

THE DISTRICT OF COLUMBIA

ZONING COMMISSION

PUBLIC HEARING

IN THE MATTER OF:	Case No. 00-25MA
N.E. K-MART ET. AL	

Thursday,
January 11, 2001

441 4th Street, N.W.
Washington, D.C.

The above-entitled matter convened, pursuant to notice, at 7:00 p.m.

BOARD MEMBERS PRESENT:

- | | |
|-------------------|-------------|
| ANTHONY HOOD | Chairperson |
| CAROL MITTEN, | Member |
| JOHN PARSONS, | Member |
| HERBERT FRANKLIN, | Member |
| KWASI HOLMAN, | Member |

OFFICE OF ZONING STAFF PRESENT:

- ALBERTO BASTIDA
- GERALD FORSBURG
- ELLEN MCCARTHY
- ARTHUR JACKSON

D.C. OFFICE OF THE CORPORATION COUNSEL

Mary Nagelhout

APPEARANCES

On Behalf of the Applicant,
K-Mart

CHRISTOPHER COLLINS, ESQ.
Wilkes & Artis, Chartered
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7:04 p.m.

CHAIRPERSON HOOD: Good evening, ladies and gentlemen.

This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, January 11, 2001. My name is Anthony J. Hood, Chairperson of the Zoning Commission of the District of Columbia.

Joining me this evening are Commissioners Herbert M. Franklin, Kwasi Holman, Carol Mitten, who serves as Vice Chair, and Mr. John Parsons will be joining us shortly. I hereby declare this hearing open.

Notice of today's hearing was published in the D.C. Register on November 24, 2000, and in the Washington Times on November 20, 2000. This hearing will be conducted in accordance with the provisions of 11 DCMR 3020.

The subject of this evening's hearing is Zoning Commission Case No. 00-25M. The order of procedure will be as follows:

Preliminary matters, applicant's case; report of the Office of Planning; report of other agencies; report of the Advisory Neighborhood Commission 5B; parties and persons in support; parties and persons in opposition.

The following time constraints will be adhered to in this meeting: The applicant, one hour; parties 15 minutes; organizations 5 minutes; individuals 3 minutes. Opposition has

1 one hour. The hour is to be divided among the parties.

2 The Commission will adhere to this schedule as
3 strictly as possible. Those presenting testimony should be brief
4 and nonrepetitive. If you have a prepared statement, please give
5 copies to staff and orally summarize the highlights only. Please
6 provide these copies of your statement before beginning your oral
7 presentation.

8 Each individual appearing before the Commission must
9 complete two witness cards. These cards are located at each end
10 of the table in front of us. Upon coming forward to speak to the
11 Commission, please give both cards to the reporter sitting to my
12 right. If these guidelines are followed, an adequate record can
13 be developed in a reasonable length of time.

14 The decision of the Commission in this case will be
15 based exclusively on the public record. To avoid any appearance
16 to the contrary, the Commission request that persons present not
17 engage the members of the Commission in conversation during any
18 recess or at anytime. The staff will be available to discuss any
19 procedural questions.

20 Please turn off all beepers and cell phones at this
21 time so not to disrupt these proceedings. Would all individuals
22 wishing to testify please rise to take the oath.

23 (Whereupon, the witnesses were sworn.)

24 CHAIRPERSON HOOD: First, let me say, Mr. Bastida, do
25 we have any preliminary matters?

1 MR. BASTIDA: Just one, Mr. Chairman. I had a
2 conversation with the applicant and the applicant said that he
3 only needs 15 minutes to provide the presentation.

4 CHAIRPERSON HOOD: Okay. Thank you, Mr. Bastida.

5 MR. BASTIDA: Yes, Mr. Chairman.

6 CHAIRPERSON HOOD: Let me just say to the applicant,
7 and this is in agreement with my colleagues, we have read your
8 submittals. I know you've asked for 15 minutes. Let me start off
9 first asking is there anyone in the audience in opposition of this
10 hearing tonight -- I mean, of the proposal? Again, is there
11 anyone in opposition?

12 You're in opposition of this proposal tonight? Okay.

13 Again, let me move forward and say to the applicant
14 that we have read your submittals and the 15 minutes will be just.

15 You may proceed.

16 MR. COLLINS: Thank you, Mr. Chairman and members of
17 the Commission. My name is Christopher Collins with Wilkes Artis
18 Hedrick & Lane -- excuse me, Wilkes Artis. We have three
19 witnesses tonight. We will be brief.

