

August 30, 2017

**[GWENDOLYN ROSE'S WRITTEN COMMENTS ON MAP  
AMENDMENT PETITION RE SQ. 5539 "LOTS 835, 383 [838], 839,  
AND 840]**

Before the  
D.C. Zoning Commission  
Comments in Opposition  
by Julie Rones, on behalf of Gwendolyn Rose,  
Owner of Lots 844 & 843 (formerly Lot 841) of Square 5539

**Re: Case No. 17-11, (3200 Penn Avenue PJV, LLC- Map Amendment Request concerning  
Sq. 5539 "Lots: 835, 383 [838], 839, and 840")**

**Background of commenter and interest in the proposed MAP change that is the subject of this Petition:** On behalf of Gwendolyn Rose, owner of Lots 844 (dba: 3201 O Street, SE, Washington, DC) & 843<sup>i</sup> (dba: 1558 Branch Avenue, SE, Washington, DC) which were subdivided and had been Lot 841, I am Julie Rones, daughter and attorney for Mrs. Rose in this matter. I wish to thank the Commission for this hearing and opportunity to posit Mrs. Rose's position on this rulemaking matter to amend Square 5539 for the Lots that are subject to the MAP Petition.<sup>ii</sup> Mrs. Rose urges the Commission on Zoning to respect her property and rights and not allow any infringement, or "inverse conversion" or taking of her property and her rights. With the concerns/conditions, as expressed in these comments, she otherwise approves of the *goals* of the proposed MAP amendment, to enable upgrading and enhancement of the former Penn-Branch Shopping Center (Penn Hill).

**Preliminary Comments on the Procedural Aspects of the Petition:** Mrs. Rose understands that this matter is being brought as a public-interest rulemaking. However, Mrs. Rose's property would be heavily impacted by this matter. Therefore, we raise a concern with the fact that the matter is being brought as a public-interest rulemaking, and not as a contested case, because depending on how the Petitioner plans to build out on the property, Mrs. Rose and/or her future assignees' rights under 11 DCMR Subtitle A, Section 304.3 and potentially the U.S. Constitution may, specifically, be impacted. We reserve all rights and contest all infringements in this matter.

Unless, the Commission changes the direction of this proceeding from a public interest rulemaking, we will assume that the build-out phase, Phase II will be an opportunity for the contested case, after the MAP approval, and will reserve our opportunity to all rights in that Phase of the Commission's proceedings. In advance, however, we request the Commission's consideration as to whether this proceeding should more appropriately be a contested case from the start. Further, if the Comprehensive Plan is modified during the pendency of this action, the D.C. Zoning Commission should reopen the comment period for supplemental comments, assuming the rulemaking is the proper vehicle instead of the contested case approach. Comprehensive Plan modifications to the 2006 Plan are expected soon (perhaps this Fall), according to unnamed sources with the D.C. Office of Planning in our telephone conversations with OP staff, in August of 2017. Mrs. Rose believes that her Lots 844 & 843 (formerly Lot 841) in Square 5539 may be unalterably and profoundly impacted by the change, which seeks to enable greater density, usage, and building height expansion on those lots in question, specifically Lot 840, which abuts Lot 843 (formerly Lot 841).

Historically, the previous owner of Mrs. Rose's property, a pediatrician, had owned significant aspects of property in Square known as 5539. He later subdivided it and sold the various parts, including those Mrs. Rose's owns; and, those, now the subject of the Petition. To the extent of the previous mutual ownership, there are likely common manholes and underground pipe infrastructure shared by Mrs. Rose's Lots and the Lots that are the subject of the Petition. To that extent, coordination would need to be required to ensure Mrs. Rose's property will not be disadvantaged, if build out of the proposed lots occur.

In principle, Mrs. Rose appreciates development and change for the benefit of the community and City, as a whole. Mrs. Rose filed comments seeking a modification to the Comprehensive Plan in May of 2017, with the Office on Planning, seeking modifications to the Plan that would allow for upgrading the Penn-Branch Shopping Center to enable modernization and possible remedy of the housing, retail, and food desert conundrums, experienced by the community.<sup>iii</sup>

If the developer used the opportunity to address the community serving needs such as those, Mrs. Rose believes it would be helpful and consistent with the goals of the Comprehensive Plan. Our only rub is that the Zoning Commission approval ensure that such a MAP approval and later build out not harm Mrs. Rose, nor that it be an "inverse conversion" or taking without compensation. Mrs. Rose is not seeking to sell her property. Mrs. Rose wants to further develop it. However, Mrs. Rose might consider selling certain easement rights, if she can do so without affecting her plans to build further on her land. Her goal is to assist the City in making more housing available in Ward 7.

**Comprehensive Plan and the FLUM are consistent with the proposed MAP Amendment.**

Mrs. Rose acknowledges that a MAP change as proposed to enable the relevant Lots to go from MU-3/R1-B to MU-4 would likely be consistent with the overall Comprehensive Plan to encourage more housing, retail, and fresh food outlets; and the Future Land Use Map 10 (2012) and the 2016 FLUM, to remain "moderate density."

