

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation

CRYSTAL MYERS

The transcript constitutes the minutes
from the Public Hearing held on October 2, 2017.

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

6:35 p.m.

CHAIRMAN HOOD: Okay, good evening, ladies and gentleman. This is a public hearing of the, of the Zoning Commission of the District of Columbia. Today's date is October 2, 2017. My name is Anthony Hood. We're located in the Jerrily R. Kress Memorial Hearing Room.

Joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Planning staff, Ms. Steingasser, and Ms. Crystal Myers.

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

Notice of today's hearing was published in the DC Register, and copies of that

1 announcement are available to my left, on the
2 wall near the door.

3 The hearing will be conducted in
4 accordance with provisions of 11 DCMR Chapter 5,
5 as follows: preliminary matters, presentation by
6 the petitioner -- in this case, it's the Office
7 of Planning --

8 No, I'm sorry. The petitioner, 3200
9 Penn Avenue. PJ, I guess that's your name, what,
10 what, yes, map amendment. Okay.

11 Reports of the other government
12 agencies, the report of the agency, organizations
13 and persons in support, organizations and persons
14 in opposition.

15 The following time constraints will be
16 maintained in this meeting. The petitioner has
17 up to 60 minutes. I don't believe we need 60
18 minutes for this. Organizations, five minutes;
19 individuals, three minutes.

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

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

4 All persons wishing to testify before
5 the Commission in this evening's hearing are
6 asked to register at the witness kiosk to my
7 left, and fill out two witness cards. Those
8 cards are located -- excuse me -- to my left, on
9 the table near the door. Upon coming forward to
10 speak to the Commission, please give both cards
11 to the reporter sitting to my right before taking
12 a seat at the table.

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

20 The staff will be available throughout
21 the hearing to discuss the procedural questions.
22 Please turn off all electronic devices at this

1 time, so as not to disrupt these proceedings.

2 At this time, the Commission will
3 consider any preliminary matters. Does the staff
4 have any preliminary matters?

5 MS. SCHELLIN: Yes, sir. The
6 petitioner has proffered three expert witnesses,
7 Shane Dettman, Kyle Oliver, and Dan Van Pelt.
8 All three have been previously accepted by the
9 Commission, and asked the Commission to consider
10 accepting them, unless there's been some change.
11 I don't see --

12 MR. GLASGOW: This evening we would
13 only be proffering Mr. Dettman and Mr. Oliver, in
14 the event there are any questions for Mr. Oliver.

15 MS. SCHELLIN: Okay, so just the two
16 are being proffered --

17 MR. GLASGOW: Correct.

18 MS. SCHELLIN: -- as experts, and they
19 --

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: -- the Commission to
22 consider accepting them in this case.

1 CHAIRMAN HOOD: And, and we have
2 already accepted them previously, correct?

3 MS. SCHELLIN: Yes. Correct.

4 CHAIRMAN HOOD: Any objections to
5 continuing our status? Okay, so --

6 COMMISSIONER MAY: Do we, do we have
7 Mr. Oliver's resume in the record on this case?
8 I only saw Mr. Dettman's. Not that I'm going to
9 question anything, it just --

10 CHAIRMAN HOOD: So, we'll provide that
11 for the record, but we will keep our --

12 COMMISSIONER MAY: Yes.

13 CHAIRMAN HOOD: -- status.

14 COMMISSIONER MAY: Yup.

15 CHAIRMAN HOOD: Okay. Thank you,
16 Commissioner May. We do need to -- I do want to
17 make one important point. I don't know why I
18 thought Office of Planning was the petitioner,
19 but that's where my mind is sometime. But the
20 petitioner is at 3200 Penn Avenue, PJV, LLC.

21 But let, let me just say this. I want
22 to remind everyone that this case is about re-

1 zoning the property, and not about a specific to
2 be built, or proposed project. Only thing that's
3 in front of us tonight is a re-zoning.

4 So I would ask that you keep your
5 remarks and your comments to the re-zoning of the
6 land. It's not about whatever project's been
7 presented, or whatever your, that's not in front
8 of us. We don't have any materials that I saw
9 about a specific project.

10 So for those who want to talk about a
11 project, this is not the forum tonight. Tonight,
12 we're looking at the re-zoning. And the re-
13 zoning is whether we're going to approve the
14 intention to work.

15 So let's stay focused. So I'm going
16 to ask up front that we all stay focused, and if
17 we get too far off, I'm going to help everybody
18 stay focused. Okay? Because that's what, we
19 want to make sure we stay on point.

20 Ms. Schellin, do we have anything
21 else?

22 MS. SCHELLIN: That's the only thing

1 that I have.

2 CHAIRMAN HOOD: Okay --

3 MS. SCHELLIN: Unless the petitioner
4 has something.

5 MR. GLASGOW: I think we --

6 CHAIRMAN HOOD: Just --

7 MR. GLASGOW: -- requested 25 minutes.

8 MS. SCHELLIN: Yes.

9 CHAIRMAN HOOD: Okay. If you think you
10 need 25 minutes. We have read the record. We do
11 read down here, so if you think you need 25
12 minutes, we, I, it would be better advised for us
13 to ask our questions, but go ahead and do your 25
14 minute presentation. That would be fine.

15 MR. GLASGOW: All right. Mr. Chairman,
16 if we can do it in faster than 25, we will.

17 CHAIRMAN HOOD: But I also want to make
18 sure we do it, so --

19 MR. GLASGOW: No, we --

20 CHAIRMAN HOOD: -- so also, the public
21 can hear it, and understand --

22 MR. GLASGOW: Yes --

1 CHAIRMAN HOOD: -- it as well.

2 MR. GLASGOW: We, we will, we will --

3 CHAIRMAN HOOD: Okay.

4 MR. GLASGOW: -- cover all the points
5 with the, with the witnesses that we have.

6 CHAIRMAN HOOD: Thank you.

7 (Pause.)

8 You may begin.

9 MR. GLASGOW: Thank you. Good evening,
10 members of the Commission. For the record, my
11 name's Norman M. Glasgow, Jr. of Holland &
12 Knight, representing the Applicant for the map
13 amendment of 3200 Pennsylvania Avenue, Southeast.

14 Here with me this evening are Mr. Robb
15 Tate of Jair Lynch on behalf of the Applicant,
16 along with Mr. Tony Startt.

17 Next, and then at the end of the
18 table, Mr. Shane Dettman.

19 In addition, Mr. Kyle Oliver is in the
20 audience, if there are any questions concerning
21 the survey of property, and any title matters.

22 We are pleased to report that we have

1 the support of advisory neighborhood commission,
2 a copy of which is in the record, Exhibit 23, a
3 letter from the Ward Councilmember, Exhibit
4 number 10, and letters from Pennsylvania Avenue
5 Economic Development Committee, Exhibit 24, and
6 Penn Branch Citizens' Association, Exhibit 32.

7 We are also aware of a letter of Ms.
8 Julie Rones on behalf of Gwendolyn Rose, Exhibit
9 number 20, which states, in part, at page 8, that
10 Ms. Rose urges the Commission on Zoning to
11 respect her property in plans for future
12 development on her site. Otherwise, she approves
13 of the goals of the proposed map amendment with
14 the concerns and conditions expressed in her
15 letter.

16 We'd like to note that we have
17 thoroughly reviewed title to the Applicant's
18 property, and we are unaware of any easement
19 rights, either already granted or necessary for
20 the development of the shopping center site
21 that's proposed to be re-zoned to MU-4 zoning
22 under the proposed map amendment.

1 We also note at page two of the same
2 letter that it is acknowledged in a map amendment
3 from MU-3 to, and R-1-B to MU-4 would likely be
4 consistent with the overall comprehensive plan to
5 encourage more housing retail and fresh food
6 outlets -- and Mr. Shane Dettman will cover that
7 in detail.

8 We are also aware that there are a few
9 letters from some neighbors on O Street raising
10 questions concerning the map amendment similar to
11 Ms. Rones', and also a letter from Ms. Alma Gates
12 of ANC 3D05, Exhibit 26.

13 A lot of these letters came in very
14 late, and we haven't had a chance to thoroughly
15 review, and incorporate a response into our
16 presentation-in-chief. If there are questions on
17 that, or we need to submit additional
18 information, we would be happy to do so.

19 CHAIRMAN HOOD: Okay let, let me just
20 interrupt. And let me state for the record that
21 Commissioner Shapiro will be participating in
22 this case. I know he's under the weather this

1 evening, but he's watching us, and he's going to
2 review the record. So he will be participating
3 in this case.

4 MR. GLASGOW: All right. Thank you.

5 CHAIRMAN HOOD: Hope you feel better,
6 Peter.

7 MR. GLASGOW: So those, those issues,
8 from Ms. Gates' letter, and some of the others,
9 will be addressed by our land use expert, and
10 that the proposed MU zoning is completely
11 consistent with the comprehensive plan in the
12 category that we have of moderate-density
13 residential and low-density commercial. That's,
14 MU-4 zoning covers those type of areas throughout
15 the city.

16 If there are no preliminary questions,
17 I'd like to proceed with the testimony of the
18 witnesses, first calling Mr. Startt.

19 MR. STARTT: Good evening, Mr. Chairman
20 and members of the Commission. My name is
21 Anthony Startt. I am an investment manager at
22 Jair Lynch Real Estate Partners, an urban

1 regeneration company that aspires to create
2 extraordinary places. I am also joined here by
3 my colleague, Rob Tate.

4 Jair Lynch has been in business for
5 over 19 years, and through both principal
6 development and our consulting and advisory
7 services, the company has completed over 65
8 projects in the District, totaling over 4 million
9 square feet, and valued at over \$1 billion.

10 We have developed affordable and
11 market-rate housing, office and retail,
12 libraries, recreation centers, and other
13 neighborhood assets with award-winning
14 architecture, and an emphasis on placemaking.
15 Included in our portfolio are over 20 completed
16 projects east of the Anacostia River, in Wards 7
17 and 8.

18 I'm thrilled to be here this evening
19 to discuss our proposed zoning map amendment for
20 3200 Pennsylvania Avenue. The site was
21 previously called the Penn-Branch Shopping
22 Center, so known for its location at the

1 intersection of two heavily trafficked
2 thoroughfares in the neighborhood, Pennsylvania
3 and Branch Avenues.

4 Since purchasing the site a year ago,
5 we have renamed the property to the Shops at Penn
6 Hill to change the perception and focus of the
7 site to who it should truly serve. The site is
8 not just the intersection of two busy streets
9 shuttling commuter traffic to and from Maryland,
10 but the cornerstone of longstanding Ward 7
11 neighborhoods, most notable Penn-Branch and
12 Hillcrest, but also Dupont Park, Fort Davis, and
13 Randle Highlands.

14 Our interest in the property stems
15 directly from the character of those surrounding
16 neighborhoods, which feature welcoming and
17 friendly, multi-generational neighbors committed
18 to civic engagement and the betterment of the
19 neighborhoods, well-maintained brick and stone
20 single-family homes along quiet tree-lined
21 streets with well-manicured gardens, vibrant,
22 long-standing places of worship, and proximity to

1 the peaceful urban oases of Fort Dupont and Fort
2 Davis parks.

3 Even though this property has provided
4 critical retail amenities for local residents for
5 decades, as it sits today, the property is
6 inconsistent with the character of the
7 surrounding neighborhoods. The defining feature
8 of the site, features of the site, are an
9 underutilized two-acre surface parking lot, and
10 an approximately 89,000 square foot 1960s-era
11 commercial building that has not seen a major
12 renovation since it was built.

13 The property no longer reaches the
14 high bar of quality that has been set by the
15 surrounding homes, and no longer provides the
16 level of retail amenities that the local
17 residents want and deserve.

18 Throughout this process, we have had
19 significant interaction with the community, and
20 we have heard the, that several efforts in recent
21 years to redevelop the property have not come to
22 fruition, along which time the property has

1 continued to delay.

2 The stories from the neighbors that
3 have to, and our analysis can point to several
4 barriers that have prevented the redevelopment of
5 the property.

6 The 2008 financial crisis and
7 recession led to financial difficulties for the
8 prior owner, ultimately resulting in the
9 foreclosure of the property by its lenders in
10 2013.

11 The property was then operated by a
12 special servicer, who had little interest in
13 upkeep and long-term prospects for the property.

14 Another barrier is long-term tenancy.
15 Many current tenants have significant term
16 remaining on their leases, in some cases as much
17 as 12 years remaining, and thus creating a
18 barrier and difficulty for redevelopment.

19 Lastly, the current zoning is a
20 barrier to redevelopment, and that is why we're
21 here this evening. The existing MU-3 zoning on
22 the front portion of the site severely limits the

1 mixed-use development potential, while the R-1-B
2 zoning of the rear portion of the site only
3 allows for single-family homes and some
4 institutional uses.

5 Despite this long adversity, the
6 neighbors have been resilient. More than a
7 decade ago, in both the 2006 comprehensive plan,
8 and the Pennsylvania Avenue Southeast Corridor
9 Land Development Plan, finalized in January 2008,
10 the neighborhood and the District specifically
11 identified this site as having, quote, the
12 greatest potential of any site along the corridor
13 to help meet pent-up retail demand, but its
14 current zoning makes it a serious challenge for
15 viable redevelopment to occur, end quote.

16 The Penn Avenue Corridor Plan sought
17 to build upon the strengths of the site and the
18 neighborhood, which include: an underutilized
19 three and a half acre site, property along
20 Pennsylvania Avenue -- one of the city's most
21 important, great streets, but located in an area
22 with limited commercial sites of size sufficient

1 to accommodate large-footprint uses such as
2 grocery stores, strong pent-up demographics and
3 retail, and pent-up retail demand, location along
4 two major arteries with substantial visibility
5 and access, proximity to transit -- especially
6 the Metro Extra Express Bus route on Pennsylvania
7 Avenue.

8 The resulting vision in the Penn
9 Avenue Corridor Plan is a modern-scale, walkable,
10 mixed-use redevelopment of the site, featuring
11 neighborhoods serving retail, office, and
12 residential uses. Some excerpts of that plan are
13 shown on the screen.

14 The proposed map amendment provides
15 the opportunity to realize this vision, and make
16 the site more consistent with the neighborhood,
17 while bringing much-needed retail amenities to
18 the area.

19 Since our purchase of the property in
20 October 2016, we have had numerous occasions to
21 interact with the residents of the surrounding
22 neighborhoods. This has been through formal

1 presentations to the ANC and local civic
2 associations in Hillcrest, Penn Branch, and Fort
3 Dupont, but equally important have been the
4 informal conversations with individual residents
5 and stakeholders.

6 These conversations have happened
7 before and after those meetings, at the open
8 house and barbecue that we held at the site this
9 past June, and over games of miniature golf and
10 four square at the temporary play area currently
11 installed on the underutilized surface parking
12 lot.

13 In these conversations, we have
14 received positive and instructive feedback, and
15 overwhelming support for this project. But most
16 of all, in those conversations, we are asked a
17 simple question: What can I do to help? To which
18 we reply, stay engaged.

19 The neighbors' voices are clear. They
20 want to see the vision for this property, set
21 forth in both the comp plan and the Penn Avenue
22 Corridor Plan implemented. This is evidenced by

1 their, by the continued engagement of those
2 neighbors, and by the care they take for their
3 neighborhood.

4 The time is now to remove the barriers
5 to redevelopment of the site. As discussed, we
6 have had a long commitment, long-term commitment
7 to DC and Ward 7, and are ready to make long-term
8 investments in the property.

9 The District government occupied
10 nearly 50 percent of this building for years, but
11 moved out in the spring of 2016, which allows us
12 to reimagine what can be done with this property.

13 Removal of the zoning barrier will
14 provide speed, flexibility, and nimbleness of a
15 matter of right development necessary to overcome
16 the former challenges.

17 We now come to you, as the Zoning
18 Commission, seeking approval to amend the site
19 from R-1-B MU-3 to MU-4, consistent with a
20 comprehensive plan and the Penn Avenue Corridor
21 Plan, allowing us to execute and deliver on that
22 vision.

1 As Chip mentioned, I will take a
2 moment to address some of the specific letters
3 that were submitted to the, to the record, some
4 of which, as, as Chip noted, were submitted just
5 in the last, in the last few hours.

6 Specifically, as Chip mentioned, a
7 letter on behalf of Gwendolyn Rose submitted by
8 Ms. Rones, and I, I will reiterate that there are
9 no easements shown on our survey, and nothing
10 that will impact the ability for Ms. Rose to
11 develop her property, by this re-zoning.

12 And, and note that Ms. Rones was
13 generally in support of the project, or of the
14 re-zoning -- and similar comments go for, in
15 response to letters from the Clements and the
16 Joneses.

17 Ms. Gates submitted some commentary
18 regarding consistency with the comprehensive
19 plan, and as Mr. Dettman will testify shortly,
20 there's nothing in our proposal here that is
21 inconsistent with the comprehensive plan. To the
22 contrary, the application is to bring the zone

1 into consistency with the comprehensive plan, and
2 similar conditions in neighborhood commercial
3 centers exist throughout the city. And often
4 times there is, in many cases, MU-4 directly
5 adjacent to R-1-B -- including in Ms. Gates' own
6 neighborhood.

7 And I will also note that this
8 application is specific to this site. There is
9 no, there's nothing in our application that
10 suggests we are tearing down any existing
11 buildings in the R-1-B, in the adjacent R-1-B
12 zones of single-family homes.

13 In response to a letter from Ms.
14 Graham, I, we'll simply note that we will comply
15 with all applicable laws, as it relates -- and,
16 and zoning regulations -- as it relates to
17 parking. We will also be conducting a large
18 tract review, as will be, typically be required
19 for this, a project of this size.

20 And then in response to some specific
21 comments from Ms. Laura Richards, who described
22 some issues related to a, related to soil and

1 water issues, specifically citing a retaining
2 wall that -- while she notes is directly adjacent
3 to this property -- it's actually more than 275
4 feet from our property, on the opposite side of O
5 Street, behind homes on the opposite of O Street,
6 and completely unrelated to our site.

7 And contrary to her statement, it's
8 absolutely not a foregone conclusion that there
9 will be an adverse impact through the re-zoning
10 of the site, and would, you know, would note that
11 any building, regardless of its size, will need
12 to comply with all applicable building codes,
13 storm water management, and GAR regulations
14 sufficient for the size of the building.

15 And further note that existing, the
16 current site exists as a large, impermeable
17 surface parking lot that would be replaced by a
18 building that conforms to far more onerous storm
19 water management and permit regulations today.

20 And again, we have, we have performed
21 geotechnical work on our site, and will design
22 our building to comply with the recommendations

1 of our, of our engineers. And nothing on,
2 nothing that we do on this site should have any
3 adverse impact on any adjacent neighbors.

4 So I will now handle it over to Shane
5 Dettman.

6 MR. DETTMAN: Thanks so much. Good
7 evening, Mr. Chairman, and members of the
8 Commission. My testimony this evening will focus
9 on the, the petition's consistency with, with the
10 comprehensive plan for the nation's Capital, the
11 District elements.

12 And I think a, a good place to start
13 here is just a, a map simply showing the existing
14 zoning of the site, and with the subject property
15 shown in red hatch on this map. And as you can
16 see, it is indeed split-zoned between R-1-B,
17 which are the, the two back lots of the subject
18 property, and then MU-3. It's within that node
19 of MU-3 that currently exists along Pennsylvania
20 Avenue with the two lots that, that actually
21 contained the existing shopping center along
22 Pennsylvania Avenue.

1 Looking at the future land use map of
2 the comprehensive plan, we are currently
3 designated mixed-use, low density commercial,
4 moderate density residential -- which a, a slide
5 that's forthcoming will show how under the
6 framework element of the comprehensive plan, the
7 requested MU-4 zone is squarely consistent with
8 the definition of the low density commercial
9 designation.

10 The generalized policy map, the
11 subject property is designated two different
12 things on the policy map. The first one is the
13 neighborhood commercial center, which,
14 neighborhood commercial centers are described as
15 meeting the day to day needs of residents and
16 workers in the adjacent neighborhood. They, they
17 include both auto-oriented centers, and, and
18 pedestrian-oriented shopping areas.

19 And the comprehensive plan
20 specifically identifies the Penn Branch shopping
21 center as being an example of a, a neighborhood
22 commercial center.

1 The back side of the site, on the
2 policy map, is identified as a neighborhood
3 commercial area, which, the guiding philosophy of
4 the neighborhood commercial areas is to conserve
5 and enhance established neighborhoods, to limit
6 development and redevelopment opportunities to,
7 that do exist within the areas, and that the
8 diversity of land uses and building types in
9 these areas should be maintained, and new
10 development alterations should be compatible with
11 the existing scale and architecture of the
12 surrounding area.

13 It specifically says that densities in
14 neighborhood conservation areas are dictated or
15 guided by the future land use map.

16 There is, there's been some mention
17 already of the, the small area plan, where the
18 subject property is located within the boundary
19 of the Pennsylvania Avenue Southeast Corridor
20 small area plan, and has been already mentioned.

21 The small area plan, with respect to
22 sites that are located east of the river, does

1 identify this area as a greater number of
2 redevelopment opportunities in these sites east
3 of the river, as well as there's significant
4 unmet retail demand.

5 The plan will, the center's described
6 as being an amendment to the future land use map,
7 which currently calls for continued, continues
8 low density commercial and residential uses on
9 the Penn Branch shopping center, which is
10 indicative of the existing zoning on the site.

11 The subject property is located within
12 the Penn Branch sub-area of the small area plan,
13 and there's a couple excerpts of the plan shown
14 here on this slide. The Penn Branch sub-area is
15 a sub-area that represents the best opportunity
16 for new retail development along the Pennsylvania
17 Avenue Southeast Corridor.

18 The predominant land use throughout
19 the sub-area is residential, and it does go on to
20 say: a change from the existing zoning for the
21 subject property to moderate density at key
22 nodes, including the subject property, will allow

1 for a mix of uses needed to support the desired
2 retail of the community.

3 And finally, it, it acknowledges that:
4 analysis shows that the current split zoning of
5 the site, the MU-3, R-1-B split zoning, may
6 create an impediment to redevelopment.

7 I wanted to take a second to show a,
8 a comparison of the future land use map that
9 existed in 2007, after the 2006 comprehensive
10 plan was adopted by the council, and show that
11 the, the existing comprehensive plan and future
12 land use map, as it exists today, does reflect
13 the land use change, the future land use change
14 that was recommended in the small area plan.

15 The small area plan came in 2008,
16 adopted in 2008, and then there were some smaller
17 subsequent amendments to the comprehensive plan
18 in 2012, 2013 that incorporated the
19 recommendation regarding land use on the subject
20 property.

21 So just looking at a quick comparison
22 of the existing and the proposed zoning, R-1-B

1 and MU-3, under ZR-16, the R-1-B zone is intended
2 to provide for areas predominantly developed with
3 detached houses on, on moderately sized lots.

4 And the MU-3 zone is intended to permit low
5 density mixed-use development, and provide
6 convenient retail and personal service
7 establishments for the day to day needs of the
8 local neighborhood.

9 Consistent with the moderate density
10 designation that's recommended by the small area
11 plan, and is now identified on the current mixed
12 use, moderate density, residential, low density,
13 commercial designation of the site, the requested
14 MU-4 zone is intended to permit moderate density
15 mixed-use development, provide facilities for
16 shopping and business needs, housing, and mixed
17 uses for a large segment of the district outside
18 the core.

19 And notably, to be located in low and
20 moderate density residential areas, with access
21 to main roadways or rapid transit stops, and
22 include office employment centers, shopping

1 centers, and moderate bulk mixed use centers.