20 I would like to just highlight the fact that we are
21 asking for -- this an application amendment zoning map in two
22 respects. One is a piece of federal unzoned property which must
23 be zoned before it can be used, and another is a small triangular
24 piece of property that is being rezoned as part of this
25 application.

1 We have witnesses to talk about that. Without further
2 ado, I would like to go to the first witness which is Mr. Cyril
3 Crocker who is with the Office of Deputy Mayor.

4 MR. CROCKER: Hello again. My name is Cyril Crocker.
5 I'm a project manager in the Office of the Deputy Mayor for
6 Planning and Economic Development. Deputy Mayor Price has
7 submitted a letter which we are giving to the Commission and I'm
8 here tonight primarily to answer any questions that the Board may
9 have.

10 CHAIRPERSON HOOD: I think what we'll do, Mr. Collins,
11 is we will hear your full presentation and then my colleagues will
12 ask questions on the back end. Thank you.

13 MR. COLLINS: Thank you. The next witness is Mr. Rick
14 Walker.

15 MR. WALKER: Good evening. My name is Rick Walker.
16 I'm one of the principals of Gray Mark Walker Urban Land
17 Development Corporation. Our company has developed approximately
18 10 million square feet of retail space.

19 For the last four years we have been working almost
20 exclusively in urban development and have been very active with
21 the K-Mart Corporation in development projects in a number of
22 urban communities including Detroit, Michigan; Atlanta; Columbus,
23 Ohio; Cincinnati, Kansas City, and have been working very closely
24 with the Williams Administration over the last two years in
25 attempting to structure a project to develop a K-Mart shopping

1 center in the District of Columbia.

2 The Deputy Mayor has been very instrumental in
3 assisting us in identifying appropriate locations and facilitating
4 the overall development process.

5 The project that is proposed and the property that is
6 being present to you tonight includes property that is owned by
7 the District of Columbia, by WMATA, and the Federal Government
8 and, of course, is operated as a post office facility.

9 We've worked for a period of over 12 months in
10 assembling this particular site from these various entities and
11 are very pleased to be involved with the project we are presenting
12 to you this evening.

13 The site is located in northeast Washington in Ward 5
14 and it's immediately east of the Rhode Island metro station. You
15 can see the overall map location. Rhode Island is at the north or
16 the top of the picture. The metro is located at that position and
17 then Brentwood Avenue.

18 All of the property is zoned industrial with the
19 exception of two small portions which, of course, we are here to
20 discuss with you this evening. The applicant's prehearing
21 statement shows the areas to be rezoned.

22 Steve, if you would.

23 One of these is a federal parcel which is
24 approximately 1.73 acres of property. It's currently in a postal
25 truck zone parking area. As federal property, of course, it is

1 unzoned.

2 The second parcel is approximately 3,407 square feet.
3 It's located at the far northeast portion of the property.
4 Again, we're not sure why but for some reason this land is not
5 zoned consistently with the balance of all the District property
6 which, of course, was industrial.

7 The residential zoning amounts for less than 1/10 of 1
8 percent of the overall -- I'm sorry, 1/2 of 1 percent of the
9 overall property.

10 The rezonings that are being proposed are an integral
11 part of the overall project. Basically, just for your
12 information, what has happened with the United Postal Service, we
13 exchanged --

14 CHAIRPERSON HOOD: You need to make sure you turn your
15 microphone on so we can hear you. Thank you.

16 MR. WALKER: What happened is the Post Office
17 property, this piece of land here, was exchanged with the Post
18 Office for this piece of land. That's how it's integrated into
19 the project.

20 There are three proposed retail stores, two which have
21 been identified publicly at this point. The first of these is K-
22 Mart Corporation, 106,000 square feet. It would be the first new
23 general merchandise store to be built in the District in probably
24 20 years.

25 The second is Giant Foods, approximately 53,000 square

1 feet. This third store was yet to be named but we are hoping to
2 be announcing this one approximately next week, a home improvement
3 facility.

4 The overall project design is going to provide for
5 direct access to the Rhode Island Avenue metro station. There
6 will be access from the residential areas surrounding.

7 We've been working on this project for some time with
8 WMATA. The project has the support of Councilman Orange and the
9 Advisory Neighborhood Commission 5B. It's also been discussed
10 with the community and, to our knowledge, there has not been any
11 opposition that we've been made aware of to this point.