**MU-4 – low to moderate residential density in a commercial zone.** Our understanding is that the difference between MU-3 is that building height at the highest is limited to 40 feet above ground, whereas the MU-4 designation allows for a building height of 50 feet from above the ground. MU-4 building structures have a fifty (50) feet above the ground building height limit. It is our understanding that the Floor Area Ratio (FAR) for MU-3 is 1.0 Max, whereas the FAR for MU-4 is 2.5 Max.

The Commission on Zoning Handbook says: "The MU-3 zone<sup>iv</sup> is intended to:

- Permit low-density mixed-use development; and
- Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

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Development Standards								
	Floor Area Ratio (max.)	Height (ft.)/ Stories	Penthouse Height (ft.)/Stories <sup>1</sup>	Lot Occupancy (percentage)	Rear Yard (ft.)	Side Yard (ft.)	Green Area Ratio	Zoning Regulation Reference
MU-3	1.0	40	12 except 15 for penthouse mechanical space	60	20 <sup>2</sup>	No side setback is required; however, if a side setback is provided it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft. <sup>3</sup>	0.3	<a href="#">Subtitle G, Chapter 4</a>
	1.2 (IZ)							
	1.0 (non-residential)	3	1; Second story permitted for penthouse mechanical space			8 for a single-family detached or semi-detached dwelling		

(The chart is courtesy of the DC Commission on Zoning.)

The Zoning Handbook says that MU-4 has the following characteristics<sup>v</sup>:

"The MU-4 zone is intended to:

- Permit moderate-density mixed-use development;
- Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

**GWENDOLYN ROSE'S WRITTEN COMMENTS ON MAP AMENDMENT PETITION RE SQ. 5539 "LOTS 835, 383 [838], 839, AND 840]**

August 30, 2017

Development Standards								
	Floor Area Ratio (max.)	Height (ft.)	Penthouse Height (ft.)/Stories <sup>1</sup>	Lot Occupancy (percentage)	Rear Yard (ft.)	Side Yard (ft.)	Green Area Ratio	Zoning Regulation Reference
MU-4	2.5	50	12 except 15 for penthouse mechanical space	60	15 <sup>2</sup>	No side setback is required; however, if a side setback is provided it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft. <sup>3</sup>	0.30	<a href="#">Subtitle G, Chapter 3</a>
	3.0 (IZ)	N/A	1; Second story permitted for penthouse mechanical space	75 (IZ)		8 ft. for a single-family detached or semi-detached dwelling		

(The chart is courtesy of the DC Commission on Zoning.)

Mrs. Rose does not oppose a MAP modification allowing the Lots to go to MU-4, as long as her property is protected and her rights are preserved. She believes the MAP modification proposed likely meets the requirements of *Durant v. District of Columbia Zoning Commission* III,<sup>vi</sup> since it appears consistent with the overall Comprehensive Plan and the Future Land Use Map (FLUM) appearing in the 2012 FLUM Map No. 10 and the 2016 FLUM, which reflects future Office of Planning plans to enable moderate residential buildings on the rear of the Penn-Branch Shopping Center. To the extent that the proposed development will be consistent with MU-4 requirements for Floor Area Ratio, Building Height, Lot Occupancy, Rear Yard Footage, Side Yard Footage, Green Area Ratio requirements for MU-4, Mrs. Rose has no objections on such grounds, providing her property rights are protected, respected and preserved.

Mrs. Rose intends to develop single-family homes on her rear lot (843). Thus, she needs to ensure that her air and light, privacy of the lot to be developed, and noise, and peaceful enjoyment will not be hampered by the subsequent plans the owners of the Lots that are subject to the MAP amendment and plan for a 50 foot residential housing structure. Specifically, if the building height that the developer of those lots plans a 50 foot building that would have the rear units of the complex overlooking her lot, she needs to have assurances that the views will not be hampered from her lots and privacy and other statutory rights can be preserved. Views are



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everything, as is air, light, peaceful enjoyment and noise considerations. (See Exhibits 1A, 1B, and 1C, below.)

In 1980, Mr. Fred Rose (now deceased) and Mrs. Rose had sought a zoning amendment to expand her property development opportunities to build ten town homes on her property decades ago<sup>vii</sup>, but the Commission denied the request, at that time. Perhaps, if the Commission approves the current request, Mrs. Rose will later be better positioned to develop her lot, as well, and be able to use her property to the best and maximum usage, just like the owners of the shopping center, providing her Lots are not hampered in any respect by the modification sought. Mrs. Rose agrees that economic development and opportunity to enhance the properties, including ours, is desirable. Thus, Mrs. Rose is in general agreement about development and the Commission allowing modification to the MAP, to achieve the goals of enhancing the development of the old Penn-Branch Shopping Center, if such development will not infringe our property rights. Mrs. Rose regrets the circumstances of any potential infringement to our property to accommodate the upgrade and expansion of the former Penn-Branch Shopping Center. Thus, Mrs. Rose remains cautious about Phase II, the building planning and implementation phase and are raising our concerns about the potential impact on her Lot, now. At all times, the Commission must act consistent with its rules, and that of the U.S. Constitution to protect Mrs. Rose's property.

Mrs. Rose understands, as presently configured under R1-b zoning designation, that she or her assigns can build single-family homes on her property, today, as a matter of right and without the Commission's approval, with five (5) thousand square feet per house. Mrs. Rose is reserving her right to do so. Mrs. Rose intends to make full and maximum use of her property on Lot 843 for development. In that regard, Mrs. Rose asks that the Zoning Commission consider her plans, only to the extent that the plans for development of the shopping center be allowed and not impair her rights on her property which must be respected pursuant to Section 304.3 and its subsections; and all other rights in equity and in law.

