

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

OFFICE OF ZONING

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

SEPTEMBER 24, 2020

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, Vice Chair
- PETER SHAPIRO, Commissioner
- PETER G. MAY, Commissioner
- MICHAEL G. TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

- CRYSTAL MEYERS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- JACOB RITTING, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

KIMBERLY VACCA, District Department of Transportation  
Planner

The transcript constitutes the minutes from the  
Regular Public Hearing held on September 24, 2020.

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

2 4:00 p.m.

3 CHAIRMAN HOOD: Okay, we're ready to begin this  
4 hearing. Good afternoon, Ladies and Gentlemen. We are  
5 convening and broadcasting this public hearing by  
6 videoconferencing.

7 My name is Anthony Hood. Joining me are Vice  
8 Chair Miller, Commissioner Shapiro, Commissioner May, and  
9 Commissioner Turnbull.

10 We are also joined by the Office of Zoning Staff,  
11 Ms. Sharon Schellin, our secretary, Mr. Paul Young, who will  
12 be handling all of our virtual operations. All others will  
13 introduce themselves at the appropriate time.

14 Today's date is September the 24th, 2020. And  
15 tonight's case is the subject of Zoning Commission Case  
16 Number 20-09, Mr. Wagner, LLC, Consolidated PUD and related  
17 map amendment at square, excuse me, 5740, Lot 337, 2419 25th  
18 Street Southeast. Bear with me while I switch screens.

19 Copies of today's virtual public hearing notice  
20 are available on the Office of Zoning's website. Please be  
21 advised, this proceeding is being recorded by a court  
22 reporter and is also webcast live which includes Webex and  
23 YouTube Live.

24 Accordingly, all those listening on Webex or by  
25 phone will be muted during the hearing until the appropriate

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1 time. If by any chance you have any problems while this  
2 hearing is going on, I ask that you call 202-727-5471. Again  
3 that number is 202-727-5471.

4 And I will ask all those others to introduce  
5 themselves at the appropriate time or when they come on to  
6 speak. I would ask that you state your name and home address  
7 before providing oral testimony or your presentation.

8 When you are finished speaking, this is important,  
9 please mute your audio so that your microphone is no longer  
10 picking up sound or background noise and we can hear it as  
11 well. So remember, mute and unmute is the key to this  
12 operation running smooth.

13 All persons planning to testify either in favor,  
14 opposition, undeclared, and in this virtual hearing, we  
15 encourage you to sign up in advance.

16 At the time of sign-up, all participants complete  
17 the oath of affirmation required by Subtitle Z 48.7 and if  
18 you have not signed up, we will work through that and make  
19 sure you are able to participate in this process.

20 If you wish to file written testimony or  
21 additional supporting documents during the hearing then  
22 please be prepared to describe and discuss it at the time of  
23 your testimony as we have not had time to review your  
24 submission.

25 This hearing will be conducted in the accordance

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1 with provisions of 11 Z DCMR Chapter 4 as follows.  
2 Preliminary matters, applicant's case. I think in this case  
3 they've asked for 30 minutes.

4 Report of the Office of Planning and District  
5 Department of Transportation, Report of other government  
6 agencies, Report of the ANC, testimony of organizations and  
7 of individuals. Organizations will have five minutes,  
8 individuals will have three minutes, respectively. And we'll  
9 hear in the order from those in support, opposition, and  
10 undeclared after which we will have rebuttal and closing by  
11 the Applicant.

12 The Commission reserves the right to change the  
13 time for presentations if necessary to adhere in time as  
14 strictly as possible and no time shall be ceded.

15 Again, any reason you have any problems, please  
16 dial 202-727-5471. 202-727-5471 for any outstanding issues  
17 during this period. And I repeat that because I want to make  
18 sure everybody has the opportunity to be able to participate.

19 At this time, the Commission will consider any  
20 preliminary matters so does the staff have any preliminary  
21 matters?

22 MS. SCHELLIN: Yes, sir. Just a couple. The  
23 Applicant has uploaded their affidavit of maintenance in that  
24 sent order. They have proffered three expert witnesses. All  
25 three have previously been accepted by the Commission.

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1 Stephanie Farrell in architecture, Nicole White in  
2 transportation, and Shane Detman in zoning and land use.

3 They've all previously been accepted, would just  
4 ask the Commission if they would accept them in this case  
5 this evening.

6 CHAIRMAN HOOD: Okay. I'm going to look at my  
7 comments and see if they have objections to the requests.  
8 No objections, okay.

9 MS. SCHELLIN: Okay.

10 CHAIRMAN HOOD: Okay.

11 MS. SCHELLIN: The Applicant's representative,  
12 representatives are Kyrus Freeman and Jessica Bloomfield.  
13 If Mr. Young could bring them on? And just to advise the  
14 Commission, there is an ANC 8B Report. There's an OP Report,  
15 a DDOT report and no other government agency report in this  
16 case. Other than that, staff has nothing further.

17 CHAIRMAN HOOD: Thank you very much, Ms. Schellin.  
18 That makes it a lot easier with all the government reports  
19 so thank you very much.

20 All right. Mr. Young, can we bring everybody, I  
21 see Ms. Bloomfield and Mr. Freeman are up, and Mr. Detman.

22 So if you all want to share your video, you can.  
23 And then Mr. Freeman, you have the floor.

24 MR. FREEMAN: Okay. Could you also please admit  
25 Robbie Miller, Stephanie Farrell, and Nicole White?

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1 MR. YOUNG: Yes, I've got them all in here.

2 MR. FREEMAN: Okay.

3 VICE CHAIR MILLER: Mr. Chairman?

4 CHAIRMAN HOOD: Yes, sir?

5 VICE CHAIR MILLER: Just as a preliminary matter  
6 since the applicant's, the principal of the applicant happens  
7 to be named Robert Miller and I guess his nickname is Robbie  
8 which was my nickname in the first half of my life or first  
9 third of my life, I just wanted to state for the record that  
10 I have no relationship or knowledge of the Applicant, Robert  
11 Miller.

12 I did see him, I think I sat on a D.C. case where  
13 his firm was representing another housing development and I  
14 made the same disclosure there when I learned of this name.

15 So just as a preliminary matter, I have no  
16 relationship, no friendship, no affiliation with the Robert  
17 Miller in relation to this case.

18 CHAIRMAN HOOD: Okay. So I actually heard that  
19 but I figured I wouldn't comment, I would just go ahead and  
20 let it ride but I'm glad you brought that up. Thank you for  
21 doing it especially for the record so thank you.

22 COMMISSIONER MAY: Do we call you Robbie now?

23 VICE CHAIR MILLER: Sure.

24 COMMISSIONER MAY: It's Vice Chair Robbie to you.

25 VICE CHAIR MILLER: Yes.

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1 MR. FREEMAN: All right. So I want --

2 COMMISSIONER MAY: I'll only do it off the record.

3 CHAIRMAN HOOD: Okay. Thanks. All right.

4 MR. FREEMAN: I think, I hope our whole team is  
5 on at this point. Thank you all for your time this, I'm used  
6 to saying this evening but I guess it's late afternoon since  
7 it's 4 o'clock.

8 As you all know, we're here for approval of the  
9 consolidated PUD and zoning map amendment to rezone our site  
10 which is 2419 25th Street from the RA-3 zone to the RA-2  
11 zone.

12 Our proposed development would result in a, what  
13 we think is a beautiful building at 2.59 FAR up to a height  
14 of 55 feet. Importantly, 67 units all dedicated for seniors  
15 with incomes up to 60 percent of MFI.

16 I have all my notes here that seniors technically  
17 means 55 up. So we should think as if that's a 55 up  
18 community.

19 The comp plan, you will hear our witnesses go into  
20 detail. Our application materials go into detail, how we  
21 meet all of the applicable standards for approval of this  
22 planned unit development and map amendment.

23 As you, I think Ms. Schellin noted that at the  
24 beginning we're happy to have OP support which is marked as  
25 Exhibit 21 in the record, DDOT support which is marked as

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1 Exhibit 22 in the record. They have three conditions, all  
2 of which we absolutely agree to, and the ANC has a resolution  
3 and strong support which is Exhibit 20C in the record.

4 So again, we believe our submissions go through  
5 in great detail how we meet all of the standards for approval  
6 of the project.

7 There was a letter submitted in opposition by a  
8 Mr. Watson, Junior. We would ask to maybe at the end be able  
9 to submit our regular response to that letter just so that  
10 we can make sure that our response to those comments are  
11 written in the records. So at the appropriate time, Mr.  
12 Chairman, we'd be happy to respond to any of those questions  
13 in Mr. Watson's letter.

14 CHAIRMAN HOOD: So Mr. Franklin, let me just tell  
15 you that since Mr. Watson's a little late coming in, that was  
16 some of my questioning and hopefully you can respond to it  
17 where you can respond in writing later. As we go forward,  
18 we want, some of it's germane to us and some of it's not.

19 MR. FREEMAN: Absolutely.

20 CHAIRMAN HOOD: We encourage you to try to go  
21 through that in your presentation if you can. If not, I'll  
22 ask questions myself on the back end.

23 MR. FREEMAN: Awesome. Okay, well why don't we  
24 do this. Why don't, I know our Robbie Miller, not to be  
25 confused with the Robert Miller. Our Robbie Miller has some

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1 opening statements and then we would move to Stephanie  
2 Farrell, our architect, and then Ms. Nicole White, our  
3 transportation consultant.

4           And then we'd have Mr. Detman conclude with a comp  
5 land analysis, if the Commission is inclined to proceed that  
6 way. All right. Robbie Miller is up next.

7           MR. MILLER: Hi and thank you, guys. Thank you,  
8 everybody for seeing us tonight. We've been looking forward  
9 to being able to advance this project. Our group has been  
10 doing business in the District for close to 20 years at this  
11 point in developing projects in close coordination with  
12 communities and trying to assemble really top notch teams  
13 from a design standpoint, community standpoint, and really  
14 across the board to be able to execute on top notch projects  
15 across the District.

16           This is a project which we feel very good about  
17 and have tremendous community support as well as what we  
18 believe is a great team that's presented an architecture and  
19 design approach that is very sensitive to the surrounding  
20 communities and adjacent parcels and so on and so forth.

21           We really rest on bringing the right design and  
22 close coordination with the community and those things have  
23 really sort of manifested themselves in this project.

24           So we're excited to proceed with this as Kyrus  
25 mentioned, all affordable seniors, we feel it meets a

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1 tremendous need and in a really nice way. So with that I  
2 will close and be on, be standing by to answer questions  
3 moving forward.

4 MR. FREEMAN: So next up will be Stephanie  
5 Farrell. She's going to, we brought our presentation. It's  
6 in the record as Exhibit 24. It's labeled Applicant's  
7 PowerPoint Presentation. So I don't know, Mr. Young, if you  
8 could pull that up, Stephanie and Nicole and then Shane will  
9 walk through that.

10 MS. FARRELL: Okay, great. Can you hear me?

11 MR. FREEMAN: Yes.

12 MS. FARRELL: Okay. So as Robbie said, thank you  
13 very much for having us and we're really excited to present  
14 the design for this project at 25th and Wagner Southeast.  
15 Next?

16 So just a quick introduction to the site. The  
17 site is located at the corner of the intersection of 25th and  
18 Wagner. 25th is running north, south, Wagner is running  
19 east, west. And you see the plan located here right at the  
20 intersection at the corner.

21 And also some of the adjacent context, there's the  
22 Stanton School across 25th, the rehabilitation center to the  
23 west behind us, and then the mix of multi-family and single  
24 family residential in the neighborhood. Next? And some  
25 views of the site.

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1 COMMISSIONER SHAPIRO: We've lost your audio.

2 CHAIRMAN HOOD: We'll give her a moment or so to  
3 come back. We can't hear you.

4 MS. FARRELL: So --

5 CHAIRMAN HOOD: She --

6 MS. FARRELL: Is that better?

7 CHAIRMAN HOOD: Yes, there you go.

8 MS. FARRELL: Okay. So the photo in the center  
9 top is looking west on Wagner. Wagner has quite a bit of  
10 grade. It goes down pretty quickly. The view on the top  
11 right is looking back up Wagner towards the intersection.

12 Bottom left is actually looking at the private  
13 driveway to the south of our site that leaves --

14 CHAIRMAN HOOD: So I think we lost you again. We  
15 lost you again.

16 COMMISSIONER TURNBULL: Stephanie, we've lost you.

17 MS. FARRELL: -- into the --

18 CHAIRMAN HOOD: So Ms. Farrell, you're going in  
19 and out.

20 MS. FARRELL: Yes. Can you hear me now?

21 CHAIRMAN HOOD: Yes, you might want to just keep  
22 your video off. Maybe that, maybe --

23 MS. FARRELL: Yes. Yes, let me try that.

24 CHAIRMAN HOOD: Okay.

25 MS. FARRELL: Okay. So the bottom middle is the

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1 25th Street looking north with the site on the left. And  
2 then the bottom right is the intersection of 25th and Wagner.  
3 Next?

4 This is just some images of the context, again  
5 some of the multifamily and single family that's existing in  
6 the neighborhood. Next?

7 So as Kyrus mentioned, we are proposing a 2.9 FAR.  
8 The building is 55 foot in height. There are 67 senior  
9 affordable units. They're primarily one bedroom, 58 one  
10 bedrooms and then there's a smaller amount of studios and two  
11 bedrooms. Six studios and three two-bedrooms. Next?

12 So this is a view that's at the corner of 25th and  
13 Wagner. So 25th is going to the left, Wagner is going to the  
14 right. And so the building is five stories from the corner  
15 and then as the building again moves down the grade, down  
16 Wagner, it steps down again, trying to be sensitive to the  
17 context and also taking advantage of the change in grade.

18 The building is trying to be sensitive also in its  
19 architectural treatment. There's a strong reading of an  
20 attic story with a cornice, bay windows that help break down  
21 the scale.

22 It's primarily masonry with also fiber cement, the  
23 corner entrance here at the main corner and then we also have  
24 a canopy that has been extended back over a small outdoor  
25 resident amenity area which is one of the comments that we

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1 got from OP and has been incorporated into the project.

2 Next?

3           This is a view on Wagner looking back up towards  
4 the intersection. And again you really see the moves that  
5 have been made to both step the building down and it also  
6 sort of steps back as well which helps break up the scale.

7           So the building is five stories plus a basement  
8 up at the corner then it steps to four stories plus a  
9 basement which starts to be exposed because of the grade.

10           And then at the end it's really three stories  
11 across the basement level or four stories total. So really  
12 stepping down and again, some of the moves that have been  
13 made to strongly articulate the top floor, bring the scale  
14 down, banding of the lower level and things like that.

15           And then also you see that a lot of attention has  
16 been paid to the landscaping and the green buffer that occurs  
17 between the building and the sidewalk. Next?

18           So this is the floor plan. So again because of  
19 the grade, this is at the lower level which is on grade at  
20 the west end of the site on Wagner where you enter the  
21 parking in the back.

22           And there's an entrance into the building at this  
23 lower level and then the residential is partially out of the  
24 ground. And we've added some landscaping at the parking area  
25 and some windows into the lower level, amenity space again

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1 based on Office of Planning comments. Next?

2           This is the first floor which again is on grade  
3 from 25th Street. This is where the main lobby entrance is  
4 and that outdoor amenity space just to the north of the lobby  
5 and this is now one level above the floor below that we just  
6 looked at. Next?

