms. Douglas.  
17 She helps me, mentors me, guides me, chastises me when I  
18 deserve it. And I'm just delightful to be part of the  
19 process and part of the experience to be honest.

20 But I love this woman and I'm just grateful that  
21 we're going to get to do this.

22 As far as Ms. Stanley, good grief. I don't know  
23 that there can be enough done in Kenilworth, but it sure is  
24 a great start. It sure is a great start. So I'm looking  
25 forward to continuing to serve alongside this project and

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1 this company. Thank you all for hearing me.

2 CHAIRMAN HOOD: Okay. I want to thank you all for  
3 your testimony. I can tell you this is much different for  
4 me than what I went through, what we went through on Monday  
5 night.

6 Definitely it's refreshing sometimes to go through  
7 this even though we're up to the task.

8 But I will tell you and I will leave it up to you,  
9 Mr. Brown, since you have a good fostered relationship with  
10 Ms. Douglas to tell her how complimented we were before she  
11 got here. Because I don't want to give her the mike again  
12 because we might be another 20 -- but anyway, she will see  
13 that.

14 Oh yes, we also need witness cards as well from  
15 what I'm hearing. Okay, they're doing that.

16 So I want to commend everyone for the work that  
17 you all have done and as I told the applicant some of the  
18 names that I called earlier including Ms. Douglas shows that  
19 you all have done some work.

20 Because if it wasn't right -- you've got to come  
21 correct because if it wasn't right they wouldn't be down here  
22 with all this overwhelming support. And I think I've said  
23 that enough. And I'll let Mr. Brown explain to Ms. Douglas  
24 how complimentary we were.

25 Let's see if there are any other questions up

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1 here. Any questions? Does the applicant have any questions?

2 MR. KADLECEK: No, thank you.

3 CHAIRMAN HOOD: All right. So we thank you all  
4 very much and we appreciate it.

5 All right. Mr. Kadlecek, do you have any  
6 rebuttal?

7 MR. KADLECEK: No rebuttal but I have a few  
8 closing remarks.

9 CHAIRMAN HOOD: Let's hear your closing.

10 MR. KADLECEK: That's a tough act to follow, but  
11 there's just a few things that I want to follow up with.

12 CHAIRMAN HOOD: We don't want to close out like  
13 we did Monday night.

14 MR. KADLECEK: I didn't watch Monday night.

15 CHAIRMAN HOOD: Don't.

16 MR. KADLECEK: A couple of things I wanted to  
17 point out is in addition to the flexibility that Mr. Mordfin  
18 discussed we actually did request two areas of flexibility.

19 One is to modify the design of the rear terrace  
20 in response to DOEE and/or the Army Corps as that permitting  
21 proceeds.

22 And then the third one which we do want to show  
23 a slide and we didn't get the chance to is about a sign  
24 that's being proposed for the front to mark the entrance to  
25 the building or to the site rather. And we do want some

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1 flexibility to modify the design of this sign within the  
2 dimensions of it.

3 But we did want to for the record make sure that  
4 you were able to see this because this has evolved since the  
5 last submission.

6 CHAIRMAN HOOD: Just give us a minute.

7 MR. KADLECEK: Sure.

8 COMMISSIONER TURNBULL: What flexibility? Are you  
9 talking about height, size?

10 MR. KADLECEK: Design, the design of it. But I  
11 think -- I'll let Mr. Coltrane speak, but I think that's  
12 otherwise set, the size of it.

13 MR. CONNOR: Yes, we don't have a whole lot of  
14 room to work with. It's a very narrow entrance into the  
15 site.

16 We do have a slide here showing if you're coming  
17 from the Maryland side and you take the ramp on Kenilworth  
18 the adjacent gravel processing area has a privacy fence and  
19 a lot of foliage that's going to make it difficult to see the  
20 entry.

21 And then we have a slide here as you're coming  
22 across from Eastern Avenue. The building is 330 so feet away  
23 from the entrance and down the hill.

24 Our concerns about people, especially people from  
25 outside the area visiting loved ones might not be able to

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1 find it. There is no true street frontage as you might have  
2 on a normal piece of property. The pipe stem is what we're  
3 facing.

4 So we have come up with a narrow sign that will  
5 fit because we have very little room to put a customary wide  
6 monumental sign that you might see.

7 And it's primarily just to kind of key in the  
8 address. There will be a logo of some kind on the top. This  
9 is just a placeholder for Kenilworth right now.

10 So it's roughly 14 feet tall plus or minus. You  
11 can see there's a human silhouette for scale.

12 We are using some of the same materials that we  
13 have on the facade of the building. And it will be lit.

14 COMMISSIONER TURNBULL: Okay, thank you.

15 MR. KADLECEK: And the sign is on private  
16 property. It's not on public space.

17 CHAIRMAN HOOD: Okay. Any other questions up  
18 here? Mr. Kadlecek, are you finished? You want to go ahead  
19 and finish closing out?

20 MR. KADLECEK: No, that's all we have.

21 CHAIRMAN HOOD: Ms. Douglas, you want to close us  
22 out?

23 MS. DOUGLAS: I'd like to close us out to remind  
24 that Mr. Carlos, Carlos, I think Carlos Smith, now he's the  
25 Kenilworth Resident Council president. And I just want to

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1 say how important -- he played an important role in this as  
2 well. He was unable to be present. But we don't want to  
3 leave out him who took Ms. Denise Stanley because he was the  
4 vice president at the time. So he's very much in support of  
5 this as well. Thank you.

