

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

JEMAL'S HECHT'S, LLC - Map : Case No.
Amendment @ Square 4037 : 13-02
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Monday,
June 3, 2013
Hearing Room 220 South
441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No.
[number] by the District of Columbia Zoning
Commission convened at 6:32 p.m. in the
Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001,

Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN

JOEL LAWSON

**DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:**

ANNA CHAMBERLIN

**The transcript constitutes the
minutes from the Public Hearing held on June
3, 2013.**

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Okay, we're ready
4 to get started. Good evening, ladies and
5 gentlemen. This is the public hearing of the
6 Zoning Commission for the District of Columbia
7 for Monday, June 3, 2013.

8 My name is Anthony Hood. Joining
9 me is Vice Chair Cohen, Commissioners Miller,
10 May, and Turnbull. We're also joined by
11 Office of Zoning staff, Ms. Sharon Schellin.

12 This proceeding is being recorded
13 by a court reporter. It's also webcast live.
14 Accordingly, we must ask you to refrain from
15 any disruptive noise or actions in the hearing
16 room.

17 Also, joining us, Ms. Sharon
18 Schellin from Office of Zoning -- I already
19 said that -- as well as Office of Planning,
20 Ms. Lawson and Mr. Cochran.

21 Again, this proceeding is being
22 recorded by a court reporter and is also

1 webcast live. Accordingly, we must ask you to
2 refrain from any disruptive noise or actions
3 in the hearing room.

4 The subject of this evening's
5 hearing is Zoning Commission Case No. 13-02.
6 This is a request by Jemal's Hecht's for
7 approval of a map amendment for property
8 located at Square 4037.

9 Notice of today's hearing was
10 published in the D.C. Register on April 26,
11 2013. And copies of that announcement are
12 available to my left on the wall near the
13 door.

14 The hearing will be conducted in
15 accordance with the provisions of 11 DCMR 3022
16 as follows: preliminary matters, Applicant's
17 case, report of the Office of Planning, report
18 of other government agents, report of the ANC.
19 In this case, it's 5D. Organizations and
20 persons in support, organizations and persons
21 in opposition, rebuttal and closing by the
22 Applicant.

1 The following time constraints
2 will be maintained in this meeting. The
3 Applicant, 25 minutes; organizations, 5
4 minutes; individuals, 3 minutes.

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

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

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

1 present not engage members of the Commission
2 in conversation during any recess or at any
3 time. Please turn off all beepers and cell
4 phones at this time so as not to disrupt these
5 proceedings.

6 Will all individuals wishing to
7 testify please rise to take the oath.

8 Ms. Schellin, will you please
9 administer the oath?

10 MS. SCHELLIN: Please raise your
11 right hand. Do you solemnly swear or affirm
12 the testimony you will give this evening will
13 be the truth, the whole truth, and nothing but
14 the truth?

15 (The witnesses were sworn.)

16 MS. SCHELLIN: Thank you.

17 CHAIRMAN HOOD: We're also joined
18 by the District Department of Transportation,
19 Mr. Henson and Ms. Chamberlin.

20 Do we have any preliminary
21 matters?

22 MS. SCHELLIN: None.

1 COMMISSIONER MAY: Mr. Chairman, I
2 had a preliminary matter. Apparently, Mr.
3 Glasgow did not watch our last meeting and
4 didn't get the message about the dress code.
5 I notice Mr. Millstein did, but then again I
6 guess that was to be expected.

7 (Laughter.)

8 CHAIRMAN HOOD: Actually, I said
9 that when I first walked in, but it wasn't on
10 the record. I said they didn't get the memo.

11 (Laughter.)

12 But I'm sure from now -- and for
13 those who are watching, we are in dress-down
14 mode. We have relaxed our dress code, so we
15 consider it appropriate to come in front of us
16 without a tie, with your nice polo shirts.

17 (Laughter.)

18 Ladies, like I said previously,
19 whatever you wear, but not all wrapped up.
20 But anyway --

21 (Laughter.)

22 COMMISSIONER MILLER: Mr.

1 Chairman?

2 CHAIRMAN HOOD: Yes.

3 COMMISSIONER MILLER: I didn't get
4 the memo.

5 CHAIRMAN HOOD: You didn't get the
6 memo. Okay, let's go straight to the
7 Applicant's case. Do we have any proffered
8 experts?

9 MR. GLASGOW: Yes, sir. We have
10 one proffered report of an expert, Mr. Sher's
11 report. he's not able to be here this
12 evening.

13 CHAIRMAN HOOD: Okay. I had a
14 note here that we didn't get his r, sum,. Any
15 objections to the report? And if there are
16 any questions, we'll figure out how they will
17 respond in answering questions.

18 Okay, anything else, Mr. Glasgow?

19 MR. GLASGOW: No, sir.

20 CHAIRMAN HOOD: So we're ready to
21 begin?

22 MR. GLASGOW: Yes. Thank you.

1 Good evening, members of the Commission. For
 2 the record, my name is Norman M. Glasgow, Jr.
 3 of the law firm of Holland Knight,
 4 representing the property owner, the
 5 Applicant, for the rezoning from CM-2 to CM-3
 6 for property on the south side of New York
 7 Avenue, N.E., just to the east of the historic
 8 Hecht Company warehouse.

9 Here with me this evening are Ms.
 10 Carolyn Brown also of Holland Knight, Mr. Paul
 11 Millstein of Douglas Development, and Ms.
 12 Andrea Gourdine of Douglas Development also.
 13 We've got one other representative of this
 14 development here with us, Mr. Dan Van Pelt.
 15 And Mr. Watson of Gorove/Slade and Mr.
 16 Benjamin Kenny of Antunovich Architects. And
 17 as we've referenced earlier, we've got the
 18 report of Mr. Sher.

19 Next, I would like to proceed with
 20 a brief opening statement, confirm that copies
 21 of our application, the prehearing statement,
 22 the Office of Planning report, and support of

1 the application and the letter from ANC Chair
2 Kathy Henderson in support of the application
3 are in the record.

4 I think you should have all of
5 those including the ANC report for February.

6 By way of background, we do have a
7 few slides and images for the convenience of
8 the Commission in considering this
9 application. First, this is just an image
10 that shows the existing historic warehouse and
11 then an image of what could be developed on
12 the site.

13 Next, we have the surrounding
14 industrial uses. We have the surrounding
15 industrial uses on Fenwick and West Virginia
16 and Fenwick and Okie. And then the next
17 looking at Fenwick and Okie west and east. As
18 you can tell, this is a very heavily
19 industrial area.

20 And then Okie Street behind the
21 Hecht's warehouse. Let's see, one more. Then
22 we've got the proposed rezoning which is the

1 shaded area on the east end of the site which
2 would go from CM-2 to CM-3. And we note that
3 the existing Hecht's warehouse building is 82
4 feet in height which is over the height limit
5 for the CM-2. And also, we have the
6 Comprehensive Plan land use map which shows
7 the M district directly across the street for
8 an extended area on New York Avenue which has
9 the 6 FAR and 90-foot height. I think that
10 ends the slides.

11 Then getting back to -- the lights
12 can come back on whenever it's convenient.
13 Thank you.

14 The rezoning application before
15 you is the direct result of our work with the
16 community and the Office of Planning. We met
17 with both of them on numerous occasions as to
18 how best to proceed with redevelopment of the
19 site and bring back to productive use the
20 existing vacant Hecht's warehouse which is
21 approximately 500,000 square feet of floor
22 area.