12 The shopping center project is currently is subject to
13 large review process through the Office of Planning and other
14 District agencies. The environmental screen impact form has been
15 submitted and is also currently under review. We have filed an
16 application to close portions of South Avenue which is an
17 unimproved street which extends along the northern boundary of
18 10th Avenue.

19 We intend to be under construction this spring should
20 the project meet the approval of this agency. Thank you.

21 MR. COLLINS: Mr. Steve Sher, who is here, we would
22 like to have him accepted as an expert witness in Planning and
23 Zoning.

24 CHAIRPERSON HOOD: No objection. I don't think my
25 colleagues have a problem so we'll just move forward. I'm trying

1 to save time.

2 MR. COLLINS: We never hold his past against him.

3 MR. SHER: Mr. Chairman, members of the Commission,
4 for the record my name is Steven E. Sher. I'm the Director of
5 Zoning and Land Use Services with the law firm of Holland & Knight
6 LLP. I have a report which I've submitted to staff which has been
7 outlined for testimony and I'm going to be briefer than ordinarily
8 brief.

9 Mr. Walker has described the sites so I'm going to
10 just go on right past that. As he's indicated, out of the total
11 development site of 22 acres we've got two small pieces that need
12 to be rezoned, the part shown in yellow which is the Postal
13 Service property. Because it is owned by the Postal Service, it's
14 unzoned.

15 If you look at the last page on the outline, you will
16 see the zoning map which actually seems to suggest that that piece
17 of property is zoned M. Of course, when the Postal Service
18 acquired it in 1984 and '85 it took on an unzoned status. What we
19 are seeking now is upon transfer of that property back from
20 federal to private ownership, that it would take the zoning back
21 which had been in effect from 1958 up until 1984 and '85.

22 The second piece is the part shown in blue on the
23 drawing on the left there. What happened there if you go back and
24 look at the zoning map, it appears to show a boundary line running
25 along the center line of what would have been Bryant Street if

1 Bryant Street was actually there.

2 Now, in 1958 Bryant Street wasn't there but this is
3 the official zoning map and it appears that the Zoning Commission
4 when it drew that boundary line thought that Bryant Street was
5 there. When it drew the line it drew it down the center line of
6 what it thought was Bryant Street.

7 What happens then is we've got this little piece of
8 land of approximately 3,400 square feet that falls to the
9 northeast side of the center line of what would have been Bryant
10 Street if Bryant Street had been there and that's what's
11 residential.

12 Now, that piece is actually part of the larger
13 development site. It is part of the police impoundment lot and
14 it's being used in the same manner as the rest of the site is now.

15 When you look at the zoning map it is, in fact, R-5-A.

16 The proposal is to make that piece in blue C-M-1 which
17 is consistent with the zoning immediately adjacent to it, and the
18 piece in yellow to be M which is consistent with the zoning that
19 surrounds that, or appears to surround it, if the Federal
20 Government ownership weren't there.

21 I have gone through in substantial detail the
22 comprehensive plan and pulled out many of the pieces of the
23 economic development of the Ward 5 plan, all of which suggest that
24 appropriate commercial development in the vicinity of the metro
25 rail stations is something that is important in Ward 5.

1 I believe that the rezoning here would facilitate that
2 and not be inconsistent with the plan. And that the application
3 for rezoning meets the test under the Zoning Act and that the
4 Commission should approve what is before it.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Mr. Collins, are you finished?

7 MR. COLLINS: That concludes our testimony in chief.
8 We would be happy to answer any questions you might have.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Colleagues, before we proceed, again, as I did before
11 we set this down for a hearing, I did attend the ANC meeting which
12 I did not participate and that will not have any bearing on my
13 decision making with this proposal. Does anyone have any
14 objections to me participating?

15 With that, colleagues, any questions of this panel?
16 No questions? Okay. I'm kind of nervous to ask mine then. Maybe
17 I won't ask it.

18 I'm just curious. The only question I have is the
19 residential parcel, what's on the other side of that? Does it
20 abut any homes or anything?

21 MR. SHER: The residential parcel is sort of right
22 here opposite where 12th Street N.E. comes down so in terms of
23 what's immediately opposite directly to the north here is 12th
24 Street. This is the Israel Baptist Church which, again, you can
25 see on the property here.

