

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

-----:
IN THE MATTER OF: :
: :
Lisner Home Map Amendment.: Case No. 21-17
-----:

MONDAY

MARCH 17, 2022

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

OFFICE OF PLANNING LEGAL DIVISION:

HELEN LOVETT, ESQUIRE
DENNIS LIU, ESQUIRE

ALSO PRESENT:

CYNTHIA GIORDANO, Saul Ewing Arnstein & Lehr
MATTHEW FRUMIN, Lisner Home
WARD OREM, Lisner Home
TOM QUINN, ANC 3E
JENNIFER STEINGASSER, Deputy Director, OP
JONATHAN KIRSCHENBAUM, OP
DAVID CRISTEAL, Ward 3 Vision
LAWRENCE FREEDMAN

The transcript constitutes the minutes from the
Regular Public Hearing held on March 17, 2022.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

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

	<u>PAGE</u>
OPENING STATEMENT	
Anthony Hood	4
PRESENTATION:	
Case Number: 21-17 - Lisner Home Map Amendment	8
QUESTIONS AND COMMENTS:	
Commissioners	13
PUBLIC COMMENT	23
ANC COMMENTS and REPORTS	34
CLOSING BY MR. FRUMIN	54
VOTE:	
Commissioners	62

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

(4:00 p.m.)

CHAIRMAN HOOD: Today's date is March the 17th, 2022. We have (indiscernible) broadcasting this public hearing by video conferencing. My name is Anthony Hood and I'm also joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura, also the Office of Zoning staff Ms. Sharon Schellin and Shiobhan Barrow (phonetic), as well as the Office of Zoning legal division with Ms. Helen Lovett. We're also -- I would ask all others to introduce themselves at the appropriate time.

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

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of signup all participants will complete the oath or affirmation required by Subtitle Z408.7. Accordingly, all those listening on WebEx or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and home address before providing your testimony. When you are finished speaking, please mute your audio.

If you experience difficulty accessing WebEx or with
HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 your telephone call in, or have not signed up, then please our
2 OZ hotline number. I think it's -- Ms. Schellin, do we have it
3 handy? I usually read it off the screen.

4 SECRETARY SCHELLIN: 202-727-0789.

5 CHAIRMAN HOOD: Okay. I need to change that. 202-
6 727-0789. If you wish to file written testimony or additional
7 supporting documents during the hearing, then please be prepared
8 to describe and discuss it at the time of your testimony.

9 This hearing will be conducted in accordance with
10 provisions of 11Z DCMR Chapter 4 as follows: preliminary matters,
11 applicant's case, report of Office of Planning and District
12 Department of Transportation, report of other government
13 agencies, report of the ANC, we have two ANCs which have submitted
14 in this case, testimony of organizations, five minutes of
15 individual statements, and we will hear in the following order
16 from those who are in support, opposition, or undeclared. Then
17 we will have rebuttal and closing by the applicant.

18 Again, the OZ hotline number is, Ms. Schellin?

19 SECRETARY SCHELLIN: 202-727-0789.

20 CHAIRMAN HOOD: Okay. And it shows the one place it
21 didn't change it, but that's real smart of me.

22 Okay. For any concerns during this proceeding.

23 At this time the Commission will consider any
24 preliminary matters. Does the staff have any preliminary
25 matters?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 SECRETARY SCHELLIN: Just a couple. As you said, this
2 is a contested map amendment. Cynthia Giordano is the attorney
3 representing the applicant. So this is a map amendment. It's
4 not about a project. And there's, I believe, the applicant's
5 witnesses that she'll bring forward will be Matt Frumin and Mr.
6 Orem. And Mr. Weinsett (phonetic), who was previously proffered
7 as an expert in architecture, will not be proffered since this
8 is not about a project, so he's not being proffered as an expert.
9 He'll just be available for questions if there are any. And this
10 is ready to go.

11 CHAIRMAN HOOD: Let me just echo Ms. Schellin's
12 comments. I've said this over the years, the legal division,
13 three years that I've been in the Commission has taught me when
14 it's a map amendment it's not about any particular project. I
15 would like (indiscernible) the first night, but that doesn't
16 happen because I've said it many times and over and over again
17 trying to stay in compliance with what the legal folks tell me,
18 and we always wind up talking about the project. So tonight I'd
19 like for us to set a record. This will be the first time in my
20 24 years that we don't necessarily (indiscernible), might have
21 been one other time, but it's been a while. So I would ask the
22 public to work with us. This is about a map amendment. We're
23 talking about lots and we're talking about density. We're not
24 talking about anything specific. I sit here tonight being
25 (indiscernible), that's not before us tonight. Unless my

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 colleagues, you know, they ask a question, I can't stop that, but
2 projects are not before us tonight unless Ms. Lovett tell me it
3 is, that's been my training over the years.

4 So, Ms. Schellin, let's bring everyone on.

5 SECRETARY SCHELLIN: Okay. If Mr. Barrow would please
6 bring in the applicant and their folks, Mr. Orem, Ms. Giordano.

7 Ms. Giordano, is there someone else you want brought
8 up besides Mr. Orem?

9 MS. GIORDANO: Mr. Frumin.

10 SECRETARY SCHELLIN: Mr. Frumin, okay. Forgot about
11 him. Okay. Thank you.

12 CHAIRMAN HOOD: In that case, Ms. Giordano, whenever
13 you get ready, you may begin. And as soon as I see Mr. Frumin,
14 I haven't seen him in a while down here in front of us, anyway.
15 Mr. Giordano, we will turn it over to you.

16 MS. GIORDANO: Good afternoon, members of the
17 Commission and staff. My name is Cynthia Giordano. My address
18 is 1919 Pennsylvania Avenue, Suite 550, Washington, .DC. I'm
19 with Saul Ewing Arnstein & Lehr law firm, representing the
20 applicant. If it's acceptable to the Commission, we're prepared
21 to do a short presentation tonight. We only have two witnesses,
22 both from the Lisner Home, and we'll just go right to Matt Frumin.

23 MR. FRUMIN: Yeah, Cynthia, I think it would be best
24 if Ward started.

25 MS. GIORDANO: Oh, okay. That's fine.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 MR. FRUMIN: Great, great.

2 MR. OREM: Good afternoon. I'm Ward Orem --

3 MS. GIORDANO: Is Ward here? Okay.

4 MR. OREM: I'm Ward Orem, the CEO of the Lisner-Louise-
5 Dickson-Hurt Home, where I've served --

6 SECRETARY SCHELLIN: Can you speak up a little bit?

7 MR. OREM: Sure.

8 MR. FRUMIN: And, Ward, maybe turn your camera on so
9 that they --

10 MR. OREM: Oh, I'm sorry. Pardon me. Can you see me?

11 MR. FRUMIN: There you go.

12 MR. OREM: Good afternoon. I'm Ward Orem, the CEO of
13 the Lisner-Louise-Dickson-Hurt Home where I have served for over
14 40 years. I reside at 420 O Street, S.W., Washington, D.C. Thank
15 you for allowing us this opportunity to share our plans for the
16 home and those we serve. Since 1941, the home has been a leading
17 provider of long-term care for underserved elders in D.C. Our
18 mission is to provide extraordinary health and life care services
19 to low and modest income seniors, empowering them to live their
20 lives to the fullest. Today, we provide five star rated assisted
21 living and skilled nursing services to 116 seniors and disabled
22 individuals on our campus located on Western Avenue in Friendship
23 Heights.

24 For a number of years the home has been engaged in
25 strategic planning efforts directed at addressing the changing

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 dynamics of elder living communities, recognizing that we have a
2 critical role to play in developing new housing and care options
3 that support aging in the District, particularly in Ward 3, where
4 affordable housing is scarce. Our primary focus is on effectively
5 utilizing the available space on our property. The goal is to
6 make strategic investments in the site that can support and expand
7 our mission to serve low income seniors while strengthening the
8 home's financial position.

9 An unexpected flood in the original 1940s building in
10 July of 2020 rendered that portion of the overall facility
11 uninhabitable, and this necessitates that we now renovate and
12 complete an adaptive reuse of that building, which provides
13 assisted living services to low-income seniors. As well we are
14 planning to construct an affordable independent living senior
15 apartment building that will include 93 affordable units for
16 those in 50 percent or below AMI. This project was selected in
17 February by the Department of Housing and Community Development
18 to be the first Housing Production Trust Fund investment in Ward
19 3. We are truly excited about our future and the service that
20 we will continue to provide to low income elders.

21 And now I will return this back to you, Matthew.

22 MR. FRUMIN: Thank you, Ward. And, Chairman Hood, it's
23 great to be back in front of the Commission. It has been a long
24 time and it's wonderful to be here on behalf of this map amendment
25 on the Lisner Home. I'm going to be careful on your your

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 admonition about talking about the project, although what I want
2 to do is explain how we got to where we are. And there's a little
3 bit about the project that is related to the map amendment. So
4 hopefully I won't go over lines with you.

5 So the Lisner home is a fabulous institution that has
6 delivered incredible care. It's a really special place, not
7 because of the board that it has, but because of people like Ward
8 and people like Sue who are on this hearing and just a phenomenal
9 place that's worth visiting if you haven't been there.

10 It also has operated at a deficit for a long time. And
11 so we've been looking at how do we fix that, how do we use our
12 campus in order to address that issue. And as the comprehensive
13 plan changes were being considered, we thought it's important to
14 get a change to the future land use map to allow for more density
15 on the site, which is close to a metro and close to a commercial
16 corridor. And so we sought and we received an amendment to the
17 future land use map that would allow for moderate density
18 residential and low density commercial. That change -- that
19 process involved a series of meetings in front of the ANC where
20 we talked about what we were seeking, and the ANC ultimately
21 supported our request. The ANC had some reservations about open
22 ended planning, but they understood our request and supported our
23 request to the future land use map.

