

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN RE: :

PETITION TO AMEND THE ZONING : Case No. 06-07
MAP REGARDING SQUARE 2930, :
LOTS 73 AND 74, AND SQUARE :
2931, LOTS 48, 49, 77, 79, :
AND 94 FROM THE C-2-A ZONE :
DISTRICT TO THE R-3 ZONE :
DISTRICT :
-----:

Monday,
April 24, 2006

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

The Public Hearing of Case No. 06-07 by
the District of Columbia Zoning Commission convened
at 6:35 p.m. in the Office of Zoning Hearing Room at
441 4th Street, N.W., Washington, D.C., 20001, Carol
J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
JENNIFER STEINGASSER

The transcript constitutes the minutes
from the Public Hearing held on April 24, 2006.

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

6:35 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia, for Monday, April 24, 2006. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood, and Commissioners Michael Turnbull, John Parsons, and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 06-07. This is a request by Harold Brooks, et. al., for an amendment to the Zoning Map to rezone eight properties in Squares 2930 and 2931 from the C-2-A Zone District to the R-3 Zone District.

At the time of the set down, the Commission also set down, in the alternative, R-1-B for the properties located in Square 2930.

Notice of today's hearing was published in the *D.C. Register* on March 10, 2006. And copies of that hearing announcement are available to you in the wall bin by the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR, Section 3021. And these are the rules of procedure for

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1 rulemaking cases. The order of procedure will be as
2 follows. We'll take up any preliminary matters. And
3 then we'll have the presentation by the Petitioners;
4 the presentation by the Office of Planning; reports of
5 any other government agencies; report of the affected
6 ANC; organizations and persons in support; and
7 organizations and persons in opposition.

8 The following time constraints will be
9 maintained in the hearing. The Petitioner will have
10 30 minutes. Organizations will have five minutes.
11 And individuals will have three minutes.

12 The Commission intends to adhere to these
13 time limits as strictly as possible in order to hear
14 the case in a reasonable period of time. The
15 Commission reserves the right to change the time
16 limits for presentations, if necessary, and notes that
17 no time shall be ceded. Meaning you can't give your
18 time to someone else.

19 All persons appearing before the
20 Commission are to fill out two witness cards. Those
21 cards are also on the table near the door. And when
22 you come forward to speak to the Commission, your
23 first stop should be with the court reporter. Give
24 him your cards before you take a seat at the table.

25 Please be advised that this proceeding is

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1 being recorded both by the court reporter and is being
2 webcast live. Accordingly, we ask you to refrain from
3 making any disruptive noises in the hearing room.
4 When presenting information to the Commission, please
5 turn on and speak into the microphone, first stating
6 your name and home address. And you'll see that on
7 the base of each microphone there's a button in the
8 center that will turn it on. Then, when you finish
9 speaking, if you'd turn it off, because they tend to
10 pick up background noise.

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

17 Ms. Schellin will be available throughout
18 the hearing to answer any procedural questions that
19 you may have.

20 I'd ask you to turn off all beepers and
21 cell phones at this time, so as not to disrupt the
22 hearing. And, at this time, we'll take up any
23 preliminary matters. Ms. Schellin?

24 MS. SCHELLIN: Staff just has one. Just a
25 reminder for the Petitioner that we need the Affidavit

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1 of Maintenance.

2 CHAIRPERSON MITTEN: All right. Thank you.
3 All right, then. We will ask the Petitioner to come
4 forward to make their presentation. As you come
5 forward, and just for everyone else's benefit, I just
6 want to remind people that what is before us tonight
7 is a rezoning. It is not a referendum on a particular
8 project. So the more that you can confine your
9 comments to the merits either of the zone that's in
10 place or the merits of the zoning that's been
11 proposed, that will be most helpful to the Commission.

12 Hello. Would you identify yourself for
13 the record?

14 MS. LEE: Yes. Good evening,
15 Commissioners. My name is Neilda C. Lee, and I reside
16 at 1217 Gallatin Street, N.W.

17 Harold Brooks, et. al., are a group of
18 concerned neighbors who live either on the blocks
19 affected or immediately adjacent to those blocks.
20 This is a neighborhood of single family homes. The
21 houses on Ingraham Street are row houses. The current
22 zoning would permit a developer or someone else to
23 break up the continuity of the single family row homes
24 in the 1200 block of Ingraham.

25 In fact, the developer who has purchased

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1 the property plans to do just that by building
2 multiple family dwellings in between single family
3 units.

4 This neighborhood is a neighborhood that
5 contains residents; some who are second and third
6 generation. It's been a fairly stable neighborhood.
7 People have lived in these homes until they retire.
8 And, in many instances, after that their children,
9 their grandchildren live in the homes.

10 Even with the huge selling market that's
11 taking place, we still have families, or people who
12 are about to have families who purchase the houses.
13 They do that for a reason. They like the
14 neighborhood. You can park on your street. People
15 watch out for eachother. It's kind of an old
16 fashioned neighborhood where neighbors get together
17 and they help eachother out.

18 We like that neighborhood. We'd like to
19 preserve it. We also, though, are interested in
20 responsible development for Georgia Avenue. We think
21 that's a good thing. Most of us would like to be able
22 to walk on Georgia Avenue and go to restaurants, go to
23 cleaners, go to coffee shops. So we are not opposed
24 to Georgia Avenue development.

25 What we would like to see, however, is

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1 that Georgia Avenue development be limited to property
2 that fronts Georgia Avenue, not build larger
3 structures in between single family residences.

4 Parking is also an issue for us. The
5 current rules in the District do not require a
6 developer to provide sufficient parking for multiple
7 residential dwellings. That would mean that the
8 current residents probably would be unable to find
9 parking on their blocks or in front of their houses.
10 And, as I said, that's been one of the drawing points
11 for many of us who purchased homes in this
12 neighborhood.

13 We do not want so many cars parked that,
14 not only does it cause potentially a safety hazard,
15 but also that some of our elderly residents might have
16 to park their cars and walk several blocks back and
17 forth to their homes.

18 We also have a concern about the impact
19 that it may have on the school. The closest school is
20 either West Elementary or Brightwood. By adding so
21 many dwellings in between these single family
22 residences without yet knowing what the plans are by
23 the school board, it might mean that the schools are
24 overtaxed. And education is certainly a priority with
25 many of us. I have a child who attends public schools

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1 in the District of Columbia and so do many of my
2 neighbors.

3 City services; the impact on city services
4 is also an issue. As the crime rate goes up and
5 residents are crying out for more police protection,
6 better trash and other services, to place a multiple
7 family dwelling in between single family row homes
8 will only tax services that are already kind of at
9 their max right now.

10 So what we would like to do is have you
11 change the zoning to preserve the single family homes
12 and not permit development of multiple residential
13 dwellings in between currently existing single family
14 homes. That, however, would permit development on
15 property that fronts Georgia Avenue. Which would
16 allow co-existing commercial development and maintain
17 a neighborhood of single family homes.

18 Ms. Schellin mentioned that we still
19 needed to provide the Maintenance Affidavit and we
20 would respectfully request an enlargement of time to
21 finalize that affidavit and file it with the Board.
22 If we could, we would like to have a 14 day
23 enlargement of time to do that.

24 CHAIRPERSON MITTEN: We can discuss that
25 at the end. But given that you're supposed to have it

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1 tonight, I don't know that we're going to give you a
2 window as large as 14 days. Is there more to your
3 presentation?

4 MS. LEE: No. I think that's basically the
5 opening. There are many neighbors here that will
6 speak as individuals when we get to that.

7 CHAIRPERSON MITTEN: Okay. That's fine.
8 Did you want to speak to -- we did set down, in the
9 alternative, for the lots in square 2930, R-3 and R-1-
10 B. Did you have an opinion about that?

11 MS. LEE: Our preference, obviously, would
12 be to have -- to have everything be R-3. However,
13 we're not -- we're not opposed to -- to some type of
14 compromise that -- that preserves the residential
15 homes and may also permit the R-1-B. But primarily,
16 our first objective would be to ask you to rezone it
17 all for R-3.

18 CHAIRPERSON MITTEN: Okay. Just so that
19 you understand, R-1-B is actually more restrictive
20 than R-3. So it allows less opportunity for
21 development. If you hadn't thought about it further,
22 you don't have to expand. I just wanted you to
23 understand the distinction.

24 MS. LEE: As I said, we're comfortable
25 with living with R-3.

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1 CHAIRPERSON MITTEN: Okay.

2 MS. LEE: However, should the -- the
3 Zoning Board like to provide more restrictive
4 residential zoning, I don't think we'd be opposed to
5 that. But, as I said, we are not looking to preclude
6 development on Georgia Avenue. In fact, we're in
7 favor of it.

8 I also -- we're not also interested in
9 having any type of zoning that might overly restrict
10 the current residents from being able to make some
11 improvements on -- on their -- on their residential
12 properties. So --

13 CHAIRPERSON MITTEN: Okay.

14 MS. LEE: We're primarily interested in
15 changing the C-2-A.

16 CHAIRPERSON MITTEN: Okay. Thank you.
17 Questions from the Commission? Any questions? No?
18 Mr. Hood?

19 VICE CHAIRPERSON HOOD: Let me ask Ms.
20 Lee. I go up and down Georgia Avenue all the time.
21 But I guess when I see it on paper, I get disoriented.
22 But anyway, let me ask you. Right across the street
23 from square 2931, did you get a copy of the Office of
24 Planning's report?

25 MS. LEE: I've seen it. I don't have it

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1 with me.

2 VICE CHAIRPERSON HOOD: Okay. Anyway,
3 right across the street -- and I know this is far away
4 for you -- right across the street from square 2931 is
5 zoned C-2-A. What kind of action is going on right in
6 that block between Ingraham and Jefferson?

7 MS. LEE: Well, on Ingraham right now,
8 property has been purchased and there has been
9 internal demolition going on in those homes.

10 VICE CHAIRPERSON HOOD: Across the street
11 here, on this side?

12 CHAIRPERSON MITTEN: Mr. Hood's asking you
13 about what are the uses along the Georgia Avenue
14 frontage, the east side of Georgia Avenue between --

15 MS. LEE: Oh, on Georgia.

16 CHAIRPERSON MITTEN: -- Ingraham and
17 Jefferson.

18 VICE CHAIRPERSON HOOD: On Georgia.
19 Right.

20 MS. LEE: Okay. On Georgia Avenue, on --
21 at the corner of Ingraham, there is a used car lot.
22 We have lots of used car lots in -- up and down
23 Georgia Avenue in that segment. That's on the south
24 side of Ingraham.

