

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
   
:
   
3200 PENN AVE PJV, LLC - Map : Case No.
   
Amendment @ Square 5539, : 17-11
   
Lots 835, 383, 839, and 840 :
   
:
   
-----:

Monday,
   
October 2, 2017

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

The Public Hearing of Case No. 17-11 by the District of Columbia Zoning Commission convened at 6:35 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic Preservation  
CRYSTAL MYERS

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

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

6:35 p.m.

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

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

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

Notice of today's hearing was published in the DC Register, and copies of that announcement are available to my left, on the wall near the door.

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

No, I'm sorry. The petitioner, 3200 Penn Avenue.

1 PJ, I guess that's your name, what, what, yes, map amendment.  
2 Okay.

3 Reports of the other government agencies, the  
4 report of the agency, organizations and persons in support,  
5 organizations and persons in opposition.

6 The following time constraints will be maintained  
7 in this meeting. The petitioner has up to 60 minutes. I  
8 don't believe we need 60 minutes for this. Organizations,  
9 five minutes; individuals, three minutes.

10 The Commission intends to adhere to the time  
11 limits as strictly as possible, in order to hear the case in  
12 a reasonable period of time. The Commission reserves the  
13 right to change the time limits for presentations if  
14 necessary, and notes that no time shall be ceded.

15 All persons wishing to testify before the  
16 Commission in this evening's hearing are asked to register  
17 at the witness kiosk to my left, and fill out two witness  
18 cards. Those cards are located -- excuse me -- to my left,  
19 on the table near the door. Upon coming forward to speak to  
20 the Commission, please give both cards to the reporter  
21 sitting to my right before taking a seat at the table.

22 When presenting information to the Commission,  
23 please turn on and speak into your microphone, first stating  
24 your name and home address. When you are finished speaking,  
25 please turn your microphone off so that your microphone is

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1 no longer picking up sound or background noise.

2           The staff will be available throughout the hearing  
3 to discuss the procedural questions. Please turn off all  
4 electronic devices at this time, so as not to disrupt these  
5 proceedings.

6           At this time, the Commission will consider any  
7 preliminary matters. Does the staff have any preliminary  
8 matters?

9           MS. SCHELLIN: Yes, sir. The petitioner has  
10 proffered three expert witnesses, Shane Dettman, Kyle Oliver,  
11 and Dan Van Pelt. All three have been previously accepted  
12 by the Commission, and asked the Commission to consider  
13 accepting them, unless there's been some change. I don't see  
14 --

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

18           MS. SCHELLIN: Okay, so just the two are being  
19 proffered --

20           MR. GLASGOW: Correct.

21           MS. SCHELLIN: -- as experts, and they --

22           CHAIRMAN HOOD: Okay.

23           MS. SCHELLIN: -- the Commission to consider  
24 accepting them in this case.

25           CHAIRMAN HOOD: And, and we have already accepted

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1 them previously, correct?

2 MS. SCHELLIN: Yes. Correct.

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

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

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

10 COMMISSIONER MAY: Yes.

11 CHAIRMAN HOOD: -- status.

12 COMMISSIONER MAY: Yup.

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

18 But let, let me just say this. I want to remind  
19 everyone that this case is about re-zoning the property, and  
20 not about a specific to be built, or proposed project. Only  
21 thing that's in front of us tonight is a re-zoning.

22 So I would ask that you keep your remarks and your  
23 comments to the re-zoning of the land. It's not about  
24 whatever project's been presented, or whatever your, that's  
25 not in front of us. We don't have any materials that I saw

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1 about a specific project.

2           So for those who want to talk about a project,  
3 this is not the forum tonight. Tonight, we're looking at the  
4 re-zoning. And the re-zoning is whether we're going to  
5 approve the intention to work.

6           So let's stay focused. So I'm going to ask up  
7 front that we all stay focused, and if we get too far off,  
8 I'm going to help everybody stay focused. Okay? Because  
9 that's what, we want to make sure we stay on point.

10           Ms. Schellin, do we have anything else?

11           MS. SCHELLIN: That's the only thing that I have.

12           CHAIRMAN HOOD: Okay --

13           MS. SCHELLIN: Unless the petitioner has something.

14           MR. GLASGOW: I think we --

15           CHAIRMAN HOOD: Just --

16           MR. GLASGOW: -- requested 25 minutes.

17           MS. SCHELLIN: Yes.

18           CHAIRMAN HOOD: Okay. If you think you need 25  
19 minutes. We have read the record. We do read down here, so  
20 if you think you need 25 minutes, we, I, it would be better  
21 advised for us to ask our questions, but go ahead and do your  
22 25 minute presentation. That would be fine.

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

25           CHAIRMAN HOOD: But I also want to make sure we do

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1 it, so --

2 MR. GLASGOW: No, we --

3 CHAIRMAN HOOD: -- so also, the public can hear it,  
4 and understand --

5 MR. GLASGOW: Yes --

6 CHAIRMAN HOOD: -- it as well.

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

8 CHAIRMAN HOOD: Okay.

9 MR. GLASGOW: -- cover all the points with the,  
10 with the witnesses that we have.

11 CHAIRMAN HOOD: Thank you.

12 (Pause.)