24 The change didn't just go through unnoticed by the
25 council. The council looked closely at it and the council took

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 out the designation for low density commercial. It's not a thing
2 that wasn't looked at. It was looked at by the council, it was
3 passed by the council, and it became part of the future land use
4 map.

5 In the meantime, we had the flood that Ward was talking
6 about and we went into something -- and we had COVID in a long-
7 term care facility -- and we went into something of a crisis mode
8 to think about what we could do in our future. And we put our
9 heads together and we came up with the project that we're -- that
10 we won't talk about in any kind of depth today, but that is
11 critical to finding the funds to renovate our 1940s building and
12 stabilizing a historic and excellent institution.

13 That involved a fair amount of internal work on our
14 part. And we ultimately came out with a proposal in November of
15 last year showing a 93-unit affordable housing project on our
16 site. And and I don't think it's too much to say that our
17 neighbors were shocked. But we had talked with them about our
18 desire to do something like this before, but they'd not seen it
19 in the kind of way that we showed it in November. And they were
20 very concerned about it, and they were also very concerned about
21 the map amendment application.

22 As you'll recall, the map amendment application covered
23 our entire campus at the outset, and we later revised that to
24 cover only the portion on which we're building and one thin strip
25 along Western Avenue with the idea that it would get closer to a

1 place where there was higher zoning. It doesn't connect up with
2 a place with higher zoning, but it gets closer to it. So we told
3 our neighbors that we would think about all of their different
4 concerns. I think they did not believe that initially, and
5 there's -- in the record you'll see a letter and a petition with
6 a lot of skepticism about our plans for the site and a lot of
7 concerns about what the map amendment might mean.

8 But we actually really did try to take on board the
9 input that they provided. And without going into detail on what
10 the project looked like on day one and what it looked like three
11 months later, it's very different. Still 93 units, still sits
12 in the same place, but it's very different, and we worked really
13 hard with our neighbors to make sure that we had something that
14 worked from their perspective.

15 And on one of their big requests and a request that
16 came in informally from the ANC and other organizations, we
17 modified our map amendment request to be limited in the way that
18 you see it today. And at the end of the day we have, I believe,
19 essentially full support for what we're doing, both the project
20 and the limited map amendment. You'll see in your record there's
21 a letter from one of the people who had led the opposition for a
22 period, and he announces in this letter that he supports the
23 project at this point.

24 And we are very proud of the effort that we've
25 undertaken to try to work with our neighbors to get something

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 very important for the city and very important for the home done.
2 The map amendment is a critical piece in this process. We think
3 the map amendment clearly is justified as described in different
4 of the reports and the kind of density that it would allow in
5 the area that it is in proximity to a metro stop is totally
6 appropriate, and we hope that you will agree. Thank you.

7 CHAIRMAN HOOD: Ms. Giordano, are we finished?

8 MS. GIORDANO: Yes, we are. I'll just add, I'm sure
9 the Office of Planning will go into this in more detail, but the
10 standard here is in consistency with the comprehensive plan,
11 which, as Mr. Frumin indicated, was changed to moderate density
12 and are a 2, according to the framework portion of the plan is
13 consistent with that designation. Thank you.

14 CHAIRMAN HOOD: Okay. Thank the three of you, Ms.
15 Giordano, Mr. Frumin, and Mr. Orem. We want to thank you for
16 your presentation. But let me go back, we were also joined by
17 Mr. Liu. I didn't see him on my screen. It may have been off
18 the screen, but I want to acknowledge that he's also of the legal
19 division is with us. So forgive me, Mr. Liu.

20 Okay. Let's start off with any questions or comments.
21 Commissioner May?

22 COMMISSIONER MAY: Thank you, Mr. Chairman. Mr. Frumin,
23 it's nice to see you again. It has been a very long time. I
24 think that you were a commissioner I think -- an ANC commissioner
25 when we saw you last, or at least that's the last time I remember.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 I may have seen you in other places since then. But the -- I
2 appreciate how much has happened since this was originally set
3 down and the efforts that have been made to address the concerns
4 of the ANC and the neighbors. I do note that in the amendment
5 that reduced the total acreage that would be rezoned that there's
6 a statement about potential future map amendment to address that
7 area. And I'm wondering what you think -- what any -- Mr. Orem
8 or Mr. Frumin, whoever could address this, what you think might
9 -- the future might hold?

10 MR. FRUMIN: Thank you for that question. Nice to see
11 you as well. Well, one of the things that we would really like
12 to do is we would like to have a dementia care unit, a memory
13 care unit, and we'd like to have a short-term rehab unit. Those
14 are things that are in high demand. And part of our aspiration
15 is to create a continuing care community that you see for higher
16 income people where you have independent living, assisted living,
17 nursing and dementia care all on a campus. That would be one
18 goal for us.

19 We don't know whether or not we could do that with
20 matter of right density under the zone as it is currently being
21 left, but we'll have to look at that. And then in the long-term
22 future of the site, it's also possible that closer on the western
23 edge of the site, that there could be another building that would
24 go there replacing where the nursing wing is now. And I think
25 the neighborhood's concern was if something like that were going

1 to happen, they wouldn't want to see something -- the neighborhood
2 and others' concern is if something like that were going to happen
3 they wouldn't want it to be a matter of right with no community
4 input. And what we are doing with our -- limiting our map
5 amendment is saying we will come back if we do something
6 significant on our site. If it happened, it would likely be
7 there closest to Chase Point and have a whole new process
8 involved.

9 COMMISSIONER MAY: Okay. Well, I do appreciate the
10 care and the caution. I have to say I'm a little skeptical about
11 having reduced the total acreage affected by the map amendment
12 downward, so I'll be asking some questions about that later too,
13 to whether that's the right thing to be doing at this moment,
14 given the entirety of the situation with regard to this property
15 and also regarding citywide goals for achieving greater
16 affordable housing. I don't think that what you're talking about
17 implies that if you had that full map amendment that you'd wind
18 up with large buildings immediately impacting the nearby
19 residential neighbors. So it's good to understand some idea of
20 what you are thinking about right now.

21 MR. FRUMIN: Yeah, but can I just add because I mean
22 it's an interesting position to be arguing for the limitation,
23 but I do want to argue for the limitation because it is not, and
24 we've never said, that we wouldn't do anything in the future. We
25 don't have a current plan. We have a lot on our plate right now.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 We have the renovation of our 1940s building and we have the
2 construction of the new building.

3 All we are doing in this limitation is assuring the
4 neighborhood and the ANC and frankly you'll hear from Ward 3
5 Vision and I think they favored this as well. We're saying when
6 -- if we come back and want to do more, we're going to include
7 you in the planning process. Then -- and we feel very comfortable
8 that -- about that and we feel very comfortable that if we decide
9 we want to do something else, we'll work collaboratively with the
10 neighborhood and do something great. What we're doing, we're,
11 and, Chairman, apologies, it's just a spectacular project to add
12 to the city and may be we'll do other ones, but it'll involve an
13 again collaborative process with the neighborhood.

14 COMMISSIONER MAY: Ms. Giordano, I have a zoning
15 expertise question that I might ask you on this, which is that
16 the current zoning that would remain on 4.3 acres that was part
17 of this comprehensive plan amendment, it will remain R2 which I'm
18 wondering whether you think R2 is consistent with the with the
19 FLUM because we're supposed to do things that are not inconsistent
20 with the FLUM.

21 MS. GIORDANO: I think it's consistent. It is a lower
22 density than moderate, but I think it includes moderate, maybe
23 OP, you know, has some thoughts about it, but we're not doing
24 anything to change that. We're just changing part of it. It's
25 not a self-enforcing thing, the FLUM. So I think it's fine to

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 leave it the way it is.

2 COMMISSIONER MAY: Okay. Yeah, I mean, the way I read
3 the language of the FLUM it sounded -- it did not include --
4 explicitly include R2 within the moderate residential density
5 description. But, of course, it always says but other zones may
6 apply. So there's always a little bit of wiggle room.

7 MS. GIORDANO: Right. But again, we're not changing
8 that. That's --

9 COMMISSIONER MAY: No, I understand you're not -- what
10 I was trying to raise is the question of whether not changing it
11 would be inconsistent with the comprehensive plan. So that's
12 that's what I'm trying to get at. And I'll certainly advise the
13 Office of Planning.

14 MS. GIORDANO: Okay.

15 COMMISSIONER MAY: Thank you. That's it for me. Mr.
16 Chairman.

17 CHAIRMAN HOOD: Okay. Thank you, Commissioner May.
18 Let's go to Commissioner Imamura.

19 COMMISSIONER IMAMURA: Thank you, Mr. Chair. I
20 appreciate Commissioner May's pragmatism and thoughtful
21 questions. It enables me to make shorter remarks. So with that,
22 I just want to say to Mr. Frumin and to the applicant I appreciate
23 the good neighbor policy that Chairman Hood is always talking
24 about and your efforts to reach out to the community. Oftentimes,
25 those that have the most reservation about what you're doing can

1 turn into your greatest champions. (Indiscernible.)

2 And following Chairman Hood's request, I think the map
3 amendment could lead to a very exciting possibility.
4 (Indiscernible), I'll just say that. That would be a tremendous
5 benefit to the community, especially in an area where we know
6 additional affordable housing is critical. I think a potential
7 project that could increase the variety availability of
8 affordable housing for a range of income levels could be a great
9 benefit. So I'll stick to the map amendment line and conclude
10 my remarks. Thank you, Mr. Chair.

11 CHAIRMAN HOOD: And thank you.

12 Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
14 you, Matthew Frumin for your -- and your Lisner team for your
15 presentation of this map amendment and for the community
16 engagement that you've done after, I guess, a somewhat of a rocky
17 start. But that often that is the case with starts, they're
18 rocky. That's why they're only at the beginning. So this process
19 has evolved. And I concur with the comments of my fellow
20 commissioners, May and Imamura, in particular that this does
21 facilitate -- this map amendment would facilitate greater density
22 that is not inconsistent with the new land use map designation.
23 The land use map designation was changed specifically I think in
24 this case and in others to try to facilitate that increased
25 density, particularly to achieve the goal overarching citywide

1 civic priority of affordable housing development or maintenance,
2 maintenance and development preservation, maintenance and
3 development in the city, and we know that this this map amendment
4 will facilitate based on the record that we have here this all
5 senior 93-unit affordable building as well as allow for the
6 renovation of the existing buildings.