7           This is a typical residential floor. That's the  
8 second and third floor. Next?

9           And then on the fourth floor you start to see as  
10 he said, the stepping that happens with the building. So on  
11 the west side there is now a roof where we've also  
12 incorporated a roof deck again giving multiple outdoor  
13 amenity options for the residents. Next?

14           So this is the next level up where the middle  
15 section is we're looking at the roof and only the top portion  
16 at the corner remains. Next?

17           And this is the roof level showing everything is  
18 stepped back as it should be. There's a mix of green roof  
19 and solar. Next?

20           Just a quick section through the site. So again  
21 you see the change in the grade from 25th Street on the left  
22 hand side of the section and then the parking area on the  
23 right and the step downs that are occurring. Next?

24           And so the elevation views is what we just looked  
25 at in 3D. So on the top that's the Wagner facade, the main

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1 street facade on Wagner. And then on the bottom is the main  
2 street facade on 25th Street. Next?

3 And then what you see on the top there is the  
4 south facade that's sort of facing the property to the south  
5 which again continues to step down.

6 And then the west elevation, so you'd see that  
7 small four story portion in the front, and then the step up  
8 happening beyond. And there's a small entrance there at the  
9 back. Next?

10 And just a little more enlargement of the  
11 elevations where you see the masonry and there's two colors  
12 of masonry with an accent color being used for heads and  
13 sills, the fiber cement panel as the attic story, and the  
14 bays and, next?

15 And then this is an enlargement of the elevation  
16 to the south which again uses the mix of fiber cement panel  
17 and siding being articulated with some Juliet balconies.  
18 Next?

19 And this is the material board with the color  
20 plate. So it's really kind of just a warm, neutral color  
21 palate with the main brick on the left and then the accent  
22 brick for the heads and the sills and the banding and then  
23 again sort of burn neutral fiber cement colors. Next?

24 This just shows the signage which is really  
25 minimal for the residential project. There's one at the main

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1 entry and one at the rear entry from the parking. Next?

2           And this is the landscape plan which again a lot  
3 of attention has been paid to create a lot of green buffer  
4 and screening between the building and the sidewalk. We've  
5 also added the shade trees at the parking lot. There's the  
6 bioretention.

7           You see the private patio to the north as well as  
8 the curb extension on Wagner Street which when it was again  
9 also a request that we incorporated some sit down.

10           That's it. Thank you.

11           MR. FREEMAN: That concludes our architectural  
12 presentation. Next up is Nicole White who's going to walk  
13 through the transportation analysis. I think Nicole might  
14 have been having some difficulties getting on so why don't  
15 we do this. If we could go to the comp plan analysis, Mr.  
16 Detman's presentation?

17           MR. YOUNG: I just got her on here.

18           MR. FREEMAN: Okay.

19           MR. YOUNG: If she wants to try and speak.

20           MR. FREEMAN: Okay. Awesome. Well, go ahead and  
21 go.

22           MS. WHITE: There we go. Okay. Can you hear me  
23 okay?

24           CHAIRMAN HOOD: Yes.

25           MS. WHITE: Okay, great. Sorry my video, I don't

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1 have a link to the video but I will proceed with my  
2 presentation.

3           Good evening. My name is Nicole White. I'm a  
4 principle with Symmetra Design. Our firm, Symmetra Design,  
5 was retained to prepare a transportation statement for the  
6 project. You can go to the next slide, please.

7           The transportation statement was coordinated with  
8 DDOT and is consistent with the scale of the project. As  
9 stated in the DDOT report, DDOT has no objection to the  
10 approval of the consolidated PUD and zoning map amendment  
11 with three conditions that I will outline later in my  
12 presentation. Next slide, please?

13           The site is well-served by bus stops and numerous  
14 bus routes. Next slide, please?

15           As previously noted, site access is located on  
16 Wagner Street. The 12 foot two-way driveway design is  
17 appropriate for a residential project of this scale and is  
18 consistent with DDOT standards per the design and engineering  
19 manual. Next slide, please?

20           The Applicant has agreed to the three conditions  
21 outlined in the DDOT report for approval. The Applicant will  
22 fund -- next slide, please?

23           The Applicant will fund and construct pedestrian  
24 network improvements in the immediate vicinity of the site  
25 to encourage walking. Specifically, the Applicant will

1 construct a sidewalk on the south side of Wagner Street  
2 southeast from 25th Street southeast to the nearest single  
3 family residential driveway directly west of the site, and  
4 will also construct the curb extensions on Wagner Street that  
5 were mentioned during Stephanie's presentation. Next slide,  
6 please?

7           The Applicant has submitted a transportation  
8 management plan to encourage non-automobile modes of  
9 transportation.

10           DDOT concurs with the TDM that was submitted by  
11 the Applicant and no additional TDM measures have been  
12 requested.

13           You can go to the next slide. I'm just showing  
14 two pages of a comprehensive TDM plan.

15           Moving onto loading, the next slide, the Applicant  
16 has requested relief from providing a 30 foot loading berth  
17 and a platform. A 20 foot service space will be provided.  
18 Loading activities will occur in the service space.

19           Use of the 20 foot service space would be  
20 appropriate considering the size and the make of the  
21 residential units. The loading plan allows the Applicant to  
22 devote more space to landscaping impervious surfaces. Next  
23 slide, please?

24           The loading management plan was submitted to DDOT.  
25 DDOT concurs with the Applicant's loading management plan and

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1 the loading management plan adequately addresses loading  
2 operations and management thus the request for loading  
3 flexibility will not create any adverse impacts. Next slide,  
4 please?

5 In conclusion, the project has great access to bus  
6 stops and numerous bus lines with connections to Metrorail  
7 stations. Cite access is adequate and consistent with DDOT  
8 standards. DDOT has no objection to approval of the project  
9 with three conditions.

10 The Applicant has agreed to the conditions to fund  
11 and construct pedestrian network improvements and provide a  
12 TDM and loading management plan. The project will not result  
13 in adverse traffic, transportation, or parking conditions.  
14 That concludes my presentation.

15 (Simultaneous speaking.)

16 CHAIRMAN HOOD: Your mic's on. Put it on mute.  
17 That helps.

18 MR. DETMAN: How's that? Can you hear me okay?

19 CHAIRMAN HOOD: Yes, we can hear you.

20 MR. DETMAN: Good evening, Mr. Chairman and  
21 members of the Commission. These first two slides in our  
22 testimony simply, they are slides that you've seen before.  
23 They simply summarize what the intended purpose of the PUD  
24 process is and what the standard of review is.

25 Essentially the PUD process exists in order to

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1 provide higher quality development through flexibility in  
2 building controls provided the project results in a project  
3 that's superior than what would otherwise result from matter  
4 of right standards, offers a commendable number of quality  
5 and meaningful public benefits as well as protects and  
6 advances the public health, safety and welfare and is not  
7 inconsistent with the comp plan.

8           Next slide, please? Next slide? Back one slide.  
9 Thank you.

10           To approve a PUD, as you know the Zoning  
11 Commission must judge, balance, and reconcile the value of  
12 the public benefits authored by the Applicant. The degree  
13 of development incentive is being requested as well as the  
14 potential adverse effects of the project.

15           The Commission shall find three things. It shall  
16 find that the project is not inconsistent with the  
17 comprehensive plan, that it does not result in any  
18 unacceptable project impacts, that it includes public  
19 benefits and project amenities that are not inconsistent with  
20 the comp plan. Next slide?

21           With respect to the development incentives that  
22 are being requested in this case, a map amendment pursuant  
23 to the zoning regulations is considered a form of flexibility  
24 and in this case, we requested a map amendment from the  
25 existing R-3 zone to RA-2.

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1           In addition, in the terms of what that means for  
2 height and density, with respect to height compared to what's  
3 proposed and comparing that to the existing zoning, the  
4 project essentially gains through the map amendment an  
5 additional 15 feet of height when compared to existing matter  
6 of right zoning, an additional five feet when compared to  
7 existing PUD zoning.

8           In terms of density, again comparing it back to  
9 the matter-of-right and the PUD density, PUD zoning,  
10 essentially what we'd be looking at is a gain of about 0.79  
11 FAR compared to matter-of-right and 0.3 FAR compared to the  
12 existing zone in their PUD.

13           In addition to the map amendment, the other areas  
14 of development flexibility being requested is a neighbor from  
15 the new PUD land area in excess of the 50 percent that the  
16 Commission is authorized to grant. The request here is an  
17 additional five percent or 55 percent reduction.

18           And then lastly, flexibility from the loading  
19 berth requirement as well as the driveway width requirement.  
20 Next slide?

21           And so looking at the development incentives that  
22 are being requested and balancing that with the public  
23 benefits and project amenities in this case, the project  
24 provides superior public benefits in the form of urban  
25 design, architecture, landscape, as well as site planning and

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1 efficient use of the site and those benefits are listed  
2 before you here. Next slide?

3 Certainly probably the most significant public  
4 benefit in this project would be the proffer in housing as  
5 well as affordable housing.

6 As Stephanie mentioned, the project will deliver  
7 67 new dwelling units all of which will be affordable to  
8 seniors that make up to 60 percent MFI.

9 There's also public benefits in the form of  
10 transportation infrastructure, the sidewalk extension, and  
11 the curb extension that the Applicant has agreed to do as  
12 well as a robust transportation management plan.

13 Finally, other public benefits being offered in  
14 this project include a financial contribution towards laptops  
15 for schools in Ward 8 in the amount of \$20,000 as well as a  
16 couple other contributions that are listed here. Next slide?

17 So I'm going to look at the potential  
18 environmental impacts, potential impacts of the project and  
19 I won't go through these here in detail. Essentially we've  
20 conducted an extensive evaluation for potential impacts that  
21 could result from the project in the categories of the,  
22 organized according to the District elements in the  
23 comprehensive plan and overall I find that the potential  
24 impacts of the project are either favorable, capable of being  
25 mitigated, or in certain areas there would be no impact at

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1 all.

2           Next couple slides we can go through here? And  
3 one more. And next slide. Next slide.

4           And so quickly turning to the maps in the  
5 comprehensive plan, under the generalized policy map, the  
6 site is designated as a neighborhood conservation area.

7           Essentially, the guiding philosophy of a  
8 neighborhood conservation area is to conserve and enhance the  
9 established neighborhoods but it's certainly not to preclude  
10 the development in these areas and in particular when they  
11 seek to address the city-wide housing needs.

12           A new development, again it's not precluded but  
13 when it does happen it should be compatible with the existing  
14 scale, natural features, and the character of the surrounding  
15 area.

16           I believe that the proposed PUD is compatible with  
17 the scale and the character of the surrounding area and that  
18 it will provide 67 new housing units for seniors at the  
19 affordable level and certainly, and so certainly that's  
20 addressing the city-wide housing need. Next slide?

21           The future land use map designates the site as  
22 sort of a split designation, local public facility,  
23 institutional, and as stated in the newly adopted and  
24 effective framework element under the FLUM guidelines,  
25 densities and intensities and are not depicted in the

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1 framework element when it comes to local public facility  
2 institutional.

3           What the FLUM guidelines do say is that when there  
4 is a change in use that occurs on the site, you should look  
5 to the surrounding context for guidance in terms of what's  
6 appropriate in terms of height and density.

7           The surrounding area is primarily designated as  
8 moderate density residential and under the framework element,  
9 the proposed RA-2 zone is identified as being consistent with  
10 the moderate residential category.

11           Looking at the actual surrounding context, it's  
12 a mix of two and four story multi-family, single family.  
13 Just up the street there's the Skyline Town Center which has  
14 been approved by the Commission at five stories and just  
15 behind the site is the three story nursing home. So I think  
16 in general the proposed building, a five story stepping down  
17 to three stories as it moves west is consistent with and  
18 compatible with that surrounding context. Next slide?

19           And so with that, Mr. Chairman, I believe in  
20 conclusion, overall the PUD is non-inconsistent with  
21 comprehensive plan. Any potential inconsistencies with  
22 individual comprehensive plan policies are outweighed by  
23 competing priorities in the comprehensive plan, certainly in  
24 the areas of housing, affordable housing, pedestrian  
25 circulation, and to the transportation improvements as well

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1 as the contributions to the facilities and services.

2           The project will not cause any unacceptable  
3 impacts.    The public benefits balance the degree of  
4 development incentives being requested.

5           And finally, I believe that the PUD is consistent  
6 with zoning maps and will not create conditions that are,  
7 that will create conditions that are favorable to public  
8 health, safety, and welfare and that concludes my  
9 presentation.

10           MR. FREEMAN:   Mr. Chairman, that concludes our  
11 direct presentation but we're all available to answer any  
12 questions you have.   Thank you.

13           CHAIRMAN HOOD:   Okay.   Thank you all for your  
14 presentation.   I do want to make a note.   A lot of people ask  
15 can you hear me.   The reason why we don't unmute and mute and  
16 say yes to most is because sometimes that causes even more  
17 of a problem.

18           If we can't hear you, believe me, we will let you  
19 know.   So I don't want you to think we're ignoring you but  
20 if we can't hear you, we will definitely let you know.

21           So just understand that the reason we don't  
22 respond right away because every time you hit mute and  
23 unmute, you're running the chance of being wiped out or  
24 whatever the case is, so if you can just, if we can't hear  
25 you we'll shake our heads if you can see us.   So we're trying

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1 to minimize technical impacts.

2           Okay. So with that, I want to thank you all for  
3 your presentation. Next commissioner is, let me look. Let's  
4 go on I guess our regular order, Commissioner May?

5           COMMISSIONER MAY: Sure, thank you very much. So  
6 I'm going to start out in a very unusual way. Brace  
7 yourselves. I just want to say that I do appreciate Mr.  
8 Detman's comprehensive plan presentation and the very simple  
9 straightforward analysis of the comprehensive plan issues for  
10 this case.

11           I think seeing it in that way is not only helpful  
12 to the Commission, I think it's helpful to the public. So  
13 there you have it. I started off with a compliment to the  
14 legal team no less. So very unusual.

15           MR. FREEMAN: And this is being recorded.

16           COMMISSIONER MAY: Yes, I know. So okay, I also  
17 want to recognize the Applicant's improvements are made in  
18 response to OP's comments. I agree with OP's comments. I  
19 think that that makes the most sense.

20           I do have a couple of small architectural  
21 questions. So if Ms. Farrell is on, Farrell, Farrell. I'm  
22 not sure what the -- is she here with us still?

23           MS. FARRELL: Yes, it's Farrell.

24           COMMISSIONER MAY: Okay. Great. Farrell?

25           MS. FARRELL: Yes.

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1           COMMISSIONER MAY: Very good, thank you. So first  
2 question is, I saw that on the projecting bays have sort of  
3 an off center roof on them. Can you explain to me what that  
4 design rationale is for that? It just seemed a little odd.

5           MS. FARRELL: Yes, I think the goal was just to  
6 create maybe a little bit more interesting shape than just  
7 a standard, you know, two foot offset bay.

8           COMMISSIONER MAY: Yes.

9           MS. FARRELL: But that was really the only goal.

10          COMMISSIONER MAY: Yes. I mean, does it actually  
11 relate to some other aspect of the design?

12          MS. FARRELL: Well, but if you look on 25th  
13 Street, the building and the street are not exactly parallel  
14 so I think that it kind of plays off of that a little bit.

