

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
IN THE MATTER OF: :
: Case No.
MAP AND TEXT AMENDMENTS TO : 08-09
EXPAND THE SIXTEENTH STREET :
HEIGHTS OVERLAY DISTRICT :
-----:

Monday,
September 22nd, 2008

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-09 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C. 20001, Anthony J. Hood, Chairperson presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
GREGORY JEFFRIES, Vice-Chairperson
CURTIS ETHERLY, JR., Commissioner
PETER MAY, Commissioner
MICHAEL TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF THE ATTORNEY GENERAL STAFF
PRESENT:

ALAN BERGSTEIN
JACOB RITTING

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
JENNIFER STEINGASSER

The transcript constitutes the
minutes from the Public Hearing held on
September 29, 2008

TABLE OF CONTENTS

WELCOME:

Anthony Hood 4

Z.C. CASE NO. 08-09 (MAP AND TEXT AMENDMENTS
TO EXPAND THE SIXTEENTH STREET HEIGHTS OVERLAY
DISTRICT)

PRELIMINARY MATTERS: 9

PRESENTATIONS BY ANC 4C:

Ronald Bland - AMC 4C 13-14

Laurence Jones 13-32

Patricia Cooper 14-18

Doreen Thompson 14-35

REPORT OF THE OFFICE OF PLANNING:

Jennifer Steingasser 71

Joel Lawson 77

COUNCIL MEMBER:

Council Member Bowser - Ward 4 82

ORGANIZATIONS AND PERSONS IN SUPPORT:

Kia Johnson 171

Rony Sloan 174

Cheryl Boyce 182

Esther Williams Yarborough 190

Gael Murphy 196

ORGANIZATIONS AND PERSONS IN OPPOSITION:

Carolyn Brown 89

Lindsley Williams 96

Richa McKeown 100

CJ. Lantion 127

Jeff Holmstead 133

Tammy Holt 140

Vilma Williams 145

Lou Hampton 151

Sue Guzman 152

Winton Wilkinson 154

Linette Robinson 156

Marcia Madson 161

Adam Stubits 167

Robert Hatch 177

Michael Robbins

180

Scala Okori 200

Carl H. Russell 204

Roman Vichr 207

ADJOURN: 209

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

(6:32 p.m.)

CHAIRMAN HOOD: Okay. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Monday, September 22nd, 2008.

My name is Anthony J. Hood. Joining me this evening are -- will be Vice Chairman Jeffries, Commissioner Turnbull, Commissioner Etherly, and also Commissioner May.

We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin; Office of Attorney General, Mr. Bergstein; Office of Planning, Ms. Steingasser and Mr. Lawson.

This proceeding is being recorded by a court reporter and it is also webcast live. Accordingly, we must ask you to refrain from any disruptive noise or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case No. 08-09.

1 This is a request by ANC 4C for a Map and Text
2 Amendment to the Zoning Regulations to Expand
3 the 16th Street Heights Overlay District.

4 The notice of today's hearing was
5 published in the DC Register on July 11th,
6 2008, and copies of that announcement are
7 available to my left on the wall near the
8 door.

9 This hearing will be conducted in
10 accordance with the provisions of 11 DCMR 3021
11 as follows: Preliminary Matters,
12 Presentations by ANC 4C, report of other -- of
13 the Office of Planning, Reports of Other
14 Government Agencies, if any, Organizations and
15 Persons in Support, Organizations and Persons
16 in Opposition.

17 The following time constraints
18 will be maintained in this hearing:
19 Organizations, five minutes; individuals,
20 three minutes.

21 The Commission intends to adhere
22 to the time limits as strictly as possible in
23 order to hear the case in a reasonable period

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of time.

2 The Commission reserves the right
3 to change the time limits for presentations if
4 necessary and notes that no time shall be
5 ceded.

6 All persons appearing before the
7 Commission are to fill out two witness cards.
8 These cards are located to my left on the
9 table near the door. Upon coming forward to
10 speak to the Commission, please give both
11 cards to the reporter sitting to my right
12 before taking a seat at the table.

13 When presenting information to the
14 Commission, please turn on and speak into the
15 microphone, first stating your name and home
16 address. When you are finished speaking,
17 please turn your microphone off so that your
18 microphone is no longer picking up sound or
19 background noise.

20 These next piece I would like for
21 us to pay strict and close attention to
22 because I'm probably going to have to read
23 this -- I'm probably going to have to read

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this two more times before the night is over.

2 I would like to remind all
3 witnesses that this is a rulemaking case, not
4 a special exception. The potential impact of
5 a particular nonresidential use is of little
6 or no relevance to this proceeding.

7 What is relevant are the three key
8 findings made by the Commission when it
9 created the overlay, as are stated in Section
10 1551.4 of the Regulations.

11 This Commission assumes that it
12 must make similar findings with respect to any
13 properties proposed to be added in the
14 overlay.

15 Witnesses are therefore
16 encouraged, strongly encouraged to confine
17 their testimony to whether such findings can
18 be made with respect to the properties that
19 are the subject of this Petition.

20 The decision of the Commission in
21 this case must be based exclusively on the
22 public record. To avoid any appearance to the
23 contrary, the Commission requests that persons

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 present not engage the Members of the
2 Commission in conversation during any recess
3 or at any time.

4 The Staff will be available
5 throughout the hearing to discuss procedural
6 questions. Please turn off all beepers and
7 cell phones so as not to disrupt these
8 proceedings.

9 At this time the Commission will
10 consider any preliminary matters. Does the
11 staff have any preliminary matters?

12 MS. SCHELLIN: No, sir, other than
13 the motion that's before you.

14 CHAIRMAN HOOD: Okay. Let me just
15 say this is a rulemaking, and the -- simply
16 that we -- I will note that we have -- we will
17 have -- we will take the motion as part of the
18 testimony.

19 At this point, and I'd like to
20 indicate to my colleagues that we have -- the
21 motion to dismiss has been filed, as we all
22 know, because we've read the record, or we've
23 read the submittals.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 On behalf of the Church of Jesus
2 Christ of Latter Day Saints, and
3 Commissioners, as you know, the Office of
4 Attorney General has advised that there is no
5 motion practices in rulemaking cases.

6 So, with that, I therefore propose
7 that we not make a motion, but we take this
8 into our record for testimony.

9 Any other objection?

10 Okay. Do we have any other
11 preliminary matters?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. I see Ms.
14 Brown at the table, and I'm -- do you have
15 something germane to what I just spoke about?

16 I'm sorry. We're going to have
17 microphone classes down here for all of us, so
18 you can join us also.

19 MS. BROWN: Thank you. Good
20 evening, Mr. Chairman and Members of the
21 Board.

22 I'm Carolyn Brown with the law
23 firm of Holland & Knight, here with Jeff

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Johnson from our office on behalf of the
2 Corporation for the Presiding Bishop of the
3 Church of Jesus Christ of Latter-Day Saints.

4 And that's a mouthful. And
5 through -- when I do -- when we do make
6 testimony, you'll hear it shortened to either
7 the Church or the LDS Church, but I just
8 wanted to get that on the record.

9 And we do have the preliminary
10 motion and a preliminary matter, that there
11 are procedural deficiencies in the Petition
12 before you, and I would -- I recognized that
13 you have asked for us to deal with that in our
14 testimony on direct.

15 I would just simply ask that I be
16 allotted a specific amount of time to address
17 that, and then, instead of being limited to
18 the five minutes for the organization --

19 CHAIRMAN HOOD: So, your request
20 is some additional time?

21 MS. BROWN: Yes.

22 CHAIRMAN HOOD: I would have to do
23 that with everybody, Ms. Brown, and five

1 minutes is -- that's the procedures. This is
2 a rulemaking case, and that's where we are.

3 You know, I don't want to move
4 around on that. We had five minutes,
5 unfortunately that's where we are, because we
6 are about a rulemaking case, as you well-know.

7 MS. BROWN: Yes, and that's why I
8 thought that we've -- preliminary matters,
9 motions, and I understand your ruling, so I'll
10 let you get on with your hearing. Thank you.

11 CHAIRMAN HOOD: Thank you very
12 much.

13 Ms. Schellin, do we have anything
14 else?

15 Okay. I would ask ANC 4C, and I
16 think we have -- now, if I get this incorrect,
17 I think we have Ronald Bland, who's going to
18 represent, along with Laurence Jones, Doreen
19 Thompson and Trish Cooper.

20 Are they here? Okay. And if you
21 could, before we get started, if you could
22 identify yourself, and give us your address
23 and we'll go from there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Let the record reflect we've been
2 joined by our Vice Chairman Jeffries.

3 And, Mr. Bland, and others, you
4 may proceed when you're ready.

5 MR. BLAND: Mr. Chairman, I am ANC
6 Commissioner Ronald Bland. My single-member
7 District is 4C-03. I am the vice-chair of ANC
8 4C. I live at 1605 Buchanan Street, N.W. I
9 think that's it --

10 CHAIRMAN HOOD: Everybody,
11 however, you want to do. Just, before
12 everyone speaks, if you could just identify
13 yourself.

14 MS. THOMPSON: My name is Doreen
15 Thompson, I live at 1510 Emerson Street, N.W.,
16 at the corner of Piney Branch and Emerson
17 Street. I've lived at that address for 22
18 years.

19 Before then I lived at 14th and
20 Crittenden, a block away from Decatur Street.
21 In total, I've lived in the 16th Street
22 Heights Community for 30 years.

23 MR. JONES: Good evening,

1 Commissioners. My name is Lawrence F. Jones.
2 I reside at 1403 Emerson Street, Northwest.

3 MS. COOPER: Good evening. My
4 name is Patricia Cooper. I live at 4822 Piney
5 Branch Road, N.W., and I've lived there for
6 almost 25 years.

7 MR. BLAND: The case before the
8 Commission was brought before the ANC 4C in
9 April of 2008. The Advisory Commission
10 supported the request of the 16th Street
11 Heights Collaborative to support their request
12 to extend the overlay, the 16th Street Heights
13 overlay from Colorado Avenue on the north,
14 south to Decatur, 16th Street on the west and
15 13th Street on the east.

16 The basis for our support is set
17 forth in the ANC resolution adopted on April
18 the 8th, and that basically sets forth the
19 basis for the Commission's support of this
20 request.

21 It should be -- I would like to
22 amplify on that just a bit. I have been
23 authorized by the Commission 4C to appear

1 before the Zoning Commission tonight.

2 And we would like to point out, in
3 addition to our April the 8th resolution, that
4 in reviewing the Comprehensive Plan for the
5 District of Columbia, the Rock Creek East
6 Element has been described as an attractive
7 residential community containing many low --
8 stable, low, moderate-density neighborhoods.

9 The objective of the plan is to
10 keep such neighborhoods stable, health and
11 active. To that end, the property-owners want
12 and seek to retain the residential character,
13 appearance and historical continuity of their
14 community.

15 However, over the past several
16 years, neighborhood-after-neighborhood have
17 experienced a conversion of residential
18 housing to nonresidential uses.

19 R1A and R1B zoned properties have
20 been particularly vulnerable to this
21 conversion to nonresidential use because of
22 the larger-than average property footprint.

23 Certainly, nonresidential use

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 facilities have a place in residential
2 neighborhoods. However, such facilities
3 should not overwhelm low to moderate
4 residential neighborhoods to the extent that
5 the character, appearance and quality of life
6 of residents are diminished.

7 In the instant situation that
8 gives rise to the request to extend the 16th
9 Street Heights Overlay District, a property
10 that contained two residential-type
11 structures, but were used for nonresidential
12 and residential purposes were razed, and now
13 the property is a vacant lot.

14 It is proposed to construct a
15 33,000 square foot facility with underground
16 and surface parking and a 105-foot spire. The
17 proposed new facility will be used exclusively
18 for nonresidential purposes.

19 This change is clearly not
20 consistent with the design of low to moderate
21 density neighborhoods with respect to scale,
22 densities of adjacent properties.

23 Nonresidential use facilities in

1 this conversion of residential properties to
2 nonresidential use facilities in this area,
3 and it will have an adverse impact on the
4 immediate and nearby single-family
5 neighborhoods.

6 On behalf of ANC 4C has requested
7 that the Board of Zoning give great weight to
8 the Commission's Resolution of April 8th, 2008
9 and its position paper submitted in connection
10 with this case.

11 I would also like to note that the
12 Church of Latter Day Saints has never appeared
13 before ANC 4C for any purpose, including the
14 razing of the property that occurred earlier
15 this year and, of course, their request to
16 build on the property now.

17 That's the end of my statement.

18 CHAIRMAN HOOD: Okay. Do you all
19 have a complete presentation you want?

20 MS. THOMPSON: Yes, Mr. Chairman.

21 CHAIRMAN HOOD: Okay. We'll ask
22 our questions on the back end.

23 MS. THOMPSON: Thank you so much.

1 Can you hear me? Thank you.

2 Again, my name is Doreen Thompson,
3 and I'm here to present comments from a
4 coalition of residents, and these are
5 residents committed to preserving the
6 residential integrity of 16th Street Heights.
7 And we're in strong support of the expansion
8 of the 16th Heights Overlay District to
9 Decatur Street, N.W.

10 There are also a number of other
11 residents here today to my right, and they
12 will -- who have been very active on this
13 issue, and will also provide testimony
14 expressing their experiences and positions.

15 Through my testimony today I'd
16 like to accomplish five things. First, I'd
17 like to paint a clear picture of the community
18 for the Commissioners, and catalogue the level
19 of institutionalization which has occurred in
20 this community.

21 Second, I will identify the
22 impacts, particularly those which are not so
23 obvious to those who do not experience it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 those who have not lived there.

2 Third, I will identify the forces
3 which have contributed and will continue to
4 contribute to this institutionalization.

5 Fourth, I'd like to tie our
6 concerns in with the Comprehensive Plan for
7 Rock Creek East, as Commissioner Bland
8 mentioned.

9 And lastly, I would like to point
10 out to the Commission how the findings of the
11 16th Street Heights Overlay in the rulemaking
12 are applicable to the community which we would
13 like included in the overlay.

14 I think it's very important for us
15 to point out that this is a community that is
16 wedged between two major institutions.

17 On our northern border is Rock
18 Creek -- I'm sorry, is the Carter Barron
19 Amphitheater and Park. And while that might
20 appear to be an asset to any community, also
21 in that park is the Fitzgerald Tennis Center,
22 which annually hosts a world class, top-seeded
23 tennis event.

1 The impact of that event is that
2 every street in that area, just about in the
3 community that we represent, there are horses,
4 there are cars parked there. This is not some
5 pristine community that is not impacted by
6 institutions.

7 To our south is the Northern Metro
8 Bus Garage, which started off having -- it was
9 just -- it was just a trolley turn-around, had
10 50 buses. At one point had 350 buses.

11 Bus drivers would cut through our
12 community. We had to get signs up saying "No
13 buses."

14 This led to some unforeseen or
15 unintended consequences. For example, in
16 order for that bus barn to expand, it had to
17 eat up -- it took over Decatur Street.

18 In doing so, it left only two
19 through streets to Georgia Avenue; Emerson
20 Street and Gallatin Street. As a result, the
21 traffic along those streets, it's like opening
22 a highway.

23 And I want to point that out,

1 because again, as I want to stress, this is
2 not a pristine community. Added to that is a
3 commercial strip that used to serve -- this is
4 what the bus barn did with the 350 bus
5 drivers.

6 Used to serve our community.
7 There was a florist shop. There was the shoe
8 repair. Those were all transformed to the
9 nightclubs, the fast-foot joints, the trash,
10 the crimes that we've had to deal with in our
11 community as a result.

12 Now, imagine that community, and
13 now imagine in that same area, 50 -- over 50
14 institutions. There is one on almost every
15 single block. If it's not on your block, it's
16 around the corner from you.

17 And the last time when I checked,
18 there are probably only two blocks in that
19 area that did not have an institution on that
20 block.

21 Now, what are the impacts? Most
22 people can readily identify traffic and trash
23 and noise. But I want to point out some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the impacts that happened to the residents
2 that are not picked up.

3 And I don't know if you have the
4 testimony we have. I don't want to spend a
5 whole lot of time on them, but I want to talk
6 about a couple of these impacts.

7 CHAIRMAN HOOD: Can you just tell
8 us what page you're going to and we can follow
9 you, if that doesn't slow up your testimony.

10 MS. THOMPSON: Well, it might.

11 CHAIRMAN HOOD: Okay. Well, don't
12 do it. We'll listen.

13 MS. THOMPSON: Okay. Where zoning
14 variances have been granted -- because this
15 has been a very generous community, you know,
16 imagine over 30 years and we start seeing this
17 piling on, this domino effect of these
18 institutions.

19 So, at times when people have come
20 to this community -- I have been very active
21 with the Carter Barron East Neighborhood
22 Association. And so when zoning variances
23 have been granted, no one monitors compliance.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The institution changes ownership, no one
2 monitors performance.

3 For example, right now, the
4 British School that used to be at 16th and
5 Decatur, it moved. They are now replaced by
6 the Washington Latin Day School, yet the
7 British School continues to run a bus depot
8 off that facility.

9 At 5:30 in the morning I'm
10 awakened by those buses going down Piney
11 Branch Road, turning on Emerson Street. This
12 is what we live with. Okay.

13 Consideration is not given to the
14 disconnected perspective of some of the
15 employees and owners of these institutions.
16 A number of them do not actively monitor
17 negative activities in the community on or
18 next to their property.

19 Graffiti can pile up. Trash can
20 pile up. Leaves can pile up. They're not
21 good neighbors, some of our institutions, and
22 this is what happens when, in fact, -- you
23 know, it's not that their missions aren't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 wonderful. That's not our issue.

2 At some point it boils down to
3 buildings and people in buildings, and cars
4 accessing buildings. That's what we're
5 talking about, not whether you are -- you
6 know, you are doing wonderful things in terms
7 of helping people with, you know, schooling or
8 whatever.

9 That's not our issue at all here
10 today. We think these all -- we don't know of
11 any institution there that doesn't have some
12 wonderful mission.

13 Consideration is not given to the
14 effect of the separate -- private garbage
15 collection services. Imagine living somewhere
16 -- and most of us hear the garbage truck
17 coming through and it may be once a week.

18 Not us. Every institution has a
19 private garbage collection service, so your
20 community is just -- there are days when you
21 are out there when you're wondering where
22 exactly am I living.

23 The buses from the schools. Go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 out there ten minutes of nine. Buses are
2 stacked up at Emerson and Piney Branch Road.
3 Some of them are just coming through. They
4 are not even within that community because,
5 again, that's one of the through streets.

6 Another -- another impact that I
7 want to talk about is we're sitting there.
8 There's 16th Street, 14th Street, 13th Street.
9 These are major thoroughfares. Over the last
10 10, 15 years, those thoroughfares have gotten
11 incredibly busy.

12 If we sent someone out there from
13 the Department of Transportation to study the
14 traffic, you're going to get a different
15 result from what we experience because they
16 would have to show up the days when the
17 traffic is too tight on 16th Street and
18 somebody says, "I've got to cut over."

19 Well, they're cutting through on
20 Emerson Street, and they're cutting through on
21 Gallatin Street. And they're cutting through
22 on all of those streets to either go to 14th
23 Street or go to 13th Street. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So, that's another impact I want
2 to point out. On -- I also want to stress
3 that Piney Branch Road is just that, a little
4 road. Yet, it ends up bearing all of the
5 impacts from this traffic.

6 Okay. This is a street without a
7 source connection. It's at times six to eight
8 feet from your bedroom. Trucks go through.
9 They virtually rattle your home. And so, I
10 just wanted to point these things out.

11 Now, you might ask yourself, what
12 exactly is causing this institutionalization.
13 There are some things in the community that we
14 actually cannot do anything about, and this is
15 why we're here seeking relief.

16 The institutionalization comes
17 from about four things. We think this
18 attractive matter-of-right of policy over the
19 years has destabilized the community. Again,
20 the access to the three major arteries and
21 Rock Creek Park is extremely attractive.

22 The large residential structures
23 that we have in that community. And this is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the one that -- so when the housing market
2 goes up or down, an institution is more than
3 likely able to pay for this property.

4 But one of the things that I don't
5 think has been -- this Commission is aware of
6 is the domino effect on the
7 institutionalization. If you go out, for
8 example, and just look at 16th and Decatur on
9 the corner, right now three institutions.

10 When I moved around there, one.
11 Two properties have been converted. There is
12 another property on the market. It's vacant.

13 What is the likelihood that
14 someone is going to come in and spend good
15 money for this property when, in essence, they
16 are going to be surrounded by either school
17 buses or traffic.

18 So, this impact, it's a rolling
19 effect that we're saying from the community,
20 we've got to take a look at.

21 In fact, I should also point out
22 that this has gotten to such a degree that
23 we've had experience where someone comes in

1 and starts to market the property for
2 institutionalization. This what we've just
3 experienced.