2 In terms of the numbers, we can see a
3 comparison of the existing R-1-B MU-3, and then
4 the proposed MU-4, which is the old C-2-A. And,
5 and there was a comment in the record about, as a
6 result of the changeover from ZR-58 to ZR-16, the
7 C-2-A zone was somehow split into two separate
8 zones, and that there was sort of a, a de facto
9 increase in the, in the density that was
10 permitted in the MU-4. Kind of a, a de facto, or
11 an accidental up-zoning of the old C-2-A. And
12 that's, that's not, that's not accurate.

13 So when the changeover from ZR-58 to
14 ZR-16 happened, it really was with respect to the
15 existing MU-3, or the old C-1, and the proposed
16 MU-4, the old C-2. It really was a nomenclature
17 change. In terms of the height and the density
18 that's permitted in those two zones, it's the
19 same exact thing in ZR-16 as it was in ZR-58.

20 Looking at the standard of, of
21 evaluation, it's here quoted before you. This is
22 from the Zoning Enabling Act, and I, I won't read

1 it. It's there for you to enjoy. But I'll be
2 focused on showing that the proposed MU-4 zoning
3 is, indeed, not inconsistent with the
4 comprehensive plan.

5 Quickly looking at the comprehensive
6 plan, this is all information that the Commission
7 is, is certainly knowledgeable of. But just very
8 quickly, the comprehensive plan is described as
9 a, a family of plan. It's, it's the centerpiece
10 of a family of plans that guide public policy in
11 the district, and establishes the priorities and
12 key actions that other plans address in greater
13 detail.

14 And the comprehensive plan talks about
15 three tiers of planning. GLASGOW: the, the
16 district elements, comprised of a, a collection
17 of citywide elements that contain policies that
18 apply citywide, a collection of area elements,
19 and then, and, and also supplemented by small
20 area plans.

21 And there's also guidance in the
22 implementation element that talks about how the

1 Zoning Commission and the BZA should go about
2 looking at requests for changes in zoning or
3 relief, as it relates to the comprehensive plan,
4 and that those requests should be looked at in
5 combination with the, the text and the maps of
6 the comprehensive plan, again, as supplemented by
7 the small area plans.

8 So looking at the, specifically with
9 respect to the petition and its relationship to
10 the elements of the comp plan. I've, we've, I've
11 conducted an exhaustive review of the request,
12 the petition, with respect to all of the elements
13 of the comprehensive plan, and find overall that
14 the petition is not inconsistent with the
15 comprehensive plan.

16 But wanted to just quickly go through
17 some of the elements that are most applicable to
18 the petition, starting with the land use element,
19 and that the petition is, is not inconsistent
20 with this particular element, and specifically
21 policies that relate to transportation-oriented
22 development, and development along great streets,

1 in-field development, and policies related to the
2 importance of reinforcing DC's hierarchy of
3 commercial centers, and the notion of fostering
4 nodal development.

5 In terms of the transportation
6 element, again, it's a, the petition is not
7 inconsistent with the policies that promote
8 transportation-oriented development, and with a
9 policy that discourage auto-oriented uses, like
10 drive-thrus along, with large surface lots along
11 key avenues.

12 I'll go back.

13 The housing element. The petition is
14 also not inconsistent with the policies for the
15 housing element specific to policies related to
16 private sector support to provide new housing,
17 both market rate and affordable, to use
18 underutilized land to the maximum extent possible
19 to address the need for new housing, and to
20 promote mixed use development, particularly in
21 neighborhood commercial centers along main street
22 corridors in and around Metrorail.

1 Next slide. The economic development
2 element -- we are not inconsistent with policies
3 that promote the expansion of the district's
4 retail sector, especially in underserved areas,
5 support continued growth of the office sector
6 through renovation within established commercial
7 districts, and the policy that promotes
8 development and new grocery stores, particularly
9 in underserved neighborhoods.

10 Looking quickly at the area element
11 that's most applicable, that is applicable here,
12 and the subject property is located within the
13 far northeast and southeast area element. And
14 I'll note that the project is not inconsistent
15 with the policies in this area element that
16 relate to conservation of low density
17 neighborhoods, development of new housing,
18 directing growth along major corridors, including
19 great streets, and support the revitalization of
20 neighborhood commercial areas.

21 The project is also located in a
22 policy-focused area of the area element,

1 specifically the Pennsylvania Avenue Southeast
2 Corridor policy focus area, and we're not
3 inconsistent with the policies that relate to
4 development along Pennsylvania Avenue, a great
5 street, and neighborhood shopping improvement.

6 I mentioned that the property is
7 designated as a neighborhood commercial center
8 on, on a portion of the site along Pennsylvania
9 Avenue, and on the backside, a, a neighborhood
10 conservation area under the generalized policy
11 map. And the map amendment will permit
12 development that will help meet the day to day
13 needs of residents and workers in the adjacent
14 neighborhoods, while conserving and enhancing the
15 surrounding established neighborhood.

16 And the height and density permitted
17 under the MU-4 zone is consistent with the
18 subject property's future land use designation.

19 Future land use, we're not
20 inconsistent with the mixed use, low density
21 commercial, moderate density residential
22 designation. The MU-4, the former C-2-A zone is

1 specified as corresponded to low density
2 commercial land use.

3 And the MU-4 zone is specifically
4 stated as being intended to permit moderate
5 density mixed use development, provide facilities
6 and shopping for business needs, housing, and
7 mixed uses for large segments of the city outside
8 the core, and to specifically be located in low
9 and moderate density residential areas with
10 access to main roadways and rapid transit
11 stations.

12 The requested MU-4 zone, you can find,
13 in, in terms of its relationship to the
14 designations on the general, generalized policy
15 map and the future land use map, you can find
16 these types of relationships throughout the city.
17 There, there are many more other examples, but
18 I've provided three here -- one in Spring Valley,
19 one in the Palisades, and one in Petworth.

20 The top row of maps, you can see the
21 current zoning map. And you can see these areas
22 are MU-4, how it relates to the underlying future

1 land use map, and all of these areas are either
2 just straight, low-density commercial. And the
3 one in Petworth is, is the same, mixed use,
4 moderate density residential, low density
5 commercial as the subject property is.

6 And on the bottom, you can see that
7 all three of these examples on the generalized
8 policy map are identified as neighborhood
9 commercial centers.

10 So to conclude, the map amendment is
11 not inconsistent with the comprehensive plan, and
12 will actually bring the subject property zoning
13 more into conformance with the comprehensive
14 plan.

15 It's going to implement and address
16 the recommendations of the small area plan. It
17 takes advantage of the best opportunity for new
18 retail along the corridor, eliminates the current
19 split zoning that creates impediments to
20 redevelopment, and provides design flexibility
21 that will increase the likelihood of
22 redevelopment that attracts the types of tenants

1 that are desired by the community.

2 It's also going to facilitate
3 development that will help achieve the goals of
4 the small area plan by unifying and transforming
5 Pennsylvania Avenue into a world-class boulevard.
6 It will help create opportunities for mixed use
7 development, including enhanced retail amenities,
8 affordable workforce, and market-rate housing,
9 and it will support improvement, important
10 streetscape improvements along Pennsylvania
11 Avenue.

12 It'll further the public health,
13 safety, and general welfare of the district by
14 more productive use of the subject property that
15 contributes to the revitalization of Pennsylvania
16 Avenue, facilitate new mix of uses, it'll create
17 short and long term jobs, and create new tax
18 revenue for the district.

19 And it'll also result in positive
20 benefits. It's going to facilitate redevelopment
21 of a significantly underutilized great street,
22 site along a great street, substantially improve

1 the existing site conditions, thereby enhancing
2 the quality of the entire community, and promote
3 efficient use of high-value land in a manner that
4 is, that will enhance the city's image.

5 That concludes my presentation.

6 MR. GLASGOW: That concludes the
7 Applicant's presentation. We're available for
8 any questions. And I do note that we did have,
9 in the exhibits, a listing of all the community
10 outreach meetings that have been, that have
11 occurred with respect to this site. And that was
12 in Exhibit E.

13 CHAIRMAN HOOD: Okay. I want to thank
14 you for your presentation, and let's see if we
15 have any comments or questions up here, follow-
16 up.

17 Anybody? Mr. Turnbull?

18 MR. TURNBULL: Thank you, Mr. Chair.
19 One of my concerns is the neighborhood
20 conservation area aspect, and especially the O
21 Street neighbors along there.

22 My feeling is, if you have a 50 foot

1 high building, the shadow, if you do a shadow
2 study of a 50 foot building on the site, all of
3 those homes look like they're going to be in
4 shade for most of the time in the morning.

5 I, I'm just concerned how you look at
6 something like this, and not look at the impact
7 of something of a, even to have a 50 foot high
8 building on the homes that are directly north.

9 I wonder if you could comment upon
10 that.

11 MR. STARTT: Sure, and thank you for
12 your question. I, I think the, the key thing to
13 look at is, the small area plan actually
14 contemplated height, a, a 65 foot height,
15 measured from the lowest --

16 MR. TURNBULL: And you could --

17 MR. STARTT: -- lowest points --

18 MR. TURNBULL: -- get that with a PUD
19 on this site.

20 MR. STARTT: Sure, and, and certainly,
21 you know, if we wanted to exceed 50 feet --
22 which, you know, right now is not our intent --

1 but then we'd be right back in front of this
2 Commission with a, you know, a much more detailed
3 plan of, of, you know, what the project would
4 look like, and how we would mitigate those
5 issues.

6 And so, it, you know, a 50 foot height
7 is, is very much consistent with the vision that
8 was laid out in that, in that small area plan.

9 MR. TURNBULL: Oh, I understand that it
10 may be consistent, but I'm still concerned about
11 neighborhood conservation, and existing homes,
12 and the quality of life for, for people. So I'm
13 very concerned about up-zoning to this scale, and
14 the life of people who are going to be nearby.

15 MR. STARTT: And as, as Mr. Dettman,
16 Mr. Dettman pointed out, there's, you know, the,
17 throughout the city, there is a very similar, a
18 very similar set of conditions, where you have
19 low density, R-1-B, single family zoning with a
20 neighborhood commercial center adjacent that,
21 that often, in many cases, in many respects,
22 there's often, you know, far higher height in

1 some cases throughout the city, where you have R-
2 1-B adjacent not only to the C-2-A -- I'm sorry,
3 MU-4 -- but even higher densities.

4 And --

5 MR. TURNBULL: And, and we struggle
6 with that. We, we struggle with the adjacencies
7 of certain zones next to another zone, very, fair
8 amount of struggle with an R-1-B zone adjacent to
9 a, like this. And I, I'm just very concerned
10 that, the impact -- I mean, you only need a 15
11 foot rear yard as a matter of rights.

12 So I'm just concerned that this is,
13 could be a towering structure, and really, really
14 hurt these people. So I'm, I'm, I'm just
15 concerned about this.

16 MR. GLASGOW: Mr. Dettman, I'd also
17 like for you to testify with respect to the land
18 use map, and the conservation areas, and what
19 they do with respect to zoning, and how, that
20 relationship between what a conservation area
21 means, and the zoning that can apply to a
22 conservation area.

1 MR. DETTMAN: Sure. So the, a
2 neighborhood conservation area doesn't
3 necessarily mean that you have to, you know,
4 match, you know, what the exact future land use
5 map, you know, says, or that if it's low density,
6 it has to stay low density, it --

7 MR. TURNBULL: I understand that.

8 MR. DETTMAN: -- it talks about --
9 Yeah. So, so if we look at the future land use
10 map, the moderate density residential, low
11 density commercial, the, the old C-2-A, the, the
12 requested MU-4 falls squarely within those
13 definitions.

14 And so we'd say, okay, well, if it was
15 re-zoned to be MU-4, then what does that mean
16 for, you know, in terms of light, air, and views
17 on, on neighboring properties? And as I've
18 mentioned, there are examples all over the city
19 that have MU-4 right up against R-1-B.

20 The zoning regulations are, are
21 established in order to provide -- in terms of
22 light, air, and views -- it's, it's all about

1 light, air, and views to the actual property.
2 And as Mr. Glasgow mentioned, to our knowledge,
3 there are no, you know, easements to light, air,
4 and views across the property.

5 And so if built within the matter of
6 right parameters of the MU-4, including the
7 required rear yard, and the height and whatnot, I
8 think that would be what would be permissible
9 throughout the city I you were to build for the,
10 for an MU-4 adjacent to an R-1-B property.

11 I will also note that -- and it all
12 depends upon how, obviously, the building is
13 designed. You could, it might be a, a double-
14 loaded corridor that actually hugs Branch Avenue
15 with a, you know, oftentimes a residential
16 building, you know, provides an open court on the
17 back side, which would provide additional --
18 although not entitled to it -- light and air to
19 the properties to the north and the east.

20 There's also --

21 MR. TURNBULL: They're not entitled to
22 light and air?

1 MR. DETTMAN: They are, they're
2 entitled to light and air on their own property,
3 not across someone else's property.

4 MR. TURNBULL: Right.

5 MR. DETTMAN: And that's well-
6 established. But also, the properties that are
7 immediately --

8 MR. TURNBULL: But --

9 MR. DETTMAN: -- adjacent --

10 MR. TURNBULL: -- you could impact
11 their light and air.

12 MR. DETTMAN: Certainly. Certainly.
13 But that, that would be the case for any kind of
14 project --

15 MR. TURNBULL: Right.

16 MR. DETTMAN: -- where you're building
17 to a matter of right --

18 MR. TURNBULL: Thank you very much.

19 MR. DETTMAN: -- property.

20 MR. TURNBULL: Mr. Chair, that's all my
21 questions.

22 CHAIRMAN HOOD: Okay. Thank you. Any

1 other questions? Mr. May.

2 COMMISSIONER MAY: So following up on
3 Mr. Turnbull's line of questions. The, I think
4 the sensitivity has to do with how this property
5 backs up against the R-1-B, and how close it
6 could actually be. And certainly, what we see in
7 the small area plan seems to be sensitive to
8 that, right? There's a certain amount of
9 buffering, or whatever, that, along the, the
10 property edge.

11 But we don't have any guarantee of
12 that, because we're not looking at an actual
13 project. We're just looking at a, a map
14 amendment, which means that, you know, you could
15 go to 50 feet right at the, the, and, and right
16 up to your rear yard line, whatever that is.

17 Furthermore, the, the height of the
18 building could be measured from the highest point
19 of the site, or the midpoint of the highest
20 street facade, something like that, right?

21 So what's, you know, what could be a
22 50-foot building along Pennsylvania Avenue could

1 be a lot higher above the ground on the, the
2 northern side of the site, right? I mean,
3 there's a fair amount of grade there, as you drop
4 off from Pennsylvania Avenue, and you --

5 MR. GLASGOW: There --

6 COMMISSIONER MAY: -- go down Branch.

7 MR. GLASGOW: -- there is a grade
8 change, Commissioner May, but we have also looked
9 at having a situation where we potentially may
10 have more than one building on the site, and if
11 we do, that other building would be measured on
12 the --

13 COMMISSIONER MAY: Right.

14 MR. GLASGOW: -- midpoint on Branch
15 Avenue.

16 COMMISSIONER MAY: Right. Well,
17 potentially, right. You potentially could also
18 design it very sensitively, so that it doesn't,
19 you know, so that the, the bulk of the density of
20 the, of the building is closer to Pennsylvania
21 Avenue, and, and Branch Avenue, and, and away
22 from the immediate neighbors. Potentially.

1 MR. GLASGOW: Yes. Yes.

2 COMMISSIONER MAY: But there's, we have
3 no guarantee of that, because we're not looking
4 at a PUD, we're not looking at a project. We're
5 just looking at a map amendment.

6 So what I'm trying to understand is
7 what this, as a matter of right, what is the
8 potential, kind of, worst case scenario, because
9 you know -- and again, even if you, if you even,
10 even if you do these things, and design it very
11 sensitively, somebody else could come along in 30
12 years, and tear it all down, and build something
13 else that's much more problematic.

14 So I mean, have you done any kind of
15 massing studies that show what could happen as a
16 matter of right in, kind of, the worst
17 circumstances, because I think --

18 MR. GLASGOW: Well, we --

19 COMMISSIONER MAY: -- that's really
20 what we're most concerned about, is what's,
21 what's the worst that could happen.

22 MR. GLASGOW: Well, we haven't done

1 massing studies on the worst that could happen.
2 We've done massing studies on who, what we
3 believe would be the likely development that
4 makes the most sense for this property, and the
5 properties around.

6 The, Jair Lynch has a history of
7 extensive community engagement on their projects.
8 And when we, we've looked at this site, we
9 haven't seen that massing on the, pushing it as
10 far to, I guess, to the North, as necessarily the
11 most beneficial for this site or the other sites.

12 But --

13 COMMISSIONER MAY: I, I, I understand
14 that. I mean, I, I wouldn't design it that way.
15 But again, we, you know, because we're not
16 looking at an actual project, and there's no
17 control beyond the zoning regulations, it seems
18 to me that we should be, we should have some
19 understanding of what's the potential worst case
20 scenario if we change the zone.

21 MR. GLASGOW: Well, I guess the, the
22 potential worst case scenario would be that it's

1 a 50, 50-foot building with a 12 foot rear yard.
2 That's the potential on the worst case --

3 COMMISSIONER MAY: Right, 50 foot
4 building measure from Pennsylvania Avenue.

5 MR. GLASGOW: It's difficult to have
6 the design such that everything gets measured
7 from Pennsylvania Avenue, the way that, that we
8 have looked at the site. And bearing in mind
9 that the existing -- as was pointed out in the
10 small area plan -- that it's, unless there's a
11 re-zoning of the site, the existing facility
12 remains. And so once you do that, you generally
13 will have a, a two building configuration, and
14 then you're going to have a point of measurement
15 off of Branch Avenue.

16 COMMISSIONER MAY: So you're saying
17 it's not possible to build it with a, the, the
18 height off of --

19 MR. GLASGOW: No, I didn't say that
20 it's not possible, but it's not, you have to use,
21 at least have some look at what's most reasonable
22 to be done, with respect to a site. And it's

1 from, from --

2 COMMISSIONER MAY: I don't know, I
3 spend a lot of my time worrying about the worst
4 possible outcome. Right? Not just in this --

5 MR. GLASGOW: Yeah.

6 COMMISSIONER MAY: -- circumstance, but
7 everywhere else.

8 MR. STARTT: One thing I would, one
9 thing I would add is that, you know, our, our key
10 goals here are, we, we want to bring additional
11 retail to the site, especially, we especially
12 want to bring a grocery store to the site.

13 And while this doesn't necessarily,
14 you know, provide you the, maybe the comfort that
15 you want from a worst case scenario standpoint,
16 the, the, the reality is that any retailer that
17 comes here is going to want visibility. They're
18 going to want visibility from Pennsylvania Avenue
19 and from Branch Avenue. And the only places that
20 you're going to get that visibility is if you're
21 fronting the building as close to the property
22 line along Branch Avenue or Pennsylvania Avenue

1 as, as you can. And that, that naturally gives
2 you, you know, if you're doing a mixed use
3 building, that's naturally, essentially putting
4 the, you know, the residential above that, that
5 retail, and that's, naturally, you know,
6 concentrating the density away from the, the
7 single family homes, and towards Pennsylvania
8 Avenue and Branch Avenues.

9 And again, you know, that's not
10 necessarily going to, you know, cover your worst
11 case scenario, but as, as sort of a, a market
12 reality of that, you know, that's most likely
13 what is, most likely what will get built.

14 COMMISSIONER MAY: I understand. Most
15 likely, not guaranteed. So, I mean, it's still a
16 question for me. And I don't know that you're
17 going to be able to anything here and now to
18 demonstrate that, but we can continue. I'm not
19 going to keep beating --

20 MR. GLASGOW: I, I think as --

21 COMMISSIONER MAY: -- this horse.

22 MR. GLASGOW: -- on behalf of property

1 owners, and, and representing the Applicant in
2 this case, I, just like everyone wants and needs
3 to be able to rely on the comprehensive plan --
4 and particularly in the consistency case like
5 this, where it is clear what the comprehensive
6 plan is, it's clear what the Council did. The
7 Council changed the comprehensive plan
8 specifically recently, not --

9 COMMISSIONER MAY: Right --

10 MR. GLASGOW: -- you know, to --

11 COMMISSIONER MAY: But we're not
12 compelled to, to follow the comprehensive plan to
13 the point where we install the maximum zoning on
14 any particular site, right? What we have to do
15 is, we have to be not inconsistent with it. And
16 so MU-3 would not be inconsistent with it.
17 Right?

18 MR. GLASGOW: And I, I would, I would
19 take issue with that, and the reason is this: is
20 because they've said a lot in the, in the small
21 area plan about wanting to get more residential,
22 and different residential.

1 When you look at MU-3 zoning, you have
2 1.2 FAR on, and that's with the IZ bonus --
3 whereas, with MU-4, you have 3 FAR, and you have
4 1.5 FAR of residential, as opposed to just 0.2,
5 given the development on the site, and what's
6 likely to occur. So you will, you will end up
7 with a minuscule amount, or possibly no
8 residential, if you've got a, an M-3.

9 COMMISSIONER MAY: Mmhmm.

10 MR. GLASGOW: An MU-3.

11 COMMISSIONER MAY: Mmhmm.

12 MR. GLASGOW: Whereas, with MU-4, then
13 we've got the incentive to be able to --

14 COMMISSIONER MAY: Right.

15 MR. GLASGOW: -- provide the moderate
16 density --

17 COMMISSIONER MAY: Right.

18 MR. GLASGOW: -- residential, because
19 you won't have moderate density residential, in
20 our view, if you've got --

21 COMMISSIONER MAY: Right.

22 MR. GLASGOW: -- MU-3 with 1.2 FAR.

1 COMMISSIONER MAY: So let me ask you
2 this. I mean, given that there are certain
3 sensitivities about it, and given the fact that
4 you clearly didn't want to do it PUD, and there
5 are other, probably good reasons why you wouldn't
6 do it --

7 MR. GLASGOW: Right.

8 COMMISSIONER MAY: -- PUD. What about
9 doing a custom zone in here? We've talked about,
10 we talked about doing custom zones when we were
11 doing the zoning regulations. And you could
12 establish a custom zone that, that says that, you
13 know, for the first two stories, you'd, you'd be
14 set back a minimum of 15 feet, but anything above
15 two stories, you'd be set back, you know, 50 --

16 MR. GLASGOW: I --

17 COMMISSIONER MAY: -- or 70 feet.

18 MR. GLASGOW: Well, I think that with
19 the custom zone is, part of it has to do what-all
20 is entailed in a rulemaking, versus a contested
21 case.

22 COMMISSIONER MAY: Mmhmm.

1 MR. GLASGOW: And we think that since
2 we can proceed in this situation with a
3 rulemaking, that that would be --

4 COMMISSIONER MAY: You can certainly
5 apply.

6 MR. GLASGOW: Yes, we, we would rather
7 have a, a rulemaking procedure --

8 COMMISSIONER MAY: I, I --

9 MR. GLASGOW: -- and there are a lot of
10 --

11 (Simultaneous speaking.)

12 COMMISSIONER MAY: -- I understand
13 that, but I mean, there are a lot of people in
14 the audience today, and I think we have to
15 understand and respect what, what some of their
16 concerns --

17 MR. GLASGOW: Right.

18 COMMISSIONER MAY: -- are. So.

19 MR. GLASGOW: And it, it may be, also,
20 that we could look at -- and I'm thinking about
21 cases that were tried many years ago, that if
22 there is a covenant put on the property, that can

1 be taken into account by the, by the Zoning
2 Commission.