7 But, yeah, I do share some of the questions, I guess,
8 that Commissioner May raised about whether since we're supposed
9 to be looking at land use map consistency with zoning, whether
10 the limitation really is appropriate from a policy -- zoning
11 policy perspective, a land use policy perspective, particularly
12 since it is the the leading the bulk of the property at the R2
13 does not seem to be moderate density residential so close to the
14 Friendship Heights metro station. But I understand the planning
15 process that's occurred here, the neighborhood engagement that's
16 occurred here, and the good neighbor policy as my fellow
17 commissioners have alluded to and how important that is going
18 forward and being neighbors on the long term going forward.

19 So there are always compromises that are made in this
20 type of situation. So I understand where we are. But I
21 appreciate again the Lisner team bringing this forward and look
22 forward to this happening as soon as possible.

23 Thank you, Mr. Chairman.

24 CHAIRMAN HOOD: Thank you, Vice Chair Miller and
25 others.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 As I think about the valuations that I give all the
2 time and I'm not saying I always agree with them, Mr. Frumin and
3 Mr. Orem, but I've been taught that -- it's been indoctrinated
4 in my mind that when it's a map amendment, we're not talking
5 about a project. And I do realize -- and I'm probably breaking
6 my own rule, you know, since we already started down those lines,
7 I realize it's sometimes very difficult. I am going to -- I'm
8 just putting Ms. Lovett and Mr. Liu on notice and I'm going to
9 ask that question again because I don't remember why we do this.
10 I think I do remember, but I don't. And so I just need a
11 refresher.

12 If there's a rule that we can change because I hear Mr.
13 Frumin's enthusiasm, I hear Mr. Orem's enthusiasm. People want
14 to talk about what they're really doing behind the underlying
15 thing of what we're talking about in front of Zoning, and I hate
16 to deprive people of that privilege. So I will (indiscernible)
17 that as what I've heard here tonight. Again, those are -- these
18 are the instructions that I get. May be not being aware sometime
19 I have to follow them. I didn't say I always agree with and I'll
20 leave it at that.

21 So I do share the concern, and I think my colleagues
22 have hit all the points, but the work that's being put into the
23 neighborhood -- and my question and I looked at this and where
24 we were going and how we were reducing 5.4 acres down to 1.1,
25 and I started to think and I started looking at all the support

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 and all the collaboration and I always -- I don't want to
2 (indiscernible) my opinions on -- I heard Commissioner Imamura
3 and others talk about a good neighbor policy. I know how it
4 feels when you have to try to get the good neighbor policy. I've
5 been on both sides of getting it and not getting it. And I think
6 that this is one of those cases where for me I'll just move it
7 along, I'm just -- I'm not going to even go into that. I think
8 it's a lot more that could be done, but I think there would be
9 some more collaboration, Mr. Frumin of you and your team, again
10 with the whole community, and you all got to this resolve, I'm
11 sure as you continue to move down that road you all get to another
12 resolve. And I'll just leave it alone.

13 Because when you put a lot of work in -- one thing I
14 do not like to do is undo it because then you go back sometime
15 to the very beginning and then it causes a lot of going back and
16 forth again. So I think you all have (indiscernible) from what
17 I see in the record and what you mentioned in your testimony I
18 think Mr. Farris (phonetic), I don't know his name right off, I
19 have to look in the file, he now has changed. So (indiscernible)
20 I know my colleagues are and especially Commissioner May and
21 others have brought up some great points and we'll continue to
22 (indiscernible).

23 So that's all I have to say. And I don't have any
24 questions for either one of the witnesses or any of the witnesses,
25 so I will continue to move on unless I hear some -- a second

1 round. Anybody need a second round? Okay. Let me find my
2 agenda. I don't know -- I always say this, I don't know which
3 one is better, files or having paperwork.

4 Okay. Let's go to -- Ms. Schellin, do we have anyone?
5 The ANC is 3 -- is it 3, 4 and G and 3E. Do we have anyone that'd
6 like to --

7 SECRETARY SCHELLIN: I know Tom Quinn is here. Forgot
8 which ANC he is with.

9 MR. QUINN: 3E.

10 SECRETARY SCHELLIN: 3E. Okay. And sorry I'm working
11 from two different computers here.

12 CHAIRMAN HOOD: Well, 3E I believe is the -- both
13 Commissioners.

14 SECRETARY SCHELLIN: Yeah, I think he's the only one
15 that I see.

16 CHAIRMAN HOOD: I think 3E is -- right, 3E is -- let
17 me ask this. 3E is the underlying commission, right? Okay.

18 SECRETARY SCHELLIN: Yes.

19 CHAIRMAN HOOD: So we do have a letter from 3 4 and -
20 - I never understood this, ANC 3, 3 and 4. How that works. But
21 anyway, I do know that we have a letter from them supporting ANC
22 3E. I will not read it. So let's ask Mr. Quinn, right now this
23 is not your presentation. Good afternoon, Commissioner. Do you
24 have any cross-examination of what you've heard to Mr. Frumin and
25 Ms. Giordano and Mr. Orem at this time?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 MR. QUINN: Good afternoon, Mr. Hood. This is Tom
2 Quinn from ANC 3E. I do not have any questions at this time.

3 CHAIRMAN HOOD: Okay. All right. Hold tight because
4 we'll be coming right back to you shortly for your presentation.

5 Let's go to the Office of Planning and District
6 Department of Transportation. I will ask the District Department
7 of Transportation, do you have anyone from there, Ms. Schellin,
8 do you see anyone?

9 SECRETARY SCHELLIN: I did not see anybody from DDOT,

10 CHAIRMAN HOOD: so I won't ask that question then. I
11 was just going to ask if they had any analyses, and I know we're
12 going from 5.4 to 1.0 or whatever we're going to, I know we're
13 going down, but I was wondering if their analysis still hold
14 true. I believe it would, but anyway. That means the Office of
15 Planning can opine on that as we go through as well.

16 Okay. (Indiscernible)?

17 SECRETARY SCHELLIN: It's going to be Jonathan
18 Kirschenbaum, Ms. Steingasser, and Mr. Lawson. If all three of
19 them could be brought up. I believe there's three --

20 CHAIRMAN HOOD: Okay. Mr. --

21 SECRETARY SCHELLIN: I believe Mr. Kirschenbaum will
22 give the report, I believe.

23 CHAIRMAN HOOD: Okay. Mr. Kirschenbaum,
24 (indiscernible).

25 MR. KIRSCHENBAUM: So thank you. Good afternoon, Chair

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 Hood and members of the Zoning Commission. I am Jonathan
2 Kirschenbaum with the Office of Planning. We recommend approval
3 of the proposal as amended to rezone 1.1 acres from the R2 zone
4 to the RA2 zone and find that the proposal would be appropriate
5 for IZ plus. We've reviewed the proposed map amendment through
6 a racial equity lens as part of the Comprehensive Plan Consistency
7 Analysis. The properties -- the property is in a high opportunity
8 area with limited affordable housing options. The Comprehensive
9 Plan contains numerous policies supporting more housing, both
10 market rate and affordable.

11 A key piece of this map amendment is the potential to
12 create additional affordable housing through an IZ plus set aside
13 requirement, as it is likely that the RA2 zone could require as
14 much as a 20 percent set aside requirement under IZ plus. The
15 potential for additional affordable housing units that could be
16 created under the requested RA2 zone is substantially higher than
17 if the property were not rezoned. Making room for affordable
18 housing has potential to benefit people of color who on average
19 have lower incomes than white residents.

20 On balance, the proposed map amendment is not
21 inconsistent with the Comprehensive Plan and its goals and
22 policies, including the future land use map, which does
23 (indiscernible) the property as moderate density residential.

24 And just regarding some of the comments provided by the
25 Commission, you know, OP would typically not support a new

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 rezoning to R2 based on this FLUM designation, but this is what
2 the existing zoning is and the content is not self effectuating
3 and the applicant has not requested for all of the property to
4 be rezoned from the R2 zone. And to just also add that as the
5 Commission probably is aware, there is also planning going on in
6 the Friendship Heights area and a more comprehensive review of
7 development and a general overall zoning in the area will be
8 considered as part of future planning initiatives. This
9 concludes my presentation. Please let me know if you have any
10 questions. Thank you.

11 CHAIRMAN HOOD: Thank you, Mr. Kirschenbaum. I really
12 appreciate your analysis in racial equity. I didn't necessarily
13 ask the applicants about that, but I see this in your report,
14 and I think you've covered it very well, and I'm sure we all
15 concur on that and also with your report. So thank you.

16 Ms. Steingasser, I see you came up early. Did you have
17 something you wanted to add or?

18 MS. STEINGASSER: No, sir, I just wanted to let -- I'm
19 available for questions of Mr. Kirschenbaum.

20 CHAIRMAN HOOD: Okay, thank you. All right.

21 Commissioners -- let's see if we have any questions of
22 Office of Planning. Commissioner May?

23 COMMISSIONER MAY: Well, I mean, I guess Mr.
24 Kirschenbaum already answered my basic question, which had to do
25 with, you know, whether it would -- whether our action would be

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 considered not inconsistent with the (indiscernible) plan if we
2 don't address the rest of this area where the one was changed.
3 But I don't know, I just -- I feel like we're missing something
4 here, that there's a maybe and I don't know whether it's an
5 opportunity lost or a shyness about how aggressively zoning of
6 parcels like this could be considered in this part of the city.