15          COMMISSIONER MAY: Okay.

16          MS. FARRELL: But.

17          COMMISSIONER MAY: Okay. I'm just curious about  
18 it. I mean, I don't see, I don't have any problems with it,  
19 I just thought it was unusual.

20                 The one concern I have about the design is the  
21 extensive use of fiber cement panels on fairly prominent  
22 facades. I mean, you know, we have seen like this, things  
23 like this in the past but it seems very prominent at that  
24 front corner and I'm, you know, and unfortunately I think in  
25 from my perspective you're sort of the victim of, you know,

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1 bad versions of using fiber cement panels because it's a very  
2 common thing particularly with stick built structures around  
3 town and a lot of them, you know, aren't done very well or  
4 they don't age very well and they kind of look a little  
5 crummy.

6           So I'm just wondering if, you know, do you have  
7 examples or experience in using it in other locations in such  
8 a sort of prominent place? Do you have photographs of where  
9 it works out right and because I'm just, I'd hate  
10 particularly when it's a very light color like that, if it's  
11 not detailed properly you get streaking, you get, you know,  
12 the joints start to show up a lot more, it's, I don't know.

13           I just, I want to, I'm looking for some words from  
14 you that will give me confidence that this is going to look  
15 really good.

16           MS. FARRELL: Right, I agree. No, yes, it is very  
17 important to pay attention to the detailing in the fiber  
18 cement as well as the craftsmanship that you get.

19           I think we do have examples of where it's been  
20 done well. I think we do have examples where the fiber  
21 cement also is at a prominent locations. Now sometimes  
22 that's because actually more of the building is fiber cement  
23 --

24           COMMISSIONER MAY: Right.

25           MS. FARRELL: -- than this one but I think that

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1 also means we're dealing with a, actually a smaller amount  
2 of it that we need to get right. So I think it is definitely  
3 possible to have it executed well.

4 COMMISSIONER MAY: Okay. All right, well, you  
5 know, if it's possible to submit something onto the record,  
6 you know, photographs of where you think it's done well. And  
7 not just sort of done well on the day it's finished but, you  
8 know, still looking good a few years later, I think that  
9 would give me some greater confidence.

10 I'm very curious and I think I've asked this  
11 question about architecture before and I just don't remember  
12 the answer, but when you bring the panels together at a  
13 corner like that, I mean, how is that joint made? Is that  
14 just sort of a reveal at the corner?

15 MS. FARRELL: Exactly. There's a special aluminum  
16 reveal that's specifically for an outside corner.

17 COMMISSIONER MAY: Okay.

18 MS. FARRELL: That's sort of an L, an open L that  
19 receives both panels.

20 COMMISSIONER MAY: Okay. And is that an aluminum  
21 color or is it the same color as the panels?

22 MS. FARRELL: So it can either be anodized  
23 aluminum or it can be painted to match the panel.

24 COMMISSIONER MAY: Okay. And what do you intend  
25 to do?

1 MS. FARRELL: I personally tend to think it looks  
2 better in the anodized aluminum.

3 COMMISSIONER MAY: No.

4 MS. FARRELL: It looks a little bit cleaner than  
5 the painted version.

6 COMMISSIONER MAY: Yes, I mean something more  
7 likely to wear well because over time --

8 MS. FARRELL: Yes.

9 COMMISSIONER MAY: -- the aluminum can lose the  
10 paint. Okay. So that's it for my architectural questions  
11 but if you could submit some sort of photographs of that I  
12 think that would be helpful.

13 MS. FARRELL: Yes.

14 COMMISSIONER MAY: Including even a photograph of  
15 that detail just so I can see that if you have that. I'm  
16 sure that the manufacturer has something he can provide.

17 The, let's see, on the community benefits  
18 agreement, and I'm not sure who answers this one but I've  
19 moved off of architecture.

20 The community benefits agreement indicated that  
21 the laptops will be purchased within 30 days of the execution  
22 of the agreement and it looks like the agreement was  
23 executed. So does that, like back in July. So does that  
24 mean that the laptops have been purchased and distributed?

25 MR. FREEMAN: So Robbie Miller, the short answer

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1 to that is yes, so Robbie Miller can talk a little bit more  
2 about that. The ANC was very concerned about making sure  
3 that the laptops were there for that school year. I'll turn  
4 it over --

5 COMMISSIONER MAY: Me too.

6 MR. FREEMAN: I'll turn it over to Robbie to talk  
7 about his engagement with the ANC on that issue.

8 COMMISSIONER MAY: Okay.

9 MR. MILLER: Yes, we had and we did it. It was  
10 interesting the timing that this came up was mid-summer, late  
11 summer, and we knew that the school year was pending and we  
12 knew that virtual learning was going to be taking place and  
13 played a big part of these kids' day to day lives from a  
14 school standpoint.

15 It was interesting because there was some  
16 discussion about when this would happen based on what stage  
17 of the project it was and we just determined pretty early on  
18 in connection with the ANC that this was just going to need  
19 to happen sooner than later to have any effect because  
20 certainly delivering laptops in, you know, sometime next year  
21 or late this year wasn't going to have any particular value  
22 for the current requirement.

23 So we did, we went through a procurement process  
24 in close connection with the ANC. We delivered over 50  
25 laptops which were delivered directly to the ANC which had

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1 developed a process for distribution among the full ANC and  
2 they were delivered I think August 31.

3 We had some, there were procurement and delivery  
4 issues just with some of the shipping things but there was  
5 sort of a full press on getting that done and they were all  
6 delivered and handed off to the students.

7 COMMISSIONER MAY: Okay. I appreciate all that  
8 extra information but I would have been happy with the short  
9 answer. So that's great. I'm glad to know that they were,  
10 that they've already been delivered.

11 The other donations that were unspecified but  
12 you're reporting in particular causes, has that been decided  
13 who that's going to go to and when that would happen?

14 MR. MILLER: Yes, it has and Kyrus, you can  
15 probably speak to that because I think it's, I don't recall  
16 the names of the organizations but they did provide the names  
17 of the organizations, what those funds were going to be used  
18 for and when that would happen, yes.

19 COMMISSIONER MAY: Okay. So short answer,  
20 Commissioner May is yes. In our 20 day submission which is  
21 Exhibit 20 on the record we indicated that 7000 -- so these  
22 were organizations that the ANC identified and they kind of  
23 told us what, how much and what it should be used for.

24 So Families on the Rise is to fund programming to  
25 provide mental health serviced for youth and ANC --

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1           COMMISSIONER MAY: I'm going to cut you off, okay.  
2 Short answer is good enough. Just point me where it was  
3 because I read that submission and I didn't see it but I will  
4 look for it.

5           MR. FREEMAN: Yes. It's --  
6           (Simultaneous speaking.)

7           COMMISSIONER MAY: -- the Commission.  
8           (Simultaneous speaking.)

9           COMMISSIONER MAY: -- who it went to.

10          MR. FREEMAN: Exhibit 20.

11          COMMISSIONER MAY: Okay.

12          MR. FREEMAN: Beginning at the bottom of Page 2.

13          COMMISSIONER MAY: Okay. Very good.

14          MR. FREEMAN: And Page 3.

15          COMMISSIONER MAY: So I think that for the, you  
16 know, for the record on this, I assume that, you know, what  
17 we get in a draft order would spell out exactly who it's gone  
18 to, or who it would be going to as opposed to what's in the  
19 CBA which is too vague for our normal purposes?

20          MR. FREEMAN: Correct. The record now says the  
21 exact entity names that the money's going to.

22          COMMISSIONER MAY: All right. Very good. Now a  
23 minor traffic question which is the, would the residents of  
24 this building be eligible for residential parking permits?

25          MR. FREEMAN: That's a Nicole White question.

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1 COMMISSIONER MAY: I'm trying to hit all, every,  
2 you know, ask the question for everybody.

3 MS. WHITE: Can you hear?

4 COMMISSIONER MAY: Yes.

5 MS. WHITE: So first to point out that we have  
6 adequate parking for the site.

7 COMMISSIONER MAY: No.

8 MS. WHITE: But second is there is not RPP  
9 adjacent to the site is not currently designated as RPP  
10 parking so there would not be the need to register RPP  
11 parking.

12 COMMISSIONER MAY: Okay. I'm not asking about  
13 need. I'm, you know, there was indication in a map that  
14 there was RPP restricted parking on some of the streets  
15 nearby?

16 MS. WHITE: Yes, not directly adjacent to the  
17 site.

18 COMMISSIONER MAY: Oh, I thought it was on that.

19 MS. WHITE: I don't believe so. I can double  
20 check that and get right back to you. I don't believe --

21 COMMISSIONER MAY: Yes, I just want to know. I  
22 mean, if they, the question is whether people in that  
23 building would be eligible to receive RPP is the question.

24 MS. WHITE: Right. No, I'm clear on the question.

25 COMMISSIONER MAY: Yes, okay.

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1 MS. WHITE: Let me, I'll double check that while  
2 you move onto the next question.

3 COMMISSIONER MAY: Okay. Well, I'm done with my  
4 questions.

5 MS. WHITE: Okay.

6 COMMISSIONER MAY: But you can circle back with  
7 us later on that.

8 MS. WHITE: Okay. Okay.

9 COMMISSIONER MAY: And I was going to ask about  
10 that concerns raised by the neighbor who's in opposition.  
11 But since the chairman is keen on that topic I will just wait  
12 to hear what his questions are.

13 So Ms. White, we'll just wait to, you know, you  
14 can chime in at some point later and answer that question.

15 CHAIRMAN HOOD: Okay. Thank you, Commissioner  
16 May.

17 Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.

19 Just a few quick questions. I'll start with  
20 solar. So there's a small solar array on this. Have you all  
21 explored integrating additional solar with a green roof? So  
22 to extend the solar array?

23 MR. FREEMAN: Right, right, so let me, so that's  
24 an architectural question, Commissioner Shapiro. What I  
25 would say is that the solar that is there now has been added

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1 since the beginning and I think we've maximized the amount  
2 of solar but I'll let Stephanie respond in more detail to  
3 that.

4 MS. FARRELL: I think we can look at that. Of  
5 course we are trying to balance several things, you know, the  
6 green roof that we need for the stormwater management, the  
7 mechanical, the outdoor rooftop amenity space.

8 And so we're trying to sort of balance all of  
9 those components and still also meet the requirements in  
10 terms of height and setbacks for any of those elements so  
11 that they would not be visible from the street. So that's  
12 kind of how we came up with the mix of green roof and solar  
13 and rooftop amenity.

14 COMMISSIONER SHAPIRO: So I appreciate that and  
15 it can be complicated and I think the one piece that I'd like  
16 clarification on is, and perhaps it's a conversation with the  
17 DOE but it is very possible to integrate solar with a green  
18 roof but it still counts for the ratio and it's just a  
19 technical issue but there's lots of solutions to it.

20 So if you could look at specifically extending the  
21 solar array with all the parameters that you're talking about  
22 but just combining it where the green roof is as well as much  
23 as possible.

24 MS. FARRELL: That will work.

25 COMMISSIONER SHAPIRO: Thanks. Other question and

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1 I agree with Commissioner May. I think he's sort of infected  
2 me about this issue as he has with other commissioners but  
3 that the fiber cement panel, the color Number 1, it looked  
4 very, very light on the elevations. It looked less light  
5 colored on, when you, in the material board.

6 So it was hard to get a sense of what it was but,  
7 you know, I think our sense tends to be to err on the side  
8 of less light because then it wears better. And I would  
9 agree with everything else you said about that.

10 So can you talk a little bit about the public  
11 amenities? And so I think I saw there's an indoor common  
12 space about a thousand square feet, is that right?

13 MS. FARRELL: Correct. There is an indoor amenity  
14 space that's on the lower level and again it's about a  
15 thousand square feet and again, in response to the comment  
16 from OP, we've extended the bioretention which also acts as  
17 a window well to allow natural light into that space.

18 And then there's the main lobby and then the two  
19 outdoor amenity space, the one on the ground floor near the  
20 main entrance and the one on the roof of the top floor.

21 COMMISSIONER SHAPIRO: That was the big one I  
22 wanted to hear was, just to be clear, and building on what  
23 OP said to make sure that that amenity space was well lit,  
24 not buried.

25 And I know because of the elevation it isn't

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1 buried in the basement but from these plans it could look  
2 like it's buried in the basement so I hear you that is not  
3 your intention to follow suit.

4           But building on the bioretention, I just had some  
5 questions about what you've done to sort of make something  
6 about the runoff from the paved area on the back and if  
7 there's any special additional, maybe some bioretention on  
8 steroids to help with the runoff because of the slope as  
9 well. So you're combining asphalt and slope and that's  
10 always problem.

11           MS. FARRELL: Right. Well, the parking area is  
12 partially permeable pavers, so at the parking area it's  
13 permeable pavement which will also help with the retention  
14 of the water in that area.

15           And then I would probably have to defer to civil  
16 on the way the rest of the water is going but I think it's  
17 not excessive in that area.

18           (Simultaneous speaking.)

19           MR. FREEMAN: We have our civil, Craig Atkins, who  
20 should be kind of I guess in the waiting room if that's how  
21 it's described. If you want to hear more about the  
22 bioretention I'd ask to have Paul let Craig in and Craig can  
23 talk more specifically about the bioretention.

24           COMMISSIONER SHAPIRO: I'd appreciate that if  
25 that's all right, Mr. Chair?

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1 MS. WHITE: While we wait for Craig to enter the  
2 room I can respond with the question, in regards to the  
3 question about RPP parking, and so the site is adjacent to  
4 RPP and thus residents would be eligible.

5 COMMISSIONER SHAPIRO: Okay. And I'm sure, okay.

6 COMMISSIONER MAY: Thanks.

7 COMMISSIONER SHAPIRO: Mr. Atkins is on.

8 MR. ATKINS: Yes, so actually I serve as the  
9 landscape architect for the project. We also have our civil,  
10 Aaron Armstrong, available if need be.

11 But just to pick up where Stephanie left off to  
12 kind of explain further, yes, we do have some areas back in  
13 the parking lot to accept the storm runoff to deal with that  
14 water.

15 We also have the permeable paving to assist with  
16 that as well. And we have been working through I think and  
17 you'll have to look it through. Some of the plans that we  
18 have some inlets up in the low corner near the adjacent  
19 property where we're actually collecting water so it doesn't  
20 run off that edge, down that hillside, and obviously onto the  
21 adjacent owner's property.

22 COMMISSIONER SHAPIRO: Okay. All right. It  
23 sounds like you've thought through this. Fine for me. Thank  
24 you very much.

25 MR. FREEMAN: I was going to say, Commissioner

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1 Shapiro, if you wanted to hear one more person, Craig, Aaron  
2 on our team could give more information on that as well, but.

3 COMMISSIONER SHAPIRO: It sounds like it's not  
4 something that slipped by and that you're on top of it so I'm  
5 fine with that.

6 MR. FREEMAN: Okay. Thank you.

7 COMMISSIONER SHAPIRO: I think those are all the  
8 questions that I have, Mr. Chair, I'll leave it at that.

9 CHAIRMAN HOOD: Thank you. Let's go to Mr.  
10 Turnbull.

11 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

12 I guess I will start off the way Commissioner May  
13 did. I would just want to say that I think that the Steve  
14 Sher mantle is resting on very capable shoulders now.

15 I think Mr. Detman is taking over in very fine  
16 form so I again I want to appreciate Shane's comments. That  
17 was a very good presentation. I would agree with  
18 Commissioner May wholeheartedly.