1 As you will hear from Mr.
2 Millstein and going through this process, it
3 became apparent that an order to have any
4 prospect of redeveloping the Hecht's warehouse
5 and getting it occupied, parking needed to be
6 provided for that facility.

7 In looking at parking options,
8 unless a parking structure is developed, a
9 massive amount of land area would be necessary
10 to provide the 600 plus parking spaces
11 required under CM regulations for office use
12 of the site. And we know that because it's a
13 historic landmark, technically under the
14 regulations you don't have to provide any
15 parking, but in this area there would have to
16 be parking provided or the site would never
17 lease.

18 This type of land utilization
19 would not be in the interest of the District,
20 the community, or the developer.
21 Consequently, the most efficient way to
22 proceed with redevelopment of the site was to

1 provide an above-grade parking structure to
2 about 65 to 70 feet in height which is more
3 than the height permitted in the CM-2
4 District.

5 To accommodate that height and in
6 consultation with the Office of Planning and
7 community, we seek a map amendment to CM-3
8 which allows a 90-foot height. In the
9 interim, while working on the map amendment
10 and exploring options for use of the historic
11 warehouse, an incredible opportunity has
12 presented itself that has resulted in a Letter
13 of Intent between a grocer and Douglas
14 Development which Mr. Millstein will discuss
15 in more detail.

16 The design requirements for a
17 grocery store and the ability to respond to
18 such an opportunity have been possible because
19 of the potential for a map amendment. Through
20 the map amendment process, we've had the
21 flexibility to vary the ceiling heights to
22 accommodate the grocery use, while still

1 accommodating automobile parking and other
2 future uses as designed should demographics
3 and planning policies dictate a shift away
4 from industrial uses in the decades to come.

5 We believe that the proposed map
6 amendment as supposed by the Office of
7 Planning and community is completely
8 consistent with the future land use map
9 designation and the various provisions of the
10 Comprehensive Plan as set forth in Mr. Sher's
11 report and the Office of Planning report.

12 We are pleased that we have
13 support from members of the community here
14 with us this evening for this application.
15 This rezoning presents an opportunity for a
16 real change in what can occur in that area of
17 New York Avenue. Instead of simply serving as
18 a computer corridor, New York Avenue can now
19 provide neighborhood services and commercial
20 uses that will support and directly benefit
21 the community.

22 We have also reviewed the DDOT

1 report and while this is a map amendment case,
2 we are ready to discuss that in whatever
3 detail the Commission desires. And we can do
4 that either preliminarily, get any issues that
5 you may have all on the table. We have an
6 expert here that can address that should it be
7 necessary. We're ready to proceed how the
8 Commission desires on that point.

9 We believe we have met the burden
10 of proof with respect to a map amendment in
11 this case. We believe that from a policy
12 standpoint this is the appropriate forum to
13 decide such an issue. We believe that it's in
14 the best interest of the community to have
15 this CM-3 rezoning go forward so that the
16 Hecht Company can be redeveloped and we can
17 proceed with the Letter of Intent for the
18 grocery store and that the purpose of New York
19 Avenue is to not just be a corridor for people
20 going in and out of the city, but that there
21 should be development along that corridor that
22 can take advantage of and produce for the

1 District of Columbia and the community. We
2 believe that what we're proposing does that.

3 If there are no preliminary
4 matters, we are ready to proceed with Mr.
5 Millstein's testimony.

6 MR. MILLSTEIN: Good evening, Paul
7 Millstein, Douglas Development Corporation.
8 I would first of all like to say that I feel
9 as if I've already won because I noticed the
10 dress code as soon as you walked in and we've
11 been pushing for this for years. So I for one
12 feel great victory tonight before we even get
13 started. I feel more comfortable. You look
14 more comfortable except for Commissioner
15 Turnbull who will fix that next time. Anyway,
16 I appreciate it.

17 So here we go. Hecht Company is a
18 pioneer project for us. It's something that
19 we're very excited about. We just for years
20 have been driving up this corridor. I've been
21 coming to the District for about 25 years and
22 just see a phenomenal opportunity to do

1 something great with this site. It is a heavy
2 industrial area. We recognize that. We
3 recognize what DDOT has done with the trucks
4 behind us. We know what's going on in the
5 surrounding areas.

6 That being said, this is a
7 beginning. We think we can effect change
8 collectively. It's a team effort. This is
9 very similar to 77 P Street, the People's
10 Drugs warehouse, that we started back in NoMa
11 before NoMa was NoMa. And we saw great
12 potential there. And that was when it was a
13 homeless shelter and there was drugs and it
14 was a mess when we started there. It turned
15 out to be a great success and we certainly
16 know what's happened in NoMa since.

17 We see a great community here in
18 Ivy City and Trinidad. We see a lot of
19 traffic. We see a lot of demographics, a good
20 opportunity for retail. We do need to figure
21 out what we're going to do with a half a
22 million square feet of office building or

1 building that's existing in the historic
2 structure. Office seems the most sensible
3 right now. That being said, we consulted many
4 people and we're just pushing in the direction
5 where we had to provide parking in order to
6 market that building successfully.

7 Now I know I've argued in front of
8 this Commission where parking wasn't necessary
9 in some developments, but I do believe a case-
10 by-case basis should be looked at. And I'll
11 tell you in the same token even though the
12 regulations say 600 spaces are correct and
13 within the zoning requirement, we would say
14 that we want more. And the reason being is we
15 were directed specifically by our GSA
16 consultant and someone who has represented us
17 on many deals that for us to be competitive
18 for the larger floor plate users, we need to
19 be able to park two per thousand which is a
20 suburban rate. So we're going to try to
21 capture a market that is (1) downtown and
22 looking for a more effective rental rate; and

1 (2) is a potential suburban larger user that
2 like to be in the District, but can't pay the
3 \$45 or \$50 that is the currently prevailing
4 rate in the downtown, but we can offer a \$25
5 rate in that building and provide parking. In
6 order to do that, we would push to a minimum
7 of two per thousand which is a thousand
8 parking spaces.

9 In addition to that, the ground
10 floor of this building has 60,000 feet of
11 retail. We envisioned some large users mixed
12 in with some smaller users and as you know
13 we're going to build a road. We intend to
14 build a road through there. Looks like Hecht
15 Avenue where we can have some service-related
16 retail along with some larger retailers.
17 Those retailers will also need parking. This
18 is relatively close to Metro, but it's an
19 interesting walk to get to Metro right now and
20 same with the bike path. It's not a great
21 bike route. We hope that all that improves in
22 the future, but we don't see it today and the

1 future is the future, but right now we have to
2 deal with today.

3 Today, we want to get something
4 going. We want to get something built. We
5 are at least with MOM's which is very exciting
6 for a 16,000-foot grocery store. It's an
7 organic market. We have a lot of interest
8 from several others. We had the best trip out
9 to Vegas we've ever had at ICSC, a lot of
10 interest in this site. A lot of people
11 interested. They want to see how it develops,
12 but we think we have a great opportunity
13 collectively to take advantage of the good
14 economy that's right now and get something
15 going while we have a chance.

16 So with that, we'll be available
17 for questions. Thank you.

18 MR. GLASGOW: That concludes our
19 presentation and we have several minutes to go
20 and we don't have Mr. Sher here to take up the
21 rest of the time.

22 CHAIRMAN HOOD: Tell Mr. Sher he

1 missed 15 minutes and no time shall be ceded.