4 You come in at the real estate
5 agent is selling the property saying, "Listen,
6 this may be residential, but you can get a
7 school here and you can get some other
8 facility here," and that's how the property
9 was marketed.

10 I'd like to just kind of reiterate
11 what Commission Bland said about Comprehensive
12 Plan. The Comprehensive Plan recognizes that
13 this is a concern. It points out that
14 residents of Rock Creek East have expressed
15 concerns about the growth of particular land
16 uses, including group homes, churches and
17 related facilities such as day care centers
18 and social service centers.

19 The planning areas inventory of
20 large homes, many located on major transit
21 lines have made it an attractive choice for
22 social service providers and community-based
23 residential facilities.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Issues relating to safety, parking
2 and neighborhood character have been raised,
3 particularly in areas where group homes are
4 clustered.

5 I'd also like to close by pointing
6 out that the findings which support the
7 adoption of the SSH, the Sixteenth Street
8 Heights Overlay District apply to the
9 community.

10 We've pointed out -- part of our
11 testimony, we've done a survey of all of the
12 institutions and provided it to the
13 Commission. The sheer number and size of the
14 institutions currently located in this
15 community, as discussed and indicated in that
16 attachment, supports the finding in Section
17 1551.4A of the rulemaking.

18 That says, "The neighborhood
19 accommodates a significant number and range of
20 human service facilities and private
21 institutions to an extent that new and
22 significantly-expanded nonresidential use
23 facilities should be governed by improved

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 public review to ameliorate adverse impacts on
2 immediate and nearby neighbors and preserve a
3 predominantly single-family residential
4 character.

5 "In summary, the extension of the
6 SSH Overlay District will promote the
7 conservation, enhancement and stability of
8 this low-density single-family neighborhood.

9 "In closing, the land use profile
10 of this community requires recognition of the
11 importance of a compromise between human
12 services and private institutions and a vision
13 for the growth and development of this
14 community as a residential community.

15 "The expansion of the SSH overlay
16 is an effort to provide an additional
17 regulatory control that leads to a more
18 definitive review of the effects of
19 institutionalization on this community and to
20 provide a voice for the community which bears
21 the considerable impact."

22 Thank you so very much.

23 MR. JONES: Good evening,

1 Commissioners. My name is Lawrence F. Jones.
2 I'm a resident of the 1400 Block of Emerson
3 Street, N.W., and represent a coalition of
4 residents committed to maintaining the
5 residential integrity of the community.

6 I'm here to provide testimony in
7 support of the expansion of the 16th Street
8 Overlay Zone. Zoning determines land use
9 pattern, building and population density and
10 ultimately a neighborhood's quality and
11 character.

12 The District of Columbia's
13 residential zones also permit development of
14 certain institutional uses as a matter-of-
15 right. There are approximately 50 such
16 institutional uses in the 16th Street Heights
17 neighborhood.

18 Consequently, the unprecedented
19 expansion of institutional uses in our
20 neighborhood makes a compelling argument that
21 matter-of-right development, particularly in
22 residential zones is an outdated concept.

23 As applied in my neighborhood, the

1 R-1 Zones matter-of-right does not afford
2 protection of the neighborhood's residential
3 integrity and quality of life.

4 The 16th Street Overlay Zone
5 Expansion, if approved, will address
6 institutionalization of the R1 single-family
7 residential neighborhood between Colorado
8 Avenue, N.W. and Decatur Street, N.W.

9 Overlay zones provide what the
10 matter-of-right clause in residential zoning
11 districts subverts. Additional regulatory
12 control that forces developers and District
13 Government Agencies to make a more definitive,
14 detailed review of the effects of proposed
15 developments on neighborhoods.

16 Overlay zones give neighborhood
17 residents a voice in the development review
18 process. The dynamics of the District's
19 demographics and land use pattern demands
20 revision of the City's Zoning Districts,
21 particularly its residential zones, one that
22 balances a well-conceived vision for future
23 land use development with protection of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 neighborhood integrity.

2 Specifically, the 16th Street
3 Overlay Zone is intended to curb further
4 expansion of nonresidential institutional uses
5 in the 16th Street Heights Neighborhood based
6 on negative land use impacts caused by
7 nonconformity of institutional and
8 nonresidential uses with the predominant
9 residential scale and character of the
10 neighborhood, increased traffic and on-street
11 parking congestion generated by institutional
12 and nonresidential uses, negative
13 environmental caused by increased air and
14 noise pollution from commuter traffic,
15 institutional staff and building service
16 traffic and diminished green space, increased
17 demand on the City's already-burdened
18 infrastructure systems and loss of taxable
19 land area.

20 The proliferation of institutional
21 and nonresidential uses in 16th Street Heights
22 has created a critical mass that threatens to
23 further diminish my neighborhood's quality of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 life.

2 Consequently, I respectfully
3 request that the Zoning Commission approve
4 expansion of the 16th Street Overlay Zone.
5 Thank you.

6 MS. COOPER: Good evening
7 Commissioners. My name, again, is Patricia
8 Cooper, and I'm also here in support of the
9 16th Street N.W. Overlay Zone Amendment.

10 My family and I have lived at 4822
11 Piney Branch Road, N.W. since November 1983,
12 almost 25 years. We selected the neighborhood
13 because at that time it was a quiet,
14 predominantly residential neighborhood which
15 was suitable for my 13-year-old twins and my
16 three-year-old.

17 At that time there were
18 approximately six institutions within one to
19 two blocks of my home, of which two were
20 operating illegally. One of the illegally-
21 operated institutions was subsequently closed
22 by DCRA as a result of the petitioning by
23 those of us who were affected by the excessive

1 traffic, noise and trash.

2 The second institution continues
3 to operate under questionable occupancy
4 approval. Since 1985, the number of
5 institutions has increased from approximately
6 six to ten, of which two are large schools
7 generating unacceptable levels of traffic,
8 noise and congestion during morning and
9 afternoon hours.

10 Excessive parking in front of our
11 homes and daily disturbances at six a.m. by
12 school buses, passenger vehicles speeding
13 along Piney Branch Road and by private
14 sanitation truck companies collecting trash
15 and recycled materials from the institutions.
16 And one of these is immediately adjacent to my
17 own property.

18 All of these institutions are,
19 again, one to two blocks from my residence.
20 Persons attending another institution
21 approximately a block and a half from my
22 residence create dangerous conditions on the
23 east and west sides of 16th and Decatur

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Streets.

2 Persons attending this particular
3 institution parks so close to the corner of
4 16th Street that vehicles turning onto Decatur
5 from 16th Street in either direction often
6 have to stop and allow vehicles coming from
7 the opposite direction to pass in order to
8 avoid hitting the parked vehicles.

9 Eighty percent of these vehicles
10 have Virginia and Maryland license plates. As
11 a community, we are concerned by the excessive
12 speeding and noise from automobiles, buses and
13 trucks, especially on Emerson, Delafield,
14 Decatur Streets and Piney Branch, which is a
15 narrow six-block-long road, which begins at
16 Colorado and ends at Buchanan.

17 When cars are parked on both sides
18 of Piney Branch Road, two-way traffic is
19 impossible. That is only one car can pass at
20 a time.

21 It is for these reasons we are
22 requesting that the Zoning Commission approve
23 the Amendment to the 16th Street Heights

1 Overlay Zone. Thank you.

2 CHAIRMAN HOOD: Does that complete
3 your presentation?

4 MR. BLAND: Yes.

5 CHAIRMAN HOOD: Okay. I first
6 want to than you all for staying germane. I
7 did not have to interrupt staying germane to
8 1551.4, and not talking about any potential
9 impacts on the neighborhood and specific
10 proposed use.

11 Again, this issue tonight is --
12 the Commission makes the findings of the
13 similar -- of the three findings that were
14 stated in the existing overlay. So, I want to
15 thank you all for setting the trend. And I'm
16 sure those to follow will do the same thing.

17 If not, if we're talking about a
18 specific project use I'm going to have to cut
19 you off. We need to see how it's germane to
20 what is already existing.

21 So, I want to thank this panel.
22 By no way does this say my position. I want
23 to thank this panel for sticking the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 rulemaking case which is before us tonight.

2 So, with that, let me ask my
3 colleagues, you've made my job a little bit
4 easier. Let me ask my colleagues, do you have
5 any questions of this panel?

6 Mr. May.

7 COMMISSIONER MAY: I guess I'd
8 just like to go over more specifically the --
9 the new institutional uses, and I mean, I know
10 we heard some statistics about going from six
11 to ten and I'm just wondering, you know, is
12 that all within the proposed expansion of the
13 -- of the overlay zone?

14 MS. THOMPSON: Commissioner May, I
15 don't -- I don't know if you have a copy of --
16 there's an attachment on the back that is a
17 survey of the current institutional uses.

18 CHAIRMAN HOOD: This is actually
19 good. I think we got this evening -- yes, we
20 got this --

21 COMMISSIONER MAY: Right.

22 CHAIRMAN HOOD: But this evening
23 we haven't had a full chance so we may be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 asking some questions that you already have in
2 here.

3 MS. THOMPSON: No. I just wanted
4 to make sure he has it.

5 COMMISSIONER TURNBULL: We have
6 the attachment. I think what Mr. May is --
7 what Commissioner May is asking for is how
8 many new institutional uses have occurred in
9 the last few years in the proposed area.

10 MS. THOMPSON: We haven't
11 identified how long ago most of those listed
12 here existed. I think all we can do is give
13 you snapshots over a period of time.

14 So, for example, when my neighbor,
15 Ms. Cooper was talking about that period of
16 time when she moved in and is happening now.

17 I should also share with you that
18 for quite some time I was the president of the
19 Carter Barron East Neighborhood Association,
20 and we pretty much spent all the -- pretty
21 much all the time that I was there, and
22 subsequently, always dealing with a new
23 institutional use.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And also, let's -- I want to talk
2 a little bit about the Kingsbury School. When
3 we first moved there, the Kingsbury School,
4 which is a huge piece of property that's
5 sitting in that area, it runs from essentially
6 Farragut -- and in a way, I guess it's -- some
7 part of it is almost at Emerson, angles over
8 to Emerson, and runs over to Gallatin Street.

9 VICE CHAIRPERSON JEFFRIES: Isn't
10 that a red brick building?

11 MS. THOMPSON: Yes.

12 VICE CHAIRPERSON JEFFRIES: Oh,
13 okay. Huge?

14 MS. THOMPSON: Yes.

15 VICE CHAIRPERSON JEFFRIES: Okay.
16 Okay.

17 CHAIRMAN HOOD: You know what, let
18 me stop right here. I want us to talk about
19 -- if you could cite your example without
20 pinpointing a specific school or --

21 MS. THOMPSON: Oh, no, I was
22 actually --

23 CHAIRMAN HOOD: That would help

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 us.

2 MS. THOMPSON: -- trying to
3 pinpoint a time.

4 CHAIRMAN HOOD: But you named a
5 school.

6 MS. THOMPSON: A time.

7 CHAIRMAN HOOD: Right. A time
8 frame. Okay.

9 MS. THOMPSON: A time frame.

10 CHAIRMAN HOOD: Let's try to leave
11 from naming.

12 MS. THOMPSON: Well, okay.

13 CHAIRMAN HOOD: Do your best.

14 MS. THOMPSON: So, the point I was
15 trying to address, however, is that when you
16 have a major institution that comes on board
17 such as that facility and the impacts -- and
18 that's one of the ones that I think the
19 neighborhood is absorbing.

20 Then we had another school that
21 opened -- I'm trying to give you a time frame,
22 that there's been a number of schools that
23 have -- well, we don't want to use the names,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but there are a number of schools, some of
2 which we think might have something to do with
3 the District's Charter School Policy.

4 A number of schools have opened.
5 There are big houses in that area. So, this
6 is one of the things we're dealing with.
7 There's another facility that came on board in
8 recent years, all 16th and Decatur.

9 So, I'm trying to get to the
10 response when did these facilities come on
11 into the community.

12 COMMISSIONER TURNBULL: If I may--

13 CHAIRMAN HOOD: Let me just ask
14 this: Are we talking about in the proposed or
15 are we talking about what's already existing?

16 MS. THOMPSON: I thought that
17 Commissioner Turnbull was asking what -- of
18 the existing ones, when did they come on.

19 COMMISSIONER TURNBULL: No. What
20 I was getting to was that in the new proposed
21 area, getting back to the original findings of
22 fact, why the original 16th Street Overlay was
23 created, we are trying to keep our analysis on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the -- the original overlay was created
2 because the language said one in every ten
3 houses in the neighborhood was being converted
4 to nonresidential use.

5 What I'm trying to get at is that
6 in the current proposed overlay, what is the
7 turnover rate of residential to
8 nonresidential?

9 MR. BLAND: If I may, at the
10 corner of Decatur and 16th, in the last five
11 years two of the three institutional nonuse --
12 or nonresidential uses were established at
13 that time, within the last five year period.
14 One church and one a school.

15 CHAIRMAN HOOD: Commissioner, what
16 street was that again?

17 MR. BLAND: Decatur and 16th.

18 CHAIRMAN HOOD: Decatur and 16th.
19 Thank you.

20 MS. THOMPSON: I might also add
21 that in the full testimony I've provided, at
22 page four, we basically start at the Colorado
23 Avenue down to Decatur and since a lot of us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have a long view because we've been there for
2 a number of years, we -- out of the -- for
3 example, it says, "16th Street from Colorado,
4 Decatur, there are ten institutions reflecting
5 seven residential properties converted to
6 institutional use."

7 East of that, if you go over to
8 14th Street in that same area, you've got 15
9 institutions, and of these 15, 11 of them were
10 converted from residential properties.

11 CHAIRMAN HOOD: Let me see if
12 Commissioner May -- who asked the question?

13 COMMISSIONER MAY: Well, I got it
14 started.

15 COMMISSIONER TURNBULL: I think
16 Commissioner May had originally started the
17 question.

18 CHAIRMAN HOOD: Commissioner May,
19 have you --

20 COMMISSIONER MAY: Just run that
21 last statistic by me again.

22 MS. THOMPSON: On page four of
23 that document that -- sorry, you just received

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it.

2 COMMISSIONER MAY: Yes.

3 MS. THOMPSON: From 16th Street
4 from Colorado to Decatur.

5 COMMISSIONER MAY: Okay.

6 MS. THOMPSON: And we went about
7 counting each institution that is currently
8 there. And, out of the ten that are there,
9 seven of them are conversions.

10 And similarly, if you go from that
11 point over to 14th Street, expand over to
12 14th, you pick up another 15 institutions and
13 out of those 15 institutions, 11 of them were
14 converted from residential property.

15 VICE CHAIRPERSON JEFFRIES: That's
16 in the last -- oh, gee, that's in the last
17 three years. I guess we were trying to get --

18 MS. THOMPSON: I used that time
19 frame because I just -- because I've lived
20 there for such a long time.

21 VICE CHAIRPERSON JEFFRIES:
22 Anecdotal, I mean, yes --

23 MS. THOMPSON: So, I just -- it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 anecdotal. It's just -- I've watched, year-
2 after-year this pops up, this -- whatever.

3 CHAIRMAN HOOD: Okay. Any other
4 questions?

5 COMMISSIONER ETHERLY: If I could,
6 Mr. Chair, let me just kind of follow along --
7 along that line of questioning, because I
8 think it's a very important distinction to
9 make here, so pardon me if it sounds like I'm
10 trying to get real deep into the minutia.

11 But, I want to be sure that we're
12 clear on the question. Since the original
13 overlay was adopted, I want to be sure that
14 it's not just a perception that there are
15 impacts and effects which may or may not be
16 true.

17 But let's just say for the sake of
18 discussion that it's an impact issue that
19 you're feeling, rather than an actual change
20 in the number of institutional uses that have
21 been introduced since the adoption of the
22 original overlay.

23 Part of -- and let me try to work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 through this, because I perhaps have kind of
2 complicated or confused it a little more. But
3 part of what I'm trying to figure out is, to
4 an extent, one of the questions here is why
5 wasn't this area originally included in the
6 overlay.

7 And you may have some answers to
8 that, I'm sure. If it was not included
9 originally in the overlay because at that
10 particular juncture you had not yet reached a
11 tipping point or a saturation point, then part
12 of what I think your argument is, is that we
13 now have reached such a point.

14 MS. THOMPSON: Precisely.

15 COMMISSIONER ETHERLY: If that's
16 the case I think it is a very important
17 question to get a handle on precisely -- let's
18 say with as much precision as possible the
19 number of institutional uses that have been
20 introduced in the proposed expansion area
21 since 1994.

22 Some of the testimony -- let me
23 say, some of the written documentation that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 been introduced by other interested persons or
2 organizations, not naming any names, some of
3 that data would suggest that there has not
4 been the change of residential uses being
5 converted to nonresidential use in the
6 proposed expansion area.

7 So, part of my question, and it
8 just may be the case that our job is going to
9 have to be sifting through that and talking a
10 look at this data and trying to see, okay,
11 ultimately who's right and who's wrong.

12 But, it would be your testimony
13 that as a resident, all of you, as a resident,
14 as long-time residents in this area, you most
15 certainly have seen residential uses displaced
16 by nonresidential or institutionalized uses.

17 MS. THOMPSON: Let me attempt to
18 respond. Clearly, since 1994, there has been
19 an increase. Clearly.

20 COMMISSIONER ETHERLY: In the
21 proposed expansion area?

22 MS. THOMPSON: In the proposed
23 expansion area.

1 COMMISSIONER ETHERLY: Okay.

2 MS. THOMPSON: Clearly. There is
3 no question.

4 COMMISSIONER ETHERLY: So, with
5 respect --

6 MS. THOMPSON: Without listing the
7 institutions, I can actually point out the
8 institutions that did not exist there in 1994
9 that came on.

10 And based on the size of these
11 institutions, so for example, if something
12 were just one small -- I'm trying to think of
13 some small something in the community, versus
14 something that is huge.

15 We have had several -- for
16 example, since 1994, I'm trying not to use
17 names, but since I've already brought up the
18 Kingsbury School, that used to be called the
19 Transcendental Meditation Center, a very
20 quiet, low-key facility.

21 It's now a major school. Major
22 facility. Okay.

23 COMMISSIONER ETHERLY: But do you

1 -- but when was that facility in place because
2 I guess part of the question would be --

3 MS. THOMPSON: It hasn't -- it
4 hasn't been -- I would say 2000. It has a
5 '98, 2000. It's only recently in there.

6 COMMISSIONER ETHERLY: But what
7 I'm trying to parse out is part of this is --
8 and maybe this is part of the argument you
9 will make to us or to just me as one Board
10 Member, is it an issue of literally, here's a
11 house right here. This house disappears and
12 it's replaced by an educational institution,
13 or is it that the same nonresidential use that
14 existed prior to 1994 has simply been
15 displaced by something that's move obvious.

16 MS. THOMPSON: No, Commissioner
17 Etherly --

18 COMMISSIONER ETHERLY: Okay.

19 MS. THOMPSON: -- here's a house.
20 It's gone. Here's an institution in it's
21 place.

22 COMMISSIONER ETHERLY: I
23 understand.

1 MS. THOMPSON: There's a church at
2 16th and Emerson -- no, I'm sorry. 16th and
3 Decatur.

4 COMMISSIONER ETHERLY: Okay.

5 MS. THOMPSON: Those were houses.

6 COMMISSIONER ETHERLY: Okay.

7 MS. THOMPSON: Okay.

8 COMMISSIONER ETHERLY: So --

9 MS. THOMPSON: No, we've had both.
10 But I also want to stress to this Commission,
11 and that's why I spent as much time as I did
12 about this community. This is not some
13 isolated community backing up against a park
14 here and park there and, you know, you can
15 certainly absorb this.

16 Along with the
17 institutionalization are the increase in
18 traffic along 16th Street. You have these
19 major institutions at the other end that have
20 shut down streets.

21 So, since 1994 -- I don't believe
22 anyone's here from the Department of
23 Transportation, but they could probably speak

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to the degree and the amount of traffic that's
2 now on 16th Street, on 14th Street, on 13th
3 Street.

4 COMMISSIONER ETHERLY: So, it
5 would be your testimony that the amount of
6 traffic that you now see in a fundamental way
7 impacts negatively the residential character
8 of the proposed expansion area, that that area
9 -- because that right now, at least, is how
10 I'm somewhat looking at this, trying to sort
11 out is there something that's fundamentally
12 putting the residential character of the
13 proposed expansion area at risk?

14 I hear you clearly saying yes.
15 I'm just trying to kind of dig and parse out
16 a little more.

17 In the portion that you referenced
18 to my colleague, Mr. May, on page four, part
19 of me is inclined to kind of again dig a
20 little more and make sure I understand where
21 that information, where that data is coming
22 from, just so I'm clear that I understand.