1 In terms of it abutting anything, no, but there are
2 some homes, I believe, on the east side of 12th Street. Again, I
3 think you can see them in the aerial photo. You have a copy of
4 that aerial photo under Tab C of the prehearing statement.

5 There are a few homes here. Then there are other
6 residential areas as you go further to the northeast here,
7 Brentwood Village and a whole bunch of row houses here along 13th
8 Street, Adams Street, W Street in this vicinity here.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 COMMISSIONER PARSONS: Can we follow up on that?

11 CHAIRPERSON HOOD: Sure.

12 COMMISSIONER PARSONS: How about the apparently
13 residential on Bryant Street?

14 MR. SHER: Going to the northwest more or less, yes.
15 There is residential here and here but, again, the piece that
16 we're talking about, if you look at this plat, the houses are here
17 so none of this -- they are not immediately adjacent to what is
18 being rezoned here. This is already C-M-1 and M here.

19 COMMISSIONER PARSONS: I understand. Thank you.

20 CHAIRPERSON HOOD: Okay. Any other questions? With
21 that, we're moving to the Office of Planning's report.

22 Thank you, Mr. Collins. Maybe you can just hold your
23 seat for a few minutes.

24 First, colleagues, any problem with waiving the
25 report? The report was a little late.

1 COMMISSIONER: No problem.

2 CHAIRPERSON HOOD: So waived. Now we'll have the
3 Office of Planning's report.

4 MR. JACKSON: Mr. Chairman, this application as
5 indicated by the applicant consist of two parts. One is to rezone
6 a residential portion of the northeast corner to C-M-1. The other
7 is to initially zone the U.S. Postal Service property in the
8 southwest corner to M-1.

9 The Office of Planning reviewed this application and
10 determined that it met a number of different standards. The
11 rezoning and development proposals; that is, the proposed shopping
12 center, are not inconsistent with the comprehensive plan.

13 In order for the existing U.S. Postal Service property
14 to be developed for non-federal purposes, it must be initially
15 rezoned. Rezoning these lands for industrial is consistent with
16 the surrounding property. However, the rezoning would not be
17 appropriate until then unless the property is no longer federal
18 land.

19 The appropriate rezoning for the triangular piece of
20 property in the northeast corner that is currently zoned R-5 is to
21 be zoned for commercial uses. This will be consistent with the
22 adjacent land and because it is unlikely to be used for
23 residential uses, the proposed rezoning to C-M-1 is appropriate.

24 The applicant had made progress in addressing
25 significant issues raised about the development proposal at the

1 earlier setback report. Issues remain and more community input is
2 expected. However, OP staff is confident that an acceptable
3 compromise can be achieved on this concerning the site plan by the
4 time the large-trek review process is concluded.

5 To date the ANC has expressed support for this
6 proposal. The large-trek review process, I would note, also
7 allows for additional comment from the community and we hope to
8 have that in hand within the next couple of weeks.

9 The applicant has been encouraged to continue working
10 with WMATA to ensure that redevelopment of the subject property
11 and the Rhode Island metro station will result in developments
12 that work well together and create a focus for the community.

13 We want to make sure that this development and the
14 WMATA development take full advantage of their close proximity to
15 a major inter-modal transportation facility. Therefore, the
16 Office of Planning specifically recommends approval of the
17 proposal to rezone the reference corner of the property from R-5-A
18 to C-M-1.

19 Also, we recommend approval of the proposal to
20 initially zone the U.S. Postal Service property on the condition
21 that the initial zoning become effective upon official
22 documentation that this property is no longer federal land.

23 That is the substance of our report, Mr. Chair.

24 CHAIRPERSON HOOD: Okay. Thank you, Office of
25 Planning.

1 Colleagues, any questions of the Office of Planning?

2 Okay, no questions.

3 COMMISSIONER PARSONS: I do. I just want to express
4 some concern here. I realize it's not exactly the subject of this
5 hearing but I'm very concerned and have been for a long time how
6 the district is taking their property and removing, as I
7 understand this proposal, many necessary facilities that this city
8 has from this property and giving the Department of Public Works a
9 problem.

10 They are looking feverishly for locations for these
11 facilities and we're rapidly running out of zoning that will
12 accommodate it. I don't know whether we need a review of the
13 industrial zones and District property. Something needs to be
14 done and I'm just pleading with you, Ms. McCarthy, to initiate
15 something that's beyond our scope at this juncture.