Mrs. Rose urges that for any Commission approval that the Commission considers the impact on Mrs. Rose's property, directly, and articulate that such a change directly impacts those lots that are contiguous to the shopping center.<sup>viii</sup>

The appropriate set back and step up must conform to MU-4 requirements. The Map approval should also recognize any impacts to Mrs. Rose's property and ensure, consistent with Zoning Regulations, 11 DCMR, Subtitle A, § 304.3 the changes will not impair Mrs. Rose's property on the basis of the following aspects of Zoning Regulations Zoning Regulations, Subtitle A,

***304.3: The Zoning Administrator shall consider the following issues, as applicable, in determining any deviation will not impair the purpose of the applicable regulations pursuant to Subtitle A § 304.2[ as adopted on September 6, 2016]:***

- (a) The light and air available to neighboring properties shall not be unduly affected; [Mrs. Rose is very concerned about this potential impact to her Lots.]***

- (b) *The privacy of neighboring properties shall not be unduly compromised;* [Mrs. Rose is concerned about this impact to her Lots.]
- (c) *The level of noise in the neighborhood shall not be unduly increased;* [Mrs. Rose is very concerned about this impact to her Lots.]
- (d) *The use and enjoyment of neighboring properties shall not be unduly compromised;* [Mrs. Rose is very concerned about the impact to her Lots.]
- (e) *No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and*
- (f) *The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of this title.* [Mrs. Rose is very concerned about this impact to her Lots.]

Mrs. Rose's property can be and should be considered as subservient tenements, and the lots that are subject to the Petition should be considered as the dominant lots or tenements, since those lots would benefit from building in a way that could affect Mrs. Rose's lots. The lots that are subject to the Petition could become appurtenant. Mrs. Rose, however, does not intend to have an inverse conversion/taking of her rights to allow for the buildout of the residential lots. It is mandatory that any approvals and construction on the property (Lots that are subject to the Petition) respect the adjoining residential neighborhood properties (i.e., the single family homes abutting the new buildings at the new Penn Hill buildings). Because Mrs. Rose's property on Lot 843 is immediately behind the shopping center and the site slated for residential development with a building that could go to 50 feet in height, to the extent that it could trigger provision (a)-(f) of 304.3, Mrs. Rose may be amenable to a negotiation for the grant of her easement rights, only, to enable certain aspects of potentially offending elements of the planned building and infrastructure. She is not promising such, however.

A review of the tentative building drawings shown to the community by the shopping center owner suggests that the height elevation may modify the views (light and air) and access to her property and potentially harm Mrs. Rose's or her future assignees' peaceful enjoyment. Mrs. Rose endeavors to avoid an "inverse conversion" or taking of her property without compensation. Mrs. Rose also needs to be assured of the necessary coordination of not only the light and air rights, noise level, but the planned future use of her property, as she intends to develop single family homes on her rear lot. Additionally, Mrs. Rose needs to be assured of coordination concerning the underground streams, pipes, and land or disturbing the soil and foundation on her property. Mrs. Rose also has concerns about conditions on the property seeking the MAP zoning change and other contiguous properties, including the public sphere and asks for consideration of a comprehensive proactive solution to the following concerns:

1. **The underground pipes, man holes and water and sewer infrastructure and underground streams must be addressed in a comprehensive manner beyond the physical confines of the shopping center, given that the upgrade and expansion of the shopping center would require new infrastructure that may impact the adjoining land owners and the public access sphere. There is a stream rumored to be**

running underneath the property on which the modifications are sought. There also has been water drainage and leaking problems in the area (Pennsylvania Avenue down Branch Avenue to O Street and possible O Street) that may stem from the underground streams and/or old pipes, which is one reason that the O Street Wall was developed and contains a drainage component. The O Street Wall is composed of marine soil and the nature of the soil and its ability to accommodate expanded development must be studied. There may be drainage problems that affect the Mosque on Pennsylvania and Branch Avenue and properties on O Street to the left of Branch Avenue that experience drainage problems that may relate to the underground streams or old pipes. The City should work with the shopping center owners to perhaps craft a comprehensive plan to address such water drainage problems of the area as could be identified by a geological study, especially given that the shopping center will upgrade in a major manner to add residential units and parking on the property.

Mrs. Rose, recently wrote to Mr. Phil Hammond, Advisory Neighborhood Commissioner of ANC7B04, requesting that if the MAP is approved, that the ANC request a geological survey of the area to determine the content of the soil, any erosion, water flow and drainage of the shopping center and surrounding area (**See Exhibit No. 2**). Mrs. Rose is also addressing this specific request to the Zoning Commission, directly, so that either Zoning or some relevant agency (Transportation or other agency) will decide to commission a geological study of the Lots and surrounding area. Additionally, Mrs. Rose requests that the ANC consider imposing a community benefit on the Lots owner pursuant to Rule 11-X305(j)(1): "Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to: Storm water runoff controls in excess of those required by Storm water Management Regulations." If the Zoning Commission has the power to impose this benefit, Mrs. Rose requests it do so, as a condition of MAP or other approval.

