

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
:
TEST AMENDMENT TO AMEND : Case No.
§ 701.4 AND § 721.3(S) : 07-28
OF THE ZONING REGULATIONS :
-----:

Thursday,
December 13, 2007

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

The Public Hearing of Case No. 07-28 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	Commissioner
MICHAEL TURNBULL	Commissioner
PETER MAY	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on December 13, 2007.

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

2 6:29 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen.

5 This is the Public Hearing of the
6 Zoning Commission for the District of Columbia
7 for Thursday, December 13th, 2007.

8 My name is Anthony J. Hood.
9 Joining me this evening are Vice Chairman Greg
10 Jeffries, Commissioners Etherly, May and
11 Turnbull.

12 We are also joined by the Office
13 of Planning staff, Ms. Sharon Schellin and
14 also the Office of Planning staff, Ms.
15 Steingasser and Mrs. Brown-Roberts.

16 These proceedings are being
17 recorded by a court reporter and is also
18 Webcast live. Accordingly, we must ask you to
19 refrain from any disruptive noises or actions
20 in the hearing room.

21 The subject of this evening's
22 hearing is Zoning Commission Case No. 07-28.

1 This is a request by the Office of Planning
2 for Text Amendments to the zoning regulations.

1 change the time limits for presentations if
2 necessary. Notes that no time shall be
3 seeded.

4 All persons appearing before the
5 Commission are to fill out two witness cards.
6 These cards are located to my left on the
7 table near the door.

8 Most people are regulars so I'm
9 going to move on a little bit.

10 The decisions of the Commission in
11 this case must be based exclusively on the
12 public record. To avoid any appearance to the
13 contrary, the Commission requests that the
14 persons present not engage the members of the
15 Commission in conversation during any recess
16 or at anytime.

17 Please turn off all beepers and
18 cell phones at this time so not to disrupt
19 these proceedings.

20 As stated in the public hearing
21 notice, the Commission is holding this hearing
22 to consider a change to the regulations that

1 would among other things permit a fast food
2 establishment without a drive through to
3 locate in the C-1 portion of Square 5912.

4 Unfortunately, the proposed codification of
5 the amendment in the notice did not include
6 text that would accomplish that result.

7 Nevertheless, the scope of our
8 hearing tonight will include a change to
9 permit a fast food establishment without a
10 drive through to locate in the C-1 portion of
11 Square 5912.

12 At this time, the Commission will
13 consider any preliminary matters.

14 Does the staff have any
15 preliminary matters?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: Okay. We'll go to
18 the Office of Planning.

19 Mrs. Brown-Roberts.

20 MRS. BROWN-ROBERTS: Thank you,
21 Mr. Chairman.

22 Good evening and members of the

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1 Commission.

2 I'm Maxine Brown-Roberts of the
3 Office of Planning.

1 flexibility to sub-divide the space in an
2 appropriate manner depending on the amount of
3 space that each lessee requires.

1 drive through shall be permitted in Square
2 5912 as a matter of right.

19 | Thank you, Mr. Chairman.

20 CHAIRMAN HOOD: Thank you, Ms.
21 Brown-Roberts.

22 Ms. Steingasser, you want to add

1 anything?

2 Okay. All right.

3 Do we have any questions?

4 COMMISSIONER MAY: I just have one
5 which was the proposed location of the
6 dumpsters which is in what I thought was
7 called out as a loading dock area.

8 Is that a required loading dock?

9 Are they losing a loading berth that they're
10 required to have by zoning?

11 MS. STEINGASSER: I don't believe
12 so, but I don't know.

13 COMMISSIONER MAY: Okay. I mean,
14 it seems unlikely since they have two berths
15 and it's a really small shopping center. But
16 we might want to make sure of that.

17 MS. STEINGASSER: I'm getting --
18 I'm receiving a no.

19 COMMISSIONER MAY: Telepathically
20 it's not a -- it's not a required berth.

21 MS. STEINGASSER: It is not a
22 required berth.

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1 COMMISSIONER MAY: Okay. All
2 right. That was my question.