16 I have to ask. There is an exhibit here that I've
17 pulled out of the materials that shows a layout, which is not the
18 subject of this hearing but I just have to understand this for
19 other reasons. Is this layout that is shown on this diagram what
20 you intend to do?

21 MR. WALKER: Generally consistent. Again, that layout
22 is currently subject to large-trek review approval and we are
23 working through whatever issues that may exist with the Office of
24 Planning.

25 COMMISSIONER PARSONS: So as I understand, Ms.

1 McCarthy, the salt dome that exist, and is shown on this aerial
2 photograph, has to be relocated as a result of this project. I
3 may be mistaken but that's my understanding.

4 I don't see how that's necessary with the diagram that
5 is before us because in laying the two next to each other, it
6 appears to me that there is plenty of room left for that facility.

7
8 I realize I'm straying away from our purpose here
9 tonight but it's a critical facility in this city. I guess I'll
10 close with that. I don't expect an answer. I'm just very, very
11 concerned about what we're doing. There are two or three of these
12 going on in the city that is leaving the Department of Public
13 Works in a difficult circumstance.

14 MS. MCCARTHY: Mr. Parsons, I know you don't expect an
15 answer but let me mention two things that I think are important to
16 put on the record. No. 1 is that I think the city is very
17 concerned about that same issue as well.

18 In particular, the city administrator, Mr. Koscanen,
19 has indicated that he wanted the search for facilities to be not
20 as it had been until recently, simply something that was
21 essentially dumped on DPW's lap, or it was basically DPW's
22 responsibility to find new facilities.

23 He has asked the Office of Planning to do a facilities
24 plan for the District which we actually have begun to do. The
25 notion is to look comprehensively at our existing needs for space

1 but also in the future what the city needs for space for all kinds
2 of facilities that we have.

3 But the first emphasis is going to be on the salt
4 dome, the asphalt milling, the trash transfer stations. All of
5 them are very difficult sites to find uses for. That is a city-
6 wide effort with us in the lead.

7 But the second part of that is in the development
8 review branch we really agree with you that there is almost a
9 crisis in terms of availability of industrial land in the city.
10 So many people looking for using it and very little land zoned
11 industrial at this point in time.

12 We've indicated kind of as our next priority after the
13 zoning consistency, which I think is the next big zoning issue
14 we've got to confront, at least in terms of our resources, is the
15 150 or so amendments that were passed by the council in 1998 that
16 until recently we didn't have the staff resources to do the zoning
17 consistency work on. Immediately following that, this look at
18 industrially zoned land is one of the things that we have in mind
19 to do.

20 I would add also Mrs. Schwartz, the chair of the
21 council's Public Works Committee, shares your concern as well, as
22 had a hearing already indicating she wants to see evidence from
23 the council of what's being done with regard to facilities
24 planning and replacement facilities and is expecting to hold the
25 administration's feet to the fire on that area.

1 COMMISSIONER PARSONS: Thank you.

2 Thank you for indulging me, Mr. Chairman.

3 CHAIRPERSON HOOD: Sure. No problem. Those questions
4 we need to try to come up with some resolution.

5 I will ask is there anyone from ANC-5B present? Okay.

6 So I didn't make a mistake.

7 Anyway, colleagues, any further questions?

8 Does the applicant have any questions of Office of
9 Planning?

10 MR. COLLINS: No, we do not.

11 CHAIRPERSON HOOD: We'll get to a portion where you
12 will be able to speak. We will call for it.

13 I will mention the ANC letter, Mr. Parsons, if you
14 want to mention what took place. I was there but I didn't
15 participate.

16 COMMISSIONER PARSONS: Maybe I ought to read it. I
17 don't want to read it but the ANC voted in favor of this
18 application and maybe we could leave it at that and it's a matter
19 of record here. Exhibit No. 27.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 Do we have anyone here to report from any other
22 agencies? Okay. Let's move right forward. I have to call for it
23 procedurally. Report of Advisory Neighborhood Commission 5B. Mr.
24 Parsons has already responded.

25 Mr. Collins, I'm going to ask you and the panel if you

1 could step back for a moment.

2 Parties and persons in support. Anyone wishing to
3 testify in support of this project?

4 MR. COLLINS: We're not here to testify in support as
5 the applicant but we did bring down a letter from council member
6 Vincent Orange in support which we would like to subject to the
7 record.