19 I really don't have a -- pardon?

20 MR. DETMAN: I was just saying thank you.

21 COMMISSIONER TURNBULL: Oh. I just, I don't want  
22 to repeat a lot of the common sentiments here but I just want  
23 to do a couple of, point out just kind of a few random  
24 comments on the architecture.

25 I think I appreciate what's being done

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1 architecturally and I think it's a very, it's a difficult  
2 site. It's a small site and you're trying to make this  
3 building work on a very short site and I think it's for the  
4 most part working very well. But if we go back, we could  
5 show A-11, just that corner view. I think it's A-11.

6 MS. FARRELL: It's before the plans. Yes, you  
7 have to --

8 COMMISSIONER TURNBULL: Go back. Okay, now does  
9 the lot, you know, it's that age old architecture question  
10 you get in school, how do you turn a corner.

11 And I could appreciate what you're trying to do.  
12 You're trying to offer some relief to the brick and try to  
13 introduce a new, a sense of change.

14 But I guess what troubles me about this is this  
15 is the entry and I see how this thing comes out and then  
16 there's, you've punched out, you've opened out the ground  
17 floor and it's the entry then there's this column that stands  
18 there.

19 And it's just like something happened, something's  
20 falling apart and you need a column there. And I might be  
21 biting my tongue on this because I usually don't go out on  
22 a limb and encourage architectural elements and try to, but  
23 I almost want to see the reverse going on here. I almost  
24 want to see, I wish you would blow away that column, have  
25 that thing wide open, and I wish you'd almost bump out that

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1 corner and so that it's projecting out beyond that brick, you  
2 know, the reverse of what you're doing.

3           And just try to make a feature of this, on the,  
4 I just want this, you know, I'm old enough to go in this  
5 building. I could be in this building and I don't want to  
6 go in -- if you go to A-13 now.

7           If you go to that. Yes. Now I, this is a funny  
8 view but I don't want to go in that entrance. I'm scared.  
9 It's not inviting.

10           I mean, you know, if I'm retired and this will go  
11 into my home in here, I want to be happy. I want to go  
12 happiness in my house and I just feel that this is kind of  
13 a dark entrance.

14           I wish you would step back, get out of the box,  
15 look at this and say, let's blow this away, let's do  
16 something. Let's make a feature of this entrance and maybe  
17 that's not in your budget.

18           I mean, I think you can do something there that  
19 would really open it up, reverse the, instead of going in  
20 with the brick, go out and really try to do something with  
21 the, make this a feature. Make this open. Make it almost  
22 like, you know, almost like an oriel-type corner feature and  
23 do something. And maybe that's, but still fit it in with the  
24 context of what you're doing.

25           But I just wish you could really open that up and

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1 rather than just having that little, that column, just when  
2 I saw that column I'm like, what's falling apart here. I  
3 mean, structurally it's possible but you could do it without  
4 a column.

5           It may take a little bit more money and a little  
6 more steel to do it but you could really open that up and  
7 make that a feature that would really --

8           I mean, this is at the corner of two streets.  
9 It's going to stand out. Make it read that way. Make it  
10 read that, hey, this is where you're coming. This is what  
11 I'd like.

12           Anyway, I'm just throwing it out there. It's not  
13 enough to make me not want to like this project but I just  
14 think that there's so much more to be done at that corner to  
15 make this really, a really fascinating apartment building  
16 and, Mr. Chair, those are my comments.

17           But I think otherwise the building is coming along  
18 quite nicely. I just wish there would be something to bump  
19 up that corner and make it really read. I love it so far but  
20 I think you could do just a little bit more out there. Thank  
21 you.

22           CHAIRMAN HOOD: Thank you, Mr. Turnbull. Now  
23 we're going to go to our Rob Miller, the vice chair of the  
24 Zoning Commission. Vice Chair?

25           VICE CHAIR MILLER: Thank you, Mr. Chairman. And

1 I thank the Applicant for their presentation and their  
2 responsiveness to the comments of Office of Planning and DDOT  
3 on the sidewalk and other conditions and the roof deck  
4 addition and ground floor patio and other lighting and  
5 landscaping changes that were made since the application was  
6 first filed.

7           And the engagement with the ANC on providing  
8 community benefits. So I generally am very supportive of  
9 this project, an all senior, all affordable at 60 percent MFI  
10 income level project.

11           The Department of Aging and Community Living,  
12 however, said that they wanted to see the price level reduced  
13 even though there was no requirement that it be reduced  
14 except to the extent that we're evaluating public benefits  
15 and a PUD and to accept, they also requested that the  
16 Applicant accept housing vouchers.

17           The OP summary of the Aging Department's, of  
18 course the Applicants responded that they are willing to  
19 consider accepting housing vouchers and lowering in the  
20 rental price in the future.

21           So I just wanted to ask the Applicant about that,  
22 if they can elaborate on their response to Department of  
23 Aging and Community Living's comments?

24           MR. FREEMAN: So I will quickly say that our  
25 housing proffers up to 60 percent of MFI. So if we're able

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1 to secure funding that enables us to do some at less than  
2 that, we will certainly do that.

3           And in terms of, look what obviously it's a  
4 function of what type of subsidies are available at the time  
5 we go to the market then. And secondly, with respect to the  
6 housing, we have to take vouchers. So that's the answer to  
7 that. We have to -- we cannot turn people away if they have  
8 a voucher.

9           VICE CHAIR MILLER: Okay. Okay, thank you for  
10 that response. I saw that they are, I think the design, I  
11 like the design, but I do agree with the comments that all  
12 of my colleagues had made on various design aspects, elements  
13 of this project.

14           I saw that there were balconies, I think are there  
15 just a total of nine balconies on that south side? Is that  
16 -- if I'm recalling correctly. I'm not really looking at  
17 anything, but I think there were nine maybe total and they're  
18 all Juliet balconies, maybe Ms. Farrell or somebody can  
19 answer that question.

20           MS. FARRELL: Correct. There are, I believe  
21 that's correct, nine -- it may actually be a little bit more,  
22 no I believe it's nine because it's not at the lowest level.  
23 Nine Juliet balconies on the south side, and then we really  
24 did decide to, you know, again, focus on the common outdoor  
25 space that would be available to all residents and could be

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1 used for a variety of different purposes.

2           VICE CHAIR MILLER: Well I'm glad you had the nine  
3 even though they're only Juliet, I'm glad you do have that  
4 outdoor amenity space both at the ground level and at the  
5 roof deck level.

6           But for me, I'll always -- for a residential  
7 project, the more balconies you have and the more usable  
8 balconies that you have, particularly in this environment  
9 that we're living in, which has shown the value of outdoor --  
10 particularly private outdoor space, that it will always would  
11 be an improvement in my estimation.

12           So can you make any other design changes, if you  
13 want to add balconies or more usable balconies, I think  
14 that's always a public benefit and a public amenity. On the  
15 parking, either Ms. White or somebody from the, well Ms.  
16 White, I realize that you're meeting the zoning requirements  
17 providing six spaces I think and a seventh car sharing space  
18 I believe.

19           And you availed yourself of the 50 percent  
20 reduction in the minimum requirement that's in the zoning  
21 regulations because you're I think, a certain distance from  
22 major metro bus carter, I think it's half mile maybe, I think  
23 the Metro itself I think is over a mile.

24           But I guess I wanted to ask, this is maybe more  
25 of a question to ourselves and DDOT and we'll get to DDOT,

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1 is six spaces or seventh with the car sharing sufficient for  
2 an all senior building? And then I don't know if anybody  
3 wants to, it has 67 units.

4 MS. WHITE: Yes, so I guess is that a question for  
5 DDOT in terms of like -- or a policy question for DDOT?

6 VICE CHAIR MILLER: Yes, I guess that it a policy  
7 question. Do you have, Ms. White, do have any opinion about  
8 that?

9 MS. WHITE: Yes. I'll certainly, I don't know if  
10 Aaron from DDOT is one the call, and I'll let DDOT speak from  
11 their perspective, but in general and on just about every  
12 project we work on DDOT's desire and goal from a  
13 comprehensive standpoint is to minimize parking as much as  
14 possible.

15 So I can speak, you know, big picture from that  
16 regard. And our approach to this once we realized DDOT was  
17 satisfied with the parking ratio, we didn't look specifically  
18 at anything beyond DDOT's, in the zoning requirements in that  
19 regard.

20 VICE CHAIR MILLER: So --

21 MR. FREEMAN: Well I would just add, in terms of  
22 the zoning requirement, we are meeting the amount of parking  
23 that zoning required to build it.

24 VICE CHAIR MILLER: Right, I --

25 MS. WHITE: Yes.

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1 VICE CHAIR MILLER: -- acknowledged, yes. I  
2 stated that at the outset. So I was really speaking of the  
3 -- yes, I recognize that you are. The RPP that's adjacent  
4 to the building, you don't know how many spaces there are  
5 adjacent that the residents, based on your previous  
6 testimony, might avail themselves if they're not able to snag  
7 one of the six off street parking spaces that are part of the  
8 project? You don't know many RPP spaces?

9 MS. WHITE: No, I have the curbside restrictions  
10 -- pardon me?

11 VICE CHAIR MILLER: No, I just, you don't know how  
12 many parking spaces would be available adjacent to the  
13 building?

14 MS. WHITE: Yes. No, we weren't required in this  
15 case to do a --

16 (Simultaneous speaking.)

17 VICE CHAIR MILLER: No, I understand. Yes, I  
18 understand:

19 MS. WHITE: -- just a restrictions themselves.

20 VICE CHAIR MILLER: Okay. All right. I'll ask,  
21 maybe follow up with DDOT on that, Mr. Chairman. Again, I  
22 thank the Applicant for all of their work on this project,  
23 and that's the end of my questions. Thank you.

24 CHAIRMAN HOOD: Okay. Thank you. Let me just ask  
25 just a few questions before I got to Mr. Watson's letter.

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1 And Mr. Freeman, you can direct my questions wherever they  
2 need to go. First let me ask, what is the age, I think you  
3 said 55 is what we classify for this building as a senior?  
4 You're on mute.

5 MR. FREEMAN: 55, yes, sir.

6 CHAIRMAN HOOD: Okay. So and Ms. White, I believe  
7 there are 22 possible, is it -- how many bicycle parking  
8 spaces are there?

9 MS. WHITE: 22 long term, three short term.

10 CHAIRMAN HOOD: Okay. Do we, has the fact finding  
11 and the research been done to know, and I guess my earlier  
12 question I wrote down was the amount of bicycle spaces and  
13 when I think seniors, I'm thinking about older seniors not  
14 myself.

15 I guess I'm getting there because I'm over 55 so  
16 I'm senior too now. According to this building, which is  
17 fine but I'm just curious, are we putting a lot of bargain,  
18 and I know there's a requirement and I agree some seniors do  
19 ride bikes and they ride them well but I'm just making sure  
20 that we're not over parked, over parking bicycle parking.

21 Or even an alternative use, that's my concern and  
22 that's what I'm kind of just putting out there. I don't  
23 necessarily need an answer but I was just trying to think  
24 that through not just necessarily for this case but in cases  
25 to come.

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1           Are we over parking when we talk about bicycle --  
2 because let me ask this, Ms. White, in your professional and  
3 your experience, do you see a lot of seniors riding bicycles?

4           When I say seniors, I mean okay, so we'll take 55,  
5 55 and above, I'm sure they deal with 55 and maybe 70. I'm  
6 thinking 70 and above. Well I know Commissioner May, I knew  
7 that was going to happen, but I'm just saying what are we  
8 seeing out here?

9           MS. WHITE: I don't have any specific data on age  
10 breakdown of at what age people are more likely to, I mean,  
11 you know, what the cut off is for higher bicycle usage. You  
12 know, in this case we certainly wanted to follow the zoning  
13 requirement.

14           And the requirements that are consistent with what  
15 DDOT likes to see, but I mean I think it's a good question  
16 to want to have the best use in any development project, one  
17 we can certainly follow up with DDOT on for future reference.

18           CHAIRMAN HOOD: All right. I'm going to ask that  
19 the Office of Planning for this case, that's something I  
20 think we need to look at and make sure we're not over  
21 parking.

22           The other thing is, let me ask the Applicants,  
23 Robbie Miller, where are your residents coming from? How is  
24 the pool coming, has there been discussions with the ANC?  
25 I didn't see that in the letter but I saw the enthusiastic

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1 support.

2 MR. MILLER: I think the intent is that the  
3 residents would come in throughout the Ward and throughout  
4 this ANC specifically.

5 I think that was the -- sort of the affinity for  
6 the project is the demonstrated need that the ANC  
7 Commissioners have seen within the community. And that just  
8 seemed to reflect in the meetings we had with them.

9 CHAIRMAN HOOD: So they did lobby for, I'm not  
10 going to say, so they did lobby for preference, which I think  
11 they should but they did kind of lobby for seniors who live,  
12 who are around there right now who are in need. They kind  
13 of lobbied for that, would that be a correct assumption?

14 MR. MILLER: I don't know if lobbied for it is the  
15 right word, but they seemed to accept the notion that the  
16 need existed there and they thought the need would be would  
17 be welcome, you know, meeting the need would be welcome by  
18 the community.

19 CHAIRMAN HOOD: Okay. Well lobbied or whatever,  
20 whatever they're trying to achieve, I think it would be very  
21 beneficial especially in the area to help those in need, and  
22 I appreciate the affordability of this project as well.

23 I'm always trying to, as a Vice Chair I was trying  
24 to look at deeper affordability, but I appreciate at least  
25 where we are. Let's go to the ANC, and this, let me preface,

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1 I do know Mr. Watson and he has, he pretty much has his ear  
2 to the ground. He has his finger on the pulse of the  
3 community.

4 I've worked with him in Ward 8 across the city in  
5 a lot of things, so I was kind of taken aback when I looked  
6 his letter versus the ANC letter and I can ask him some of  
7 these questions when we get there, get to that point.

8 But let me go to Mr. Freeman and I guess we can  
9 directly, I'm just going to call out a few things. We  
10 already talked about the parking but the number -- he has  
11 seven specific things that he outlined in his letter, and let  
12 me go back to you, Mr. Miller.

13 Why now, one of the things that he asked was why  
14 now? Why now are we talking about doing this? His question,  
15 why now?

16 MR. MILLER: I can answer that, or I can defer to  
17 Mr. Freeman. I think that these are addressed in the letter.  
18 Why not now, I guess is one way to start that -- the need is  
19 identified, the need is expressly identified throughout the  
20 city in a series of objective statements from different  
21 agencies within the city.

22 The need was identified within the community at  
23 the ANC level. To look to, I know there was some references  
24 to pandemic related concerns, this is a project that is some  
25 years away from delivering right now.

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1           So to look at it in the lens of why is this  
2 delivering today, you know, without gauging the merits of  
3 that, that's not really the question. This is a project  
4 which will deliver two, three, four, five years from now.

5           So I think that the why now question, I think the  
6 demand is there, the need is there and that's the why now.  
7 Because it's a needed use within the community.

8           CHAIRMAN HOOD: Right. And I think I asked that  
9 question because I wanted it for the record. I already knew  
10 that it wouldn't happen, hopefully COVID-19 will be gone by  
11 that time, so I kind of knew that but I'll wait to hear more  
12 from him.