3 COMMISSIONER MAY: Right, and I think
4 we, I do recall doing that on another map
5 amendment.

6 MR. GLASGOW: Right. We did this with
7 --

8 COMMISSIONER MAY: Yeah.

9 MR. GLASGOW: I'm trying, I'm trying to
10 remember. There was one that was done years and
11 years ago. It was a Graham Associates case. It
12 was Pennsylvania --

13 COMMISSIONER MAY: Yeah.

14 MR. GLASGOW: -- Avenue and Potomac
15 Avenue SE, when the --

16 COMMISSIONER MAY: Right.

17 MR. GLASGOW: -- after the --

18 COMMISSIONER MAY: So I, I think it
19 might be helpful to know more about that, because
20 that may be a, a way to ensure that some of the
21 concerns that may come forward tonight are
22 addressed, but we'll have to wait and hear what

1 they have to say. So thank you.

2 MR. GLASGOW: All right.

3 CHAIRMAN HOOD: May I ask, who are your
4 teams from the neighborhood? That's my standard
5 question to everybody. So don't feel like I'm
6 singling you out. But that's my standard
7 question. Who are your teams in the
8 neighborhood? From the neighborhood?

9 PARTICIPANT: Sir, repeat the question.

10 CHAIRMAN HOOD: Did, my question is, if
11 you can't hear us, just, just raise your hand.
12 Who on your team is from the neighborhood?

13 MR. STARTT: Specifically, our team
14 here tonight, or our, our general, overall team?

15 CHAIRMAN HOOD: Your, your team --

16 MR. STARTT: So --

17 CHAIRMAN HOOD: -- whatever team you
18 got.

19 MR. STARTT: I, you know, our, our team
20 right now is, is fairly limited. We have
21 property management on, out on site, through --

22 CHAIRMAN HOOD: So, so let me answer

1 for you. You don't have any, from your team on
2 the, from the neighborhood.

3 MR. STARTT: No, I don't --

4 CHAIRMAN HOOD: It's a yes or no
5 answer.

6 MR. STARTT: Not at this point. But --

7 CHAIRMAN HOOD: Okay.

8 MR. STARTT: -- our team --

9 CHAIRMAN HOOD: Okay.

10 MR. STARTT: -- is very small right
11 now, so we haven't --

12 CHAIRMAN HOOD: But, but you don't have
13 --

14 MR. STARTT: No.

15 CHAIRMAN HOOD: Okay. All right.

16 That's the standard question I ask --

17 MR. STARTT: Okay.

18 CHAIRMAN HOOD: -- all developers and
19 --

20 MR. STARTT: Okay.

21 CHAIRMAN HOOD: -- Applicants. I want
22 to associate myself with the comments of my

1 colleague, Commissioner May. Once we re-zone
2 this thing, you know, you know, the, he was
3 talking about a worst case scenario, and he was
4 talking about a grocer coming in, and what they
5 want to see.

6 What I want to see is what's good for
7 the area, and for the neighborhood. I appreciate
8 the grocer, and all those, all that other stuff.
9 I want to see what's good for the, for those who
10 are going to be living there, because at the end
11 of the day, we go home. I say this all the time.

12 Developers, even some of us, we live
13 in other areas. So I, I don't know, Commissioner
14 May, if you want to push for that massing worst
15 case scenario, but I want to see one. I want to
16 see one -- because I don't feel comfortable in
17 re-zoning in the, what I call in the blind.
18 Because I don't know what the expectations are, I
19 don't know what the outcomes are.

20 So, and I, and I would, I would
21 really, I don't know where my other colleagues
22 are. But I would really like, I really like what

1 Commissioner May said about the custom zone.

2 We really need to look at that,
3 because, because to me, I understand all the ifs
4 and, you know, the advantages of moving to the
5 MU-4. But why not do, why not, why we can't use
6 the MU-3? Why?

7 But we need to look at that custom
8 zone. And as was stated, we'll see what other
9 neighbors have to say, but those are the ones who
10 are going to be impacted by this re-zoning.

11 I'm not talking about a specific case.
12 You all may, I don't know what discussions have
13 been had. But I'm talking about, what am I, what
14 am I creating here in this re-zoning? Because
15 you, once, once it's re-zoned, even if you didn't
16 develop it, somebody else would come in and just
17 do something that's just totally out of
18 character.

19 So anyway. And I'm looking forward to
20 seeing that before, before at least this
21 Commissioner moves forward.

22 MR. GLASGOW: Mr. --

1 CHAIRMAN HOOD: Vice Chair Miller?

2 MR. GLASGOW: Mr. --

3 CHAIRMAN HOOD: Yes.

4 MR. GLASGOW: -- Chairman. In doing
5 that, if we are going to also be looking at
6 potential certain parameters on the site, we'd
7 like to be able to submit that also. Like as I
8 was discussing with Commissioner May, if we were
9 to say we will put a certain covenant for a
10 setback, we'd like to be able to show what that
11 does, also.

12 CHAIRMAN HOOD: What, I, I'm, I
13 operate, and I'm hearing about a case that was
14 done previously. Also, submit the track record
15 on that case. I want to see what happened with
16 that --

17 MR. GLASGOW: Mmhmm.

18 CHAIRMAN HOOD: -- case, because I hear
19 a lot about, we did this -- and some of it
20 probably has happened during my tenure. But I,
21 I, sometime I don't always get the feedback --

22 MR. GLASGOW: Right.

1 CHAIRMAN HOOD: -- on, actually, how
2 it's actually working.

3 MR. GLASGOW: Right.

4 CHAIRMAN HOOD: So.

5 MR. GLASGOW: I think that, with
6 respect to the case of many years ago, what ended
7 up happening was the developers went bankrupt
8 waiting for the Court of Appeals to decide the
9 case. And the, and the Court of Appeals decided
10 in their favor.

11 It was, my father ended up handling
12 the case before the Court of Appeals. He was
13 called up by Mayor Walter Washington to, to
14 assist a minority development team. And they,
15 they went bankrupt waiting for the Court of
16 Appeals to decide in their favor that it was
17 permitted --

18 CHAIRMAN HOOD: Mmhmm.

19 MR. GLASGOW: -- to have a covenant on
20 the piece of property to restrict it, and that
21 the Zoning Commission did not properly take that
22 into account in that particular case.

1 CHAIRMAN HOOD: So, is that, is that
2 the only case that we have, the only track record

3 --

4 MR. GLASGOW: I think --

5 CHAIRMAN HOOD: -- case? Do we have

6 one --

7 MR. GLASGOW: I think that that's the

8 --

9 CHAIRMAN HOOD: -- in more recent days?

10 MR. GLASGOW: I'll take, I'll take a

11 look --

12 CHAIRMAN HOOD: Yeah, let's --

13 MR. GLASGOW: -- but that is the --

14 CHAIRMAN HOOD: Let's see.

15 MR. GLASGOW: -- court opinion on that.

16 On that --

17 CHAIRMAN HOOD: And see --

18 MR. GLASGOW: -- on that issue.

19 CHAIRMAN HOOD: -- probably back then,

20 in those days, it, we put people on promised

21 land, and it got tied up in court, and then, you

22 know, it was just a waste of time -- and like you

1 say, they went bankrupt. We, we don't want that
2 to happen here.

3 MR. GLASGOW: Right.

4 CHAIRMAN HOOD: But we want to also
5 make sure that what we put in place actually
6 works.

7 MR. GLASGOW: Mmhmm.

8 CHAIRMAN HOOD: Because a lot of stuff
9 we put in place sometime, unfortunately, through
10 all the bureaucracy and things that move on, do
11 not actually work. You know, and I'm not just
12 talking about this case, but a number of things
13 that don't work. And we need to make sure we
14 don't put people on promised land.

15 MR. GLASGOW: Right, I think, I think
16 that we can show that --

17 CHAIRMAN HOOD: Yeah.

18 MR. GLASGOW: -- with respect to, if
19 there's a restrictive covenant that says you
20 shall set back X number of feet, that's what
21 you've got to do.

22 CHAIRMAN HOOD: And, and let's make

1 sure that we, we, we mirror a case that worked.
2 We don't want to use that case, with the --

3 MR. GLASGOW: Yes.

4 CHAIRMAN HOOD: -- Walter Washington
5 days, the late Walter Washington days, we don't
6 want to use that case. Okay?

7 MR. GLASGOW: Yes.

8 CHAIRMAN HOOD: If there's a more
9 recent case where it worked, I think that would
10 be more beneficial to us.

11 MR. GLASGOW: All right.

12 CHAIRMAN HOOD: Okay.

13 MR. GLASGOW: And I think the
14 Commission did put some conditions on a map
15 amendment off of Channing Place with Douglas
16 Development.

17 CHAIRMAN HOOD: I think I remember
18 that. I think I might have been around for that
19 one.

20 MR. GLASGOW: Yes, you were.

21 COMMISSIONER MAY: Yes.

22 CHAIRMAN HOOD: Okay, so --

1 COMMISSIONER MAY: I remember --

2 CHAIRMAN HOOD: Let's look, let's look
3 and see if that, is that working? You know,
4 let's make sure that works. It's --

5 MR. GLASGOW: It's being constructed
6 right now.

7 CHAIRMAN HOOD: Yes. I know it is.

8 MR. GLASGOW: So.

9 CHAIRMAN HOOD: Okay. It looks good
10 too. Okay, Vice Chair Miller?

11 VICE CHAIR MILLER: Thank you, Mr.
12 Chairman. Thank you for your presentation, and I
13 appreciate the comprehensive plan consistency
14 argument, which I think was persuasive, at least
15 to me.

16 So we're, you know, I, I agree with my
17 colleagues who've, who've tried to, you know, we,
18 this is a map amendment, and the Chairman has
19 cautioned us against talking about a particular
20 project.

21 But I, I'd like to know, what, what is
22 the best case scenario? You know, we've been

1 talking about the worst case scenario, and I'd
2 like to see the buffering or covenants that might
3 be able to guide against, or, or mitigate against
4 any worst case scenario situations.

5 But what is the best case scenario for
6 this property? What is the vision for this
7 property, even though we're not talking about a
8 particular project? This is a property that has
9 been long-awaited by the neighboring communities
10 to be developed in a manner that serves the
11 community in a way that, that, that, that is
12 helpful to them.

13 I'm in a neighborhood where, where 15
14 years, we waited for a development of a grocery
15 store that was 21st century, and other. And we
16 finally got it, but, it's a, every neighborhood
17 deserves to have those amenities.

18 And, and what is the, what is, what is
19 the vision for this site by the, by the
20 Applicant? Just so I have a, a, a picture of
21 that, even though we're not considering a
22 particular project, it would be probably better

1 if we had a PUD, where the community could weigh
2 in, and we could do the mitigations, and do all
3 that.

4 What, what is the vision for this
5 site?

6 MR. STARTT: Sure. And, and I will
7 say, we have shared some initial, some initial
8 concepts with, with the neighborhood, in, in our
9 various interactions with them, in the ANC
10 presentation, and in our, in our open house, and
11 other, and other venues. So we, we do have a,
12 some general concepts in mind.

13 A lot of it hinges very much on, on,
14 sort of, the outcome of this, of this
15 application. But you know, first and foremost,
16 as I, as I said, you know, we want to bring
17 additional retail here. We want to bring
18 additional retail amenities.

19 We are in the process now of
20 performing some, some, or getting started on some
21 renovations to the existing building. We have
22 signed a new, a new anchor tenant for the lower

1 level that, that will take the place of the space
2 that the District government had occupied for,
3 for some time, and that's a fitness use.

4 At, our number one, our number goal is
5 to bring a grocery store here. We think that is
6 the one thing that, that is lacking, and will be
7 lacking at, at this site.

8 You know, you have an existing CVS,
9 you have, you know, you have, you have a bank,
10 and you have a dry cleaner, and so you have some,
11 some good neighborhood-serving retail. We want
12 to bring a grocery store, and we want to bring
13 sit-down restaurants.

14 Those are our number, those are our,
15 our top two goals. And then we want to do a
16 mixed use project that has, that has mixed income
17 housing.

18 The, you know, we've heard, as far as
19 the housing program, we've sort of heard
20 everything from, from the neighborhood, where,
21 you know, obviously the city has a, has a, very
22 much a strong need for additional affordable

1 housing.

2 But we've also heard loud and clear
3 from the neighborhood that, you know, workforce
4 and market-rate housing is very much a desire of
5 theirs, to have at this site.

6 So anything we would build would,
7 would likely be a, you know, mixed income
8 housing. And, and, you know, we want to, as I
9 said in my, in my testimony, you know, we pride
10 ourselves on, on placemaking, and having good
11 urban design skills, and, and being sensitive to
12 the neighborhood.

13 And so, you know, we take that very
14 seriously, and we think that impacts, it
15 certainly impacts the neighborhood, but, but
16 we're incentivized to do that. You know, we're
17 incentivized to deliver a, a top-notch progress,
18 project with great design.

19 But oftentimes, you know, in
20 situations like this, we need, we need
21 flexibility. And that's, that's the reason we
22 did not come in with a PUD, you know, especially

1 when we're, when we're talking with, you know,
2 grocers and retailers, and they have, they have
3 the opportunity to, you know, locate a couple
4 miles down the road, down Pennsylvania Avenue,
5 in, in Prince George's County, and there's 10
6 sites there that they could go to.

7 And we have to convince them of why,
8 why they should come to, to Penn Hill. And if
9 they have to, if they have to wait for, you know,
10 a, a lengthy PUD process, and if, if, you know,
11 they decide, hey, I need my, my loading dock, you
12 know, moved over a little bit, because, you know,
13 my standard trucks don't quite fit there - or I
14 need a different mechanical system, so the
15 penthouse has to, has to move around, then that
16 has to go through a lengthy modification process?

17 You know, that, that becomes very
18 difficult when we're competing with, sort of
19 ready-made sites in, in Prince George County.

20 And so, you know, just to, to
21 summarize, you know, our vision is a, is very
22 much in line with the vision that was, that was

1 set forth in the small area plan and the comp
2 plan, which is a, a moderate density neighborhood
3 commercial center with a mix of uses, including
4 mixed income residential.

5 VICE CHAIR MILLER: So I think the
6 grocery store would be, under your ideal
7 situation would be how much, approximately how
8 many square feet, and, and how many units, just -
9 - I mean, I know this is just a map amendment.
10 But what are you, what are you, what is the
11 vision for it? What, what, what, how much ground
12 floor retail are you talking about, and how many
13 units above are you talking about?

14 MR. STARTT: So, we, unfortunately,
15 the, the site is just, despite being three and a
16 half acres, the way the site is situated, and,
17 and the slope, we can't quite accommodate, sort
18 of a full-service, you know, 60,000 square-foot
19 grocery store, as you would see at, at Skyland,
20 or, you know, so --

21 VICE CHAIR MILLER: We've been waiting
22 for that for a --

1 MR. STARTT: Fair enough.

2 VICE CHAIR MILLER: -- long time.

3 MR. STARTT: So it'd be a more, a more
4 mid-range size grocery store, anywhere from, you
5 know, on the low end, 23,000 square feet up to,
6 you know, 35,000 square feet. So there's,
7 there's a lot of grocers that, that, that fit
8 into that range.

9 You know, Harris Teeter can squeeze
10 down to that size. Whole Foods. Giant and
11 Safeway, maybe, I, I think that might be a little
12 bit small for them. But, you know, Yes! Organic,
13 Mom Organic, Meyer Organic Market - all those
14 sort of fit in that, that small to medium size
15 grocery store range.

16 And then, we want to, we want some
17 additional in-line retail, just from a
18 placemaking standpoint, and obviously, you know,
19 the neighborhood really wants additional food
20 service and sit-down restaurants, so we'd be
21 looking at, you know, 5,000 to 10,000 square feet
22 of in-line retail.

1 And then from a residential program,
2 you know, we think somewhere, you know,
3 preliminarily in the 100 to 150 units or so.

4 VICE CHAIR MILLER: And this map
5 amendment, would it, allow that, which --

6 MR. STARTT: Yes.

7 VICE CHAIR MILLER: -- the current
8 zoning would not allow that.

9 MR. STARTT: That, that's correct. The
10 current zoning, especially on the, the, the
11 existing, the parking lot - the R-1-B portion of
12 the site - you know, would only allow single
13 family homes, and some institutional uses, like
14 charter schools, and, and, you know, recreation
15 centers, and things like that.

16 VICE CHAIR MILLER: Okay. Thank you
17 very much.

18 CHAIRMAN HOOD: One follow-up question
19 I have. You, you mentioned about Ms. Alma Gates'
20 letter. I'm not going to use the Cinderella.
21 She mentioned about Cinderella wearing a size
22 ten, and not being able to get a six.

1 I'm going to use my own scenario, and
2 I've used before. It's like me needing a 38, and
3 I'm squeezing into a 32.

4 Explain to me -- or trying to get in
5 a 32, and I need a 38. And that's, I think
6 that's what she's mentioning.

7 Explain to me how that M-3 will not
8 work, and why. And, and do you buy her, her
9 Cinderella story, which I've now changed to being
10 able to fit in a pair of pants?

11 MR. STARTT: Okay. Well, as a, as a
12 fellow 38, I'll say I, I understand. So the, you
13 know, one, one of the key things for us - again,
14 you know, pointing to the grocery story.

15 A, a grocer is not unlike a, is, is
16 different from a, you know, a restaurant, or even
17 a CVS, where, you know, I think the small area
18 plan talks about having, you know, maintaining a
19 minimum 14 foot clear height for retail, in order
20 to attract, you know, those, those smaller
21 retailers.

22 The grocery stores are going to want

1 a minimum of 18 to 20 feet. And so, when, when
2 you factor in their height requirements, you
3 know, you're, you're severely limiting the
4 ability to develop residential on top.

5 You may be only be able, you may only
6 be able to get one to two floors of residential
7 on top, and so you're limiting to, in that case,
8 probably, you know, 50 to 60 units - maybe 75, if
9 you're really, if you're really sort of squeezing
10 them in.

11 And in that case, you know, you, you
12 are sort of pushing the limits of, you know,
13 stretching your building out to every single
14 setback, so that you can squeeze as much density
15 into those two floors as, as possible.

16 And, you know, from, just a, you know,
17 an affordable housing perspective, obviously, you
18 know, you know, the sweet spot is, is, you know,
19 certainly north of 50 to 60 units, especially if
20 you want to do mixed income.

21 CHAIRMAN HOOD: Okay. All right, any
22 -- Thank you. Any other question up here? Mr.

1 Turnbull?

2 MR. TURNBULL: I just, one last follow-
3 up, and I guess I started this whole round
4 concerned about building the maximum, 15 feet
5 away, 50 feet high.

6 I understand your concerns, and the
7 flexibility that you need. And I, I appreciate
8 that. But I also, Washington's a unique city.
9 We have unique neighborhoods. And I hate to see
10 people driven away from their homes because of a
11 development that's too huge for them to live by.
12 They may have some benefits, but.

13 So I, I'm concerned that we get one
14 thing, but we lose another. So there's always a
15 balance in zoning. We try, try to definitely
16 balance the, what's going on in the city.

17 That's why I think, I'm looking at
18 the, covenants might be an idea, or a special
19 zone - some kind of fine-tuning to this, because
20 right now I'm really concerned that just a
21 straight MU-4 - and I appreciate, you're
22 probably, you know, I know Jair Lynch is a - but

1 we don't know. I mean, it's rolling the dice for
2 us at this point in time, to know that we can say
3 to the people in the neighborhood, yes, you're
4 going to get something really worthwhile, and
5 you're going to, you're going to appreciate it.

6 We don't know. And like on a planned
7 unit development, we have some play. We can, we
8 can work things out. The neighbors have input,
9 and we can, we can solve issues. We can have
10 setbacks.

11 Here, you're not doing that. I mean,
12 you just want matter of right. So from my
13 viewpoint right now, I'm, I have a great concern
14 going straight ahead with the, and I would need
15 some reassurances that we're trying to safeguard
16 some of these aspects for the people who live
17 right adjacent to it. So anyways, those are my
18 concerns right now, Mr. Chair.

19 CHAIRMAN HOOD: Okay. Thank you. Any
20 other comments up here?

21 Okay, let's go to the Office of
22 Planning. And we have read your report.

1 MS. STEINGASSER: Still going to add a
2 little. So Chairman Hood, Commissioners, the
3 Office of Planning does recommend approval of
4 this application as a matter of right re-zoning
5 to the MU-4.

6 The property has been the subject of
7 both generalized - excuse me - generalized
8 comprehensive plan planning, as well as detailed
9 small area plan, planning. That small area plan
10 was the subject of a lot of community
11 involvement.

12 There was a lot of specific site
13 discussion of this site plan. It was then
14 adopted by the City Council.

15 The comprehensive plan was
16 subsequently amended to reflect that, and then
17 when we look now to the current status, we look
18 to where is, the community is represented by the
19 ANC, which continues to support this re-zoning.
20 It's supported by the Councilmember, and it's
21 supported by the Penn-Branch Citizens Civic
22 Association.

1 So we do still feel that there is
2 support for a matter of right re-zoning, and we
3 recommend approval.

4 I do want to add, though, that the
5 Office of Planning does not support, and will not
6 support covenants. Covenants require a
7 recordation in the courts, as opposed to an
8 amendment to the zoning regs, and it is, it, it
9 does not achieve the purpose of transparency and
10 predictability.

11 If we want to continue down the path
12 of a customized zone, something akin to what we
13 did with the, the C-2-B in the previous regs,
14 where we made a C-2-B, where we adjusted just the
15 height, but the densities remained the same - and
16 we wanted to look at additional setbacks or
17 measuring points - that's something OP would
18 absolutely entertain, and that's what was
19 expected when the Commission adopted the new
20 regs, and this customized zone. And we could
21 call it out by square, or something, that makes
22 it specific.

1 But covenants require, you know,
2 they're recorded in the courts, and it's
3 difficult for an adjoining property owner to even
4 know to go to look for them.

5 So we, we do not support covenants,
6 and we would not in this case. We would,
7 however, be happy to work with the Applicant,
8 should the Commission go down that path. But we
9 do support the project as a matter of right, as
10 supported by the ANC and the small area plans.

11 COMMISSIONER MAY: So given the path
12 we've already headed down here, is the, is it
13 conceivable that we can convert this into a, a
14 custom zone, the way we had envisioned when we
15 started doing the ZR-16, or do we, are we kind of
16 just starting all over?

17 MS. STEINGASSER: We would have to
18 start all over.

19 COMMISSIONER MAY: Okay.

20 MS. STEINGASSER: That would be a full
21 text amendment, separate from --

22 COMMISSIONER MAY: Yes.

1 MS. STEINGASSER: -- this, which is a
2 map amendment.

3 COMMISSIONER MAY: Right. Okay. But
4 if it's a text amendment, it's not, it would
5 similarly not be a contested case. Right?

6 MS. STEINGASSER: I think we --

7 MR. GLASGOW: A, a text, text amendment
8 would be a rulemaking.

9 MS. STEINGASSER: It would be --

10 COMMISSIONER MAY: A rulemaking, yes.

11 MR. GLASGOW: Right.

12 COMMISSIONER MAY: So it would be
13 contested. Okay. All right.

14 CHAIRMAN HOOD: Okay, any other follow-
15 up questions for the Office of Planning? Okay.
16 Let's go to Advisory Neighborhood Commission 7B.
17 7B, I want to ask Ms. Marlin, Chairperson - are
18 you the Chairperson?

19 MS. MARLIN: Okay, did you want to,
20 it's time for your report. Do you want to have a
21 report you want to give us, or?