2. **Aesthetics of the residential building and old building modifications** should be compatible with the surrounding community; and any green building components should be considered, such as a green roof.
3. **The builder needs to have a plan to pick up and control trash and maintain clean streets** from the shopping center all the way down Branch Avenue, so that the residential area behind the shopping center is not burdened by any nuisance stemming from trash dumping and debris emanating from the shopping center. There should also be a plan to control unreasonable noise from the structure, patrons, and occupants. Parking must be adequate.

**The MAP change has the potential be community neighborhood serving.** Mrs. Rose encourages community support of the goals of the shopping center owners to benefit the community (but not at her expense), in the hopes that the community will benefit by the proposed MAP change and development of Penn Hill.

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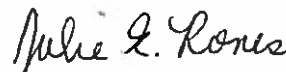
[GWENDOLYN ROSE'S WRITTEN COMMENTS ON MAP  
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Historically, neighbors have fought upgrading the shopping center in terms of opposing height changes that were previously proposed by a former owner of the Penn-Branch Shopping Center. The former owner, that immediately precedes the current one, had planned to build residential units on Pennsylvania Avenue, instead of in the rear of the shops. Those advocates sought to block that effort, on the basis of the height potentially blocking the pristine views. The FLUM also indicates that residential building in the rear might prove better to enable commercial traffic on the Pennsylvania Avenue side, so Mrs. Rose understands the desire to build the residential units in the rear. Neighbors also opposed having government agencies, such as the Department of Motor Vehicles and the Police Substation located in the shopping center, which ultimately located there and was a benefit to the City and residents.

At one point, Mrs. Rose, herself, also contested having a sidewalk installed next to her property on Branch Avenue because she appreciated the beauty of the land without the sidewalk and did not want to solely have to incur the assessment, when the City had required landowners to be assessed for sidewalk installation. Now, decades later, Mrs. Rose happily finds the sidewalk convenient for her in her wheel chair strolls along Branch Avenue. Mrs. Rose wants upgrading of the shopping center and expansion and welcomes it, but only to the extent of no infringement of her property rights and other rights. She also hopes development of her land will help the community in terms of more housing, and utilizing the property in a manner best to increase land value and avoid blight.

**Conclusion:** For the reasons, as expressed herein, Mrs. Rose urges the Commission on Zoning to respect her property and plans for future development on her site. Otherwise, she approves of goals of the proposed MAP amendment, with the concerns/conditions, as expressed.

Respectfully submitted,



Julie E. Rones

On behalf of Gwendolyn Rose

D.C. Bar only, No. 428737

3648 Southern Avenue, SE, Washington, DC 20020

(202) 509-5187

julie@rones.com

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<sup>1</sup> Julie Rones in telephone conversation with Mr. Russell Brown, D.C. Office of Maps and Titles, Office of Tax and Revenue, Monday, August 28, 2017 (quoting Mr. Brown): "Square 5539, Lot 818, Lot 833, & Lot 834 became one lot in 1981: Lot 841. In 2003, Lot 841 was subdivided into Lots 843 & 844."

<sup>2</sup> The notice reflects a proposed "MAP Amendment Petition regarding "Sq. 5549 'Lots 835, 383, 839, and 840'." Commenter assumes that the notice inadvertently states Lot 383, but means 833. Commenter will not challenge any defectiveness of the notice and respectfully request that the Commission correct this error.



iii Mrs. Rose filed comments on May 24, 2017 with the Office of Planning concerning amendment of the Comprehensive Plan of 2006, which is the salient Plan, being used. The original Plan was established for the District of Columbia in 1984. In her comments, Mrs. Rose ask to have safe, livable, neighborhoods, affordable housing, and mixed income communities, good schools, small, medium, and large size employers and businesses, restaurants, retail, food establishments, day care, wellness centers, recreation and entertainment options, transportation and roads and other sustaining, and, needed infrastructure for the Far Southeast section to include all of Ward 7.

iv <http://handbook.dcoz.dc.gov/zones/mixed-use-2/mu-3/>

v <http://handbook.dcoz.dc.gov/zones/mixed-use-2/mu-4/>

vi See, e.g., Harvard Law Review: "*Durant v. District of Columbia Zoning Commission*: D.C. Court of Appeals Determines a New Development is Inconsistent with City's Comprehensive Plan (Recent Case: 139 A.3<sup>rd</sup> 880(D.C. 2016).)" 130 Harv. L. Rev. 1522; and, <https://harvardlawreview.org/2017/03/durant-v-district-of-columbia-zoning-commission/>, discussing the Durant case and various other rulings and perspectives of the D.C. Zoning Comm.

vii The following is the relevant Zoning Comm. case order from 1980, denying the Rose's variance request:

**ZONING COMMISSION ORDER NO. 306 CASE NO. 79-17P**

January 10, 1980

"The application in Case No. 79-17P is a request from Frederick F. Rose for preliminary approval of a planned unit development to allow the construction of ten townhouses, eight of which would be single family dwellings and two of which would be two family buildings or flats. The site is located in square 5539, and consists of an existing detached single-family dwelling unit on lot 834, and adjoining vacant lots 818 and 833. The site is zoned R-1-B is located on the east side of Branch Avenue between "O" Street and Pennsylvania Avenue, S.E., and contains approximately 46,700 square feet. No zone change is requested. The applicant also requested a waiver from the three acre minimum area requirement as specified in sub-paragraph 7501 .212 of the Zoning Regulations.