8 CHAIRPERSON HOOD: Okay. Fine. You want to come to
9 the table? If you can come to the table. Also, I want to make
10 sure if you are going to come and testify for three minutes, that
11 you were sworn in. You weren't sworn in? If you could just come
12 to the table if you want to say a few words in support.

13 Mr. Bastida, can we swear this young lady in, please?

14 Let me ask. Anyone who is in the audience to testify
15 either in support or in opposition and you have not been sworn in,
16 at this time could you please stand up and be sworn in.

17 Excuse me. If you're going to be testifying in
18 opposition, you need to stand and be sworn in.

19 (Whereupon, the witnesses were sworn.)

20 CHAIRPERSON HOOD: Let me just ask at this time all
21 those persons who are testifying in support to please come to the
22 table at this time. You are individuals so let me remind you that
23 you do have three minutes. Not that we have such a long hearing
24 but you do have three minutes.

25 You may proceed with your testimony.

1 MS. GRAY: My name is Patricia Gray and I live right
2 next door to the property that the man was talking about that's
3 got to be rezoned, a little small parcel. I'm right behind Israel
4 Baptist Church. That walkway or that land that goes through
5 there, I would be glad for them to take it.

6 I have no problem with it because people come through
7 there and make a mess all the time. I think the building of the
8 K-Mart that they are going to build over there will help the
9 community. It will give people jobs. We need that and I think
10 it's a very good idea. I think they are doing just wonderful.

11 What I want to know is the people that live on the
12 other side, are we going to be able to keep our homes? Is it
13 going to be a problem? That's the only thing I'm concerned about.

14 CHAIRPERSON HOOD: The Office of Planning would have
15 to answer that because I don't think any homes are going to be
16 taken.

17 MR. JACKSON: Mr. Chairman, the applicant has indicated
18 on their site plan that the assemblage that would create the
19 development lot would be sufficient for all the development that
20 is proposed so there should not be any taking of land near the
21 property.

22 CHAIRPERSON HOOD: Can we have your name, please? I
23 don't know if you gave your name.

24 MS. GRAY: My name is Patricia Gray.

25 CHAIRPERSON HOOD: Okay, Ms. Gray.

1 MS. GRAY: Thank you.

2 CHAIRPERSON HOOD: Okay, Ms. Gray. Thank you. Also,
3 I will ask that you fill out two cards, if you haven't already,
4 and give to the reporter. Thank you.

5 Sir, you may proceed.

6 MR. PAYTON: My name is Hollinger Payton and I live on
7 Bryant Street, 1005 Bryant Street N.E. My problem is I don't
8 care, you know. I think it would be a nice thing for somebody to
9 have a place to work and everything like that.

10

11 I am one of the ones who was in that community when
12 that freeway was coming through sometime back and I had to move
13 and I did find that place there, the second house, 1005 Bryant
14 Street N.E. I was lucky enough to find that.

15 I'm just like the lady that I would like to know would
16 I be uprooted now and try to get another place ready to go and
17 take that place back there. You see, I live in the front of it
18 and all the stuff is right behind me, you see. I've got an alley
19 that comes right back there and all the rest of it is where that
20 place is going to be at.

21 CHAIRPERSON HOOD: Mr. Payton, again, we understand
22 your concern. I think the Office of Planning has put on the
23 record fairly well in stating that they have enough land to do
24 what they need to do and will not interfere in anyone's home.

25 MR. PAYTON: Beautiful.

1 CHAIRPERSON HOOD: I think you can be assured and
2 you'll be able to utilize the facility if it's approved.

3 MR. PAYTON: Okay. That's what I wanted to know.

4 CHAIRPERSON HOOD: Thank you. Mr. Payton, could I ask
5 if you could fill out two cards and give to the reporter.

6 MR. PAYTON: Yes, sir. I'll be glad to do it because
7 I had a terrible time finding this place. We were having meetings
8 going and coming and I was lucky. The Lord was with me.

9 CHAIRPERSON HOOD: Okay.

10 MR. PAYTON: I couldn't eat that day. I went home and
11 my wife had my dinner on the table and I couldn't eat. I kept
12 running around and running around. As long as I've been in
13 Washington, D.C. I've never been down that street. Never have.