22 COMMISSIONER HAMMOND: I, I have mine

1 --

2 CHAIRMAN HOOD: Oh, Commissioner
3 Hammond has. Excuse me. Okay.

4 COMMISSIONER HAMMOND: I have a --

5 CHAIRMAN HOOD: Okay. Commissioner
6 Hammond, good evening. You may begin. Yes.
7 Identify yourself.

8 COMMISSIONER HAMMOND: Good evening,
9 Chairman Hood, Committee, and Ms. Schellin, I
10 believe, Office of Zoning.

11 Thank you for the opportunity to
12 speak. I have been designated to speaking for
13 the ANC. I'm the Treasurer for the ANC.

14 The ANC did submit its report to Ms.
15 Schellin on the 23rd of, of last month, in
16 regards to the position that we took. The
17 position that we took, we passed a resolution to
18 support the request for the Applicant for a
19 change in the map amendments from a, from a MU-3
20 RIB, R-1-B, to a MU-4. And we did pass a
21 resolution in a general meeting on June the 15
22 2017 in that regard.

1 The vote was five, five-four, one
2 opposing, with one vacancy on the Commission. So
3 we, we did pass the resolution to that request.

4 CHAIRMAN HOOD: Okay. Are you
5 finished, Mr. Hammond?

6 COMMISSIONER HAMMOND: I am finished.
7 I just want, as a matter, as a matter of record,
8 I just wanted to put on the record that we did
9 support.

10 CHAIRMAN HOOD: You support. May, may
11 I, let's see if we have any question for you up
12 here.

13 COMMISSIONER HAMMOND: Okay.

14 CHAIRMAN HOOD: But I do want to ask,
15 the one, the one vote was against, was that, was
16 that a single member district in that area of, of
17 the project?

18 COMMISSIONER HAMMOND: I'm, no, I'm the
19 Commissioner for that area.

20 CHAIRMAN HOOD: You're the
21 Commissioner. Okay. So --

22 COMMISSIONER HAMMOND: Yes.

1 CHAIRMAN HOOD: Okay. All right. All
2 right, any other questions of Mr. Hammond? Vice
3 Chair Miller.

4 VICE CHAIR MILLER: Yes, I just wanted
5 to thank the ANC for its work on this project,
6 and -- So you think the map amendment will result
7 in the, in a positive?

8 COMMISSIONER HAMMOND: Commissioner
9 Miller?

10 VICE CHAIR MILLER: Yes.

11 COMMISSIONER HAMMOND: Is that your
12 name? I, I, based on the information that was
13 provided to us, and, and the different meetings
14 that we had with the, with the Applicant, and
15 looking at the plans that was, that were
16 presented to us, yes. I, I think, I think it
17 will take care of that problem.

18 There were some discussions, quite
19 frankly, about the, about the height, in regards
20 to the people that live adjacent to that
21 property, that were discussions with me from
22 several, several of those people in that regard.

1 The Applicant said he was willing, or
2 they were willing to work with that in that
3 regard, to the, to the height problem, and
4 possible, I guess you all call it, a shadow
5 problem. So there was discussion about that.

6 VICE CHAIR MILLER: I, I appreciate
7 your response. And just based on our own
8 interaction with that particular developer, I
9 would say that they have, in the cases before us,
10 of course they were PUD cases, they have worked
11 with the community to try to mitigate potential
12 adverse --

13 COMMISSIONER HAMMOND: Yes.

14 VICE CHAIR MILLER: -- impacts. So I
15 would hope that that would, I would expect that
16 that would be the case in this, in this situation
17 as well.

18 CHAIRMAN HOOD: Well, thank you. I
19 actually want to echo that, because I, I said
20 that about them. We, we have a track record down
21 here of people that, that are honest, and do what
22 they say they're going to do. And I think this

1 is one of those developers.

2 But again, any time I have a, a, a re-
3 zoning, I want to make sure that the
4 precautionary measures are in place. I can go by
5 their past record, but you know, things sometime
6 do change.

7 But I'm pretty sure that, from what
8 I've seen from of this developer and, and one of
9 two others, they have been very consistent to the
10 residents of this city, and I don't expect any of
11 that to change. But we want to make sure we do
12 our due diligence.

13 But I want to thank you for all the
14 hard work that you do, and, and the Chair, and,
15 and the ANC, what you all do on behalf of your
16 neighborhoods. So thank you very much.

17 COMMISSIONER HAMMOND: Well, thank you.
18 We appreciate that.

19 CHAIRMAN HOOD: All right.

20 COMMISSIONER HAMMOND: Thank you.

21 CHAIRMAN HOOD: All right, now I'm
22 going to persons in support. Is this all I have,

1 is two, or does it go up?

2 Oh, I thought something was wrong with
3 the --

4 Okay, so let's go with Donovan
5 Anderson and Jimmie Williams. Jimmie, Jimmie
6 Williams is the president of Penn-Branch Citizens
7 Civic Association. Okay.

8 If you can just hand it into Michelle,
9 and then, and she'll pass it off to us. And if
10 you have yours as well.

11 (Pause.)

12 I'm just curious, is there a Penn-
13 Branch Civic Association, or did they combine
14 them, or?

15 MR. WILLIAMS: Combined them years ago.

16 CHAIRMAN HOOD: I can't, I'm going to
17 ask somebody at the table, so we --

18 I was the president, too, so I'm going
19 to ask somebody at the table, because we're going
20 to run - just like we ran our meetings in order,
21 we're going to run this one in order.

22 Okay. So I will ask the questions at

1 the proper time. I just was, I'd been, when I
2 was reading, and I was just trying to figure out
3 how that working, but I'll ask you that after you
4 finish your testimony. I shouldn't have went
5 there, then, wouldn't have got none of that
6 started. So I'll blame myself for that one.
7 Okay. You may begin.

8 MR. ANDERSON: Good afternoon. My name
9 is Donovan Anderson, and I'm an ANC Commissioner
10 for ANC 7B06, and I'm here today to testify in my
11 capacity, representing my single-member district,
12 ANC 7B06.

13 At our ANC meeting on June 15, 2017,
14 I joined four members of the, of ANC 7B to five
15 to one to issue a resolution to support the map
16 amendment.

17 I have lived in the Hillcrest section
18 of Washington, DC for the past 15 years. I have
19 seen the development that occurred in other
20 sections of the city, and I'm here wondering when
21 Ward 7 will be able to participate in the
22 development of the city.

1 I fully support the project for the
2 following reasons. For one, for speed. The map
3 amendment process is substantially faster than a
4 PUD. This process will get retailers to commit
5 to the site faster. PUD can take multiple years
6 to get approved.

7 The flexibility. Any change during
8 the PUD process can be lengthy. Modifications to
9 any part of the design or the development plan
10 require, require close to restarting the entire
11 process. With a map amendment process, the
12 development can be nimble in response to market
13 and tenant demands, rather than requiring
14 extensive PUD alterations for any moving parts.

15 This goes along with the speed and
16 ability to get the comment from retailers, and
17 expedite their, their arrival to the community.

18 Thirdly, the certainty. Map
19 amendments are not subject to the same appeals
20 process as PUD. And I, the reason why I'm saying
21 this is because I'm 40 years old. I live, I've
22 lived in Hillcrest for the past 13 years, 13 to

1 15 years. And I've seen what has, or is not
2 going on at Skyline. And I'm hoping that, at 53,
3 that I can be alive to enjoy what is going to
4 happen at Penn-Branch. And that's one of the
5 reasons why I support this.

6 I know that there are concerns by
7 older residents that, there are concerns. But it
8 is about time that we have the amenities in Ward
9 7, in Penn-Branch, that we require. There is
10 nothing going on right there. And if the
11 developer, who has approached the neighborhood,
12 who has approached, spoken to everyone in the
13 neighborhood to say, try to address your
14 concerns.

15 We overwhelmingly, the Hillcrest
16 listserv, everyone is excited about what is going
17 on there. One of the things that was, was put
18 out in the neighborhood, that they want to put
19 up, Planet Fitness. Young, old, everyone is
20 talking about the fact, that how they're looking
21 forward to having a gym in the neighborhood.

22 We don't have any amenities in

1 Hillcrest. I have to go to Ward 8 to go shop,
2 because I refuse to shop at the Safeway in Ward,
3 that's close to my house, okay? So we don't have
4 it.

5 So I implore the Zoning Commission to
6 approve the map amendment to ensure that we have
7 the amenities that, at 53 years old, I don't, I
8 don't have to wait 'til I'm 80 to, when I'm, when
9 I'm not sure if I'll be able to enjoy what I,
10 what's being planned.

11 CHAIRMAN HOOD: Okay. Thank you. You
12 should hold your seat. Next?

13 MR. WILLIAMS: Hi, I'm Jimmy -- Good
14 evening. Jimmy Williams, I'm president of Penn-
15 Branch Citizens Civic Association.

16 The Penn-Branch Citizens Civic
17 Association was formed over 40 years ago by
18 members of the community. There was a need for
19 the Association that stemmed from specific
20 neighborhood concerns, such as water and sewer
21 problems, the lack of sidewalks, curbs, and
22 blocks, no posted traffic signs, and issues

1 arising from the many district and federal parks
2 that surround our area.

3 Many of the residents express a strong
4 desire to see major improvements or rebuilding of
5 the property historically known as Penn-Branch
6 Shopping Center, and most recently rebranded by
7 the owners as Penn Hill.

8 Residents have long wanted a viable
9 shopping center with a grocery store, retail
10 shops, restaurants, and other conveniences that
11 are walkable and available to nearby communities,
12 as well as to the large number of commuters that
13 pass through Pennsylvania Avenue daily.

14 The shopping center is more than 50
15 years old, and it's degraded from one of the
16 first of its kind to be built in the District of
17 Columbia in 1963, featuring prime store and
18 offices, including a grocery store and a hardware
19 store, to an outdated strip mall of marginal use.

20 The current outdated shopping center
21 is not in keeping with similar malls that are of
22 mixed use, and are being, both residential and

1 retail in purpose, and support retail, and
2 grocery store and restaurants within each
3 development.

4 The current design is not feasible to
5 attract the foot traffic, or the vehicular
6 traffic, or layout needs for many quality
7 merchants that we all want.

8 The community could benefit from a
9 shopping center that includes a grocery store and
10 retails that attracts both DC residents, and the
11 many commuters that pass through our community,
12 and spend their money outside of the District of
13 Columbia. A remodeled shopping center with a new
14 construction would create jobs, and give shoppers
15 a venue to spend their dollars within the city.

16 Several members of the Penn-Branch
17 Citizens Civic Association are also
18 representatives that participate in the
19 Pennsylvania Avenue East Development Committee,
20 which was originated at, by concerned residents
21 of Penn-Branch who expressed a strong desire to
22 drive improvements of the Penn-Branch Shopping

1 Center located at 3200 block of Pennsylvania
2 Avenue SW.

3 During this meeting, one, it led,
4 there was a discussion. A now-former Penn-Branch
5 resident said that he and his family had lived in
6 Penn Branch for more than 20 years, and were
7 waiting on change that would allow them to eat,
8 shop, and do business in our community.

9 In frustration, he said that he and
10 his family had grown tired of waiting on change.
11 With a year of this meeting that formed this
12 group, the family moved out of Penn-Branch and
13 into Maryland.

14 We strongly support the zoning
15 amendment. We also acknowledge the concerns
16 expressed by our residents that want to ensure
17 that the projects does take some considerations.

18 For example, respecting the character
19 of our community takes into consideration that
20 residential uses are consistent with the
21 resident, consistent with the development in
22 Penn-Branch, and prefaced to attract market-rate

1 renters, provides adequate infrastructure, water
2 drainage for the protection of residents who do
3 border the development, and takes into
4 consideration traffic and vehicular traffic of
5 those neighbors that do border nearby, and also
6 consideration of neighborhood commercial overlay.

7 However, make no mistake. We do want
8 to emphasize that many of our residents have
9 strongly emphasized the need for significant and
10 well-planned development that will benefit, and
11 is long overdue, and it has the potential to
12 achieve that purpose.

13 We applaud the participation and
14 interaction of Jair Lynch Real Estate company.
15 They have been actively involved since August 10,
16 2016, when they purchased it, and have been
17 seeking the input since that time, since the
18 purchase of the property.

19 As a community - and a majority of us
20 - do strongly feel that such a project is long
21 overdue. We need the development that will
22 benefit our community, and we could bring quality

1 stores, retail shops, offices that are all over
2 this, growth, experiencing all over this city,
3 and enhances our community that we see in other
4 parts of DC.

5 We support and want Penn Hill to
6 become a sustaining jewel east of river, or east
7 end, whichever you prefer. We're long overdue
8 for the development and the change.

9 And as a petition submitted by the
10 owners of Penn Hill, is a major catalyst for
11 sustainable growth and development, and should be
12 supported.

13 CHAIRMAN HOOD: Okay. Thank you both.
14 Let's see if we have any follow-up questions.

15 I, I do resonate with you about the
16 Planet Fitness. I, I know when a developer came
17 to my neighborhood - and I'm not trying to make
18 it personal - but sometime, my neighborhood went
19 through a change as well. And it's nice to just
20 be able to go around the corner and work out.

21 So, so I, I resonate, and I understand
22 that as well, and, and those amenities are what,

1 I'm sure, we, we talked about Skyline when we did
2 it, what? Two years ago? Or whenever it was.

3 But I can understand wanting those
4 kind of amenities to your neighborhood.

5 But let me, let me say something to
6 you. Let me ask you a question. How does that
7 work?

8 And it's a little offbeat. Sometime
9 I seize the moment, and I'm going to do it now.

10 How do you work with both the Civic
11 Association and the Citizens Association? At the
12 same time? How does that work?

13 MR. WILLIAMS: Well, actually, I, well,
14 it's been more than 20 years. It's actually
15 Penn-Branch Citizens Civic Association. There's
16 a history to that --

17 CHAIRMAN HOOD: Okay --

18 MR. WILLIAMS: -- based on one was --

19 CHAIRMAN HOOD: -- I'll, I'll --

20 MR. WILLIAMS: -- along split --

21 (Simultaneous speaking.)

22 CHAIRMAN HOOD: -- come out --

1 MR. WILLIAMS: -- along race, so --

2 CHAIRMAN HOOD: -- get the history.

3 Okay. I'll have to come get the -- Any questions
4 up here? Not to cut you off, but it was --

5 MR. WILLIAMS: Oh, that's all right.

6 CHAIRMAN HOOD: -- when you said 20
7 years, oh, I have to come out and talk to you and
8 get the history, because I would like to know the
9 history.

10 MR. WILLIAMS: That's all right. I had
11 more hair back then, so okay.

12 (Laughter.)

13 CHAIRMAN HOOD: All right. Okay.

14 Thank you both. We appreciate it. Anyone else
15 in support? Okay, let's go to --

16 Oh, support? Okay. Come forward.

17 Is there anyone else in support? This
18 is the last call. Support? Okay, come forward.

19 Any, anybody who supports what's, what
20 we're, our action, re-zoning, tonight, please
21 come forward so you can testify.

22 Now, let me ask this. Those who are

1 in opposition, has every one signed up, signed on
2 the kiosk? Okay, so if you can go to the kiosk,
3 and, and sign up on the kiosk.

4 Ms. Schellin, could you, could you
5 assist everyone who has not signed up on the
6 kiosk? Because we only had four people.

7 Now, now this is if you, this is if
8 you want to testify. This is only if you want to
9 testify. You -- No. Okay, no.

10 Here's, here's what happens. If you
11 going to testify, if you going to come to the
12 table, if you are in support or in opposition, if
13 you going to come to the table, you need to go
14 and, and key your name in, so I can call your
15 name as, as you see on the screen, either down
16 here or up on the walls. Okay?

17 Those cards are for the --

18 MS. SCHELLIN: The cards --

19 CHAIRMAN HOOD: -- court reporter.

20 MS. SCHELLIN: -- are for the court
21 reporter. The kiosk there, that little computer,
22 is where you register for us to call your name.

1 But the cards, you have to fill out for the court
2 reporter.

3 If your name is already on there, you
4 do not need to do anything, other than fill out
5 the two cards.

6 CHAIRMAN HOOD: I'll tell you what. If
7 you haven't signed up, when, when you finish,
8 could you go over there and sign your name on the
9 kiosk in support? And, did you fill out two
10 witness cards? And you turned, and gave them to
11 the court reporter? Okay.

12 It's not working? Ms. Schellin, could
13 you go? It's got to be working. It's brand new.
14 Supposed to be working. Used to work. But --

15 Okay. Let's start, let's start with
16 you, young lady.

17 MS. SMITH: Hi, my name is Ayanna
18 Smith. I'm a resident of Penn-Branch, and I live
19 just steps away from the shopping center. And I
20 just want to go on record saying that I am full
21 support. I am in full support of the zoning
22 amendment.

1 CHAIRMAN HOOD: Okay. Thank you.

2 Next?

3 MR. NASH: Good evening, my name is
4 Elson Nash. I, too live steps away from the
5 center. I'm in full support of this endeavor.

6 My wife, who lived in the community
7 many years ago, 40 years ago, experienced it as
8 Safeway, said it wasn't something that she
9 supported then. But then, she, when we moved
10 back - and we moved back last year - my son then
11 said, I want a place that I can walk to. He was
12 excited about this endeavor. He's at school
13 right now. He goes to Duke Ellington.

14 And one of the things that he
15 expressed to me was that, I want a place where my
16 friends can go to. And we feel this can be a
17 place where his friends can go to.

18 CHAIRMAN HOOD: Let, let me just take
19 a moment. If, if anyone is here with a young
20 person - I saw some young people, and I, school
21 is tomorrow, I believe. So I want to get the
22 young people to, whether you're in support or

1 not, I'm going out of order. If you have
2 somebody, and you're here with a young person, I
3 just want to take that one, I want you to come to
4 the table now, because I know, I want to make
5 sure that young person is alert tomorrow in
6 class, and not doing what I used to do.

7 So you, so you have a young person.
8 We'll get right to you so you can go home. Okay.
9 All right. Next.

10 MS. CANNON: Yes, good evening Mr.
11 Chairman, and other members of the Commission.
12 My name is Jacquelyn Cannon. I'm here tonight to
13 testify in support of the map amendment submitted
14 by 3200 Penn Avenue, PJV, LLC.

15 I'm a resident at 3610 Highwood Drive
16 Southeast. I'm also the recording for the Penn-
17 Branch Citizens Civic Association. I live on
18 Highwood Drive with my daughter, Veronica
19 Beverly, and my granddaughter, who were both here
20 earlier this evening.

21 My daughter just turned 25 years old
22 a couple of weeks ago. My granddaughter is

1 almost 6.

2 I moved in the neighborhood when my,
3 20 years ago when my daughter was my
4 granddaughter's age, and I've lived over half my
5 life in DC, between northwest and southeast,
6 where I live now.

7 When I moved to Highwood Drive 20
8 years ago, I looked forward to seeing economic
9 development in the Hillcrest Neighborhood. I
10 looked forward to walking to the store with my
11 daughter to get ice cream, or having a sit-down
12 dinner somewhere in the neighborhood.

13 I look forward to having the kinds of
14 grocery stores and restaurants and boutiques that
15 I see developed in other parts of the city, like
16 Petworth, where I grew up, the U Street Corridor,
17 Columbia Heights, Brookland, Rhode Island Avenue,
18 and H Street, just to name a few.

19 Now that my daughter is grown, I feel
20 like I've let her down. I feel like this
21 community has let her down. I feel like the city
22 has let her down by not allowing her to

1 experience the thrill, the joy, pride, and fun of
2 watching her neighborhood develop and thrive.

3 It's a shame that to see economic
4 growth, we have to go outside of our
5 neighborhood, outside of our community, like we
6 did this weekend. To get ice cream, we have to
7 go to Old Town. To have a sit-down dinner, we
8 also went to Old Town, Virginia, to have a simply
9 meal with our family, it, it's just ludicrous
10 that we can't do that within our own community,
11 except in our home.

12 To shop for healthy selections of
13 food, we have to go outside of the community, to
14 Whole Foods, to Wegmans, to Mom's over on New
15 York Avenue.

16 Although collectively, we've let my
17 daughter down, 20 years later, let's not let my
18 granddaughter down. I urge you to support the
19 re-zoning request submitted by, by this company.
20 My granddaughter deserves better.

21 CHAIRMAN HOOD: Thank you. Next.

22 MR. DELLING: Good evening, my name is

1 Steven Delling. I'm the chair of the
2 Pennsylvania Avenue East Economic Development
3 Committee.

4 I think, really, this is all about
5 unlocking potential. That corridor that the
6 Penn-Branch Shopping Center lies on is really
7 just one of several different sites that have
8 been unrealized, that have not achieved their
9 potential for years.

10 I remember looking for my first house
11 in DC, when I first started shopping for a house
12 when I was 22, and I looked at a number of
13 different areas. I ended up settling in
14 Petworth, and now, fast-forward 16 years in the
15 future, coming back to that Penn-Branch area. I
16 live in Fort Dupont Park, so I'm just a little
17 ways up the road, up Pennsylvania Avenue.

18 It looks almost exactly the way I left
19 it, or the way I saw it last 16 years ago. Now,
20 I've only been in the neighborhood for two years,
21 so I'm not going to try to claim that I've been
22 there for years and years, and have seen the

1 history firsthand. But our committee is made out
2 of people who are residents in the area,
3 residents from the various different
4 neighborhoods that touch that corridor, and some
5 have been there as long as 40 years.

6 And I've seen the history of failed
7 attempts to kind of revitalize that area. So it
8 really is a, kind of a, a thing of unlocking
9 potential.

10 A lot of mention has been made tonight
11 about the small area development plan, and the
12 fact that that Penn-Branch Shopping Center
13 represents the biggest and best opportunity to
14 kick-start a lot of the things that I think
15 everybody could agree they want to see in their
16 neighborhood, whether it's grocery stores, a gym,
17 conveniences. These are all things people want.

18 Now, I understand there's going to be
19 a lot of contention about the way we arrive at
20 that place, but it's something that, you know,
21 folks who have been here as long as I have, and a
22 lot longer, will want to see eventually.

1 So to the extent that the map
2 amendment that is being requested helps realize
3 that, that end goal for the entire community, and
4 not just Penn-Branch, not just Hillcrest - but,
5 you know, Randall Highlands, Fort Dupont Park.
6 All these different areas that would be impacted
7 by this development, I, we think it should be
8 supported.

9 There was mention made about what's
10 good for the area, and, and a little bit of a, a
11 balance between, you know, what a development can
12 mean from the perspective of something that's bad
13 for the area, versus good, and having the balance
14 there. I think there's so much more to be
15 realized from an area that really does not have a
16 lot there right now at all, starting from the,
17 from the bridge.

18 If you look at the bridge, as soon as
19 you cross over into, what do we call it, east of
20 the river, or Penn Ave east, it's just a
21 significant drop-off from my neighboring
22 community on the other side of the river. And

1 that continues all the way up to Southern Avenue.

2 This is an area that has lagged behind
3 the rest of the city by far. Where you see
4 different neighborhoods have, have achieved a
5 level of growth that has been beneficial to the
6 people who live in that neighborhood, whether
7 it's in, in northwest, on U Street, in Petworth.
8 And these areas have achieved that growth in, in
9 various ways, and have been beneficial to their
10 community.

11 And so now we feel like I would be the
12 same for us. So I think this community has a lot
13 more to gain. And especially in the sense of the
14 developer that we're working with.

15 Jair Lynch has been, from day one,
16 very much willing to engage the community. They
17 have taken the steps to go out and establish a, a
18 weekend event, mini golf, like, a little game
19 that happens on the weekends to - it's in the
20 parking lot of the actual shopping center - to
21 give a, a avenue for the community to actually
22 engage with the organization, with the company,

1 and provide their input.