25 On -- going the north side, going up

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1 between Ingraham and Jefferson, there are several
2 small businesses. There are -- up at the corner of
3 Jefferson and Georgia, there's a hair salon. There
4 are a couple of small eateries. There -- there are
5 those types of businesses.

6 But right there on the south side of
7 Ingraham and Georgia, there's a used car lot. If you
8 -- between Gallatin and Ingraham, I think there are
9 four used car dealerships.

10 VICE CHAIRPERSON HOOD: So basically what
11 you're saying is on this side is -- and I probably
12 need to pay attention next time when I'm going up and
13 down Georgia Avenue, but on this side you're saying
14 it's basically car lots?

15 MS. LEE: Primarily. But then when you
16 cross Ingraham and go north, between Ingraham and
17 Jefferson, there are some other businesses there.

18 As I said, at the corner of Jefferson and
19 Georgia, that would be the -- the south corner of
20 Jefferson, there's a hair salon that -- that sits
21 right there.

22 VICE CHAIRPERSON HOOD: Okay. Thank you.

23 MS. LEE: Sometimes, if you're -- if
24 you're moving quickly, you see so many used car lots
25 that you -- they just come right -- one right after

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1 the other on the -- on the west side of Georgia
2 Avenue.

3 VICE CHAIRPERSON HOOD: And that's
4 starting up there where, if you turn off of Kennedy
5 and make a left and go down Georgia, you start seeing
6 used car lots right after you pass -- I don't know if
7 the Popeye's is still open up there or not.

8 MS. LEE: The Popeye's is at Hamilton.

9 VICE CHAIRPERSON HOOD: I'm trying to get
10 my bearings.

11 MS. LEE: Right. The Popeye's is on the
12 north side of Hamilton. On the south side of
13 Hamilton, in between Gallatin and Hamilton, there are
14 two used car dealerships. Between Gallatin and
15 Hamilton, on the north side of Hamilton, there's the
16 Popeye's and there are several more used car
17 dealerships going north of Georgia on your way to
18 Kennedy Street. But there's also -- there's a coffee
19 shop. There's some other smaller fast food places.
20 There's some other small businesses.

21 VICE CHAIRPERSON HOOD: So, I don't know.
22 Maybe I'm confused. You're asking us to rezone that
23 to, you say, an R-3, preferably? And there are
24 already some business uses there that exist now,
25 fronting Georgia Avenue?

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1 MS. LEE: Right. But we're talking about
2 the homes, the -- the area at issue are property that
3 faces not Georgia Avenue, but faces --

4 VICE CHAIRPERSON HOOD: Ingraham?

5 MS. LEE: Ingraham or, you know, or
6 Jefferson or Hamilton. And the property at issue --
7 these were -- these were single family homes. And the
8 proposal that gave rise to this petition on the North
9 side of Ingraham, the proposal would be to put a
10 multiple family dwelling in between single family
11 homes.

12 VICE CHAIRPERSON HOOD: Okay. Okay. Thank
13 you. Thank you, Madam Chair.

14 CHAIRPERSON MITTEN: Anyone else? Okay.
15 Thank you, Ms. Lee. Now we're ready for Mr. Mordfin's
16 report.

17 MR. MORDFIN: Good evening, Madam Chairman
18 and members of the Commission. I'm Stephen Mordfin
19 with the Office of Planning. And the subject
20 properties are all improved as row houses fronting on
21 either Ingraham or Jefferson Street. They are located
22 within the C-2-A Zone District. And both Ingraham and
23 Jefferson, west of Georgia, are recommended for the
24 moderate density residential land use by the text of
25 the Comprehensive Plan and the Generalized Land Use

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1 Map. None of the subject properties have frontage on
2 Georgia Avenue.

3 The application proposes the R-3 Zone
4 District for all of the subject properties. The R-3
5 is consistent with the moderate density residential
6 land use designation of the Generalized Land Use Map
7 and Section 1139.39 of the Comprehensive Plan, which
8 redesignated these properties from the mixed use to
9 the moderate density residential land use in the 1998
10 Comprehensive Plan update.

11 The subject application is a zoning
12 consistency case because of that redesignation. The
13 R-3 Zone District is consistent with the existing zone
14 district immediately to the west of the subject
15 properties that are located on the south side of
16 Jefferson Street and the north side of Ingraham
17 Street. Row houses are use permitted as a matter of
18 right within the R-3.

19 The two properties located on the south
20 side of Ingraham Street are located adjacent to the R-
21 1-B Zone District and were set down by the Commission
22 in the R-1-B, in the alternative. Although the R-1-B
23 is a low density residential zone district and not a
24 moderate density residential zone district, amending
25 these lots to the R-1-B will be consistent with the

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1 zoning of the remainder of the row houses located to
2 the west on the south side of Ingraham Street.

3 The Comprehensive Plan recommends the
4 preservation and protection and stabilization of Ward
5 Four's housing stock and cites the encroachment of
6 commercial and other non-residential uses into
7 residential area particularly disturbing in the
8 residential areas abutting Georgia Avenue. It also
9 specifically recommends moderate density residential
10 land use within squares 2930 and 2031, the subject
11 squares, for lots with no frontage on Georgia Avenue.

12 The Office of Planning, in making its
13 recommendation for down zoning, considers the existing
14 land uses, the existing development patterns and
15 buildings, and the comprehensive plan designations of
16 the subject properties. However, based on the
17 historical use patterns of the subject properties, the
18 provisions of the Comprehensive Plan, and the existing
19 zone districts adjacent to and to the west of the
20 subject properties, the Office of Planning recommends
21 that the Commission amend the Zoning Map as follows:
22 Square 2930, Lots 73 and 74, 1204 and 1206 Ingraham
23 Street, from the C-2-A Zone District to the R-1-B Zone
24 District; Square 2931, Lots 48, 49, and 94, 1203,
25 1205, 1207, and 1209 Ingraham Street, from the C-2-A

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1 Zone District to the R-3 Zone District, and Square
2 2931, Lots 77, 78, and 79, 1202, 1204, and 1206
3 Jefferson Street, from the C-2-A Zone District to the
4 R-3 Zone District. Thank you.

5 CHAIRPERSON MITTEN: Thank you, Mr.
6 Mordfin. Questions for the Office of Planning?

7 MS. STEINGASSER: Madam Chair, I'd just
8 like to add a little more to our report.

9 CHAIRPERSON MITTEN: Okay.

10 MS. STEINGASSER: This is the second such
11 case that's come before the Office of Planning and the
12 Zoning Commission this year, where a neighborhood has
13 come forward and requested a down zoning in the name
14 of comprehensive planning -- of the Comprehensive Plan
15 and a consistency case. And the second parallel is
16 that it's also one where some of the affected property
17 owners are not in support of the down zoning.

18 And I just want to state in the record
19 that the Office of Planning is very careful when we
20 head into these kind of cases and we look very
21 carefully at the existing land use pattern and the
22 appropriate development that could happen with each of
23 the proposed zonings; whether it's the existing
24 commercial zoning in this case, or the proposed
25 residential zonings.

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1 And, in this case, we did come down on the
2 side of the residential zoning and we relied heavily
3 on -- on two things; the existing character of the
4 neighborhood, which you -- you heard about from the
5 Applicant's petition, and the residential nature of
6 these row house developments and the potential adverse
7 impact that commercial could have if it were spliced
8 in between these row houses.

9 The row houses are not all in common
10 ownership. So there's potential for some of the
11 houses to be pulled out and redeveloped or to be
12 combined and created into one larger property that
13 could have commercial frontage on Georgia, but would
14 be completely inappropriate in context and scale with
15 the residential property that adjoins it to the west.

16 So, with that in mind, and then
17 discovering this Section 1139.39, which is actually a
18 compliment amendment adopted in 1988, that called for
19 these properties to be redesignated to residential,
20 specifically. And we included that MAP in our report.

21 With those two pieces of information, we
22 very carefully considered what was at play here. And
23 we did come down on the side of the residential in
24 order to -- to meet that 1139.39, just as a matter of
25 using the numbers for ease. And also, for maintaining

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1 the stable neighborhood that's been out here for all
2 these years.

3 So I just wanted to give a little
4 background on that.

5 CHAIRPERSON MITTEN: Thank you. Mr.
6 Jeffries, questions?

7 COMMISSIONER JEFFRIES: : So, actually I
8 was about to talk about 1139.39, to restrict
9 encroachment for the development. So what the
10 petitioner seems to be focused more on, obviously, you
11 know, increased residential. I mean, that is not in
12 keeping with the single family row houses and so
13 forth. But your report is really dealing with really
14 the commercial piece and the encroachment issues. So
15 that it's -- it's really two --

16 MS. STEINGASSER: It's two different
17 perspectives.

18 COMMISSIONER JEFFRIES: Two things?

19 MS. STEINGASSER: The neighborhood's
20 testifying about the quality of life; the character of
21 their neighborhood. And those are also underscored in
22 the Comprehensive Plan through the first ten
23 principles of the Land Use. They talk about
24 stabilization, neighborhood preservation, things like
25 that.

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1 COMMISSIONER JEFFRIES: Yes.

2 MS. STEINGASSER: And I -- I think you've
3 got testimony about how the neighborhood feels about
4 it. We --

5 COMMISSIONER JEFFRIES: Right.

6 MS. STEINGASSER: We then looked at it
7 from the commercial standpoint --

8 COMMISSIONER JEFFRIES: Right.

9 MS. STEINGASSER: -- and said, okay, is
10 this -- is commercial an appropriate use in this
11 location. There are other parts of the Comprehensive
12 Plan, as -- as you -- especially as you read through
13 the Ward IV element, that talks about enhancing
14 commercial activities on Kennedy Street.

15 COMMISSIONER JEFFRIES: Yes.

16 MS. STEINGASSER: Which is just a few
17 blocks north. And then again, up on Missouri, and
18 creating these larger commercial nodes --

19 COMMISSIONER JEFFRIES: Yes, right.

20 MS. STEINGASSER: -- as opposed to these
21 long strip centers that have just not been successful.

22 COMMISSIONER JEFFRIES: Absolutely. I
23 mean, given -- you know, a number of, you know,
24 retailers now and the kind of footprints that they
25 need, and so forth. If we just -- you can't really

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1 sustain something like that up and along Georgia
2 Avenue. Okay. Thank you.

3 CHAIRPERSON MITTEN: Anyone else? Mr.
4 Turnbull?

5 COMMISSIONER TURNBULL: I just had one --
6 a couple of questions for the Office of Planning.
7 Obviously, looking at Georgia Avenue, there's not a
8 consistency in the way the street lays out, as far as
9 how the -- as far as the frontage on Georgia Avenue.
10 And there are corner lots that face on the residential
11 streets.