13           One of things he also talked about was the impacts  
14 of parking, and apparently, Ms. White, according to this and  
15 I'm going to read it verbatim so I don't get it wrong, the  
16 increased parking area will be needed to accommodate the five  
17 story senior building including a basement will present a  
18 serious problem for our community.

19           Our Advisory Neighborhood Commission 8B, supported  
20 and approved Single Member District 8B01's site where 219  
21 25th Street is located. Request for residential parking on  
22 the 2400 block of Wagner Street Southeast.

23           This application for residential parking was  
24 approved by the D.C. Department of Transportation over seven  
25 years ago. With this building, and I know we talked about

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1 RPP, I have my own views of how it actually works here in the  
2 city, so I don't want to get into that tonight, trying to --

3 Will this continue to put an undue burden or more  
4 pressure on the parking pressures in that area in your  
5 analysis? And I've read your report, I'm just asking  
6 questions for Mr. Watson, his submission. And that can go  
7 to Ms. White.

8 MS. WHITE: Yes, so in all honesty we have not,  
9 we were not required to do a detailed parking demand analysis  
10 to understand the occupancy levels within the street network  
11 here. We understand the parking restrictions, and so it  
12 would be difficult for me to say that, you know, the impacts  
13 of the project in that regard.

14 Again, the project meets the zoning requirements,  
15 it meets DDOT's need, and so we didn't, you know, DDOT did  
16 not request that we take a detailed look at the on street  
17 occupancy levels in that regard.

18 MR. FREEMAN: Can I jump in here, Mr. Chairman?  
19 Because we should have a written response that goes through  
20 each of those points, and specifically I'm looking at the  
21 DDOT report on page 2, DDOT --

22 CHAIRMAN HOOD: What exhibit is that where you  
23 responded to them?

24 MR. FREEMAN: Exhibit 22 is the DDOT Report.

25 CHAIRMAN HOOD: Oh, the DDOT report, okay.

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1 MR. FREEMAN: Oh, sorry. We just got that letter,  
2 so we weren't able to --

3 CHAIRMAN HOOD: Yes, I thought you said you --  
4 (Simultaneous speaking.)

5 MR. FREEMAN: Yes.

6 CHAIRMAN HOOD: I thought you said you were going  
7 to submit some answers to each one of these, but okay. So  
8 I don't have that.

9 MR. FREEMAN: You don't. But I'm going to read  
10 from it. So on Exhibit 22 DDOT Report says, because the  
11 project's trip generation is far below DDOT's trip threshold,  
12 it did not require further traffic analysis.

13 They say, based on the assumed mold split the  
14 project is only anticipated to generate 7:00 a.m. and 9:00  
15 p.m. peak trips, which is far below DDOT's threshold for  
16 further analysis, and that the trips generated by the project  
17 are expected to have a minimal impact on the transportation  
18 network. So that's all from the DDOT Report.

19 CHAIRMAN HOOD: I'm not going to ask, I'm going  
20 to ask Mr. Watson the rest of the letter. If, Mr. Freeman,  
21 as you mentioned earlier, if you could submit something  
22 answering each one of these for the file, I think that would  
23 great.

24 MR. FREEMAN: Absolutely. Thank you.

25 CHAIRMAN HOOD: I want to go back to a couple of

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1 the questions, if I could, this is dangerous, if I could  
2 remember everything that some of my colleagues said. I  
3 thought my colleagues addressed a lot of, had a lot of good  
4 points, a lot of things to look at, and I'm hoping that the  
5 Applicant will consider it.

6 I know Mr. Turnbull mentioned about the fifth  
7 reverse, and I was actually looking at the picture trying to  
8 figure out and look at the reverse. I don't know, you know,  
9 that may be something, I'm not sure where he is on that. I  
10 don't believe, it may not be a showstopper, but it would be  
11 good to even look at that.

12 I'm not trying to redesign, I'm definitely not to  
13 redesign your project but I think there's something to look.  
14 And the other thing I will say, and I think my colleagues  
15 kindly alluded to, but I'm going to have to say it my way.

16 Fiber submit number one, it looks very light and  
17 in the past we've noticed that they, the test of time they're  
18 always, it gets very filthy, which causes the buildings to  
19 start looking bad over some years, so I would ask that we  
20 look at that or if you all can give me some -- give us some  
21 assurance that it can be cleaned or something.

22 Because after a couple years it looks bad, and  
23 there's another building that this Commission, we voted on  
24 and every time I see that, I see something light, I always  
25 think about that.

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1           So Mr. Freeman and the team, if you all could re-  
2 look at that, and I'm not sure where the others are but I  
3 just know that buildings look bad after, after we've gone so  
4 I think it's important to keep that in mind.

5           I think that's all -- oh, the unit mix. Can you  
6 tell me, I've read it, but could you tell me what the unit  
7 mix is of the project? How many units, how many rooms,  
8 studios, one bedrooms, two bedrooms?

9           MR. FREEMAN: I'm looking at it right now, so I'm  
10 not trying to take Stephanie's thunder, but we have six  
11 studios, 58 one bedrooms and three two bedrooms.

12           CHAIRMAN HOOD: So how did we -- and I actually  
13 have it, I have it so I just want to make sure I wrote it  
14 down right. Six studios, 58 one bedrooms and three two  
15 bedrooms. How did we get to that unit mix?

16           MR. FREEMAN: I'm going to let Stephanie respond  
17 to that.

18           MS FARRELL: That's actually a fairly typical unit  
19 mix for senior because obviously what you find is a lot of  
20 either single people or couples. And actually typically in  
21 these communities you cannot have anyone under 55 living in  
22 the unit with you. So that's why it's a predominant on  
23 studios and ones, it's typical for a senior project.

24           CHAIRMAN HOOD: So we've had some cases in the  
25 past, and my questions remain the same, not that we're going

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1 to ever resolve it but I'm always going to bring them up.

2           There are people who may be a senior who have many  
3 other avenues they could take who would probably qualify for  
4 something like this, and they in turn take care of an older  
5 parent or guardian or older sibling and sometime -- and  
6 that's why I was wondering about the three, I mean the two  
7 bedrooms.

8           Because sometimes somebody who -- a senior may be  
9 there but they need a caretaker. So is that in the  
10 consideration when we're doing these type of projects, and  
11 I'll ask you, hold on a second, Ms. Farrell, if you could  
12 answer it or if, Mr. Freeman, if you could direct me to  
13 somebody who can kind of help me with that?

14           Because this unit mix to me, I don't necessarily  
15 understand it. I mean I think it's, I'm not making a big  
16 deal but I just want to know why we only have three two  
17 bedrooms. What if somebody's taking care of someone?

18           MR. FREEMAN: So what I would say is one of the  
19 things we did ask for is flexibility on the unit mix so that  
20 if by the time, I think Mr. Miller mentioned it, you know,  
21 we're two years out from permit, maybe up to two from permit,  
22 three to construct.

23           So during that time I think they're doing market  
24 analysis and if they're determining that there's that demand,  
25 we either at least ask for that flexibility to tweak this mix

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1 some in order to vary the mix to get maybe some of those  
2 larger units if the demand is there. But we have asked for  
3 flexibility in the plans on that unit mix.

4 CHAIRMAN HOOD: Okay. Flexibility of it going up  
5 not going down. Is that -- that's the flexibility you're  
6 asking for?

7 MR. FREEMAN: Flexibility in terms of -- the mix  
8 of the --

9 CHAIRMAN HOOD: Ten two bedrooms as opposed to  
10 three? If the market research shows it and the need shows  
11 it, dictates it? That's what I'm saying.

12 MR. FREEMAN: If all of -- those are ifs but yes.  
13 If there's more of a demand for two bedrooms than studios,  
14 I'm sure we would try to accommodate that demand.

15 CHAIRMAN HOOD: Okay, okay. I'm not making that  
16 a hard, fast rule. I'm not going to, I didn't put on, I'm  
17 just trying to figure this kind of stuff out. So all right.  
18 I don't necessarily have any other questions I don't think.

19 Okay. All right. Any follow ups, Commissioner  
20 Shapiro?

21 COMMISSIONER SHAPIRO: Yes, thank you. It's just  
22 a quick question for Mr. Miller. Where are you with the  
23 financing, and did I read somewhere this is supposed to be  
24 a LIHTC deal?

25 MR. MILLER: That's correct. This is to be a

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1 LIHTC deal, and so we will be standing by pending the next  
2 funding round of the LIHTC.

3 (Simultaneous speaking.)

4 COMMISSIONER SHAPIRO: 9 percent?

5 MR. MILLER: This is a 4 percent actually I  
6 believe. This represents 4 percent.

7 COMMISSIONER SHAPIRO: So you're likely to get it,  
8 it's not competitive and --

9 MR. MILLER: That's correct. It's not  
10 competitive. It'll be with the bonds and yes, that's  
11 correct. I think there is a gap financing component, which  
12 may be required out of DHCD on this project so that's where  
13 we run into more of an allocation issue I think on this.

14 COMMISSIONER SHAPIRO: And what projection, what  
15 is -- at this point what's your estimate of the total  
16 development cost?

17 MR. MILLER: Let me actually have a look at, I  
18 think total development cost on this project is \$22-\$23  
19 million, somewhere in that range, and I'll verify that for  
20 you.

21 COMMISSIONER SHAPIRO: Yes, please.

22 MR. MILLER: Okay.

23 COMMISSIONER SHAPIRO: Thank you. That's all I  
24 had, Mr. Chair.

25 CHAIRMAN HOOD: Commissioner May.

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1           COMMISSIONER MAY: Thank you. I wanted to follow  
2 up on your questions about the bicycle parking. Not  
3 necessarily in the same vein, but I actually had a question.  
4 Is there a plan to provide power in the bicycle storage area  
5 for e-bikes to recharge?

6           COMMISSIONER SHAPIRO: Just say yes.

7           MR. MILLER: I think we -- that's forward  
8 thinking, but we love that. Yes, absolutely. We're looking  
9 at that now on a whole series of projects moving forward so  
10 yes.

11           COMMISSIONER MAY: Yes. Well there should be, and  
12 there should be adequate ones. I mean I think it's, you  
13 know, we're seeing a lot more e-bikes and certainly as many  
14 of us seniors get older, you know, being able to have that  
15 power boost is very helpful.

16           And Mr. Chairman, you know, I would strongly  
17 suggest you check out a Capital Bikeshare e-bike or maybe one  
18 of the jump bikes because it'll rekindle your lost love for  
19 cycling I'm sure.

20           CHAIRMAN HOOD: Well Commissioner May, I don't  
21 have a lost love for cycling, I actually enjoy it.

22           COMMISSIONER MAY: Okay.

23           CHAIRMAN HOOD: Except the last motor bike, I fell  
24 off of it so I'll just leave it at that.

25           COMMISSIONER MAY: All right. Anyway it's a lot

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1 of fun, and it is I think actually a really important future  
2 method of transportation for many people.

3 CHAIRMAN HOOD: Sounds good. Commissioner  
4 Turnbull?

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
6 just want to go back, I want to just clarify that I think Mr.  
7 Farrell and the Torti Gallas team are very talented  
8 architects, and I'm not being -- I just saw an opportunity  
9 at the corner of the building especially on a very prominent  
10 site, that there might be an opportunity to go back and re-  
11 look at that.

12 And when I was talking about reversing it, the  
13 panels are retreating behind the brick. The brick's sort of  
14 on the face are going and then the panels go back, and I  
15 thought of something where you maybe reversed that and make  
16 that corner more prominent and I wanted to blow away the  
17 column.

18 Because I wanted it wide open. I mean I'm a 35  
19 year old in an older body, but I like to have a nice opening  
20 and so I just thought that there might be an opportunity to  
21 re-look at that corner and try to tweak it and just make it,  
22 I mean it's in a prominent spot on the corner site there.

23 And I just thought there might be an opportunity  
24 to try to enhance what they've already -- what Mr. Farrell's  
25 team already done. So just a thought, just throwing it out

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1 there.

2 MR. MILLER: I can just briefly say we'll commit  
3 to do that. We really appreciate the comments on the  
4 architecture, our job is to deliver great buildings and great  
5 projects, and we'll commit to taking that look very closely.

6 CHAIRMAN HOOD: I will say though of about the  
7 architecture, and I don't usually comment a lot, but I do  
8 like the way it's stepped down. Ms. Farrell mentioned that  
9 in her comments but I did -- I noticed that as soon as I  
10 looked at it and I thought that was very well done. Very  
11 tasteful.

12 Any other questions, Commissioners? Okay. Not  
13 seeing any. Ms. Schellin, do we have a representative from  
14 ANC, let's see --

15 MS. SCHELLIN: Let me see if --

16 CHAIRMAN HOOD: I don't know if they have any  
17 cross. ANC 8B, Chairperson Johnson.

18 MS. SCHELLIN: Let's see. Don't see her on. I  
19 think, let's see, all of the callers, we do have three call  
20 ins.

21 CHAIRMAN HOOD: Let me just do this, if  
22 Chairperson Johnson, this is her time to do Cross, if you  
23 find out she's on we'll do it after we hear from the Office  
24 of Planning and DDOT.

25 MS. SCHELLIN: Okay. All right. Let me check

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1 these phone numbers and see if by chance -- well actually she  
2 didn't register to testify so --

3 CHAIRMAN HOOD: Okay. But I wanted to make sure  
4 that we are allowing the ANC because they are a part of it.  
5 So let's go to the Office of Planning and DDOT. Mr. Young,  
6 if you could bring them up while Ms. Meyers, and I'm not sure  
7 who's -- is it Ms. Vacca? Did I pronounce it right?

8 MS. VACCA: Ms. Vacca is here for DDOT, yes.

9 CHAIRMAN HOOD: How do you pronounce it?

10 MS. VACCA: Vacca.

11 CHAIRMAN HOOD: Ms. Vacca, okay.

12 MS. VACCA: Like vodka but without the d.

13 CHAIRMAN HOOD: Oh okay, well I won't forget that.  
14 All right. All right, let's go to Ms. Meyers.

15 MS. MEYERS: Hello. Crystal Meyers for the Office  
16 of Planning. The Office of Planning is recommending approval  
17 of this case with the related map amendment, and we stand on  
18 the record of our report.

19 I will just say that in response to your comment  
20 or question, Commissioner Hood, we do not have separate  
21 bicycle requirements for seniors versus other, I guess anyone  
22 else. We just have the same bicycle requirements for all.

23 And when we did come up with these requirements,  
24 which everything was updated in 2016, we did it in  
25 consultation with DDOT so this is reflective of those

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1 efforts. And I guess that's all I have. I'm here for  
2 questions.

3 CHAIRMAN HOOD: Okay. Thank you, Ms. Meyers.  
4 Then let's go to Ms. Vacca.

5 MS. VACCA: Good evening, Chairman Hood and  
6 Commissioners. Just for the record my full name is Kimberly  
7 Vacca, I'm with the District Department of Transportation.  
8 I'd like to say that DDOT is supportive of the proposed  
9 consolidated planned unit development and the related map  
10 amendment.

11 I did want to clarify an error from our staff  
12 report and that the proposal includes actually five physical  
13 parking spaces, not six, of which four of the five are  
14 standard spaces and one is a car share space, which equates  
15 to seven parking spaces and is consistent with the 2016  
16 zoning regulations.

17 DDOT supports the Applicant's request for zoning  
18 relief from the required 30 foot loading berth and platform  
19 due to site design constraints and the intensity of the  
20 proposed use.