3 CHAIRMAN HOOD: Okay. We're going
4 to wait until the appropriate time before we
5 hear from -- we're working with the Office of
6 Planning now. So, I mean, you can stay there.
7 I don't think you're going to have a whole lot
8 of people joining you, but you're fine.

9 Give me one second.

10 All right. Thank you.

11 Any other questions of the Office
12 of Planning?

15 Ms. Brown-Roberts, I just wanted
16 to clarify in the documents that we have here
17 showing pictures of the shopping center.

18 || MRS. BROWN-ROBERTS: Yes.

1 but it also looks like it's two stories.

2 MRS. BROWN-ROBERTS: Photograph

3 Number 2 is actually the front of the --

4 COMMISSIONER TURNBULL: That's the
5 front?

6 MRS. BROWN-ROBERTS: This is the
7 front of the shopping center.

8 Photograph Number 1 is the rear.

9 COMMISSIONER TURNBULL: Picture
10 Number 1 is the -- so, then is --

11 MRS. BROWN-ROBERTS: Oh, you're
12 looking at, I'm sorry. You're looking at a
13 different -- I was looking at my report.

14 COMMISSIONER TURNBULL: Oh, no. I
15 was looking at this thing. No. We are
16 looking at this --- Okay. The other document
17 that we have in front of us. Exhibit --

18 MRS. BROWN-ROBERTS: Picture
19 number one. Yes. Exhibit 1

20 COMMISSIONER TURNBULL: And then
21 it's Exhibit A shows shops one and two, which
22 I'm assuming is the main principal facade, but

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1 then there's Exhibit B, picture number two
2 shows a two story, the site obviously drops
3 off and you got two stories. But it looks like
4 this is also a principal entrance to some
5 shops? I see awnings over doors or --

6 MS. BROWN-ROBERTS: Let's see
7 here.

8 MS. STEINGASSER: I think if you
9 look at the key plan in Exhibit B you'll see
10 that some of the tenant's leased space turns
11 the corner. And what you're looking at is the
12 corner.

13 COMMISSIONER TURNBULL: Right.

14 MS. BROWN-ROBERTS: This is tenant
15 loading space, loading space.

16 COMMISSIONER TURNBULL: But those
17 that are not main entrances into these spaces.

18 MS. BROWN-ROBERTS: Yes, they are.

19 COMMISSIONER TURNBULL: They are?

20 MS. BROWN-ROBERTS: Yes.

21 COMMISSIONER TURNBULL: So there's
22 two levels you get to -- is there a lower

1 level and an upper level?

2 MS. BROWN-ROBERTS: It falls off.

3 I think it falls off.

4 COMMISSIONER TURNBULL: Okay.

5 MS. BROWN-ROBERTS: If you look at
6 Exhibit B picture number two.

7 COMMISSIONER TURNBULL: Right.

8 MS. BROWN-ROBERTS: The area to
9 your far left is the back of the loading dock.
10 It has a stairs. You know, there's a stairs
11 that go in there.

12 COMMISSIONER JEFFRIES: But
13 Exhibit B picture 2 is really a secondary. I
14 mean, that's not the front of --

15 MS. STEINGASSER: No, no. It is
16 secondary.

17 COMMISSIONER JEFFRIES: Yes, it's
18 secondary. It's a secondary entrance.

19 MS. STEINGASSER: Yes.

20 COMMISSIONER JEFFRIES: Yes.

21 MS. BROWN-ROBERTS: That is where
22 I think the applicant explained that the

1 garbage is taken out from the stores behind
2 here.

3 COMMISSIONER JEFFRIES: Right.

4 MS. BROWN-ROBERTS: And then
5 they're taken into -- go up the steps and
6 that's where the dumpsters are.

7 COMMISSIONER JEFFRIES: Right.

8 COMMISSIONER TURNBULL: Okay.

9 MS. BROWN-ROBERTS: When the
10 loading truck comes, it's at the front.

11 COMMISSIONER JEFFRIES: Right.

12 COMMISSIONER TURNBULL: Okay.

13 COMMISSIONER MAY: So in other
14 words when they're taking out the trash,
15 they're coming out, they're going down the
16 stairs that we see in Exhibit B picture 2.