23 Trust me, I don't want to look at

1 this and make this simply a mathematical
2 equation. Okay. We've had five houses that
3 were there before 1994 and now they're gone.
4 I think it's a much -- it's a much more
5 complicated calculus than that.

6 So, I don't want to seem like it's
7 just about that, but to an extent I want to be
8 sure that I understand how the numbers have
9 changed in addition to with some limitation,
10 some of the other things that we've talked
11 about, as you've mentioned, the traffic issue.

12 But I think I'm clear in hearing
13 your answer that if Commissioner Etherly is
14 asking does the traffic that runs through my--
15 through this area that's proposed for
16 expansion feel like it's a residential area--
17 make it feel like it's a residential area,
18 your answer would clearly be, "No, it doesn't.
19 I'm seeing traffic that's on par with what I
20 would expect to see in a commercial district
21 or maybe even in a light manufacturing or a
22 light industrial district, not something
23 that's consistent with a residential

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 district."

2 MS. THOMPSON: I didn't even
3 mention the heavy trucks. Because, at one
4 point, let's say since -- I'm not sure when --
5 again, there's no one from DDOT here, but they
6 decide the trucks -- they were allowing trucks
7 on 16th Street.

8 I don't know how long everyone's
9 been around, but there was a point where
10 trucks were not big, heavy trucks at a certain
11 level were not on 16th Street.

12 COMMISSIONER ETHERLY: But again,
13 let me be sure that I push back a little bit.
14 This is from your perspective clearly an issue
15 of the nonresidential uses -- the
16 nonresidential presence.

17 This is not -- from your
18 standpoint, if I were to ask you, "Ms.
19 Thompson, is this really just traffic patterns
20 changing and evolving over time, and
21 unfortunate because you live near a major
22 corridor, a couple of major arteries,
23 unfortunately you deal with it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I live on Capitol Hill East, right
2 off of Pennsylvania Avenue, S.E. So, I deal
3 with Sousa Bridge, portions of 295, and that's
4 just my lot in life.

5 You're saying, no, that's not just
6 it.

7 MS. THOMPSON: It is --

8 COMMISSIONER ETHERLY: This
9 traffic is specifically because of other
10 things.

11 MS. THOMPSON: Yes.

12 COMMISSIONER ETHERLY: And I want
13 to be careful because the Chair's admonition
14 is an important one, and I'll back him up
15 again.

16 You know, there's a very specific
17 rationale behind the overlay, and so I'm kind
18 of digging more towards trying to stay focused
19 there.

20 I think I got your answer. I
21 think I got your answer.

22 MS. THOMPSON: Okay.

23 VICE CHAIRPERSON JEFFRIES: I'm

1 sorry to -- I don't want to get in between.

2 Just a quick question, Commissioner Etherly.

3 So, was your question really
4 what's the rate of conversion from residential
5 to nonresidential after the original overlay--

6 COMMISSIONER ETHERLY: Yes.

7 VICE CHAIRPERSON JEFFRIES: -- in
8 this particular area?

9 COMMISSIONER ETHERLY: In part,
10 yes.

11 VICE CHAIRPERSON JEFFRIES: And I
12 guess my question is: Would the Office of
13 Planning -- and I know, Mr. Chair, we don't
14 want to get into that now, but would they have
15 that kind of information, you know, at their
16 fingertips, and we can get to that when we get
17 to OP.

18 But, that might be a question that
19 the Office of Planning could sort of address
20 in terms of looking at the rate of conversion
21 after the original overlay to get a sense of,
22 you know, just -- just changing patterns in
23 the neighborhood.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: I think that's
2 very well-said Vice Chair, but we want to ask
3 the Petitioners first, and I think it's --
4 some of the same questions we're going to
5 actually ask the Office of Planning, but --

6 COMMISSIONER ETHERLY: And I
7 raised it with the Petitioners because, I
8 mean, they've done excellent work in terms of
9 the argumentation and the back-up that you are
10 attempting to present to support your argument
11 and your Petition here.

12 So, that's why I felt comfortable
13 kind of getting -- trying to get at that a
14 little bit, Ms. Thompson. You know, it's not
15 necessarily something a lay person would know,
16 per se, but from the depth of -- from the
17 depth and the detail that your written
18 submission shows, I wanted to just kind of
19 probe a little deeper, because it seems like
20 there's been quite a bit of that you've put
21 towards trying to quantify.

22 Again, I don't want to make it
23 seem like it's just a matter of numbers, but

1 there is a part of me that really wants to be
2 sure I understand, you know, tit-for-tat just
3 how many residential uses or properties have
4 we lost and, in turn, been replaced by
5 nonresidential uses.

6 Because, I -- it's easy to say,
7 it's just institutions, and they're just
8 what's driving this crazy, and they can become
9 the big, bad wolf in the room, but I kind of
10 feel I want a little more -- little more data
11 there.

12 And the Office of Planning will
13 help fill in some of those gaps, but --

14 MS. THOMPSON: Commissioner, I
15 would hope that the decision isn't made on the
16 rate, that you would look at this community
17 and say, you've got 50 institutions. There's
18 one on every block.

19 I would hope that resonates with
20 the Commission. We've got a residential
21 community and there's an institution -- like
22 I said, at one point when I walked to do the
23 survey, there's some blocks that would have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 three in a block.

2 It's -- there's a reason that this
3 has been attractive to institutions, but --

4 COMMISSIONER ETHERLY: But, let me
5 ask this, though: I mean, as I heard the
6 testimony from the panel, part of what I wrote
7 down was: well, where do you draw the line?
8 Is it, you know, fifty percent, fifty percent,
9 and as long as you maintain a balance it's
10 okay.

11 But the minute you get to --
12 again, the comprehensive -- the Comprehensive
13 Plan and some of the Office of Planning's
14 comments speak to the residential inventory
15 that make this area such an attractive area
16 from the standpoint of we need to protect it.

17 You are well ahead of the curve in
18 terms of what we're seeing in other parts of
19 the City. There's something most certainly
20 there to be protected.

21 And I agree with you in part. I
22 don't want to make it just a numbers game, so
23 I'm not leaning in that direction, but I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the number of pieces are important to kind of
2 sort out.

3 So, that's why I've just kept
4 coming back to it. So I know you wanted to
5 kind of get in there, so --

6 MR. JONES: Let me just add this:
7 If you want to get a feel for the community
8 and what we live with every day, I invite you
9 to come out morning rush hour, afternoon rush
10 hour, nighttime, during the week and on
11 weekends to get a feel for the impacts that
12 we're talking about with regard to
13 institutional nonresidential uses.

14 I invite you all to do that. Join
15 with us and the ANC Commissioner, and we will
16 walk the area and just point out the
17 institutions and nonresidential uses, and you
18 will see the impacts themselves. All right.
19 And the effects on the quality of life of this
20 area.

21 That's the best way that we can do
22 this. You can have all the arithmetic that
23 you want in terms of number of institutional

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 uses, number of nonresidential, and I
2 understand that, but the size, the permanency
3 of those uses and the spinoff, staff traffic,
4 service truck traffic, the effects on the
5 environment, both air and noise quality, the
6 burden on the City's infrastructure are all
7 parts of what we're talking about.

8 And at some point you have to
9 protect neighborhood character. We are
10 residents. We are, in fact, taxpayers as
11 well.

12 COMMISSIONER ETHERLY: Okay. Mr.
13 Chair, that concludes my questions for now.

14 CHAIRMAN HOOD: I just wanted to
15 follow up again. I don't want any of us,
16 including my colleagues, to lose sight and no
17 disparaging against any of our questions, but
18 we want to make sure that we stay within the
19 realm of what the scope of 1551.4. And that's
20 how you initiate at your beginning of your
21 first existing overlay.

22 And we wanted to see -- you know,
23 when we deal with this, we're going to have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 look at the 1551.4, namely A, B and C, and see
2 if the relevance still continues on and the
3 proof is for us to continue to make this
4 expansion -- to extend the overlay which
5 already exists.

6 Now, I'm going to ask this
7 question before I forget. In the ANC
8 Commission's resolution -- and I'm going to
9 ask it this way now: One thing about us up
10 here, all of us, you know, we're all five
11 different people, so we understand things
12 differently as -- I'm going to ask it my way.

13 This may have been in the dialogue
14 of the Commission Etherly has already had with
15 you, but I'm going to ask it my way and I need
16 a quick answer.

17 In the Resolution it says,
18 "Whereas the number of nonresidential
19 facilities continues to increase in an
20 alarming rate with a domino effect, resulting
21 in residential housing being market-targeting
22 nonresidential uses and the drop in housing."

23 Is it your testimony -- I'm not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 talking about the existing overlay, and anyone
2 can comment. I want to hear about the
3 proposed. Is that actually taking place now
4 as it exists in the proposed expansion area
5 only?

6 MS. THOMPSON: The specific
7 comment was directed. It may have been the
8 same one that I picked up, and you can
9 certainly, if I'm not answering this
10 correctly, someone else might.

11 We've actually seen where realtors
12 have come in and pinpointed a residential
13 structure and marketed it for institutional
14 use.

15 CHAIRMAN HOOD: In the new area?

16 MS. THOMPSON: In the new area.

17 CHAIRMAN HOOD: Let me ask you
18 this: Why -- why don't we extend it even
19 more? We're going to -- further south. Why
20 are we not going further south on 16th Street?

21 MS. THOMPSON: It's only because
22 we are just a small group of residents. In
23 fact, what we would hope, I mean, obviously,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 if an agency would take a look and see where
2 it needs to go. We're essentially just saying
3 to 14th and Decatur because that's where --
4 what we're familiar with.

5 CHAIRMAN HOOD: I got you. Thank
6 you. And I will explore some more of that
7 with the Office of Planning. So, I got my
8 question. Anyone else?

9 Okay. Commissioner Turnbull.

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I think I agree with you, and I think I just
12 wanted to -- the comment that I think what
13 Commissioner Jeffries and Etherly were simply
14 trying to state is that we're not here to
15 rewrite the overlay.

16 We're mainly trying to get to a
17 consistency that what the existing overlay
18 says for what it is now, if you are extending
19 that into the new area, there has to be
20 consistency from both areas.

21 And I think that's why
22 Commissioner Etherly was not trying to get
23 into minutia, but trying to quantify things

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 because the original overlay was set up
2 because of certain characteristics that had
3 been developing.

4 And I think what we're trying to
5 say, are those characteristics now being
6 mirrored in this new area, and I think that's
7 why we're saying we need to have that
8 quantified.

9 VICE CHAIRPERSON JEFFRIES: And I
10 think what I hear this panel saying is yes,
11 but they just don't have the quantifiable
12 information and that's why -- and we'll look
13 to hear from the Office of Planning, who is
14 the professionals who should be doing this
15 kind of work.

16 And I'm certain you had
17 discussions with them about boundaries and so
18 forth, and so -- and that's why they're there.
19 So --

20 CHAIRMAN HOOD: Okay. Any
21 additional questions for this panel? Okay.
22 I wanted.

23 MS. THOMPSON: I'm sorry. One of

1 my neighbors just wanted to point out that I
2 think from a question that you raised about
3 why was the original -- why did it stop where
4 it did.

5 I think what's happened over the
6 years is one community group essentially
7 petitioned because they felt pressured by it,
8 and essentially, I'm going to be honest about
9 it, we -- the Carter Barron East Neighborhood
10 Association starts at Colorado and goes to
11 Decatur.

12 The group that got the first
13 overlay was the 16th Street Heights
14 Neighborhood Association. That's probably the
15 origin of why something stopped, not because
16 we didn't have the same pressures, but just
17 because someone else did it first.

18 CHAIRMAN HOOD: We understand
19 that.

20 MS. THOMPSON: Oh, okay.

21 CHAIRMAN HOOD: Believe me, we see
22 that all the time, and we understand.

23 Any other questions from this

1 panel?

2 I want to thank you, ANC
3 Commissioner -- Vice Chairman --

4 MR. BLAND: Yes.

5 CHAIRMAN HOOD: Vice Chairman
6 Bland. Are the other three Commissioners, or
7 are you just --

8 MS. THOMPSON: No.

9 CHAIRMAN HOOD: -- concerned
10 residents?

11 MS. THOMPSON: Residents and past
12 activists with the Carter Barron East
13 Neighborhood Association.

14 CHAIRMAN HOOD: Okay. Well, Ms.
15 Thompson, Mr. Jones, Ms. Cooper, I want to
16 thank you all for providing testimony and we
17 appreciate you taking the time to come down
18 and share that with us.

19 And when I watch Channel 13, I
20 always hear the Chairman of the City Council
21 say, "No applause," but, you know what, we
22 have volunteers doing some work. I don't
23 guess -- I don't guess he will call on me for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 allowing applause.

2 But, that is nice when people put
3 some work into what you're doing, even --
4 whether you agree or not, it's just the amount
5 of work.

6 Let me go to the Office of
7 Planning. Ms. Steingasser and Mr. Lawson.

8 MS. STEINGASSER: Chairman Hood,
9 Commissioners, the Office of Planning does
10 recommend approval of the overlay. We have
11 concluded that it is consistent with the
12 Comprehensive Plan. Many of the issues raised
13 by the Commission are addressed in the
14 Comprehensive Plan.

15 In our report we cite those
16 sections, and they do go to the three key
17 findings as well as the three statements of
18 purpose that are cited in the overlay, being
19 Section 1551.3 and .4.

20 To start --

21 CHAIRMAN HOOD: Ms. Steingasser,
22 can you give me a minute so I can find my
23 Office of Planning form.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Thank you, Ms. Steingasser.

2 MS. STEINGASSER: Okay. I'm going
3 to reorient my presentation a little bit to
4 try to address the focus of what I'm hearing
5 the Commission's inquiries being.

6 Starting with the key findings
7 that Section 1551.4 asks for, going through
8 those just systematically, the first is that
9 over a period of years, one in every ten
10 houses has been converted to a nonresidential
11 use.

12 And this particular area of the
13 overlay, two new properties have been
14 converted from single-family, and one
15 residential use has been demolished. The use
16 of that site has not yet been determined.

17 When you add those together with
18 the list that OP provided in our report, that
19 list shows a total of 18 properties. Thirteen
20 of those properties are nonresidential. Five
21 of those properties are institutional, but
22 residential.

23 So, you've got a home for the

1 homeless. Well, why that's residential by
2 definition, it's not single-family detached
3 and not in consistent character with the
4 neighborhood.

5 So, sticking with the strict
6 letter of the regulation, there are 13
7 existing nonresidential, two new make it 15.

8 Doing some quick calculations, and
9 we'll be happy to provide a more detailed
10 analysis, both for the Commission and the
11 public to weigh in on.

12 Based on the information provided
13 this evening by the opposition, there's 141
14 properties by address in this particular area,
15 so that would bring what had been a total of
16 eight and a half percent up to ten percent.

17 So, it does begin to hit that
18 threshold key finding that's called for in the
19 zoning regulations.

20 The neighborhood boundaries are
21 well-established, is the second key finding.
22 The map clearly shows that the neighborhood
23 boundaries are well-defined as the proposed --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for the proposed extension of the overlay.

2 And if you're asking why it
3 doesn't go any further south, the overlay
4 specifically calls for it to be mapped in
5 combination with an R1B, and this is the
6 southern boundary of that R1B single-family
7 neighborhood.

8 South of Decatur the neighborhood
9 takes on a different character. It becomes
10 residential. There's some industrial -- I
11 mean, I'm sorry, row house residential and
12 there's even some industrial properties there.
13 So we -- it maintained that corridor and
14 pulled to the end of the R1B.

15 The third key finding in Section
16 1551.4 talks about the findings of the
17 Executive Branch and the Council Members of
18 the impact of the nonresidential uses and the
19 serious planning and enforcement problems that
20 have resulted in a legislative history of
21 adopted provisions of the Comprehensive Plan.

22 That language was again mirrored
23 in the Comprehensive Plan in 2006 when the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 City Council adopted the new Comprehensive
2 Plan and that's in the OP report as Paragraph
3 2207, subparagraph E.

4 And it talks about the residential
5 -- the residents themselves, and their
6 expressed concerns over the growth of
7 particular land uses and the enforcement
8 intensity of those uses.

9 That paragraph was adopted. It's
10 cited verbatim in that Comprehensive Plan, so
11 the City Council did -- and Executive did
12 recognize that finding.

13 So, we do believe that the
14 proposal is consistent with the key findings.
15 We think it is also very consistent with the
16 purpose of the overlay, which is also cited in
17 the zoning regs, which is to promote the
18 conservation enhancement and stability of low-
19 density neighborhoods.

20 Clearly, this does. To minimize
21 the external impacts of nonresidential uses in
22 the area, to preserve neighborhood quality,
23 this would allow for that through the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 provision of the special exception -- special
2 exception review.

3 And that's a very important point
4 for us to point out is that the overlay does
5 not prohibit nonresidential uses. It does
6 allow all forms of institutional uses. It
7 only requires that they go through a special
8 exception to ascertain the negative impacts
9 and review the standards of effect.

10 So, there is -- it does not
11 prohibit them. That's very important, and
12 that's mirrored in the third stated purpose of
13 the overlay, which is to continue to provide
14 the range of health and social services,
15 private institutional, cultural, religious
16 enrichment and economic vitality within the
17 neighborhood, but to provide for public
18 review, which is what the BZA, Board of Zoning
19 Adjustment, and the Special Exception would
20 provide.

21 So, we believe that the petition
22 is consistent with both the purpose and the
23 key findings and we do recommend approval.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Thank you. Thank
2 you very much, Ms. Steingasser. You heard the
3 discussion and for me, from my view, you
4 answered a lot of the questions that we had
5 that we were asking the Petitioner.

6 But with that, I would go to my
7 colleagues and see if they have any questions
8 also.

9 Commissioner May.

10 COMMISSIONER MAY: Yes. You
11 addressed the issue of why the zone or the
12 overlay wouldn't be mapped further to the
13 south. That certainly makes sense.

14 It's apparent from the -- not just
15 from the zone map but how the land use changes
16 when you go from single-family to row houses,
17 at least on some of the blocks there.

18 But why not across 16th Street
19 toward Colorado and along the Park?

20 MS. STEINGASSER: This is not an
21 Office of Planning-initiated map amendment.
22 It came from the neighborhood. They generated
23 this as their appropriate boundaries, and we

1 accepted those.

2 COMMISSIONER MAY: Do you have any
3 sense of whether this -- what's happening
4 within the area that's proposed to be mapped
5 is also happening in squares 2652, 3, 4, 5,
6 which all seem to be the same kind of
7 residential density?

8 MS. STEINGASSER: I do not.

9 COMMISSIONER MAY: Okay. All
10 right. I don't have any other questions.

11 CHAIRMAN HOOD: Okay. Any other
12 questions, comments? Okay. Thank you Ms.
13 Steingasser.

14 Mr. Lawson, would you want to add
15 something?

16 MR. LAWSON: No, thank you.

17 CHAIRMAN HOOD: Okay. We are
18 actually ready to go to our witness list.
19 Take your time, Ms. Schellin. Once we get it,
20 we'll --

21 I want to do something. We have
22 so many people that want to testify in
23 opposition, that it's actually run off the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 page. I'm not sure how many we have.

2 But what I would like to do, and I
3 think, you know, from reading the submittals,
4 one thing about it, my colleagues and I, we do
5 read. So, we do know what the issue is.

6 Most of it's not here before us
7 tonight, so what I would like to do, if this
8 will help expedite -- it might not -- it
9 might, it might not. We are willing to hear
10 from anyone who is in support or opposition.

11 But by a show of hands, I would
12 just like to see those who are here in support
13 of this map and text amendment. If you would
14 just raise your hand.

15 (Show of hands.)

16 CHAIRMAN HOOD: Okay. Thank you.

17 And those are here in opposition
18 -- in opposition of the facts that are facing
19 us tonight, if you could just raise your hand.

20 (Show of hands.)

21 CHAIRMAN HOOD: Now, not -- and
22 let me just say this because I read the
23 material. Not those who are for the latter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Day Saints Church, that is not before this
2 Commission tonight, so again, those who are in
3 opposition of what's before us tonight, taking
4 out the Latter Day Saints, let's -- I'm trying
5 to make this easier for all of us. Let's --

6 Let me just push that to the side,
7 the Latter Day Saints issue, again, who are in
8 opposition, raise your hand.

9 MS. SCHELLIN: Are these are or
10 aren't?

11 CHAIRMAN HOOD: No. My question
12 is -- yes. Yes. Well, I'm trying to see
13 those who are dealing with the Latter Day
14 Saints issue, Church, who are in opposition.
15 I was trying to see if that's why we have the
16 additional -- obviously we have some folks
17 from the neighborhood who are also in
18 opposition.