12 Are there situations, then -- you're
13 looking almost at a case by case or area by area -- as
14 you're going down it, that there are situations where
15 if there's a corner lot, it's facing a residential
16 street, it could still remain commercial then?

17 MS. STEINGASSER: It could. Yes. I -- I
18 don't have a survey of all the corner lots on Georgia,
19 but there are some. And I think -- I think you'll see
20 on our -- on page 7 of our report, there's a -- the
21 proposed Zoning Map?

22 COMMISSIONER TURNBULL: Right.

23 MS. STEINGASSER: And -- and the little
24 number 4, right in the middle, which represents Ward
25 4, I think -- is that -- well, I'll ask Mr. Mordfin,

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1 is this building also facing Ingraham, as well as
2 Georgia?

3 MR. MORDFIN: That's is -- that is a row
4 house. It's 1201 Ingraham. And, on the side, there
5 are two commercial storefronts that front on Georgia.
6 So it -- it has a row house -- it's built as a row
7 house facing Ingraham Street. And then, on the side
8 of that structure, the front -- facing the Georgia
9 Avenue frontage, in the basement of that house are two
10 storefronts.

11 COMMISSIONER TURNBULL: Okay.

12 MR. MORDFIN: And then part of the used
13 car lot.

14 COMMISSIONER TURNBULL: I guess I'm just
15 saying that when you've looked at this, you're looking
16 at this as a case -- as a separate case, looking at
17 the neighborhood, and basing your judgment upon how
18 that is currently used now in relationship to what's
19 already there along the street. Is that --

20 MS. STEINGASSER: That would be correct.
21 Yes.

22 COMMISSIONER TURNBULL: Okay.

23 MS. STEINGASSER: That's how it was used.

24 COMMISSIONER TURNBULL: Thank you.

25 VICE CHAIRPERSON HOOD: I just wanted to

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1 ask Ms. Steingasser. Ms. Steingasser, I'm going to ask
2 you two prime questions. First of all, why now? Why
3 is this being done now? And second of all, do we see
4 a lot of this coming? Because you mentioned we had
5 another case which was just the last time we were all
6 here together. And it seems like these are more and
7 more cases because my issue is I -- I think that the
8 Government needs to be predictable to residents and to
9 business owners who invest in property.

10 But I can tell you that I -- I don't -- if
11 you can just answer, tell me why now and do we have a
12 lot more of these cases coming down. And can
13 something happen before it gets to this point?

14 MS. STEINGASSER: Why now? Because the --
15 the application was filed now. And it --

16 VICE CHAIRPERSON HOOD: That's a good
17 question. I mean, a good answer. Okay.

18 MS. STEINGASSER: But I -- I understand
19 the subtext of your question.

20 VICE CHAIRPERSON HOOD: Okay.

21 MS. STEINGASSER: It -- there was
22 development pressure on the neighborhood that brought
23 this zoning to light. The inconsistency between the
24 land use and the neighborhood character and the
25 zoning, I think most people were unaware of. I know

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1 the Office of Planning was unaware of it until a
2 development pressure showed up that the neighborhood
3 felt was incongruent with -- with their character and
4 had adverse impacts on them. That then caused the
5 neighborhood to look into the case and -- and file for
6 this -- this rezoning.

7 There probably are others and there
8 probably will be more coming. There's a lot -- as you
9 know, the city is experiencing just an incredible
10 growth. We can testify we're here every Monday and
11 Thursday night with a public hearing.

12 As these properties -- the smaller
13 properties -- as the bigger, easier properties begin
14 to go, I think we're going to see more and more of the
15 smaller properties become attractive. And as these
16 smaller properties, especially along a corridor like
17 Georgia where the relationship between the commercial
18 and the residential is so incredibly intimate and the
19 -- the building structures haven't been changed to
20 accommodate modern commercial uses, I think we're
21 going to see more of this where we're -- the
22 neighborhood and the Office of Planning and the Zoning
23 Commission is unaware of this kind of inconsistency or
24 this -- this kind of conflicting land use. And
25 they're going to begin to surface.

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1 So, are we -- are we trying to get ahead
2 of them? Absolutely. And a lot of the small area
3 plans we're doing, Georgia Avenue does have a small
4 area plan and we relied on that. And that's -- that's
5 part of where this clustering of the commercial
6 development and they looked -- they did a full land --
7 retail corridor study of why is Georgia Avenue's
8 retail so -- so ineffective and not serving the needs
9 of it's residents. And partly, it's because of these
10 long strips and -- and not creating the critical mass
11 that you -- that's called for on Kennedy and Missouri.

12 So, but we are trying to get ahead of
13 them. And hopefully, through the Comp. Plan major
14 overhaul that's going on, a lot of these will be
15 brought to light and we'll be able to -- to clean up
16 more of them.

17 VICE CHAIRPERSON HOOD: Okay. Thank you.

18 CHAIRPERSON MITTEN: Just to follow on
19 that a little bit, I think because there was a
20 specific amendment to the Comprehensive Plan in 1988,
21 that pointed to this area, I think one of the things
22 that might be helpful is just for the Office of
23 Planning to go back through the last round of changes
24 in the Generalized Land Use Map to see whether or not
25 all of those proposed changes have been picked up

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1 consistency cases.

2 Because I know after the Comp. Plan is
3 amended that there are usually rounds of consistency
4 cases. But that I would think be an area where you
5 could like focus some energy and at least make sure
6 that those haven't slipped.

7 MS. STEINGASSER: And we -- and I -- and
8 I agree. I do agree. We do -- we did compile a list,
9 probably about six years -- five or six years ago.
10 And there were several hundred that time. And I -- I
11 think some of these little smaller ones just have kind
12 of not gotten the attention they deserve. And when
13 they come to light like this, this is when they hit.
14 And it's unfortunate because you have property owners
15 now at odds with eachother. And -- but we will be
16 looking at that before the next round of consistency
17 comes forward.

18 CHAIRPERSON MITTEN: Thank you. Anyone
19 else?

20 COMMISSIONER JEFFRIES: Well, I -- I just,
21 you know, this whole notion. And I think Vice Chair
22 Hood got it right in terms of predictability. I just
23 think that the -- the climate here in the District
24 needs to be such that the developer and the business
25 owner can come to expect, you know, integrity in -- in

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1 the regs, and -- and -- and so forth.

2 And -- and, you know, when you -- when you
3 have situations where, you know, people are spending
4 lots of money and time and energy and -- and it's
5 really just sort of an oversight. And I understand
6 it. And, you know, and you know that I think you guys
7 do a great and wonderful job in this -- then, as you
8 say, a lot of development pressure. I -- I think it,
9 you know, it just at least causes me a -- a lot of
10 heartburn, understanding that a lot of this is
11 absolutely inconsistent with the Comprehensive Plan.
12 Got it. Understand it.

13 There's still the -- the -- the realism of
14 the developer here and the money and time and effort
15 that's been spent. We just need to figure out that
16 balance. And making certain that we're managing these
17 expectations. So.

18 CHAIRPERSON MITTEN: Thank you. Anyone
19 else? Okay. I don't think we have anyone here
20 representing another government agency. Is there
21 anyone here from ANC 4C? Anyone here representing the
22 ANC? Okay.

23 We have a resolution that was passed, and
24 it's Exhibit 12. That's all we have. Okay. Now I
25 have my witness list. I'll go through the witness

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1 list for persons and organizations in support. People
2 here that are representing -- I have a number of
3 people that have written down that they're from the
4 16t Street Heights Coalition. Only one person will
5 get five minutes. So, I'll call that group of people
6 up first. And then I'll go through the list and
7 anyone else who didn't sign up, we'll just pick you up
8 at the end.

9 So, if I could have Linda Dowell at the
10 table. The last name looks like Carrigan? Juanita?
11 Cunningham. It's good to have help. Gwendolyn Ellis
12 and Karen Britton? Who's going to be claiming the
13 five minutes, so we can just make sure that we've got
14 the clock right? Okay. Got that? Have you got that?
15 Okay. Ms. Dowell, why don't you begin?

16 MS. DOWELL: Hi, good evening. My name is
17 Linda Dowell. I've sent a letter in, but I really
18 want to say, off the cuff, what I have to say is
19 basically the same as in the letter. I've lived on
20 Ingraham Street, 1214 Ingraham Street, for almost 30
21 years; raised my son there; have known everybody in
22 this room almost since we were kids. We grew up
23 together.

24 This developer came and we heard last year
25 about him possibly buying the homes through people who

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1 worked for the people who owned the homes. We were
2 distressed, because for someone to tear up this
3 neighborhood, it -- they're very short row houses. He
4 plans, as he's shown us in meetings we've had with
5 him, a five story building on 1207 and 1209 together;
6 on 1204, a four-story building.

7 We are a very close knit neighborhood.
8 For him to put this in there would devastate the
9 neighborhood. It would tower over our homes. It,
10 more than likely, will devastate the parking because
11 we're over stretched now, as it is, on our block with
12 parking. And to put this in there without even coming
13 to the neighbors and talking to us, just taking for
14 granted that he can just come in and destroy what this
15 neighborhood's about; hardworking families.

16 We have a melting pot of nationalities on
17 our block. We've worked together for -- to keep our
18 neighborhood nice and neat. Some of us are
19 struggling, but we try to do the best we can. And for
20 him to come in, it -- when I heard about it, it just
21 make me stop and say, well if this is going to happen
22 in our block, it's going to happen in everybody's
23 block. And I've got to do something. If -- even if
24 I'm hitting my head up against the wall, I've still
25 got to try to do something.

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1 Our neighborhood, we watch over our kids.
2 We watch over our neighbor's children. We watch at
3 night if we hear a noise. We're a very noisy group.
4 Nosey. I'm sorry. A nosey group. Anybody makes any
5 noise, we're looking out the Venetian blinds. Any
6 noise we hear, dial the phone. Gunfire, we have had
7 gunfire in the neighborhood, around us. If there's a
8 fire, everybody looks out the door. What's going on?
9 Who's hurt? Who's sick? People have passed away.
10 People call eachother, giving condolences. Even if
11 you only knew eachother by waving, people send dishes
12 and make sure everything's okay.

13 It's a neighborhood where you think that
14 it's just people. But it's not. It's hard working
15 people. People who want something; who want property;
16 who want a home, not a building where you stuff people
17 in and you're cramming them in between row houses,
18 which are very old row houses; houses that have been
19 there when my parents bought the home 50 years ago,
20 almost.