2 They've laid out plans. They've been
3 very much - and I think you spoke to this earlier
4 - consistent with their intent to bring what
5 their plans are to the community, and get our
6 feedback, and not try to force anything on us.

7 So I understand there's a certain
8 amount of trust, I think, which is a big issue,
9 or a big concern, that has to be put into the
10 developer. But I think the developer has done a
11 good job of making sure that their intent has
12 been very transparent, and made an attempt to
13 engage with the community.

14 So I think it's something that we all
15 want to see. So again, speaking on behalf of the
16 Pennsylvania Avenue East Economic Development
17 Committee, we are in full support of this map
18 amendment.

19 CHAIRMAN HOOD: Okay. Thank you. Now,
20 I, I took you out of turn. I'm not sure whether
21 you're a proponent or opponent, but either way,
22 you have a young person, so we're going to hear

1 your testimony now.

2 MS. GRAHAM: Okay. Good evening, DC
3 Commission on Zoning, and I thank you for the
4 opportunity to speak regarding the DC Zoning Case
5 1711 map amendment request.

6 My name is Bettie Ann Graham, and I am
7 a lifelong resident of the Penn-Branch
8 neighborhood, and reside at 3125 P Street SE on
9 square 5545N, lot 809. I approve in part and
10 oppose in part the proposed map amendment to
11 allow for the commercial shopping center upgrade,
12 however I oppose the authorization of a 50 to 65
13 foot residential structure to be built at the
14 rear of the building.

15 My concerns about the proposed
16 construction are as follows: the impact of the
17 increased foot traffic and privacy change of the
18 neighborhood, as well as future parking issues,
19 the recourse for any land shifting and damage to
20 homes, and the name change of the shopping area
21 to a milquetoast, cookie cutter name that does
22 not accurately reflect the name of the

1 neighborhood itself.

2 While I will not be directly affected
3 by the structure with respect to privacy issues,
4 I am empathetic to the needs of my neighbors, and
5 stand with them.

6 The new shops, however, will increase
7 foot traffic, ambient noise, and parking. We do
8 not currently have regional parking, but should
9 this go forward, we as residents should have some
10 form of a parking permit to distinguish us from
11 the visitors.

12 Furthermore, in the past, my street
13 has acted as a staging area of sorts when it
14 comes to construction. So how will we not be
15 inconvenienced by the increased movement needed
16 to achieve these changes?

17 With respect to land shift, my lot is
18 adjacent to the churchyard, yet does not come
19 within the affected area circled on the map. My
20 property would most likely be affected by any
21 land shift, as the area is populated by massive
22 oak trees. Any shift in the churchyard could

1 trigger the trees to fall, and would affect me,
2 because the trees are tall enough to land on and
3 damage my home. And how will you protect me and
4 my family against that?

5 Lastly, while not related to the
6 zoning itself, is the name change. I live in
7 Penn-Branch, and not Penn Hill. While this may
8 be a new project for you, this is not a new
9 development. This is an established
10 neighborhood, and it is where many of us have
11 lived for decades. Please leave our history
12 intact. And to step on people who have stated
13 before, about the longevity of being in the
14 neighborhood: my father was a World War II
15 veteran. And he was from North Carolina, and
16 when he and my mother settled in the District in
17 1947, they moved from northeast to southeast, and
18 they settled in that area because it reminded
19 them so much of their homes in North Carolina.

20 And my concern - even I was raised
21 there, and my, I have my daughter here. I came a
22 few years later, in 1970, but this is about as

1 close as you can get to the suburbs while being
2 inside the city.

3 My concern is with the development, or
4 that the complete change to MU-4, that it may be
5 a little more industrious, and not really the
6 same family as we have. I do understand we want
7 a little more sophistication in our
8 neighborhood, because it is old. But I think
9 that we should also respect the fact that it does
10 have a certain je ne sais quoi, so to speak. And
11 we want to still be able to do the things that we
12 do as people, and live their quietly.

13 My, my front wall faces Branch Avenue,
14 but when people are walking on the other side, I
15 can hear them just as if they are in my yard,
16 standing beneath my, my window. So if we have
17 restaurants, and things like that, that are going
18 forth, you know, how, how is that not going to
19 disturb my quality of life as I've known it?

20 You know, I do want progression, but
21 I am concerned. Like you said, how, you know,
22 what if it's the worst case scenario? How would

1 that be affected, additional, with the foot
2 traffic?

3 So, you know, because once people come
4 in, and they see things that you have, that's
5 what happens. You know, people may decide they
6 want to stay, or they might want to take what you
7 have. And that's not everybody, but I mean, we
8 have a very, I think a very secure neighborhood.
9 You know, children can play freely, and, but
10 those that are on Highwood Drive, there still
11 would be away, they'll be in the cul de sac,
12 where those of us who are on a main avenue, the
13 main drag, will still have to deal with the
14 repercussions of that development, you know, long
15 after the sun sets.

16 CHAIRMAN HOOD: Okay. All right.

17 MS. GRAHAM: Thank you.

18 CHAIRMAN HOOD: Thank you very much.

19 Let's just see if we have any questions. Hold,
20 hold, hold the seat. Hold your seats --

21 MS. GRAHAM: Yes.

22 CHAIRMAN HOOD: -- for a minute. Any

1 questions up here? Any comments? Okay. Thank
2 you all. We appreciate your testimony.

3 Okay. Let me go to the persons in
4 opposition. We've already heard from everyone
5 who is in support, and some who, in part. Let
6 me, okay. Julie Rones, Ms. Barbara Morgan,
7 Gwendolyn, and Edwin -- Huh?

8 If I was able to finish, I was getting
9 ready to say Gwendolyn and, but I wasn't able to
10 finish. But that's fine.

11 Mary Hughes, Sylvester Bush, Laura
12 Richards. Did everyone, that should be eight. I
13 think it's eight seats.

14 We're missing somebody. Sharon,
15 where'd I leave off? Now I need some help.
16 Number seven? I've already called Sylvester
17 Bush. I'm, I'm on number, I'm on Alberta Paul.
18 Alberta. Is that, is that Ms. Paul, my president
19 friend back there? Come on up, Ms. Paul.

20 (Laughter.)

21 I thought you was going to give your
22 testimony from back there, but you going to come

1 on up here. Okay.

2 All right. Let's go with Ms. Rones.

3 You may begin.

4 Hold on a second, you, okay, well, why

5 don't we do this. Okay, why don't we do this?

6 Why don't we start to my left, your right, and

7 we'll begin with, Mr. Jones?

8 MS. RONES: Okay. I'll forego the

9 picture.

10 CHAIRMAN HOOD: Okay, we will start

11 with you Ms. Rones.

12 MS. RONES: Okay. Very well. Thank

13 you, Your Honor, Commissioner, Chairman, and

14 Members of the Zoning Commission.

15 I am Julie Rones, here on behalf of

16 Gwendolyn Rose, who owns continuous, contiguous

17 lot 843 and 844 of square 5539. Lot 843 is

18 within the 200 foot ambit of the proposed new

19 building, or lots to be re-zoned.

20 And I want to say that the Applicant,

21 I thank them for quoting me. But I'd like to put

22 things into context. In terms of the easement, I

1 believe they opened up the door to, and they
2 showed drawings, and talked about concepts.

3 So with that in mind, I'd like to just
4 be able to address that. Mrs. Rose supports the
5 upgrade of the old commercial building, and
6 believes that that structure could fully house
7 all of the changes that are envisioned, including
8 the grocery store, the restaurant, and the
9 fitness facility.

10 So she fully endorses the goals, and
11 approves of the upgrade of the existing
12 commercial building. However, she does not
13 support the building of a 50 to 65 foot
14 structure, and expansion of the criteria from R-
15 1-B residential low density in a commercial zone
16 from MU-3 to MU-4, even if it might comply with
17 the comprehensive plan.

18 She believes that this proceeding
19 should have been a contested case, and objects to
20 the public interest rulemaking. She also asserts
21 that the Zoning Commission is constrained by the
22 US Constitution and zoning rules 304.3 to approve

1 the new building, or map change to allow it,
2 because it would be an impermissible, inverse
3 regulatory taking of Mrs. Rose's property without
4 compensation by allowing an easement on her land.

5 And what she meant by an easement is
6 that when you take the views, and you alter the
7 views, that could very well diminish her
8 property, the value of her property. The views -
9 property, if you have property, you have to have
10 views. And if there's something like the back of
11 a building, at such a 50 to 65 foot height, that
12 would interfere with that, and that that can be
13 considered, we submit, a regulatory inverse
14 taking without compensation, and we'd like to
15 just make you cognizant that those are our
16 concerns.

17 We are concerned about the taking,
18 again, of that air, view, and light, and the fact
19 that the privacy could be diminished. Mrs. Rose
20 intends to build out her rear lot, 843, which
21 backs, would be where the building that, to be
22 built, would overhang. And so if she builds

1 single family homes as a matter of right, then
2 that could alter what her plans are.

3 Who wants to be looking at the back of
4 a building? That would alter her value. So in
5 terms of easement, that's what is meant by
6 easement - the, the shadow effect, looking at a
7 back of a building. She fully supports a grocery
8 and a restaurant, but not at her expense. Not at
9 the value of her property.

10 CHAIRMAN HOOD: I'm going to need you
11 to --

12 MS. RONES: I'm --

13 CHAIRMAN HOOD: -- give your closing
14 thought please.

15 MS. RONES: Certainly. She reserves
16 the right to appeal if approval is granted to the
17 map amendment, to the extent that it may affect
18 her property. Also, she requests the statutory
19 community benefit of imposing a comprehensive
20 watershed infrastructure improvement for the
21 immediate affected area within the 200 foot ambit
22 of the shopping center and buildings, and

1 inclusive of the L Street wall, and to say that
2 not only will the air and light be affected, but
3 the underground also.

4 There is a rumor that there is a
5 stream that may run underneath the property. And
6 because the property was at one time privately
7 owned, there are pipes, large manholes. And so
8 that has to be coordinated. And so there is an
9 issue as to whether or not the property owners in
10 the immediate area would be affected, not only by
11 the air, but underground.

12 CHAIRMAN HOOD: Okay. Okay.

13 MS. RONES: Thank you, Your Honor.

14 CHAIRMAN HOOD: Thank you. All right,
15 Ms. Morgan.

16 MS. MORGAN: I have submitted my
17 statement, and I am against building anything
18 directly behind where I live, at 3245 O Street.
19 I was there when they build the Penn-Branch
20 Shopping Center. And at that particular time, my
21 late husband was living, who was a realtor
22 himself. And we had problems with the

1 construction then.

2 I, I really don't feel that, as far as
3 building directly behind my house, to block my
4 view, as far as the sunlight is concerned, and,
5 and a lot of other things that I have concerns
6 about.

7 Now, that shopping center, when I
8 moved there, it was, Penn-Branch was a used car
9 lot. We had a shop, we had the Safeway. As a
10 matter of fact, we had three Safeways in that, in
11 that community. They moved out.

12 The reason that we did not have what
13 we, a Safeway there now, is because the
14 structure, water was coming down in there. We
15 had a one-stop government agency that was there
16 also. They moved out.

17 All I want to make sure is that if, if
18 they are granted a zoning, they are in, that 30
19 years down the line, whether I'm here or not,
20 when I pass my property on to my children, that
21 they will not have any problems with what is,
22 what comes directly behind our home.

1 I also want to say that people have
2 sat here, and said that they held meetings.
3 There was only one meeting held where the
4 residents directly affected by the zoning, that's
5 directly being the property, and that was held
6 last Monday evening at Pennsylvania Avenue
7 Baptist Church.

8 And this is when we got together.
9 That's why they are here. We got together there,
10 and we decided as a community, whatever happens,
11 you going to see our faces. This is not the
12 first time, but we going to be down here, because
13 we want to make sure that our property is not
14 damaged like the other property that's up on Mass
15 and, on, on Alabama Avenue, where they build
16 Rocket School direct behind those folks' property
17 there, and they had termites, they've had mice,
18 and everything.

19 So we want to make sure, and I want to
20 make sure that my property at 3245 O Street is
21 not impact by what they decide. And the other
22 thing, that community is not Penn Hill. That has

1 never come before the community. The name is
2 Penn-Branch. And I will be willing to say that
3 those of us who oppose, that we can get you 3000
4 signatures not to change it to Penn Hill.

5 CHAIRMAN HOOD: Thank you, Ms. Morgan.
6 Gwendolyn and Edward Jones, I guess, Ms. Jones,
7 you're going to go first.

8 MS. JONES: I'll go first.

9 CHAIRMAN HOOD: Okay. Mr. Jones knows
10 what to do, he, okay.

11 (Laughter.)

12 MS. JONES: Good evening, Mr. Chairman,
13 and members of the Commission. My name is
14 Gwendolyn Jones. I oppose the zoning map
15 amendment for square 5539, lots 835, 838, 839,
16 and 840, case number 17-11.

17 My home is on the 3200 block of O
18 Street Southeast, and directly adjacent to lot,
19 to the lot 840. Re-zoning of these lots directly
20 impact my property and the quality of life for my
21 family.

22 I have three children, one with

1 multiple disabilities, and two with asthma. Re-
2 zonings to MU-4 will allow developers to proceed
3 with construction which will impact the already-
4 fragile structure of my home's foundation, and
5 the health and welfare of my family.

6 I live daily with rainwater runoff,
7 damaging drainage issues, the sounds of early
8 morning trash collection from the Penn-Branch
9 Shopping Center, debris from the trash dumpsters
10 spilling over into my backyard, not to mention
11 the 7-11 food containers and other debris thrown
12 on the front streets of O Street.

13 This map amendment will clearly allow
14 any proposed construction within 51 feet of my
15 backyard, which will exacerbate the existing
16 issues, in addition to new issues I dread
17 imagining, like the stability of the O Street
18 retaining wall.

19 As a native Washingtonian, I value my
20 home, and my, and I have remained in the city
21 that I love. My home is an investment, and life
22 insurance for my children. If the value of my

1 home is jeopardized by construction, or the cost
2 of structural repairs post-construction, what
3 happens to my investment? What happens to the
4 security of my family?

5 Please be sensitive to the
6 preservation of the unique character of my
7 neighborhood, and maintain the family strengths
8 of my community. I urge you to oppose the
9 proposed map amendment. This property should
10 remain zoned as-is. Those wishing to build
11 apartments and additional commercial structures
12 have many alternatives in the Penn-Branch
13 neighborhood from which to choose.

14 The petitioner does not live on the
15 3200 block of O Street, nor does Jair Lynch Real
16 Estate Partners, nor does the ANC Commissioner,
17 nor does the Civic Association president. I
18 live, and am raising my family, on the 3200 block
19 of O Street.

20 I don't have lobbyists. I don't have
21 lawyers. And I don't have a marketing research
22 company. But I do have you, the DC Zoning

1 Commission. I respectfully request your support
2 in opposition to the map amendment requested in
3 zoning case 17-11. Thank you.

4 CHAIRMAN HOOD: Okay. Thank you. Mr.
5 Jones.

6 MR. JONES: Well, it's hard to add to
7 what my wife said.

8 (Laughter.)

9 But I will try. We have the only
10 children on O Street, I do believe, that live
11 behind this shopping center. Their future will
12 be directly impacted by what is done behind our
13 house.

14 Right now, I don't know of any study
15 that has been done on the sub-strata. I have a
16 neighbor who tells me he used to fish behind my
17 house. We're told there are hot springs. And
18 they're talking about going down, what, 30 feet,
19 and then up?

20 What effect is that going to have on
21 our property? See, this is not Highwood. This
22 is not the surrounding areas, where the ANC dude

1 lives.

2 We live where we would directly
3 impacted. No one knocked on my door to say hey,
4 Mr. Jones, how do you feel about this?

5 This ANC person, I don't know him. I
6 saw him for the first time at the meeting Ms.
7 Morgan was talking about.

8 So anybody who says they speak for me
9 is not telling you the truth. I would ask that
10 before you allow any zoning changes to take
11 place, that you make it mandatory that studies be
12 done of what's happening beneath the ground, and,
13 and believe me, you will find that this is not
14 solid ground that they are building on, or that
15 they will be digging into. And we will be
16 directly affected.

17 So will the people who are so for it,
18 who live over on top of that retaining wall. I
19 think if a real study is done, they will find
20 that they may not want to move forward with the
21 project either, because they will lose money.

22 And I'm all for my children having,

1 owning property that is worth something that they
2 may be able to hand on to their children, as
3 often, that doesn't happen in our community.

4 It's not very often that we get to have something
5 to hand down to those who are coming behind us.

6 So I ask that you just consider our
7 investments and our lives, and our livelihoods
8 when you, when you make this decision. Thank
9 you.

10 CHAIRMAN HOOD: Thank you. Let me see.
11 Can I get it to go down some? Am I, am I in the
12 right place? Oh, Mary Hughes, I'm sorry. Okay.
13 I told you this thing was new. I thought it was
14 moving one time. Ms. Hughes?

15 MS. HUGHES: Thank you. Good evening,
16 and thank you for the opportunity to present
17 comments before the commission regarding case
18 number 1711. I am the property owner of square
19 5539, lot 0836, located at 3267 O Street
20 Southeast, and within 200 feet of the proposed
21 zoning change, and directly impacted by the
22 proposed zoning change.

1 While I support the upgrading of the
2 existing commercial facilities known as Penn-
3 Branch Shopping Center, I do not support the
4 proposed zoning change from R-1-B and MU-3 to MU-
5 4.

6 My decision is based on the following
7 considerations, and supported by the district's
8 comprehensive plan, including policy LU-2.1.5,
9 policy LU-2.3.2, policy LU 2.4.5, policy LU-
10 2.4.6, policy UD-2.2.7, policy FNS-1.1.1, and
11 policy FNS-2.6.1.

12 Re-zoning to MU-4, and the planned
13 residential structure, would infringe upon my
14 property, my air and light blockage rights,
15 impairment of my views, and my privacy rights
16 from having residents of the structure peering in
17 and on my family, imposing unreasonable noise,
18 and destroying peaceful enjoyment of our property
19 and the neighborhood, which is pursuant to the
20 Commission's rule 11 DCMR, subtitle A, subsection
21 304.4.

22 My property and the reasonable

1 enjoyment of my home is currently impacted by
2 rainwater runoff, ponding, flooding, structural
3 shifting of walls, and impacted, and shifting of
4 our floors. We also suffer with early morning
5 trash pickup, trash from patrons in the existing
6 dumpsters, which fall not only along the wall
7 that's the, the cinder block wall that's located
8 to the rear of our properties, but filters over
9 into our rear yards.

10 Before any zoning change is considered
11 for square 5539, lots 835, 838, 839, and 840, I
12 propose that a geological testing is needed to
13 ensure the existing shopping center and the
14 surrounding neighborhood are not impacted by
15 additional water leaks, runoff, soil
16 deterioration, and the elimination of any
17 impairment to the O Street retaining wall that's
18 to the rear of our properties.

19 The developer should prepare a
20 comprehensive plan to address the underground
21 pipes, underground streams, water and sewer, and
22 any new infractions the upgrade and/or expansion

1 would impact the abutting property owners.

2 While the above-mentioned comments are
3 vital to the health and well-being of our
4 cohesive neighborhood, it is equally important,
5 if not imperative, that snow is not piled against
6 the rear wall that abuts our property.

7 CHAIRMAN HOOD: Okay.

8 MS. HUGHES: I'd like to take this --

9 CHAIRMAN HOOD: Could I get your --

10 MS. HUGHES: -- opportunity --

11 CHAIRMAN HOOD: Can I get your, the
12 bell rang, I don't, I don't know if I made that
13 announcement --

14 MS. HUGHES: Oh.

15 CHAIRMAN HOOD: -- was, but it, but it
16 rang --

17 MS. HUGHES: I didn't hear it.

18 CHAIRMAN HOOD: -- but I've been
19 letting people go over a little bit. So give us
20 your closing thought.

21 MS. HUGHES: Well, I've, well I'd like
22 to thank, first of all, Ms. Sharon over there for

1 spending so much time with me today on the phone.
2 And I also would like to thank --

3 CHAIRMAN HOOD: Is that why I couldn't
4 get you today?

5 (Laughter.)

6 Okay.

7 MCHAIRMAN HOOD: I would also like to
8 take this opportunity to offer comments to the
9 presumed, to thank the Zoning Commission for this
10 opportunity to make my comments, as well as make
11 one other comment.

12 I only received notice of this
13 proposed zoning change mid-August. I was not
14 aware of any meetings. I have Mr. Donovan, I put
15 a call into him. I never received a return phone
16 call. So as a property owner who is directly
17 impacted by this project, or proposed zoning
18 change, I urge you to vote no. Thank you.

19 CHAIRMAN HOOD: Thank you. Next.

20 MR. BUSH: Good evening. I'd like to
21 thank the Zoning Commission for, for having us.
22 My name is Sylvester Bush, and I reside at 3342

1 Highwood Drive Southeast. Although I do not live
2 on O Street, I live in the community, and, and
3 what impacts my neighbors impacts me also,
4 because if they hurt, I hurt, and that's what
5 community's about.

6 And, and so, we all agree, I mean,
7 you, even those that are for this project agree
8 that we want a thriving, bustling shopping center
9 with restaurants, a grocery chain, and retail,
10 but not at any cost. Okay, you know, we're
11 concerned about the adequate infrastructure,
12 vehicular traffic, but again, not at any cost.

13 You know, they, they have vision,
14 however they are not bound by it. So if they get
15 to change to MU-4, there is, and they, people
16 have said they're upright, they're honest people.
17 But there are not bound by what they tell us.
18 They can change that at will. I mean, because
19 that's what it means, you know, they can do it
20 however they want to do. And they're going to do
21 what's advantageous to them, and not for us.

22 The proposed re-zoning, MU, to MU-4,

1 is inconsistent with the Pennsylvania Avenue East
2 small area plan for the following reasons: the
3 height. The small area plan calls for a maximum
4 of 50 feet, and that's measured from the lowest
5 point. Okay, and so the 2008 SAP was drafted
6 before ZR-2016 authorized habitable penthouses.

7 And so also, there's a conflict
8 between the applicable documents. There's a
9 conflict between the SAP and the application.
10 The SAP refers to the Pennsylvania Avenue
11 Shopping Center site as comprising 1.72 acres.
12 The Applicant state that it intends to re-zone
13 3.5, twice the amount proposed for re-zoning in
14 the SAP.

15 The future land use map apparently
16 strips the entire 3.5 acres, but FUM stripping
17 does not automatically presume that an entire
18 stripped area will rebuild to the maximum
19 envelope.

20 Next, the, the setbacks and lot
21 occupancies allowed on the MU-4 conflict with the
22 guiding philosophy of the neighborhood

1 conservation area. The required setback for MU-4
2 is 15 feet, meaning that new construction will
3 loom over the backyards of its abutting O Street
4 neighbors, destroying their privacy, light, and
5 air. And, and air rights are important.

6 We, we hear about the shadowing. If,
7 now, the people on O Street, they live there.
8 Some of our people that were for the project,
9 they don't live there. So if, if your shade is
10 taken, your air is taken, would you have the same
11 feel, by which you, you know, still want this
12 project to go forward?

13 Finally, I recommend a customized
14 neighborhood commercial zone. I think it's
15 appropriate for this site. ZR-16 contains
16 numbers, neighborhood commercial zones tailored
17 to the need of individual neighborhoods. So
18 therefore, I recommend that you don't approve
19 this project, but do approve it with the
20 commercial zones. Thank you very much.