19 MS. SCHELLIN: Could you ask them
20 to raise their hands, those who live in the
21 area?

22 CHAIRMAN HOOD: You know, that's
23 just my -- you know, it worked once before,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but it doesn't -- it's not working tonight, so
2 we're going to have to go through the list.
3 We are going to do our best, but I will tell
4 you that we are not going to talk about
5 anything specific.

6 This is a rulemaking case. If you
7 come down here and those know that we talk
8 about rulemaking, what's before us. I will
9 tell you that I'm going to be the baddest guy
10 here. If you come up talking about something
11 else, I'm going to cut you off.

12 Okay. But, being as it may, let
13 me call the first person -- well, first let me
14 go through the proponents.

15 Ms. Schellin, you have a copy of
16 the list? We don't have any?

17 We don't have any proponents.

18 MS. SCHELLIN: No.

19 CHAIRMAN HOOD: Okay. Let's go to
20 opposition. Let me call --

21 COMMISSIONER MAY: Mr. Chairman,
22 is it worth it to ask whether there's anyone
23 who didn't sign up who's here in support and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 wanted to testify?

2 CHAIRMAN HOOD: Is there anyone
3 here who is in support that wanted to testify?

4 Counsel Member Muriel Bowser, if
5 she could come forward.

6 Thank you, Commissioner May.

7 And I hope you haven't been back
8 there long.

9 COUNCIL MEMBER BOWSER:

10 Commissioners, are you able to hear me?

11 CHAIRMAN HOOD: Yes.

12 COUNCIL MEMBER BOWSER: Well, I'm
13 just delighted to be here tonight to speak on
14 the issue that's before you, and it sounds
15 like you're going to be here listening to some
16 comments for a while.

17 And I appreciate the fact, Mr.
18 Chairman, that you want to focus the
19 conversation on the matter that's before you
20 today. And that matter is whether the
21 resident support for, particularly in this
22 area, should be afforded the extension of this
23 overlay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We believe that this is a narrow
2 issue for you to consider today, that would
3 specifically address if residential
4 communities particularly in my ward, I imagine
5 some other wards might have the same issues,
6 should the residential nature of those
7 neighborhoods be considered.

8 And that's what we're saying.
9 We're not saying that only residential can
10 apply there, but should there be a formal
11 process by which residents can make their
12 feelings known about projects coming into our
13 neighborhoods.

14 We think this particular
15 community, like the community to its north is
16 particularly affected by nonresidential uses.
17 We don't only believe that, I believe that the
18 Office of Planning has shown you that that's
19 the case, that there is an overrepresentation
20 of some nonresidential uses in this community.

21 Whether it be a school use or a
22 church use, whether it be a group home use, we
23 have in this particular community

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 overrepresentation of those types of uses.

2 So, what this extension would do,
3 as it has done in the neighborhood to the
4 north is allow the community a formal process
5 by which to make comment. And frankly, it
6 would allow this body to make comment.

7 And so, we think that the
8 extension of this overlay is exactly what's
9 needed, just as it has been needed and has
10 worked well in the neighborhood to the north.

11 So we, as you know, Mr. Chairman,
12 and Commissioners, are a community that
13 welcomes everyone, and this neighborhood is no
14 exception, but we do believe that this is the
15 appropriate method by which you can act to
16 make sure that our 16th Street Heights
17 community has a formal process by which to
18 comment.

19 Again, we are not making any
20 particular statement, and I know that
21 neighbors and, certainly, the Advisory
22 Neighborhood Commission 4C has moved this
23 application and I know that you will give that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Commission the great weight that it deserves,
2 that our law requires.

3 And they moved in that way with
4 deep deliberation and in consulting with the
5 neighbors. And in my office, and I have been
6 privileged to work with the community to work
7 with every manner of use that's in that
8 community to be sure that our neighbors'
9 interests are considered.

10 These are tax-paying citizens of
11 Washington, and we demand that they be heard,
12 so they have spoken through their ANC
13 Commissioners. I am pleased, as their Council
14 Member, to also suggest to you and highly
15 recommend to you that this is a fair process
16 by which to proceed.

17 And we recognize that every
18 constitutional protection should be considered
19 here, and we would not ask you to act in any
20 other way. But we know that this overlay has
21 been extended in other neighborhoods, and
22 everybody has enjoyed every constitutional
23 right in that neighborhood, and our residents

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have had their say.

2 So, I appreciate you listening to
3 our testimony, and I thank you in advance for
4 giving great weight to the citizens of the
5 District of Columbia because they have spoken
6 through their representatives. Thank you very
7 much.

8 CHAIRMAN HOOD: Thank you very
9 much, Council Member Bowser.

10 If you can hold your seat. Any
11 colleagues have any questions?

12 (No response.)

13 CHAIRMAN HOOD: Okay. No
14 questions. Thank you very much for taking the
15 time to come down.

16 COUNCIL MEMBER BOWSER: Thank you.
17 And I neglected, I think, Chairman, to mention
18 that I am Council Member for Ward 4, and I'm
19 happy to represent the residents here, and
20 many of the institutional and nonresidential
21 uses in this community as well.

22 CHAIRMAN HOOD: Okay. Thank you
23 very much for taking the time to come down.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We appreciate that.

2 Okay. Let's -- anyone else?

3 Thank you, Commissioner May, for asking for
4 anyone in support. Let me do that again.

5 Anyone else here in support?

6 Would you like to testify or you
7 just -- I asked earlier for people that were
8 here in support. Is anybody who didn't sign,
9 if you didn't sign, you can come up and
10 testify if you are in support, if you would
11 like to speak.

12 If not, let me just do this --
13 anybody who did not -- let me see how I can do
14 this. Make it real easy.

15 Anybody who is in support, but did
16 not wish to speak, just raise your hand.
17 Anybody who is in support but just wanted to
18 come down and see the proceedings and did not
19 sign up to testify, just raise your hand.

20 (Show of hands.)

21 CHAIRMAN HOOD: Okay. Thank you.

22 Because the only person we -- okay. Thank
23 you.

1 We actually, on our list -- Ms.
2 Schellin, if you can help me. I don't think
3 we -- other than Council Member Bowser and
4 those who raised their hand who were not
5 speaking, we don't have anyone else on the
6 list that I have in front of me that's in
7 support.

8 We do have one person for Latter
9 Day Saints that's in support, but I don't
10 think that's recorded correctly.

11 Okay. Let me go through the list.
12 I'm going to ask Ms. Carolyn Brown, Lindsley
13 Williams and Rich McKeown.

14 Again, those who are representing
15 an organization or group gets five minutes,
16 and those who are individuals get three
17 minutes.

18 MS. BROWN: Mr. Chairman, you
19 allotted an organization -- a couple different
20 organizations 15 minutes to make their
21 presentation, so I would assume that we would
22 be accorded the same amount of time.

23 CHAIRMAN HOOD: Are you talking

1 about last week, Ms. Brown?

2 MS. BROWN: No, I'm talking about
3 this evening. The ANC spoke for four minutes,
4 the Coalition spoke for 15 minutes. Ms.
5 Cooper spoke for five minutes, and the other
6 representative --

7 CHAIRMAN HOOD: To my knowledge,
8 the ANC and all -- that was all part of their
9 presentation, and that's the way I moved, so
10 I'm going to continue to stick to what I have,
11 Ms. Brown?

12 MS. BROWN: I have a standing
13 objection, then, because that is patently
14 unfair to accord organizations greater time
15 than the people in opposition to it.

16 That's not in the rules. It's --
17 you may have that authority under a hearing
18 process for a PUD. This is a rulemaking, and
19 there are no time limits for some
20 organizations to get -- do not get more time
21 under a rulemaking proceeding --

22 CHAIRMAN HOOD: Well, I'll tell
23 you what, Ms. Brown, my rule stands for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tonight and if I made a problem in the past,
2 my colleagues, we'll just have to come back
3 down and do it again another night, because
4 I'm under the assumption that ANC 4C had their
5 presentation.

6 MS. BROWN: That is my first
7 objection, that the ANC was not properly --

8 CHAIRMAN HOOD: That's one
9 objection. So noted.

10 Does anyone want to move on that
11 action?

12 Okay. So noted. Thank you.

13 MS. BROWN: The objection that the
14 ANC was not properly authorized to bring this
15 petition, so they were -- they should not be
16 accorded the great weight that they've
17 requested. They only --

18 CHAIRMAN HOOD: So noted. Thank
19 you. And I think that was in your submittal.
20 So noted. Thank you.

21 Any of my colleagues want to move
22 on any of that? Okay. So noted.

23 MS. BROWN: I'd like to go through

1 some of the reasons why that this overlay is
2 not an issue and should not be adopted.

3 First, there's good news for the
4 community. All the concerns that they have
5 about institutional uses, schools, community-
6 based residential facilities, they're already
7 covered by special exceptions, and if there's
8 a problem with enforcement with the BZA,
9 that's not an issue to be addressed through an
10 overlay proceeding.

11 Second, I'd like to go through the
12 issues raised that we've just received tonight
13 from the organization that read this testimony
14 into the record for 15 minutes.

15 You asked a question as to why --
16 why this wasn't extended to the south before.
17 It's because ANC 4C specifically opposed the
18 16th Street Heights Overlay when it was
19 initially adopted in 1992. This community
20 that is asking for it tonight opposed it. So,
21 that's why it didn't extend farther south.

22 CHAIRMAN HOOD: I would ask that
23 we keep some order, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And, the clock is ticking, Ms.
2 Brown.

3 MS. BROWN: Thank you for
4 reminding me of my limited time.

5 I would like to note that we're
6 opposed to this overlay because there are no
7 changes in circumstances or convergence of
8 additional properties to nonresidential uses
9 that warrant it.

10 Secondly, it's inconsistent with
11 the Land Use Plan 2.3.6 which recognizes the
12 significant roles that houses of worship play
13 in our communities and the need to sustain
14 them as neighborhood anchors.

15 Third, the overlay violates the
16 free exercise clause of the Constitution and
17 two Federal Statutes. The Religious Freedom
18 Restoration Act and the Religious Land Use and
19 Institutionalized Persons Act.

20 And we know that this church was
21 specifically targeted by the Petition because
22 it attached a Petition from the community to
23 stop this church.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You look to the ANC minutes on
2 their website, they voted for a resolution to
3 stop this LDS church. That's how we know it's
4 targeted and why these two Federal Statutes
5 and the First Amendment are implicated.

6 And we have members of the Church
7 that are here that can explain how those rules
8 are implicated and how the Church is
9 substantially burdened by this overlay.

10 I will turn the rest of the time
11 over to Mr. Lindsley Williams, an expert land
12 use and planning professional who will tell
13 you why these -- the standards have not been
14 met for the overlay. Thank you.

15 CHAIRMAN HOOD: Well, let me say
16 this: Mr. Williams is down here on my list as
17 an individual and no time shall be ceded, so
18 he will have three minutes.

19 MS. BROWN: I'm happy to go on for
20 my full five minutes if he's listed as an
21 individual.

22 CHAIRMAN HOOD: Yes. That's what
23 I have on my list. So, you have two minutes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and 21 seconds.

2 MS. BROWN: Thank you.

3 The ANC suggests that this is a
4 particular threat because of its size and its
5 steeple, yet, it's precisely because of the
6 lot size of this church that it's already been
7 through the environmental impact screening
8 form process.

9 It has been fully vetted by the
10 District of Columbia Government, including the
11 Office of Planning, which determined that it
12 had absolutely no adverse impacts.

13 It's also been vetted by the
14 Department of Transportation, no adverse
15 impacts. So, I'm not sure why we're here
16 tonight if there are already processes in
17 place that already protect the community from
18 these perceived threats.

19 And I want to turn back to the
20 RLUIPA issue. A law that is neutral on its
21 face, but targets religious uses or treats
22 believers unequally violates RLUIPA --
23 RLUIPA's antidiscrimination provisions.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And again, this Church has
2 specifically been targeted for those uses, and
3 with that, I will turn it over to Mr. Lindsley
4 Williams, and I'm available for questions.

5 CHAIRMAN HOOD: There's more time
6 for you, Mr. Williams.

7 MR. WILLIAMS: Thank you.

8 CHAIRMAN HOOD: Three minutes.

9 MR. WILLIAMS: Thank you, Mr.
10 Chairman. My name is Lindsley Williams. You
11 have before you, I believe, a copy of the
12 report I've prepared for your consideration in
13 this case.

14 Essentially I'm trying to
15 introduce you to a series of images with the
16 context of the case identifying where the site
17 falls, located within the proposed area for
18 expansion as well as below the area that is
19 already so established.

20 Followed by the Land Use Plan, the
21 land uses, excuse me, found by OP in 2005 to
22 exist, so we see a scattering of institutional
23 uses within this largely residential area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We find on page three that is
2 within the broader area that's deemed
3 residential, but predominantly residential
4 doesn't mean only residential.

5 We then go to a couple of aerial
6 photos that are out of the -- that sort of
7 bring you down on the site and show you the
8 nature of the facility that was there before
9 the monastery, convent, was definitely a
10 large-scale institutional use, and it is not
11 being converted from a residential use at this
12 point, but it would be retained in the
13 institutional count.

14 We provide several views of the
15 area, including one that shows the Kingsbury
16 Center located immediately to the east. I've
17 analyzed the SSH Overlay Proposal and dropping
18 to the bottom and jumping only into the yellow
19 area of it -- actually the one above it as
20 well.

21 In contrast to the area where it
22 is applied right now, where 22 percent are on
23 lots than R1B requires, of 5,000 square feet.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Here in this area, 64 percent of the lots are
2 substandard in area, and that very fact brings
3 up the situation that any conversion of the
4 lots that are so limited would bring a BZA
5 trip just in their own right.

6 Second, as Ms. Brown has noted,
7 the uses are ones that are well-protected --
8 the ones that are raising a lot of objections
9 are well-protected by the existing provisions
10 in the R1A zones, which are identified on the
11 following page that will -- that essentially
12 mean that if you're going to be operating a
13 private school or a day care or an elder
14 center or any number of these other uses,
15 those types of things automatically bring a
16 BZA trip to begin with.

17 This particular change here is
18 only to establish a church, and then we turn
19 to the conditions that we found in the area.

20 I found 146 properties when I did
21 my scan of the area, and I went through them
22 case-by-case-by-case to find out exactly what
23 I could find out from the record within the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 perimeter, as distinct from some of the
2 remarks that you heard tonight which talked
3 about both inside and out about 50 and so on.

4 I've tried to get it down and
5 provide you a detailed analysis of exactly
6 what happens in these various institutions
7 when they were established and the like. And
8 what I find, ladies and gentlemen of the
9 Commission, is that there have been a number
10 of institutions here for a good, long period
11 of time.

12 There has not been wholesale
13 conversion or migration, and I -- in the
14 course of doing this, I have not treated a
15 parsonage, for example, as an institutional
16 use. I treat that as a residential use.

17 If we look at CBRF's homeless
18 things where there are less than six
19 individuals, that's not -- it's a family -- a
20 substitute for a natural family and it's
21 operating under the rules that are permitted.
22 So -- this concludes my testimony.

23 CHAIRMAN HOOD: Thank you very

1 much, Mr. Williams.

2 MR. WILLIAMS: Thank you very
3 much.

4 CHAIRMAN HOOD: Thank you very
5 much. Next, Mr. McKeown. Hopefully I
6 pronounced your name correctly.

7 MR. McKEOWN: My name is Richard
8 McKeown. I live at 444 8th Street, N.W. I am
9 employed by the U.S. Department of Health and
10 Human Services, and also serve as the Bishop
11 of the congregation that would worship in the
12 chapel proposed for the 16th Street property.

13 I would like to simply state a
14 number of things that are, I think, succinct,
15 but important.

16 The first is that these kinds of
17 delays impact religious institutions in
18 particular ways. They are costly. They are
19 difficult, and they are hard to -- hard to
20 take from the standpoint of just the
21 particular critical need that we have for this
22 chapel.

23 In this room are a number of the

1 congregation from that -- from a chapel that
2 presently meets on Holmead Street, a chapel
3 that is very inadequate for our needs and we
4 are optimistic about the opportunity to be
5 able to move to a larger chapel on 16th.

6 And, again, delays are financially
7 difficult, and are imposed at real cost to
8 religious institutions.

9 We have -- the Church of Jesus
10 Christ of Latter Day Saints has had a presence
11 in Washington, D.C. for decades, in fact, for
12 most of the last century. And we have
13 migrated from building-to-building, in an
14 effort to find a permanent location, and our
15 effort on the 16th Street chapel would be to
16 find a permanent location.

17 We have been in smaller
18 institutions that have critically limited our
19 capacity to implement our entire worship
20 service.

21 We have inadequate facilities for
22 a sanctuary, inadequate facilities for
23 teaching and for instruction and for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 activities, and for these purposes I would
2 simply state to you that we would urge the
3 Zoning Commission to deny the zoning overlay
4 and allow us to build this chapel which will
5 fulfill our needs.

6 Thank you very much for the
7 opportunity to testify.

8 CHAIRMAN HOOD: Okay. Thank you
9 all for your testimony.

10 Well, let me read the statement
11 again. I would like to remind all witnesses
12 that this is a rule-making case and not a
13 special exception.

14 The potential impact of a
15 particular nonresidential use is of little or
16 no relevance to this proceeding.

17 What is relevant are the three key
18 findings made by the Commission when we
19 created the overlay as are stated in Section
20 1551.4 of the Regulations.

21 This Commission assumes that it
22 must make similar findings with respect to any
23 properties proposed to be added in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 overlay. Witnesses are therefore encouraged
2 -- encouraged to confine their testimony to
3 whether such findings can be made with respect
4 to the properties that are the subject of this
5 Petition.

6 I will have to read that again
7 before tonight is over, or my colleagues,
8 because I will be -- I will be leaving at
9 about nine o'clock because I have another
10 engagement, but my Vice Chair, I'm going to
11 leave this with you, because I believe that
12 you're going to have to read this again.

13 VICE CHAIR JEFFRIES: Okay.

14 CHAIRMAN HOOD: Colleagues, any
15 questions?

16 VICE CHAIRPERSON JEFFRIES: Yes, I
17 have a question for Ms. Brown.

18 So, your issue is that this
19 overlay isn't really needed because there are
20 remedies that are provided to the community in
21 terms of, you know, through the special
22 exception, through BZA, that in some ways this
23 overlay is somewhat excessive.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Is that some of your testimony?

2 MS. BROWN: Absolutely. When you
3 look through -- I can't tell if this mic is
4 on. Sometimes it seems to be and sometimes it
5 seems off.

6 You know, when we heard the
7 testimony from Ms. Thompson, she raised
8 several issues that -- that dealt with truck
9 traffic. It dealt with -- that brought on by
10 the institutional uses, the number of people
11 that are parking on the street.

12 And those are all issues that were
13 addressed in the initial overlay back in 1992,
14 '94 where the initial overlay requested some
15 of these reviews of traffic patterns, the
16 number of private trash companies that would
17 be used.

18 And this Commission specifically
19 said that is not germane to our issue here.
20 That is not germane. That's an enforcement
21 issue that can be dealt with with other
22 agencies of the D.C. Government.

23 So, that's already in the record

1 for this overlay so it shouldn't be revisited
2 to follow the instructions of the Chairman.

3 And since we already have special
4 exception procedures in place and the
5 community feels that they are inadequate, the
6 remedy is not to create another overlay to fix
7 it. The remedy is to make sure that there are
8 proper enforcement procedures through the BZA.

9 And then I also would like to note
10 that just today the Office of Planning
11 released its report on the zoning rewrite for
12 institutional uses. There's a whole another
13 process that's going to go into effect to deal
14 with these issues for the community if that's
15 the real concern.

16 And, you know, and where
17 institutions are different from churches.
18 Churches, are, as we know from the Land Use
19 Policy of Houses of Worship. They are
20 considered residential uses.

21 Institutions are necessarily of
22 the same caliber. So, there is something in
23 the works right now. We don't need a stop-gap

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 measure of an overlay to address this issue.

2 So, it's either through the
3 special exception process that's already
4 there, the enforcement mechanisms, or let's
5 fix it through the new Office of Planning
6 recommendations for institutional uses for the
7 zoning rewrite.

8 VICE CHAIRPERSON JEFFRIES: Thank
9 you.

10 CHAIRMAN HOOD: Thank you.

11 Commissioner Etherly.

12 COMMISSIONER ETHERLY: Thank you
13 very much, mr. Chair. This will be a question
14 directly for Ms. Brown and Mr. Williams, and
15 what I want to kind of parse through is a
16 little bit of the difference, if you will, in
17 characterizing the nature of the proposed
18 expansion area in question.

19 And I want to try to square two
20 statements, one from the Office of Planning
21 Report, and then two, the second statement
22 from your submittal, Ms. Brown.