17 MS. BROWN-ROBERTS: No.

18 COMMISSIONER MAY: No? All right.

19 MS. STEINGASSER: They're coming
20 out the back.

21 COMMISSIONER MAY: They're coming
22 out the back --

1 MS. BROWN-ROBERTS: Yes.

2 COMMISSIONER MAY:

3 -- they walk out of the back of their
4 building, they go down one of these stairways,
5 that's depending on which one they're in.

6 MS. BROWN-ROBERTS: Yes.

7 COMMISSIONER MAY: And they walk
8 toward that pickup truck at the end of the row
9 there that we see in Exhibit B picture 2.

10 MS. BROWN-ROBERTS: That's right.

11 COMMISSIONER MAY: And they walk
12 up the stairs that we see there into that
13 door?

14 MS. BROWN-ROBERTS: Yes. Yes.

15 COMMISSIONER MAY: And they put
16 their trash in the loading dock area, which is
17 in that building at the end of Exhibit B
18 picture number 2.

19 MS. BROWN-ROBERTS: That's
20 correct.

21 COMMISSIONER MAY: Did you get
22 that, Commissioner Jeffries?

1 CHAIRMAN HOOD: We're going to ask
2 you to repeat that.

9 COMMISSIONER MAY: I understand.

10 COMMISSIONER JEFFRIES: But I
11 normally listen to you.

12 COMMISSIONER MAY: I thought there
13 was some confusion about how the whole complex
14 works and how the trash will move.

15 COMMISSIONER JEFFRIES: Oh, okay.

16 COMMISSIONER MAY: And if you're
17 comfortable in your understanding of that,
18 then I'm not going to repeat it.

19 CHAIRMAN HOOD: Could you explain
20 that again, please?

21 COMMISSIONER MAY: Okay.
22 Certainly.

Exhibit B picture 2 the trash will come out of the back of the buildings we see on the right side here. You know, just pass the awning. Come down the stairway there and they'll walk it back toward the pickup truck that's all the way at the back of the picture there, straight ahead. And go up those stairs, right, back up to the same level they came out of into that door. And that's the loading dock area where the trash is.

15 COMMISSIONER JEFFRIES: I'm giving
16 you a hard time.

17 Anyway, no, I think I got a little
18 thrown with Ms. Brown-Roberts. I thought you
19 were saying that loading was occurring in the
20 front. I thought I heard you say something
21 like that.

22 MS. BROWN-ROBERTS: No.

1 COMMISSIONER JEFFRIES: Okay. No.

2 || Okay. Great. Okay. Thank you.

3 CHAIRMAN HOOD: Any other
4 questions, Mr. Turnbull?

5 COMMISSIONER TURNBULL: No. I guess
6 I was confused that I saw these awnings over
7 there and I thought there was like, you know
8 it says 3303 Stanton Road and there's like a
9 separate store on one level and then there's
10 another store up above that goes out on the
11 other side. It looks like there was like
12 tandem shops at first.

18 COMMISSIONER MAY: No. I know
19 what's going on, but I'd be happy to have you
20 walk me through it.

21 CHAIRMAN HOOD: Okay. Any other
22 questions of OP? All right.

1 Let's move on. Reports of other
2 Government agencies? I don't recall seeing
3 any.

4 I don't have anyone representing
5 the organization that's here -- organization
6 or person who is here in support, if you would
7 come to the table.

10 || CHAIRMAN HOOD: Yes.

18 MRS. BROWN-ROBERTS: The only
19 thing that I'm aware of is that the Applicant
20 has had some interaction with the -- with the
21 ANC.

22 || COMMISSIONER MAY: Thanks.

1 CHAIRMAN HOOD: Okay. Thank you.

2 If you could just identify
3 yourself, give us your address and you may
4 begin.

I'm here today as a representative
of the owner/developer CHR, LLC.

on two parcels that included the former Camp Simms site and an existing parkland strip center constructed in the early 1950s.