7 And I guess I don't really have any questions. I just
8 would say that the -- and of course (indiscernible) I guess you're
9 welcome to, but I just, I hope that in the rest of the planning
10 that's going on, which I know it's happening, but I'm not
11 following it, I'm not paying attention to it because it's, you
12 know, it'll eventually make its way to us with specific zoning
13 actions at some point, but I hope that the the the perspective
14 and the attitude of this is sufficiently aggressive because I
15 think that, you know, everybody across the city understands, I
16 think, the need for more affordable housing and everybody
17 understands the, you know, that they're -- well, not everybody
18 understand it, but many people understand that there are, you
19 know, there's an array of tools that can be used and inclusionary
20 zoning is one of them. And it's the only one that we have really
21 in our toolbox. But it can't really happen without people being,
22 I think, more accepting to change.

23 And I don't want to get too hung up on how things might
24 change as a result of any of these actions that would come out
25 of Planning, but there is certainly substantial development

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 potential in certain small areas within Ward 3, and I think the
2 city has to, you know, the Office of Planning has to work hard
3 to try to maximize that. And I think that all of the people who
4 support the idea of more affordable housing in the city have to
5 be open to more affordable housing in their neighborhood across
6 the street from their homes, down the street from their homes,
7 and understand that need. You know, while there may be some
8 impacts associated with it, they are going to be where they can
9 be acceptable impacts.

10 So I just -- I mean, I didn't get the sense that any
11 of the other commissioners are inclined like I might have been
12 to (indiscernible) on the entirety of the property, but I, you
13 know, I do sense that we're all in the same place at least
14 spiritually in wanting to try to be aggressive about how we
15 approach this issue. And it really is, I think, important for
16 all the concerned citizens in the District to, I think, think
17 broadly about what could be done in their own neighborhoods to
18 help address this problem. So Ms. Steingasser, you can speak or
19 not.

20 MS. STEINGASSER: I would love to add. You started by
21 saying you hope this is not an opportunity lost. And I want to
22 assure you that this is not an opportunity lost. We fully
23 recognize the importance of all the sites in, especially in this
24 high opportunity area of Rock Creek West, where there is a need
25 for affordable housing and there is an opportunity to actually

1 construct affordable housing.

2 And this property owner originally filed for the whole
3 site consistent with the changes in the future land use map, and
4 we supported it and we still support it. But the the property
5 owner was -- is in a bit of a hurry to fulfill their mission and
6 their timeline. So we see this as a a partial implementation of
7 the future land use map, as opposed to a full.

8 And as the applicant stated, you know, they're they're
9 not forgoing all their future entitlements. They're saying that
10 they will be coming back and working through their planning with
11 the community or through the ANC, but that there'll be an
12 opportunity for the community to participate, which is great.
13 But we definitely do not see this as a lost opportunity. And we
14 fully agree with your assessment that there needs to be a shared
15 responsibility in providing and accommodating housing and
16 affordable housing.

17 And that's what the whole housing equity report of 2019
18 talked to. And it went so far as to establish achievable goals,
19 and we'll be looking at that when we do the Friendship Heights
20 planning area and looking at the surrounding development areas
21 as part of that planning. So there will be an opportunity both
22 for OP's planning and through the property owner's planning. But
23 if it was -- we wrestled with the very same thing when the issue
24 was brought to us.

25 COMMISSIONER MAY: Thank you very much. I'm glad you

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 wrestled with it because that's what I started wrestling with.

2 MS. STEINGASSER: Yeah.

3 COMMISSIONER MAY: So. That's it for me, Mr. Chairman.

4 CHAIRMAN HOOD: Thank you. Commissioner Imamura?

5 COMMISSIONER IMAMURA: Thank you, Mr. Chair. I don't
6 think I have anything further to add other than to let
7 Commissioner May's sort of percolate that this is sort of an
8 incremental step and a forward step. That's all I have.

9 CHAIRMAN HOOD: Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
11 you, Mr. Kirschenbaum and Ms. Steingasser for the Office of
12 Planning comments and report. So, yeah, I don't want to repeat
13 what Commissioner May has eloquently expressed in the dialog
14 that's occurred with the Office of Planning and with Commissioner
15 Imamura. But I think this is in the record, I just said to --
16 so we all understand in terms of whether you call it a lost
17 opportunity or whether it's just a postponed opportunity or an
18 incremental step while planning processes and neighborhood
19 engagement continues, but just so to focus on what's before us
20 and what change before us in terms of reducing it from the five
21 acres, the five plus, to the one plus acres and what the purpose
22 was of increasing the density in the land use map from -- to the
23 moderate density level.

24 I guess what I want to know what the delta is of
25 potential residential units that could be developed under if this

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 were RA2 all for the entire site versus the RA2 now just for the
2 1 point whatever acres it is now, is it the difference between -
3 - I think I saw in the DDOT report, which I think was commenting
4 on the original application to rezone the whole site, that 473
5 potential residential units could be developed beyond. Then I
6 think it was 95 that were -- if the entire -- if nothing was
7 changed, is that an accurate -- if you could describe again for
8 the record if you have it off the top of your head or some
9 guesstimate of what the maximum residential is under the existing
10 zoning right now, what it is with this revised proposal that's
11 only going to one acre, I know there's a 93-unit project that's
12 being facilitated -- that would be facilitated by this map
13 amendment, but what the additional residential is under what the
14 revised proposal and what it would have been -- is it 400 more
15 units that would have been potentially theoretically permitted
16 in the envelope if the entire site had been rezoned? Is it about
17 400 units that --

18 MS. STEINGASSER: It's -- that's really possible. I
19 mean there are a lot of constraints on the site. There's several
20 heritage trees, there's a landmark building. So there is a lot
21 of constraints, there's topography. And so it's very hard to
22 guesstimate off the top of our head how many would be there. But
23 it's important to point out that they're not lost, they're just
24 not part of this application.

25 Again, this is just a -- like if you thought of

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 incremental steps, this is just starting at the start end and
2 moving end, and that's -- we don't see this as a lost opportunity.
3 We just -- they -- the property owner needed to move quickly and
4 -- for their purposes, and so we agreed to this proposal. But
5 those units, there will be future a density responsibilities of
6 the site.

7 VICE CHAIR MILLER: Well, thank you for that response.
8 And I appreciate the value and the benefit that is achieved from
9 this incremental step. I mean, you -- there's an immediate need,
10 there's an immediate project, Mr. Chairman, that will be
11 facilitated by this map amendment. And we certainly don't want
12 to wait for an entire planning process and for things that aren't
13 currently on the drawing board, so, and aren't needed and -- when
14 there is such a pressing need now.

15 So let me move off of that. So I understand the value
16 of that. And I think I understand. I appreciate the positions
17 that everyone is taking. Can you just for the record explain
18 the 10-foot wide strip that's going to -- along Western Avenue
19 that's going to -- that is going to be rezoned, what is the --
20 is the -- what is the purpose of that, it's to connect it closer
21 to where there is RA2 to the east, is that -- or it provides, I
22 guess, I don't know, a launching ground if there is a new --
23 another incremental step in the future for the -- all the property
24 behind it? What does the 10-foot wide strip achieve from a --
25 is it a legal requirement that we needed to have that connection

1 closer to where the other RA2 is or is it just -- what's being -
2 - why is it being proposed?

3 MS. STEINGASSER: The original understanding was that
4 it would connect with the RA2, the Chase Point, you know, the
5 condominium site over there. We understand that there is actually
6 a sliver of R2, not RA2, but R2 that actually separates the
7 properties, but the intent was to connect to the other RA2 so
8 there wouldn't be these like bubbles. But it doesn't matter from
9 a land use standpoint whether that 10-foot strip is there or
10 since it's not actually connecting, we would still be supporting
11 the RA2 as it is on the eastern side of this property.

12 VICE CHAIR MILLER: Okay, thank you. I appreciate
13 that.

14 Thank you, Mr. Chairman.

15 CHAIRMAN HOOD: Thank you, Ms. Steingasser. Thank you
16 for wearing the same color, unless I'm colorblind, it looks like
17 the same color I have on, so thank you. I just wanted to
18 acknowledge that.

19 I don't really have any questions. I will -- let's go
20 to the ANC. So we don't -- now, DDOT, I think, let me -- I do
21 have a question, Mr. Kirschenbaum, I wanted to just ask. And I
22 know we don't have anyone from DDOT I believe, and I know you
23 all can't speak for DDOT. DDOT has analyzed this under the 5.4,
24 I believe, whatever, let me see what it was, let me get the right
25 numbers. Higher, give me one second. I Just had it open. What

1 was the number, was it 5.4 or 5.0?

2 MR. KIRSCHENBAUM: 5.4 was the original.

3 CHAIRMAN HOOD: 5.4, okay, thank you. So DDOT analyzed
4 that dealing with the 5.4. All right. And now we're down to
5 1.1, and forgive me, my file closed up and I can't find it,
6 wherever it is. But anyway, do there's, other than, do you think
7 there's an issue for them they need to weigh in for that? I
8 don't think so because we're going less as opposed to more.
9 That's just -- that's the way I think, but let me ask you all.

10 MR. KIRSCHENBAUM: Because they analyze it on a much
11 larger site, I think in this case, it would be okay to leave
12 their analysis as is.

13 CHAIRMAN HOOD: Okay. Okay. I would agree. I just
14 wanted to get it from the experts. All right. All right. Thank
15 you.

16 Let's go to -- Commissioner Quinn, did you have any
17 comments or questions of the Office of Planning?

18 MR. QUINN: I do not, thank you.

19 CHAIRMAN HOOD: Okay. And, again, the DDOT report has
20 been analyzed and is in support of this, and we're going less,
21 as Mr. Kirschenbaum just mentioned I think we're good. We all
22 think we're good.