21 These houses, if he sticks this thing in
22 the middle there and one on the corner, what is he
23 going to do, stick another one at the top of the
24 corner or at the alley? I mean, it's getting
25 ridiculous in D.C. where every time you turn around

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1 there is a condo being built.

2 I'm not against development. I'm not
3 against improving Georgia Avenue. Lord knows it needs
4 it. But to stick these condos in the middle of row
5 homes, it's not even going to -- I don't care how many
6 bricks that you match it up with the other bricks or
7 face it where the patio is flat, where it won't stick
8 out, as he said he's going to do. It's not going to
9 change the fact that he's coming in here and
10 destroying our neighborhood.

11 It's a neighborhood where we want it to
12 stay the way it is. We don't want this monstrosity,
13 as I called it the first time I saw the picture
14 drawing that he showed us. It would just hover over
15 the top of us. It would just -- we would have no
16 privacy, because the house would face me and everybody
17 on that side would not be able to pull their blinds up
18 at night if they want fresh air.

19 We tend to put screens in our windows and
20 -- because a lot of us don't have central air -- and
21 let the air come in. We would not be able to do that
22 because the people on that side would be able to look
23 into your bedroom; virtually see everything you're
24 doing in your bedroom. And, to us, that's just --
25 it's an invasion.

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1 It's like -- it's -- he cares nothing
2 about this block. He said to me -- he told me one
3 time I'm putting my hand out to the community. But
4 you're not. Because, if you did, you would come to
5 the community. You would say, look, I have bought
6 these properties. I want to develop them. I'm
7 thinking about putting condos.

8 CHAIRPERSON MITTEN: I need your closing
9 thought. You're down to ten seconds.

10 MS. DOWELL: All I say is that please
11 rezone it all residential so this can't happen, not
12 just to us but to other people in neighboring blocks.

13 CHAIRPERSON MITTEN: Thank you. Ms.
14 Cunningham?

15 MS. CUNNINGHAM: Hi. I'm Janita
16 Cunningham. I live at 1223 Ingraham Street, N.W.
17 Parking is going to be a really big issue. I live on
18 the north side of Ingraham. Basically, the
19 individuals on the north side, we park in our backs.
20 And there's no type of division that you have like in
21 other areas when they're doing construction.

22 If he's allowed to do the construction, he
23 will have Ingraham Street blocked off. He will have
24 the lower part of the alley blocked off.

25 Well, since I park in my back and I go

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1 down the alley to take Georgia Avenue, I feel -- I
2 believe and I feel it's not -- it wouldn't be right
3 for me, to be an inconvenience for me to take another
4 route to exit from my home or to enter my home.

5 Another point in fact, we have a lot of
6 senior citizens. And, you know, you never know one
7 day someone might have a heart attack and an emergency
8 may happen in the day time. The paramedics can't turn
9 up Ingraham Street; can't turn up the alley because he
10 has the alley and Ingraham Street blocked. What
11 happens? If they have to take an alternative route,
12 someone dies. Lawsuit on the District.

13 Another point; my mom was coming up the
14 alley. Mr. Regignano's son was out there in his
15 truck. My mom asked him would you mind moving your
16 vehicle. He turned around and told my mother I'm not
17 moving a damn thing. So my mother said, you're going
18 to move. She got out of her car. One of the guys
19 from the street told him to move his vehicle. That's
20 the one time.

21 Two more incidents. They park in front of
22 our back yard. They blocked us in. Same thing; can
23 you please move your vehicle? We're leaving. Went
24 around the corner, came back, thought we were gone.
25 Blocked it again.

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1 It's going to cause problems. It's going
2 to be really -- I'm going to be quite honest with you,
3 no one's going to make it convenient for him. Because
4 it's not the space. That area is not an area that
5 should have commercial property.

6 Now I know in 1958 the Zoning Commission
7 -- those who were there in 1958, they allowed one man
8 to rezone that. So why can one man rezone it in 1958,
9 but you need a multitude to rezone it back its
10 original form in 2006?

11 The only thing I'm asking is can we please
12 rezone it back to its original form or residential?

13 CHAIRPERSON MITTEN: Thank you. Just as
14 we go forward, and I know that there's emotion on both
15 sides, but if we can just stick to the land use
16 questions and if you have issues with the developer,
17 this is just not the proper forum to air those things.

18 MS. CUNNINGHAM: No. But --

19 CHAIRPERSON MITTEN: Okay. That's okay.
20 Thank you. Ms. Ellis.

21 MS. ELLIS: Hi. My name is Gwendolyn
22 Ellis and I live at 1221 Ingraham Street. This -- I
23 have children. I'm a single parent and I have two
24 children. At this point, I consider it kind of safe
25 for my youngest one to go outside and play. He's just

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1 -- he's eleven years old. There are other kids on the
2 block that we should be able to allow our children to
3 go outside and play. Because we know all of our
4 neighbors right now. We know all of our neighbors.
5 So we don't have a problem with our children being
6 able to go outside and enjoy themselves, which they
7 should be able to do.

8 Bringing in a multi-facet building in our
9 area; bringing in unknowns that we do not know, that
10 we're not accustomed to will cause danger for our
11 children in our neighborhood. We're looking out for
12 the safety of our children. I've been in this -- my
13 mom bought a house in the block. Now I'm in the
14 house. And then I have children in the house.

15 There are other people that have been here
16 since the houses have been built. It's not fair to
17 people that have spent their livelihoods in these area
18 -- in these houses in this street to now be uprooted
19 or feel that we need to escape because we're going to
20 allow something like this to happen and make it
21 inconvenient for our children and unsafe for our
22 children.

23 We live in a school area. We have
24 Trousdale, we have West Elementary, which are very
25 close to us on both sides. It would not be beneficial

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1 to bring in a multitude -- a building of that size
2 with unknowns and we have other children to think
3 about, not even our own. We have other children that
4 we need to consider.

5 The rezoning, we really need this, at this
6 point in time. It's already dangerous for our kids.
7 We need your help. Thank you.

8 CHAIRPERSON MITTEN: Thank you. Ms.
9 Britton?

10 MS. BRITTON: Good evening, members of the
11 Commission. My name's Karen Britton and I live at
12 1219 Gallatin Street, N.W.

13 I think what you see here before you this
14 evening are just the faces of families of concerned
15 citizens, as we call ourselves, but families who have
16 been long term dwellers in this neighborhood. Multi-
17 generational families in this neighborhood who have
18 just come to know and love the structures of the small
19 -- of the single family residences; of the small
20 bungalows.

21 I, myself, am a recent neighbor to the
22 community and I will tell you what drove me and my
23 family to move out of the bedroom community of Bowie.
24 And moving back into a city environment certainly was
25 all the benefits of any city, but in particular,

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1 Washington, D.C., which I love, the diversity, the
2 community, just the culture.

3 And, in specific to what is going on and
4 what we're asking for this evening, is to focus on the
5 zoning to be residential. Specifically, we are
6 concerned with the overage and the taxing in the
7 neighborhood; the limited parking.

8 I, like many others, have small children.
9 And what we're concerned with is what every other
10 family in every other community wants, is a safe
11 environment; streets that are free from the things
12 that can be caused when you have the huge structures.
13 Like, we've been concerned vermin and -- and -- and
14 rodents.

15 We've been concerned with lack of
16 stability of our own structures; of our own homes that
17 are currently there. And while we do welcome
18 commercial development on Georgia Avenue, we certainly
19 welcome services that we can all take advantage of.
20 We -- we want the consistency in our neighborhood
21 blocks.

22 We are -- we are a neighborhood of people
23 who are tax paying, law abiding citizens. We're no
24 different than other -- any other neighborhood. And
25 so we just respectfully request that you consider our

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1 request this evening for keeping this commercial --
2 for keeping our neighborhood in a residential fashion.
3 Thank you.

4 CHAIRPERSON MITTEN: Thank you. Any
5 questions for the panel from the Commission? Any
6 questions? All right. Thank you all for your
7 testimony.

8 The next panel will have Sarah Hines,
9 Annie Gaines, Walter Blaylock, and Harold Brooks.
10 Ma'am, why don't you begin, and then we'll catch up
11 with the others? Why don't you go first? I need you
12 to turn the mike on by pressing the button on the
13 base. There you go.

14 MS. GAINES: Good afternoon. My name is
15 Annie B. Baines I live at 1231 Ingraham Street N.W.
16 I've lived at 1231 Ingraham Street since 1968. And,
17 since that time, I've had four kids; they've gone to
18 school in the area. They haven't had any problems
19 with, you know, the neighbors. I know practically
20 everybody like the people said before. That we all
21 took care of each other's children. And still, we're,
22 you know, doing the same thing.

23 Now, with this building coming up, I
24 really oppose -- oppose, you know, oppose -- I'm a
25 little nervous. I'm opposed of it because I feel like

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1 this will bring in crime and parking spaces will be
2 limited. Even though I park in the back, but when I
3 do have friends that come over, I would like for them
4 to park out front instead of parking across the street
5 or down the street.

6 So, that's it. I just oppose it.

7 CHAIRPERSON MITTEN: Okay. Thank you.
8 Ms. Hines?

9 MS. HINES: Good evening, Panel. My name
10 is Sarah Hines. I live at 1219 Ingraham Street since
11 November 9, 1962, almost 44 years ago.

12 Basically, I don't have anything to add.
13 Most everybody has said basically the same thing. I'm
14 definitely opposed to the developer coming on in a
15 residential area on a residential street and building
16 that monstrosity they have shown pictures of. It
17 towers way over our residential homes.

18 That's basically all I have to say. And
19 please take in consideration of rezoning our area.
20 It'd be most appreciated by me and the rest of our
21 community. Thank you for your time.

22 CHAIRPERSON MITTEN: Thank you. Mr.
23 Blaylock?

24 MR. BLAYLOCK: Yes. Good evening. My
25 name is Walter Blaylock. I'm a resident. I'm at 1217

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1 Hamilton Street N.W. First of all, I would like to
2 ditto everything that the previous testimony has
3 offered. And I would like to say -- I would like to
4 see the Zoning Board reverse or rezone the property in
5 question. And for the reason that it has -- the
6 development, as proposed, will not conform to our
7 present community tranquility and safety.

8 Thank you.

9 CHAIRPERSON MITTEN: Thank you, Mr.
10 Blaylock. Mr. Brooks?

11 MR. BROOKS: Thank you very much for all
12 of you here tonight to hear us about the zoning issue.
13 I'm concerned about commercial development in the
14 area. We are talking about multiple units, but that
15 can also be stores that could be placed in that same
16 area, in that same building. There's -- there's a lot
17 that can be done when it comes to commercial and --
18 and building of that area.