21 CHAIRMAN HOOD: Okay. Thank you.

22 Next. Ms. Richards.

1 MS. RICHARDS: Thank you. I
2 respectfully request five minutes, since I'm
3 testifying on behalf of an, an organization, the
4 O Street Neighbors and Friends. They're an
5 unincorporated association formed to combat this
6 particular, or at least to make its voice heard
7 on this particular zoning proposal.

8 The proposed re-zoning to MU-4 is
9 inconsistent with these, Pennsylvania Avenue, at
10 least, small area plans, and therefore with the
11 comprehensive plan for reasons you have heard. I
12 will just highlight a couple of them.

13 And that is the height. The, the
14 neighbors did work hard to get comments made to
15 the small area plan seeking 50 feet, and that's
16 in the notes to the appendix. And also, it's,
17 it's in the, the small area plan was amended to
18 state that there would be a, all heights would be
19 measured from the lowest points. And those
20 comments were made before the City Council, and
21 that's why those amendments and footnotes are
22 added to the small area plans, reflecting that

1 testimony of the neighbors. And we, we put those
2 in there, our insistence for such a time as this.

3 Second, this is going to be a 65 foot
4 building. It says 50 feet, but that, the, that
5 pre-dates ZR-16, with a habitable penthouse.

6 Under MU-4 and ZR-16, you can have a, you have 50
7 feet with the Z, with the OZ, IZ bonus, you get
8 to go up to, well you still get 50 feet, but you
9 get up, a 15-foot penthouse by virtue of the MU-
10 4. MU-3 wouldn't have it.

11 So that means you can have a 9 to 10
12 foot high habitable penthouse, and then you get
13 your stub, mechanical penthouse above that. So
14 we're really talking about a 60 foot building
15 here, of habitable space. And that's, that's
16 just not what the neighbors bargained for at all,
17 when we went to a lot of effort to get a
18 customized small area plan.

19 And that was never made clear. I
20 mean, the, throughout this proceeding, at every
21 meeting I've been to, the Applicant represented,
22 we're going to build a 50 feet, 50 feet. They

1 never stuck in, oh, and by the way, we're going
2 to have a 15 foot penthouse with habitable space.

3 There is a conflict between applicable
4 documents. The SAP does make two references,
5 when it talks about Penn-Branch, to the area
6 proposed to be re-zone being 1.72 acres, and the
7 area in, that is the subject of this zoning
8 proposal is the full 3.5 acres. That's just a
9 conflict, and I'm not going to sit here and try
10 to resolve it tonight.

11 But if I can submit, it is not a
12 conflict that this Commission can ignore in its
13 decision-making, okay.

14 But it does call into question, in the
15 small area plan, how much of that sight was in
16 OP's mind when it went forward with the small
17 area plan.

18 Also, I will note that the final
19 footnote to the Penn-Branch section to the plan
20 states that it is OP's, let me see if I can find
21 that quote real fast. Okay. Let's see. Maybe I
22 can't. Yeah, where is that one? Okay. Yep.

1 OP clarifies that the intent of the
2 proposed land use recommendations for the Penn-
3 Branch Shopping Center opportunity site is to
4 support additional low density retail and
5 residential development along Pennsylvania Avenue
6 that is consistent with other low-moderate
7 density opportunities.

8 But it, notice, support additional low
9 density retail and residential. Now, maybe
10 that's a, you know, that, I know the land use map
11 says moderate density residential, and it's
12 striped with low density commercial. But this is
13 text in the small area plan specifically
14 clarifying OP's intent, and that was the language
15 adopted by the Council.

16 So I submit, again, you cannot ignore
17 these conflicts. They must be resolved. And I
18 think that, let's see, and I will proceed.

19 But let's, let's get back to what, the
20 setbacks and lot occupancy allowed under MU-4
21 conflict with the guiding philosophy of
22 neighborhood conservation areas -- and you've

1 heard quite a bit about that.

2 The required MU setback is 15 feet,
3 and I believe Mr. Glasgow might have said it's as
4 little as 12 feet. And the taller building -
5 well, we're not really talking about, like,
6 specific projects. But under MU, the MU-4
7 maximum envelope, the Applicant, an Applicant
8 could build 75 percent lot occupancy, 50 feet
9 plus a big penthouse with maybe rooftop.

10 Okay. Now, I have, like, submitted a,
11 sections of map here so that you will see.
12 There's nothing in the neighborhood that's built
13 at that kind of lot occupancy. It's just not
14 there. A 75 percent lot occupancy is going to
15 dramatically, dramatically change the character
16 of this kind of major intersection. And 65 feet
17 as well, you know, with the penthouse. Too much.

18 So I will, like, go ahead and say, and
19 you've heard. So I cannot add to the O Street
20 neighbors elegant testimony about, you know, this
21 looming tower, except to say let's make clear
22 that, the, they sit down, there is a retaining

1 wall between their back yards and the shopping
2 center parking lot, and they actually sit below
3 the shopping center. So not only is it a 65 foot
4 building on the, perched on the edge of the
5 property line practically, 15 feet - but when you
6 look at how far down their lots are, that, that
7 building's going to loom even taller over them.

8 So in terms of encroachments, you've
9 heard the Rocketship mentioned, Rocketship
10 School. I put a picture of it, how that's
11 developing. That's a matter-of-right school on a
12 flag lot, not too far from here.

13 They got away with an eight foot side
14 yard. And you know, we, they tried to fight it.
15 So here you have a two-story building with an
16 eight-foot side setback that's already, like,
17 going to loom --

18 CHAIRMAN HOOD: Ms. Richards, I'm going
19 to need your --

20 MS. RICHARDS: -- over --

21 CHAIRMAN HOOD: -- I'm going to need
22 your closing thought.

1 MS. RICHARDS: Okay. It's a little, if
2 you can, if you can imagine the, the kind of
3 crampedness of, of a two story building that's
4 build close to the edge of a residential
5 neighborhood, imagine what this is going to be
6 like. But you get the idea.

7 So the closing thought is, there is a
8 solution, customized neighborhood commercial
9 zone. We can resolve these. You know, if MU-3
10 doesn't quite work, you know, maybe in, there's,
11 there's, there's a solution to this, because
12 everybody realizes something, you know, maybe
13 ought to happen.

14 So O Street Neighbors and Friends ask
15 that the application be re-noticed for a
16 neighborhood commercial zone. Failing that, it
17 should be re-zoned to MU-3. Otherwise, re-zoning
18 should be denied outright for the reasons stated
19 above. I so conclude.

20 CHAIRMAN HOOD: Okay.

21 MS. RICHARDS: Mmhmm.

22 CHAIRMAN HOOD: Thank you very much.

1 Let me go to Ms. Alberta Paul.

2 MS. PAUL: Good evening. My name is
3 Alberta Paul, and I reside at 3721 Carpenter
4 Street Southeast, and I thank you for this
5 opportunity to present comments regarding the re-
6 zoning of the rear parking lot of the Penn-Branch
7 Shopping Center, known in this case as 3200
8 Pennsylvania Avenue, PJV, LLC, case number 17-11.

9 As a 32 year long resident of the
10 Penn-Branch community, I am submitting testimony
11 in reserve opposition to the proposed request for
12 a map amendment change that clearly does not look
13 at the historical value of the name of this
14 community shown by the name change indicated in
15 the flyer requesting this change as part of the,
16 of the documents of the Applicant.

17 There is something in a name, and each
18 resident -- short term or long term -- have
19 embraced the name of this community as being
20 Penn-Branch versus Penn Hill.

21 As the developer moves through this
22 city, a courtesy dialogue must occur when they

1 feel changes in the name of a given community
2 will make significant impact on their intended
3 economic goal. No such dialogue occurred in this
4 instance.

5 Good consensus and dialogue could have
6 resulted in a shift of the name, such as Penn-
7 Branch Shopping on the Hill. Residents merely
8 were alerted to this change by the flyers, the
9 filer's website, and literature that became
10 available shortly after the requests for zoning
11 changes were made to this body.

12 To understand the concerns of this
13 community, the Zoning Commission must travel to
14 this beautiful community, and see why resident
15 businesses alike would like you to see before you
16 make a decision.

17 A traffic safety plan integrated into
18 the approval process now, showing not only how
19 the consumers would get in and out of this center
20 front and rear, but how delivery trucks would be
21 handled front and rear to mitigate traffic
22 congestion in this small center.

1 Architectural restrictions that could
2 be imposed should be included that make it
3 mandatory that the design for the non-blockage of
4 existing views be spared the total site of the
5 rear of the buildings by not exceeding the
6 community's desired height restrictions.

7 Usage of brick, stone, or some form of
8 masonry on the outer components of the proposed
9 building would be in keeping with the existing
10 structures and the immediate community once
11 height restrictions are approved.

12 Wall structures that are pleasing must
13 be built in the rear of the new housing. It must
14 be at least ten feet in height to provide owners
15 of the homes on O Street specifically, 3200
16 block, to be, provide protection from the noise
17 volume increases, mitigate some of the increased
18 fumes from the motorists' trucks and cars, make
19 it difficult for individuals -- new consumers,
20 nonresidents -- to enter the yards of the
21 residents at O Street, which will then enhance
22 safety for all of them.

1 A geological assessment of the water
2 table should also be included, since the adjacent
3 street -- 3200 block -- based on the public
4 record, was a small river in the 1700s. And when
5 homes were finally built in 1942, it had become a
6 bubbling creek that was filled in.

7 This assessment could, would be used
8 by the developer to design a proper water
9 management system that redirects all water on
10 their property, where they plan to build housing,
11 into a proper storm water management system owned
12 by the city. This action would avoid runoff onto
13 O Street Southeast, where water issues are
14 already prevalent.

15 Current plans should move the proposed
16 structure back five feet, so from, off of Branch
17 Avenue, so that it is not too close to egress and
18 ingress points into the property, while expanding
19 to the two, the two existing driveways on Branch
20 to 22 feet in width, which allows two vehicles to
21 pass comfortably, going, transversing in opposite
22 direction.

1 Using the government owned land that
2 abuts the current ramp, which is estimated as
3 three to five feet to the west of the parking
4 lot, in the middle of the parking lot, should be
5 given to them, that moves that, that would move
6 that, that would allow them to have a wider ramp
7 to let 18-wheelers who would be delivering goods
8 to these new retail businesses in the back and
9 the front a proper place to come in, so they all
10 don't come in off of Branch Avenue, thus
11 increasing noise on O Street. In closing --

12 CHAIRMAN HOOD: Ms. Paul, can we --

13 MS. PAUL: The, in closing --

14 CHAIRMAN HOOD: There you go.

15 MS. PAUL: -- the proposed --

16 (Laughter.)

17 CHAIRMAN HOOD: You good, you, you
18 good.

19 MS. PAUL: In closing, the proposal is
20 stymied with assumptions that should never be
21 made by a community, and should be replete with
22 designs and conditional acts, or amendments to

1 current zoning, that show a developer truly knows
2 the community in which he or she will be
3 building.

4 We have seen past acts, bad acts
5 throughout the city, where the community stayed
6 silent, and now those communities have half-
7 filled condo buildings with an average 45 percent
8 occupancy, where no amenities are by the intended
9 by the end users.

10 After the line for name changes,
11 height changes, and no parking accommodation or
12 traffic analysis, the communities end up with
13 nothing.

14 This community desires growth, accepts
15 change, but all change must come with dialogue
16 and honest sharing of plans that we all can
17 compromise on, and make this a win-win for all.
18 Thank you.

19 CHAIRMAN HOOD: Thank you. Colleagues,
20 any questions or comments?

21 COMMISSIONER MAY: I --

22 CHAIRMAN HOOD: Oh, Commissioner May.

1 COMMISSIONER MAY: Ms. Richards. So I,
2 couple quick questions. The, the first is that,
3 that you've been aware of this re-zoning effort
4 for some time, right? This didn't catch you by
5 surprise, did it?

6 You need to have your microphone on,
7 and close.

8 MS. RICHARDS: Let me say this. We
9 were aware of, the neighborhood was made aware of
10 the auction, okay? And we were also told that
11 the --

12 COMMISSIONER MAY: I'm, I'm, I'm not
13 asking --

14 MS. RICHARDS: Okay --

15 COMMISSIONER MAY: -- for a whole
16 history. I'm just wondering --

17 MS. RICHARDS: Okay, I'm sorry. Yes.

18 COMMISSIONER MAY: -- when did you
19 learn that they were, they wanted to re-zone the
20 property, that they filed the application?

21 MS. RICHARDS: They filed the
22 application? Around last April.

1 COMMISSIONER MAY: Yeah. Okay. So,
2 and you suggested that a, a custom neighborhood
3 commercial zone might be a solution. Is that
4 something that you suggested to anybody else
5 during the process?

6 MS. RICHARDS: I have suggested it to
7 a number of my neighbors. I have raised a number
8 of concerns with, I, I raised --

9 COMMISSIONER MAY: Did you suggest --

10 MS. RICHARDS: -- a number of questions
11 --

12 COMMISSIONER MAY: -- to the Applicant,
13 or to the Office of Planning?

14 MS. RICHARDS: I submitted a 20
15 questions to be submitted to the Applicant
16 through the ANC. And those were, those questions
17 went to the Applicant. And --

18 COMMISSIONER MAY: And, and that
19 included, would they consider doing a
20 neighborhood commercial custom --

21 MS. RICHARDS: I don't know if --

22 COMMISSIONER MAY: -- zone.

1 MS. RICHARDS: -- it included that
2 exactly, but it included enough stuff that was
3 close to it. I don't know if I used that exact,
4 those exact --

5 COMMISSIONER MAY: Right.

6 MS. RICHARDS: -- words at that time.

7 COMMISSIONER MAY: Okay.

8 MS. RICHARDS: Mmhmm.

9 COMMISSIONER MAY: Thank you.

10 CHAIRMAN HOOD: Any other questions?
11 Okay, I just have a few comments. I want to ask
12 Ms. Rones and Ms. Richards, if you could supply
13 me with the right to have a view, I've always
14 been told, and I've been advised over the years
15 I've been here, the Supreme Court says you don't
16 buy a view. So you all - and I'm, Ms. Richards,
17 I don't know if you testified to that, but I know
18 you do a lot of research.

19 MS. RICHARDS: Mmhmm.

20 CHAIRMAN HOOD: But Ms. Rones, you
21 actually mentioned that as well. So if you could
22 just provide me that for the record, where it

1 says reverse of what the Supreme Court is saying,
2 as far as the view. As far as where you buy a
3 view, because we do stuff all over this city, and
4 that's what I've, always hear, when we're
5 blocking views, that you don't have a right, you
6 don't buy a view. You buy a, a property, or a
7 house, but you don't buy the view.

8 But if you could supply that to, for
9 the record, I'd really appreciate it. Okay?

10 Ms. Richards, if you could help out
11 with that, that'd, I would appreciate it as well
12 -- if, if you could find it.

13 MS. RICHARDS: Not a problem, sir.

14 CHAIRMAN HOOD: Okay. I was going to
15 ask a question about the ANC meeting, but I
16 didn't make my notes right. Let me, Penn Hill,
17 Penn, Penn-Branch. I think, I think when you
18 change the names of neighborhoods, I would
19 concur. I'm not sure what's all on going on
20 there, because this is a re-zoning case for us.
21 So I'm sure, I would, I would encourage the
22 Applicant, whatever they decide to do, if, if it

1 goes forward, to make sure they collaborate with
2 the community about names.

3 I've spent many days in the dentist's
4 office at Penn-Branch, so I know all about Penn-
5 Branch -- and this was maybe 40 years ago.

6 (Laughter.)

7 Dr. Martin. Yeah, y'all know, so I've
8 been there every Saturday, unfortunately. Every
9 Saturday, basically.

10 So, at least my mother knew where I
11 was at that time.

12 But I will tell you that, that it's
13 very important.

14 And you also mentioned something that,
15 I'm hearing a lot about a underground stream. We
16 have a lot of things that, I'm not going to say
17 it's not within our jurisdiction, but we do have,
18 at some point in time, whether this, whatever
19 project moves forward is going to have to go in
20 front of the Department of Energy and the
21 environment, and they do a full analysis. They
22 are the subject matter experts on that, with this

1 underground stream that I'm hearing about.

2 So whatever project, if there is a,
3 there, there are some other write-offs besides
4 the Zoning Commission doing it. Basically, what
5 we are just doing is looking at a re-zoning.

6 Okay? All right.

7 And that's all I have.

8 So if I can get that, Ms., the
9 information about the view, buying a view, I
10 would, I would greatly appreciate that.

11 Any other questions up here.

12 Hold on a second. Vice Chair?

13 VICE CHAIR MILLER: Thank you, Mr.,
14 thank you, Mr. Chairman. Thank you each for your
15 testimony. And yeah, it's, it's, it's a little
16 bit frustrating, because we're dealing with a re-
17 zoning, and you're talking about what impact a
18 particular development might have.

19 And there will be permitting review
20 agencies, including the Energy and Department,
21 Energy Environment Department, and DCRA, that
22 will have to review all that, and, and Water and

1 Sewer, and, and, and the Applicant would want
2 this to be a successful project, too. They don't
3 want it to sink into the ground, or into the
4 water.

5 I'm old enough to vaguely remember, I
6 think in the Wilson building, approving the
7 appropriation for the, for the O Street retaining
8 wall back in 1979 or '80. So the, is it the same
9 wall, or did it have to be rebuilt?

10 Okay. Yeah. So then, there is a,
11 there's an issue there, and the developer would
12 want the project to be successful, and not sink
13 into the ground there. And the, the district
14 permitting agencies are going to have to -- but
15 we're not, we're not, we're just looking at a map
16 amendment, so it's, it's, it's a little
17 frustrating.

18 But I understand the concern that you
19 have. I think we may need to, if we haven't
20 already requested it, in terms of, if we, if it
21 isn't already in the record, maybe a, a shadow
22 study that shows what the map amendment would

1 allow with, either by right, or with the, with
2 the, with the penthouse on, that's allowed by
3 right, what that would, effect that would have on
4 the, on the properties adjacent. It'd be useful,
5 maybe, for us to have that from the Applicant in
6 this case. So I think that's, that would,
7 that's, I'm glad that people have brought that up
8 before us. So we'll, we'll look at those issues,
9 and the other issues that you've raised. So
10 thank you for coming.

11 Yes, Mr. Jones.

12 MR. JONES: Pardon my ignorance. I
13 wasn't aware - and this is my ignorance - that
14 the zoning process did not include the geography
15 of where those zones was being proposed to be
16 changed. It, to me it seems illogical to zone in
17 a specific way on land that cannot, or may not be
18 able to support the proposed zoning changes.

19 So geography pays, plays no role
20 whatsoever when you, when you re-zone? I, and
21 that is a question. And I'm sorry for my
22 ignorance. Please forgive me.

1 CHAIRMAN HOOD: Redirect to, I'm going
2 to let the parks, I mean, I'm going to let the,
3 but let me, are you directing the question to me,
4 or?

5 MR. JONES: Well, to the Committee in
6 general, because I, I really don't know. I'm
7 sorry. This is my first time. I work. Just
8 like, I mean, you're at work now, but --

9 CHAIRMAN HOOD: No, no, no, I'm not at
10 work now. I'm, I'm, actually, this is more or
11 less a volunteer job --

12 MR. JONES: Oh! Okay.

13 CHAIRMAN HOOD: -- I'm, I'm at work
14 during the day.

15 MR. JONES: Oh, exactly.

16 CHAIRMAN HOOD: I got a job too.

17 MR. JONES: I get it.

18 CHAIRMAN HOOD: So --

19 MR. JONES: I get it.

20 (Laughter.)

21 I get it.

22 CHAIRMAN HOOD: So let's make sure --

1 MR. JONES: Right.

2 CHAIRMAN HOOD: I, I do work.

3 MR. JONES: Exactly. Well, and, and

4 I'm not --

5 CHAIRMAN HOOD: And this is additional

6 --

7 MR. JONES: -- and I'm really asking a,
8 a, a honest question, because I don't know.

9 CHAIRMAN HOOD: Right, and, and we
10 appreciate the question. I'm going to let my
11 colleagues comment, but yes. A lot of things
12 come into fact, than what we do. But there are
13 different avenues. As we mentioned, we have
14 other agencies who are the subject matter experts
15 on those.

16 We basically deal with the land use,
17 how the land is going to be used. Now, if some
18 other factors come into play that pull away from
19 that, then that's dealt with at that time. But
20 I'm sure that I'm going to let my good friend
21 over to my right, or whoever else, to chime in on
22 that. But that's my answer.

1 COMMISSIONER MAY: No, I, I, I think
2 you hit the nail on the head. There are other
3 agencies that are responsible for some of those
4 other concerns.

5 The topography is a factor when you
6 consider zoning, just because that has, that
7 affects how you measure the height of buildings.
8 If you're on a sloped street, you know, where do
9 you set the height of measuring the building?
10 That's about the extent of it.

11 CHAIRMAN HOOD: Mr., yes?

12 MR. BUSH: No, just to, just to
13 piggyback on his question, though, but if, if the
14 zoning is the, the first --

15 COMMISSIONER MAY: Can you state your
16 name again? I --

17 MR. BUSH: I'm sorry, Sylvester Bush.
18 But if, if zoning is the first phase, because the
19 other agencies will not get involved until it's
20 zoned. It's got to be zoned first, okay? And
21 then after it's a zone, that means then it can be
22 built on.

1 But if, if it doesn't pass a zoning,
2 the other agencies don't get involved.

3 CHAIRMAN HOOD: Mmhmm.

4 MR. BUSH: I mean, I, I built a house,
5 and that's, you know, the hardest part is going
6 through zoning. If you don't get through zoning,
7 your plans don't mean anything.

8 CHAIRMAN HOOD: Mmhmm. And they're,
9 and they're asking, in this case, they're asking
10 for a re-zoning, right?

11 MR. BUSH: Right.

12 CHAIRMAN HOOD: So if that re-zoning is
13 approved there are some other factors, because we
14 don't have a, you may know of a development. But
15 right now, in front of this Commission, there's
16 no such development.

17 As you heard my colleagues ask --

18 MR. BUSH: Right.

19 CHAIRMAN HOOD: -- for a worst case
20 scenario.

21 MR. BUSH: Right.

22 CHAIRMAN HOOD: Now, you all may have

1 discussed development, the Applicant may have
2 told you, particularly, something, what they're
3 thinking, what they're visioning, envisioning.
4 But from our standpoint, we have to deal with
5 just a re-zoning.

6 That's why you heard us ask for the
7 worst case scenario --

8 MR. BUSH: Okay.

9 CHAIRMAN HOOD: So it looks at some of
10 the questions that you're asking.

11 MR. BUSH: Now, okay.

12 CHAIRMAN HOOD: So that's the way we
13 have to do that. This is not a PUD, where we can
14 go in and say, we, you can't go back but so far,
15 you can't go high but so far, you can't do this,
16 there, there's, there are certain requirements
17 for each zone.

18 MR. BUSH: Right.

19 CHAIRMAN HOOD: Okay?

20 MR. BUSH: No, I --

21 CHAIRMAN HOOD: So --

22 MR. BUSH: -- I guess I, the point I

1 was trying to make was, the fact is that if, if
2 it's not re-zoned, you would never get to the --

3 CHAIRMAN HOOD: I, I know where you
4 going with that.

5 MR. BUSH: Okay, so that, that's all
6 I'm saying to the --

7 CHAIRMAN HOOD: Because then we won't
8 have to go any further.

9 MR. BUSH: Right.

10 CHAIRMAN HOOD: And then they'll just
11 build a MU-3, or, or something very undesirable,
12 probably.

13 (Laughter.)