The Commission believes that the applicant has failed to demonstrate how the proposed PUD application will improve the overall single family character of the neighborhood located immediately adjacent to the subject site. Both the building types and the density as proposed, are substantially different from the existing neighborhood.

The Commission notes that in a Planned Unit Development under the R-1-B District, the Commission cannot approve a use which is not permitted in that zone. A flat is not permitted in the R-1-B District. In addition, the proposal to provide twelve dwelling units exceeds the number permitted in the R-1-B District. With a minimum lot size of 5,000 square feet, only nine units would be permitted on a site of 46,700 square feet. The

proposed PUD is thus deficient in two technical respects, and could not be approved, as submitted. The Commission further believes that the proposed development does not provide the future occupants of the site with a superior living environment to that which could be achieved under the general provisions of the Zoning Regulations. The Commission notes that given the severe topographical conditions of the site, appropriate relief for this property might include a variance from the Board of Zoning Adjustment.

The Commission further believes that the development does not provide specific public benefits that would justify a waiver of the minimum area requirement. Approval of this project as proposed would circumvent the intent and purposes of the Zoning Regulations.

The Commission believes that the applicant has not shown why the present zoning situation should be changed, and has failed to meet the burden of proof required to show that the case should be granted at a hearing. The Commission notes the report of the Office of Planning and Development dated December 7, 1979, recommending that the application be denied, and the fact that local citizens' organizations also opposed the change.

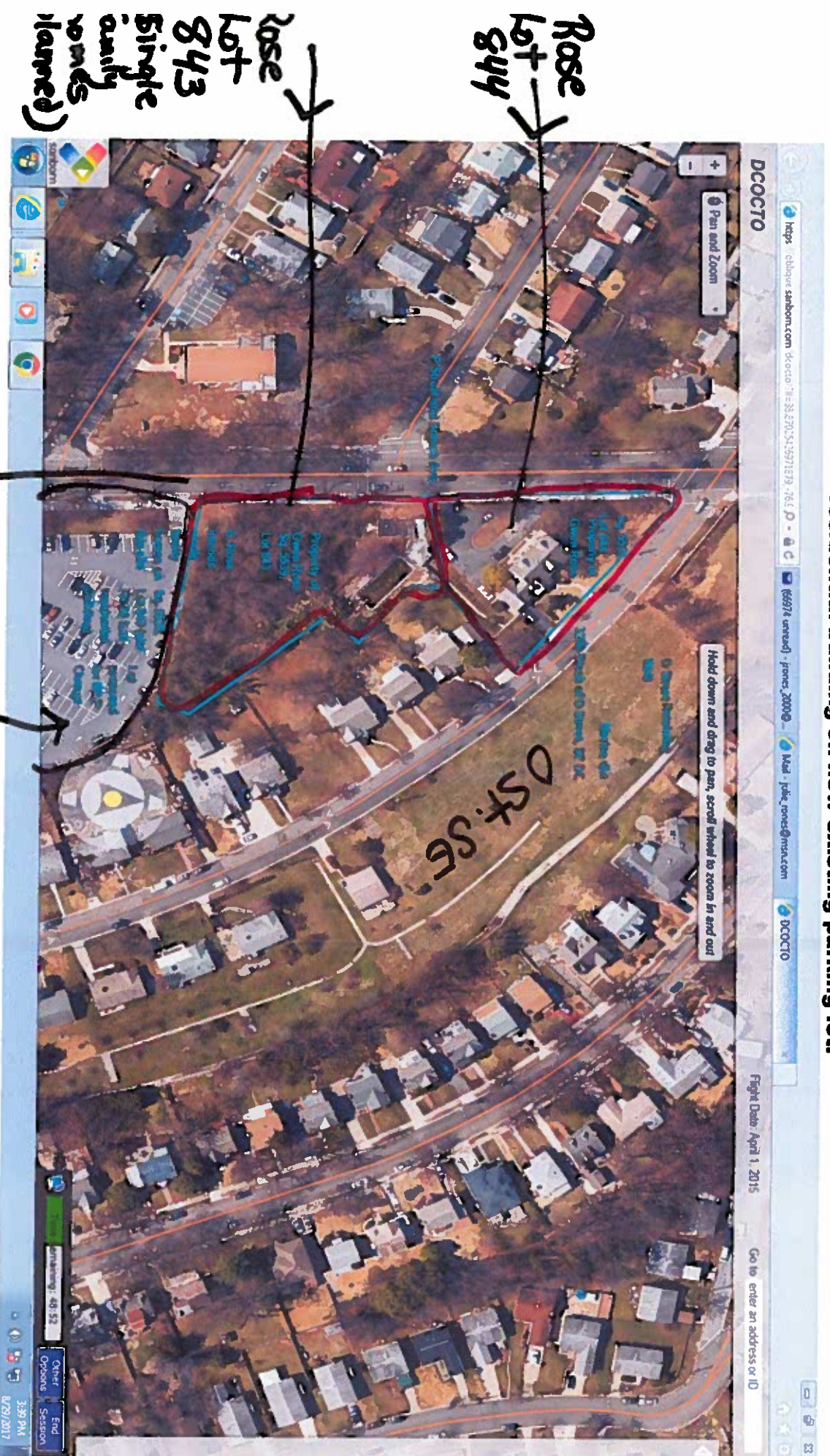
The Commission, having noted the severe topographic conditions affecting the site, recommends that the applicant seek technical assistance from the Office of Planning Development prior to filing another application should he seek some further relief for this site from the Zoning Commission or the Board of Zoning Adjustment. Based on the foregoing reasons, the Commission therefore orders that no hearing on this application be set and that the application be DENIED."