19 So we're -- we are very concerned about
20 simply making sure that our neighbors are -- are going
21 to be safe, happy; that they've worked hard for their
22 property. Any commercial development along Georgia
23 Avenue will be simply handled by us. We will be the
24 walk-in clientele supplying the -- the monies for
25 anything that's developed along Georgia Avenue.

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1 So we must maintain, if we can, the
2 properties along Ingraham, Jefferson, Kennedy to be
3 simply listed as residential, so that we have a place
4 to live to support commercial zoning along Georgia
5 Avenue.

6 Now, unless you are living close to a
7 subway, which we are not, you'll have that subway
8 traffic coming in. And this is what we're looking at.
9 We want the zoning to changed along Georgia Avenue,
10 and kept there. We want that to be increased. We
11 want new properties coming in. We want development
12 coming in. But we want responsible development. And
13 we want to be consistent. We want to be fair with any
14 and everyone that comes into this city.

15 I think you for your time. I think you
16 for your work. That's all I have to say.

17 CHAIRPERSON MITTEN: Thank you. Questions
18 for this panel from the Commission? Any questions?
19 Okay. Thank you all for your testimony.

20 The next panel will be Barry Student,
21 Edward Mouton, I apologize if I got that wrong, Cheryl
22 Harrison, and Marcia Nickens.

23 I'm coming up one short so I'll add
24 another -- oh, she's coming? Okay. It's no time to
25 be shy. Louis Herring, I'll get you on the back side,

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1 Louis Herring. Mr. Herring? Okay. Okay, while
2 you're handling the cards, how about Mr. Cash? Mr.
3 Cash is prepared. Good for him.

4 Okay. We'll get everybody before we're
5 done. Okay. Mr. Student, let's have you go first.

6 MR. STUDENT: Good evening, everybody.
7 For a very long time, our small quiet neighborhood has
8 been taken for granted; starved of services; starved
9 of resources from the city; neglected by politicians;
10 and disrespected by developers.

11 Yet, through it all, we've remained a
12 stable small place of single family homes where
13 families have lived literally for generations. Some
14 of my neighbors have been in their homes for 50 years
15 and more. Neighborhood kids who played together as
16 children have grown up to become grandparents and have
17 continued to live as neighbors and friends.

18 Newcomers, grandmothers, and their
19 children's children share flowers from their gardens;
20 watch each other's houses, and shovel each other's
21 sidewalks in winter.

22 The community's welcoming spirit has found
23 like minded newcomers. It's not a place that has
24 attracted yuppies looking to make a quick buck or
25 speculators selfishly finding properties to make money

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1 from.

2 We're a working class oasis of small, two
3 story homes with large yards and small gardens. It's
4 a place where nearly every family's savings and main
5 financial asset is their house. And our houses are,
6 in every respect, our homes. Many of us have lived
7 here for generations; sometimes for 50 years or more.
8 Where we have 60 -- where we have 30 year mortgages
9 and rooted and committed to this neighborhood.

10 Our request to down zone parts of
11 Hamilton, Ingraham, and Jefferson streets back to the
12 original residential classification is an expression
13 of our desire to maintain our community as it has
14 been; a place of small, working class homeowners who
15 are mutually interdependent upon one another.

16 If the old commercial zoning
17 classification as applied to these residential side
18 streets is left unchanged, large-scale development,
19 incompatible with the small scale nature of our
20 neighborhood, will inevitably flow overwhelming us.

21 Please preserve our community as it has
22 been and focus development where it was intended to
23 go, on Georgia Avenue. Please grant us this request
24 to have the zoning that applies to these side streets
25 be reverted to a residential classification.

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1 And, as a clarification, I think there was
2 confusion, I think, about the zoning specifics
3 earlier. My understanding is that we wish to make the
4 are south of the Ingraham Street alleyway revert to R-
5 1-B, which is single detached families, I believe,
6 that's the appropriate classification for that area.
7 And we wish for the area north of the Ingraham Street
8 alley to be zoned R-3, which is row house
9 classification.

10 CHAIRPERSON MITTEN: Thank you. Mr.
11 Mouton?

12 MR. MOUTON: Good evening. My name is Ed
13 Mouton.

14 CHAIRPERSON MITTEN: Oh. I'm sorry.

15 MR. MOUTON: No problem.

16 CHAIRPERSON MITTEN: I did get it wrong,
17 twice.

18 MR. MOUTON: I live at 1349 Ingraham
19 Street. I've been there for 24 years. I've raised four
20 children successfully in that community. What
21 attracted me to this community 24 years ago was the
22 single family residential environment.

23 I feel that if this project, which will
24 really -- is not inconsistent with the -- the
25 neighborhood, that with a four or five story building

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1 in between row houses would be just totally
2 inconsistent, unattractive.

3 So I am here tonight to -- to request that
4 the Commission please agree to rezone this area.
5 Thank you.

6 CHAIRPERSON MITTEN: Thank you. Are you
7 Ms. Harrison or Ms. Nickens? Okay. Please.

8 MS. HARRISON: Good afternoon, everyone.
9 I'm here in support of 1223 Ingraham Street, N.W.
10 Outside of -- of the comments that have been made
11 earlier by the other residents, I so agree. I would
12 like to add that it's unfortunate that a process is
13 not in place to avoid instances of this matter from
14 occurring.

15 Had it been a criteria that the residents
16 of Ingraham Street or any residential area that they
17 were notified in the event that a development would
18 take place or someone was interested in the properties
19 in order to build dwellings that are opposite of the
20 architectural structures that surround the
21 neighborhood, it could stop future occurrence like
22 this from occurring in the future.

23 As everyone said, and especially Harold,
24 when you think of condos, I think of apartments. And
25 when I think of apartments, I think of revolving

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1 doors. Condos today, ten years from now, the Gap
2 tomorrow, or any small commercial entity that could be
3 placed between the row houses where the continuity of
4 architectural structure, it will take away from the
5 neighborhood. It will take away from the years that
6 folks have worked very hard in order to gain property,
7 as they, how do you say it, take a part in the
8 American Dream.

9 I can only hope that it will be rezoned to
10 its prior zoning type, R-3, and that, in the near
11 future, there will be other criteria that will stop
12 this from occurring.

13 CHAIRPERSON MITTEN: Thank you. Mr. Cash?

14 MR. CASH: Good evening, Board members.
15 My name is Michael Cash. I live at 5204 13th Street.
16 And the first thing I'd like to say is you -- you have
17 to downsize. I mean, if they take, push it right back
18 because this type of project, it doesn't even put --
19 it doesn't belong to the landscape of the whole block.
20 I mean, it -- it looks like a project that belongs
21 either on 14th Street, on the other side of Military
22 Road or it belongs down Georgia Avenue and over.

23 It takes -- it takes it way out of common
24 sense to take down two houses just to put up a big
25 high rise apartment building. And then to come into

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1 a neighborhood, disrespectful to the community and
2 just say you're going to do it -- a couple of weeks --
3 a couple of months before that, we had someone come
4 down on Gallatin Street and ask the neighborhood would
5 you like this building here. The neighborhood said
6 no. He said no problem.

7 This community is -- is not against
8 development. But somehow Georgia Avenue needs to be
9 redeveloped. Why touch the side streets? These are
10 people who've lived here all their lives. 38 years in
11 this whole neighborhood. I have family that live in
12 all corners all across Georgia Avenue. Putting that
13 -- putting any kind of apartment in the middle of row
14 houses makes no sense; makes no sense whatsoever.

15 Multiple families coming out of one
16 building, breaking it -- breaking all the contour of
17 the neighborhood is going to damage the neighborhood
18 as a whole. Thank you.

19 CHAIRPERSON MITTEN: Thank you, Mr. Cash.
20 Any questions for this panel? Any questions? Thank
21 you all. Thanks for your testimony.

22 MR. STUDENT: Excuse me, I forgot to
23 mention I am a resident at 1208 Ingraham Street.

24 CHAIRPERSON MITTEN: Thank you. Georgia
25 Kusi, K-U-S-I? Renee Hayden? Mark Matheson? Is

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1 Marcia Nickens ready? Or Mr. Herring? Mr. Hayden,
2 since you're ready, why don't you go ahead? You're
3 Mr. Hayden?

4 MR. HAYDEN: I am.

5 CHAIRPERSON MITTEN: Okay. Would you turn
6 on the mike for me? There you go.

7 MR. HAYDEN: Sure. Okay. Well, you all
8 know that this is a great neighborhood. And I moved
9 there just recently. We have a -- me and my wife have
10 a four month old baby. And, for all the reasons that
11 people said, it's a great neighborhood. You already
12 know that.

13 So let me speak explicitly to the issues
14 at hand with regard to the land use. So I am in
15 support of the changes in the proposal before you now.
16 I'm not against development, per se', as we've been
17 saying, in our neighborhood. Nor do I think that
18 Michel Regignano is operating in bad faith. I -- in
19 fact, I think that many aspects of his project at
20 1204, 1207, and 1209 are laudable, if not desirable.

21 And however, I do believe that his project
22 and the testimony and the emotions that have you've
23 heard today, and that his project and the way that it
24 has unfolded in our community dramatically underscores
25 the shortcomings of the zoning laws for this area.

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1 The C-2-A zoning within a five house
2 margin along Georgia Avenue has allowed Mr. Regignano
3 to propose to build a four to five story condominium
4 development in -- almost in the center of our run of
5 row houses. This poses problems architecturally,
6 logistically, and socially.

7 Architecturally, Mr. Regignano's project
8 completely disrupts what the original builder of our
9 homes obviously intended to be an unbroken course of
10 dwellings. I do not think that any contiguous
11 development with a front on Georgia Avenue with --
12 would actually meet with the same outcry as Mr.
13 Regignano's proposal, which effectively chops up the
14 block without any rhyme or reason, in which this
15 zoning, the C-3 zoning within a five house margin
16 allows.

17 Again, people have testified to other
18 aspects of the impact of this zoning as it now exists
19 in terms of allowing a large increase of density far
20 into a medium or low density block, exacerbating
21 problems of what is already an exceedingly dense local
22 in terms of our row houses, in terms of trash,
23 parking, and noise.

24 And I also believe that this density --
25 this change in density will drastically change as

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1 people have testified of their fears of a change in
2 the social nature of our neighborhood; imposing an
3 important population of transient apartment and
4 condominium dwellers upon a neighborhood of families,
5 that have stood upon the same ground for many
6 generations.