When looking at the exterior of the shops today you would not be able to differentiate between the old and new retail.

22 || Ward 8 offers fewer commercial

1 services than any other ward in the District.
2 And until last week was the only ward in the
3 city without a supermarket.

4 We are pleased to announce that
5 last Friday, December 7th, Giant Food
6 officially opened its door to the public and
7 a side note, at least 35 people were standing
8 outside at 6:00 a.m. waiting for it to open.

9 The Giant features a deli, bakery,
10 seafood market, Sushi station and pharmacy, as
11 well as aisles for toys, books and DVDs.

12 CHAIRMAN HOOD: The guys are
13 hungry up here so can you come back --

14 MR. RITZ: We are extremely
15 pleased to announce that over 190 jobs at the
16 new Giant Food were filled by Ward 8
17 residents.

18 In addition to the Giant Food, The
19 Shops attempts to create a vibrant mix of
20 local and national retailers offering a
21 variety of services to meet those under-served
22 needs of the Ward 8 community.

13 Our focus now is to attract
14 additional retailers to this list to
15 contribute to the synergy of the center.
16 retailers such as a shoe store, a food user,
17 a book store, a coffee shop and other service-
18 oriented retail.

19 William C. Smith and Company
20 acquired the parkland strip center in the
21 early '90s and the strip center had virtually
22 no store front windows, canopies or anything

1 to speak of, really just slits that made up
2 their windows, included carry outs, check
3 cashing and liquor stores.

4 As part of the entire village
5 parklands' transformation, William C. Smith
6 and Company renovated the strip center in the
7 mid-'90s to replace the carry out and check
8 cashing outlets with a diverse group of
9 minority-owned businesses, more conducive to
10 family shopping and activities.

11 Today we are fortunate enough to
12 have the opportunity to expand on what we
13 started. The opening of the Giant last week
14 represented a major milestone in the
15 revitalization of the Congress Heights area.
16 However, our work as the developer is not
17 done. We need to complete another major goal
18 of the project by creating an appropriate mix
19 of retail and restaurant service uses to
20 benefit the community in The Shops at Park
21 Village. Therefore, it is necessary to allow
22 fast food establishment -- excuse me. Fast

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1 food establishments and prepared food shops,
2 including coffee shops of any size in both in
3 the C-1 and C-2-B portions of Square 5912.

9 Thank you for your time.

10 || CHAIRMAN HOOD: Okay. Thank you.

11 Hold your seat.

16 MR. RITZ: Oh, I do want to
17 address the ANC question.

22 || CHAIRMAN HOOD: What was the

1 response? Were they favorable or --

2 MR. RITZ: One of those delightful
3 ANC meetings, they were just excited about the
4 shops and the opportunity of not only the
5 Giant opening, but the additional retail to
6 come.

7 CHAIRMAN HOOD: Good. Good.

8 Okay.

9 Any other questions?

10 Thank you very much, Mr. Ritz.

11 Do we have any organizations or
12 persons in opposition?

13 Any organizations or persons in
14 opposition? Okay.

15 I don't remember. Do we go to the
16 Office of Planning for closing remarks? Yes.
17 Okay.

18 Closing remarks.

19 MS. STEINGASSER: We have none.

20 We recommend that the text be approved and
21 appreciate a bench decision if that's
22 possible.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER TURNBULL: Mr. Chair,
3 could I just ask a question?

4 CHAIRMAN HOOD: Sure. Sure.

5 COMMISSIONER TURNBULL: Looking at
6 Exhibit A with The Shops, and maybe it's just
7 the plan. The plan that we have in the Office
8 of Planning, doesn't look as long as what this
9 elevation is showing. Is it --

10 CHAIRMAN HOOD: Okay. I have
11 probably mixed it up with some -- Ms.
12 Schellin, maybe. I mixed up my Office of
13 Planning report. Probably the Special Public
14 Meeting, as usual.