<sup>viii</sup> If the following National Capitol Planning recommendation was adopted by the D.C. Commission on Zoning, as follows, Mrs. Rose request adherence to enable determinations of the actual building plans and the impact upon her property: "304.4 An applicant for a building permit seeking a deviation permitted by Subtitle A § 304.2 shall submit a written request to the Zoning Administrator that is signed by the property owner and that includes a comprehensive list identifying the type and extent of all proposed deviations and a written statement explaining how the requested deviations comply with Subtitle A §§ 304.2 and 304.3." (See, [https://www.ncpc.gov/DocumentDepot/Actions\\_Recommendations/2016December/Text\\_Amendments\\_Subtitles\\_%20A\\_and\\_X\\_ZC\\_08\\_06F\\_Delegated\\_Dec2016.pdf](https://www.ncpc.gov/DocumentDepot/Actions_Recommendations/2016December/Text_Amendments_Subtitles_%20A_and_X_ZC_08_06F_Delegated_Dec2016.pdf) ) Otherwise, the Commission must make accommodation, sua sponte, or otherwise to ensure Mrs. Rose's rights are protected at each stage contemplated by the requested modification.



# Rose Exh. 1A

Gwendolyn Rose Comments on the proposed Zoning Map Change for Penn-Branch Shopping Center  
Exhibit 1A (reflecting Square 5539, Lots 844 & 843 (Land which Rose intends to develop with single family units) owned by G. Rose; and Lot 840 which is one of the Lots proposed for MAP change & 50 Ft. residential building on now existing parking lot.





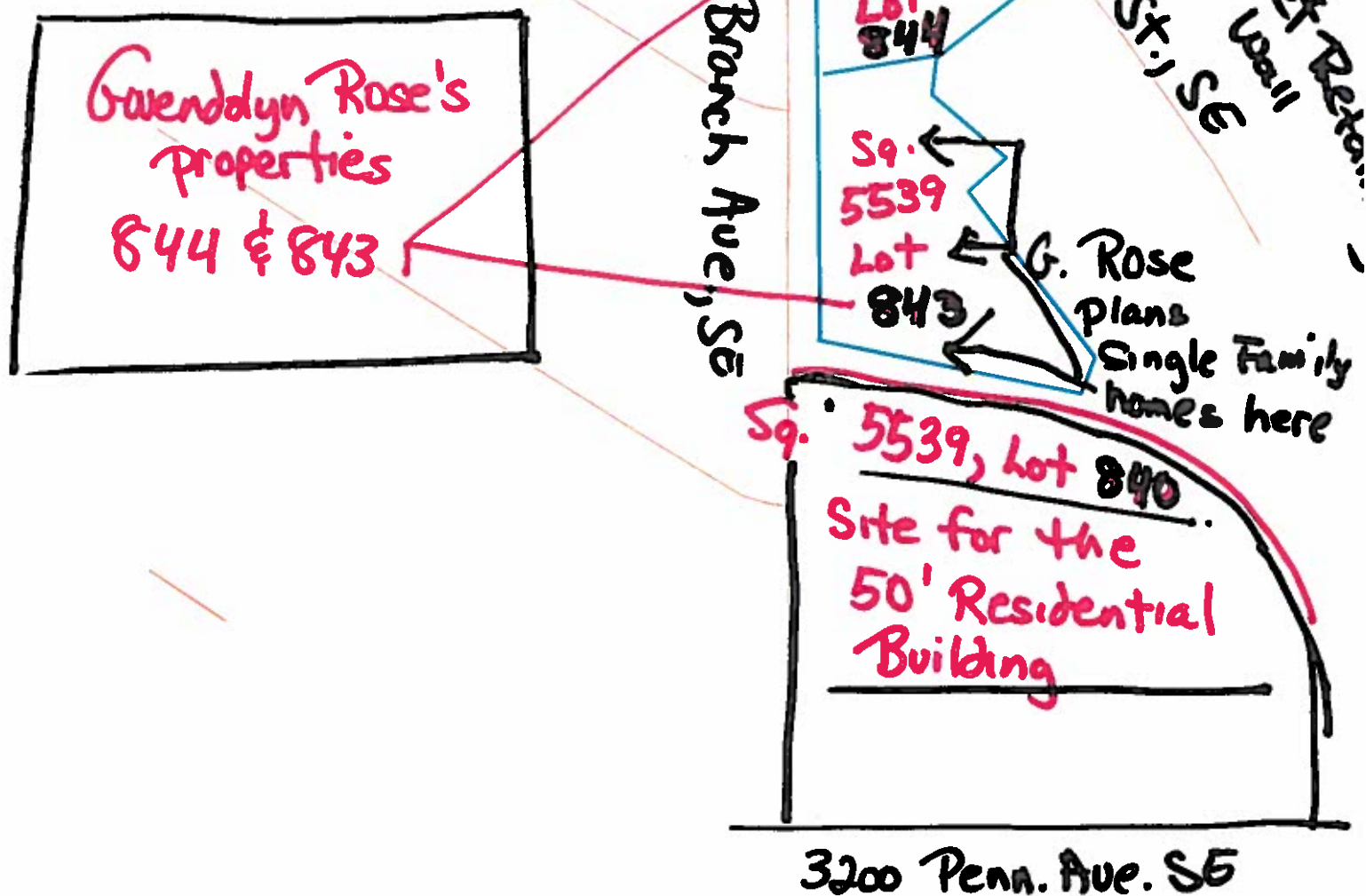
# Rose Exh. 1A(i)