23 Report of other government agencies. Give me one
24 second. While I'm doing that, let's go to the ANC's report.
25 Commissioner Quinn, if you want to give ANC 3E's report?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 MR. QUINN: Yes, thank you, Mr. Hood. Good afternoon,
2 members of the Zoning Commission, my name is Tom Quinn, Q-U-I-N-
3 N, and I'm an advisor to the Commission representing single member
4 District 3E04, which runs along the east side of Wisconsin Avenue,
5 from Tinley Town to Western Avenue.

6 And with an advance apology to Chairman Hood, although
7 I realize what is before is is the map amendment, the ANC
8 resolution and my testimony is going to explain how we got to
9 supporting this amendment, and that does include some discussion
10 about the proposal, which I realize is not before the Zoning
11 Commission.

12 I'm here today to testify on behalf of ANC 3E in support
13 of the request from the Lisner Louise Dickon Hurt Home for a map
14 amendment to rezone 1.1 acres of their property on the
15 northeastern corner of their 5.4 acre lot from R2 to RA2 to enable
16 them construct a residential property on that portion of their
17 lot. ANC 3E has previously submitted to the record in this case
18 a copy of our resolution. And I will also be submitting this
19 testimony to the record.

20 At a properly noticed public meeting on February 13,
21 2020, ANC 3E passed a resolution unanimously supporting changing
22 the FLUM for the Lisner property to moderate density residential
23 and low density commercial. This proposed change to the FLUM was
24 supported by the D.C. Office of Planning and subsequently
25 incorporated into legislation passed by the D.C. Council updating

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 D.C.'s comprehensive plan, which was passed by the D.C. Council
2 on May 18, 2021.

3 Our ANC first became aware of the applicant's desire
4 for a map amendment to construct a residential building on their
5 property in August of 2021. Lisner leadership team, along with
6 their design team from Winesec (phonetic) Associates, appeared
7 to ANC 3E meetings on November 16th, 2021, December 9th, 2021,
8 and February 9th, 2022. At these meetings ANC 3E heard questions
9 and concerns about the proposal. And this is not in my testimony,
10 but that incorporated both the building -- proposal for a building
11 and a map amendment proposal from both the community and the ANC,
12 including the map amendment covering the entire property, a plan
13 to increase the size of the surface parking lot in front of the
14 main building, how is the project in part being funded by D.C.
15 public funds, how would the applicant guarantee to the community
16 that they would actually construct the building with deeply
17 affordable units, the lack of consultation with the immediate
18 neighbors about the proposed map amendment, the siting and
19 orientation of the proposed building, plans for the remainder of
20 the property and why was there a skinny strip of RA2 running
21 along the frontage of the property.

22 As a result of feedback from the ANC, the immediate
23 neighbors, and the state historic preservation office, the
24 applicant made significant modifications to the design of the
25 proposed building, most significantly by reorienting the layout

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 of the proposed buildings, two wings which broke up the massing
2 of the project along 42nd Street where it is most adjacent to
3 single-family homes, stepping down the height of the proposed
4 building at the two corners of it closest to 42nd Street, creating
5 an open space for resident community use facing 42nd Street, and
6 eliminating the current curb cut on Livingston Street.

7 If the design is consistent with and respectful of the
8 existing 1941 building and additions and in no way detracts from
9 the 1941 building and once in place will protect the mission of
10 the home and of the 1941 building of serving low-income district
11 seniors, thereby enhancing any historic dimension to the campus.

12 Also, as a result of feedback from the ANC, interested
13 neighbors of the project, the applicant modified their initial
14 request for a map amendment for their entire 5.4 acre lot to one
15 just covering the 1.1 acres in the northeast corner of the lot
16 that are necessary for the proposed senior affordable housing
17 development. Over the course of many years, ANC 3E has
18 consistently sought two components in all residential development
19 projects before it: affordable housing and green buildings.

20 I'm going to skip the paragraph about affordable
21 housing, you guys know that.

22 The applicant has applied for and received a commitment
23 from the D.C. Department of Housing and Community Development to
24 move forward with the project utilizing D.C. Housing Production
25 Trust Fund dollars. This project will be completely deeply

1 affordable. All future tenants at the (indiscernible) at 50
2 percent AMI or less, and it is currently anticipated that
3 approximately half of the total tenant population will have
4 incomes of 30 percent AMI and below.

5 I'm going to skip the rest of this stuff because you
6 guys still see it in my written testimony.

7 ANC 3E believes that the funds generated by this
8 agreement are critical to supporting the applicant's ongoing
9 operations in our community, as well as its long-term stability.
10 And reliance on the binding agreements the applicant has made
11 with the Department of Housing and Community Development to build
12 a project comprised entirely of deeply affordable housing units
13 in a building meeting enterprise (indiscernible) community
14 standards, ANC 3E on March 9th, 2022 at its properly noticed
15 public meeting voted unanimously to support the proposed map
16 amendments to rezone 1.1 acres of the Lisner home to RA2. And
17 we respectfully urge the Zoning Commission to approve this
18 proposed amendment.

19 Thank you for the opportunity to testify before you
20 today. And, again, my apologies for talking so much about the
21 proposed project, but I did want to make clear that from the
22 ANC's perspective, and I think the community at large, the
23 proposed map amendment and the building proposal itself were
24 inextricably linked. And I just wanted to explain that in my
25 testimony. So thank you.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 CHAIRMAN HOOD: Thank you, Commissioner Quinn. And I
2 will say that I really appreciate how you tried to alter that
3 and change it, but I (indiscernible), as I stated earlier, some
4 significant pieces to what's going on here that really needs to
5 be talked about and how we got there. So thank you very much.

6 And again, for the record I am going to ask all to the
7 Zoning and legal division at a later time to help refresh my
8 memory why we do that. I'm sure it's out there (indiscernible)
9 legal, some legal case or justification of why we do it the way
10 we do it.

11 All right. Let's see if we have any questions of
12 Commissioner Quinn. Commissioner May? Okay. Commissioner
13 Imamura? Vice Chair Miller?

14 VICE CHAIR MILLER: I -- no, no questions, but thank
15 you, Commissioner Quinn, for your testimony and all your work on
16 this and other projects in that -- in the community.

17 CHAIRMAN HOOD: And I too want to thank ANC 3E,
18 Commissioner Quinn and your whole entire ANC for all the work
19 that you all do, as well ANC 34G who basically piggybacked on
20 what you all had done and giving -- and basically supports you
21 all's -- ANC 3E's position.

22 Let's see, Ms. Giordano, does the applicant have any
23 questions of Commissioner Quinn?

24 MS. GIORDANO: No questions.

25 CHAIRMAN HOOD: Okay. All right. Thank you,

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 Commissioner Quinn, and you all keep up the great work, thank
2 you.

3 All right. Let's go to, Ms. Schellin, do we have any
4 other -- well, we do have to do government before we talk about
5 that. Now, we did have two letters in opposition. Let me see
6 who's here to probably talk about those. Ms. Schellin, do we
7 have anybody here who'd like to testify in support, opposition,
8 and undeclared?

9 SECRETARY SCHELLIN: We have two: David Cristeal of -
10 - who will get five minutes. He's with Ward 3 Vision. He's in
11 support.

12 And we have, oh boy, since I can't bring up my other
13 computer, Lawrence, I cannot remember his last name.

14 CHAIRMAN HOOD: Lawrence Freedman.

15 SECRETARY SCHELLIN: Freedman, yes, in opposition. He
16 may have changed his standing, I understand, to support, but
17 since I -- it's shown as opposition when he signed up, so we'll
18 see when he comes forward.

19 CHAIRMAN HOOD: Right. I think his letter changes, but
20 we will -- yeah, it changed yesterday.

21 SECRETARY SCHELLIN: In support, yes.

22 CHAIRMAN HOOD: Great. So we --

23 SECRETARY SHELLIN: Yes, so we can bring them both up
24 if he -- yes, Freedman, I'm sorry, Larry Freedman. And so we
25 could bring them both up and see if he --

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 CHAIRMAN HOOD: Yeah, let's bring them up. Do we have
2 -- Ms. Schellin, do we have anybody else?

3 SECRETARY SCHELLIN: Those were the only two signups.

4 CHAIRMAN HOOD: Only two? Okay. All right. Well,
5 let's go with Mr. Cristeal first and then we'll go with Mr.
6 Freedman in that order.

7 MR. CRISTEAL: Thank you, Chairman Hood. Good
8 afternoon, Chairman, members of the Zoning Commission. My name
9 is David Cristeal and I live in Ward 3 at 3930 Connecticut Avenue,
10 N.W.

11 I'm speaking in support of the applicant's request for
12 a map amendment in my role as the chair of Ward 3, the Ward 3
13 Vision steering committee. Ward 3 Vision is a group of residents
14 advocating for planning and development that makes Ward 3 more
15 inclusive and vibrant, increased mixed uses and more housing
16 along transit, more housing and more affordable housing to
17 support local retail, improved transportation options and better
18 and more sustainable development.

19 Ward 3 is a great place to live and we want to make it
20 even greater. I, too, will try to apologize in advance for the,
21 you know, it's the -- I know the map amendments and the up zoning
22 is what's on before you, but it's hard not to talk about what
23 the consequence of that is, and that's the development.

24 Any case, Ward 3 Vision's steering committee reviewed
25 Lisner's proposal to build 93 affordable homes for low-income

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 seniors on 1.1 acres of its property that totals 5.4 acres.

2 Lisner needs several land use, zoning, and finance
3 resources to accomplish this objective. The heart of affordable
4 housing is all about threading needles, and this is the
5 essentially the land use and zoning needle that it's attempting
6 to thread. So the resource before you today, Case 21-1, is
7 Lisner's request for a map amendment to allow the rezoning of
8 this parcel from R2 to RA2. Ward 3 Vision strongly supports the
9 proposed map amendment and rezoning because it -- this map
10 amendment and rezoning enables Lisner to provide much needed
11 affordable housing in Ward 3, 93 new apartment homes to elderly
12 households with low incomes.