6 CHAIRMAN HOOD: So, Ms. Douglas and Mr. Brown, if  
7 you all can go back and tell everybody we greatly appreciate  
8 all the work that it looks like went into this. From the  
9 letters and from you all coming in to give a presentation it  
10 shows that you all have really -- this applicant has been a  
11 good steward to the community. So continue to keep the good  
12 work going, all the work that I know that you both do for the  
13 city to improve the quality of life of all of us in this city  
14 so we appreciate that.

15 All right. Any other follow-up questions or  
16 comments?

17 MR. KADLECEK: I just have one last thing. We  
18 understand that you all would probably like us to have a  
19 conversation with the National Park Service which I know  
20 we're happy to do.

21 But because of the nature of this affordability  
22 project there is a timing constraint so we're trying to move  
23 this along.

24 CHAIRMAN HOOD: So when can you have a  
25 conversation with them? Can you have it tomorrow?

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1 MR. SOUADI: I will leave Superintendent Morrison  
2 a voicemail this evening if I have a phone number for her.  
3 I will look up her phone number. We'll engage immediately.  
4 We have no plans to delay sitting down with them.

5 And again, just for the record -- go ahead.

6 COMMISSIONER MAY: I was going to say when are we  
7 likely to take it up for decision-making anyway.

8 MS. HANOUSEK: It depends on when the --

9 COMMISSIONER MAY: What are the meetings that are  
10 coming up? I know we have one Monday. The next one after  
11 that is, what, the 8th?

12 MS. HANOUSEK: Yes, sir, July 8, and then the last  
13 one is July 22.

14 CHAIRMAN HOOD: I actually would like to do that.  
15 And I'm sure it won't take the Park Service that long.

16 COMMISSIONER MAY: July 8. I mean we could aim  
17 for July 8.

18 CHAIRMAN HOOD: Okay, good, good.

19 COMMISSIONER MAY: But hold on.

20 CHAIRMAN HOOD: Let's aim for the 8th and if not  
21 we'll do it at our last meeting. So that gives you a little  
22 flexibility, Ms. Hanousek. Let's aim for the 8th. We'll aim  
23 to do this on the 8th. If not we'll do it at our last  
24 meeting in July.

25 I'd like to do it before our August recess.

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1 MR. KADLECEK: Yes, we're aiming for the August  
2 recess too. I think we would actually prefer the 22nd to  
3 make sure that we can get everything.

4 COMMISSIONER MAY: It's not the 22nd.

5 MR. KADLECEK: Oh. Whatever the --

6 (Simultaneous speaking)

7 COMMISSIONER MAY: It's the 29th. Because I'm not  
8 here on the 22nd.

9 CHAIRMAN HOOD: Oh, well, maybe we'll have it --

10 COMMISSIONER MAY: No. I mean, I know that -- I  
11 talked to Sharon about this. There's no meeting scheduled  
12 for the 22nd. There's a hearing scheduled that night.

13 MS. HANOUSEK: I'm sorry.

14 MR. KADLECEK: Whatever the meeting is, the last  
15 in July I think gives us more certainty that we can get  
16 everything accomplished.

17 CHAIRMAN HOOD: Okay, so whenever our last meeting  
18 is in July that's when we'll set it for. July 29th is when  
19 it is. We will take this up July 29th.

20 Since we're only asking for one thing do we need  
21 to -- well, the record's closed other than what we've asked  
22 for a response from whatever happens. Oh, that's right.

23 MR. KADLECEK: So my record is that you're looking  
24 for something from NPS and then the illustration of the  
25 balconies.

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1 COMMISSIONER MAY: And Rob, did you want the  
2 Office of Planning to opine on relief on the FAR issue?

3 VICE CHAIR MILLER: If they ask for it to  
4 accommodate the balconies.

5 MR. KADLECEK: If it's at all helpful I just read  
6 the regulation. It does say that flexibility afforded in the  
7 design review process cannot be used for FAR, IZ and green  
8 area ratio. I interpret that to mean it would be a variance  
9 which we're not seeking to do here. So I think that's our  
10 position on that issue.

11 CHAIRMAN HOOD: All right. So those are the only  
12 two things we'll be asking for. All right.

13 MS. HANOUSEK: And we would want a draft order.

14 CHAIRMAN HOOD: Do we need to come up with some  
15 dates?

16 MS. HANOUSEK: Yes. So, if the applicant can  
17 submit the materials by the 15th and then the ANC has a week  
18 to make any comments. And then it could be on the 29th.

19 MR. KADLECEK: The draft order on the 15th as  
20 well?

21 MS. HANOUSEK: Yes.

22 MR. KADLECEK: Okay.

23 CHAIRMAN HOOD: Okay. Mr. Kadlecek, anything  
24 else?

25 MR. KADLECEK: Nothing else. Thank you.

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1                   CHAIRMAN HOOD: Ms. Douglas, do you have anything  
2 else? That makes two of us.

3                   Okay, Ms. Hanousek, is there anything else?

4                   MS. HANOUSEK: No. And it's definitely the 29th.  
5 I found the reminder schedule. I apologize.

6                   CHAIRMAN HOOD: Okay, the 29th. All right, so  
7 with that I want to -- if everything is clear with that I  
8 want to thank everyone for their participation in this  
9 hearing tonight and this hearing is adjourned.

10                   (Whereupon, the above-entitled matter went off the  
11 record at 7:49 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 06-20-19

Place: Washington, DC

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



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