Gwendolyn Rose Comments on the proposed Zoning Map Change for Penn-Branch Shopping Center Exhibit 1A (reflecting Square 5539, Lots 844 & 843 (Land which Rose intends to develop with single family units) owned by G. Rose; and Lot 840 which is one of the Lots proposed for MAP change & 50 Ft. residential building on now existing parking lot.





Exhibit 1(a)(ii)



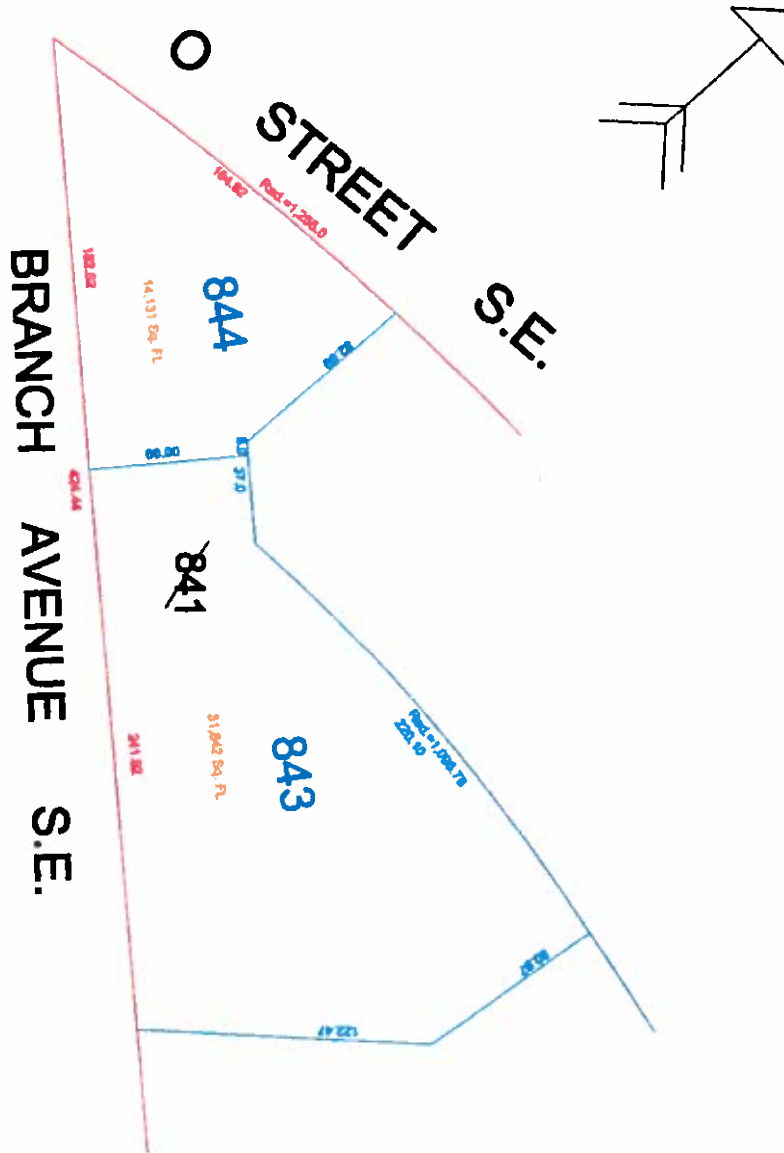
Rose Exh. 1B

3811-G

OFFICE OF TAX AND REVENUE  
ASSESSMENT DIVISION



ASSESSMENT AND TAXATION PLAT  
SQUARE 5539



RE BRAUN A.O. 73375 5/30/03  
Draftsman Reference Date

Scale, 1 inch 18 ft.

The Office of Surveyor of the District of Columbia shall admit this plat to record under the provisions of Chapter 7 of Title 47, District of Columbia Code, Designation of Real Property for Assessment and Taxation, and for other purposes.

*James H. Stewart*  
Chief Assessor, Office of Tax and Revenue

Rose Exh. 1C

3544-V

ASSESSMENT AND TAXATION PLAT

SQUARE 5539



Decd J.M. 1-13-66

To THE COMMISSIONERS, D. C.

Issuance of the following order is recommended:

ORDERED:

Chief, Property Tax Division, Finance Office.

Scale, 1 inch = 50 ft.

The Surveyor will admit this plat to record in his office under the provisions of the Act of Congress (Public, No. 89) approved February 23, 1905, and entitled, "An Act to designate parcels of land in the District of Columbia for the purpose of assessment and taxation and other purposes."