2 MR. GLASGOW: I was just going to
3 ask.

4 CHAIRMAN HOOD: Okay, let me open
5 it up. We appreciate the presentation.

6 Colleagues, any questions?
7 Commissioner Miller?

8 COMMISSIONER MILLER: Thanks, Mr.
9 Chairman. How long has the warehouse been
10 vacant or not in productive use?

11 MR. GLASGOW: It's been at least
12 ten years.

13 COMMISSIONER MILLER: And how long
14 has Douglas Development had control of the
15 site?

16 MR. GLASGOW: Less than a year.

17 COMMISSIONER MILLER: Thank you.

18 CHAIRMAN HOOD: Any others?

19 COMMISSIONER TURNBULL: Thank you.
20 I think you had said there was 60,000 square
21 feet possible, it's all on the ground floor
22 for retail.

1 MR. MILLSTEIN: That's correct.
2 The structure that we're attempting to build,
3 60,000 on the ground floor. We're also
4 considering using portions of the ground
5 floor, the existing historic tower for
6 additional retail.

7 COMMISSIONER TURNBULL: For
8 additional.

9 MR. MILLSTEIN: That may be
10 predicated on how the lease up goes.

11 COMMISSIONER TURNBULL: But that's
12 not part of the 60 though.

13 MR. MILLSTEIN: That's correct.
14 That's in addition to.

15 COMMISSIONER TURNBULL: That's in
16 addition to.

17 MR. MILLSTEIN: That's correct.

18 COMMISSIONER TURNBULL: And then
19 16,000 of that would be for a grocery store?

20 MR. MILLSTEIN: As it sits today
21 we are currently at least with MOM's Organic
22 Market, that's correct. At least 16.

1 COMMISSIONER TURNBULL: How does
2 that compare with some of the other grocery
3 stores?

4 MR. MILLSTEIN: It's relatively
5 small. It's boutique-y. It's more like a
6 Trader Joe's.

7 COMMISSIONER TURNBULL: I thought
8 a lot of them were bigger than that.

9 MR. MILLSTEIN: Our Harris Teeter
10 on Kalorama Road which is an urban Harris
11 Teeter is about 30,000 feet. Most of them are
12 pushing 35,000 to 55,000. And then of course,
13 you've got the Wegman's out there at 120,000,
14 140,000 that are floating around. This is a
15 boutique market.

16 COMMISSIONER TURNBULL: What other
17 retail do you see going in there?

18 MR. MILLSTEIN: We're talking a
19 Party City. We're talking a Panda Express.
20 We're talking to Marshall's is looking at the
21 site. Retail feeds on retail and if you can
22 get some synergy going and the fact that MOM's

1 is already to step up and go forward meant a
2 lot to us early.

3 COMMISSIONER TURNBULL: Sure.

4 MR. MILLSTEIN: And now everybody
5 is seeing it and we certainly know that there
6 was another site very close to us at
7 Bladensburg Road that has somewhat stalled, so
8 there were several other users that were
9 looking at those sites that would like to get
10 open in the neighborhood. So if we are moving
11 forward which we are, then we have an
12 opportunity for a lot of that as well.

13 COMMISSIONER TURNBULL: So there's
14 definitely a lot of interest?

15 MR. MILLSTEIN: There's a lot of
16 interest right now. Yes. We're very excited
17 about the interest.

18 COMMISSIONER TURNBULL: Okay,
19 thank you.

20 CHAIRMAN HOOD: Any other
21 questions? Vice Chair.

22 VICE CHAIR COHEN: Yes. I'm

1 concerned about one thousand spaces and
2 you're talking about what I would think is a
3 very urban area and you're suggesting it may
4 be like a suburban space. And in price per
5 square foot I understand where you're coming
6 from, but I'm still not sure that a thousand
7 spaces is the right number. So can you expand
8 on that, please?

9 MR. MILLSTEIN: Sure. And I'll
10 tell you, I got very much the same reaction
11 from the Director of Planning, Ms. Tregoning.
12 She almost rolled out of her chair when I
13 proposed a thousand parking spaces on New York
14 Avenue.

15 So I don't know if there's an
16 exact answer. We're all trying to anticipate
17 the future. We're trying to make the most
18 intelligent, informed decisions on the right
19 way to go. We weren't sure of the right way
20 to go. We consulted with again, our large
21 leasing consultants and the people that
22 represent users and they really, they just

1 said that they wouldn't even market the
2 building unless we were a two per thousand,
3 two per thousand square feet. So if we can't
4 market it and we can't go after a larger user,
5 then that half a million square feet of
6 building can be relegated to a self-storage
7 facility or a warehouse facility, a multi-
8 story, just continue industrial uses.

9 We felt it was important to really
10 step out. Now we looked at less parking
11 spaces initially and then the ability to add
12 on top as leasing grew because this was a very
13 expensive venture to come out speculative
14 because we were tracking with MOM's, but MOM's
15 is 16,000 feet. We're sitting with a half a
16 million over here and another large building.

17 We met with Shockey Concrete who
18 does these precast structures that are also
19 convertible and we were swayed from adding on
20 in the future that the cost to add on the
21 future, to be able to get your cranes in
22 because they actually erect this from the

1 center of the structure and work their way
2 out, they thought it would be very challenging
3 in the future two years or three years or
4 whatever from now to come add two more decks
5 on to that deck. They really felt that if you
6 were ever going to do it and there was ever
7 going to be a demand, do it now. It's just
8 much more achievable.

9 So we felt it important to step up
10 and just build it and hopefully they'll come
11 and so far the response has been excellent.
12 But if we've over parked it -- I don't know
13 the answer to that. The time will tell. But
14 I think it's a great opportunity to provide
15 parking in a very good location as you're
16 coming into the city. We have the opportunity
17 for shuttle services in the future, if
18 necessary. There's a lot of ways to go, but
19 building less didn't seem to make sense.

20 MR. GLASGOW: Mr. Millstein, did
21 you also -- I think there may be something
22 that can be helpful here, too. Didn't you

1 also increase the floor-to-ceiling height in
2 your discussions with the Office of Planning
3 so that additional uses that the -- and
4 different types of uses could be put in that
5 building in the future?

6 MR. MILLSTEIN: And we did and
7 that speaks to the height. But even if we
8 hadn't increased the heights of the floors, we
9 would have still had a thousand parking
10 spaces. We still feel that's the right
11 number.

12 What we did do by increasing the
13 height of the structure is make it convertible
14 to an office use, a residential use, which I
15 recognize I don't have zoning for as I sit
16 today. But if transportation shifts, which it
17 will, and things happen in the future, great.
18 We have invested a lot of additional dollars
19 up front to make that building convertible
20 which is very innovative. The top two floors,
21 the top three floors all of it, if it was to
22 get a Metro stop or -- we don't know what's

1 going to happen. So we tried to do what made
2 most sense initially to give us the greatest
3 flexibility.

4 CHAIRMAN HOOD: Any other
5 questions? Mr. Turnbull?

6 COMMISSIONER TURNBULL: I just
7 want to get back to the Vice Chair's line of
8 questioning. The nearest Metro stop is Rhode
9 Island?

10 MR. MILLSTEIN: It's almost a tie
11 between Rhode Island and the NoMa. They're
12 almost equal distances.

13 COMMISSIONER TURNBULL: How far is
14 that?

15 MR. MILLSTEIN: About a mile, a
16 little bit plus.

17 COMMISSIONER TURNBULL: A bit of a
18 walk.

19 MR. MILLSTEIN: And a challenging
20 walk. Some walks are better than others and
21 right now that's an interesting walk.