14 So anyway, I'll just, I'll just --

15 MR. BUSH: I'm --

16 CHAIRMAN HOOD: -- leave it at that.

17 MR. BUSH: Thank you, sir.

18 CHAIRMAN HOOD: Because I, I, I've been
19 here long enough sometime to be, I have to be
20 very careful of what, because I've done it in my
21 neighborhood. I have to be careful of what I ask
22 for, because I got it. Okay.

1 All right, any other questions up
2 here?

3 All right, so if I could just get
4 that, I think I just asked for one thing. Okay.
5 Thank you very much. Thank you all. We
6 appreciate your testimony.

7 Okay, let's, I have four more people
8 on the witness list. Let me call the names:
9 Marla Dean, Terrence Clemens, Tara May, and Alton
10 Haynes. Is there anyone else who'd like to
11 testify in opposition at this time? If you can
12 come forward. You can come forward. You don't
13 want to come forward?

14 If we have, do we have the handheld
15 mic? Let me see if, if somebody can help her.

16 Oh, you're going to testify for her?

17 Okay, turn your mic on so we can get

18 --

19 MS. DEAN: Okay.

20 CHAIRMAN HOOD: Okay, she came forward,
21 so we good.

22 MS. DEAN: Yes.

1 CHAIRMAN HOOD: Anybody else who's here
2 in opposition? Who'd like to testify? Okay, so
3 we're going to close with this panel here. We're
4 going to start with you, sir. Give her a chance
5 to herself.

6 REV. HAYNES: Good evening, gentlemen.
7 My name is Alton Haynes. I live at 3027 Nash
8 Place Southeast for well over the last 40 years.
9 I'm just a couple of steps south of 70.

10 And I want to commend you all first
11 for the sincere interest you all have shown, and
12 the question you've asked, and Chairman Hood, I
13 really want to thank you for stating that you had
14 the community's interest at heart in asking your
15 questions. And, and Commissioner Miller, I want
16 to thank you for asking for a visionary thing,
17 because I wasn't going to speak before those two
18 things came up, and then I went and registered.

19 Being a pastor in that neighborhood,
20 I'm a little concerned that you had a couple of
21 people in here speak tonight, stating they're
22 representing the neighborhood, and I'm totally

1 confused, because the only meeting I know about
2 was the meeting that they held at Pennsylvania
3 Avenue Baptist Church here a couple of weeks ago.
4 I haven't received anything at my house, or
5 anything else concerning the project that they
6 was intending.

7 In August, when I was coming down
8 Branch Avenue on the way home with my 23 year old
9 twin grandchildren, we stopped, because we saw
10 what was going on in the back parking lot. We
11 stopped, and they were serving free ice cream,
12 and, and showing their vision for this. But at
13 that time, they never said anything about, it had
14 to be re-zoned, or anything else. They was just
15 showing what could take place at that particular
16 location.

17 And I want to leave something with you
18 that my 23 year old grandchildren said, once they
19 went over there, and got that free ice cream.
20 They said, you know, granddaddy, this is, this is
21 interesting. We getting some free ice cream.
22 Don't nothing come free 'round here.

1 And so, I'm going to leave you with
2 that thought, and the thought that not one
3 religious person was represented in here tonight.
4 And sitting all the way back there in the back, I
5 noticed after the people that, two people that
6 was representing, supposedly representing the
7 neighborhood, they're not even interested enough
8 to stay. They're gone.

9 And I got a sneaky feeling of one of
10 them in the bed with the contractors, because I
11 saw something going on. That's all I'm going to
12 say.

13 CHAIRMAN HOOD: Thank you. And you
14 said you're a minister. Are, are you a minister?

15 REV. HAYNES: Yes, I am.

16 CHAIRMAN HOOD: You said, okay --

17 REV. HAYNES: I'm pastor at Faith's
18 Shepherd Baptist Church, 3233 E Street Southeast.

19 CHAIRMAN HOOD: Okay.

20 REV. HAYNES: And I live at 3027 Nash
21 Place Southeast, so about two blocks behind the
22 shopping center.

1 CHAIRMAN HOOD: And what's your church
2 again? I'm just --

3 REV. HAYNES: Faith's Shepherd Baptist
4 --

5 CHAIRMAN HOOD: Yes, sir.

6 REV. HAYNES: -- Church.

7 CHAIRMAN HOOD: Okay.

8 REV. HAYNES: 3233 E Street. We built
9 it about two years ago.

10 CHAIRMAN HOOD: Okay.

11 REV. HAYNES: Also, that creek you all
12 was talking about, that is a fact.

13 CHAIRMAN HOOD: Okay.

14 REV. HAYNES: It was there, and they
15 covered it --

16 CHAIRMAN HOOD: We --

17 REV. HAYNES: -- with dirt.

18 CHAIRMAN HOOD: -- we, we, we may have
19 some questions. I just wanted to know, I wanted
20 to get that in, sometime I sidebar, but I just
21 want to know what church. Okay. Next.

22 MR. BANKS: Yes, my name is James H.

1 Banks, Jr. I also live in the area of
2 Washington, DC on O Street, and I live right
3 across the street from Mrs. Morgan, whose house I
4 know is, can be directly impacted by some of the
5 things that are going to take place, should they
6 take place.

7 I have lived on the street, in fact,
8 our family was one of the first families on the
9 street where we live, and I can attest to the
10 fact that they do have numerous water problems,
11 and things of that nature.

12 When we moved on the street, we were
13 one of the first families on the street. When we
14 moved on the street, it actually had creeks and
15 water. Also, a lot of shrubbery. But now,
16 people are still having problems in terms of
17 that.

18 I know we're not here to basically
19 talk about the water problems, but we do know
20 that by constructing, that things like that can
21 impact the neighborhood. I'm here to say that,
22 you know, I'm opposed simply because I've seen,

1 I've seen the destruction of peoples' basements
2 myself, and I also know that by building that
3 structure higher than it needs to be, will
4 definitely impact their homes.

5 And I came in support of my neighbor.
6 We have a closely knit community, and I felt
7 that, you know, that I might be able to help by
8 presenting my own testimony. And that's why I'm
9 here today.

10 CHAIRMAN HOOD: Thank you. Next.

11 MS. MAY: Hi, my name is Tara May.

12 CHAIRMAN HOOD: Let's see if somebody
13 can give you a mic. Like that. There we go.

14 MS. MAY: Hi, my name is Tara May. I'm
15 a new resident to O Street. I've been here a
16 little over a year. And I was not aware of the
17 fact that they were planning on trying to re-zone
18 the area. If I'd have known that, I would not
19 have purchased my home.

20 I found out through my neighbor, Ms.
21 Morgan, and my first thought was, it's time for
22 me to put my house on the market, because I've

1 been through that before in DC, with them re-
2 zoning the, the area over there, or the rec
3 center on East Capitol Street. And at that time,
4 I was the president of the homeowner's
5 association, and I knew the impact that it had
6 with the homes that was right up against the
7 property.

8 The re-zoning would definitely impact
9 my property, because my back is facing the
10 shopping center. And with the, my concern in
11 the, is the residential part of it, because the
12 privacy will be gone. I would lose the privacy.
13 I do have a child in the neighborhood. I know
14 some people think that there, there's not a lot
15 of children in the neighborhood, but there really
16 are.

17 And right now, and I can sit out back
18 of my house, and I might see people here and
19 there, but I'm really concerned about, with me
20 having a child, the danger of me being able to
21 keep things in my backyard. I now, I have to
22 install a camera, because if you talking about

1 building homes, apartments, or condos, that they
2 could directly impact, look down into what we
3 have. And then the foot traffic.

4 And my major concern is, I do not have
5 pets in my house. DC has one of the huge
6 populations of rats, and I do not want to have to
7 deal with keeping to keep rats outside of my
8 house when they start disturbing the ground. So
9 thank you.

10 CHAIRMAN HOOD: Thank you. Next.

11 MR. CLEMENS: Hello, my name is
12 Terrence Clements. I live at 3244 O Street
13 Southeast, so my house is directly across the
14 street from the Penn-Branch Center, so we'll be
15 directly impacted. If this structure goes any
16 higher, we can, right out my front door, I can
17 see this.

18 I know we may not have a, a right to
19 the views, but I know we have a right to privacy
20 in there, and that's -- I'm, additionally, I'm
21 one of the residents on the street that has two
22 small children, a four year old, a one year old,

1 and another baby on the way.

2 And so we're talking about the quality
3 of air and life, talking about traffic in our
4 streets. Right now, they have police on our
5 streets, because people zoom down in the
6 mornings, hard to get out of our driveways now.
7 And so we're talking about an influx of more
8 traffic, it's going to be an issue for all the
9 residents on O Street as well.

10 And so we're also talking about a gym
11 in the area. And while that is nice, there is a,
12 a DC Dream Center on Q Street. Just down the
13 block a few feet, they have an art center, dance
14 studio, computer lab, basketball courts, and a
15 recording studio. So I think it's open to all of
16 the residents that live in the neighborhood. We
17 may not be taking advantage of that, but that is
18 there for us.

19 So with that said, I would like to
20 keep my privacy, air, you know, and light, and
21 somewhere where my family is, in our front living
22 room, we have the light of the day, play around

1 with my kids, and that would have a huge impact
2 on us.

3 So with that, I would hope that you
4 would vote against re-zoning, this re-zoning
5 authorization.

6 CHAIRMAN HOOD: Thank you. Next.

7 MS. DEAN: Good evening. My name is
8 Marla Dean, and I live at 3240 O Street. And I
9 support the refurbishing of the current building.
10 In fact, I would like to move my organization,
11 Bright Beginnings there. So totally support
12 that.

13 What I do not support is the fact that
14 they have not engaged the community as they say
15 they have. In fact, I have spoken on many
16 occasions, as one of the younger -- so-called
17 younger -- residents of O Street. Which means --
18 I'm 48, so I'm not that young -- but I've said
19 that many of my residents, my neighbors, are ill,
20 and they cannot come to these meetings.

21 And so, if you don't have a meeting
22 right on our block, and if you don't knock on the

1 door, and you don't let them know, then you are
2 not engaging them. In fact, Ms. Morgan and I,
3 and Ms. Richards met with our ANC Chair, and we
4 wanted to see the resolution, and Mr. Hammond
5 would not even let us see the resolution to even
6 know what they were agreeing to.

7 Furthermore, we said this same
8 comment. I do, because I go to many meetings,
9 and said the same thing to the Penn-Branch Civic
10 Association. I have letters from my elderly
11 residents on my block, all in opposition -
12 because they can't come out.

13 Ms. Kane had her daughter, who's here
14 from Atlanta, who brought her here. But most of
15 my neighbors are not mobile, and can't come out -
16 and I've expressed this to Jair Lynch, I've
17 expressed it to Penn-Branch Civic Association,
18 and I've expressed this to Mr. Hammond, none of
19 which heard it, and came here and misrepresented
20 what they say about O Street.

21 They do not speak for O Street. You
22 can see O Street is here, and we do not support

1 this at all.

2 CHAIRMAN HOOD: Thank you. Next.

3 MS. KANE: Good evening, I'm Merion
4 Kane, and I've been a resident of O Street for 31
5 years. I, I live at 3255 O Street Southeast, and
6 this project will directly affect my back yard.

7 I, I think, if I read the map
8 correctly, the, the building that you're talking
9 about building will, will be right at my back
10 fence. And of course, being elderly -- as Ms.
11 Dean said -- and needing fresh air, certainly it
12 will bother me.

13 And I am just terribly opposed to the
14 building that you're talking about, and I, I
15 don't see a great deal of enhancement I, except
16 for, for the community, at all. I, I think that
17 if you use the buildings that are already there,
18 and, and complete them, that it will enhance the
19 community.

20 But a residential building, I -- I am
21 definitely opposed to it, because it will add
22 more traffic to this lovely neighborhood, and

1 more traffic, more trash, and the air quality
2 will -- will be terrible. So we have signed
3 letters that definitely talk about all of these
4 things, and that's why I'm here.

5 CHAIRMAN HOOD: Thank you. Sure.

6 REV. HAYNES: Sir, I want to ask you to
7 -- if you would be kind enough, this Commission,
8 to delay the vote. I'm all for economic
9 development and all, but delay the vote until I
10 can get the community -- the religious community
11 involved.

12 You've got over nine churches within
13 the area that you're talking about building
14 something, and -- and nobody in the religious
15 community knows about this.

16 I don't even believe the pastor of
17 Pennsylvania Avenue Baptist Church knows. They
18 just allowed them to hold the ANC meetings and
19 all that. I don't think -- he probably doesn't
20 even know about this shopping center that they
21 are talking about.

22 And what I would like to do is bring

1 it before the Ministers Conference, especially
2 for --

3 CHAIRMAN HOOD: The Baptist Ministers
4 Conference?

5 REV. HAYNES: Yes.

6 CHAIRMAN HOOD: Okay.

7 REV. HAYNES: Especially --

8 CHAIRMAN HOOD: I've actually been to
9 speak to the Baptist Ministers Conference. I'll
10 let you know I'm a deacon, so I've -- I've talked
11 to ministers. I know Kendrick Curry.

12 REV. HAYNES: Yes.

13 CHAIRMAN HOOD: I know L.K. Floyd --

14 REV. HAYNES: Floyd --

15 CHAIRMAN HOOD: Yeah, I know --

16 REV. HAYNES: Okay. Okay.

17 CHAIRMAN HOOD: -- all of them.

18 REV. HAYNES: All right.

19 CHAIRMAN HOOD: I've been there, I've
20 talked to them, I've worked with them. If we go
21 down that route, which -- I'm actually going to
22 tell you, I've been invited to bring the Office

1 of Zoning, at some point in time, I think Durant,
2 or -- but anyway, I've been invited, at some
3 point in time, to come out and talk to the
4 ministers about --

5 REV. HAYNES: I only want those
6 churches in -- in that particular --

7 CHAIRMAN HOOD: You want to seclude it
8 to -- but you said the Ministers Conference --

9 REV. HAYNES: But you see --

10 CHAIRMAN HOOD: You -- you want them to
11 come over --

12 REV. HAYNES: -- all of them are part
13 of the Ministers Conference.

14 CHAIRMAN HOOD: Right --

15 REV. HAYNES: I -- I just want to
16 include those churches are -- that are in that
17 area --

18 CHAIRMAN HOOD: On this -- on just this
19 topic?

20 REV. HAYNES: Yes, yes.

21 CHAIRMAN HOOD: Okay.

22 REV. HAYNES: Yeah, that's what I'm

1 talking about.

2 CHAIRMAN HOOD: Okay, because they,
3 they want to hear --

4 REV. HAYNES: Not the whole --

5 CHAIRMAN HOOD: -- the whole thing --

6 REV. HAYNES: -- not the whole thing --

7 CHAIRMAN HOOD: They want to hear the
8 whole thing.

9 REV. HAYNES: Right, no, no. Not the
10 whole thing --

11 CHAIRMAN HOOD: Okay. All right.

12 REV. HAYNES: -- but just those pastors
13 that are in that immediate area, right.

14 CHAIRMAN HOOD: Okay. Well, I would,
15 I would suggest -- let me just say this,
16 Reverend. I would suggest that you work with the
17 Applicant on this, depending upon -- I don't know
18 which way the Commission's going, or what we're
19 going to do, or what we're going to ask for at
20 this point. I do know there will be some time,
21 maybe Mr. Lynch can come out and talk to the
22 Ministers Conference. You all meet on Mondays,

1 right?

2 REV. HAYNES: Every Monday --

3 CHAIRMAN HOOD: Make sure you invite
4 him to when you all eat the food too now. Don't
5 just have him come out for the meeting.

6 (Laughter.)

7 CHAIRMAN HOOD: See, I know about all
8 that. Okay, but let me -- let me, seriously --
9 on a serious note, let me go back to you, young
10 lady.

11 With all due respect, though, Pastor,
12 I'm serious about that.

13 Let me ask you this, you said East
14 Capitol Street, the re-zoning, and I was around
15 for that. And --

16 MS. MAY: Yes.

17 CHAIRMAN HOOD: -- I just kind of want
18 to know, what -- what were the drawbacks? Was it
19 a re-zoning, or was that a PUD that didn't get
20 done?

21 MS. MAY: They were trying to re-zone
22 it to -- the tenants' center to a rec -- they

1 wanted it to be a rec center, to re-zone it to a
2 recreation center. They wanted -- it's a
3 tenants' center, a private tenants' center, on W
4 --

5 CHAIRMAN HOOD: Are we talking --

6 MS. MAY: -- Washington, it's an
7 education foundation.

8 CHAIRMAN HOOD: Okay.

9 MS. MAY: So the initial thing, it's a
10 rec -- they zoned it to a rec center, but it's
11 actually a tenants' center. They have the rec
12 center right beside it, Benning Stoddert Rec
13 Center. And we came -- I came down and testified
14 --

15 CHAIRMAN HOOD: Hold on a second. I --
16 the reason I'm asking, because I always -- I'm
17 always interested in things that we do, and the
18 outcomes. And when somebody tells me something
19 that, especially I've been involved with, or
20 we've been involved with, you -- can you add some
21 light, because I don't remember that one.

22 COMMISSIONER MAY: You know, it might

1 have been a BZA case.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER MAY: I don't remember the
4 case.

5 CHAIRMAN HOOD: Okay, well, hopefully
6 it was --

7 COMMISSIONER MAY: But this is, I mean,
8 it's the Benning Stoddert Rec Center, and they
9 build a tenants' education facility, so --

10 MS. MAY: The tenants' center, right,
11 but that's, so they was re-zoning --

12 COMMISSIONER MAY: Yes.

13 MS. MAY: -- the rec center --

14 COMMISSIONER MAY: Yes, it's --

15 MS. MAY: -- stayed there, but they
16 were supposed to re-zone for the tenants' center
17 to -- they wanted to -- they was expanding --

18 COMMISSIONER MAY: Yes.

19 MS. MAY: -- the size of the building,
20 but they wanted it to --

21 COMMISSIONER MAY: Right.

22 MS. MAY: -- be --

1 CHAIRMAN HOOD: So that was a BZA --

2 COMMISSIONER MAY: So I -- it might
3 have been a Board of Zoning Adjustment case --

4 CHAIRMAN HOOD: Right.

5 COMMISSIONER MAY: -- which is a --
6 some level of relief for the zoning regulations,
7 but it's not actually re-zoning the property.
8 But any case, it's -- from your perspective, I
9 don't think that makes a difference. It's just
10 sort of --

11 CHAIRMAN HOOD: Right, right, but when
12 she said 58 --

13 COMMISSIONER MAY: From our
14 perspective, it's different.

15 CHAIRMAN HOOD: I thought she was
16 talking 58 for the East Capitol, and that's --

17 COMMISSIONER MAY: Yeah.

18 MS. MAY: No, it's the second --

19 CHAIRMAN HOOD: -- that was in front of
20 us.

21 MS. MAY: I think this is 2 Stoddert
22 Place --

1 CHAIRMAN HOOD: Stoddert, okay. Okay.

2 MS. MAY: -- that's the address. Yes.

3 CHAIRMAN HOOD: But I'm always
4 interested to know what really, really, really
5 happens. But in that case, that was a BZA case.
6 I thought it was the 58th and East Capitol, which
7 I was going to have some heartburn.

8 It was another case -- and I still
9 have some. There's another case that I want to -
10 - you said something -- you have those -- you
11 have some letters. Are those different than the
12 letters that we already have?

13 MS. DEAN: These are all the letters
14 that were emailed around 3:00 today.

15 CHAIRMAN HOOD: Oh, so --

16 MS. DEAN: These were all the --

17 CHAIRMAN HOOD: So we already have
18 them? We have them. Okay. So we have them.

19 MS. DEAN: Okay, but I just want to let
20 you know who they come from. They come from my -
21 -

22 CHAIRMAN HOOD: Yes. I got you.

1 MS. DEAN: -- neighbors who are
2 elderly, who are not able to come --

3 CHAIRMAN HOOD: I got you, and I
4 appreciate you doing that. Okay.

5 MS. DEAN: Yes.

6 MS. MORGAN: May I -- may I say
7 something, in back --

8 CHAIRMAN HOOD: Ms. -- Ms. Morgan, Ms.
9 Morgan, now, you know -- Ms. Morgan, now, come
10 on.

11 (Laughter.)

12 CHAIRMAN HOOD: I'll tell you, we was
13 almost towards the end.

14 (Laughter.)

15 MS. MORGAN: I -- I just wanted to say
16 something, in --

17 CHAIRMAN HOOD: Ms. Morgan, Ms. Morgan.
18 Ms. Morgan --

19 MS. MORGAN: -- in reference to --

20 CHAIRMAN HOOD: Ms. Morgan, could you
21 do me --

22 MS. MORGAN: -- the church --

1 CHAIRMAN HOOD: Ms. Morgan, can you do
2 me a favor?

3 MS. MORGAN: Yes.

4 CHAIRMAN HOOD: Can you whisper it in
5 somebody's ear? Because you've --

6 MS. MORGAN: Okay.

7 CHAIRMAN HOOD: -- left the table, and
8 let them tell me.

9 REV. HAYNES: She said the pastor of
10 Pennsylvania Avenue Baptist Church is with us,
11 and that he knows about it, so.

12 CHAIRMAN HOOD: Dr. Curry.

13 REV. HAYNES: Yes, Dr. Curry.

14 CHAIRMAN HOOD: All right. All right.

15 MS. MAY: May I make one more comment?

16 CHAIRMAN HOOD: Sure. Might as well.

17 Ms. Morgan came up and did what she wanted to do,
18 so you can go.

19 (Laughter.)

20 MS. MAY: I attend Southeast Christian
21 Fellowship, which is on Branch and Q Street, and
22 I did notify someone in the church to let them

1 know this was going on. They had no idea. But
2 of course, I forgot the date. So that's why they
3 don't have representation today.

4 CHAIRMAN HOOD: Okay. Okay. Well, I'm
5 sure there will be some time for you to do what
6 you're trying to do and work with Mr. -- the
7 Applicant, and those. Okay, let's --

8 MS. KANE: I would -- I would like to
9 add to that. I -- I know the former pastor of
10 Southeast Community Church. And they had a
11 significant water problem a few years ago.

12 MS. MAY: Yes.

13 CHAIRMAN HOOD: Okay. Okay. I -- I
14 think -- I think we get it. And I think
15 everybody gets it. I think we -- we're all on
16 the same page. So to see how we move forward is
17 what this Commission's going to have to deal
18 with. Any other questions --

19 MS. DEAN: Could I just say one last
20 thing, please? If you do a customized zone, this
21 will force Jair Lynch to really engage with the
22 people who are most impacted, and they have not

1 done that. I've been at many meetings, and there
2 are many representations, and they've changed
3 from meeting to meeting. And so, I -- you don't
4 know where they land, and I even know Mr. Tate.
5 I am his former English teacher for ninth grade.
6 And so -- and I'd said to him that, you know, you
7 need to be honest with the residents of our
8 community.

9 CHAIRMAN HOOD: Who is Mr. Tate?

10 MS. DEAN: He's from Jair Lynch.

11 CHAIRMAN HOOD: You were his English
12 teacher?

13 MS. DEAN: Yes, I was.

14 CHAIRMAN HOOD: Oh, well, you weren't
15 mine too, were you? No, I'm just playing.

16 (Laughter.)

17 CHAIRMAN HOOD: I'm just playing.

18 MS. DEAN: So -- but if you do that,
19 then that will give an honest opportunity for our
20 community, meaning O Street, to really engage
21 with them. We do want some amenities. We do
22 want certain things. But we do not want what is

1 being forced upon us.

2 CHAIRMAN HOOD: Okay. I think he heard
3 that.

4 MS. DEAN: Yes.

5 CHAIRMAN HOOD: I don't think I need to
6 repeat that. They heard that.

7 (Laughter.)

