

D.C. Case No. 08-15

Subj: **Fwd: Immediate Attention - Urgent Re: Giant Wisconsin Avenue Proposed Develop...**
Date: 7/31/2008 12:44:35 P.M. Eastern Standard Time
From: Frances22us
To: sharon.schellin@dc.gov

Dear Ms. Schellin,

The below e-mail and attachment are being forwarded to you as the Secretary to the Zoning Commission to be forwarded to Chairman Hood and all the Commissioners. This is an urgent matter in view of the facts of this case - and **it needs their immediate attention as it deals with the integrity of the operations of the D.C. Government and the Zoning Commission.**

Dear Chairman Hood and Commissioners Jeffries, Turnbull, Etherly and May:

The below e-mail of July 25, 2008 to the D.C. Office of Planning, along with the attachment, is being forwarded to you to appraise you of the facts in this matter. There are **numerous other serious concerns and issues** (in addition to the enumerated 7 points in the "Recommendation" Section of the OP Report) that were documented and discussed with OP, as seen below and in the attached. **These concerns were not mentioned in the OP Report, and purposefully omitted in OP's answers to the Commissioners' direct questions on the subject at the Zoning Commission Public Meeting on Monday evening, July 28, 2008.**

In particular, Chairman Hood had to press Ms. Steingasser to answer the question as to how discussions with the neighborhood community were going - to which there was a long pause and she responded: "They are going." She then, afterward, admitted that the project was "controversial."

In addition, Commissioner Jeffries astutely and specifically asked Ms. Brown-Roberts if there were more than 7 issues outstanding - as he was not inclined to vote to "set down" the matter for a public hearing, if there were. Ms. Brown-Roberts refused to admit that there were other issues - and further stated that 4 of OP's 7 issues were well on their way to being resolved. **These OP statements compounded a series of untruths.**

Neighbors present at the Zoning Commission Public Meeting **witnessed the truth of the circumstances in this case being withheld from the Commissioners by OP. Thereby, a vote was taken by the Commissioners based on misrepresentations and untruths.**

Were the true facts known to the Commissioners, it would evidence that **the case is not "ripe" for a set down for a public hearing** - and the Commissioners would have had a different view in taking into consideration their vote for a "set down."

What neighbors witnessed at the Zoning Commission Meeting on July 28, **goes to the very heart of the integrity of the operations of government - and violates it.**

After the Commission vote, when neighbors surrounded Ms. Brown-Roberts in the hallway to voice strong objection to OP's misstatements and untruths, Mr. Joel Lawson stated: "You can write letters to the Commissioners."

Chairman Hood and Commissioners, your immediate intervention is needed to redress this matter. A withdrawal of your vote to "set down" would be justified in this case, in view of the facts stated above and in the below e-mail.

We are appealing to your integrity as public officials to help correct the situation.

Your help to redress this matter is needed, and would be most appreciated.

Sincerely,

Frances A. Sclafani
P.O. Box 5950
Washington, D.C. 20016

ZONING COMMISSION
District of Columbia

CASE NO. 08-15
EXHIBIT NO. 14

Thursday, July 31, 2008 AOL: Frances22us

2008 AUG -5 PM 4:13

RECEIVED
D.C. OFFICE OF ZONING

(202) 363-2267

Get fantasy football with free live scoring. [Sign up for FanHouse Fantasy Football today.](#)

Forwarded Message:

Subj: **Immediate Attention - Urgent Re: Giant Wisconsin Avenue Proposed Development**
 Date: **7/25/2008 12:34:30 P.M.** Eastern Standard Time
 From: [Francess22us](#)
 To: [jennifer.steingasser@dc.gov](#), [maxine.brown-roberts@dc.gov](#), [joel.lawson@dc.gov](#)
 CC: [mayor@dc.gov](#), [tene.dolphin@dc.gov](#)

Dear Ms. Steingasser,

This is a follow-up to your letter to me of June 18, 2008, written at the request of Mayor Fenty, relating to the serious concerns of the immediate neighbors living in single family homes and residential property within several feet to 100 feet of the Giant Supermarket property (which was outlined in my letters of April 21, 2008 to Giant officials and April 25, 2008 to the Mayor, of which you have copies). Your letter to me of June 18, 2008 stated that: "The Office of Planning is just beginning to review the official application but we will look carefully at the impacts on surrounding properties ... and the Zoning Regulations in our review."

On June 23, I met in person with your development review specialist, Maxine Brown-Roberts, who advised me that your office "is supporting this project." I discussed with her the many serious concerns and opposition of the immediate neighborhood, which she admitted she was not aware - and appreciated my advisement of same. I provided her with an alternate neighborhood plan for reasonable expansion and development within the "footprint" of the current buildings - without any need for a change in zoning on the South Parcel (which I also provided by e-mail to Joel Lawson, your Associate Director). It is also attached to this e-mail.

On June 23, Ms. Brown-Roberts assured me that due to all the additional information that needed to be gathered, OP would not submit their report to the Zoning Commission in July, and that "don't worry, nothing will happen before September." She advised that I could call her from time to time until September to get updates on how the OP report was going.