7 While a change for C-2-A zoning to
8 residentially not change this outcome in the long run,
9 it would prevent this change from happening in such a
10 ham-handed fashion as that proposed by Mr. Regignano.

11 CHAIRPERSON MITTEN: I need your closing
12 thoughts.

13 MR. HAYDEN: Sure. I hope for the sake of
14 the residents living along side or under C-3 zoning
15 along Georgia Avenue, not only on our street, but
16 along the whole strip of five house C-2-A zoning, that
17 the Commission will approve the change from C-2-A to
18 residential zoning. Thank you.

19 CHAIRPERSON MITTEN: Thank you. Ms.
20 Nickens?

21 MS. NICKENS: My name is Marcia Nickens.
22 I live at 5113 13th Street. I don't have too much more
23 to add. I agree with everyone. I'm a third
24 generation resident in this neighborhood. I've raised
25 four children here. It's like a village. Everyone

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1 knows everyone and the fact of -- the thought of
2 someone coming into the middle of a residential block
3 and putting a five story condominium, I think it would
4 just cause -- it would disrupt the stability of the
5 neighborhood. But it would also cause a lot of
6 distress to the neighbors.

7 The fact of the parking would be a
8 problem; trash; etc., I just would like to keep our
9 cozy neighborhood a cozy neighborhood. And I don't
10 think the fact of having 17 apartments filled with
11 people who might be changing from month to month, year
12 to year, will maintain the stability of the
13 neighborhood. I think it will cause a lot of
14 confusion and a lot of problems.

15 We've already experienced a lot of
16 problems, just in the -- the -- the fact of him
17 working on the buildings as is. There's been a lot of
18 disagreements, arguments, problems among the --
19 instead of working with the neighbors, problems with
20 the neighbors.

21 I'd -- I'm just in support of everyone
22 here. And I would just love to maintain our
23 neighborhood and have it rezoned as a residential as
24 it has been -- as it should be. Thank you.

25 CHAIRPERSON MITTEN: Thank you. Mr.

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1 Herring?

2 MR. HERRING: My name is Louis Herring and
3 I live at 1202 Hamilton Street, N.W., which is right
4 on the corner of Georgia and Hamilton, next -- next to
5 a car lot. And I oppose to the zoning as it is on
6 Ingraham Street also, because once you put up a multi-
7 story building on Ingraham Street, the next thing
8 they're going to do, they'll be on Hamilton Street
9 doing the same thing, putting up one. And it's going
10 to bring, as they said, it's going to bring in a lot
11 of more traffic or a lot of other people period, into
12 the area that's going to change the area. And we have
13 -- we do have schools close to the area, you know, on
14 both sides of where they're planning to build. And
15 this is all I object to, you know. Just please change
16 it back to all residence.

17 CHAIRPERSON MITTEN: Thank you. Sir?

18 MR. MATHESON: Mark Matheson, 1215
19 Ingraham Street. I would just like to echo the
20 thoughts and concerns of the neighborhood. I -- my
21 wife and I moved into that area in 2001 and the reason
22 we moved in there was because of the single family
23 types of homes on that block. And we would like to
24 see it remain that way. And, again, I support
25 everything our coalition has put together. Thank you.

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1 CHAIRPERSON MITTEN: Thank you. Any
2 questions for this panel? Any questions? Thank you
3 all for your testimony. Is there anyone else who
4 would like to testify in support of the down zoning
5 petition? Anyone who -- whether you signed up or not?
6 All right. Come forward, please. This is the last
7 call for people in support of the down zoning
8 petition.

9 And would you give your cards to the
10 reporter. The cards are on the table by the door.
11 Just to keep things moving, if you'd come up to the
12 table and fill them out when you're done. Why don't
13 you go ahead?

14 MR. HOLT: Okay. My name is Ted Holt. I
15 live on the 1200 block of Gallatin Street. And I
16 wanted to speak briefly in support of the group on
17 Ingraham. With my background being architecture and
18 my profession being general contractors, I'm typically
19 in support of development.

20 In this case, I wanted to talk about those
21 things that brought my wife and I to the neighborhood
22 just three years ago. We looked very critically for
23 three or four years and we moved from a very dense
24 area in Adams Morgan to where we are right now, to a
25 single family home.

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1 Those things that -- that brought us here
2 are classic Jane Jacobs and Christopher Alexander
3 issues. You know, the -- the sidewalk distance off
4 the road, the tree lined streets, the scale of the
5 housing, the front porches, the very comfortable
6 street parking, are all critical to why we chose where
7 we're at.

8 Other reasons are proximity to activity
9 such as Carter-Barron, retail areas on Colorado
10 Avenue, and obviously the future potential development
11 on Georgia Avenue. The size of the lots was the last
12 reason. We've got great back yards. We've got great
13 front yards. They're not too big. They're not too
14 small. They're just right.

15 Now, I'm very much in support of
16 development on Georgia Avenue, but putting a multi-
17 story apartment building in a -- in the center of what
18 is a single family residential units, is just wrong.
19 The scale is incorrect. It ruins the street section.
20 You create privacy issues.

21 Now, if this project was just for homes
22 over and on Georgia Avenue, I think it would make a
23 lot of sense and I'd be in full support of it. But
24 it's not. And it's going to damage the block
25 dramatically.

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1 My biggest concern starting this whole
2 group support was that it would set a precedence in
3 our neighborhood. And we are seeing developers coming
4 over towards our block, which I think we're in support
5 of in lieu of the current van parking lot that is on
6 Georgia. But we don't want to set a precedence where
7 it would destroy our street as well. And, in turn,
8 you know, we've found that the folks that are in -- on
9 this block are very much in tune with what their
10 street should and -- should feel like.

11 CHAIRPERSON MITTEN: Thank you, Mr. Holt.
12 Ma'am?

13 MS. BLAKE: Hi. I'm Mary Blake. I live
14 at 1212 Ingraham Street, N.W. I piggy back on
15 everything everyone has said on the block. I grew up
16 on the block since I was two years old. I moved away.
17 I've lived at both in rural country. I've lived in
18 New York. I've every -- a lot of different places.
19 And I've found that I needed to come back home to my
20 roots and on Ingraham Street.

21 I grew up with most of the people here.
22 Thank you for Mr. Regignano bringing this project to
23 our block, because it also has allowed me to meet the
24 new neighbors that we just spoke to. But I'm opposed
25 to it. I think that we need our village the way it

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1 is.

2 I have no problems walking up and down the
3 street along with the children that I have raised on
4 that block. I've also attended Trousdale and just
5 been in the neighborhood. And I think that we should
6 keep it the way it is; at least some semblance of the
7 way it is.

8 I patronize the ice cream shop, the Java
9 Shop up the street. I go to 14th Street to that
10 corridor. But it also comes back home. And the home
11 is Ingraham Street. And I'd like to keep it that way.
12 Thank you.

13 CHAIRPERSON MITTEN: Thank you. Sir?

14 MR. NIELSEN-JONES: Good evening and thank
15 you for listening to us. My name is Peter Nielsen-
16 Jones and I've -- I wrote something and I -- maybe
17 that you all haven't already. And I have lived in
18 Washington since the late '60s. And have lived in
19 several different neighborhoods. And my wife and I
20 moved from Mount Pleasant onto our house -- or into
21 our house at 1238 Ingraham Street in 1985. So we've
22 been -- been on the block for a while.

23 And I -- I would agree with Mary that --
24 that it's been this -- this particular occasion has --
25 has let us know some names and faces and -- that we --

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1 that we would just recognize as faces and hello, how
2 are you.

3 I -- I am -- I am -- I definitely would
4 like to agree with neighbors that -- that we have the
5 rezoning so that we'll have the residential use of
6 those -- those properties. And we would also like to
7 say that we do favor commercial development of
8 properties that are looking out onto Georgia Avenue.
9 But we would really appreciate having single family
10 residences on Ingraham Street, because it -- it -- it
11 has been a wonderful place to be for -- for over 20
12 years. Thank you.

13 CHAIRPERSON MITTEN: Thank you. Any
14 questions for this panel? Okay. Thank you all very
15 much for your testimony.

16 Now we will move to testimony in
17 opposition to the petition. And I would just like to
18 ask folks to be as respectful of the testimony that
19 you're about hear as people were of your testimony.

20 Mr. -- I'm probably not going to get this
21 right, but Mr. Regignano?

22 MR. REGIGNANO: Yes.

23 CHAIRPERSON MITTEN: And Mr. Enin; E-N-I-
24 N? Mr. Burger? Whenever you're ready.

25 MR. REGIGNANO: Is it on?

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1 CHAIRPERSON MITTEN: Yes.

2 MR. REGIGNANO: I'm Michel Regignano, the
3 owner of 1204, 1207, 1209, Ice LLC, and respective
4 addresses. We'll establish in this letter the reasons
5 why this petition for a MAP amendment should be
6 rejected out of hand.

7 I diligently worked for ten months prior
8 to purchasing this property, researching, going
9 through phase I and phase II, remedying an underground
10 tank and developed engineering and architectural plans
11 that went through DCRA, Zoning, and other branches to
12 insure that this property can be developed under the
13 C-2-A classification.

14 With no issues regarding this plan, I went
15 ahead and purchased the property, understanding that
16 my zoning rights are clear and protected. The MAP
17 amendment has an immediate negative -- negative
18 economic impact. It will affect potential future
19 development to the lots under consideration as well as
20 threaten the future growth along Georgia Avenue
21 business corridor.

22 This action was the result of a rash
23 reaction to my proposed project to demolish existing
24 structures and create new, affordable, work force
25 housing. The MAP set down was deliberate and

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1 politically motivated action directly solely to stop
2 my project.

3 Councilman Adrian Fenty's office use all
4 means, inclusive of using Zoning, DCRA, Department of
5 Hazardous Waste, to stop this project for the sake of
6 campaign votes, while at the -- while at the same
7 time, allegedly trying to work with me to provide an
8 acceptable plan for the community.

9 His unethical behavior and unscrupulous
10 actions served to damage me financially as the current
11 land -- as well as the current land owners under
12 consideration, without any thought to the immediate
13 destructive consequences this will do to the retail
14 and residential environment, in addition to the loss
15 of jobs to minority owned business and loss of work
16 force housing in the District.

17 In relation to my project, what I intended
18 to do was all a matter of right. Parking and height
19 requirements were strictly adhered to -- were strictly
20 adhered to in the proposed plan.

21 I ask that I be afforded the same
22 opportunity as the newly built church one block away
23 on the corner of Ingraham and Illinois Street, which
24 exceeded zoning density, parking, and height
25 requirements and nothing was stopped -- nothing was

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1 passed to stop this action.