13 The map amendment and up zoning also facilitates
14 greater racial and social equity by allowing these units to be
15 built in Ward 3 and Rock Creek West. As I think somebody -- one
16 of the commissioners, your commissioners, talked about before,
17 this is -- Rock Creek West has ambitious goals for providing
18 affordable housing. Right now it has 470 units out of the
19 District's 52,000 units. We've got a lot of work to do. The
20 Housing Equity Report and the Rock Creek West Roadmap call for
21 about 2,000 new affordable units. And so this this request will
22 support that.

23 So your support for this quest will also help us get
24 closer to this goal. Your support would also be consistent with
25 another part of the District government, the Department of

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 Housing Community Development, which has awarded an award of
2 almost \$23 million to their Housing Production Trust Fund. This
3 is actually the first award in Ward 3, so it's great that if this
4 is supported by you all, then they get the financing for that,
5 and it'll make it go.

6 So we recommend that Lisner offer a covenant that can
7 be recorded with a zoning order that the proposed building will
8 provide affordability that's been promised, both the number of
9 units and the corresponding rents. So Ward 3 Vision supports the
10 long-term viability of Lisner homes and its role in providing
11 housing and service for our aging residents.

12 So on behalf of Ward 3 Vision, I ask that the Zoning
13 Commission approve Lisner's map amendment requests that allows
14 the up zoning from R2 to RA2. So thank you for the opportunity
15 to testify today, and that's my testimony. Thanks.

16 CHAIRMAN HOOD: Okay. Thank you. If you hold tight,
17 we may have some questions for you, although we'll hear from Mr.
18 Freedman first.

19 MR. FREEDMAN: Thank you, Chairman Hood and
20 commissioners. I'm a long-time resident at 4104 Legation Street,
21 N.W. I've been here for 22 years and I've lived continuously in
22 D.C. since 1989. My wife's a former ANC 3E commissioner as well.
23 Last time I testified before you, Commissioner Hood, and some
24 others still on commission, my son was 4, he's now 22, so that
25 was in 2004 and it was about Chase Point next door to this. That

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 was a pretty contested experience.

2 We still love our neighborhood and we still want to be
3 very involved in these planning issues. Also with apologies, I
4 will try to respect, Chairman Hood, your admonition not to talk
5 about the project the best I can, but from the neighborhood
6 perspective, my perspective, they are inextricably intertwined.

7 I did sign up to testify in opposition and I did submit
8 a letter yesterday with the help of your staff because the site
9 doesn't work so well. Your staff is terrific and I want to thank
10 Patricia for helping me.

11 Let me -- so I did submit a letter in support of the
12 revised application in the context essentially kind of
13 conditioned on the project for senior affordable housing for this
14 site. My testimony or my letter is Exhibit 34.

15 Let me just briefly make five points to explain my
16 opposition changed to support and the context for it.

17 First, I only needed neighbors in the immediate
18 neighborhood to the east overwhelmingly vigorously oppose the
19 initial application to rezone the 5.4 acres. The concerns that
20 we had about the rezoning, as well as the proposed design of the
21 building, are in the petition attached to my letter in support.
22 So if anyone is interested in that, it's in that petition and
23 it's attached to that letter in support.

24 Secondly, I commend the Lisner Home, its leadership,
25 and its external development team for engaging with us, revising

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 the zoning proposal at issue today, as well as well as revising
2 the siting and design of the project, which is, of course, not
3 immediately before the Commission, but it's important for us. We
4 value the Lisner Home as a neighbor. Many of us have connections
5 to it over the decades. We had a very rough patch in that
6 relationship between November, when, as Mr. Frumin described, the
7 neighborhood first saw the renderings of the building, until
8 February or so when we got to this much better place through
9 collaboration.

10 We are again on a track with collaborative approach to
11 the project, to the public benefits, the senior affordable
12 housing Rock Creek West to be maximized to the negative impacts
13 locally and immediately, the substantial project can be mitigated
14 as best possible. We're actually excited about the project and
15 in the addition to the neighborhood.

16 I just want to note, because there's been this
17 undertone in some of your remarks, Commissioners, about
18 neighborhood opposition to change or to affordable housing with
19 density. And I want to commend the neighborhood. We said at
20 the beginning that we oppose the rezoning of the whole 5.4 acres,
21 but supported this project because the public benefits and the
22 neighborhood came through. We support the concept of the project
23 and now we support the proposed project itself. And so I just
24 encourage you to not think about this as quite as adversarial
25 because we now welcome this and again commend Lisner. But I

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 think the neighborhood played an important role in this.

2 Third, I do support the revised application in the
3 context of the specific proposed building and siting of it. Mr.
4 Cristeal, I liked your suggestion about a covenant to assure that
5 if possible, but I know Lisner is deadset on doing this unless
6 something happens that disrupts that.

7 And, fourth, although I do speak for myself, I want to
8 share some sentiments of the few immediate adjacent neighbors.
9 They shared with me some thoughts in -- and, Mr. Frumin, you and
10 I talked about this a bit, and you asked sort of where in the
11 neighborhood, and I think the commissioners might want to hear
12 this as well. One said "I think Lisner has pivoted to listening
13 to the neighborhood concerns, and I believe many/all of us support
14 the mission of Lisner and appreciate the changes that have been
15 made thus far in both zoning and design. At least I am assuming
16 this move will move forward and we'll continue to be engaged."

17 And somebody else said "I agree with that statement"
18 and said "I think it's really important for Lisner to stay very
19 engaged through this process for the homeowners immediately
20 across the street so that their input will be considered in
21 building design materials, development of the sunken courtyard,
22 landscaping, trees placement, and all the other issues." And I
23 know Lisner's committed to doing that and do expect that, but I
24 just wanted to share that context in -- of the relationship that's
25 been developed.

1 At one point, to your point, Commissioner May
2 Commissioner Hood, and Miller, the community is open to a
3 discussion about zoning and land use, and community does not
4 oppose -- at least community I know, those of us involved in this
5 discussion -- don't oppose affordable housing. We support this
6 project. There's a time and place for that. We would love to
7 be engaged in that discussion.

8 The issue here was that this would have been a very
9 contested map amendment for the whole 5.4 acres to RA2. It wasn't
10 really -- there was a discussion about this project that it would
11 be very contested, perhaps if you approved it, (indiscernible)
12 litigation. And so it is the opposite of a lost opportunity. It
13 would not -- this project would not be happening if that
14 discussion happened. It's a gained opportunity to build this
15 project right now, which is the only really -- only thing on the
16 drawing board.

17 So I don't think anything's missing, Commissioner May,
18 I think something's gained, which is we're going to get this
19 project, it's good for the city, good for the ward, I would note
20 good for the neighborhood. So just for those thoughts, I want
21 to just share them with you. And, again, my -- I only speak for
22 myself personally, but I support this project -- this map
23 amendment, I'm sorry in the context of the proposed development
24 of it, and, again, commend the Lisner home, and appreciate your
25 time and attention, Zoning Commission.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 CHAIRMAN HOOD: Thank you, Mr. Freedman.

2 Let's see if we have any questions of either Mr.
3 Freedman and Mr. Cristeal. Commissioner May?

4 COMMISSIONER MAY: I do not. Thank you for your
5 (indiscernible).

6 CHAIRMAN HOOD: Okay. Commissioner Imamura? And Vice
7 Chair Miller?

8 VICE CHAIR MILLER: No. Thank you both for your
9 testimony

10 CHAIRMAN HOOD: And, Mr. Cristeal, I really appreciate
11 your comments.

12 But, Mr. Freedman, I want to go down a little
13 conversation with you first where you told me how old your son
14 was and I said oh, he's getting old. Then I started thinking
15 well, he's not getting older unless I'm getting older. So,
16 anyway, so anyway, but it's good to see you as well.

17 Let's just have this discussion. And, again, this is
18 not to try to undo or change anything, but a lot of the times in
19 certain areas in the city when we start talking about, yeah, I'm
20 going to break my own rule, we start talking about housing. Okay.
21 So we start talking about these things in certain areas where
22 it's always being asked to cut back and pull back.

23 And I think the direction of the residents of the city,
24 and I think this is citywide in the direction of the policy of
25 the administration, and even of the council, is to try to get

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 housing affordable. So when we start slicing it, then we
2 complicate it more. And it seems like in this area, just where
3 we are today, but in certain wards, it's always, (indiscernible)
4 a little, Mr. Freedman, and you and I are not necessarily
5 disagreeing, we're having a discussion because the Commission,
6 we hear this all the time in certain areas. And in certain areas,
7 we hear more.

8 I mean, I will tell you, just recently I heard the
9 argument reversed when we talk about trying to get the -- I've
10 always been arguing 30 or 40 percent of the NFI, but there's a
11 neighborhood who told me well, we want 120 percent of the NFI
12 too, we want a mixture. So -- and I was like that's the first
13 time I heard that. So I'm like trying to balance it. So in this
14 case, and I think where Commissioner May was going when he talked
15 about a missed opportunity is -- I can't -- I'm not going to
16 phrase it like he does. Mine's might not be as nice as the way
17 he's phrasing it, but I've said this before in certain areas,
18 everybody needs to do their part. Maybe we need to do our part
19 towards this crisis. So, Mr. Freedman, it's not that we -- and
20 I appreciate what the neighborhood has said and done, it's not
21 that we want to nix anything that you all have done 'cause you
22 all have -- and that's great, but the missed opportunity is we
23 could help more. So do you have a response to that or can you
24 help me with that? Because I can tell you we're going to hear
25 it again in certain areas.

1 MR. FREEDMAN: Thank you, Commissioner Hood. And I do
2 have a response in this context because nothing's being -- no
3 real opportunity is being lost here. The zoning is cut back to
4 what's needed for the project. But Lisner Home once remained
5 intact as an institution for years and decades. As a matter of
6 fact, Mr. Frumin talked about this will help support it
7 financially. So there'd be no immediate new housing developed,
8 any new proposals for many years, a decade or two, and Mr. Frumin
9 that may be -- well, calibrated when they were.