21 The proposed loading management plan helps  
22 minimize the impacts of the lack of loading berth and  
23 platform and will facilitate head in, head out movements from  
24 the street to the dedicated service and delivery space onsite  
25 is consistent with DDOT's standards.

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1           The proposal is expected to generate only 7:00  
2 a.m. and 9:00 p.m. peak hour vehicle trips, which is far  
3 below DDOT's threshold for requiring a comprehensive  
4 transportation review and the projected trips generated by  
5 the project are expected to have a very minimal impact on the  
6 transportation network.

7           Overall, as has been mentioned previously by the  
8 Applicant, but DDOT has no objections to the approval of the  
9 PUD and zoning map amendment if approved with three  
10 conditions.

11           One is for the funding and construction of  
12 pedestrian network improvements in the immediate vicinity of  
13 the site, which includes a sidewalk and curb extension on  
14 Wagner Street.

15           Second condition is to implement the TDM plan and  
16 the third is to implement a loading management. And that is  
17 all for me. Thank you.

18           CHAIRMAN HOOD: Okay. Let me thank you, Ms.  
19 Meyers and Ms. Vacca. We really appreciate your reports.  
20 Ms. Meyers, I appreciate you enlightening me on how that was  
21 done. So Ms. White, you can disregard looking into that  
22 question.

23           I really appreciate Ms. Meyers, just for that,  
24 explaining to me how that was done in consultation and I'm  
25 sure with DDOT and Planning and everyone looking into how

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1 bicycle parking, I'm sure a lot of legwork and how we got to  
2 that resolution of moving forward.

3           So thank you, Ms. Meyers, for that. I don't have  
4 any questions for Ms. Vacca. Let me open it up to my  
5 colleagues. Commissioner May. Okay. Commissioner Shapiro.  
6 Commissioner Turnbull. And our Vice Chair Miller.

7           VICE CHAIR MILLER: Thank you, Mr. Chairman. I  
8 guess just as a follow up with DDOT, with Ms. Vacca, you  
9 don't know how many parking spaces might be adjacent to the  
10 building that's being developed on this vacant lot by any  
11 chance?

12           MS. VACCA: You mean on site parking spaces are  
13 you talking, or on the roadway adjacent --

14           (Telephonic interference.)

15           VICE CHAIR MILLER: Yes, on street parking spaces.

16           MS. VACCA: I am not sure. I know we have two  
17 hour parking in the area, and based on the dimensions I could  
18 probably get an estimation to how many cars could fit. And  
19 I can get back to you shortly on that.

20           VICE CHAIR MILLER: Okay. I think Ms. White did  
21 testify that it is designated as currently as RPP I believe,  
22 and I'm just wondering if they're already utilized by  
23 existing residents in the neighborhood, the spaces that are  
24 there.

25           I just would be curious to that if it's easily

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1 obtainable. And I guess in just general, in general, at some  
2 point maybe for a future discussion with the Zoning  
3 Commission and other stakeholders, well with DDOT, I think  
4 we just should look at whether our existing regulations are  
5 appropriate for a senior building.

6           Whether there needs to be some more flexibility  
7 or more less flexibility in terms of the parking  
8 requirements, if there needs to be more reliance on vehicles,  
9 less reliance on bicycles.

10           Although I would comment based on the dialogue  
11 that Chairman Hood had and Commissioner May on seniors  
12 biking, I was a little late today to this meeting because I  
13 was biking on the Capital Crescent Trail, as a senior, and  
14 if I wasn't a senior maybe I would have been on time to this  
15 meeting.

16           I just was a few minutes late, but I did notice,  
17 Chairman Hood, just anecdotally, at least in the middle of  
18 the day when they maybe weren't remotely working as much as  
19 other age groups, there was plenty of seniors. I felt very  
20 at home in my demographic group on the Capital Crescent Trail  
21 today, a little too much at home actually.

22           Anyway, so if there are any answers to those  
23 questions about the number of spaces that are available and  
24 adjacent to the site currently on street and if they're  
25 already currently being used, maybe a future witness will

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1 come and testify to that effect. Thank you, Mr. Chairman.

2 CHAIRMAN HOOD: Okay. Thank you, Vice Chair. So  
3 let's go to other government reports -- anybody else? Let's  
4 go to other government reports then, and I really appreciate  
5 Ms. Meyer's report because I can go right to her report where  
6 it says Agency comments and there in her report, people who  
7 have responded, the Department of Energy and the Environment,  
8 Department of Housing and Community Development.

9 We already talked about DDOT and then we have  
10 Department of Aging and Community Living, and the Department  
11 of Small or Local Businesses Development, they have commented  
12 on this case and it's in page 12 and 13 of Ms. Meyer's  
13 report, Office of Planning's report.

14 Ms. Schellin, did you check on whether anybody  
15 from the ANC was here to cross examine?

16 MS. SCHELLIN: I did not see anybody from the ANC  
17 listed.

18 CHAIRMAN HOOD: Okay. So let's go to  
19 organizations. Do we have anybody signed up to testify  
20 either in support, opposition or undeclared?

21 MS. SCHELLIN: We only had one person sign up and  
22 that was Mr. Watson, and he is call in user four.

23 CHAIRMAN HOOD: Okay. So let's bring Mr. Watson  
24 in, and let's hear his testimony.

25 MS. SCHELLIN: He's on, I don't think he realizes

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1 he's --

2 CHAIRMAN HOOD: Hello.

3 MR. WATSON, SR: Hello.

4 CHAIRMAN HOOD: Okay, Mr. Watson, this is Anthony  
5 Hood. You can begin your testimony.

6 MR. WATSON, SR: Okay. Thank you. Look for the  
7 record, I keep hearing you all talk about Leonard Watson,  
8 Junior. My name is Leonard Watson, Senior. I'm the property  
9 owner at 2437 Wagner Street Southeast.

10 And I sent you a letter yesterday. I faxed it to  
11 you in this case memo. Thank you for giving me the  
12 opportunity to offer my comments and testimony, and also I  
13 appreciate you as well as the other Commissions as you said  
14 and I heard your comments, you and I worked over many  
15 projects throughout this city for a lot of years.

16 So I'm going to get right to the gist of it, I say  
17 my name is Leonard Watson, Senior. I'm the owner of 2437  
18 Wagner Street Southeast, Washington, D.C. 20020. And one,  
19 my family has lived at 2437 Wagner Street for the past 20  
20 years.

21 The front inches of my property is approximately  
22 30 yards away from the proposed apartments for seniors  
23 development project. More importantly, why now during COVID-  
24 19, when this lot has been vacant for the past 25 years or  
25 more? Placing a high risk, senior population in front of a

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1 nursing home is truly not the solution for creating more  
2 affordable housing for seniors.

3           Two, the Washington Nursing Home facility, which  
4 I think they turned in there and called it Capital City is  
5 directly behind 2419 25th Street, a vacant lot. Needless to  
6 say, patients are dying in the nursing at an alarming rate.

7           Three, my property abuts the nursing home and it's  
8 approximately 30 yards behind the site where the proposed  
9 five story senior building, including the basement is to be  
10 built.

11           Four, which you read into the comments, Mr.  
12 Chairman, I'm going to read it again. Four, the increased  
13 parking area that would be needed to accommodate the five  
14 story senior building, including the basement will present  
15 a serious problem for our community.

16           Our Neighborhood Advisory Commission 8B supported  
17 and approved Single Member District 8B01's site where it  
18 should be 2419 25th Street located, request for residential  
19 parking in the 2400 block of Wagner Street Southeast.

20           This application for residential parking was  
21 approved by the D.C. Department of Transportation over seven  
22 years ago. To date there has not been quote, unquote, one  
23 community meeting scheduled for this particular development  
24 project, which is slated for a hearing by your Commission,  
25 which is today.

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1           Six, there has not been a traffic nor  
2 environmental impact study done for this particular  
3 development project, which of course is going to be --  
4 affects our community if the project is allowed to proceed.

5           Seven, there are already several senior buildings  
6 in our community. They are, for example, Roundtree, Ainger  
7 Place Development, Apartments Knox Hill and the upcoming  
8 Skyland Town Center. While our community residents  
9 understand and appreciate the need for more affordable  
10 housing for seniors, we already have our fair share of senior  
11 housing represented in our community.

12           And I say finally, our community vehemently  
13 objects to and oppose the rezoning of 2419 25th Street  
14 Southeast from R-3 to R-2. Now, I wanted to respond, I heard  
15 some testimony of some people talking I think from the  
16 Applicant.

17           Number one, they referenced the ANC. The ANC has  
18 not notified this community at all. The zoning for this  
19 hearing today is posted on a tree, there's a couple trees on  
20 Wagner Street.

21           That's how we knew about this situation. That's  
22 why I moved expeditiously to get something on this record as  
23 fast as I could because then, it's an insult for years of  
24 service when I look at, talking about community benefit.

25           They talking about \$20,000 for lay up tops, that

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1 adds insult to injury. And another thing, I don't where  
2 they're getting the data from about a senior, we don't have  
3 no whole lot of influx of seniors in this particular  
4 community.

5 Matter of fact, I live on Wagner Street right down  
6 the hill from this development project, we have a lot of  
7 homeowners around here. These are homeowners.

8 We don't have no, the seniors, we don't have no  
9 whole lot of seniors in this neighborhood and that's why I  
10 could appreciate the comments of the Chair when he asked,  
11 where's this mix of seniors coming from.

12 They're not coming from this community. Because  
13 we don't have no high influx of seniors around here. The  
14 one, like I said, the seniors, the many seniors we have is,  
15 they're homeowners, they're not renters. They are not  
16 renters and I got my hands on the pulse like the Chair stated  
17 previously.

18 I've been digging in the trenches in this  
19 community for over 30 years so, I know what's here and my  
20 wife, Khadija Watson, is the former Chair of 8B. She was the  
21 Chair when we got the residential parking.

22 Because the nursing home was taking all of our  
23 parking and we had to park on the street. We couldn't even  
24 park in our driveways because they blocking our driveways.  
25 I, being a former ANC, because I was a Commission for 8B01

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1 so I know what's back here.

2           And like, all these people that's sitting on this  
3 ANC Commission calling the shots for 8B01, which is our  
4 Single Member District, they don't have a clue as to what's  
5 going on back here.

6           They don't live in our Single Member District,  
7 they're not calling no shots for our Single Member District  
8 and they're not given us no notice. None. And like I said,  
9 it adds insult to injury to say that they got a lot of data  
10 that we living in a senior community and these 67 units will  
11 be comprising of seniors from this community.

12           That's balded faced lie. Because I said the  
13 majority, and being there you talking about bringing the age  
14 down to 55 and the Chairman being 55. I have a son, my  
15 oldest son's 55 so, he'd be considered a senior. That's  
16 ludicrous.

17           When you look at the front of my property is at  
18 2437 Wagner Street, my address is on Wagner Street address  
19 but my house is, my home sits right in the line of fire of  
20 where this proposed site would be at. You know what I mean?

21           We couldn't even begin to envision, when they  
22 build the Woodmont development down the street, we have rats  
23 all over the place.

24           So, I know there's been no environmental impact  
25 study done and from hearing the testimony of the Applicants,

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1 it seems as though they're putting bare minimal effort into  
2 the parking concerns, the environmental concerns. It's bare  
3 minimal.

4 They trying to meet the minimum threshold using  
5 shabby materials because I've seen, some of your  
6 architectures, people on your Commission has questioned some  
7 of this stuff. You even said it about, all the time how  
8 stuff looks faded and that comes because it's not quality  
9 stuff.

10 That's why I came on record to say normally I  
11 support development projects but we got a whole lot of senior  
12 developments around here. When you look across the street  
13 from the school, we have the Dolby Realty building, that's  
14 a senior building.

15 CHAIRMAN HOOD: Mr. Watson, Senior, if you can  
16 give us your closing thought.

17 MR. WATSON, SR: Oh yes. My closing, in the  
18 interest, in close, we would strongly oppose the rezoning of  
19 R-3A to R-A2 and the interest of full disclosure, let me go  
20 on record as saying, because I don't want this to come as a  
21 hiccup to you later on, I work in the Office of Planning.

22 But I'm representing myself as a homeowner, not  
23 speaking for the Agency. So, I want to be on record as  
24 saying, it's full disclosure, I work for the Office of  
25 Planning, I'm a D.C. government employee.

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1 CHAIRMAN HOOD: Okay. Thank you, Mr. Watson,  
2 Senior.

3 MR. WATSON, SR: But I'm not speaking for the  
4 Agency.

5 CHAIRMAN HOOD: Right. We didn't --

6 MR. WATSON, SR: I'm speaking as a homeowner.

7 CHAIRMAN HOOD: So noted. We noted that and thank  
8 you. If you are open to have some questions. Let me see if,  
9 I have a few but let me see if, Commissioner May?  
10 Commissioner Shapiro? Commissioner Turnbull? Vice Chair  
11 Miller?

12 So, Mr. Watson, you and I not going, we're not  
13 going to fault the discussion I'm getting ready to have with  
14 you.

15 So, when I, one of the things that we have to do,  
16 we're bound to look at the record and when I look at this  
17 record it looks like it's overwhelming and I don't know about  
18 the meanings, I don't know, you know, I'm not out there.

19 I don't know about the ANC, but the Chair of the  
20 ANC of 8B has a record and it says that invited to the record  
21 is that the ANC voted unanimous in support of this project  
22 and the CBA and everything so, I'm not sure what kind of  
23 notice is happening.

24 Because when I look at your, I'll be frankly  
25 honest, because like I say I know you, you know, we work

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1 together and I know you got your finger on the pulse and I'm  
2 not just saying that because, you know, I'm talking to you,  
3 but I know that.

4 So that had me perplexed today when I'm saying  
5 okay well, Leonard Watson, Senior is saying this and I do  
6 know your son --

7 MR. WATSON, SR: That's right.

8 CHAIRMAN HOOD: -- and then I turn around and look  
9 on this side and say this is overwhelming support but in your  
10 letter it's saying it wasn't happening, so I kept going, and  
11 you could see me, you could see me going back and forth.

12 And that's kind of how I reviewed this record.  
13 Okay, something's not adding up to me but the record  
14 basically has overwhelming support from that neighborhood  
15 according to the record.

16 MR. WATSON, SR: Not, no, but, Mr. Chairman, in  
17 fair, I can't dispute what they've done in terms of the  
18 Commission meeting but it's not overwhelming support of the  
19 project because 8B01 is where this project going to be at.

20 And that Commission meets every third Tuesday at  
21 the seventh district and I read the record, they only had one  
22 meeting and that was in June of this year. So, I don't know  
23 where the Applicants getting this, telling me, we back and  
24 forth, we had all these meetings with the ANC -- the record  
25 don't support that.

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1           Because obviously we had one meeting in June.  
2 June. That's what the record say, I read it. So, I don't  
3 where it's coming from.

4           (Simultaneous speaking)

5           CHAIRMAN HOOD: Hold on one second. She says on  
6 July 21st, 2020, had a duly noted and regularly scheduled  
7 virtual public meeting Advisory Neighborhood District 8B.  
8 So she's basically giving us an affidavit that this was  
9 properly noticed and this meeting was sanctioned. That's  
10 basically what she's saying in this letter. All I can do is  
11 go by what she has.