2 I would hope -- last of all, I would like
3 to add that if these measures pass, neither developers
4 nor any other buyer of real estate can be assured that
5 this procedural process, not well known to the public,
6 could be used against them as a weapon to change
7 existing zoning and values of their properties. It is
8 amazing that, in order to get any kind of zoning
9 change or variance in the city, it requires months and
10 months of preparation, is costly, and may have no
11 guarantees of success. Yet this measure only took 13
12 days from start to finish to get in front of the
13 Commission and succeeded in stopping my project in
14 place.

15 The economic impact, first and foremost,
16 although the amendment has not passed, any property
17 under consideration will take an immediate appraisal
18 loss of value to the tune of millions of dollars. No
19 one can sell their property without disclosure of this
20 action. My immediate construction plans have become
21 worthless. Any money borrowed, interest points paid,
22 to finish the project becomes moot.

23 Due to the time constraints of the real
24 estate market, the threat of this action will force me
25 to completely rethink the development project and

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1 settle for the pass of -- the path of least
2 resistance, which will not necessarily be in the best
3 interest of future development.

4 The action will freeze all properties in
5 place. Owners will also be limited on their ability
6 to borrow against what a C-2-A versus an R-3 down
7 zoning. Future retail and residential development
8 along Georgia Avenue will be put into immediate
9 jeopardy.

10 As a retail site locator, one of the first
11 items in searching for the -- for a site is to
12 determine the physical factors in relationship to the
13 site. All along Georgia Avenue, the retail corridor
14 lacks physical depth. And this measure would go
15 further to scare away any national tenants or
16 developers that would even consider this corridor.
17 National retailers would not entertain, until they see
18 some new residential developments that would
19 contribute to the demographics of the area, as in the
20 case of the 14th And U Street corridor.

21 It is wishful thinking on the part of
22 residents to think that magically this will become a
23 Connecticut Avenue without the investment in the
24 residential sector. The retail corridor along Georgia
25 Avenue is desperate need to be revitalized. And by

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1 restricting the depth of the potential retail
2 environment, you will freeze old buildings in place
3 and restrict -- restrict any kind of assembly of
4 property to rebuild existing buildings.

5 The existing zoning of C-2-A along Georgia
6 Avenue was well thought out. However, the single
7 homes that exist within its boundaries do not
8 contribute to retail development as it should.
9 Residential density is the only cure to a proper base
10 of retail.

11 CHAIRPERSON MITTEN: I need your closing
12 thought. You're about out of time.

13 MR. REGIGNANO: Okay. I would hope as a
14 citizen I will be afforded the same rights to regain
15 my C-2-A zoning and the Commission will use the same
16 speed to achieve my particular goals. Why wouldn't --
17 I urge you to reject this -- this motion.

18 CHAIRPERSON MITTEN: Thank you. Mr.
19 Burger?

20 MR. BURGER: Good evening. My name is
21 Chuck Burger and I work with Caldwell Banker Real
22 Estate. I'd just like to make it clear I'm not
23 financially involved in this project. But through
24 other projects, I've known their firm and have been
25 familiar with this development and neighborhood.

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1 I would note I do not live in this
2 neighborhood. I'm not a resident. I am a resident of
3 the District of Columbia for the last 25 years and am
4 a -- have been a strong activist in my community,
5 which is -- and city, which is Capitol Hill in the
6 District for the last 20 years, primarily in areas of
7 neighborhood rights, public schools, and the area of
8 regulation.

9 I was drawn to testify this evening for
10 primarily two reasons on two concerns that I have when
11 viewing this. One concern I have is how we are using,
12 viewing, and changing our zoning regulations. And
13 this is an area and concern I have as far as
14 regulatory rights of all of our citizens.

15 Secondly, I looked at it that what may
16 occur here is what would be coming in my view as
17 substantial taking of established and protected rights
18 of citizens and property rights that property owners
19 may have in our city. This, in fact, I viewed as a
20 very serious case.

21 I would take issue with the Office of
22 Planning that this is not just a case of a -- of a
23 mistake or smaller issue or something that wasn't done
24 properly or taken care of before, or a minor house
25 cleaning detail. This is a major change. This is a

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1 major change and our zoning regulations, were
2 established through extensive, open, and strategic
3 planning involving all of our community. It was a
4 long open process which held public hearings. It was
5 done in a form of a time at a -- a comprehensive plan.

6 I feel, as you said, the second case
7 coming up, that there may be many more. Because this
8 can become literally planning on a case by case basis.
9 It may become piece meal. There will be many more of
10 these issues.

11 I know, as a member of certain community
12 groups, they welcome something like -- as some
13 precedence being set here. They're watching this very
14 closely. This brings up a number of questions again,
15 in that zoning area, on how we use it; how we view it;
16 and how we'll change it.

17 Issues have been brought up about
18 predictability. How can we provide consistency? We
19 have to stick to the plan. And, while politics may be
20 involved in anything we do, we have to be very careful
21 that we do not rewrite our regulations.

22 This issue, as brought up as discussed,
23 this could just as easily be Capitol Hill. It could
24 be Rhode Island. It could be issues on Brentwood. It
25 could be in a multitude of issues on Martin Luther

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1 King, with development going there, or any number of
2 small commercial strips, which about residential
3 housing.

4 CHAIRPERSON MITTEN: I need your closing
5 thought.

6 MR. BURGER: As I would say, this is rule
7 and in -- we should rule and interpret regulations and
8 insure that we don't change them on a case by case
9 basis unless absolutely required and necessary for the
10 safety and strategic planning of the District. Thank
11 you.

12 CHAIRPERSON MITTEN: Thank you. Questions
13 for Mr. Regignano or Mr. Burger? Questions? Any
14 questions? Okay. Thank you for your testimony.

15 MR. BURGER: Thank you, very much.

16 CHAIRPERSON MITTEN: Is there anyone else
17 who would like to testify in opposition to the
18 petition? Please come forward. Drop off your cards
19 on your way up.

20 MR. LEWIS: I didn't sign my card yet.

21 CHAIRPERSON MITTEN: Okay. You'll be
22 punished but, if you could just make sure you do that
23 before you leave.

24 MR. LEWIS: Yes, I will.

25 CHAIRPERSON MITTEN: Why don't we start on

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1 this end and we'll work our way down the table,
2 please.

3 MR. LEWIS: My name -- good evening. My
4 name is David Lewis and I am the property owner of
5 1205 Ingraham. I'm in opposition to this rezoning for
6 -- for three basic reasons. The first one is related
7 to my property value.

8 When I purchased my property, it was a C-
9 2-A zone property. And, of course, what goes along
10 with that is the ability to use your property in
11 certain ways; commercial as well as residential. And
12 I feel if this amendment is allowed to go through, it
13 would be like what was earlier said, it would be
14 actually a taking. It would be a reduction in the
15 value of my property and, for that reason, I'm against
16 it.

17 I think it also goes against the -- the
18 whole scheme of revitalization of the -- the Georgia
19 Avenue corridor. I -- I think if you look at the kind
20 of footprint that is required for certain kinds of
21 businesses to develop on Georgia Avenue, I think
22 you'll see that it -- it -- it requires, in some
23 instances that the -- the footprint of the property
24 extends into east and west of -- of Georgia Avenue.
25 It sort of extends for -- for several properties.

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1 And, in this instance, I guess it -- it extends in the
2 length of five -- five adjacent properties.

3 In this case, my property -- my property
4 would be one of those properties. And, for that
5 reason, I -- I just think it's very anti
6 revitalization and it -- it just goes totally
7 opposition to the whole move that the -- the District
8 is going in as far as developing this city.

9 And I'd also -- I also think it sets a bad
10 precedent for other wards as far as whenever you want
11 to stop a development project, you just try and change
12 the zoning. And -- and I just think it -- it sets a
13 bad example. And, for those reasons, I'm against the
14 rezoning.

15 CHAIRPERSON MITTEN: Thank you, Mr. Lewis.
16 Ma'am, did you want to testify?

17 MS. SETTLES: Yes. I just want to say I
18 want to echo what David said. I'm David's wife. And
19 I want to say that --

20 CHAIRPERSON MITTEN: What's your name?

21 MS. SETTLES: My name is Shaila Settles,
22 excuse me. I just want to say that it really -- it may
23 not be a full scale taking, but it certainly is a
24 partial taking. I mean, it really does decrease the
25 value of the property. That was the primary reason

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1 for purchasing that property. When we say that -- we
2 looked at several properties in that area. And when
3 we saw that this was zoned commercially, we decided --
4 that's what -- that was -- that's what drove us to
5 purchase that property.

6 I think another thing is, I just simply
7 heard -- haven't heard anything that's persuasive in
8 terms of why this section of the Georgia Avenue
9 corridor should be rezoned back to residential. I
10 looked at the zoning map before I came here. And I
11 saw that the entire corridor, except for a small
12 portion, is zoned commercial. I haven't heard --
13 there -- there have been no persuasive statements made
14 tonight as to why this section of that Georgia Avenue
15 corridor should be rezoned residential. That's the
16 primary reason why we're here in opposition to it.

17 And I think, you know, as homeowners, we
18 understand what the -- what the other homeowners are
19 -- are saying about what their concerns are for the
20 neighborhood. But I think our concerns are not -- not
21 only consistent with them. I think we just have a
22 different perspective.

23 We see this as an opportunity for the
24 growth of the neighborhood. And I think it's
25 important for you to see both sides of this -- of this

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1 picture.

2 CHAIRPERSON MITTEN: Thank you. Sir?

3 MR. ERVIN: Yes. Good evening. Good
4 evening. My name's Howard Ervin. I'm with -- I'm a
5 real estate -- a commercial real estate consultant and
6 broker with -- with Marks and Woodschap here in
7 Washington, D.C. and, you know, I've worked with
8 Michel and -- on other projects in Washington, D.C.
9 previous to this one. And my input is -- is
10 basically, you know, zoning -- zoning laws were
11 established to protect citizens and their properties
12 to assure that their bundle of rights were protected.

13 And, in a case of this -- this matter, you
14 know, logic and proper analyses were used to create
15 these C-2-A lots. It's my contention that these
16 zoning laws should be upheld, that this -- and that
17 this specific target is not rational.

18 The depth required for retail is more than
19 30 feet and more like 150 feet, minimum. If this
20 amendment passes, it's immediate effect will be to
21 freeze everything in place and not to allow any
22 redevelopment of buildings, due to the fact that no
23 one can assemble properties or demolish because the
24 lot occupancy would be absolutely unworkable from a
25 square foot -- square footage basis, due to lot

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1 occupancy's ratio requirements of -- at 65 percent.