22 COMMISSIONER TURNBULL: Our

1 colleagues from the Department of
2 Transportation can get into this later, but
3 they're concerned about the traffic on New
4 York. If you're putting in a thousand cars on
5 to New York, they were concerned with just a
6 development on there and they really didn't
7 get into it. Maybe your consultants want to
8 talk about a thousand cars suddenly being on -
9 -

10 MR. MILLSTEIN: And in defense to
11 my consultants, we really haven't gone through
12 a full-blown PUD type traffic --

13 COMMISSIONER TURNBULL: Sure.

14 MR. MILLSTEIN: What we've done in
15 the past. But I will tell you that we believe
16 the traffic is already there. We believe the
17 cars are already driving by, both ways. We
18 believe they're driving by because there's
19 nothing for them to stop to. We believe all
20 those trips going out New York Avenue in the
21 evening rush which is substantial, by the time
22 they hit our property, they're leaving the

1 District of Columbia, unless Costco can catch
2 them, but that's the last shot. And then
3 they're into the counties. So we think
4 there's a huge leakage there of revenues to
5 the District.

6 We think that -- I don't think
7 that we're going to do anything in this
8 development that doesn't exist a mile or two
9 away. So you're not going to travel from
10 across the city to come here. We have a
11 MOM's. Well, a mile away, and NoMa has a
12 Harris Teeter. On H Street is going to get a
13 Whole Foods on H Street. There's now a new
14 Giant. So neighborhoods have options. We see
15 this as a neighborhood type retail, quite
16 frankly, and the office traffic that we hope
17 to generate and dear God, I hope it's the
18 biggest problem we have is that we fill that
19 half a million square feet with an office
20 user. That would just be phenomenal. They're
21 already going somewhere. So chances are,
22 coming into the city, coming out of the city,

1 we're just capturing them at this spot. It's
2 a redistribution. I don't know that -- we're
3 not doing anything here that I think is going
4 to generate any more traffic that's already
5 here just giving it a reason to stay.

6 COMMISSIONER TURNBULL: So your
7 kind of informal analysis right now is that
8 the traffic is there. You're going to be
9 drawing from that. You're not really
10 increasing -- you don't see yourself as
11 increasing. These aren't new cars that are
12 coming. You're hoping to be drawing from the
13 existing pool that's out there.

14 MR. MILLSTEIN: And we feel that
15 pool is substantial. And that was supported
16 by our efforts in Las Vegas when we presented
17 to no less than 50, 60 tenants. Everybody
18 knows New York Avenue whether you're from
19 Washington or not. These people that do
20 business in the city are fully aware of the
21 traffic counts and the activity on New York
22 Avenue. So we feel very comfortable with that

1 alone.

2 COMMISSIONER TURNBULL: Okay,
3 thank you.

4 CHAIRMAN HOOD: Any other
5 questions? Mr. Glasgow, first, let me ask,
6 was there another way that we were going to do
7 this case at one time? Because I noticed we
8 had also a letter from the former ANC 5D. Was
9 there a variance at one time proposed or some
10 other action that was proposed for this
11 project for this area?

12 MR. GLASGOW: Not any type of
13 official action. When we met with the Office
14 of Planning, we talked about what it was we
15 wanted to try to achieve and how to get this
16 done and it was map amendment.

17 CHAIRMAN HOOD: Map amendment.
18 And I don't want to get too much into a whole
19 lot of design and projects. We don't have
20 anything and I understand. I know this is a
21 straight map amendment. I realize that. I
22 will tell you that at first, when I first

1 started looking at this CM-3, as you know,
2 I've always had problems with those kind of
3 zones. But also what helped me was I looked
4 at the letter from ANC-5D from Kathy
5 Henderson. And I'm not going to say this --
6 I would say this if she wasn't in the
7 audience, if there was some promises made
8 that's not kept, you're looking for a tough
9 fight.

10 (Laughter.)

11 I can tell you that. So that gave
12 me a confidence level to go ahead and not
13 really argue my case about the CM-3, CM
14 anything in Ward 5. I'm not saying it's a
15 major issue, but we have an abundance of it.
16 But I think what we're trying to achieve here
17 is a little different from what I've seen in
18 the past and about the traffic on New York
19 Avenue. The last case that I talked about the
20 traffic on New York Avenue, the next day there
21 was no traffic on New York Avenue. So I don't
22 know what that applicant did.

1 I have a confidence level,
2 especially seeing the concurrence of the ANC.
3 And I'm telling you, if you've made some
4 promises you're not going to keep, and I think
5 I know you all usually keep your promises, but
6 you're looking for a tough fight and I'm going
7 to sit in the first row and watch it.

8 So that's really all I have. I
9 think this is a long time coming. I think it
10 would definitely be beneficial to the
11 neighborhood.

12 Any other questions?

13 Do we have any cross examination
14 from ANC-5D, any cross? You all probably have
15 been crossed a number of times.

16 Okay, let's go to the report of
17 the Office of Planning as well as to the
18 report of the District Department of
19 Transportation.

20 Mr. Cochran.

21 MR. COCHRAN: Thank you, Mr.

22 Chair. We're looking at the proposed map

1 amendment. We find it to be not inconsistent
2 with the Comprehensive Plan. It's already CM-
3 2. They propose to go to CM-3. As you know,
4 the -- within the industrial zones, excuse me,
5 within the Comprehensive Plan land use map
6 look at industrial zones, there's no gradation
7 in the types of land use there, just one of
8 intensity. So going from my 4.0 to a 6.0 FAR
9 is completely consistent with the
10 Comprehensive Plan.

11 For the most part, the
12 requirements and the provisions between the
13 two zones are identical. The only difference
14 is that 30 foot increase in possible height
15 and the FAR going from 4 to 6. Beyond that,
16 the parking requirements for each use at the
17 same. The loading requirements for each type
18 of use are the same. The side yard, rear yard
19 requirements are the same, etcetera.

20 While we have not looked at the
21 design because it's not part of the
22 application, a different part of the Office of

1 Planning shop has had to look at it and the
 2 Historic Preservation Review Board has
 3 approved the proposed project and the design
 4 and that includes what really amounts to
 5 something unusual in D.C. which is a flat
 6 plate parking structure.

7 When Ms. Tregoning almost rolled
 8 out of her chair, she then got back in and
 9 discussed this with the Applicant. And what
 10 resulted was a parking garage that can be
 11 converted to future commercial or residential
 12 uses should the perceived need for parking
 13 diminish or should the Applicant just decide
 14 that they'll get more bang for the buck from
 15 doing something other than parking on the
 16 site.

17 So some people view parking as a
 18 future loss, well, this isn't a total loss
 19 because it can become something else. And
 20 that's pretty much it for the Office of
 21 Planning.

22 CHAIRMAN HOOD: Thank you, Mr.

1 Cochran. Let's go to DDOT. Ms. Chamberlin.

2 MS. CHAMBERLIN: Hello, good
3 evening. DDOT reviewed the possible
4 transportation impact associated with the
5 proposed map amendment and we found that it
6 would allow a 50 percent increase in density
7 which is equivalent roughly 500,000 square
8 feet of additional office or retail compared
9 to the existing zoning.

10 What we did is we evaluated what
11 this would bring potentially if the site was
12 fully built out to this amount. And in an
13 attempt to estimate the potential for new
14 vehicle trips that would be generated by the
15 additional FAR, we found that at a theoretical
16 build out, the zoning could allow for 30
17 percent increase in vehicle trips as compared
18 to the current zoning. If full build out is
19 achieved, it is possible that the increment of
20 trips facilitated by the change in zoning
21 could lead to significant impacts on the
22 transportation network, unless it is

1 appropriately mitigated.