23 The Office of Planning report, as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you heard, reads in relevant portion, "Within
2 the proposed area, OP's field -- and I'm
3 reading from page three of five of OP's report
4 under "Analysis." It's the first paragraph
5 under "Analysis."

6 "Within the proposed area, OP's
7 field survey recorded seven sign institution
8 uses. An additional GIS in-house survey
9 indicated a total of 18 nonresidential or
10 institutional uses within the boundaries of
11 the proposed extension.

12 "An analysis of the land area
13 revealed that this represents 38.96 percent of
14 the areas in nonresidential or institutional
15 ownership.

16 Now, your submission, Ms. Brown,
17 this would be Exhibit No. 21, dated September
18 15th at page seven reads, in relevant portion,
19 "The proposed expansion area includes 143 lots
20 containing approximately 1.05 million square
21 feet of land area or 24.32 acres.

22 "In addition to the site" -- I
23 won't read that portion -- "only 13 lots

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 within the proposed expansion area are
2 currently devoted to nonresidential uses. All
3 but two of those lots were used for
4 nonresidential purposes when the Commission
5 first adopted the Overlay District in 1994."

6 I'm trying to square what seems to
7 be two different characterizations of what's
8 going on here. And that was part and parcel
9 of my reason for kind of getting into the Q&A
10 with the first panels. So, I want to explore
11 that with you.

12 It seems as though you are both
13 saying two different things, maybe using the
14 same unit of measurement. One of my questions
15 that I wrote down is: "Well, for our purposes
16 of the overlay here, what's the appropriate
17 unit of measurement?"

18 Is it about the number of lots, is
19 it about land area, is it about just simply
20 counting houses? And again, I'm not
21 necessarily trying my best to squeeze this
22 into a mathematical equation, it's more
23 complicated than that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But, at the same time, it seems
2 like you both -- you being yourselves and the
3 Office of Planning are looking at the same
4 land mass and characterizing it differently.

5 Obviously, you can't speak for the
6 Office of Planning, but help me from your
7 perspective, square those two competing
8 descriptions, if you will.

9 MS. BROWN: Sure. And I'll
10 probably let Mr. Williams answer the bulk of
11 the question.

12 But, first I think the statistics
13 provided in the Office of Planning Report are
14 meaningless. All it is a catalogue of the
15 uses in the area.

16 What we're really getting to here
17 is what has been converted. If these uses
18 have been in existence for decades, where is
19 the threat? We have existing institutional
20 and religious houses of worship all up and
21 down Mass Avenue.

22 You can start at the Naval
23 Observatory and go west all the way to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Westmoreland Circle, and you will find an
2 equal number of churches and institutional
3 uses.

4 You have right at the intersection
5 of Wisconsin and Mass Avenue, you have the
6 National Cathedral School, you have the
7 Cathedral itself. You have St. Sophia's Greek
8 Orthodox Church.

9 You have -- there are many, many
10 churches along there, synagogues.

11 COMMISSIONER ETHERLY: So, let me
12 be sure I'm clear. So you would -- your
13 argument, and it's presented somewhat in your
14 Attachment C, is that when you look at the
15 uses that existed pre-1994 to now, there has
16 not been a significant change?

17 MS. BROWN: No, there has not.

18 VICE CHAIRPERSON JEFFRIES: What
19 has it been? Just for the record again, what
20 has the change been since 1994, since the
21 original overlay in this area?

22 MS. BROWN: I believe there's been
23 one net increase, and Mr. Williams probably

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 has the statistics better than I do, but
2 remember that the property that the Church of
3 Latter Day Saints is moving into, it was a
4 large convent for nuns that housed over --
5 that housed over 15 women.

6 CHAIRMAN HOOD: Every time we hear
7 Latter Day Saints, we are saying, if we could
8 just focus it, and I've asked my colleagues,
9 let's try to help make sure we focus it to
10 what's germane and what's in front of us
11 tonight.

12 MS. BROWN: Will all -- and I
13 understand your point, Mr. Chairman, but with
14 all due respect it is the genesis of this
15 application again. It's in all the pleadings.

16 CHAIRMAN HOOD: Ms. Brown, you
17 have been down here -- let me just say this:
18 You have been down here a lot, just like I
19 have, and you know that typically in
20 rulemakings we do the same thing, so it's
21 nothing new.

22 I'm not being brand new. I'm
23 doing what we've always done, at least the ten

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 years I've been here, so work with me, because
2 I've always worked with you.

3 MS. BROWN: No, I understand
4 completely. I just wanted to emphasize -- and
5 I don't think that there's any danger in
6 naming institutions. I think it helps
7 identify their place in the community.

8 You know, to say the Kingsbury
9 Center or this church or that church, they are
10 parts of the community and helps identify and
11 orient people, so --

12 COMMISSIONER ETHERLY: So let me
13 try -- let me try to get us focused back here.
14 If -- if the argument is that before 1994 and
15 post-1994 you haven't had a marked change in
16 the number of institutional uses, what would
17 your response be?

18 And again, I know Mr. Williams is
19 going to have something to add in to my
20 earlier question which was squaring your
21 characterization of the proposed expansion
22 area with Office of Planning's, but my follow-
23 up question would be: Can -- could the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 argument be made that, okay, there's been no
2 change in the number of institutional uses or
3 no net change --

4 VICE CHAIRPERSON JEFFRIES: I
5 think she said one net.

6 COMMISSIONER ETHERLY: One net.

7 VICE CHAIRPERSON JEFFRIES: Is
8 that what you said, one net?

9 MS. BROWN: And I'll have Mr.
10 Williams clarify that.

11 VICE CHAIRPERSON JEFFRIES: Okay.

12 COMMISSIONER ETHERLY: If there's
13 only been a small or minor or negligible
14 change, was the neighborhood, nevertheless,
15 near a saturation point that has not been hit?

16 Regardless of the fact that that
17 net one may have now tipped it over the edge
18 because part of -- I mean, again, there's so
19 much to kind of sort through here, and I'm
20 still -- and I'm whole-heartedly again in
21 support of the Chair's admonition that we be
22 careful about naming institutions.

23 But, part of what I'm trying to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 get at is -- okay, nothing was done with this
2 expansion area when there was an opportunity
3 to do something. There could be a lot of
4 different reasons for why that happened.

5 But, is it the case that now the
6 balance -- the scales have been tipped, and
7 there needs to be action taken to protect this
8 residential character.

9 What would your response be to
10 that argument?

11 MS. BROWN: I would say that, no,
12 it hasn't reached a saturation point, that
13 this is the one more because if it had been an
14 issue, it would have been raised earlier.

15 COMMISSIONER ETHERLY: That's
16 fair. That's fair. I understand.

17 CHAIRMAN HOOD: Let me say this.
18 Let me say this. We need to have some order
19 at some point in time. Now, we've allowed
20 this. Our Commissioners are trying to observe
21 the testimony. So, I'm going to ask you all,
22 work with us. And we need to get to the young
23 people, too.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But let's finish this panel, but
2 let me just say this. Work with us. Just
3 work with us. Please. I'm begging you,
4 please.

5 MS. BROWN: And just to finish up
6 on that point, Mr. Etherly, you know, after
7 the -- since 1994, since the initial 16th
8 Street Overlay was created, there's only been
9 -- there have only been two applications for
10 special exception relief.

11 One was for a church program and
12 the BZA granted that relief. And the other
13 was for a child day care center, and that use
14 was denied.

15 And those are two things -- those
16 are two uses that would have required special
17 exception approval anyway. So, then it asks
18 the question, well, did then the overlay work,
19 did it discourage additional uses?

20 Well, now, a special exception
21 process is not intended to discourage churches
22 and institutional uses, it's supposed to
23 encourage them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The question, then, is: Did it
2 force them south? And then, no, we have the
3 statistics here to show that the uses weren't
4 forced south to this area that's now proposed
5 for the expansion.

6 So, I just don't see where the
7 threat is that warrants this.

8 COMMISSIONER ETHERLY: So, again,
9 it's your testimony that when the Office of
10 Planning's report reads 38.96 percent of the
11 area is in nonresidential or institutional
12 ownership, that's an empty figure, if you
13 will, from your perspective?

14 MS. BROWN: Correct.

15 COMMISSIONER ETHERLY: Okay.

16 MS. BROWN: You know, you could go
17 to any neighborhood and get that same empty
18 figure.

19 COMMISSIONER ETHERLY: Mr.
20 Williams.

21 MR. WILLIAMS: I believe that, Mr.
22 Etherly, if we looked at this set of numbers
23 the way I would like to -- and I don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the data, and I don't know that OP has it
2 right now, but if you looked at what was in
3 place, for example, in 1983, you would come up
4 with essentially the same conclusions as to
5 what lot were in this type of use and what
6 percentages they were.

7 The names would be different.
8 Kingsbury Center wasn't there. It was
9 something else. Some of the church names have
10 changed, but the dominant pattern of the area
11 would be essentially what you see now.

12 Now, there have been conversions
13 and sales of places that have become part of
14 another monastical order or a homeless shelter
15 groups, so you can look at the names and you
16 can see that it isn't quite a nuclear family,
17 but it's a family that resides in the property
18 in the manner of a family, and that's the
19 whole thrust of the community-based
20 residential facility's changes that we went
21 through, what, maybe ten years ago to conform
22 them under threat from outside -- Federal
23 sources -- and so they are part, now, of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 family.

2 That's not nonfamily. It is
3 residential, and it is not a conversion. And
4 if we have any other such uses we -- we are
5 going to see an application come in for a
6 child care center or something like that.

7 They would have been down on this
8 diagram if they were there, and I haven't
9 found them. I have not found them. There has
10 been no perceptible change.

11 There is no migration, and the
12 conversion finding of the Commission back in
13 1002 and '94 does not apply to the area where
14 the expansion is proposed to take place. Does
15 not apply.

16 COMMISSIONER ETHERLY: So, my
17 final question, what this proposed expansion
18 area -- again, looking through the lens of
19 1551.4 and the three key findings that
20 undergird the 16th Street Heights overlay, how
21 would you -- actually, let me rephrase it.

22 How would you characterize -- let
23 me stick with my original phrasing. How would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you characterize the proposed expansion area?
2 Is it, in your opinion, still predominantly a
3 single-family -- single-family residential
4 character? Does it still possess a
5 predominantly single-family residential
6 character?

7 MR. WILLIAMS: Numerically,
8 there's no question about that. There are
9 about 134 -- I can come up with the exact
10 number for the record later, but of the
11 properties, the great majority of them are
12 single-family dwellings.

13 Some of them are duplex or
14 semiattached or something like that, but the
15 single-family dwelling is the dominant pattern
16 of the buildings themselves as characterized
17 in the tax record.

18 COMMISSIONER ETHERLY: And your
19 unit of measurement would be the tax records?

20 MR. WILLIAMS: Yes, sir.

21 COMMISSIONER ETHERLY: Okay. Is
22 it appropriate for this body to, in parsing
23 through that answer, to consider adverse

1 impacts that we've heard such as traffic?

2 Again, I'm not talking about
3 specific institutions or uses, but part of my
4 reading of 1551.4-A speaks to, in addition to
5 the conversion from residential to
6 nonresidential uses, also speaks to the need
7 to ameliorate adverse impacts on immediate and
8 nearby neighbors.

9 Would there be, in your opinion,
10 an argument to be made about adverse impacts,
11 generally speaking, that in and of themselves
12 would contribute to a change in that
13 predominantly single-family residential
14 character in the proposes expansion area?

15 MR. WILLIAMS: Mr. Etherly, as you
16 know, years ago I sat up there.

17 COMMISSIONER ETHERLY: Yes, sir.

18 MR. WILLIAMS: And I could not
19 have ignored what I heard tonight were I you,
20 either.

21 Having said I could not ignore it
22 does not mean that I'm going to be destined
23 solely to come to a conclusion based on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fact that there is a perception of greater
2 impact.

3 But, is it there to be taken into
4 consideration? Absolutely. Is it dispositive
5 of the case? No.

6 COMMISSIONER ETHERLY: Thank you.
7 That concludes my questions, Mr. Chair.

8 CHAIRMAN HOOD: Thank you very
9 much to Mr. Etherly.

10 Commissioner Turnbull.

11 COMMISSIONER TURNBULL: Thank you,
12 Mr. Chair.

13 Mr. Williams, you've heard OP in
14 the report. Basically given the -- sort of
15 the three-prong answer, that they agree that
16 this ought to be extended, you've basically
17 said they're not correct.

18 MR. WILLIAMS: On one point,
19 particularly.

20 COMMISSIONER TURNBULL:
21 Particularly on A.

22 MR. WILLIAMS: Yes.

23 COMMISSIONER TURNBULL: What about

1 on B and C? What's your feeling on -- I mean,
2 you heard Commissioner May earlier say: Why
3 not this area, why not add on this?

4 Is there an arbitrariness to this
5 area that's being proposed?

6 MR. WILLIAMS: I think the answer
7 to that is clearly yes. There is an
8 arbitrariness, but it is a specific proposal,
9 so from a procedural point of view, I
10 understand.

11 Is this the full extent of the
12 area? Is it concentrated in some areas? I
13 don't know. I haven't been out there with the
14 decibel meter or anything like that to say
15 it's worst at this corner and not so bad here,
16 and maybe it's across the street where Mr. May
17 was identifying properties that looked kind of
18 similar.

19 I just -- I don't know. I have
20 not had time to go through that type of
21 analysis. I find them failing, particularly
22 on the numerics. I accept Ms. Steingasser's
23 conclusion about the Council having weighed in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and so there's something there. There's a
2 shred. It's enough.

3 But on the principal sort of
4 objective basis that is number one, it fails
5 totally as far as I'm concerned, just totally.

6 COMMISSIONER TURNBULL: Okay.

7 Thank you.

8 CHAIRMAN HOOD: Any other
9 questions?

10 VICE CHAIRPERSON JEFFRIES: No.

11 CHAIRMAN HOOD: Okay. Let me
12 thank this panel. I want to than you very
13 much. Let me do this: Since I'm an unfair
14 guy, I want to make sure the young folks who
15 are here tonight -- it's a school day
16 tomorrow, isn't it?

17 Yes. I want to make sure the
18 young folks -- the young folks who wanted to
19 testify, I'm not sure what your names are on
20 this list, but the young folks who want to
21 testify, if you could just raise your hand,
22 and I'm going to ask six to come up at a time,
23 if you are here to testify.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 If you are not here to testify,
2 that's fine, but I wanted to get you so you
3 can go home and finish your homework. Okay.
4 All the young folks who are going to testify.

5 Ms. Brown, do you have something
6 to add to that to help me?

7 MS. BROWN: In order to help the
8 witnesses tailor their testimony to the
9 limitations that you've set and to make sure
10 we don't waste the Commissioners' time, I was
11 wondering if we might have a three-minute
12 break to consolidate and make sure that we
13 don't get into issues that you do not want us
14 to.

15 CHAIRMAN HOOD: Thank you. You
16 heard me. Thank you very much for working me,
17 Ms. Brown. We'll take a three-minute break.

18 MS. BROWN: Thank you.

19 (Short recess from 8:21 p.m. until
20 8:30 p.m.)

21 CHAIRMAN HOOD: Let's resume.
22 And, Ms. Brown, since you kind of helped us
23 spearhead this, if the list has changed, if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you can work with Ms. Schellin, and we'll go
2 from there.

3 And again, let me call for the
4 young folks. I see we have a young man at the
5 table. And I think there's been some
6 unclarity about whether you are a supporter
7 or in opposition.

8 But for young folks, either way,
9 if you would just come to the table, because
10 we all in here want you to do well in school
11 and want you to go home and do that homework
12 so you have -- we don't want to say you were
13 down here with Anthony Hood and the Zoning
14 Commission last night, that's the reason we
15 didn't get it done, even though you're getting
16 a zoning lesson, a public service, but we want
17 to make sure that we hear from you and give
18 you an opportunity to go home to do what you
19 really need to do, and that's study.

20 Anyone else?

21 (No response.)

22 CHAIRMAN HOOD: Okay. We have a
23 spokesman for the young folks. You can just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 introduce yourself and give us your address
2 and begin your testimony.

3 MR. LANTION: Hello.

4 CHAIRMAN HOOD: You kind of have
5 to bend over and you have to get -- yes.
6 There you go.

7 MR. LANTION: Okay. Hello. My
8 name is C.J. Lantion, and I live at 5922 13th
9 Street, on Peabody. I'm 14 years old and I go
10 to Capitol City Public Charter School. It's
11 in D.C. I don't know where it's located at.

12 I am a member of the Church, and I
13 think this church is important to me because
14 the Church has saved my life in many ways. It
15 made me stay out of trouble, and the tutoring
16 program has changed my life, too, because I
17 have better grades than I ever had in my life.

18 CHAIRMAN HOOD: Just take your
19 time.

20 MR. LANTION: I am also going to
21 this church and I met new friends -- new
22 friends, new people, and because -- I have met
23 new people. They have been nice to me, all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that stuff, and I think this Church is the
2 best thing ever.

3 VICE CHAIRPERSON JEFFRIES: How
4 long have you been at the Church?

5 MR. LANTION: Since I was six.

6 VICE CHAIRPERSON JEFFRIES: Six?

7 MR. LANTION: Yes.

8 VICE CHAIRPERSON JEFFRIES: Okay.

9 MR. LANTION: Since I was six.
10 Yes.

11 CHAIRMAN HOOD: Just take your
12 time and look at your testimony. I think you
13 have something -- just take your time. We'll
14 wait on you.

15 VICE CHAIRPERSON JEFFRIES: And if
16 you would like, you can just read right from
17 what you have there. Just read it straight.

18 MR. LANTION: We need a local
19 place where youth can come together to support
20 each other, learn things and just be with
21 others with similar values. See, the youth
22 have weekly activities. We use the temple but
23 there is no -- there is not room to do the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 activities.

2 One other activity that we do is
3 we come to hang out -- first, we meet at the
4 church at a certain time and then we have to
5 drive to Maryland, a church down there, and
6 play basketball and that's too far, and we
7 need a bigger space to play basketball at a
8 gym and stuff like that.

9 I think the activities are
10 important to me because -- because kids --
11 because it makes us stay out of trouble and
12 strengthen my faith and --

13 CHAIRMAN HOOD: I don't think
14 we're picking you up. Is that mic working?
15 I'm hearing him. Was it -- okay. We probably
16 need to cut that other one out.

17 MR. LANTION: That's it, I guess.

18 CHAIRMAN HOOD: Thank you very
19 much for your testimony. You did a very good
20 job. If you could do me a favor, though,
21 sitting there --

22 (Applause.)

23 CHAIRMAN HOOD: Can you cut that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 other microphone off, the first one.

2 MR. LANTION: Yes, sir.

3 CHAIRMAN HOOD: I think you bring
4 up some very valid points. We appreciate your
5 testimony. We are definitely proud of the way
6 you presented yourself tonight. We want to
7 see you some more. Come back down here and
8 testify in front of us some more.

9 Okay. Let me do this. Let me ask
10 my colleagues. Do you want to take a few
11 questions?

12 MR. LANTION: Who? Me?

13 CHAIRMAN HOOD: Yes. I want to
14 hear from you.

15 MR. LANTION: Oh.

16 CHAIRMAN HOOD: You're the person
17 -- you're on. Let me see if any of my
18 colleagues have any questions for the young
19 man.

20 And what's your name again,
21 because I didn't have my pen. Your last name.

22 MR. LANTION: C.J. Lantion.

23 Chukwuemaka. That's my first name.

1 CHAIRMAN HOOD: Oh, okay.

2 MR. LANTION: And my last name is
3 L-a-n-t-i-o-n. Lantion.

4 CHAIRMAN HOOD: Lantion. Mr.
5 Lantion, thank you very much. We appreciate
6 that. And you represented the young folks,
7 and you did a very good job. Thank you very
8 much.

9 Okay. Any other young people?
10 Okay. Ms. Schellin, do we have anything
11 worked out, or do I still continue to go by my
12 list, which I would --

13 MR. HOLMSTEAD: I'd like to
14 consider myself as a young person.

15 CHAIRMAN HOOD: I would like to
16 sit down there, too, and do the exact same
17 thing.

18 MR. HOLMSTEAD: We've tried --

19 CHAIRMAN HOOD: Hold it one
20 second, let me -- unless you can shorten the
21 list --

22 MR. HOLMSTEAD: I think that's --

23 CHAIRMAN HOOD: Well, you can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 speak, then. And let me just say this: We
2 hear from everyone, but we know the issues.
3 My colleagues, a lot of us have been here for
4 years, and we're trying to make sure we hear
5 from everyone, give everyone a fair shot.

6 And we want to do it in one night
7 because we've already planned to have a second
8 hearing November the -- sometime in November.
9 But, anyway --

10 MR. HOLMSTEAD: Okay. Great. My
11 name is Jeff Holmstead, and you know a little
12 bit about our church, but we have a lay
13 ministry, and I'm at least temporarily one of
14 the local leaders here and lived in the
15 District for a number of years, although I now
16 live out in Maryland.