14 I was living over on Irvin Street. Come right
15 straight on back and my mind said cross the street. Cross Rhode
16 Island Avenue. Come on around and I looked up that hill and
17 there's a big sign "for rent." Lord have mercy.

18 CHAIRPERSON HOOD: Thank you, Mr. Payton. I'm glad it
19 worked out for you.

20 Next, sir. You can proceed. If you could turn your
21 microphone on.

22 MR. HALL: My name is Le'Roy Hall. I live at 1018
23 Rhode Island Avenue on the north side at the corner of 12th and
24 Rhode Island N.E.

25 I'm for the project but I have some concerns about

1 traffic. I just wanted to ask what the city will deal with on the
2 traffic. We know there will be more traffic. There are certain
3 problems at the intersection where the McDonald's and the BET area
4 is and the auto auction. That intersection on Brentwood Road has
5 a problem with left turns into the BET area which is Black
6 Entertainment Television.

7 The traffic on Brentwood Road is not running as good
8 as it should now so I think they should work on it. Somebody
9 should deal with that. There should be a left turn lane at that
10 point. There is none so that two lanes of traffic are backed up
11 down to one going south on Brentwood Road. There should be a left
12 turn lane to allow those cars to turn left and not hinder the
13 second lane going south on Brentwood.

14 There are two lanes that go north from that same point
15 just to turn into the Post Office. They are about a block long
16 and they don't need two left turn lanes going north. They need
17 one going south. It would be a matter of just taking one of those
18 lanes and simply changing it to a southbound left turn lane.

19 I didn't know I would need a map. I can't show it on
20 there because it's not clear enough. I wanted to know if the city
21 would look at that. I don't who is supposed to look at that or
22 who I should talk to.

23 CHAIRPERSON HOOD: Mr. Hall, let me say there's going
24 to be a large-trek review process.

25 Ms. McCarthy, if you could -- I don't know if we have

1 any dates or anything where the citizens will have as chance to
2 participate in those forms, I believe.

3 MR. JACKSON: We will be sending out notices for a
4 meeting on, I believe, Monday the 29th at the Israel Baptist
5 Church. You will have an opportunity to look at the plans in more
6 detail.

7 In brief, discussing your question, the applicant has
8 come forward with some proposals. Those proposals as part of the
9 large-trek review process and as part of the ambassador program
10 are being circulated to the Department of Public Works and other
11 agencies to deal with the circulation, the signalization, how to
12 deal with intersections, and so forth.

13 The area that you are talking about that is of the
14 most concern is actually a little south of the project but there
15 will be improvements proposed by the applicant and coordinated
16 through the city that will be made to Brentwood Road with possibly
17 an additional signal, a right turn lane on southbound to get the
18 traffic going into the shopping center out of the right-of-way.

19 Also improvements on Rhode Island Avenue. So the
20 applicant has proposed some improvements. Those are being
21 reviewed by the appropriate agencies and we expect to see when
22 this development is completed there will be good and effective
23 circulation into and out of that development and we think that
24 will take some of the pressure off the circulation there by the
25 McDonald's in front of the Post Office.

1 MR. HALL: At the present time there is a problem now
2 so that's why I figured there would be an increase. I'll bring a
3 map to that hearing on the 29th.

4 Just one other thing. There would be hiring done by
5 K-Mart and Giant and whoever else. I want to know would residents
6 of that area, and especially the District, have the majority? I'm
7 not talking about 51 percent. I'm talking about something that
8 looks like a majority. I would like for them to answer that
9 question. In hiring.

10 MR. JACKSON: I'll defer to the applicant for a more
11 detailed response, but in their discussions and in their
12 presentations the applicant has touted the record of K-Mart in
13 local hiring and local promotion. They like to hire locally,
14 promote locally, and they spend money in the community. It's been
15 fairly well documented that they have done that every place
16 they've gone.

17 I would think K-Mart and the developers see this as
18 being a model of what they can do in the intercity so we would
19 anticipate that they would do that type of thing. They would
20 continue that pattern here in the District which would mean that
21 the people in the surrounding areas would have opportunities to
22 get employment and move up in the organization.

23 Now, that is just speaking from K-Mart because they
24 are the primary mover of this. We haven't heard -- well, Giant,
25 of course, is a local organization and their reputation is known

1 to everyone. We are hoping that Home Depot -- that the other home
2 improvement will do the same thing.