Prepared by

Secretary

Commissioners of the District of Columbia

Draftsman, Finance Office.

## RE: Community Benefit Request for Consideration of MAP change

Paul, Alberta (DDOT)

Thu 8/24/2017 11:44 AM

To: Julie Rones <julie\_rones@msn.com>; Hammond, Phillip J. (SMD 7B04) <7B04@anc.dc.gov>;

Cc: jimmiewilliams@pennbranchdc.org <jimmiewilliams@pennbranchdc.org>; dmorgan620@aol.com <dmorgan620@aol.com>; janishazel@aol.com <JanisHazel@aol.com>;

Excellent that approach will take care of all erosion, flooding and improper discharge in the area .

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: Julie Rones <julie\_rones@msn.com>

Date: 8/24/2017 11:29 AM (GMT-05:00)

To: "Hammond, Phillip J. (SMD 7B04)" <7B04@anc.dc.gov>

Cc: jimmiewilliams@pennbranchdc.org, dmorgan620@aol.com, "Paul, Alberta (DDOT)" <alberta.paul@dc.gov>, "janishazel@aol.com" <JanisHazel@aol.com>

Subject: Re: Community Benefit Request for Consideration of MAP change

Perhaps the developer and or the relevant D.C. agency or agencies needs to first perform a comprehensive geological study to assess the watershed and drainage and stream flow configuration and needs of the area. Thus, the request is being amended in this regard.

Thank you,

Julie Rones for Gwendolyn Rose

Sent from my iPhone

On Aug 24, 2017, at 8:47 AM, Julie Rones <julie\_rones@msn.com> wrote:

**Gwendolyn Rose**  
3201 O Street, SE  
Washington, DC 20020  
(202) 582-5536

August 24, 2017

**Mr. Phillip Hammond, ANC-7B04**  
[7B04@anc.dc.gov](mailto:7B04@anc.dc.gov)



Re: Request for a community benefit if the Penn-Branch Shopping Center MAP change is approved.

Dear Mr. Hammond:

I, respectfully, request the ANC-7B's consideration for a community benefit, to address the watershed issue, if the Commission on Zoning approves a MAP change for the Penn-Branch Shopping Center.

The underground pipes, man holes and water and sewer infrastructure are old, and underground streams that flow underneath the shopping center should be addressed in a comprehensive manner, given that the upgrade and expansion of the shopping center would require new infrastructure. There is an underground stream running through the property on which the modifications are sought. There also has been water drainage and leaking problems in the area (Pennsylvania Avenue down Branch Avenue to O Street and possible O Street) that may stem from the underground streams and/or old pipes, which is one reason that the O Street Wall was developed and contains a drainage component.

There may be drainage problems that affect the Mosque on Pennsylvania and Branch Avenue and properties on O Street to the left of Branch Avenue that experience drainage problems that may relate to the underground streams or old pipes. The City should consider the shopping center upgrade as an opportunity to comprehensively review and address any such problems with water drainage. The City should work with the shopping center owners to perhaps craft a comprehensive plan to address such water drainage problems of the area, especially given that the shopping center will upgrade in a major manner to add residential units and parking on the property.

The Statutory community benefits adopted in the relevant regulations, Rule 11-X305, \_\_\_, J(1) concerns: Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to: Storm water runoff controls in excess of those required by Stormwater Management Regulations.

This is a real need that I respectfully ask that ANC-7B consider. I recognize that the community may opt to support additional community benefits such as a grocery store, affordable housing, as part of inclusionary zoning, and other benefits. I encourage the community to come to a consensus on the various aspects of a benefits request and thank you for your consideration.

Sincerely,

/s/ Julie Rones for Gwendolyn Rose, Land Owner of 5539, Lots 841 & 843  
Julie Rones for Gwendolyn Rose

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**From:** Julie Rones <julie\_rones@msn.com>  
**Sent:** Thursday, August 24, 2017 8:44:37 AM  
**To:** 7B04@anc.dc.gov  
**Cc:** [jimmiewilliams@pennbranchdc.org](mailto:jimmiewilliams@pennbranchdc.org); [dmorgan620@aol.com](mailto:dmorgan620@aol.com); Paul, Alberta (DDOT); [janishazel@aol.com](mailto:janishazel@aol.com)  
**Subject:** Community Benefit Request for Consideration of MAP change

Gwendolyn Rose  
3201 O Street, SE  
Washington, DC 20020  
(202) 582-5536

August 24, 2017

Mr. Phillip Hammond, ANC-7B04  
[7B04@anc.dc.gov](mailto:7B04@anc.dc.gov)

Re: Request for a community benefit it the Penn-Branch Shopping Center MAP change is approved.

Dear Mr. Hammond:

I, respectfully, request the ANC-7B's consideration for a community benefit, to address the watershed issue, if the Commission on Zoning approves a MAP change for the Penn-Branch Shopping Center.

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Sincerely,

/s/ Julie Rones for Gwendolyn Rose, Land Owner of 5539, Lots 841 & 843  
Julie Rones for Gwendolyn Rose

The new school year is here and every day is a new opportunity for our students to learn and grow. We all have a role to play in ensuring students get to school, ready to learn, and understand that #EveryDayCounts. Go to [attendance.dc.gov](https://attendance.dc.gov) to learn more.