2 We are glad to take questions at
3 this time, but given that there is not a full
4 development proposal associated with the map
5 amendment, we can only provide broad and
6 general feedback on the transportation impacts
7 associated with the zoning change being
8 requested right now.

9 CHAIRMAN HOOD: Okay, thank you,
10 Ms. Chamberlin. Thank you, both.

11 Commissioners, any questions of
12 either one. Vice Chair?

13 VICE CHAIR COHEN: Thank you, Mr.
14 Chairman.

15 At what point in time, I mean
16 because we knew that New York Avenue is highly
17 trafficked now. There are many cars along New
18 York Avenue. So at what point in time does
19 DDOT step in and start evaluating, because I
20 noticed in your review you said you don't have
21 any major capacity related capital
22 improvements planned or programmed. So at

1 what point in time would DDOT then take a look
2 at the increase in demand as this project
3 builds out?

4 MS. CHAMBERLIN: Specific to this
5 project, not to the whole New York Avenue
6 corridor, correct?

7 VICE CHAIR COHEN: Why don't we
8 make that an A and B answer. So let's say
9 specific to this project and then New York
10 Avenue.

11 MS. CHAMBERLIN: Well, generally,
12 it depends upon what zoning process
13 development would go through. So when we
14 request full transportation impact studies
15 when applicants come in through the zoning
16 process and they're coming to the Zoning
17 Commission or the BZA and then they need to
18 complete a traffic impact study or if they're
19 doing a large track review. In addition,
20 depending on the amount of public space
21 impacts that they might be creating, like in
22 this case they're proposing a private street

1 which we have requested a study, but the study
2 is going to be limited to just the development
3 program currently associated.

4 Sometimes when projects are a
5 matter of right and they don't really come
6 through our office and they just go straight
7 to permitting and they're not doing major
8 impacts on the public space, we sometimes
9 don't get the opportunity to capture a full
10 study for such programs.

11 In regards to the New York Avenue,
12 we do long-range planning efforts where we
13 look at different corridors and New York
14 Avenue right now is not -- we've done lots of
15 spot projects on New York Avenue, but we don't
16 have a full New York Avenue long-range
17 planning study programmed in our budget.

18 VICE CHAIR COHEN: But you do have
19 plans for doing an entire master plan, aren't
20 you?

21 MR. HENSON: Jamie Henson from
22 DDOT. Yes, we are in the process. Generally,

1 speaking though, we're not necessarily looking
2 to expand capacity on our roadway system, but
3 high level, we're looking at expanding our
4 capacity in two basic ways, one through
5 operations, so we've actually got a project
6 going on throughout the city now to optimize
7 signal timing to increase throughput and
8 second is through programming. And so
9 actually changing the mode so from single to
10 multi or to higher occupancy vehicles and from
11 higher-occupancy vehicles to buses to allow
12 more people to flow through, but generally
13 we're not looking at that in lanes really
14 anywhere other than areas -- fine-grain areas
15 to have transition and those sorts of things.

16 VICE CHAIR COHEN: Thank you. I
17 have a question for the applicant. I guess my
18 question to you is do you have any plans for
19 bike racks?

20 MR. MILLSTEIN: So yes we do. And
21 more so than bike racks, we've met with the
22 Office of Planning and DDOT and are actually

1 looking at improving West Virginia Avenue, the
2 connectivity to the market, Union Market. And
3 there's a focus group looking at just that,
4 Edens, who is the developer of Union Market
5 and ourselves. Our ANC as well as the ANCs
6 from Uline Arena and we're actually pulling
7 our building back to create a wider sidewalk,
8 because believe it or not on New York Avenue
9 the sidewalk is very narrow at certain points,
10 so we've pulled our building back to create a
11 bike lane, wider sidewalks to actually
12 increase pedestrian friendliness.

13 The road that we intend to create
14 between the two buildings will have bike
15 paths. It will have bike racks. It's going
16 to have outdoor benches and restaurants and
17 we're trying to provide everything here that
18 other parts of the city are seeing and we
19 think we can do it here as well. So although
20 the transportation is challenged now, the
21 long-term goal is to make it much better as
22 quickly as possible.

1 CHAIRMAN HOOD: Any other
2 questions of Office of Planning or DDOT?

3 Commissioner May?

4 COMMISSIONER MAY: So I'll test
5 the collective memory over there, but I
6 remember about 13, 14 years ago, there was a
7 study of a New York Avenue tunnel, right, that
8 was going to take traffic from downtown and
9 sort of relieve it outside of the city, not
10 that I really love ideas like that. I know
11 there's problems with them, but I'm wondering
12 -- I don't know if anybody remembers that.
13 Mr. Henson, from a nodding of the head, looks
14 like he knows about it.

15 I'm curious whether there's
16 anything left of that whatsoever. And I would
17 also note that Mr. Henson did get the memo
18 about attire. I appreciate that.

19 MR. HENSON: Indeed I did. I've
20 been looking forward to the memo for a while,
21 too. I am somewhat familiar with the New York
22 Avenue study. Our city finances are quite

1 good lately, but I don't think we've got a
2 couple of billion dollars in the bank. And
3 the idea of that project was to figure out how
4 to connect 395 through the city. I think
5 bigger picture, the city is really not
6 interested in figuring out how to make 395 a
7 through route which was how the interstate
8 highway system through the city was initially
9 envisioned 40, 50 years ago. So I really
10 don't think anybody is interested in pursuing
11 that as a vital option at this point.

12 COMMISSIONER MAY: I thought that
13 was the answer, but I thought I would just
14 check in because this project reminded me of
15 that. Thanks.

16 CHAIRMAN HOOD: Also, one of the
17 other things, one of the recent issues was
18 there was no interest with folks who lived in
19 the neighborhood to be able to enter, was a
20 major issue, I know when that was discussed in
21 the time back.

22 Okay, any other questions? Mr.

1 Miller.

2 COMMISSIONER MILLER: Thank you,
3 Mr. Chairman. So Mr. Cochran, is it fair to
4 say that the convertibility to residential was
5 an important part, the potential for
6 convertibility to residential by the way the
7 floor plan is configured is an important part
8 or factor in your Office's support for this
9 map amendment?

10 MR. COCHRAN: Just the general
11 convertibility to a use that we consider
12 somewhat more productive than parking. And
13 parking is necessary now for certain kinds of
14 developments, but it may not be in the future,
15 so we want to be sure that we can capture that
16 type of use in the future.

17 The site would have to go through
18 another rezoning if the Applicant wants to
19 build something residential there because
20 residences are permitted in the CM zone.

21 COMMISSIONER MILLER: Would it
22 also have to go through a Comprehensive Plan

1 amendment process first?

2 MR. COCHRAN: Yes, it would have
3 to go through City Council. The project
4 wouldn't, but it would require a change in the
5 future land use map and probably changes in
6 the industrial land use policies, things like
7 that.

8 COMMISSIONER MILLER: So I mean
9 it's currently designated production,
10 distribution, repair for the entire site.

11 MR. COCHRAN: Yes.

12 COMMISSIONER MILLER: To permit
13 residential on that, in that area, it would
14 need a comprehensive plan amendment?

15 MR. COCHRAN: It seems that way to
16 us now, yes.

17 COMMISSIONER MILLER: We might
18 expect the Office of Planning might be
19 recommending in the next cycle which I think
20 is next year.