This week, the neighbors learned that the OP report on the Giant PUD was filed with the Zoning Commission last Friday, July 18, and is on its calendar for a "set down" decision this Monday, July 28. I have read **the OP report, and it completely omits all of the serious immediate neighborhood issues stated herein and in the attached, which were all discussed with Ms. Brown-Roberts.** For the OP report to state that the proposed massive project is of "benefit to the immediate neighborhood" is a **gross untruth. It is an inaccurate and incomplete report which does not convey the truth of the controversial nature of the proposed overdevelopment, and the justified immediate neighborhood opposition.**

I contacted officials of the Office of Zoning yesterday, and was advised to contact you and Ms. Brown-Roberts in order that you can supplement your OP report with your verbal statements before the Zoning Commission at its meeting on Monday, July 28 at 6:00PM, to advise the Commission of the strong opposition of the immediate neighbors to the change in zoning due to the serious impact and issues outlined herein. To do less would be an injustice in this matter.

In addition to the attached, the following serious issues were discussed with Ms. Brown-Roberts:

- That the **elderly and disabled neighbors** walking in the neighborhood with canes and medical "walkers" needed to be accommodated by **maintaining the surface parking lot** and entry to the supermarket property from Macomb St. - as they have health balance issues and cannot negotiate the underground garage, the elevators and "inclinator" proposed by this **massive and unnecessary overdevelopment in our residential neighborhood.**
- That **resident single-family homeowners immediately surrounding the South Parcel Giant Supermarket**

Thursday, July 31, 2008 AOL: Francess22us

would suffer structural cracks to the ceilings, walls and foundations of their homes located within several feet to 100 feet of the proposed 20-foot deep excavated construction pit.

- That at a community meeting, an elderly neighbor pointed out that at 20 feet of excavation, the Giant would hit water, as there is an underground river under Macomb St.

- That large grocery trucks with trailers located immediately underground and adjacent to the properties of these single-family homes, would cause unlivable underground vibration.

- That residents - including minority families and non-speaking families living at 3725 Macomb St., within seven feet of the Giant property would be "walled in" by the proposed south wall of the proposed building, and that a fire truck could not get behind with hoses to rescue residents in the rear of that building.

The list of critical concerns goes on and on - and involves serious constitutional rights issues of the immediate neighbors and neighborhood.

It is important for the integrity of the operations of the D.C. Government to be truthful in all of its official Government reports. The D.C. Zoning Commissioners must be made aware of the facts before - not after - their vote on whether to "set down" this case for a public hearing.

Thus, it is important for the OP representative to be present at the Zoning Commission meeting on Monday, July 28 at 6:00 P.M. and to orally supplement the OP report before the Commissioners by stating the serious immediate neighborhood opposition to the current proposed plan due to the critical facts and issues outlined herein.

Your cooperation in this matter is appreciated. I, and the neighbors, look forward to seeing you on July 28.

Sincerely,

Frances A. Sclafani
P.O. Box 5950
Washington, D.C. 20016
(202) 363-2267

Get fantasy football with free live scoring. [Sign up for FanHouse Fantasy Football today.](#)

RESIDENT NEIGHBORS' ALTERNATE PLAN FOR GIANT EXPANSION OF THE "SOUTH PARCEL" IN SCALE WITH THE NEIGHBORHOOD

- Expand the Giant supermarket from its **current** size of approximately **18,500 square feet** to double or triple its size – by building **within the "footprint" of the combined Giant supermarket and vacant Murphy's store (a combined total of 64,900 square feet, as admitted on the Giant's website).** This also allows for some added retail along Wisconsin Avenue in ANC 3C07, which is within the present zoning law.
- **All other retail and commercial activity –and any potential underground parking – should remain within the "North Parcel"** located in ANC3C06, which is presently zoned for that purpose.
- **Maintain the current customer-friendly surface parking lot** of the Giant Supermarket. The current Giant proposal of **a 2-level underground garage** (with no surface parking) for store customers **is an obstacle course for the elderly and residents alike – and intolerable for residents living only feet away!**
- **HEALTH AND SAFETY ISSUES - Neighboring homes and residents on properties within feet of the Giant cannot sustain heavy excavation of a DEEP CONSTRUCTION PIT, which will cause cracks in the walls and ceilings of the homes –and, thereafter, result in unlivable conditions of daily vibration, increased traffic, noise and air pollution from underground parking and utility equipment operating from the roof of a hugely-oversized constructed building.**

THE ENTIRE COMMUNITY OF MACOMB STREET, 38TH STREET, IDAHO AVE. AND THE ENVIRONS WILL BE SERIOUSLY AFFECTED BY THE PROPOSED OVERDEVELOPMENT:

- MORE NOISE
- MORE POLLUTION
- MORE TRUCKS
- MORE TRAFFIC
- MORE CONGESTION
- MORE HAZARDOUS CONDITIONS FOR POLICE, FIRE,
AMBULANCE AND EMERGENCY VEHICLES TO GET THROUGH

WE SUPPORT REASONABLE EXPANSION THAT IS IN SCALE WITH OUR RESIDENTIAL NEIGHBORHOOD. THE GIANT'S PROPOSED PLAN IS NOT.

OUR NEIGHBORHOOD IS NOT ZONED LIKE FRIENDSHIP HEIGHTS OR TYSONS CORNER – AND SHOULD NOT BE.

THE ABOVE HAZARDS SPEAK FOR THEMSELVES – AND SHOULD NOT BE OVERLOOKED. THE CURRENT ZONING IS IN PLACE TO PROTECT OUR RESIDENTS – AND IT SHOULD NOT BE CHANGED.