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Subject: Testimony_BZA Case No. 13-14E_7/17/25_Kevin Rapp
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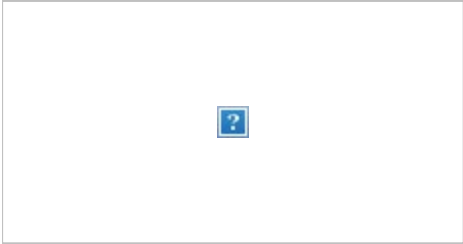
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To whom it may concern:

Please see below pasted as well as a link to my testimony from yesterday's hearing on BZA Case No. 13-14E: As with other individual testifiers who received approval to do so at the same hearing, I requested that this written testimony be submitted to the record as well.

<https://docs.google.com/document/d/1l8whu8fKjjwhRq2cAQ0QH7qIVwJspGIWa5NBm0iyvR8/edit?usp=sharing>



Testimony_BZA Case No. 13-14E_7/17/25_Kevin Rapp

Good afternoon, Commissioners. My name is Kevin Rapp, and I am the outgoing ANC Commissioner for ANC5E05, which encompasses the parcels in question today: Parcels 2 and 4 of the Reservoir District. I have actively supported the Reservoir District development for years, living directly across

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Testimony below in quotes:

"Good afternoon, Commissioners.

My name is Kevin Rapp, and I am the outgoing ANC Commissioner for ANC5E05, which encompasses the parcels in question today: Parcels 2 and 4 of the Reservoir District. I have actively supported the Reservoir District development for years, living directly across from the site and engaging daily with its progress, whether via communicating with Jair Lynch, the mayor's office, DPR, DGS, EYA, and others. I also served for 5 years as a member and Vice Chair of the McMillan Advisory Group. I have been and continue to be amongst the project's strongest

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advocates in the community. I even co-founded the neighborhood group, "Develop McMillan."

Today, however, I must testify in opposition to the zoning modifications proposed by Jair Lynch. My concerns revolve around significant flexibility requests, repeated misleading communication that at times appears intentional, as well as substantial changes that undermine previously made community commitments. While the development team and associated representatives have focused almost entirely on their "best case proposal today," which I think is great, I will focus on their lesser-mentioned request for flexibility. What representatives have continuously referred to as their proposal and commitment is one option, not the only option, and not what Jair Lynch is requesting today.

This zoning modification request's scope is far greater than just a change in grocer size. The current zoning for Parcels 2 and 4 mandates a minimum of 74,000 sq ft of ground-floor retail. Under Jair Lynch's proposed modifications, this could shrink dramatically to as little as 26,000 sq ft of ground-floor retail total, converting substantial retail space into housing.

This isn't merely a numerical change; it would significantly reduce community amenities and potentially eliminate 80-100 local retail jobs. There was a mention today of this project creating more job opportunities for the community. This proposal would drastically reduce the job opportunities that exist with the current zoning.

All of the talk of increased affordable housing, as with the OAG's report, must be predicated by juxtapositioning it against the retail loss that created it and the subsequent substantial job and community losses that retail loss will lead to.

Another troubling request is the elimination of the MU10 plaza zoning requirement—an obligation to dedicate 8% of the total lot area as publicly accessible space. This would further diminish community benefit. I don't believe this was mentioned by any Jair Lynch representatives today. Again, I don't believe any representative from Jair Lynch mentioned or addressed a request to eliminate their obligation to dedicate 8% of total lot area as a publicly accessible space.

There was a mention today of removing the "pedestrian bridge," which is pretty much irrelevant, but for some reason, no mention of this substantial MU10 plaza zoning requirement elimination request.

I also don't believe there was a verbal mention of the potential loss of 100 parking spaces. It looked like a slide showed a proposed change from 222 to 122 parking spaces, but the presenter skipped by the slide after maybe 5 seconds.

Throughout this process, today included, Jair Lynch's communication has consistently been ambiguous and misleading, whether intentional or not. Slides presented to the community often juxtaposed original minimum retail figures against new maximum retail numbers, omitting crucial context and creating confusion. For example, Parcel 2 presentations initially suggested a minor

retail reduction—from 15,000 to 14,000 sq ft—only later revealing a fallback scenario allowing as little as 5,000 sq ft retail, with the remainder converted to residential.

In exhibit 29, page 15, there's a mention of communication from Jair Lynch with new ANC5E single-member district rep Alice Thompson, who is not in attendance today. I received correspondence via email last week from Ms. Thompson in which she thought that this proposal included the possible elimination of all retail on-site. I informed her this was incorrect.