21 MR. COCHRAN: I can't really say
22 that. We haven't looked at it.

1 COMMISSIONER MILLER: How much
2 residential would be convertible?

3 MR. GLASGOW: We have a plan,
4 initial plan that we provided was the top
5 three floors, the entire ring around that. So
6 it was a fair number of residential units. I
7 can't remember the number offhand, but that
8 gave what a potential was for that. And we
9 have had some preliminary discussions with
10 respect to the Comprehensive Plan, not with
11 the Office of Planning yet, but with where
12 that could be initiated.

13 COMMISSIONER MILLER: If I may,
14 Mr. Chairman, just ask one more question to
15 the Applicant just to follow up on this line
16 of questioning.

17 So you've done market studies for
18 retail, office, and I guess residential, too,
19 because of this convertibility issue. Are you
20 showing now that the market is equally strong
21 for office versus residential? Right now it's
22 stronger for one or the other?

1 MR. MILLSTEIN: You know, I would
2 actually say that both are challenged right
3 now. It's not strong office and it's not
4 strong residential from that building's
5 perspective. We have a need to see it
6 occupied. I'm happy with an office user. I'm
7 happy with residential. We'd like to see
8 people there. We'd like to see Hecht Avenue
9 get built. We'd like to see the retail. We'd
10 like to see the whole area uplifted. So we
11 are really flexible and can go in either
12 direction. And that's why we have kind of
13 chosen this route. We hope that it moves
14 quickly, but we're just not sure.

15 COMMISSIONER MILLER: Thank you,
16 Mr. Chairman.

17 CHAIRMAN HOOD: Any other
18 questions? Okay. Does the Applicant have any
19 questions of the Office of Planning or DDOT?

20 MR. GLASGOW: No cross.

21 CHAIRMAN HOOD: Chairperson
22 Henderson, do you have any cross examination

1 of Office of Planning or DDOT? Okay.

2 Let's move right on. Any other
3 Government reports? We've heard from DDOT.
4 Any other reports that I may have missed? I
5 don't see any.

6 Let's go to the report of the ANC-
7 5D. We'll call Chairperson Henderson up to
8 give your report.

9 MS. HENDERSON: Good evening,
10 Chairman Hood, esteemed members of the
11 Commission. I am Kathy Henderson. I am the
12 chairperson representing 5D and I'm also the
13 Single Member District representing 5D05.

14 It is a pleasure to be here, an
15 absolute pleasure. And let me just begin by
16 thanking each of you for your dedicated
17 service to the District of Columbia over the
18 years. This is really a feel-good
19 opportunity. I've actually sat in many of
20 those seats back there as a member of the
21 Historic Preservation Review Board as a
22 citizen member. During my tenure, I actually

1 was able to vote on the historic designation
2 of the Hecht's warehouse. So to see us at
3 this juncture today asking for what I think is
4 a reasonable accommodation to the developer,
5 it just really feels good. It just feels
6 good.

7 This project is not only a solid
8 project, the Applicants have a track record
9 that is really excellent. And I don't say
10 that -- and Chairman Hood knows me well enough
11 to know that I don't give false praise. I
12 call it as I see it. And I've been very
13 pleased by this process. The Applicants have
14 made their presentations at our Commission.
15 They have opened themselves up to tough
16 questions and they have been very responsive.
17 And it's been just a pleasure to interact with
18 them. We've given them our feedback regarding
19 the project and they've embraced it in a
20 manner that is really not typical. Usually,
21 when developers come before the community,
22 there's a level of antagonism, like oh, we

1 know better, we don't want to hear from you,
2 we just want to rubber stamp. That did not
3 happen here.

4 We feel that this is a team effort
5 and we could not miss the opportunity to come
6 down here and I'm so pleased that my
7 colleagues, Peta-Gay Lewis, who is the
8 affected Single Member District Commissioner,
9 and Vonetta Dumas are here. And you have a
10 letter before you that represents a unanimous
11 vote in favor of this project.

12 I'm going to briefly just share
13 some of the highlights. This area has been
14 blighted for so long. The residents are
15 fighting for every day basic quality of life
16 that many of us take for granted. And this is
17 an opportunity to hit a home run. This is an
18 opportunity to hit a home run from a
19 development perspective, from a city
20 infrastructure perspective, the new tax base
21 that's coming and absolutely each and every
22 one of the residents. When Commissioner Lewis

1 comes before you, I asked her to bring the
2 kids with her, too. This is a project that is
3 not only going to be feel good for us, it's
4 going to be a legacy, a future, for our
5 children and citizens to come.

6 We had a very engaging community
7 meeting on the 7th with our Mayor. And at
8 that time who shared with us that the District
9 is adding at least 1200 new residents to the
10 District every month and that's exciting
11 because that means our tax base is growing.
12 You know that the District has a structural
13 imbalance that we're always fighting against.
14 And we have before us one of the strongest
15 budgets that has been passed in the last ten
16 years. So we're really happy about that.

17 I absolutely concur with the
18 Applicants, the traffic is already there on
19 New York Avenue. This is a way to capture the
20 traffic in a meaningful way. We have to stop
21 allowing all that retail spillage, people just
22 zoom through New York Avenue racing out of

1 town. it's a major throughway. And now we
2 have an opportunity to make it a destination.
3 We have an opportunity to have people stop,
4 make that right turn as they're headed into
5 Maryland and come to this exciting project,
6 buy whatever they want there. The fact that
7 we have a retailer willing to sign on at this
8 early juncture is just so exciting. I'm very,
9 very excited. And I don't get excited about
10 development projects without good reason. I
11 always look at it from -- I try to have a
12 comprehensive view of what the project will
13 entail.

14 We're always talking about
15 traffic, traffic, traffic and traffic
16 mitigation and traffic calming. And I
17 appreciate Mr. Henson's comments as he hit the
18 nail on the head with regard -- so I think the
19 future of this project and that's signal
20 timing management and we certainly would love
21 to continue to be a part of that discussion
22 with our stewards of our public

1 infrastructure.

2 This project has the same weight
3 of the National Stadium. I don't know if you
4 all have had the time, you work so hard.
5 Please go down to the Yards Park in the
6 daytime or the nighttime. It's exciting. And
7 you all know that was a fight. There was a
8 vision to transform that area of our city into
9 a vibrant destination for retail and for
10 housing. And it was literally a fight. Our
11 former Chairman Cropp, she received death
12 threats. There were hearings until 2 o'clock
13 in the morning. And I'm glad I was a part of
14 that. It was the right way to go. This is
15 the right way to go.

16 It really isn't fair to put so
17 much on the shoulders of one developer
18 Applicant, but we think that they have pretty
19 strong shoulders and they're up to the task
20 and given their having delivered quality
21 development projects to the District before,
22 we feel that we should definitely support them

1 in this modest request to increase the parking
2 spaces.

3 We've been a part of those
4 discussions with Ms. Tregoning and I can tell
5 you that Ward 5 residents, we appreciate the
6 opportunity to move towards less parking, more
7 pedestrian access, but we're not there yet and
8 we need to accommodate the vehicular traffic
9 that is there. It's already there. It's
10 already there. And we would certainly feel
11 more comfortable with a development project
12 that anticipate that vehicular traffic and
13 makes good use of it and provides a safe
14 travel passage for potential residents and
15 shoppers.