2 After taking to -- after talking to
3 representatives from your department, it is clear that
4 the Planning Department overly planned states a
5 variety of densities that can be interpreted in any
6 fashion to support any argument, both for and against
7 this case. The average layman cannot be expected to
8 interpret this plan without clear definitions.

9 It is also clear that this procedure
10 requires only limited notices to existing affected --
11 existing affected and unsuspecting parties. If
12 anything, this procedure should be severely restricted
13 and not used, except in extreme and potentially dire
14 circumstances that will affect the community. This is
15 not the case in scenario -- in this scenario.

16 And, in closing, again I'm -- I'm opposed
17 to any changes for -- for the Ingraham Corridor
18 rezoning.

19 CHAIRPERSON MITTEN: Thank you. Sir?

20 MR. ALEXANDER: Good evening.

21 CHAIRPERSON MITTEN: The mike's not on
22 anymore. There you go.

23 MR. ALEXANDER: Good evening. Malcolm
24 Alexander. Good evening, Board. I live at 1206
25 Ingraham Street, which is adjoining to one of the

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1 buildings in question. And, you know, I -- I sit in
2 here and I listen. I went to one meeting before and
3 I had to leave. It was just -- it was like -- it was
4 a rodeo of some sort.

5 And I know there's a lot of emotions here.
6 I hear that consistently. And I could sit here and --
7 and debate all the great things that I've heard.
8 There's some good things. There's some bad things.
9 Every neighborhood has that.

10 But I -- but I also do know that there's
11 a lot of homes in the area, including my own, which we
12 have a rental property. There are a lot of people
13 there. There are a lot of people living there with a
14 lot of different cars.

15 So all those things really come from
16 emotion. We're not talking about an apartment
17 building. We're talking about condominiums where
18 people have to purchase them and live there, generally
19 for some time.

20 So when I moved into the neighborhood over
21 a decade ago, I got to know some of the neighbors.
22 You had some of the issues that come with
23 neighborhoods. But as -- when Michel Regignano came
24 into the area, he did come to me. And he came to I
25 know several other people. And the residents only

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1 came to me with complaints.

2 I believe that growth means compromise.
3 And all I've seen in the two hearings I've been to is
4 absolutely no compromise from the community side. I
5 see -- I have seen compromise from the developer's
6 side. And it's here to say that, you know, I'm in bed
7 with the developer. I have absolutely nothing to with
8 that.

9 But echoing some things that were also
10 said was the fact that when I purchased the property,
11 I too purchased it because it was C-2-A zoned. You
12 know, I do have an office there. I've had other
13 offices or other commercial things in that property
14 before. And that's why I actually purchased it.

15 I do live in the neighborhood like
16 everybody else. And I do not see this as a reason why
17 our property value will go down. I see it as a reason
18 why the property value possibly will go up. And I
19 think that if everybody will just get rid of the
20 emotions and come together, we wouldn't end up here.

21 And I -- I absolutely do not like the fact
22 that we got here so quickly when anything else that I
23 want to do in this city takes so long. And -- and
24 that's because of politics, you know. And so, as we
25 sit in here, if we want to look at that, I think that

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1 we -- I am opposed to the rezoning. That will change
2 my property.

3 At the last second of me actually
4 purchasing my property, they went up \$4,000 because
5 they became aware that I may do some commercial stuff
6 there. So I had to pay \$4,000 more for my property at
7 the very last second, due to that. You know, and so
8 I -- I did purchase for that reason, and I am opposed
9 to this.

10 CHAIRPERSON MITTEN: You probably needed
11 Mr. Ervin there to negotiate for you. Sir?

12 MR. PREDDIE: Good evening. My name is
13 Keith Preddie and I work with Preddie Sons and
14 Associates as a consultant engineer. I worked with
15 Mr. Regignano on the beginning of this project and Mr.
16 Regignano did spend his due diligence in every way
17 possible as far as contacting the ANC, which there
18 wasn't any return. Also visited Agent Fenty's office
19 to let him know that -- what he wanted to do; which
20 again, no return.

21 So we proceeded as far as doing our
22 homework to find out what we can do in C-2-A, what is
23 allowed far as the height, the density, including
24 parking and the amount of units.

25 He met all those requirements. We even

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1 went to DCRA and got a -- a signature of approval
2 from, at that time, the Zoning Commissioner or the
3 Zoning Administrator who had approved what we wanted
4 to do. And from there we went on to proceed. He had
5 gotten another architect to do plans -- I mean, do
6 complete plans with the layout and everything else.

7 And, unfortunately for Mr. Regignano, the
8 neighborhood then, I guess, heard that he was going to
9 do a multi-level family unit. Which he was already in
10 the neighborhood letting them know what he was going
11 to do.

12 I am opposed to the zoning amendment
13 change because it's unfair for the developer. And
14 then this could trickle down to other developers later
15 on in the future. It's -- he spent too much time and
16 money and also research. It's not like he -- we just
17 came in there and said we're going to just put a
18 building. He did his research. And, as a matter of
19 right under C-2-A, he can build that structure that he
20 wants to put up there.

21 I'm not going to spend too much time
22 longer. I listened to the neighbors and I understand
23 their concerns. But a lot of concerns that I'm
24 hearing too, it's not something that's rationale. It's
25 out of fear and it's out of the unknown and not

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1 knowing what to expect.

2 And, in my closing statement, I'll just
3 like to -- for you to let him go ahead and continue
4 with the C-2-A.

5 CHAIRPERSON MITTEN: Thank you. Questions
6 for this panel? Any questions? Any questions? Okay.
7 Thank you all for your testimony. And please don't
8 forget to do the cards. Okay. Good. Oh. Hand that
9 in to Ms. Schellin. She'll make sure we get it. And
10 anyone else who has a written statement that they
11 didn't submit, if you hand it in to Ms. Schellin,
12 she'll make sure that it get's distributed to the
13 Commission.

14 Anyone else who'd like to testify in
15 opposition? Anyone else?

16 MR. GOUGH: Good evening, panel and
17 neighbors. My name is Harry Gough. And I'm actually
18 not here in opposition or for. I am actually for
19 development of Georgia Avenue.

20 I own a small coffee shop on Georgia
21 Avenue called Java and Cream. I live in the
22 neighborhood. I've been in that neighborhood for 20
23 years. 1207 Kennedy Street.

24 When I purchased that property, it was
25 zoned C-2-A. I had my office there. And, at one

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1 particular time, it was down zoned, unbeknownst to me.
2 Now I had my office there and it was down zoned to
3 residential and I had to move my office out of there.

4 I -- I'm actually just appalled at the way
5 that the -- the Zoning Commission just haphazardly
6 does this. Now we -- we developed the Java and Cream
7 as a franchise and we -- we're still in the
8 neighborhood. We love the neighborhood. But I'm --
9 I just wanted -- just really want to make sure that
10 the neighbors are -- are -- are aware that development
11 does not mean that they're going to be run out of the
12 neighborhood or -- or other people are going to come
13 in and just say hey, it's going to cause havoc.

14 The condos that are probably build there
15 will enhance the neighborhood. People that -- that
16 buy condominiums in the \$300,000 range, I don't think
17 that they're planning on moving out any time soon.
18 That would mean that the square footage of the
19 property that they own now, of course, would increase.

20 I -- I just don't understand how the time
21 factor that was involved in putting this together just
22 without -- just as the gentleman said, I mean, it took
23 me forever to get some plans together and get it down
24 to the Zoning to get something through. And it seems
25 like this guy has -- has, in about two weeks, has

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1 gotten a lot of opposition.

2 When we want to get something done, I
3 mean, it takes forever. And all of a sudden now we're
4 looking at a situation where someone wants to improve
5 the neighborhood and hey, it -- it seems like, you
6 know, you guys in two weeks have said, no, this is not
7 going to happen.

8 I'm -- I'm opposed to the down zoning of
9 the neighborhood and I'm -- I still live in the
10 neighborhood. And I'm -- I planned on doing some
11 other development in the neighborhood. If there's any
12 questions of me, I'd be more than happy to answer
13 them.

14 CHAIRPERSON MITTEN: Thank you. Any
15 questions for Mr. Gough?

16 COMMISSIONER JEFFRIES: So, excuse me. So
17 you're -- you're in opposition or are you --

18 MR. GOUGH: Well, what I -- what I
19 actually initially said was I'm -- I don't understand
20 why they're asking for the down zoning. I'm not
21 opposed to Mr. Regignano's development project. But
22 I'm not so sure that the neighbors -- the neighborhood
23 itself actually know exactly what's going to go along
24 with the development.

25 COMMISSIONER JEFFRIES: Okay.

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1 CHAIRPERSON MITTEN: Thank you, Mr. Gough.
2 Okay. That's it for our testimony for this evening.
3 And what I think we'll do is leave the record open
4 until the end of the week, which is Friday the 28th at
5 3:00 p.m. to receive the Affidavit of Maintenance.
6 And anyone else who'd like to submit any written
7 testimony that they have, they can do it by that time.

8 I'd like to thank you all for coming out
9 this evening and for your patience in sitting through
10 the hearing. And, as I said, the record will be
11 closed on Friday, April 28th, at 3:00 p.m. And the
12 Commission will make our decision in this case at one
13 of our regular monthly meetings. And our meeting in
14 May, I believe is the 8th, which is a Monday, at 6:30
15 p.m., in this room. And if you want to find out for
16 sure whether it's going to be on the agenda, you can
17 contact Ms. Schellin at the Office of Zoning and she
18 can tell you. And you're more than welcome to come
19 and observe the deliberation of the Commission,
20 although you may not participate in it.

21 Then you should be aware that if the
22 Commission proposes affirmative action on the
23 petition, then that proposed action will be published
24 in the *D.C. Register* as a proposed rule making for an
25 additional period of time, for comments. And then the

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1 proposed rule making is also referred to the National
2 Capitol Planning Commission for their review to see if
3 it has any impact on the Federal interest.

4 So, the action we would take at our next
5 meeting would be a proposed action. We have the
6 comment period and the NCPC comments. Following that,
7 we would take final action at a subsequent public
8 meeting of the Commission, after which a formal order
9 would be written and published.

10 So again, if you have any questions about
11 the case as it progresses, you can contact Ms.
12 Schellin in the Office of Zoning. Thank you again,
13 and we're adjourned.

14 (Whereupon, the public hearing was
15 adjourned at 8:15 p.m.)
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