17 As I was sitting next here to C.J.
18 I was thinking today, just by coincidence I
19 had lunch with a young man that we used to go
20 to church with for years when I lived down in
21 Capitol Hill.

22 His name is Uban Efrim, and I
23 hadn't seen him for several years, and he was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reminding me a lot of C.J. ten years ago.
2 He's now 28, graduated from Howard,
3 engineering degree and is doing very well for
4 himself, and we look forward to great things
5 from C.J.

6 I think many of the people who
7 signed in weren't aware that they were signing
8 up to testify, so this very long list you
9 have, I think, we've cut it down
10 significantly, and there's still some of us
11 that might like to see a little football
12 tonight, so we'll try to get out of here in a
13 reasonable time.

14 If I could just make a couple of
15 points sort of on behalf of the church, and I
16 know that this is not about a specific church
17 building, we're familiar with A, B and C under
18 1551, and I think you've heard why we don't
19 believe specifically with respect to A that
20 this proposal is consistent with that
21 criteria.

22 We also don't believe that it's
23 consistent with B or C, and Carolyn and others

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can maybe make this point better than I can,
2 but if you go back to that original expansion
3 or overlay, there were specific geographic
4 boundaries that were listed above in 1551.2.

5 This is not within any of those.
6 I mean -- so the idea that -- I mean, there
7 was specific boundaries that were
8 contemplated, were discussed, and those are
9 clearly the boundaries that B is referring to.

10 And with respect to C, I think,
11 you know, we've not seen anyone from the D.C.
12 Executive Branch or Council Members who have
13 identified the conversion.

14 And again, we're not talking about
15 long-time existing uses, but we've seen
16 nothing to suggest that the conversion of
17 houses to nonresidential uses has posed any
18 sort of a planning or enforcement problem for
19 more than ten years.

20 I mean, it's -- and I -- we've met
21 numerous times with some of the neighbors in
22 this room, the people who have prepared this
23 proposal, and we're aware of some of their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 concerns, and we've tried very hard to make
2 sure that they understand we're providing tons
3 of off-street parking, that our folks don't
4 come to the building during rush hour.

5 We offered to make design changes
6 and to make sure -- so we've -- we understand
7 their concerns, and we're not saying they're
8 not legitimate, but we don't think they have
9 anything to do with the criteria in 1551.

10 Now, I know, and you've reminded
11 us several times that this is a rulemaking
12 proceeding and it's not about a specific
13 building.

14 CHAIRMAN HOOD: So, don't -- let's
15 not even go there. Don't go there. I've done
16 it -- I've done it twice, so let's not go
17 there.

18 MR. HOLMSTEAD: I understand that,
19 sir, but I want to make a suggestion that I
20 think will solve your problem and our problem.

21 We went back and double-checked on
22 the regulations, and there's nothing that says
23 that this Commission can't make slight

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 adjustments to a proposal.

2 If this is not about our building,
3 if it's about this whole generic area, it
4 would be fairly easy to go ahead and carve out
5 this property that, by the way, has already
6 gone through -- that has already gone through
7 review by the Transportation Committee who
8 found no adverse impact.

9 It's already gone through the
10 Environmental review and no adverse impact.
11 And so our suggestion is, it's not about us,
12 and we've already gone through all the
13 reviews. We've been at this now for more than
14 two years. We've been through environmental
15 review, we've been through transportation
16 review.

17 Then, I think the easiest solution
18 from our perspective would be just to adjust
19 that boundary, and then you wouldn't have a
20 room full of people who really feel like
21 they've been targeted here.

22 CHAIRMAN HOOD: Well, I appreciate
23 it, Mr. Holmstead. One thing I will tell you,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that in my reading yesterday while all that
2 good football was on, I will tell you that I
3 read that in the proposal, so we appreciate it
4 and I'm sure my colleagues also have read
5 that, so we are aware of what some of the
6 options are and some of the requests are.

7 MR. HOLMSTEAD: Okay.

8 CHAIRMAN HOOD: Okay?

9 MR. HOLMSTEAD: Okay. Great.

10 CHAIRMAN HOOD: All right. Thank
11 you.

12 MR. HOLMSTEAD: Thank you.

13 CHAIRMAN HOOD: And thank you
14 again, Mr. Holmstead, for helping us to narrow
15 down some of -- the list.

16 Okay. Now, I have some residents,
17 and I want to say this loud so my colleagues
18 -- because I'm going to have to leave, and I'm
19 not going home to watch football. But I want
20 to say this, that we do have some people who
21 are with Latter Day Saints who want to testify
22 in opposition.

23 We have five. And then we also --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I want the District residents to know -- I'm
2 not saying that they're not, but I want you
3 also to know that I have you on a list, and
4 I've tried to check out for the vice -- check
5 for the Vice Chair who you are, and once he
6 goes through this list, if you're omitted,
7 just at some point he will call for you at a
8 later time to come down and testify in
9 opposition.

10 Okay. So, let me begin with what
11 I have here. Instead of me going down the
12 list, if everybody work with me, we're going
13 to work with you all.

14 Tammy Holt, Vilma Williams, Lou
15 Hampton, Sue Guzman, Winton Wilkerson and
16 Linette Robinson, if you can come forward.

17 Not here? Who?

18 MR. WILKINSON: I'm here.

19 CHAIRMAN HOOD: Mr. Wilkerson is
20 here. Oh, Mr. Wilkerson. Oh, I've got two
21 different lists. That's all right. Let's go
22 with this.

23 Mr. Wilkerson, are you in

1 opposition?

2 MR. WILKINSON: Yes.

3 CHAIRMAN HOOD: Have a seat.

4 Let's just go with -- I'll just go with that
5 list.

6 Let's go with Ms. Holt.

7 MS. HOLT: Okay. Can you hear me?

8 CHAIRMAN HOOD: Yes. Give us your
9 name and also your address.

10 MS. HOLT: Okay. Good evening,
11 Commissioners. My name is Tammy Holt. My
12 mailing address that I use is P.O. Box 220073,
13 Chantilly, Virginia.

14 I have sat and I've listened, Mr.
15 Chairman, to what it is exactly that you'd
16 like to hear, so initially I was interested in
17 speaking to you about the critical need of a
18 chapel.

19 I am not clear that that's what
20 you want to hear, so if at any time, I guess,
21 I say anything that you don't want me to, I'm
22 sure you'll cut me off. But I will go ahead
23 and proceed. Is that okay?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 All right. Basically I'm looking
2 at the critical needs for a chapel with a
3 focus on the practical effects of overcrowding
4 as it relates to proper worship.

5 I've hear a lot of comment as it
6 relates to the negative or adverse impact to
7 the area. This particular area -- well, let
8 me change that. Just a church in general to
9 a residential neighborhood can have positive
10 effects.

11 In our case, spacing is a current
12 issue, which is why they want to build in that
13 particular areas. But some of the negative
14 thing that cause a problem here, you can
15 listen to C.J., he's just one of many young
16 people that come to that chapel.

17 He's just one of many young people
18 that are out in the streets, looking for a
19 place to go. I've spent 20 years working with
20 neighborhoods and working to improve
21 neighborhoods and quality of life issues as
22 well as working with the government to do that
23 same thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And it's hard not to say what this
2 church is proposing to do, because then I'm
3 kind out of line. But what they have done is
4 very, very positive.

5 But when we talk about space,
6 there's not an adequate place to even worship
7 in a sanctuary. If we are full to capacity
8 there's not a place for people to go. People
9 with disabilities, it's definitely not an
10 adequate facility in terms of elevators, in
11 terms of the elevation of the stairs.

12 It's also unsafe. If you're
13 sitting in the sanctuary and a serious
14 situation occurs, there's only one exit, and
15 that's the door leading out. It's a double
16 door that swings. That's the only way for
17 people to get out.

18 And I oftentimes think to myself,
19 what if something serious happened. People
20 are rushing out. We'd have injured people.
21 We'd have dead people.

22 I'm not sure if you've ever been
23 to the locations, and I understand that you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 may not care about that. But, if you have not
2 been to the actual site, it might be important
3 for you to take a look at what we're talking
4 about.

5 We're not asking for a building in
6 a location just for the sense of aesthetics,
7 to look good, to bother or disrupt a
8 neighborhood. We're asking for something that
9 we might adequately worship in our church
10 services.

11 We might adequately provide for
12 members of our church such as new mothers with
13 babies, a proper place to breast-feed their
14 babies, a proper place for their babies to
15 cry, a proper place for people to find solace,
16 a proper place for the Bishop to counsel
17 people with needs, a proper place to even go
18 to the rest room.

19 Hey, we're not talking about
20 things that aren't necessary, and I
21 understand, again, that you have made up your
22 mind to a certain degree, but we would ask
23 that you would take that into consideration.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And so looking at those critical
2 needs, and in terms of parking, this is one
3 facility that I can't see where that would be
4 an adverse effect to the neighborhood in that
5 it's not -- the majority of it is off-street
6 parking, and that's something that's already
7 been addressed --

8 CHAIRMAN HOOD: Thank you very
9 much.

10 MS. HOLT: -- as well as --

11 CHAIRMAN HOOD: No, no, that's it.

12 MS. HOLT: -- not with anything
13 else, just closing -- just closing that
14 relates to your 1551 -- my time is up?

15 CHAIRMAN HOOD: Yes. Well, the
16 1551 -- the time to talk about that was the
17 whole three minutes.

18 MS. HOLT: I got you. Thank you
19 for listening, Commissioners.

20 VICE CHAIRPERSON JEFFRIES: Thank
21 you.

22 And I'd just like to remind
23 everyone who's coming up to testify, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 stay focused on that clock, you know, so as
2 you give your testimony, just try to take
3 yourself away from your written testimony and
4 look to see where you are because given all
5 the number of people here tonight, we're
6 probably going to cut you off.

7 Okay. We'll try to give you a
8 ten-second warning to wrap up, but --

9 MS. HOLT: I did have a warning.

10 Thank you.

11 VICE CHAIRPERSON JEFFRIES: Okay.

12 Thank you.

13 CHAIRMAN HOOD: Getting warmed up,
14 Mr. Jim. Okay. Vilma Williams.

15 MS. WILLIAMS: That's me.

16 CHAIRMAN HOOD: Yes.

17 MS. WILLIAMS: Thank you. Can you
18 hear me.

19 Good evening, Ladies and Gentlemen
20 of the Zoning Commission. My name is Vilma
21 Williams. I'm also a citizen of this City and
22 a taxpayer. I live in Ward 4. My address is
23 423 Randolph Street, N.W. Washington, D.C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 20011.

2 I have lived in Washington, D.C.
3 for 30 years. I'm a single mother of two
4 distinguished young men born in the District
5 of Columbia and going to public schools,
6 graduated college and all that, who are
7 actively involved in the church.

8 Professionally, I'm the director
9 of training at the Council for Professional
10 Recognition a national organization dedicated
11 to the quality of education of teacher serving
12 children, ages birth to five.

13 In my position I work closely with
14 the administration of early care and
15 education, Office of the Superintendent of
16 Education. And I have to tell you why this
17 ties with what I'm going to say.

18 And in trying to offer a bit of
19 life and brighter future to the children of
20 the District of Columbia, as a neighbor of
21 Ward 4, and a citizen of this City, I have
22 given the City my time and my effort serving
23 as a commissioner in three major commissions,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Latino Community Development Commission,
2 and two major commissions on early childhood
3 development.

4 I'm currently serving on the
5 Subcommittee of Mayor Fenty. As a member of
6 the Church, I'm also a teacher for the women's
7 ministry. I'm a Sunday school teacher for the
8 adults and pretty soon I'll be teaching the
9 youth ministry.

10 So, I can really sympathize with
11 what C.J. said. I live with this young man
12 all the time. Contrary to what people have
13 expressed here and the fear that our church
14 will -- or the facility that we are trying to
15 move in will cause disruptions.

16 Historically our churches and the
17 location of our churches have always provided
18 neatness and organization where they are
19 committed to the community and we're willing
20 to do that.

21 I understand that we have orderly
22 and lawfully purchased the land on 16th Street
23 to be a large chapel, and we really need it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I have heard concerns --

2 CHAIRMAN HOOD: Excuse me. Excuse
3 me. It's getting to be seven o'clock. If we
4 have these -- you know, this hasn't happened
5 for eight years and we hear a lot of
6 outbursts, and I know the folks in this area,
7 Ward 4 and across the City know that when you
8 go to a public forum like this, we don't have
9 to yell out.

10 If you don't agree, you just don't
11 agree. We need to understand the information.
12 Even though I will be frankly honest, Ms.
13 Williams, it's kind of going off again, but,
14 you know, sometimes as a Chair, you get tired
15 to a point and you let people just go ahead
16 and do it to a point.

17 But I can tell you, you want to --
18 everyone wants to testify, but what's helpful
19 for us to be able to make an informed,
20 educated decision. That's what we're grabbing
21 at. That's what we're looking for.

22 I know it's some great
23 contributions. I go to church, too. I know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it's some great contributions that are made.
2 We all understand that. But we need to
3 understand what's before us tonight.

4 So, everyone who's going to
5 testify, if you don't remember anything else,
6 I'm going to be leaving shortly, for my
7 colleagues' sake and mine, because I'm going
8 to have to read the record, make it easier for
9 us to be able to make that educated decision
10 on how we need to do for this community, the
11 best we need to do for the community.

12 And, no, our minds are not made
13 up. Mine isn't, but I will tell you, --
14 neither are my colleagues, but I will tell
15 you, the outbursts, come on, work with us. If
16 not, we're going to have to clear the room,
17 and that has been done about eight years ago.
18 Let's not rehash that.

19 Excuse me for interrupting, Ms.
20 Williams.

21 MS. WILLIAMS: Thank you. I have
22 heard tonight concerns about traffic, parking,
23 et cetera. I am very concerned about our

1 elder, our youth, our special needs members of
2 all ages, our children, our infants and
3 toddlers. They need this new chapel.

4 We can't absolutely worship as our
5 faith requires unless we can build this new
6 chapel. I know the serious compromise with
7 the well-being of children and youth,
8 regardless of religion.

9 Building the 16th Street Chapel
10 will prove to be a great thing, not only for
11 our members, but also for the entire
12 neighborhood.

13 And actually, I agree with the
14 gentleman that testified in the first group.
15 Yes, we could have a great domino effect with
16 a community that is stable, healthy and
17 active, and we probably can produce that.
18 Thank you.

19 CHAIRMAN HOOD: Thank you very
20 much, Ms. Williams. Ms. -- Lou Hampton, I'm
21 sorry.

22 MR. HAMPTON: Mr. Chairman, thank
23 you for giving me the opportunity. I'm Lou

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Hampton. I live at 3431 Oliver Street, N.W.
2 I have been a member -- a resident of the
3 District of Columbia for 28 years.

4 And I will be very brief. I am
5 here in opposition to the expansion and I want
6 to second, though, and I want to go on record
7 of seconding what Mr. Holmstead said.

8 It does seem to me that if, in
9 fact, this is not an issue about the church,
10 that perhaps those who have proposed this
11 extension would then pull it back, either
12 alternate, or the timing of it until the
13 church is able to go ahead, because of the
14 many reasons that have been mentioned in terms
15 of the urgent need for the populace of the
16 District of Columbia.

17 And so, I am in opposition for
18 those reasons. And thank you.

19 CHAIRMAN HOOD: All right. Thank
20 you very much. Ms. Guzman. Turn your
21 microphone on, will you.

22 MS. GUZMAN: My name is Sue
23 Guzman. I live at 3045 Davenport Street, N.W.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the District. I've been a District
2 resident for the last 15 years, first in
3 DuPont Circle and now in Forest Hills.

4 I'm a full-time mom and a part-
5 time PR consultant, but tonight I'm here to
6 oppose the zoning overlay expansion.

7 Briefly, I would like to
8 generically speak on the importance of
9 churches to the overall composition of D.C.'s
10 neighborhoods.

11 The Comprehensive Plan for the
12 Nation's Capitol adopted in October 2007,
13 there's a policy that specifically mentioned
14 houses of worship.

15 It reads, "Recognize churches and
16 other religious institutions as an important
17 part of the fabric of the City's
18 neighborhoods. Work proactively with the
19 faith-based community, residents, ANC's and
20 neighborhood groups to address issues
21 associated with church transportation needs,
22 operations and expansions so that churches may
23 be sustained as neighborhood anchors and a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 source of spiritual guidance for D.C.
2 residents."

3 What would a valuable religious
4 neighborhood anchor do? I think that, in my
5 opinion, they would have sensitive design
6 plans when they design their chapel. They
7 would be self-contained regarding parking.

8 Their congregations would draw
9 from the neighborhood, primarily, and not from
10 the suburbs. Those are just a few of the
11 things that I would think of when I thought
12 about a valuable neighborhood religious
13 partner.

14 For those reason, I would hope
15 that -- I would hope that the zoning overlay
16 expansion would be well-thought-through, which
17 I'm sure it would. You guys are the experts.

18 But, I would hope also that it
19 would not be targeted specifically at any one
20 church, and that the idea of a good, valuable
21 neighborhood anchor that a community church
22 would be would be one of the things that was
23 thought about.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So, thank you very much.

2 CHAIRMAN HOOD: Okay. Thank you.
3 Winton Wilkerson.

4 MR. WILKINSON: Mr. Chairman, my
5 name is Winston Wilkinson and I reside at 802
6 Elmcroft Boulevard, which is located in
7 Rockville, Maryland.

8 It's been a long night tonight,
9 and I really appreciate the panel's patience
10 in doing this. And I'm going to be very
11 short. A lot has been said and I don't want
12 to repeat what has been said.

13 But my comment is basically that
14 the zoning overlay expansion would
15 substantially burden the church because it
16 appears designed to stop or to downsize our
17 chapel.

18 Our current building, really, it's
19 too small for our worship needs. We need a
20 place that has an adequate sanctuary. We need
21 a certain number of classrooms. We need a
22 multipurpose room and a steeple that
23 communicates our faith.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 There is no other available site
2 to build a chapel in the District of Columbia
3 that meets our particular criteria. And we've
4 been looking for at least 15 years.

5 So, hopefully, we can resolve this
6 thing. I'm not sure how, but that's my
7 statement.

8 CHAIRMAN HOOD: Thank you very
9 much.

10 Anita Robinson.

11 MR. ROBINSON: Good evening. My
12 name is Linette Robinson. I live at 615 F
13 Street, N.W. I'm a long-time District
14 resident, also a long-time member of the
15 church.

16 And my testimony is that, as
17 neighbors, the church community is -- are very
18 good neighbors. We will build -- our chapels
19 are clean, quiet, well-maintained and
20 tasteful. And, as already stated, the traffic
21 impact will be minimal.

22 I am opposed to the zoning overlay
23 and feel that there is no factual basis for

1 it. We take pride in our buildings, and
2 members are responsible for the upkeep and
3 also have volunteers who do things like plant
4 flowers, keep the outdoor area attractive, and
5 we welcome everyone.

6 There will be no outdoor
7 activities, and weekend use will be minimal.
8 Our Sunday use is staggered to reduce the
9 impact at any one time and we will give back
10 to the community.

11 We do not allow political meetings
12 or commercial activities, but the chapel can
13 be used for appropriate community initiatives
14 such as blood drives and -- or as an emergency
15 shelter.

16 I'd like to mention some of the
17 service projects that we do at our church. We
18 -- some of the projects that we organize are
19 like making quilts for local hospitals,
20 organize donations to area food shelters,
21 assemble hygiene kits for victims of natural
22 disasters, also assembling school supply kits
23 for local or other children in need.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We also have activities such as
2 women's enrichment to reinvest in other
3 activities, and we also conduct open house
4 where we invite the community in.

5 I urge the Zoning Commission to
6 deny the zoning overlay expansion to allow us
7 to build our much-needed chapel. Thank you
8 very much.

9 CHAIRMAN HOOD: Okay. Thank you
10 all for your testimony. Colleagues, any
11 questions? Any questions?

12 (No response.)

13 CHAIRMAN HOOD: Ms. Guzman -- am I
14 pronouncing it correctly? -- I have one quick
15 question.

16 MS. GUZMAN: Guzman.

17 CHAIRMAN HOOD: Guzman, I'm sorry.

18 MS. GUZMAN: But I answer to a lot
19 of things, so --

20 CHAIRMAN HOOD: In the
21 Comprehensive Plan, you cited a regulation
22 number. Can you give that to me again?

23 MS. GUZMAN: Sure. It's Policy L,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as in Larry, U as in up -2.3.6.

2 CHAIRMAN HOOD: Thank you very
3 much.

4 MS. GUZMAN: Yes.

5 CHAIRMAN HOOD: Okay. Any other
6 questions?

7 (No response.)