12           MR. WATSON, SR: I can't, Chairman Hood, in  
13 respect to you, I can't dispute that and I know you been  
14 doing this a long time and I understand and appreciate the  
15 fact you got to go by what the records currently there but  
16 I'm saying that is not a total reflection of this community.

17           When you look at 8B, 8B goes from 8B01 all the way  
18 up to 8B07. So, that's not a total representation of this  
19 community. That's a snapshot drew of an ANC virtual meeting  
20 where they voted on it and they say a resolution. I don't  
21 have no problem with that.

22           But at the end of the day there's not a true  
23 reflection of this community where I live at and been living  
24 in, in 2437 for 20 years. And I do have the pulse of this  
25 community.



1 But whatever you decide to do, I mean you have to  
2 do what you have to do, I get that. I have no problem with  
3 that and then we'll do what we have to do on our end. To do  
4 everything we can to derail this project. We don't see no  
5 benefit.

6 This community benefit agreement that they speak  
7 of, we don't see no benefits. In view of the fact of all  
8 that's surrounding the government with senior apartments, we  
9 don't see no real benefit. We don't see that at all.

10 CHAIRMAN HOOD: Mr. Watson, Mr. Watson, I'm going  
11 to ask you one more question, then I think I'm going to end  
12 this. For the record, I think, if I'm not mistaken there'll  
13 be another comment period, I'm looking at you Ms. Schellin,  
14 there is another comment period in this case, right?

15 MS. SCHELLIN: This is a consolidated PUD, so with  
16 a map amendment, so yes, there's --

17 CHAIRMAN HOOD: Okay. So, you heard the  
18 discussion with the Applicants Robert Miller about the  
19 timing. Because one of things, one of the issues that you  
20 brought up in your letter was about why do this through  
21 COVID-19.

22 Even though this hearing is going on now, if this  
23 is approved then it wouldn't happen, hopefully COVID-19 is  
24 gone by the time that this is starting to materialize. So,  
25 it's, I don't know if you heard that discussion. Did you?

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1 MR. WATSON, SR: I heard it very clearly. I heard  
2 it very clearly. Yes, I did.

3 CHAIRMAN HOOD: Okay, okay.

4 MR. WATSON, SR: So, when is the next hearing?

5 CHAIRMAN HOOD: No. It's another comment period  
6 for us.

7 MR. WATSON, SR: I mean, I'm sorry. Comment  
8 period.

9 CHAIRMAN HOOD: Okay. It depends on when we vote  
10 on it, it depends on, Ms. Schellin, if you stay tuned Ms.  
11 Schellin will keep you apprised of all that. Ms. Schellin,  
12 you have, you want --

13 MS. SCHELLIN: It's not that it's another comment  
14 period unless the Commission allows him to provide something.  
15 So --

16 CHAIRMAN HOOD: So, okay. So, if we were to vote  
17 on this and propose, what happens between propose and file?  
18 Isn't that another comment period?

19 MS. SCHELLIN: No. Because it's not a rule making  
20 case. It's only a comment period if you allow for additional  
21 information to come into the record because this is a  
22 contested case.

23 CHAIRMAN HOOD: Okay, okay. So, Mr. Watson.

24 MR. WATSON, SR: Huh?

25 CHAIRMAN HOOD: I make one mistake a year. So,

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1 I made that mistake, so disregard that. Disregard that. I'm  
2 just trying to figure out a way to make sure that your  
3 concerns and those that you are speaking for have been  
4 addressed. Let me ask you, have you met with the developer?

5 MR. WATSON, SR: No, I have not. I don't have a  
6 clue. The way I knew about this is government project from  
7 what I saw on some posters I noticed from the zoning that  
8 this case would come before you today.

9 I saw it on some trees, posted on a tree up in the  
10 development area and then I look at Wagner LLC. I didn't  
11 have a clue as to know who no Wagner LLC was.

12 CHAIRMAN HOOD: Okay. So, Mr. Watson, this is  
13 what we're going to do.

14 MR. WATSON, SR: Talk to me.

15 CHAIRMAN HOOD: I'm going to ask Mr. Freeman, I  
16 don't know how you all can work it out, Mr. Watson you  
17 entertain, I don't know if you all can do a telephone  
18 conference call or what. But I would ask that you all have  
19 a conversation.

20 I know you've had issue but Mr. Watson, he lives  
21 right there and something, I don't know how this, how we got  
22 lost in this process. I know we got overwhelmingly, and I'm  
23 putting it on the record, got overwhelming support for this  
24 project.

25 But sometimes the good neighbor policy, all it

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1 takes is to have a conversation so, Mr. Robert Miller and Mr.  
2 Freeman, I would ask that you all just do that.

3 MR. FREEMAN: Absolutely. I do want to --

4 MR. WATSON, SR: So, who is Robert Miller, who is  
5 Robert Miller?

6 MR. FREEMAN: Mr. Chairman, I do want to --

7 CHAIRMAN HOOD: Hold on one second, Mr. Watson.

8 MR. FREEMAN: -- I would like to have an  
9 opportunity to respond to that. Because I do think --

10 CHAIRMAN HOOD: I'm going to have, I'm going to  
11 let you cross examine Mr. Watson.

12 MR. FREEMAN: No. I don't want to cross examine  
13 --

14 CHAIRMAN HOOD: Okay. But that's the process.  
15 I want to do that and then at the rebuttal, we can have the  
16 rebuttal. But even after that, I think it's just good  
17 neighbor policy. Some of this stuff could come together, you  
18 know.

19 Because I will tell you the record is clear, the  
20 record is very clear to me. I just want to know, and I know  
21 the work that Mr. Watson has done. I'm just trying to  
22 balance it, that's all I'm trying to do.

23 MR. FREEMAN: Understood.

24 CHAIRMAN HOOD: So, with any other questions of  
25 Mr. Watson, Commissioner May?

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1           COMMISSIONER MAY: Yes, I just had one quick  
2 question for Mr. Watson. So, I was surprised that you only,  
3 the only notice you got was the signs that were posted on  
4 the, at the site.

5           Because I looked back at the letter, the address labels  
6 to neighbors who should have received notice of this and I  
7 see both your name and I also see Leonard Watson, Junior at  
8 the same address having received letters of notification  
9 about this --

10           MR. WATSON, SR: I have not received it. I have  
11 not received it.

12           COMMISSIONER MAY: Okay.

13           MR. WATSON, SR: There's been no notice received  
14 at this address.

15           COMMISSIONER MAY: Maybe the Applicant can speak  
16 to whether in fact these were mailed but that is, you know,  
17 that's what in the record. They claimed to have mailed  
18 something directly to your home.

19           MR. WATSON, SR: I don't dispute when they say  
20 they might have mailed but at the end of the day I didn't get  
21 it and if it was certified I would have signed for it. So,  
22 I can't say they didn't mail something, I'm telling you that  
23 I didn't get it. Did nothing come to my address.

24           COMMISSIONER MAY: Right. Okay. That's fine.  
25 I mean, normally the rules are that they have to mail to

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1 everybody within 200 feet so, you should have gotten that or  
2 it should have been mailed to you and then of course, the  
3 posting of the sign.

4 I mean, there are multiple ways that the notice  
5 is provided just to make sure that we reach folks like you  
6 so, I'm glad you got notice before we had the hearing so you  
7 had the chance to testify.

8 MR. WATSON, SR: Yes, I appreciate this. So, you  
9 want to respond to my letter of the 23rd?

10 COMMISSIONER MAY: Not, we're going to go, Mr.  
11 Chairman, you can take us through the rest of the process.

12 CHAIRMAN HOOD: Okay. Let's kind of bring it  
13 down. I heard Mr. Watson, farther, as we move further with  
14 the Applicant so I would ask to. Let me find out first, does  
15 the Applicant have any Cross of Mr. Watson, Senior?

16 MR. FREEMAN: No, sir.

17 CHAIRMAN HOOD: Okay. All right. Ms. Schellin,  
18 do we have anybody -- and, Mr. Watson, hold on do we have  
19 anybody on the line?

20 MR. FREEMAN: If I could just address --

21 MS. SCHELLIN: Nobody has notified us.

22 CHAIRMAN HOOD: Hold on, let me finish the  
23 process, Mr. Freeman. Do we have anybody, we don't anybody  
24 else so, what I'm going to do now is open it up to Mr.  
25 Freeman for a rebuttal and closing and then I've got to ask

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1 so, Mr. Freeman.

2 MR. FREEMAN: So, thank you. So, if we were in  
3 person I would have a handout that I would give you and you  
4 would all look at. We sent to Ms. Schellin our response.  
5 I'm wondering, I would ask if it's possible for her to upload  
6 that so that you can see our response.

7 Because there are a couple things that I think are  
8 worth pointing out factually. So I do think, Mr. Chairman,  
9 in this case -- let me start with this and I'll focus on the  
10 community piece and in no way do I intend this to be kind of  
11 argumentative with Mr. Watson either.

12 Because what we did in this case was the SMD  
13 Commissioner for this property, according to ANC 8B's website  
14 is Mr. Leonard Watson, Junior.

15 So, what we did on day one was went next door,  
16 knocked on the door, called, emailed, left a note to try to  
17 get in touch with Mr. Leonard Watson, Junior about this  
18 project.

19 So, I hear what Mr. Watson's saying, he never  
20 received anything but he didn't mention the fact that Mr.  
21 Leonard Watson, Junior whose address is that property, is the  
22 SMD Commissioner for this site.

23 Mr. Watson, Junior did not attend any of the ANC  
24 meetings that we've been to, nor responded to any of our  
25 efforts to reach him. If you look at all of our submissions

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1 you will see that we sent every single thing we filed to the  
2 ANC SMD Commissioner, Mr. Leonard Watson, Junior at that  
3 address.

4 So, we are absolutely happy to reach out to Mr.  
5 Watson again, but I do want to make clear for the record that  
6 we agree with you on a good neighbor policy and we have been  
7 doing that from, I will, as soon as Ms. Schellin uploads it,  
8 from October, from February 3rd we called Mr. Watson, left  
9 a phone number, we have two numbers --

10 CHAIRMAN HOOD: Let me correct, now you say you've  
11 called Mr. Watson, Junior.

12 MR. FREEMAN: Who has the same address as Mr.  
13 Watson, Senior.

14 CHAIRMAN HOOD: Okay. And also, let me, because  
15 I was getting ready to look it up but I'm all right. Did you  
16 say that Mr. Watson, Junior was the Chairperson?

17 MR. FREEMAN: Is the SMD Commissioner.

18 CHAIRMAN HOOD: SMD, okay. I thought you said  
19 Chair. I wanted to correct it.

20 MR. FREEMAN: I might have, if I misspoke, I  
21 apologize.

22 CHAIRMAN HOOD: He's not the Chair, okay.

23 MR. FREEMAN: He's the SMD Commissioner for this  
24 site. So, we called and emailed Mr. Watson, Junior, the SMD  
25 Commissioner multiple times between February 3rd and February

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1 6th. We emailed Mr. Watson, Junior again on 2/6 -- no  
2 response.

3 So, having been unsuccessful in contacting our SMD  
4 Commissioner, we reached out to Commissioner Charles Wilson,  
5 who at that time was maybe the Chair or serving in the Chair  
6 capacity and Mr. Commissioner Wilson.

7 So, on February 3rd we hand delivered a note to  
8 the residence of Commissioner Watson and put it on his door  
9 and you will see we have a picture of the letter that we  
10 left. It says Commissioner Watson, I am hoping  
11 to arrange a time to talk or get together with you regarding  
12 a project we are working on in your District.

13 Please let me the best way to reach you or when  
14 you may be available for lunch or a meeting. I greatly  
15 appreciate your time and attention.

16 Thank you, Robert Miller. It has his phone number  
17 and it has his email address. So that letter was left on his  
18 door on February 13th --

19 CHAIRMAN HOOD: Mr. Freeman, Mr. Freeman, I got  
20 the point. I got it now. Now, which brings me another  
21 question, Mr. Watson, Junior, the ANC voted unanimous so, we  
22 do we know, Robert Miller from Applicant, do we know if Mr.  
23 Watson was at the meeting?

24 MR. FREEMAN: He wasn't.

25 CHAIRMAN HOOD: Oh, okay, okay, okay. So here's

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1 --

2 MR. FREEMAN: Unanimous out of folks --

3 CHAIRMAN HOOD: Here's what I don't want to do,  
4 I don't want to start, I asked that question and I want to  
5 cut that off. That whole piece. What I would ask, go ahead  
6 and do your rebuttal and do your closing.

7 And I would just ask if you all just reach out to,  
8 and now that I know and let me make it perfectly clear, I'm  
9 not saying that just because I know him. I'm saying that  
10 because he is impacted and he brought a concern to the  
11 Commission so I want to --

12 MR. FREEMAN: Understood.

13 (Simultaneous speaking)

14 CHAIRMAN HOOD: Normally what I would do in any  
15 other case. Okay, Mr. Freeman.

16 MR. FREEMAN: So, we think the record as it  
17 relates to all of the standards pursuant the wish the Zoning  
18 Commission has to review a project are, the record is clear  
19 on that point. In response to some of the questions right.

20 Why now? The Commission, you've heard of a dire  
21 need for more housing, more affordable housing in the  
22 District of Columbia as evidenced by many, many policies in  
23 the framework element as evidenced by the Mayor's housing  
24 proposal, as evidenced by a report from the D.C. Department  
25 of Aging and Community Living.

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1           That there's a strong need for affordable senior  
2 housing throughout the District of Columbia. And we believe  
3 this project is intended to help meet that need. As it  
4 relates to parking, you've heard from DDOT and from our  
5 traffic consultant that our project, one, provides the amount  
6 of parking that is required for the project.

7           And we're not asking for any parking relief. We  
8 are providing, technically we're providing one more than what  
9 the zoning regulations required. In terms of community  
10 outreach again, the record speaks for itself on that.

11           In terms of traffic and environmental studies,  
12 again, the record has a full blown traffic report as it  
13 relates to, we met with DOEE I should add and we responded  
14 to their comments about the project.

15           In terms of environmental impact studies,  
16 certainly we will do what is required in terms of an  
17 environmental impact screening statement as we move forward  
18 with development and permitting for the project.

19           So, we believe and again, we'll submit a more  
20 detailed response but again, I think you heard today that we  
21 meet all of the standards necessary for approval.

22           I think the four things I have on my to do list  
23 are, I think all the Commissioners talked about examples of  
24 where the panel has been done well in some photos of that,  
25 that's number one.

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1           Number two, images that show how the panel is  
2 connected or a photo of that detail showing how the panels  
3 are connected at the corner. The third comment we have on  
4 our to do list is to look at the solar array and whether it  
5 can be expanded any, into the green roof area.

6           And the fourth comment I heard from Commissioner  
7 Turnbull was to look it, I'd say broadly. I know his  
8 specifics comments but to look at how to make that entrance  
9 more of an inviting entrance and different ways of doing  
10 that.

11           So, I think all of those and you heard Mr. Miller  
12 say we're happy to do that. So, I think these four things  
13 in my mind are substantive but I think we're, I've heard you  
14 say they're not showstoppers.

15           So, we believe again, the record is thorough and  
16 we would ask that the Commission take proposed action as soon  
17 as possible. We would then submit this information and  
18 hopefully get back to the Zoning Commission for final action.

19           CHAIRMAN HOOD: Sir, thank you for rebuttal and  
20 closing. Commissioners, follow up questions on any --  
21 Commissioner May?