15 COMMISSIONER TURNBULL: Yes. I
16 mean, even on the plan, I'm trying to put
17 together what the Applicant has or what's in
18 here. The Office of Planning plan and the
19 plan that's part of this other document. And
20 I'm looking at that on that perspective, that
21 elevation that Exhibit A, The Shops, too, it
22 looks significantly longer than the plan. And

1 I'm just wondering, do we not have a right --
2 or is the Office of Planning --

3 CHAIRMAN HOOD: I think we have
4 some options going on here but I will ask the
5 Office of Planning. I really think there's
6 options but, Commissioner May, do you have
7 something you want to add?

8 COMMISSIONER MAY: No. I just --
9 you know, I -- I kind of looked at that a
10 little bit at first too. It does seem --

11 COMMISSIONER TURNBULL: It seems
12 long.

13 COMMISSIONER MAY: -- really long.
14 But I think that the -- I don't think there's
15 a lot more building to the right of that
16 photo. And if you sort of count off the bays
17 that are -- that are barely decipherable in
18 the -- in Exhibit B, the key plans, it -- it
19 gets up to the number of bays that were --
20 that we are seeing here.

21 COMMISSIONER JEFFRIES: There's a
22 scale at the bottom of the plan. I mean, if

1 you want to just measure that out. Although
2 I can't read that, I mean, I --

3 COMMISSIONER TURNBULL: All right.
4 I'll take your word for it. I just have to
5 count the bays, I guess.

6 CHAIRMAN HOOD: Well, actually, it
7 looks like -- I just did that and it looks
8 like we have more bays. I don't know. Maybe
9 it's not proportioned or maybe it's an optical
10 illusion. I don't know.

11 COMMISSIONER JEFFRIES: I think we
12 can probably move on.

13 CHAIRMAN HOOD: Is anyone
14 uncomfortable with us moving on?

15 COMMISSIONER JEFFRIES: I think we
16 can move on.

17 CHAIRMAN HOOD: We have a
18 request--

19 COMMISSIONER JEFFRIES: It's
20 getting late.

21 CHAIRMAN HOOD: We have a request
22 from the Office of Planning that we do a bench

1 decision.

2 So, I think everything has been
3 flushed out.

4 I'm going to move that we approve
5 Zoning Commission Case No. 07-28. The
6 language as expressed -- the latest language
7 that expressed and ask for a second.

8 COMMISSIONER MAY: Second.

9 CHAIRMAN HOOD: It's moved and
10 properly seconded.

11 Any further discussion?

12 MS. STEINGASSER: Could I clarify
13 if that was the OP recommendation not to wave
14 the trash enclosure?

15 CHAIRMAN HOOD: Oh, the refused
16 dumpsters?

17 MS. STEINGASSER: Right.

18 CHAIRMAN HOOD: Right. Refuse,
19 I'm sorry. What did I say, refused?

20 Maybe we'll refuse them.

21 Okay. Colleagues, and thank you,
22 Ms. Steingasser.

10 CHAIRMAN HOOD: And actually Ms.
11 Steingasser is correct. We made a motion. We
12 were taking your report. We voted on the
13 report.

14 MS. STEINGASSER: Oh, okay.

15 CHAIRMAN HOOD: The Office of
16 Planning.

17 I'm sorry. Maybe I -- okay.

18 It's moved and properly seconded
19 and thank you for helping us to make sure we
20 clarify that.

21 Any further discussion?

22 || All those in favor?

1 (AYES)

2 CHAIRMAN HOOD: Any opposition?

3 So ordered.

4 Staff, would you record the vote?

5 MS. SCHELLIN: Staff records the
6 vote five to zero to zero to approved proposed
7 action on Zoning Commission Case No. 07-28.

8 Commissioner Hood moving,
9 Commissioner May seconding. Commissioners
10 Jeffries, Turnbull and Etherly in favor.

11 CHAIRMAN HOOD: I want to thank
12 everybody for their participation in this
13 hearing tonight.

14 This hearing is adjourned.

15 (Whereupon, the above matter was
16 concluded at 6:55 p.m.)

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