8 CHAIRMAN HOOD: Okay. Anything else
9 up here? Okay. I want to thank you all. We
10 appreciate it.

11 All right. I have some undeclared.
12 Okay. Okay. Ms. Robin Marlin, undeclared, okay.
13 Is anybody else undeclared?

14 Okay, Ms. Marlin, you're the Chair
15 there. Are you speaking individually, or as the
16 Chair of the ANC, or how are you doing it?

17 MS. MARLIN: I'm speaking as an
18 individual.

19 CHAIRMAN HOOD: Individual, okay. You
20 may begin.

21 MS. MARLIN: I'm speaking as an
22 individual, Commissioner.

1 CHAIRMAN HOOD: Okay.

2 MS. MARLIN: First of all, let me just
3 say, I've sat here, and I've listened to a lot of
4 discussion about the project. And the one thing
5 that troubled me as I listened was that there's a
6 lot of division, and we should be excited about
7 having a shopping center coming to our community.
8 We should be looking forward to it, and welcoming
9 it. But I do understand everyone's position.

10 But I want to be clear about the ANC,
11 because I sat here, and I heard things about the
12 ANC that I absolutely -- I don't want to say
13 disgust me, but it's unfair.

14 The ANC commissioners work full-time.
15 I work a full-time job. Most of us do. And then
16 we try to, in our spare time, and I use a lot of
17 that, to serve our constituents.

18 So for anyone to appear here and tell
19 you that we're speaking for them, or trying to
20 represent their thoughts, or what they should
21 have on their street is just not true. And I
22 want to be clear about that.

1 As Chair, since you mentioned that, if
2 a constituent in 7B had a concern, they could
3 have reached out to the Chair. We have seven
4 commissioners, and they could have reached out to
5 any one of us if they felt the single member
6 district commissioner was not representing them
7 the way they wanted to be represented.

8 On your first panel, you had four
9 opponents out of the eight that sat at this
10 table, that are well-ingrained in the Penn-Branch
11 community in that neighborhood. Four of them, I
12 talk with on a regular basis, and consider them
13 not only constituents, but friends. And they
14 could have certainly rallied the people on O
15 Street they way they've done here.

16 The ANC is open to everyone. The ANC
17 holds monthly meetings -- excuse me. The place
18 and the time is publicized. One leader on O
19 Street, who I have the utmost respect for, knows
20 that the ANC meets monthly. And certainly, these
21 individuals could have come to us, and let us
22 know what their feelings were -- just like those

1 that were in favor of the project came to us.

2 It just really shocked me to have this
3 many people come in opposition. I sympathize
4 with what they're saying, because actually, when
5 the developer came to our executive meeting, I
6 questioned the map amendment -- why not a PUD?

7 And the same explanation that was
8 given here by one of the representatives is,
9 well, it takes too much time. But the ANC is --
10 just like your body, we're composed of -- at that
11 time, we had six representatives. And I
12 understand that one of the individuals at this
13 table, the leader on O Street, reached out to one
14 commissioner. We've got six, and she could have
15 done that.

16 To come here to voice that, when she
17 well knows that there's an ANC body that could
18 support them, is really disappointing for me.
19 And I wanted to put that on record.

20 I'm open for questions.

21 CHAIRMAN HOOD: Okay. Thank you. So,
22 let's see what -- are you two undeclared too?

1 MS. FRAZIER: No, we're in opposition.

2 CHAIRMAN HOOD: You're in opposition.

3 Is there anyone else who'd like to testify?

4 Okay. Let's go -- let's start with -- go ahead.

5 MS. FRAZIER: My name is Sharon

6 Frazier, and I'm a -- my late husband purchased

7 our home 34 years ago on O Street. I'm directly

8 behind the shopping center.

9 I just wanted to go on record that I
10 agree with all the residents that have spoken on
11 O Street, who oppose the re-zoning. I adamantly
12 oppose the re-zoning.

13 I do understand that that shopping
14 center needs improvement, but the building of
15 housing behind our homes, I -- I fear will
16 directly impact us. I have -- I support a
17 geological study if it has or hasn't been done,
18 because I -- I have a drainage area behind my
19 home, a sewer drainage area, I have water
20 problems, and I've also had to shore up the back
21 of my home. I'm very concerned about building
22 behind the -- the shopping center.

1 Again, I -- I request that you all do
2 not approve the re-zoning plan that has been put
3 forth. Thank you.

4 CHAIRMAN HOOD: Thank you. Next.

5 MS. LOVELACE: My name is Clarissa
6 Lovelace. I live on O Street at 3219. I'm the
7 next door neighbor to Julie Rones and to Sharon
8 Frazier.

9 I deal with water problems too. My
10 property would be directly affected by the
11 building of a new structure. Every home on O
12 Street, on both sides of the street, are already
13 in a fragile state from the building of the O
14 Street wall, twice, and the building of the wall
15 that's behind our properties.

16 We can't take too much more without
17 having structural damage to our properties. I am
18 opposed to the building of a new structure on the
19 Penn-Branch property.

20 I do agree that the existing structure
21 needs to be upgraded. I -- I think we all agree
22 with that. But that's as far as it should go.

1 Our properties will not take another pounding
2 from all the heavy equipment that they use, and
3 the digging, and the pounding.

4 And -- and not only do we go through
5 something physically, our properties take a
6 beating, too. And that's all I have to say.
7 Thank you.

8 CHAIRMAN HOOD: I want to thank all of
9 you. Let's see if we have any questions up here.
10 Any questions? Okay. Thank you all very much.
11 We appreciate it.

12 Okay, Ms. Schellin, we --

13 MS. SCHELLIN: Need to schedule some
14 dates?

15 CHAIRMAN HOOD: Yes, but let me -- let
16 me see, do we -- Commissioners, do we have any
17 wrap-up comments?

18 I've heard a -- I've heard a lot of -
19 and I'm not typically, I want -- I've heard a lot
20 of conversation about having conversations with
21 the community. On one circumstance, I hear that
22 it was done, on the other one, it hasn't been

1 done to a certain point, with certain neighbors,
2 who are probably most impacted. That's -- that's
3 the way I've resolved all this in my process and
4 in my thinking.

5 So I'm going to ask, even as we move
6 forward, when we come up with some dates, that we
7 be cognizant of allowing time for them to maybe
8 have some continued conversations with -- with
9 the community, because at the end of the day,
10 that community's going to be there, whatever goes
11 on on that property, if it's a re-zoning, or
12 whatever. Continue to have -- keep having those
13 conversations.

14 And I want to make sure, Ms. Schellin,
15 that we allow enough time for those conversations
16 to be had.

17 Now, some of the things that are not
18 within our jurisdiction -- probably shouldn't
19 have said that, because that will be brought up
20 to me again, that I always say it's not in our
21 jurisdiction -- but legally, some things are not
22 within our jurisdiction. And there are other

1 government agencies, as we mentioned earlier,
2 will be the ones who look at some these things.

3 The Zoning Commission is not the all,
4 with-all, or the end-all. There are other sign-
5 offs that have to happen on all projects in this
6 city. Again, we just deal with the land use.

7 So I just want to make sure, Ms.
8 Schellin, that we allow enough time for this
9 Applicant to go back out, and have some
10 conversation, especially with O Street, and --
11 and even at that, look at some of the comments
12 that we have made up here about the specialized
13 zoning, and some other comments that we threw out
14 there.

15 So I want to make sure that whatever
16 time we put out there, we allow for that. I
17 don't know if my colleagues are in tune with
18 that, or if they'd like to go in another
19 direction, but let me hear from you. Mr.
20 Turnbull.

21 MR. TURNBULL: I think, no, Mr. Chair,
22 I -- I agree with you. I -- I think what --

1 what's troubling in a way is that the zoning
2 process is not easily understood by everybody --
3 the Zoning Commission, what we do, or how you do
4 it. And I think even a lot of people don't
5 understand the ANC process at times. I think a
6 lot of people in the -- in the neighborhood don't
7 understand it.

8 So -- and I think when we get into
9 something like this, which is a -- a map
10 amendment with -- with some up-zoning, and I
11 think there's a lot -- a lot of confusion comes
12 out of it, and a lot of people don't understand.
13 And I think that's when you get to a situation
14 where you've sort of got to go the extra measure,
15 and do exactly what you said.

16 I think there's got to be a little bit
17 more outreach, and communication, and dialogue,
18 and just sit down, people talking over the
19 issues, and -- and going through it all, because
20 it's -- I mean, when you have this many people
21 who are on O Street that come before us that are
22 really troubled, I -- you wonder where it broke

1 down. And I'm not sure. I'm not blaming
2 anybody. But somehow, something broke down in
3 the process of meeting and understanding.

4 And I think that's got to be patched
5 up. I think, somehow, there's got to be
6 communication, and some -- there's got to be some
7 working between the Proponent, the Applicant, and
8 -- and the community. I think we've got to
9 really -- and the ANC. I think somehow, we've
10 got to pull together, and try to bring this back
11 into a more manageable form, so that everybody
12 understands. And hopefully, we can get some
13 concurrence on -- and going forward.

14 CHAIRMAN HOOD: Any other comments?
15 Commissioner May.

16 COMMISSIONER MAY: Yeah, I -- I do
17 think that there is a -- that it would be smart,
18 at this moment, to just take a little bit more
19 time, and have some further conversations between
20 the Applicant and the community, because I think
21 that there's - I mean, we see -- we heard
22 assurances from the developer that their -- or

1 the Applicant that they -- they plan to develop
2 something that is sensitive to the context.

3 The, you know, the problem is that we
4 -- when we do a map amendment, we don't really
5 have any guarantee of that, because we can't see
6 exactly what's being developed.

7 But it seems to me that there is,
8 certainly given the size of the property, and
9 the way it is placed, that there is an
10 opportunity to -- to re-zone it, to redevelop it,
11 and to do something that is still quite sensitive
12 to the abutting neighbors.

13 And I'm not sure how the Applicant can
14 communicate that to the -- the abutting
15 neighbors, and at the same time give us the
16 guarantees that -- that we think we'd want to
17 see, in terms of, you know, assurances that the
18 worst possible scenario will not happen.

19 But I think there is room for it,
20 somehow. I'm not sure what the right zoning
21 solution is at this moment, but I think that
22 taking a little bit more time for the Applicant

1 to have further discussions with the community,
2 and with the Office of Planning, would make
3 sense.

4 CHAIRMAN HOOD: Okay. Vice Chair
5 Miller.

6 VICE CHAIR MILLER: Thank you, Mr.
7 Chairman. Yeah, I would agree with my
8 colleagues. Can I ask the Office of Planning,
9 would this -- if we did a map -- if we did the
10 map amendment, would this project go through a
11 large track review process, which would involve
12 more engagement by your office with the community
13 to try to work with the developer to mitigate
14 height and other setback issues, or --

15 MS. STEINGASSER: No, the -- the large
16 track review is a non-binding pre-permit review.
17 So it's circulated amongst the community and the
18 various city agencies to look at issues that
19 they'll be looking at as part of the building
20 permit and construction --

21 VICE CHAIR MILLER: Would this --

22 MS. STEINGASSER: -- review.

1 VICE CHAIR MILLER: -- be subject to
2 large track review?

3 MS. STEINGASSER: Yes.

4 VICE CHAIR MILLER: It would be.

5 MS. STEINGASSER: Depending on the
6 size, yes.

7 VICE CHAIR MILLER: So there would be
8 that --

9 MS. STEINGASSER: There -- there would,
10 but as far as establishing any additional
11 setbacks that would be required, that would not
12 be part of that.

13 VICE CHAIR MILLER: It -- it wouldn't
14 be required.

15 MS. STEINGASSER: No.

16 VICE CHAIR MILLER: It would be just,
17 you're encouraging, and seeing if --

18 MS. STEINGASSER: Right.

19 VICE CHAIR MILLER: -- they do it. I
20 -- I mean, I think in retrospect, this probably
21 should have been a PUD. I think that would have
22 just allowed us to -- the city's going to do,

1 wanted, and I think the community has wanted this
2 property redeveloped and upgraded for decades.
3 And we have a -- a very progressive developer,
4 who is committed to -- to doing that finally, and
5 we don't want to lose that opportunity, and I
6 don't want to cause something that would delay
7 it.

8 So yes, I would -- I would encourage
9 the developer to work with the community to see
10 if they can assuage the concerns that have been
11 raised.

12 I did -- I think I did request, if we
13 didn't have in the record, a shadow study from
14 the Applicant that compared what the matter of
15 right currently would cause for the adjacent
16 properties, and what the -- what the proposed map
17 amendment massing would cause.

18 CHAIRMAN HOOD: Worst case scenario.

19 VICE CHAIR MILLER: What?

20 CHAIRMAN HOOD: We all -- we all want
21 that.

22 VICE CHAIR MILLER: Yes. That's the

1 worst case scenario. Right. Of course, I did
2 ask the question about the best case scenario,
3 which I think is what everybody really wants out
4 of this project, which is the grocery store, and
5 I think we do need residential development there
6 to support the -- the upgrading of the
7 commercial. That's what happens, and I think
8 it's consistent with the comprehensive plan
9 designation, and the small area plan. So I guess
10 that's my ambiguous comments. Mr. Chairman?

11 CHAIRMAN HOOD: Okay. I think -- I
12 think, as we've stated -- and I know we've been
13 joined by others at the time -- and I think a
14 number of us have stated that this Applicant has
15 been -- been one that you can trust, one of maybe
16 three or four across the city that you can really
17 trust.

18 But still, this re-zoning, after we do
19 it -- it's -- that's the end of it. It's out of
20 our hands.

21 But I see the Chair asking, and I --
22 and I have to be fair. The Chair is asking to

1 come back and say something. So Ms. Morgan, I'm
2 going to have to rescind my comment as a result
3 of what the -- whatever the Vice Chair -- so if
4 you want to come back, Ms. Morgan, and say
5 something and the Chair come back and say --
6 these are the last two.

7 If you -- if you really have to, you
8 can come back and say something. I'll give you a
9 minute and a half. So that mean you going to
10 take three.

11 MS. MARLIN: Okay, so I just wanted to
12 say, since you didn't have questions for me, I
13 was going to address some -- some of the comments
14 that were made.

15 But I think if the Applicant would
16 move away from concentrating so much on the
17 Office of Planning, which I really have no faith
18 in as a Commissioner, and directing projects that
19 are really favorable for communities. I think if
20 they would concentrate on what the residents
21 want, versus this continuation of pushing what
22 the Office of Planning says is a small amendment,

1 says this, the text amendment says this.

2 I think they need to back up, and
3 think about what the residents want. I heard you
4 say that, you know, this is for -- for the
5 community, for us. But they, I think -- and the
6 presentation that they gave here about the -- the
7 comprehensive plan, was very comprehensive.

8 I'd never seen anything like that.
9 And they came to our exec meeting, and that
10 wasn't presented to us. And I think they need to
11 move away from -- it infuriates me when someone
12 says, well, if you don't do this, you're not
13 going to get that, telling us that, well, if you
14 don't go with this, the map amendment, then we're
15 going to -- you know, we're going to move away,
16 because people are not going to wait for
17 development to come. I get that.

18 Now, the last person who said that to
19 me was Council Member Brazil. If you want
20 Skyland, you better go my route or no route - and
21 he's gone. So I just think they need to refocus
22 on the community, on us, and then come to you all

1 for the zoning issues.

2 CHAIRMAN HOOD: Okay.

3 MS. MARLIN: Don't bombard us with
4 that. I think they need to focus on the
5 community.

6 CHAIRMAN HOOD: Okay. Ms. Morgan.

7 MS. MORGAN: Thank you.

8 CHAIRMAN HOOD: You got back to the
9 table anyway, didn't you?

10 MS. MORGAN: Yes. I just want to say
11 that I -- I want it to be fair all the way
12 around, and that is -- what we did a week or so
13 ago, the people on O Street, and those that are
14 surrounding, we had a meeting. The -- before,
15 the ANC did not come to us on O Street as a
16 community -- individually, but they should have
17 sat down with us, and discussed that plan with
18 us. It did not happen.

19 We got together on O Street after we
20 saw what was coming down the pipe. Now, we are
21 not against progress. But we are the homeowners
22 that will be directly affected by -- don't

1 anybody else that's -- that's been to this table,
2 except those that are in opposition -- live
3 directly behind the shopping center.

4 Sure, they have come to us
5 individually.

6 CHAIRMAN HOOD: Okay.

7 MS. MORGAN: And when you say
8 individually, it's not collectively.

9 CHAIRMAN HOOD: Here's what I'm going
10 to do. Here's what I want to do, Ms. Morgan, and
11 Chairperson --

12 MS. MORGAN: And the same with the ANC
13 --

14 CHAIRMAN HOOD: And --

15 MS. MORGAN: -- I went to that meeting
16 --

17 CHAIRMAN HOOD: I -- I know you did --

18 MS. MORGAN: -- and that's when the
19 resolution was passed.

20 CHAIRMAN HOOD: I believe you were
21 there. But here's what I'm going to do. You all
22 have a chance -- Ms. Marlin, Ms. Morgan, you all

1 are leaders in this -- leaders in Ward 7 for
2 years. For years. All right, Mr. -- and Mr.
3 Hammond as well.

4 So you all have a chance now, to
5 forget about what happened back there --

6 MS. MORGAN: In June.

7 CHAIRMAN HOOD: -- and move forward.

8 I heard a sermon yesterday, where he said some
9 people are still mad with people that they've
10 been mad with for 15 years, and those people are
11 dead, and they still mad with them.

12 So let's leave all that back there,
13 and let's move forward, because I know the work
14 that both of you all do. You all have done some
15 great work, including Mr. Hammond. And I know
16 what you all do as communities. I've -- I've
17 been out there. I've been in Ward 7.

18 So let's -- let's work, move forward -
19 and I'm not trying to lecture you, because you --
20 you -- help raise you, my neighbor at one time
21 years ago.

22 So I'm not trying to lecture you. I'm

1 just trying to make sure we come -- because I can
2 tell you what. If we did it in Georgetown, we
3 made them come together in Georgetown, they can
4 come together in Ward 7, as well as any other
5 part of the city.

6 I know it can be done. This
7 commission has seen it done. Working with the
8 Applicant, you -- you actually have a pretty good
9 -- I will say this. I don't know how it's going
10 to end up. But I think you have a pretty good
11 developer.

12 So you all can continue to work
13 together as a community, let's work on it, and
14 see what we can come up with. See how we can
15 deal with this re-zoning issue, and what we need
16 to do.

17 So I'm putting it back on you all.
18 You all gave it to us, now I'm giving it back to
19 you. Okay.

20 MS. MARLIN: And we could give it back
21 to you in the end.

22 CHAIRMAN HOOD: Yeah, I'm sure you are,

1 Ms. Marlin.

2 (Laughter.)

3 CHAIRMAN HOOD: I'll probably get it
4 right back. Okay, so, so let's move in that
5 fashion. You all --

6 MS. MARLIN: Thank you.

7 CHAIRMAN HOOD: -- have worked well
8 together. So continue that. All right. All
9 right. So let's allow a little more time. Not
10 too much time to -- where they go over to Prince
11 George's County.

12 But I want you also to know that I
13 talk to people in Prince George's County as well.
14 And they had their own Giant Food Stores that
15 don't happen over there. So it happens
16 everywhere.

17 So let's give them just a little more
18 time.

19 MS. SCHELLIN: How about four weeks?

20 CHAIRMAN HOOD: What were we going to
21 give them at first?

22 MS. SCHELLIN: Two.

1 CHAIRMAN HOOD: How much time? It's,
2 it's --

3 MS. SCHELLIN: Typically, typical --

4 CHAIRMAN HOOD: -- is two, is three
5 weeks --

6 MS. SCHELLIN: -- is two weeks.

7 CHAIRMAN HOOD: -- enough time for
8 everybody --

9 MS. SCHELLIN: So four weeks --

10 CHAIRMAN HOOD: Is three weeks enough
11 time for everybody to come together? Ms. --
12 Okay, I -- I heard four.

13 MS. SCHELLIN: Okay.

14 CHAIRMAN HOOD: Is four weeks enough
15 time -- four, okay.

16 MS. SCHELLIN: Okay.

17 CHAIRMAN HOOD: Everybody, we agree --

18 MS. SCHELLIN: Okay.

19 CHAIRMAN HOOD: -- to four. I'm going
20 -- I'm just going to look at these two that agree
21 with four.

22 MS. SCHELLIN: So the Applicant would

1 make those submissions that the Commission asked
2 for, as well as Ms. Richards and Ms. Rones -- I
3 don't know if she's still here, I don't think I
4 see her. If someone knows her, maybe they could
5 let her know.

6 They would need to make their
7 submissions, also, for the two documents. Do you
8 want to give them four weeks to make that
9 submission, or that they need -- that you asked
10 for?

11 CHAIRMAN HOOD: For --

12 MS. SCHELLIN: On the --

13 CHAIRMAN HOOD: For my, what I asked
14 for, about the view?

15 MS. SCHELLIN: Yes.

16 CHAIRMAN HOOD: I could get that in a
17 week. That shouldn't take --

18 MS. SCHELLIN: Okay.

19 CHAIRMAN HOOD: -- that long.

20 MS. SCHELLIN: So Ms. Richards and Ms.
21 Rones --

22 CHAIRMAN HOOD: Or two weeks. That

1 shouldn't take long.

2 MS. SCHELLIN: -- could make their
3 submissions, then, in two weeks, which would be
4 the 16th of October.

5 Okay, and then the Applicant would
6 make its submission by 3:00 pm on October 30th.

7 And then the ANC -- well actually, the
8 ANC is not a party, so there would be no response
9 other than maybe OP, if they want to respond to
10 it -- unless you want a response from the ANC
11 regarding the follow-up meeting. That might be
12 appropriate or not.

13 CHAIRMAN HOOD: Yeah, yeah, why, why
14 don't we do that.

15 MS. SCHELLIN: Just the ANC?

16 CHAIRMAN HOOD: Yeah.

17 MS. SCHELLIN: Okay.

18 CHAIRMAN HOOD: Just the ANC.

19 MS. SCHELLIN: So the ANC could provide
20 a response regarding the meeting by November 6,
21 3:00 pm.

22 And then we could put this on for

1 November 13, the first meeting in November.

2 CHAIRMAN HOOD: Now, Ms. Richards, did
3 you have something else you wanted to add, or
4 could you come to the mic, so we can make sure we
5 get it on the record? And then we're going to
6 close after that point. If you could just wait
7 until you come to the mic.

8 MS. RICHARDS: Mr. Chairman, I was
9 going to address the time limit, but you have
10 cleared that up with Commissioner Hammond, so I
11 have nothing further to add.

12 I will approach Ms. Schellin after the
13 meeting, and ask her to review the exact terms of
14 what you asked for Julie and me, to make sure --

15 CHAIRMAN HOOD: Okay.

16 MS. RICHARDS: -- there's no confusion.

17 CHAIRMAN HOOD: Okay, sounds good.

18 Thank you very much.

19 Okay, anything else, Ms. Schellin?

20 MS. SCHELLIN: No, sir.

21 CHAIRMAN HOOD: All right, I want to
22 thank everyone for their participation tonight.

1 And believe it or not, pro or con, these make for
2 better situations for the best interest of the
3 city for all of us. And that's what I believe,
4 and that's what I've experienced in my 20 years
5 of being down here.

6 With that, this hearing is adjourned.

7 (Whereupon, the above-entitled matter
8 went off the record at 9:44 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: 3200 Penn Ave PJV, LLC

Before: DC Zoning Commission

Date: 10-02-17

Place: Washington, DC

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Court Reporter

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