10 So the opportunity is being taken advantage of for
11 this. Nothing is cut back. I would just say that the discussion
12 about this -- the Fund was changed just really in this little
13 area just for the Lisner Home property. The other part has
14 already gone to PDE (phonetic). And so I'd welcome a discussion
15 whether that should be R3 or RA2 or something else as a policy
16 matter, maybe OP needs to initiate it, not in the context of a
17 must for a project, but actually a discussion of it. And it's a
18 long-term discussion because again Lisner has its hands full,
19 needs to do this project, fix its home, we support that, and then
20 maybe, you know, imagine doing this on residential housing,
21 that's institutional I think. And so we'd welcome the discussion.
22 This was really -- (indiscernible) context for it, nothing was
23 cut back, I mean, the map would have looked different, but there'd
24 be no more housing, no more (indiscernible), and I don't want to
25 speak for you, Ward or Matt Frumin, but this is everything that's

1 going to be done could be done on this property for, I'll just
2 say, a decade, or maybe not, maybe next year, but there's no lost
3 opportunity. This is jumping on that you need to build 93 units
4 of affordable housing with the support of the immediate neighbors
5 and neighborhood, which is an astounding achievement. And that's
6 my quick response if that's responsive.

7 CHAIRMAN HOOD: Thank you, Mr. Freedman. I appreciate
8 you taking down those lines. Understood. Thank you. And I want
9 to thank all of you for all of the work that you have done and
10 you've put into this as you're moving forward. I will say that
11 when I bring that -- bring up the issue about the map amendment,
12 if we have to go to a hearing to change something, I expect to
13 see most of you there since we're talking about a project to help
14 you support what we are trying to do. So we'll see how that
15 goes. I'll see what Office of Zoning legal division tells me,
16 and we'll go from there. So I do plan on following up on all of
17 that. So let's see if everybody has any followup questions.
18 Commissioner May? I'm sorry, Mr. Cristeal, did you have
19 something?

20 MR. CRISTEAL: If you don't mind me -- I mean, just to,
21 you know, a little with Ward 3 Vision, I mean, we're advocates
22 for planning more housing and we too struggled with this question
23 you're talking about, you know, should we have supported the
24 rezoning for the entire site versus just the parcel. And, you
25 know, and, again, I think it's -- it -- where I sit as, in my

1 day job, as somebody whose job is to get affordable housing done,
2 it's always the art of trying to, you know, what is the art of
3 possible. In this particular case it's the first development
4 that's getting the Housing Production Trust Fund, and I think the
5 hope, or at least the sort of flips or the positive side of this
6 conversation we're having is that let's get this done, let's let
7 them do this and be successful. And if they're successful at
8 this development, that'll pave the way for other developments
9 because I think this is, you know, this is not the only
10 opportunity that's going to come up in Ward 3. And so I think
11 it's up to us as advocates for housing and better planning is
12 really to make sure that every opportunity that we're trying to
13 -- to try to get the housing. I think the planning processes
14 that are going on that OP's starting and Friendship Heights and
15 Chevy Chase and Tinley Town and Cleveland Park and Woodley Park,
16 hopefully those planning efforts will generate the community
17 support that will make these developments for up zoning and more
18 density be more possible. So hopefully we'll get there.

19 I mean, I know it's -- and again in Ward 3 Vision we
20 had a struggle with this conversation. We should, you know, we
21 should go for the full site. But I think we, you know, in the
22 end we came around to what's, you know, to what the developer
23 wanted, which is A) to get this to the finish line, you know,
24 with this proposal as it is. So we support that, but it like,
25 you know, like what you're struggling with, we struggle to.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 CHAIRMAN HOOD: Thank you, Mr. Cristeal, for adding
2 that. I think that was very helpful as well. So I thank you
3 both for going down that road with me. So thank you, most
4 appreciative.

5 Let's see if we have any followup questions or
6 comments. Commissioner May? Commissioner Imamura? And Vice
7 Chair Miller?

8 Okay. And, Mr. Applicant, and Ms. Giordano, do you
9 have any followup questions? You on your team or anybody on your
10 team. Mr. Frumin?

11 MS. GIORDANO: No, I don't think so.

12 MR. FRUMIN: No followup questions, but do we have an
13 opportunity for a little closing statement?

14 CHAIRMAN HOOD: Sure. Sure. Let me get to that.

15 Commissioner Quinn, do you have any questions or
16 comments of either one of the witnesses?

17 MR. QUINN: I mean, I also had a quick comment, since
18 you guys are talking about the map amendment. The application
19 before you, it covers the portion of the site that is closest to
20 single-family homes. There's another portion of the site that's
21 adjacent to a 10-story building. I think for that portion of
22 the site, the map amendment might be considered too limited for
23 what might be appropriate for that portion of the site. So I
24 will just add that our ANC's position was that on some of those
25 sites a PUD would be the appropriate process to go through for

1 looking at potentially greater up zoning than what's being
2 proposed at this map amendment.

3 So although we don't think this precludes additional
4 density on the portions of the site that are not adjacent to the
5 single-family homes of that map amendment, while not permanently
6 limiting it, might not have even been an appropriate amount of
7 density for a portion of the site adjacent to a 10-story building.
8 So just adding a little bit of context that this site creates
9 the buffer there may be portions of the site where greater density
10 is appropriate.

11 CHAIRMAN HOOD: Okay. Thank you, Commissioner Quinn.

12 I think all of y'all's comments, as -- responding to
13 our questions, everybody's comment, and especially the comment
14 that Commissioner Quinn just added too brings some more context
15 to what we were trying to achieve. And I think he brings up a
16 great point, and all of you have brought up good points. So
17 thank you.

18 So I'm looking forward to -- I don't know if I'll be
19 here another 20 years, but looking forward to seeing what happens
20 as you all continue to evolve and move forward with the good
21 neighbor policy.

22 So I don't guess any of my colleagues have any followup.
23 Let me see, I guess we can go to closing, Ms. Giordano, I think
24 Mr. Frumin wants to do closing, but I'll let you all figure out
25 how we do a closing. I don't think we have any rebuttal, I think

1 it's just closing, but I'll turn it over to you all and let you
2 do it.

3 MS. GIORDANO: Yes, I'm going to ask Mr. Frumin to make
4 his statement and I just wanted first to ask the Commission to
5 accept the written testimony of (indiscernible) on the record.

6 CHAIRMAN HOOD: Yes, we will accept that unless I hear
7 an objection. Okay. We will accept it, Ms. Giordano.

8 MS. GIORDANO: Thank you.

9 CHAIRMAN HOOD: Okay, Mr. Frumin, I think she's turning
10 it over to you.

11 MR. FRUMIN: Thank you very much. I don't know if this
12 is closing or a rebuttal of. If it's a rebuttal, it's an odd
13 thing in that it's potentially a rebuttal to things that
14 commissioners have said. And, Chairman Hood, there's a little
15 bit of blowing through the admonition about the specifics of the
16 project, but there's a dimension to this that I think is super
17 important because there has been some conversation about some
18 abstract future, but today where we are, we mentioned the flood
19 in our 1940s building. It gutted our 1940s building. We cannot
20 serve residents in our 1940s building today. It's a shell. We
21 have a \$12 million project to renovate that to bring it back to
22 life so it can serve 36 low-income D.C. residents with fabulous
23 assisted living.

24 And then we have this project where the land value that
25 we're going to get will help pay for the renovation of that

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 building. If we do not get this map amendment, if somehow the
2 agreement with the neighbors -- and frankly the ANC pushed on it
3 and David, Ward 3 Vision also did not want to see the full -- we
4 were told by representatives of Ward 3 Vision they didn't want
5 to see the full site subject to a map amendment. They wanted to
6 have a planning process in the future. If that unravels and our
7 1940s building sits empty for years while there's litigation.

8 MS. GIORDANO: I'm on mute.

9 MR. FRUMIN: If the 1940s --

10 MS. GIORDANO: Sir.

11 MR. FRUMIN: Excuse me. If the 1940s --

12 CHAIRMAN HOOD: Let me just -- Ms. Giordano, actually
13 you're not on mute. So anyway, go ahead, Mr. Frumin, I'm sorry.

14 MR. FRUMIN: So if the 1940s building sits empty for a
15 couple of years, it's an existential threat to the Lisner Home
16 which is an 80-year institution serving low income D.C. seniors.
17 You could lose 93 new units of affordable housing and 90 plus or
18 116 unites serving low-income D.C. seniors with assisted living
19 and nursing care. The missed opportunity here, if we don't get
20 this map amendment and if we get thrown into a briar patch where
21 we have to have a struggle, the idea that you will get 200 units
22 of affordable housing on our campus in the future in some new
23 iteration, it's not going to happen.

24 I live in the real world, not the abstract world. So
25 if you -- if the question is can you do this, legally can you do

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 this, you've been told that you can. If the question is you have
2 reticence about doing this because it seems like half a loaf,
3 it's not half a loaf. It's not just the units that will be built,
4 it's the units that will be brought back to life and the units
5 that will be saved. So it is really important.

6 I mean, the idea that somebody could oppose this
7 because they thought it's not enough, boy, you're biting off your
8 nose to spite your face. So please, please do not do that.

9 Second, Ward 3 Vision --

10 COMMISSIONER MAY: Can I interrupt for just a second,
11 Mr. Frumin? I don't think you really have followed the way that
12 the discussion has gone. I don't think all of that argument
13 against us was really necessary and are not part of the
14 deliberation. So if you have something to close your argument,
15 please do, but please don't try to lecture us. We live in the
16 real world too, we know where this is going.

17 Mr. FRUMIN: Okay. So the other thing that I wanted
18 to say was that the Ward 3 Vision would like to see a covenant.
19 There is part of the Housing Production Trust Fund process, we
20 are going to have a permanent covenant on affordability on the
21 project on this site.