8 CHAIRMAN HOOD: Okay. I want to
9 thank this panel. We have -- the last person,
10 I believe, is Marcia Madson. Madson, I hope
11 that I pronounced that correctly.

12 And let me just ask this question
13 before I leave. I will, Ms. Schellin, be
14 reading the record from this point on. And
15 let me just ask this questions. Do you want
16 to ask one? I want to do it now. Go ahead so
17 I can --

18 VICE CHAIRPERSON JEFFRIES: Yes.
19 I was just curious. I'm interested in the
20 number of residents, people who actually live
21 in the overlay who are opposed to this overlay
22 expansion. I'm just curious on those
23 individuals.

1 A number of people have come
2 forward, obviously members of the church
3 living in other communities, but I was just
4 curious about those individuals who are here
5 who live in the proposed area who are opposed
6 to the overlay expansion.

7 CHAIRMAN HOOD: As them to raise
8 their hands.

9 VICE CHAIRPERSON JEFFRIES: Raise
10 your hand.

11 (Show of hands.)

12 VICE CHAIRPERSON JEFFRIES: Two.

13 MS. SCHELLIN: No. It's just the
14 overlay area.

15 VICE CHAIRPERSON JEFFRIES: Just
16 the overlay area. The people who live in the
17 overlay who are opposed to the expansion.

18 (Show of hands.)

19 VICE CHAIRPERSON JEFFRIES: Just
20 two?

21 CHAIRMAN HOOD: Is everybody
22 clear. Let me -- okay. Again, the question
23 is, those who live in the neighborhood who are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 opposed to being included in this overlay,
2 could you raise your hand.

3 Now, if you don't turn it around,
4 they may be a little afraid to raise their
5 hand. But let me just say. If you could just
6 raise your hand.

7 (Show of hands.)

8 CHAIRMAN HOOD: Okay. Actually,
9 what that question was asked about an hour --
10 but maybe it was just unclear. Okay. Okay.
11 I got you. I got you.

12 Ms. Madson -- let me just say
13 this. We are -- we do this all the time. We
14 understand. We just asked that question to
15 give us, you know, -- okay. Thank you.

16 Come forward. I want to hear your
17 testimony. And so, it doesn't look like we
18 have -- I do have a few more people on the
19 list that are in opposition that are not from
20 the church, so I don't know, but I'm sure my
21 colleague, the Vice Chair will call on you, so
22 it doesn't look like we're going to need a
23 second meeting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. MADSON: Mr. Chairman, Mr.
2 Vice Chairman, Members of the Commission,
3 thank you for taking the time to hear me.

4 My name is Marcia Madson. I am a
5 23-year resident of the District of Columbia.
6 I currently reside at 3104 Fessenden Street,
7 N.W. I am a full-time lawyer and a full-time
8 mom, and that's why I need to go home and go
9 to bed, so we got to hurry.

10 I am -- I practiced also in the
11 District of Columbia for the amount of time
12 that I've lived in the District, and I'm here
13 tonight because I'm concerned about the
14 procedural aspects of the rulemaking.

15 And particularly from an
16 administrative law standpoint, the rulemaking
17 is being used to dramatically expand the
18 overlay district, and it's an -- from my
19 perspective, at least, it's a matter of
20 administrative law.

21 It is defective, and it is
22 particularly defective because all of the
23 potentially affected parties have not been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 notified.

2 The Petitioners here did not file
3 a prehearing submission, as required by
4 Section 3013.1, there was no certification
5 that the prehearing submission requirements
6 had been met as required by 3013.7.

7 There is no list of property-
8 owners affected by the rezoning as required by
9 3013.3, and approximately 20 percent of the
10 signs advertising the hearing failed to
11 include the day and time of the hearing,
12 including signs fronting the property that has
13 been discussed here tonight.

14 And I brought an example. I'd be
15 happy to share with the Commission. It
16 doesn't have the date and time of the hearing.

17 I have a son who has been
18 attending the Kingsbury Center -- he's a
19 learning disabled child -- for the last --
20 he's in his seventh year.

21 And I spoke with him today. I
22 know that they were not aware of the hearing.
23 So, I think there are probably others who also

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would like to have testified here this
2 evening.

3 I thank the Commission for its
4 time. Thank you.

5 VICE CHAIRPERSON JEFFRIES: Okay.
6 Thank you. Before you leave, I just want to
7 make certain that there are no questions from
8 the Commissioners.

9 MS. MADSON: Yes.

10 VICE CHAIRPERSON JEFFRIES: Anyone
11 have any questions?

12 Okay. Thank you very much for
13 coming down.

14 MS. MADSON: Thank you.

15 Would you like this photograph?

16 VICE CHAIRPERSON JEFFRIES: I'm
17 sorry, ma'am?

18 MS. MADSON: Would you like the
19 photograph?

20 VICE CHAIRPERSON JEFFRIES: Yes,
21 that's fine. You can hand it -- hand it to
22 Ms. Schellin.

23 Okay. So, what we're going to try

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to do is move this along. We're going to get
2 a panel of six. I'm going to call your name.
3 Just come up. I have Adam Stubits, Kia
4 Johnson. I have Kia here.

5 MS. JOHNSON: I signed the paper
6 in opposition, but I'm actually for the --

7 VICE CHAIRPERSON JEFFRIES: Oh,
8 okay.

9 MS. JOHNSON: Do you want me to
10 come up right now or do you want me to wait
11 till another time?

12 VICE CHAIRPERSON JEFFRIES: Just
13 come up. Come on. Let's just move on.

14 The Chair is leaving, but he will
15 be reading the record so, you know, do not be
16 concerned, he will go through the very lengthy
17 transcript of the rest of this hearing.

18 Next, I have David Rosberry.

19 MS. SCHELLIN: Right below Ms.
20 Johnson is Tony Sloan. He's also in support,
21 and he missed the early call also.

22 VICE CHAIRPERSON JEFFRIES: Okay.
23 The next person I have is David Rawberry --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Rosberry. Is he here?

2 MR. ROSBERRY: I'm not going to
3 testify.

4 VICE CHAIRPERSON JEFFRIES: You're
5 not going to testify. Okay.

6 How about Robert Hatch. Thank
7 you. How many is that? Four. Sean Wieland,
8 are you going to come -- are you going to
9 testify? Okay. Great. Thank you.

10 Cassidy Pinegar, or Pinegar --

11 MS. SCHELLIN: She left.

12 VICE CHAIRPERSON JEFFRIES: They
13 left. Okay. Both. Okay. Okay. And Ira
14 Moody.

15 MS. SCHELLIN: Eliza.

16 VICE CHAIRPERSON JEFFRIES: Eliza
17 Moody.

18 Okay. Is there anyone else in
19 terms of -- anyone else here who would like to
20 testify, whether for or against the proposed
21 expansion, just come up and just for two more
22 people, and then we'll bring another panel up.

23 So, this gentleman can come up,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and then, ma'am, if you'd like to come up, and
2 then we'll get the rest of you right after
3 we're done with this panel.

4 Okay. Did I get Adam Stubits?

5 Okay. Would you like to start?

6 MR. STUBITS: I'd be pleased to.

7 Gentlemen of the Commission, it's
8 a pleasure to be here. I speak as a
9 relatively new resident to Ward 4. Although
10 a long-time -- not as long as some, but a
11 long-time resident of D.C. I've been here
12 about seven years. I did my undergraduate and
13 graduate work here. I work for the Federal
14 Government now.

15 My wife and I just recently
16 purchased a house at 130 Longfellow Street,
17 N.W., which is 20011, well within Ward 4.

18 I would argue one thing which is,
19 that as you asked for people who are in or not
20 in the expansion, I think that the communities
21 of D.C. are a little bit more fluid than that.

22 I would consider myself a neighbor
23 and certainly a resident of the area affected

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 by the expansion. I would argue that the
2 reason my wife and I purchased in D.C. -- we
3 could have had a larger house, more property
4 elsewhere. We could have gone out to Maryland
5 or Virginia.

6 The reason why we purchased here
7 was because of a certain quality of life.
8 When the ANC presented earlier this evening,
9 they spoke about all the negatives, right.
10 They spoke about the traffic and they spoke
11 about the noise and the garbage trucks.

12 Well, there's a lot of positives
13 to living in the city as well. I love that I
14 can walk to a corner store. I love that I can
15 walk to church. I love that I can -- my
16 children some day will be able to walk to
17 school.

18 Maybe there are some sacrifices in
19 order to have that quality of life.

20 Admittedly, I'm woken up in the morning by
21 trash trucks. I'm kept up at night by police
22 cars chasing hoodlums around the City.

23 There are downsides to this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 admittedly, but I love this City and I
2 purchased in this City for a particular
3 reason, because of the sense of community.

4 I think that residential
5 properties are absolutely a part of that. I
6 think that institutions are a part of a City.
7 I think if we wanted to live in the suburbs,
8 if we wanted to drive a half-hour, 45 minutes
9 to a mall or a grocery store, well, then,
10 gosh, we'd live in Gaithersburg, right.

11 But we live here in Washington,
12 D.C. for a particular quality of life. We
13 like the atmosphere. We like -- at least I
14 do. I'm speaking for myself, but I suppose
15 I'm speaking for many, because many people
16 choose to live here.

17 And I'd like to present my
18 argument from that side that, yes, there are
19 sacrifices. Yes, institutions bring noise and
20 some degree of trouble, but they also bring a
21 certain quality of life that I think that some
22 of us have come to appreciate.

23 Is there a magic number, 50

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 percent, 25 percent? I don't know, and I'm
2 not a lawyer. I can't speak to some of the
3 issues that have been spoken to previously,
4 but I can say, living not very far away from
5 the epicenter of this debate, that I like my
6 quality of life. I like living with a
7 diversity of environment.

8 I like, again, being able to walk
9 to the store, being able to walk to church.
10 I like watching other people walk to church in
11 the morning. I think that adds to my quality
12 of life.

13 So, while there are detrimental
14 aspects to our quality of life, I think there
15 are a lot of pro's to our quality of life, and
16 I present my argument from that side only, as
17 a relatively new resident of D.C., had my
18 neighborhood been devoid of these eyesores or
19 these institutions, I don't know, I don't see
20 it that way, but had they been devoid of that,
21 I wouldn't have bought there.

22 I bought in a neighborhood
23 particularly because of institutions. And so,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'm opposed to this extension or expansion,
2 not on the grounds of church versus state or
3 anything else.

4 I'm opposed to it on the grounds
5 of I like the quality of life that I have.
6 Thank you.

7 VICE CHAIRPERSON JEFFRIES: Mr.
8 Stubits.

9 Next we have Kia Johnson.

10 MS. JOHNSON: Hello,
11 Commissioners, my name is Kia Johnson, and I'm
12 an 18-year resident of the District of
13 Columbia, and I have not been paid to have an
14 opinion on this topic.

15 I am in favor of this zoning
16 overlay. I've been working with a bunch of my
17 neighbors. We are not professionals. We are
18 not attorneys. We have just been -- it's just
19 been a grass roots effort, and this has
20 absolutely nothing to do with religion.

21 This is about a community being
22 saturated. We have been inundated, as has
23 been spoken to before, and during this process

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we may have made some mistakes, and that is
2 because we are not professionals. We are just
3 working-every-day people, and we may not know
4 all the in's and out's, but we've just been
5 doing the best that we can.

6 I wanted to say that this property
7 that -- this latest property that's wanting to
8 come into the neighborhood was a Dominican
9 Convent with very, very quiet nuns that we
10 never really saw, and it was a house and it
11 was a beautiful stone structure that we all
12 loved, and it was torn down just with the
13 blink of an eye without the residents knowing
14 about it.

15 And we knew about it when the
16 dumping -- when the wrecking ball came. And
17 there was no communication with -- you know,
18 with the neighbors. And, you know, that's a
19 little bit off-track, but just a comparison,
20 there's no comparison in size or scope to the
21 proposed project compared to what was there
22 before.

23 It was a house with nuns and, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know, with very few -- I think it was maybe 15
2 nuns. So, it's not that there wasn't an
3 institution there before, it was a small, very
4 quiet facility.

5 And I wanted to say that the
6 neighborhood has not been afforded any
7 protections. You know, just an example, that,
8 you know, our considerations are not taken
9 into effect.

10 And I heard that -- I can
11 sympathize with overcrowding and need for
12 quiet and need for solace, and the plea that
13 has come from people that have been for the
14 project, but that is precisely what we are
15 trying to protect in our neighborhood is
16 overcrowding and, you know, saturation and,
17 you know, to the tipping point.

18 And it's unfortunate that this
19 project has come to light in that it is a
20 church, but had it been another big school or
21 any other facility, we would have had the same
22 -- the same feelings.

23 This is not about religion, and we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 want to make sure that that is on the record.
2 This is not about religion, this is about
3 institutional uses in our residential
4 neighborhood.

5 VICE CHAIRPERSON JEFFRIES: Thank
6 you.

7 Mr. Sloan.

8 MR. SLOAN: Yes. Good afternoon
9 -- or good evening. And this beautiful young
10 lady that just spoke before me happens to be
11 my wife.

12 My name is Anthony Sloan and
13 unlike most folks in this room, I am or will
14 be 50 in January, and I have spent all 50 of
15 those years here in Washington, D.C., so I am
16 a native Washingtonian.

17 I've watched the City go through
18 it's transition, and I think that I would be
19 remiss by not pointing out to you and the
20 folks in the audience, that this has never
21 been about a church. This has never been
22 about a church with this group.

23 This has been about the disrespect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of the community and being involved in the
2 processes to make this happen. Now, one of
3 the reasons why we're here is because this
4 happens to be the only voice that we have
5 left, based upon the laws that are currently
6 governed here in Washington, D.C.

7 This gives us a voice, which is
8 what we've asked for from the very beginning.
9 Now, without going through the step-by-step of
10 how we were made aware of what -- what was
11 proposed to take place.

12 Basically what happened was, was
13 one morning we all wake up. There's a
14 wrecking crew. They demolish the building
15 that was there. No one knew anything about
16 it. Three months later we find out that
17 there's a proposal to build a church.

18 Well, has anyone in the
19 neighborhood been made aware of this? Has
20 there been any type of communication with the
21 neighbors who fall within this overlay?

22 The answer to that question is:
23 Absolutely, positively, no. There was no

1 communication that was made with the actual
2 neighborhood that falls within the overlay.

3 Now, I've heard the attorney
4 speak. I've listened to the folks who attend
5 the church, and you know, we need to make it
6 clear that there's no one in this neighborhood
7 that is against a church. That is not our
8 purpose.

9 That is not what we're here for.
10 We're here because we have not had a voice as
11 citizens, taxpayers in Washington, D.C., and
12 we deserve to have a voice in this. Thank
13 you.

14 VICE CHAIRPERSON JEFFRIES: Thank
15 you very much. We're going to come back to
16 all of you with questions. We just want to
17 get through the panel.

18 Can you give your name and your
19 address.

20 MR. HATCH: Yes, Mr. Chairman. My
21 name is Robert Hatch. I live at 2301 E
22 Street, N.W., Apartment 806. I'm currently a
23 law student at George Washington University.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I came to the District for my
2 education. I plan to build my career here as
3 well. This past summer I worked for the
4 District as a volunteer in the Attorney
5 General's Office and enjoyed my time, being
6 able to actually be in this building every day
7 and seeing the ambiance that is there.

8 And I am a member of the LDS
9 Church, and while I cannot speak on behalf of
10 the Church, I think I am justified in
11 apologizing to Mr. Sloan. This project was
12 never meant to disrespect him.

13 And basically I rise against the
14 extension of the zoning overlay, if for the
15 only reason that we've received much testimony
16 today that institutions do aid people. Some
17 of the testimony that we heard from C.J., who
18 is one of my friends. I've had the
19 opportunity to be involved in the tutoring
20 program that he talked about.

21 Again, the institutions that can
22 be in an area in downtown D.C. are something
23 that can help develop the neighborhood, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can help be able to improve the quality of
2 life that is around here.

3 In anticipation of the proposed
4 project I have had the opportunity to visit
5 16th Street Heights on various occasions, and
6 I agree with the residents here that it is a
7 very special area.

8 But I respectfully disagree that
9 it has not, in the words of the Planning
10 Commission, reached a tipping point where it
11 is going to completely lose its residential
12 character.

13 It is very similar to many
14 neighborhoods across the District in the fact
15 that, yes, there is congestion throughout the
16 day. Yes, there is a going back and forth
17 between -- between schools and between -- and
18 between houses and other things that might be
19 there.

20 And, yes, it can be noisy at
21 times. But, again, considering the
22 atmospheres that are involved, all the issues
23 that are swirling about, again, we're talking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about a small difference, whether it's reached
2 this ten percent threshold or not.

3 Again, I would urge the Commission
4 to look at the record carefully to look at,
5 you know, why this objection came about and,
6 again, look at the -- look at the project if
7 it is at all possible, and the -- and look at
8 the information and look at the -- what can be
9 given by the church, can be given by this
10 project, and know that it can be an attribute
11 to the area.

12 VICE CHAIRPERSON JEFFRIES: Thank
13 you. Thank you, Mr. Hatch.

14 Could you give your name and
15 address.

16 MR. ROBBINS: My name is Michael
17 Robbins. I'm a member and resident of the
18 District. I live at 802 E Street, N.E.

19 And simply, I just want to say
20 that I rise in opposition. I think what we're
21 describing here would be potentially an
22 enforcement issue, and I have full confidence
23 in the District of Columbia to give the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 services necessary to the people of this area,
2 that they would have the confidence that they
3 could worship however they please and gather
4 and assemble how they please.

5 And I fully know that the good
6 people of the District of Columbia can write
7 tickets. I moved here from Virginia and when
8 I did so, my car instantly became a magnet,
9 and so I know that the District has phenomenal
10 services, and I have confidence in these
11 services.

12 Have we reached a saturation
13 point? I don't know if a study can give you
14 that. I do know that these hearings have
15 reached a saturation point, and I think for
16 that reason -- for that reason, this is not
17 the remedy.

18 I love this community. I love the
19 opportunity to come and participate and go to
20 the museums. And I realize that there are
21 lifetime residents here that have -- are
22 stakeholders that don't want to see their
23 community change.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But I believe in a domino effect,
2 and that domino effect is when we have an
3 abundant mentality, that we don't look at our
4 neighbor and say if you get a piece then I get
5 less of a piece of the pie.

6 I think, together, as a community,
7 we can rally around each other and solve these
8 problems of education by tutoring our youth.
9 We can look at the different ways that we
10 utilize property.

11 And even though it may be an
12 inconvenience, I think that it's not
13 inconvenient when we allow you guys to do your
14 job. So, I have confidence in you and God
15 bless you for what you're trying to do. Thank
16 you.

17 VICE CHAIRPERSON JEFFRIES: Thank
18 you, Mr. Robbins.

19 You're next.

20 MS. BOYCE: Hopefully I'm the last
21 one. I'm Cheryl Boyce. I am -- I reside at
22 1413 Delafield Place, N.W. where I've resided
23 for 38 years. I've lived in the Ward for all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of those years.

2 And I'm here to talk in favor of
3 the extension of the overlay for several
4 reasons. One is balance, in terms of the
5 neighborhood. I'm quite pleased to live in
6 D.C. and I also am envious of some
7 neighborhoods where it seems like the balance
8 is definitely in favor of the residents, and
9 I would love to see my neighborhood to
10 continue to have a balance where institutions
11 which already exist can continue to provide
12 services, but that we have some protections to
13 make sure that there is not -- we're not at
14 our maximum, that we are already at a tipping
15 point during certain times of the day where
16 it's nice to hear the institutions often would
17 like to purport that they will be only using
18 facilities during certain times, there's
19 nothing that will ensure that we have to
20 always deal with the maximum usage, the
21 maximum of parking spaces, because that could
22 be our future, and that's what we want to
23 protect.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I would like to live in my
2 neighborhood for another 38 years, if I am so
3 blessed, and so in that vein, I'm really
4 hoping that you will see that and see that
5 it's about growth, it's about institution, and
6 in terms of zoning, we want to make sure that
7 we protect our neighborhood similar to other
8 neighborhoods throughout the City which some
9 are protected better than others, and it's
10 time.

11 I don't think this is necessarily
12 something that was not forthcoming and not
13 needed. Given the current institutions that
14 do contribute to the community, but we are now
15 a community that has several schools which
16 provide services to mostly youth and
17 especially in terms of Kingsbury and special
18 education services.

19 I'm also a board member of Safe
20 Shores which provides D.C. Child Advocacy
21 Center, which you may be familiar with. So,
22 I'm very familiar with several programs
23 throughout the City, and we do our share.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But, when you have a situation,
2 when you have institutions that are too large
3 for the area and do not actually maybe serve
4 those who are walking or nearby, I think it
5 does proceed with the situation of maximum
6 usage, maximum transportation problems and in
7 that vein, that is why I'm speaking to you
8 tonight as a 38-year resident, and I do live
9 two blocks away from the most recent site
10 where there was construction.