16 And I think it's really exciting
17 that there's a flexibility with this project
18 that those additional 400 spaces can be
19 converted to residential use. I mean it's
20 just exciting. I'm a realtor by profession.
21 I can tell you that home sales in the District
22 are up 7.7 percent. We have the healthiest

1 market in the region. People are buying and
2 we are always clamoring for more neighbors
3 that pay their property taxes to the District
4 of Columbia. So an opportunity for either
5 renters or owners is just exciting. We
6 emphatically support this project and we ask
7 for your consideration. And we also ask that
8 Commission 5D be given great weight in this
9 matter. So thank you and of course, I'm
10 available to answer any questions that you may
11 have and I look forward to hearing from my
12 colleagues in this matter.

13 CHAIRMAN HOOD: Thank you,
14 Chairperson Henderson.

15 Commissioners, let's open it up
16 for any questions.

17 VICE CHAIR COHEN: Ms. Henderson,
18 I just want to compliment you for being very
19 articulate and supportive and I think your
20 testimony is excellent. Thank you.

21 MS. HENDERSON: Thank you.

22 VICE CHAIR COHEN: It takes a

1 woman.

2 (Laughter.)

3 MS. HENDERSON: Thank you very
4 much.

5 CHAIRMAN HOOD: I'm not going to
6 say anything. I don't want to get in trouble.
7 So any other comments or questions? Does the
8 Applicant have any cross?

9 MR. MILLSTEIN: Absolutely not.

10 CHAIRMAN HOOD: Thank you, Madam
11 Chair. Very well done.

12 MS. HENDERSON: My pleasure.
13 Thank you.

14 CHAIRMAN HOOD: Let's go to
15 organizations and persons in support. I have
16 a list. First of all, I don't see anybody on
17 my list who is in opposition, but is there
18 anyone here who is in opposition? Okay.

19 Let's bring up Ms. Lewis. Are the
20 young folks coming? They're not.

21 Let me see, Ms. Canty, come
22 forward. Ms. Yiuma, Mora Yiuma, I'm sorry.

1 And Vonetta Dumas, are you going to testify,
2 okay.

3 So we're not going to hear from
4 the young people. We like to hear from at
5 least one young person, but if we're not, then
6 we understand. If they could just give us
7 their name and what school they go to -- not
8 the school, but just their name?

9 MS. RIDOUT: Hello, everybody. My
10 name is Jade Ridout.

11 CHAIRMAN HOOD: Okay, anybody else
12 would like to say something.

13 MS. RIDOUT: Hi, my name is
14 Vanessa Ridout.

15 CHAIRMAN HOOD: Okay. Make sure
16 your mic is on.

17 MR. MONTGOMERY: Hello, everybody.
18 My name is William Montgomery.

19 CHAIRMAN HOOD: Okay, well, you
20 know what, before we go to the others, I
21 really appreciate you all coming down and
22 introducing yourselves. Now here's your

1 homework assignment. I want you to go home
2 and stream tonight's case in the Office of
3 Zoning website and see yourselves, okay?
4 Don't look at us because you'll go to sleep,
5 but I want you to go home and see yourselves.
6 It will probably be up tomorrow or some time
7 later this week. And I want you to go home
8 and watch yourselves on the stream. Thank you
9 all for coming down and at least introducing
10 yourselves.

11 MS. LEWIS: I'm Peta-Gay Lewis.
12 I'm the Commissioner for the area in which the
13 project falls. Do you want my testimony now?

14 CHAIRMAN HOOD: You can go ahead
15 and give us your testimony.

16 MS. LEWIS: Okay, I won't be as
17 eloquent as Commissioner Henderson because
18 there's no need to at this point. She
19 basically said everything. I'm mainly here
20 because I moved into Ivy City in 2011 and back
21 then there wasn't anything, you know. It's
22 like new homes are being built now and Douglas

1 Development, they purchased the property. We
2 were excited when they did purchase it. But
3 we became even more excited when they came out
4 to the community and shared their vision for
5 the project and then they asked us what do you
6 guys want to us within this space?

7 All of the other projects within
8 our neighborhood they don't really respond to
9 the residents. They don't care what we have
10 to say even when we go knocking on their
11 doors. So it was really good that Douglas
12 Development and their team came out. They
13 reached out to us. We're excited about the
14 grocery store. When I heard they had a
15 potential lead, I jumped up and down and I
16 called everyone I knew. I said we're getting
17 a grocery store because I was really excited.
18 At this point, our closest grocery store is
19 Giant and if you don't have a vehicle, it's
20 hard to bring your groceries back. So being
21 a mother of three, not owning a vehicle,
22 having a grocery store within the community

1 will be really, really good for me.

2 And then it being an organic
3 market, my children can get fruits and
4 vegetables. That's not always the case when
5 you live in an urban area. So I'm excited
6 about that.

7 And also the Hecht's Avenue is a
8 big deal for me also because we don't have a
9 lot of green space in our neighborhood. We
10 have a small community park, but I envision my
11 children and I having ice cream cones sitting
12 within Hecht Avenue and I'm excited about the
13 other stores that are coming also. So I'm
14 asking that you guys do it today, if possible,
15 approve their amendment because our community,
16 we need it, we've waited a long time for it.
17 And other residents are moving in. We're all
18 excited when they presented to the civic
19 association, unanimously, the community, so
20 yes, we need this.

21 And also, when they presented to
22 the Commission, we unanimously approved it

1 then also.

2 CHAIRMAN HOOD: Thank you very
3 much. Very well done. Next.

4 MS. SWANSON-CANTY: My name is
5 Alicia Swanson-Canty. I'm the President for
6 Ivy City Civic Association. I, myself, have
7 seen a lot of things come through this
8 community. I've been a resident in this
9 community for coming up on 40 years now, so
10 I've seen a lot.

11 And throughout the years, the
12 traffic has been pretty much the same. Of
13 course, in recent years it's been more influx
14 because it's a lot of things going on, new
15 attractions and things like that, but I can
16 tell you right now or attest to the fact that
17 this particular project is very inviting.
18 Douglas Development Corporation has reached
19 out to us, has gotten out and gotten us
20 involved in what's going on. Given us a lot
21 of plans and things like that that they had
22 for the Hecht's building, and we have been

1 elated to just welcome them and the project
2 that they had coming to the community.

3 I know growing up there was a place
4 where I used to walk to the grocery store and
5 I could go and get some things for my dad.
6 And I was just a young girl, so you know,
7 having to be able to walk around the corner at
8 12 years old, I felt a sense of independence
9 because I was trusted to go a block to go get
10 groceries and come back to the home. And then
11 I was taught to prepare it. So just the
12 nostalgia of such innovation coming back to
13 the community is very welcome.

14 I would like to add, too, that DDC
15 has also engaged the community as far as
16 assisting the residents with the May Day
17 celebration that we just had. They just
18 sponsored this event. So they're good
19 business neighbors. And they're also business
20 members of the Ivy City Civic Association. So
21 you know, we don't have that a lot. And as
22 you know, we do put up a lot of fuss and we've

1 been having a big voice for those that are not
2 as engaging and not as inviting as to what our
3 input is. They have come in and done the
4 complete opposite.

5 And they're some big guys. There
6 are some pretty big guys and for them to come
7 in and just embrace us like that, we feel
8 they're good business neighbors and they're
9 family now. So we welcome their project to
10 the community. We hope that you can support
11 it with us because we don't support everything
12 and we will put up a big fuss if there's
13 something that we don't want to have in the
14 community. So we welcome them and we hope
15 that you make a decision favorably for them
16 and expedited, if possible.