There was also a mention on the same page of communication with me directly when I was the single-member district ANC representative for this site.

The document mentioned today as an ANC 5E approval was regarding a DDOT transportation plan, not any of the requested zoning changes other than parking reduction.

ANC1E does not border the site in a meaningful way and should not be included in any official capacity in this zoning conversation. ANC1E includes the 81-acre McMillan Reservoir as well as Howard University, which separates it from the site.

*Any mention of community and/or ANC support should be read with an asterisk.

The developer has repeatedly emphasized a "commitment" to certain retail sizes while simultaneously retaining broad flexibility that could reduce retail drastically. Commitments were often communicated without clearly stated contingencies, creating misunderstanding and misplaced confidence within the community. An email from Jair Lynch dated June 11th highlighted a 22,500 sq ft grocer commitment but omitted critical context that a fallback to a 10,000 sq ft grocer remained part of their request.

Exhibit 29 from the developer further illustrates these concerns. The "Summary of Modifications" on page 4 is misleading when isolated from the "Proposed Flexibility" on page 5. Additionally, ground-floor plans across pages 9, 10, and 11, as presented today, are confusingly ordered, presenting one "Proposed Design" without clearly stating it as one among several proposed scenarios. This subtle but misleading presentation style contributes significantly to community confusion.

As mentioned in earlier testimony today, previously, the developer lost grocer commitments primarily due to project delays—not solely due to market conditions, as suggested. Despite these losses, the developer successfully secured another grocer of over 20,000 sq ft, and had a second that was interested. Thus, the argument that flexibility down to 10,000 sq ft is necessary lacks credibility. And further, a 10,000 sq ft space is a market or bodega, as Commissioner Wright mentioned. A 10,000 sq ft space is not a grocer in the commonly used phrasing. A better word may be bodega.

Even at 20,000 sq feet, we're already discussing a substantial compromise from the existing 49,000 sq feet. The developer will likely emphasize their adjustment from an initial, extremely low request of 6,000 sq feet—which is akin to a large 7-Eleven—rather than highlighting that they're

still seeking flexibility to reduce the grocery size to roughly one-fifth of its originally approved minimum. They'll then likely reference the inclusion of other types of retail. Please focus on comparing the total retail space in the current zoning to the developer's current proposal, not their initial unrealistic request compared to their slightly less unrealistic updated proposal. That would be 49,000 sq feet minimum now, to altogether 21,000 sq feet minimum (10,000 sq ft grocer + 11,000 sq feet of additional retail)

I urge the committee to closely scrutinize the provided chart of DC grocers in Exhibit 29, slide/pg 20 that the expert witness covered today. The listed grocers are not listed chronologically nor by square footage. A cursory review of the chart would lead most readers to believe that there have only been grocers in the under 30,000 sq ft level opened over the last 10 years. They list a grocer that opened in 1981 in the larger square foot category. But do not reference any small grocers or bodegas that opened between 1981 and 2014. They also list three large square footage “old grocers” that fall within the timeline of the “new grocers. It’s a mess.

The site's unique location near three hospitals, new residential developments, and underserved neighborhoods like Bloomingdale and Stronghold makes it ideally suited for robust retail as the current zoning demands. The historic nature of the site, the potential for vibrant community events such as farmers' markets, and proximity to existing residential and medical facilities support the argument for significant retail presence.

In summary, the developer's communication style and repeated emphasis on minimal retail flexibility obscure a broader, unacceptable shift from the community's original expectations and approved zoning. The flexibility requests presented today fundamentally alter the nature and benefits of the development, transforming it into an entirely different project with far less community value.

Therefore, I respectfully ask the Zoning Commission to reject Jair Lynch's current zoning modification proposal unless it is revised to:

- * Guarantee a minimum grocery size of 20,000 sq ft without exceptions.
- * Guarantee approximately 21,000 sq ft of additional retail space on parcel 4 (the grocer parcel) protected against residential conversion.
- * Maintain at least 14,000 sq ft of retail space on parcel 2, protected against residential conversion.
- * Retain the MU10 plaza requirement.

This would preserve a minimum of 55,000 sq ft of ground-level retail space and uphold the project's original community-oriented vision, albeit with 19,000 less ground-level retail space than the currently zoned minimum of 74,000 sq ft of ground-floor retail. Anything less is not a compromise—it is a loss for the community.

Thank you for your consideration.

Kevin Rapp"



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