22 The last is I do think that the neighborhood actually
23 deserves enormous credit because people fight these kinds of
24 things all the time. They fought this, but they worked with us
25 and we started the discussions. We said it's going to be 93

1 units and it's going to be where it is, but we'll talk with you
2 about everything else. And it ended up 93 units and where it
3 was proposed. And so -- but we we solved it with them. This is
4 exemplary. And we didn't give up. We didn't slice things off,
5 Chairman Hood. We got -- we proposed 93 units, we got 93 units.
6 So I urge you, please approve this map amendment as amended so
7 we can proceed with this project and save the Lisner Home. Thank
8 you.

9 CHAIRMAN HOOD: Thank you, Mr. Frumin, and I appreciate
10 your passion. And I heard your first comment, number one, I will
11 just say that you really fought a case, you really pushed hard
12 like we would push it back and I really don't think it's there.
13 I think we're with you. I know I will be voting in support of
14 this project. I think the merits and case warrant it. We were
15 just trying to figure out how we can get more, but I've heard
16 enough discussion that gave me a comfort level and when I look -
17 - reviewed the record. So I guess what I'm saying to you is I'm
18 going to tell you what a judge told me a while back when I was
19 doing community issues, he says Anthony Hood, don't you know when
20 you won. So I put my hand down and I got quiet. So I mean, I
21 was asking for the transcript, I was going to be a big shot and
22 I was getting ready to mess myself right up. But we appreciate
23 your comments though.

24 And let me just say this: I really appreciate all the
25 work. I know from being a civic association president and always

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 in my community and doing this, I know a lot of times this it's
2 a lot of give and take, and I will tell somebody even on the
3 Commission, a lot of times I don't always agree with all the
4 outcomes, but there's some give and take in working with my
5 colleagues. And I think that's what happened in this case. So
6 I would applaud everybody. You can take that back to the
7 neighborhood as well.

8 So let me see if my colleagues have -- anyone have any
9 followup questions or comments? All right.

10 Ms. Schellin, do we have anything -- let me just say
11 this, colleagues, since I think that this is ready for our vote,
12 I don't think anybody asked for anything. Ms. Schellin, I don't
13 think we have anything we asked for, did we?

14 SECRETARY SCHELLIN: No, sir.

15 CHAIRMAN HOOD: Okay. So with that, let me open it up,
16 would someone like to make a motion whichever way? Commissioner
17 May?

18 COMMISSIONER MAY: Do we get a chance to deliberate
19 first?

20 CHAIRMAN HOOD: Oh, I thought we deliberated through
21 the whole process, but go right ahead, Commissioner May, start
22 us off.

23 COMMISSIONER MAY: No, no, no. No, I mean, I just want
24 to say a few things about it.

25 So I, you know, I agree the appropriate thing to do at

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 this moment is to move forward with the map amendment as it is
2 currently proposed. Certainly, it is the product of extensive
3 work by the applicant to try to, you know, address the concerns
4 of the neighborhood and to move their project ahead quickly. And
5 the last thing that I would want to do and I'm sure the Commission
6 would want to do is to throw a wrench in the works that would
7 somehow complicate the ability of the of the planned project to
8 move forward. That is not our intention at all. What we have
9 been doing is sort of probing the whole question of exactly how
10 far we should be going in this circumstance in making sure that
11 what we are proposing to do is the appropriate action, both from
12 a policy perspective and from a sort of a legal perspective when
13 it comes to zoning. In other words, is it, you know, is what we
14 are doing with a smaller map amendment, you know, not inconsistent
15 with the comprehensive plan. Those are the sorts of questions
16 that we were -- that I was trying to to get to the bottom of.

17 But I also do want to take this opportunity to make
18 sure that everyone involved in this process understands that as
19 you put it, or tried to make the point earlier yourself, Mr.
20 Chairman, that, you know, we all have to do our part and every
21 neighborhood in the city is going to have to accept some things
22 that maybe ten years ago they weren't willing to. And I think
23 that, you know, I can see how this probably worked out for the
24 best, particularly in light of the thought that the rest of the
25 property that -- or at least a portion of the rest of the property

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 might be zoned for even greater density than the RA2 zone that
2 was originally proposed for the entire site.

3 I think that gives me some hope that, yeah, this is -
4 - it's an incremental step, but it could lead to bigger steps
5 that would be better in the end than the original rezoning
6 application for 5.4 acres. So that does give me some hope.

7 But I also want to make sure that the ANC and the
8 neighborhood, folks in the neighborhood, who have been concerned
9 about the impacts of this project and who may have opposed it
10 even initially or oppose other projects in the neighborhood, that
11 we, you know, the city is not going to solve its affordable
12 housing issues if the proposals like this, which even on its face
13 the initial proposal was quite modest. I mean, R2 to RA2 is very
14 modest. It is not building a 100-foot tall building across the
15 street from a 2-story house. It's 50-foot buildings that can be
16 made to fit into a context like that. And there are already
17 those kinds of abutting neighbors, large buildings and smaller
18 apartments, you know, throughout the city. It absolutely can be
19 managed.

20 And this is the sort of thing that I think that people
21 need to to, you know, open their hearts to. They need to be able
22 to accept and not be ready to pull the litigation trigger. I
23 really did not like the idea that anybody would mention litigation
24 in the context of something like this because I just feel like
25 those sort of circumstances where people get so upset that they're

1 ready to take it to court and delay things for several years is
2 not the direction that the city needs to take. And all of its
3 citizens need to do their part. There have been many PODs that
4 have been held up for a very long time because of litigation,
5 and it is, you know, it is one of the reasons why we do not have
6 the affordable housing that we need. And, frankly, it just needs
7 to stop. We need to have people ready to accept the change that's
8 necessary to reach our affordable housing goals.

9 So all that being said, I am ready to move forward with
10 this wholeheartedly. But I want everyone to know that we are
11 expecting more in the future.

12 CHAIRMAN HOOD: Thank you, Commissioner May. Very well
13 said. And for me, that's a hard act to follow, so I'm not going
14 to follow it.

15 Commissioner Imamura?

16 COMMISSIONER IMAMURA: I won't follow that either.

17 CHAIRMAN HOOD: All right. Vice Chair Miller?

18 VICE CHAIR MILLER: I disassociate myself also with
19 Commissioner May's remarks, and all of the remarks of really
20 almost everybody who's spoken today. So I'm prepared to make a
21 motion, Mr. Chairman, to -- this is a two-vote process. It's a
22 map amendment. So I'm prepared to move that we approve the first
23 vote, the preliminary vote. I propose the action that the Zoning
24 Commission take -- I would move that the Zoning Commission take
25 proposed action on Zoning Commission Case 21-11, the Lisner Home

1 at 5425 Western Avenue, N.W., the map amendment to RA2 for that
2 portion that's been designated in the revised application, and
3 ask for a second.

4 COMMISSIONER IMAMURA: Second.

5 CHAIRMAN HOOD: Okay. It's been moved and properly
6 seconded. Any further discussion? And I really appreciate
7 Commissioner May actually wrapping it -- I think that's the first
8 time that one commissioner really wrapped it up for all the rest
9 of the commissioners. So thank you. So it's been properly
10 second. Any further discussion?

11 Ms. Schellin, would you do a roll call vote please?

12 SECRETARY SCHELLIN: I'm sorry for the noise. I've got
13 workmen here doing remodeling, and they can't hear me to turn off
14 what they're using.

15 Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 SECRETARY SCHELLIN: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 SECRETARY SCHELLIN: Commissioner Hood?

20 CHAIRMAN HOOD: Yes.

21 SECRETARY SCHELLIN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 SECRETARY SCHELLIN: The vote's 4 to 0 to 1 to approve
24 proposed action in Zoning Commission Case No. 21-11, the minus
25 one being the third mayoral appointee position, which is vacant

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 at the time. And if we could have Ms. Giordano provide us a
2 draft order within two weeks, that would be great.

3 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have anything
4 else before us?

5 SECRETARY SCHELLIN: Nothing else.

6 CHAIRMAN HOOD: I want to thank everyone for the
7 discussion tonight. I think it was a very healthy discussion.
8 Looking forward to continuing to see what the neighborhood comes
9 back with in years to come. The Zoning Commission will meet
10 again -- and this is where I never get anything right, so I'm
11 looking here, I thought we were having a meeting Monday, but it
12 looks like, Ms. Schellin, we don't meet again until March the
13 31st. Is that correct? Oh, I got that right, okay, so the Zoning
14 Commission will meet March 31st, Congress Park Community
15 Partners, LLC. We'll be on these same platforms at 4 p.m. And,
16 again, it will be Zoning Commission Case No. 21-17 at 4 p.m. So
17 with that, I want to thank -- Ms. Schellin?

18 SECRETARY SCHELLIN: On the 31st it starts off with a
19 meeting.

20 CHAIRMAN HOOD: Oh, a meeting. March the 31st?

21 SECRETARY SCHELLIN: March the 31st is a public
22 meeting. The case that was scheduled for the 21st was postponed.
23 Maybe that's why you're confused.

24 CHAIRMAN HOOD: I'm looking here -- I'm looking at my
25 CR. Okay. You know what? I'm going to stop reading this because

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 this says March the 31st, Zoning Commission Case No. 21 -- when
2 do we meet again, Ms. Schellin?

3 SECRETARY SCHELLIN: March 31st, it's a public meeting.

4 CHAIRMAN HOOD: Okay. The Zoning Commission will meet
5 on March the 31st as a public meeting on these same platforms.
6 So with that, I want to thank everyone for their participation
7 tonight. And this hearing is adjourned. Good night, everyone,
8 and keep up the great work. Thank you.

9 (Whereupon, the above-entitled matter went off the
10 record at 5:36 p.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 03-17-22

Place: Teleconference

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

Gary Euell

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)