17 CHAIRMAN HOOD: Great. Well done.
18 Thanks. Next.

19 MS. DUMAS: Hello, my name is
20 Vonetta Dumas, Commissioner of 5D02. I'm very
21 excited to be here in support of this great
22 project. I believe -- personally, I love

1 architecture and I love aesthetics. I believe
2 that people take pride in environments that
3 developers and landlords and other such take
4 pride in. And as a Commissioner in the area
5 that has been deprived for so long and crime
6 has been very prevalent in the area, I believe
7 that this project will be a reduction of crime
8 in the area because in areas where people are
9 very passionate and take care of the
10 environment type live in, they do more to help
11 improve the environment in which they live.
12 And they will shun the very sight of any type
13 of negative environment because they, too, are
14 creating some sort of balance within
15 themselves because they have to fight every
16 day. And being a product of the environment
17 where I came from, the projects, and I was
18 able to have a chance at life, it's very
19 honorable to have a developer come into an
20 area that has been deprived of such.

21 My mom told me that I was not a
22 product of my environment. And because she

1 told me that and because she instilled so much
2 in me, I became not only a person that
3 graduated from high school when the statistics
4 was against me, a person that was supposed to
5 have children out of wedlock or a person that
6 was having kids and not finish school and to
7 go on to college and to be a business owner
8 and now Commissioner, that wasn't supposed to
9 happen for me. Because there's other people
10 like me in the area that 5D has been plagued
11 of, I think this project will not only bring
12 pride to the area, but it will make other
13 people bring jobs to the community that they
14 can feel proud of that they will have a great
15 start.

16 One of my neighbors lived in the
17 neighborhood. He lived in the neighborhood
18 for all his life and he talked many times,
19 oftentimes being a new home owner in the area,
20 he talked about having Jemal and what it did
21 for him as a kid and how he was able to have
22 a job and work his way through high school

1 when his family wasn't able to support the
2 large number of individuals in their family.
3 Listening to those found memories because I am
4 a little organic and I like old stories that
5 make you feel warm on the inside, I would like
6 to see in the neighborhood that come back. So
7 the kids can have an opportunity and a place
8 to go that they can be proud of and so the
9 families can feel safe and have a place to
10 walk to.

11 So I'm a great supporter of this
12 and meeting the developer and coming to the
13 ward, I felt very good about it because I also
14 asked him a question, very plainly and
15 distinctly because I myself am a little
16 discouraged and a little disappointed by
17 politics and different things that people play
18 in large business. And I asked him, what will
19 you do for the small electricians and the
20 plumbers and other things? He told me that he
21 welcomed this. And for me that tells me that
22 as a developer, you being a big I around so

1 many little yous, that means you care about
2 how people eat. So not only is this
3 development going to bring about a change in
4 the overall foundation of the completion of
5 this project, it will bring food to the tables
6 of some of these small business owners. So
7 yes, I support this and I ask that you take
8 this into consideration as well as make -- I
9 don't know if hasty is the right word, but
10 make a strong decision and move this project
11 forward.

12 CHAIRMAN HOOD: Thank you very
13 much. Very well done. We appreciate all your
14 testimony. Let's see if we have any questions
15 up here.

16 Commissioners, any questions?

17 VICE CHAIR COHEN: No.

18 CHAIRMAN HOOD: Ms. Lewis, did Mr.
19 Glasgow ask you for a bench decision? I'm
20 just curious. You guys asked us for a bench
21 decision. I don't know if you knew that or
22 not, but you asked us for a bench decision.

1 MS. LEWIS: I kind of do my
2 research, but no, no one asked me, but I want
3 the project to move along because my kids --
4 we need a grocery store and we need other
5 things in the area.

6 CHAIRMAN HOOD: Okay.

7 VICE CHAIR COHEN: May I?

8 CHAIRMAN HOOD: Sure.

9 VICE CHAIR COHEN: It's
10 appropriate for me to move --

11 CHAIRMAN HOOD: Hold on a second.
12 We've got to make sure -- the testimony is
13 very compelling, but maybe somebody here is in
14 opposition. I want to make sure I call it.

15 We really appreciate -- do you
16 have any questions of this panel? I guess
17 not. I wouldn't ask them anything either.
18 You all have done a great job and keep up the
19 good work. Keep up the good work. Thank you
20 all for coming down and for your testimony.

21 Is there anyone else who would
22 like to testify in support?

1 Is there anyone here who would
2 like to testify in opposition?

3 Okay, do we have -- certainly, we
4 don't have any rebuttal. Do you have any
5 closing remarks?

6 MR. GLASGOW: The only thing that
7 I was going to say and Ms. Cohen was going to
8 move in that direction.

9 CHAIRMAN HOOD: Yes. I just
10 wanted to make sure that we went through the
11 whole thing so we won't have to come back down
12 and do that part of the hearing over again.
13 You never know. Somebody will call a
14 technical foul.

15 Speaking of that, go ahead, Vice
16 Chair.

17 VICE CHAIR COHEN: For sure. I
18 would like to move to approve Zoning Case No.
19 13-02 Jemal's Hecht map amendment at Square
20 4037.

21 COMMISSIONER MILLER: Second.

22 CHAIRMAN HOOD: It's been moved

1 and properly seconded. Any further
2 discussion? Seconded by Commissioner Miller.
3 Are you ready for the question. All those in
4 favor.

5 (Chorus of ayes.)

6 (Applause.)

7 Not hearing any opposition, Ms.
8 Schelling, will you record the vote?

9 MS. SCHELLIN: Yes, staff records
10 the vote 5 to 0 to 0 to approve proposed
11 action in Zoning Commission Case No. 13-02.
12 Commissioner Cohen moving, Commissioner Miller
13 seconding; Commissioners Hood, May, and
14 Turnbull in support.

15 CHAIRMAN HOOD: Okay, Ms.
16 Schelling, do we have anything else before us?

17 MS. SCHELLIN: No. Just to get a
18 draft order from the Applicant and we'll put
19 this on for a final action July 8th.

20 CHAIRMAN HOOD: July 8th.

21 COMMISSIONER MAY: Mr. Chairman, I
22 have a question for the Applicant.

1 CHAIRMAN HOOD: Yes.

2 COMMISSIONER MAY: So are you
3 going to have applause tomorrow after your
4 cases tomorrow? Just curious.

5 MR. MILLSTEIN: I hope so.

6 COMMISSIONER MAY: Okay, see you
7 tomorrow.

8 CHAIRMAN HOOD: Anything else? I
9 want to thank everyone for their
10 participation. I see -- hold on one second.
11 Chairperson Henderson, you need to come to the
12 mic if you --

13 MS. HENDERSON: Chairperson Hood,
14 members, I have a humble request. May we have
15 a photo opportunity with each of you, the
16 Applicants and every witness in the room?

17 CHAIRMAN HOOD: I don't know, can
18 we do that? I don't know --

19 MS. HENDERSON: We used to do that
20 with the Historic Preservation Review Board.

21 CHAIRMAN HOOD: Oh, you used to do
22 that?

1 MS. HENDERSON: Yes.

2 CHAIRMAN HOOD: I'm looking to my
3 lawyer. You know what, it's still an open
4 case. We have not made a final decision. Why
5 don't you come back when we do our final,
6 we'll all get together and take a photo op.
7 The order has to be issued. We operate a
8 little differently.

9 MS. HENDERSON: Will do.

10 CHAIRMAN HOOD: That's so nice of
11 you to do that. Okay, I thank everyone for
12 their participation and this hearing is
13 adjourned.

14 (Whereupon, at 7:37 p.m., the
15 hearing was concluded.)

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This is to certify that the foregoing transcript

In the matter of: Jemal's Hecht's

Before: DCZC

Date: 06-03-13

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