11 VICE CHAIRPERSON JEFFRIES: So you
12 are not in favor of the expansion.

13 MS. BOYCE: I am in favor.

14 VICE CHAIRPERSON JEFFRIES: You
15 are in favor of the expansion.

16 MS. BOYCE: I'm in favor, yes, so
17 that we can protect them.

18 VICE CHAIRPERSON JEFFRIES: Okay.
19 Okay.

20 Any questions for this panel from
21 the Commission?

22 VICE CHAIRPERSON JEFFRIES: I just
23 have one quick question for Mr. Sloan and Ms.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Johnson. You heard from Mrs. Brown about that
2 perhaps this overlay is really not necessary
3 in that, you know, as an institutional use
4 comes up, it can come before a special
5 exception before the community.

6 And the community will have an
7 opportunity at that point to, you know, voice
8 any concerns about traffic noise, all those
9 types of things, that you already have a
10 remedy.

11 Do you have any comment on that
12 response?

13 MR. SLOAN: And respectfully so.
14 And believe me, Mrs. Brown, as far as I'm
15 concerned, made a number of statements that
16 were misleading because the reality of this
17 is, is that we would not be here today had we
18 been given the opportunity to participate in
19 the processes.

20 That never took place. And so now
21 what we're doing is, is exercising our
22 constitutional right to be a participant, and
23 that's all we're asking.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Now, again, that's not to say that
2 we're going to agree that the church should be
3 there. That's not to say that we are going to
4 disagree. But at least we would have a voice.

5 At this particular point we have
6 not been given the opportunity to have a voice
7 in this.

8 VICE CHAIRPERSON JEFFRIES: But I
9 guess my point to you, if you determined that
10 you could have a voice in terms of the types
11 of uses that are in this residential
12 neighborhood without an overlay, would you
13 find that acceptable?

14 MS. JOHNSON: I definitely think
15 that the overlay is needed because, as we see,
16 there are rules in place to prevent these
17 types of things from happening, to prevent
18 buildings from being demolished without the
19 residents knowing, without, you know, and
20 they're not enforced.

21 So, we're hoping that this can
22 just be another layer of protection to
23 safeguard the residents because, as we see,

1 that things do collapse, and we just need
2 another layer to ensure that this does not
3 happen in the future, because we feel
4 neglected and we feel -- we fell robbed.

5 We feel kicked to the curb, so to
6 speak, that we, as D.C. residents, that this
7 could actually happen, that this could just
8 happen in the blink of an eye without
9 necessary -- with necessary protections being
10 in place, but it still having the opportunity
11 to have them.

12 MR. SLOAN: And if I could also
13 add, there are at least three other sites
14 within this overlay where that, without the
15 overlay the same exact issue could come up
16 again.

17 VICE CHAIRPERSON JEFFRIES: Okay.
18 Thank you. Thank you very much. Thank you,
19 all of you, in this panel.

20 Okay. Is there anyone here -- and
21 I don't have your name, but if you'd like to
22 come up and testify for the expansion or
23 against the overlay expansion, please come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 forward.

2 MS. YARBOROUGH: I don't have a
3 card, though.

4 VICE CHAIRPERSON JEFFRIES: Does
5 everyone -- everyone will have to make certain
6 that you've signed a card.

7 Okay. This is the last panel. We
8 have two more seats here. Going, going --
9 okay. Is that it? This is the last panel.
10 No -- okay. Great.

11 So, again, three minutes for each
12 of you. Again, if you have written testimony,
13 look at the clock, because I'm going to cut
14 you at three -- after three minutes. Okay.

15 And let's start with you, young
16 lady. Your name. Give your name and your
17 address.

18 MS. YARBOROUGH: Okay. My name is
19 Esther Williams Yarborough. I live at 1409
20 Delafield Place, N.W.

21 VICE CHAIRPERSON JEFFRIES: And
22 also, right after that, just let us know
23 whether you are in favor or -- we'll give you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a few seconds. Just make certain that you let
2 us know if you are in favor of the expansion
3 or opposed to it.

4 MS. YARBOROUGH: Thank you, Mr.
5 Jeffries. I am in favor of the expansion of
6 the overlay. I live a block -- two blocks
7 from the property that we're speaking of.

8 I'm a part of the small group, the
9 coalition that has been working for the better
10 -- you okay? -- okay. -- for the better part
11 of two years to communicate with institutions
12 in the neighborhood, and for us to work to try
13 to keep -- to hold down the proliferation of
14 the institutions in the neighborhood.

15 And you may have to stop me
16 because if I start talking about specifics,
17 but I'm the person who realized that the
18 building was being torn down and started
19 calling my neighbors and it was the first
20 contact to the LDS, and we asked them for a
21 year.

22 We asked them for over a year what
23 was going to take place on that property and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they never would give us any indication of
2 what they were planning on doing.

3 We had to reach out to them in the
4 initial time to have them even clean up the
5 property. They weren't cutting the grass.
6 They were not cleaning the property. We had
7 to make sure that that happened.

8 I am in -- I am in favor of the
9 overlay for the very reasons that my neighbors
10 cited, just the mere fact that we need
11 protection. And our neighborhood is changing.

12 Every day we note cars from
13 Virginia, Maryland, parked in our neighborhood
14 all day. People park all day, go catch the
15 bus and leave, and the people who are coming
16 to our residences, if they are coming for
17 whatever -- we have people who have caretakers
18 come to their homes and then we've got to
19 figure out where they're going to park.

20 We have people who visit our home.
21 Some people have businesses run from their
22 homes. So, my opposition -- I am in favor of
23 the overlay for these reasons and all of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reasons stated by my neighbors. Thank you.

2 VICE CHAIRPERSON JEFFRIES: Thank
3 you. Thank you very much.

4 Ma'am.

5 MS. SEAY: Yes. My name -- can
6 you hear me?

7 VICE CHAIRPERSON JEFFRIES: Yes.

8 MS. SEAY: My name is Frances
9 Seay, and I live at 4998 Warren Street, N.W.,
10 Washington, D.C. I have been a resident of
11 the District of Columbia for 11 years, but I
12 actually was born here. My father was born
13 here and my grandfather.

14 So, I have a vested interest in
15 this City.

16 I've heard a lot of testimony
17 today. I am actually opposed to the overlay
18 and for very interesting reasons. I actually
19 am a member of the Church of Jesus Christ of
20 Latter Day Saints, but that's really not why
21 I came up here. I had no intention of doing
22 this

23 I'm fascinated by this process.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I've never been to a hearing, but I've heard
2 about them all of my life. My father's in the
3 developing business, and I've always been on
4 the opposition side from the homeowner, you
5 know.

6 It was always "Build my house but
7 don't build anybody else's." And the
8 questions that I have for the panel are: What
9 would the alternative be for the overlay if
10 that went into place? What would happen to
11 the interest of the owner of the property in
12 question? Why would they want to stay in the
13 City?

14 That would delay and prevent them
15 from making -- it's a barrier for people that
16 are really interested in being good neighbors
17 from coming in here. We have no financial
18 interest in this project, none whatsoever.

19 And as a result we want to be good
20 neighbors. And, unfortunately, it's becoming
21 more and more difficult for us to do that
22 regardless of whether you're a church or
23 whether you're a homeowner or whether you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a business, it's almost impossible to build
2 anything in this City.

3 I have a question also. Is it
4 where -- when is the last time new
5 construction happened in this District? When
6 was the last time a new building permit was
7 brought forward and actually new income was
8 coming into the City because there -- it was
9 possible to do so without so many hoops and
10 barriers to go through.

11 People do not want to have to come
12 into a situation where they can't afford it.
13 This is a very expensive place to live. We
14 are not usurpers. We love this community.

15 And the Church of Jesus Christ,
16 regardless, whatever we are, we are members of
17 this community, and I beg that we all have
18 reason to look forward to coming together and
19 as a consensus to look for solutions to making
20 our City better and not barriers to making and
21 protecting our own self-interest. Thank you.

22 VICE CHAIRPERSON JEFFRIES: Thank
23 you, Ms. Seay. I appreciate your comments.

1 Ma'am, next.

2 MS. MURPHY: Good evening. Thank
3 you for the opportunity to speak. My name is
4 Gael Murphy. I'm a resident at 1405 Emerson
5 Street, N.W. That's within the overlay area,
6 and I'm here speaking in support of the
7 overlay.

8 We are a community that is
9 saturated with institutions, large
10 institutions especially. I have served on the
11 neighborhood commission. I've lived in the
12 neighborhood since 1991, and served on the
13 neighborhood association.

14 In fact, in 1994, we were never
15 presented with the opportunity of getting an
16 overlay, but I can assure you that we would
17 have pursued it vehemently because, as a
18 community, we were facing the purchase of a
19 five-acre piece of property which is right
20 behind my house, and borders, you know,
21 Emerson to Gallatin.

22 And that was a very large
23 construction project. We went through many

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 different -- it was going to be a home health
2 care facility. It was going to be all kinds
3 of different things. Whenever buyers came in,
4 the community was called in.

5 We were able to, you know, see who
6 was wanting to buy. We were asked our
7 opinion. We did our research, and were they
8 a good home health care organization, were we
9 going to have ambulances all night, were we
10 going to see all kinds of violations.

11 So, we have been a very active
12 neighborhood about our environment and taking
13 care of what we have and not overtaxing the
14 community.

15 So, specifically, I'll name it.
16 Kingsbury. It was a big issue. It still is
17 lit like an airport. The Planning Office was
18 very helpful in the comments that it made, and
19 passed on to the Zoning Board, but basically,
20 you know, about the lighting will be annoying
21 to the community, to the neighbors, et cetera,
22 et cetera.

23 They cut down 60 percent of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 canopy, of the canopy of that five-acre area.
2 They paved more than two-thirds of the
3 property.

4 Now, the runoff, alone,
5 significantly changed. It's a school now of
6 about 300, and it's planning -- it has the
7 right to expand and they are planning new
8 construction.

9 We lived with that construction
10 for three years. Now, progress in the
11 community. It's, you know, important. It's
12 necessary when we have infrastructure that we
13 need, but we are saturated.

14 We don't need any more new, big
15 institutions. And I have to -- I want to
16 reiterate a point that was made by Ms. Brown
17 about, that you have the adequate protections.
18 This is not the place to bring the community's
19 needs or concerns about any particular
20 project.

21 And I would like to say to Ms.
22 Brown, and reiterate what my neighbors said
23 and say to you that, yes, we do need

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 protections because our voices are often not
2 heard.

3 And this project that has been
4 discussed here tonight is exactly the example
5 of how we are not protected, that we did wake
6 up one morning and find a 100-year-old,
7 beautiful house that had been sitting there,
8 that had been our visual, you know, point of
9 reference for our community, and it's gone.

10 VICE CHAIRPERSON JEFFRIES: Okay.
11 Thank you, Ms. Murphy.

12 Next, ma'am.

13 MS. OKORI: Yes. My name is Scala
14 Okori. I originally came from Nigeria. You
15 know what I'm grateful to God today that I'm
16 sitting at here, looking at citizens here,
17 able to come here and start the issue, because
18 this wouldn't have happened in Nigeria. You
19 buy it, you do what you want with it. Nobody
20 going to come here and challenge you. You
21 know, we don't want it.

22 But I'm so happy I'm in America
23 today. Church of Jesus Christ of Latter Day

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Saints has been stopped from what they are
2 doing. Thank you ladies and gentlemen.

3 But, unfortunately, I'm a member
4 of the church, you see, so I'm conflicted.
5 Here is a church. I'm a single mother with
6 three children. My son is sitting there not
7 doing his homework to come here to fight for
8 the church today.

9 C.J. come here from Nigeria,
10 crying to you, this church might mean
11 something for us. I had an accident, lost my
12 kidney. Nobody came, but the Church of Jesus
13 Christ of Latter Day Saints.

14 Let me tell you why they came to
15 Washington. The churches were built in
16 Potomac, you know, where the rich folks are.
17 Chevy Chase. We don't go to. Capitol Hill,
18 too far for me.

19 So, we said it, asking them, "When
20 are the black people and the Spanish people
21 going to get their chance which they are
22 entitled to. That's why they came to your
23 neighborhood, to help us, to make it possible

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for me to go get there, to make it possible
2 for me, for the kids to play basketball in
3 Washington, D.C.

4 213 Gallatin Street is where I
5 live at. My two children, through the church
6 are at university now. Through the church.
7 Otherwise they'd be smoking marijuana,
8 drinking.

9 The reason why the church is
10 important, no smoking, no drinking, no sex
11 before your age, no divorce, why would I not
12 be a member?

13 So, you can run everything out.
14 You've done your part to challenge them.
15 Thank you. And I'm grateful. It's unlike
16 Nigeria. I would be there and you can cry.
17 Nobody would listen to you.

18 You've done a wonderful thing to
19 stop them, but after you've stopped them where
20 do you think I'll be going to church, to Chevy
21 Chase again, to Potomac where I don't know, to
22 Capitol Hill.

23 The variety for black people and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the poor Spanish to be able to get to the
2 church. Now you want to send us back to there
3 again. It's not fair for me. You've done
4 your part and I apologize for them doing it
5 behind your back. Sorry, we apologize.

6 But, please, don't kill my spirit
7 and don't kill the spirit of my children.
8 You've done your part. Let us have sense. We
9 apologize, but don't stop us, please. I'm
10 begging, because it's important to me.

11 This is a church that gives black
12 people scholarship. I don't want to hold you
13 up too long.

14 VICE CHAIRPERSON JEFFRIES: Okay.

15 COMMISSIONER MAYS: But help us,
16 please. It's important to us.

17 VICE CHAIRPERSON JEFFRIES: Ma'am,
18 could you just for the record, give you
19 address again.

20 COMMISSIONER MAYS: My address is
21 213 Gallatin Street, N.W., Washington, D.C.
22 I must have voted for you, too, when you run
23 for election.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON JEFFRIES: Excuse
2 me?

3 COMMISSIONER MAYS: Yes. You're
4 running. Everyone is running.

5 VICE CHAIRPERSON JEFFRIES: That
6 would be Mr. Etherly. He's the next mayor.

7 COMMISSIONER MAYS: Yes, somebody.
8 I'm taking all your names because you campaign
9 to everybody. Muriel that I was here. Ready
10 for her, too.

11 So, I love people here because
12 it's unlike where I came from, where people
13 stand and do what they want to do. You've
14 done a good job to stop them.

15 VICE CHAIRPERSON JEFFRIES: Thank
16 you.

17 COMMISSIONER MAYS: But we
18 apologize.

19 VICE CHAIRPERSON JEFFRIES: Thank
20 you, ma'am. Thank you, ma'am.

21 Sir.

22 MR. RUSSELL: Yes. My name is
23 Carl H. Russell. I reside at 1305 Rittenhouse

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Street. I've been a resident of Ward 4 for 34
2 years. I went to Brightwood Elementary, Carl
3 Junior High, Calvin Coolidge.

4 And I wasn't -- I'm not testifying
5 on behalf of the church. I'm trying to
6 testify as a resident. And I did not read
7 1551.4 reg, but from what I heard, I think the
8 reg was drafted more for conversion between
9 nonresidential and residential to keep a fair
10 play between.

11 And I heard a lot of testimony,
12 and in 14 years it seems like this reg came in
13 like 14 years ago, and this proposal is saying
14 that the regulation is null and void because
15 of out of date, but I haven't seen any
16 evidence proving that in 14 years that more
17 nonresidential came in, more than residential.

18 I travel that corridor a lot, and
19 it's stated that 14th -- on the 14th Street
20 side of the corridor there is 14
21 nonresidential, and on the 16th Street side
22 it's seven nonresidential.

23 And the only thing I heard that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 one meditation center changed to be -- not a
2 building which account of 1551-4, that reg is
3 about nonresidential and residential
4 conversion, but the meditation was already
5 nonresidential. So, it's not a conversion,
6 for me, anyway.

7 And the next thing I was thinking
8 about, the Constitution of the United States,
9 First Amendment said the President or Congress
10 at no time shall embargo or stop the freedom
11 of the press, the freedom of free speech and
12 the freedom of religion.

13 But this is a religion -- a
14 religious organization, so I don't know if --
15 and then I'll still have to look at the color
16 of the law, the color of Regulation 1551.4.

17 When I say the color of it, why
18 this was drafted, you know, and it seems like
19 it's some kind of controversy. You know, the
20 only thing I kind of see that it was specified
21 today is progress, growth.

22 You know, if we check 14 years
23 ago, I know we will see that more people live

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the District of Columbia, therefore logic
2 going to let us know that more cars, more
3 buses --

4 VICE CHAIRPERSON JEFFRIES: Okay.
5 Mr. Russell, you're done.

6 MR. RUSSELL: Thank you, sir.

7 VICE CHAIRPERSON JEFFRIES: Thank
8 you very much for your commentary.

9 This panel -- first of all, any
10 more -- any questions from Commissioners, this
11 panel?

12 Okay. That's it. Thank you very
13 much for coming down.

14 Is there anyone else here who
15 would like to testify? Anyone? Okay. This
16 is the last call. I'm not calling anyone
17 else. Okay. Last call.

18 Okay. Great. You are the last
19 for this evening. State your name, address
20 and where you stand.

21 MR. VICHR: Commissioners, the
22 panel, I thank you for the opportunity to
23 present my opposition to the expansion of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 overlay.

2 My name is Roman Vichr. I'm a
3 resident of D.C. My street address is 3163
4 Adams Mill Road, zip code 20010. I believe it
5 belongs to the Ward 4.

6 The reason why I want to voice my
7 opposition is, I understand the concern of the
8 community and the overcrowding. I live on a
9 very busy street, which is adjacent to the
10 zoo, and I'm faced every weekend with visitors
11 of the zoo parking on the street and sometime
12 I have to walk several blocks before I find --
13 after I find parking.

14 However, that's not going to lead
15 me to request any zoning changes in my
16 neighborhood. I understand that's the
17 neighborhood I picked, and that's the
18 neighborhood where I live in for past ten
19 years.

20 And I enjoyed the diversity in my
21 neighborhood and the growth that I have seen
22 in the past ten years, and I appreciate it.

23 I drive in the neighborhood that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it was mentioned over here every weekend. I
2 understand the neighborhood being concerned.
3 There is -- every Saturday, you know, soccer
4 games at Carter Barron.

5 However, I believe the church, as
6 you can see, from the youth that was presented
7 here, is beneficial to the community and I
8 didn't see any case that would suggest that
9 the overlay is necessary because there was no
10 radical change in the particular area
11 concerned.

12 And I drive through that area many
13 times per week, and I haven't seen any large
14 change in the past ten years. And thank you
15 again for the opportunity to state my case
16 here.

17 VICE CHAIRPERSON JEFFRIES: Thank
18 you. Thank you very much.

19 Any questions for the witness?

20 Okay. Well, first of all, it's
21 been a long evening, but I think we've come to
22 a close, and I -- on behalf of the Zoning
23 commission we'd like to really thank you all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for coming out. It's so incredibly important
2 for community participation and outreach, and
3 we're very happy that you came out.

4 At this point, I think the record
5 is closed except for any information or
6 reports that have been requested by the
7 Commission, and I don't think there are any.

8 Correct?

9 MS. SCHELLIN: Correct.

10 VICE CHAIRPERSON JEFFRIES: So,
11 the Commission will make the decision in this
12 case at one of our regular monthly meetings
13 following the closing of this record, and that
14 would be when? When is our next --

15 MS. SCHELLIN: October 20th.

16 VICE CHAIRPERSON JEFFRIES: That
17 would be October 20th. That would be a
18 meeting of the Zoning Commission. We will
19 take no testimony during that hearing. You
20 will just listen to us deliberate on the
21 particular case. Most meetings are held at
22 6:30 p.m. That meeting will be at 6:30 p.m.

23 If any individuals are interested

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in following this case further, please contact
2 staff to determine whether this case is on the
3 agenda of that particular meeting. Again,
4 we're looking at October 20th.

5 You should also be aware that
6 should the Commission propose affirmative
7 action, the proposed action must be published
8 in the D.C. Register, as proposed rulemaking
9 with a period of time for comments.

10 In addition, the proposed
11 rulemaking will be referred to the National
12 Capital Planning Commission, NCPC, for a
13 Federal Impact Review.

14 The Zoning Commission will then
15 take final action at a public meeting
16 following the receipt of public comments and
17 the NCPC comments after which a written, final
18 rulemaking and order will be published.

19 And I think that is it, and this
20 meeting is adjourned. Thank you for coming
21 down.

22 (Whereupon, the Public Hearing was
23 adjourned at 9:51 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