22           COMMISSIONER MAY: Just one quick question for Mr.  
23 Freeman. So, I got the message you would love to get a  
24 decision tonight. The question is, is it critical that you  
25 have a decision tonight for financing purposes or approval

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1 purposes or was it just you want to get a decision as soon  
2 as you can?

3 MR. FREEMAN: It is always critical to get a  
4 decision as quickly as possible.

5 COMMISSIONER MAY: No, no, no. That's not true.  
6 Sometimes it's more critical than others. So, I mean, I mean  
7 surely you gained this out.

8 You know what the time of your meetings are going  
9 to be. If you did not get a decision tonight, is it going  
10 to set you back a year in the funding cycle or anything like  
11 that?

12 MR. MILLER: I think I can --

13 MR. FREEMAN: It's hard to say given some of the  
14 commentary.

15 COMMISSIONER MAY: Well Mr. Miller wants to speak  
16 to this, so let me hear from him.

17 MR. MILLER: I can speak to the fact that it's  
18 certainly generalized but on a budget of this type, being  
19 able to get the requisite approvals to a point that we can  
20 begin the funding process is absolutely critical.

21 Because of the nature of the way these funding and  
22 applications take place. So, our critical path for this  
23 project stems around getting to a point on this project where  
24 we have the necessary approvals to advance the funding  
25 process for this.

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1 I truly believe that every day delay in approval  
2 translates to a day delay in the ultimate delivery of the  
3 project, which is certainly the objective here. Is there a  
4 critical benchmark tomorrow or next week, no. But there's  
5 a day for day on being able to execute this.

6 COMMISSIONER MAY: Right. So, you know, I  
7 understand the day for day and that's normal, right. That's  
8 easy to understand. If it takes a little bit longer to  
9 approve it, it takes a little longer to get it built.

10 You know, sometimes we run up against actual  
11 deadlines and that's my question. Is there an actual  
12 deadline by which you need to have full approval so you can  
13 submit for some funding cycle and it sounds like the answer  
14 is no.

15 You want it as soon as possible but if it happens  
16 two weeks later, it's not going to prevent you from applying  
17 for funding in the current, in the most, in the next upcoming  
18 funding cycle. Is that right?

19 MR. MILLER: Yes. We don't have a specific  
20 deadline reference what you're talking about.

21 COMMISSIONER MAY: Okay. Thank you.

22 CHAIRMAN HOOD: Commissioner Turnbull.

23 COMMISSIONER TURNBULL: Isn't this a two vote  
24 process where you take proposed and final? I mean, so we've  
25 done this before. We've taken proposed and if something

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1 doesn't go well later on we just don't take final action  
2 until we see the results we want. Right?

3 CHAIRMAN HOOD: Right. That's true. We have done  
4 that. We've done that on occasion but I would just say that  
5 other than, okay, I'll wait. Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
7 think I'm leaning towards where Commissioner Turnbull is, I  
8 have no problem taking proposed action tonight. And there's  
9 another bite at this but given the nature of it, senior  
10 housing, all affordable, you know, the issues that we have  
11 are relatively minor.

12 We can certainly take any of them up when we have  
13 another bite at this so I have no concerns taking proposed  
14 action.

15 CHAIRMAN HOOD: Okay. Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,  
17 I support going forward with proposed action tonight. I  
18 would like to add a fifth item to Mr. Freeman's provision of  
19 his additional information. I would, in the interest of  
20 sitting just the on street parking.

21 I realize that the project is totally compliant  
22 with zoning regulations. DDOT has no objection and Ms. White  
23 has made a good case as to why the parking and other  
24 transportation mitigation measures are adequate.

25 I though, would still like to see something on

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1 what the on street parking situation is adjacent to this  
2 property. Is it RPP designated, I think we had testimony to  
3 that effect.

4           What is it, is it currently being fully utilized  
5 as such, because I personally think that four parking spaces,  
6 off street parking spaces plus one car sharing, which I think  
7 is what the case now, we'll be hearing from DDOT, four off  
8 street parking spaces for 67 units, senior building, might  
9 not be adequate despite the fact that it complies it, fully  
10 compliant with zoning regulation.

11           So I just would like to see something on, just a  
12 little bit more information on what the reality is on the  
13 ground on street parking adjacent to the site currently and  
14 it's utilization even though there's no requirement that that  
15 be provided in this type of case.

16           MR. FREEMAN: Can I -- I'm sorry, I know you're  
17 on the panel deliberations. I did want to point to something  
18 that's in the record, Commissioner Miller, to see if that is  
19 what you're looking for.

20           VICE CHAIR MILLER: Sure.

21           MR. FREEMAN: If you're on Exhibit 20B. Exhibit  
22 20B is labeled as Curbside Management Plan and that Exhibit  
23 shows the parking designations near the site. I think that  
24 may, I just want determine if this is what you're looking  
25 for.

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1 COMMISSIONER SHAPIRO: Can you repeat the Exhibit  
2 numbers, Mr. Freeman?

3 MR. FREEMAN: Twenty, two, zero, B as in boy.

4 VICE CHAIR MILLER: So, if you could just cite  
5 that as part of your supplemental --

6 MR. FREEMAN: Okay.

7 VICE CHAIR MILLER: -- summary of that in your  
8 supplemental, if that answers my question I would --

9 MR. FREEMAN: Okay.

10 VICE CHAIR MILLER: -- that. Just for the record.

11 COMMISSIONER MAY: But so, I just want to say I  
12 looked at that earlier and it just indicates what the parking  
13 circumstances, it doesn't give an indication of utilization,  
14 which I thought was your question. Maybe I missed that,  
15 maybe it's there and I missed it but it was not about  
16 utilization.

17 VICE CHAIR MILLER: And that was my question and  
18 I currently can't get access to that Exhibit so, I will look  
19 at it but it's, if Mr. Freeman can just provide something on  
20 that point I would appreciate it.

21 COMMISSIONER MAY: That's why I brought it up, to  
22 make sure Mr. Freeman is addressing the utilization.

23 VICE CHAIR MILLER: Thank you, Commissioner May.

24 COMMISSIONER MAY: Yes.

25 CHAIRMAN HOOD: Okay, Commissioners. Anything

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1 else? All right, Mr. Freeman, you've done your closing?

2 MR. FREEMAN: Yes, sir. Thank you.

3 CHAIRMAN HOOD: Let me just reflect, I always want  
4 to make sure the record's straight. We were not ending  
5 deliberations, I was just trying to get the feel for follow  
6 up questions to your rebuttal.

7 So, I want the record to reflect, just in case  
8 this goes anywhere it goes, we were not in deliberations and  
9 Mr. Freeman would not have been able to participate if we  
10 were deliberations so, I just want to make that clear.

11 So, let's close, other than -- one of things, this  
12 is a two road action. It sounds like my colleagues are  
13 ready, I'm not sure where Commissioner May is but it sounds  
14 like we're ready to move forward.

15 I think the records very complete from a zoning  
16 perspective. Commissioner May. Un-mute yourself.

17 COMMISSIONER MAY: Yes. I didn't know if you  
18 wanted to hear where I am on it. No I mean, I could along  
19 with the vote tonight. Normally I am not in favor of voting  
20 on a case when there's any opposition at a hearing.

21 I think it's best to wait until we've heard more.  
22 I do think that Mr. Freeman's testimony that there were  
23 numerous attempts to reach Leonard Watson, Junior, who is in  
24 the same residence.

25 I think is an indication that there were earnest

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1 attempts to make sure that, not only the SMD representative  
2 was aware of it but also the immediate abutting neighbor, the  
3 neighbor who's most affected by this.

4           There was an attempt to reach out directly with  
5 visits to the home as well as email and letters and so on.  
6 So, I do think that, you know, the door is open for the  
7 Commission to take a different action at final if we take the  
8 first vote tonight.

9           Depending on what the outcome of it is of any  
10 further discussions. But as I said, normally I wouldn't be  
11 in favor of voting tonight but I am okay with it here.

12           CHAIRMAN HOOD: Okay. Thank you. I actually  
13 would agree. I think the merits of the case meet our  
14 proposed action until we get to the next vote for final  
15 action. But I don't want Mr. Watson, Senior or Junior or  
16 anybody to ever think that we're just blowing them off  
17 because we're not.

18           There's another vote but from our regulations and  
19 looking at the record and looking at the regulations that we  
20 have to look at from a zoning perspective, everything for the  
21 most part that I see is met.

22           But I do want to give him an opportunity, I'm  
23 going to leave the record open, Ms. Schellin, for anything  
24 that Mr. Watson -- Mr. Watson only, and that's Senior, I  
25 guess they can work together compatibly.

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1 Needs to come from Mr. Watson, Senior before final  
2 action of how the good neighbor meeting went, what the plans  
3 were and zoning related. I know there's some other issues  
4 that I think can be talked and worked out.

5 I don't see them as being too far apart. It's  
6 just about getting together and having the conversation. So,  
7 I don't think it's that hard. So, I don't have a problem  
8 moving forward from a zoning perspective.

9 I think the regulations actually require, not  
10 necessarily that we do it tonight but I think our  
11 regulation's law are satisfied that we have to look at.

12 But I would, Mr. Freeman, ask you and Mr. Robert  
13 Miller from the Applicant to reach out and have that  
14 conversation to see if we can come closer together here and  
15 anything that are still outstanding. Thank you.

16 MR. FREEMAN: I don't know if Mr. Watson is on,  
17 I would just ask the best number to reach him.

18 CHAIRMAN HOOD: Could you, if he's listening could  
19 he call the office.

20 MR. FREEMAN: Okay. That would be great.

21 CHAIRMAN HOOD: Ms. Schellin, would Ms. Schellin  
22 or would Mr. Watson would call Ms. Schellin and Ms. Schellin  
23 will provide that number to you. We don't want --

24 MS. SCHELLIN: We actually have that number when  
25 he registered. The number that he called in on and I'll just

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1 send that to Mr. Freeman.

2 CHAIRMAN HOOD: Okay. All right so, what I would  
3 suggest Commissioners is just to go ahead and move forward.  
4 So, I would like somebody to make, see who's unneeded, make  
5 a motion.

6 think the record's complete. I don't think  
7 there's anymore we can. I think you have Office of  
8 Planning's Report. You have the different Agencies, which  
9 all go in the Office of Planning's report.

10 I think the Agency have voted unanimous, well, I  
11 say the word unanimous, they got one person who's missing I  
12 believe. Whatever it is, it's in the record. So, let me  
13 open it up for discussion and if not I'll obtain a motion to  
14 propose.

15 (Simultaneous speaking)

16 COMMISSIONER SHAPIRO: I'm happy to make a motion.

17 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

18 COMMISSIONER SHAPIRO: I move that we take  
19 proposed action on Case Number, Zoning Case Number 20-09,  
20 Wagner LLC Consolidated PUD Related Map Amendment from the  
21 R-3 to RA-2 zone 2419 25th Street Southeast, Square 5740 Lot  
22 337. Look for a second.

23 CHAIRMAN HOOD: Commissioner May, do you second?

24 COMMISSIONER MAY: Second.

25 CHAIRMAN HOOD: Okay. It's been moved and

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1 properly second. I noticed it today that the Council did the  
2 regular way but until I'm told by Legal, we're going to go  
3 ahead and do the roll call. Ms. Schellin, can you do roll  
4 call?

5 MS. SCHELLIN: Yes, sir. Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: Vote yes.

7 MS. SCHELLIN: Commissioner May?

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRMAN HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Turnbull?

14 COMMISSIONER TURNBULL: Yes.

15 MS. SCHELLIN: The vote is 5-0-0 to approve  
16 proposed action Zoning Commission Case Number 20-09. And  
17 that's leaving the record open for the -- you were approving  
18 the response to Mr. Watson's submission? Is that correct?

19 CHAIRMAN HOOD: Mr. Watson's submission and also  
20 want to know a status of the --

21 MS. SCHELLIN: Right. But also for the  
22 Applicant's response to his earlier letter or did you want  
23 that or not?

24 CHAIRMAN HOOD: From the earlier letter. So, I  
25 think that's already there. And also, whatever happens in

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1 this meeting or --

2 MS. SCHELLIN: Right. Okay so, and then they're  
3 going to meet with Mr. Watson and he can make a submission  
4 with regard to that meeting. Is that correct?

5 CHAIRMAN HOOD: That's correct, that's correct.

6 MS. SCHELLIN: To that meeting only. And so --

7 CHAIRMAN HOOD: He's the only one, he's the only  
8 one. It's only open for that.

9 MS. SCHELLIN: Right. Okay. So, that and along  
10 with the documents asked for this evening and of course the  
11 Applicant will report on their findings on that meeting also.  
12 If we could have those submissions by, oh wow, let's see,  
13 today is the 24th, when does the Applicant think they're  
14 going to meet with Mr. Watson?

15 MR. FREEMAN: We will call him and try to meet  
16 with him as soon as we get his number. We are available at  
17 his convenience.

18 MS. SCHELLIN: Okay. We're going to have to shoot  
19 for the second meeting in October then to have enough time  
20 for you guys to meet and to get all the submissions in. So,  
21 if we could have all the submissions in by 3:00 p.m. on the  
22 15th of October.

23 MR. FREEMAN: Okay.

24 MS. SCHELLIN: And, Mr. Watson, I don't know if  
25 he's still listening but he is, his report or letter would

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1 be due by 3:00 p.m. on October 15th. The ANC's response  
2 would be due to 3:00 p.m. October 22nd if they choose to  
3 respond.

4 If DDOT and OP have a response, they also would  
5 respond by 3:00 p.m. on the 22nd. Draft findings, specs,  
6 conclusions of law, we would need by 3:00 p.m. on the 15th  
7 and we'll put this on for 4:00 on the 29th for consideration  
8 of final action.

9 CHAIRMAN HOOD: Ms. Schellin, I would also ask  
10 that you reach out, just in case Mr. Watson is not listening,  
11 Watson, Senior is not listening, that you reach out to him,  
12 prepare for somebody that could reach to him and explain to  
13 him what the schedule is.

14 MS. SCHELLIN: Okay. Sure.

15 CHAIRMAN HOOD: Thank you.

16 MS. SCHELLIN: All right.

17 CHAIRMAN HOOD: All right, does anybody have  
18 anything -- I saw Ms. White, were you trying to raise your  
19 hand?

20 MS. WHITE: No, sir. I'm on my phone because my  
21 computer had problems so, I have to keep switching between  
22 screens to see everyone.

23 CHAIRMAN HOOD: Oh, okay. Okay. All right.  
24 Shows we pay attention, so anyway. All right, let's, Ms.  
25 Schellin, do we have anything else?

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1 MS. SCHELLIN: No, sir.

2 CHAIRMAN HOOD: Commissioners, do you have any  
3 other questions, comments? All right. I want to thank  
4 everyone for their participation tonight, including the  
5 public and with that, this hearing's adjourned. Good night.  
6 Zoning Commission will be back, Ms. Schellin, make sure I'm  
7 right, October the 1st.

8 MS. SCHELLIN: Yes.

9 CHAIRMAN HOOD: Okay. October the 1st the Zoning  
10 Commission will hear Zoning Commission cases VNO, South  
11 Capitol LLC, and Three Life's in Square 649 LLC on October  
12 1st, Case Number 20-14. So with that, everybody have a great  
13 weekend and this hearing is adjourned.

14 (Whereupon, the above-entitled matter went off the  
15 record at 6:22 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: 09-24-20

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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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