3 For more specific comments, I'll defer to the
4 applicant.

5 CHAIRPERSON HOOD: Let me just ask, Mr. Hall, I will
6 ask the applicant to kind of touch on that when he comes back up
7 for his final closing remarks.

8 MR. HALL: Thank you.

9 CHAIRPERSON HOOD: Thank you, Mr. Hall. Again, that
10 meeting will be on the 29th and it will be a good time for you to
11 go out and express some of your continued concerns.

12 MR. HALL: Right. Okay.

13 CHAIRPERSON HOOD: Thank you.

14 Anyone else in support? Persons in opposition?

15 MS. YE: Mr. Chairman --

16 CHAIRPERSON HOOD: Could you come to the front,
17 please? Could you give us your name?

18 MS. YE: My name is Ze Li Ye. Mr. Chairman, I just
19 made a mistake. The gentleman just asked my question. Because I
20 had a piece of property just across the parcel but I just worry
21 but he said don't worry because it's not included. I'm sorry.

22 CHAIRPERSON HOOD: Could I ask that you still fill out
23 two cards?

24 MS. YE: Okay. Like I said, I support.

25 CHAIRPERSON HOOD: Believe it or not I make a mistake

1 once in a while too.

2 MS. YE: Okay. Thank you.

3 CHAIRPERSON HOOD: Okay. Good. No one is in
4 opposition.

5 Final closing remarks, Mr. Collins. Mr. Collins,
6 closing remarks.

7 MR. COLLINS: Thank you, Mr. Chairman, and members of
8 the Commission. You've heard the testimony of the applicant's
9 witnesses and the other individuals. First of all, I would like
10 to say we do agree with the conclusions of the Office of Planning
11 report.

12 Specifically one issue that was raised by Mr. Jackson
13 is the rezoning of the federal piece of the property. The federal
14 piece of the property cannot become effective until the property
15 is transferred and, of course, that's appropriate and we can
16 submit it with our draft order in the appropriate language to
17 include for that.

18 This application does have the support of the Office
19 of Planning, the ANC, Council Member Orange, the Deputy Mayor for
20 Economic Development, and several neighbors that you've heard this
21 evening. There is no opposition of record in this case.

22 Mr. Walker can briefly touch on the issue that you
23 requested concerning employment.

24 MR. WALKER: Yes. Thank you. In reference to
25 employment, first of all, the development and the various

1 occupants of the development, of course, will be executing
2 agreements with the Department of Environment Services, DOES,
3 which are required in order to be active in the District.

4 Secondly, and I think what is probably more important,
5 and I can give you a very specific example. The center which K-
6 Mart has opened recently in Detroit, Michigan, which was also
7 developed by us, we actually hired -- they hired through the local
8 church and worked very closely with the local community agencies.

9 Over 85 percent of the people that are employed in that
10 particular store live within a distance of three miles of the
11 store facility.

12 K-Mart believes it's good business to try to hire
13 local residence. It's also the law. They will be adhering to
14 both their philosophy as well as requirements of the regulations.

15 CHAIRPERSON HOOD: Okay. Thank you for the short
16 presentation. We really appreciate it and, again, a job well
17 done.

18 Colleagues, I believe this project in front of us is
19 pretty straightforward. I'm in the mind set of asking to vote on
20 it tonight unless my colleagues object.

21 COMMISSIONER HOLMAN: Mr. Chairman, I'm prepared to
22 make a motion to approve Zoning Commission case 00-25M map
23 amendment at Rhode Island Avenue N.E.

24 COMMISSIONER PARSONS: Second.

25 CHAIRPERSON HOOD: It's been moved and properly

1 seconded. All those in favor by using the sign of voting.

2 ALL: Aye.

3 CHAIRPERSON HOOD: Any opposition? So ordered.
4 Staff, would you record the vote?

5 MR. BASTIDA: Yes, Mr. Chairman. The staff will
6 record the vote five to zero. Mr. Holman moved it and Mr. Parsons
7 seconded it. The rest of the Commission voted in the affirmative.

8 CHAIRPERSON HOOD: Okay. Colleagues, we thank you for
9 your support tonight and thank you for moving forward.

10 I would like to thank all those who came down to
11 testify. I have a closing statement but that is a moot point at
12 this time so, with that, this hearing is adjourned.

13 (Whereupon, at 7:45 p.m. the hearing was adjourned.)
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