13 You may begin.

14 MR. GLASGOW: Thank you. Good evening, members of  
15 the Commission. For the record, my name's Norman M. Glasgow,  
16 Jr. of Holland & Knight, representing the Applicant for the  
17 map amendment of 3200 Pennsylvania Avenue, Southeast.

18 Here with me this evening are Mr. Robb Tate of  
19 Jair Lynch on behalf of the Applicant, along with Mr. Tony  
20 Startt.

21 Next, and then at the end of the table, Mr. Shane  
22 Dettman.

23 In addition, Mr. Kyle Oliver is in the audience,  
24 if there are any questions concerning the survey of property,  
25 and any title matters.

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

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

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

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

25           We are also aware that there are a few letters

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1 from some neighbors on O Street raising questions concerning  
2 the map amendment similar to Ms. Rones', and also a letter  
3 from Ms. Alma Gates of ANC 3D05, Exhibit 26.

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

9 CHAIRMAN HOOD: Okay let, let me just interrupt.  
10 And let me state for the record that Commissioner Shapiro  
11 will be participating in this case. I know he's under the  
12 weather this evening, but he's watching us, and he's going  
13 to review the record. So he will be participating in this  
14 case.

15 MR. GLASGOW: All right. Thank you.

16 CHAIRMAN HOOD: Hope you feel better, Peter.

17 MR. GLASGOW: So those, those issues, from Ms.  
18 Gates' letter, and some of the others, will be addressed by  
19 our land use expert, and that the proposed MU zoning is  
20 completely consistent with the comprehensive plan in the  
21 category that we have of moderate-density residential and  
22 low-density commercial. That's, MU-4 zoning covers those  
23 type of areas throughout the city.

24 If there are no preliminary questions, I'd like  
25 to proceed with the testimony of the witnesses, first calling

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1 Mr. Startt.

2 MR. STARTT: Good evening, Mr. Chairman and members  
3 of the Commission. My name is Anthony Startt. I am an  
4 investment manager at Jair Lynch Real Estate Partners, an  
5 urban regeneration company that aspires to create  
6 extraordinary places. I am also joined here by my colleague,  
7 Rob Tate.

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

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

19 I'm thrilled to be here this evening to discuss  
20 our proposed zoning map amendment for 3200 Pennsylvania  
21 Avenue. The site was previously called the Penn-Branch  
22 Shopping Center, so known for its location at the  
23 intersection of two heavily trafficked thoroughfares in the  
24 neighborhood, Pennsylvania and Branch Avenues.

25 Since purchasing the site a year ago, we have

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1 renamed the property to the Shops at Penn Hill to change the  
2 perception and focus of the site to who it should truly  
3 serve. The site is not just the intersection of two busy  
4 streets shuttling commuter traffic to and from Maryland, but  
5 the cornerstone of longstanding Ward 7 neighborhoods, most  
6 notable Penn-Branch and Hillcrest, but also Dupont Park, Fort  
7 Davis, and Randle Highlands.

8 Our interest in the property stems directly from  
9 the character of those surrounding neighborhoods, which  
10 feature welcoming and friendly, multi-generational neighbors  
11 committed to civic engagement and the betterment of the  
12 neighborhoods, well-maintained brick and stone single-family  
13 homes along quiet tree-lined streets with well-manicured  
14 gardens, vibrant, long-standing places of worship, and  
15 proximity to the peaceful urban oases of Fort Dupont and Fort  
16 Davis parks.

17 Even though this property has provided critical  
18 retail amenities for local residents for decades, as it sits  
19 today, the property is inconsistent with the character of the  
20 surrounding neighborhoods. The defining feature of the site,  
21 features of the site, are an underutilized two-acre surface  
22 parking lot, and an approximately 89,000 square foot 1960s-  
23 era commercial building that has not seen a major renovation  
24 since it was built.

25 The property no longer reaches the high bar of

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1 quality that has been set by the surrounding homes, and no  
2 longer provides the level of retail amenities that the local  
3 residents want and deserve.

4           Throughout this process, we have had significant  
5 interaction with the community, and we have heard the, that  
6 several efforts in recent years to redevelop the property  
7 have not come to fruition, along which time the property has  
8 continued to delay.

9           The stories from the neighbors that have to, and  
10 our analysis can point to several barriers that have  
11 prevented the redevelopment of the property.

12           The 2008 financial crisis and recession led to  
13 financial difficulties for the prior owner, ultimately  
14 resulting in the foreclosure of the property by its lenders  
15 in 2013.

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

19           Another barrier is long-term tenancy. Many  
20 current tenants have significant term remaining on their  
21 leases, in some cases as much as 12 years remaining, and thus  
22 creating a barrier and difficulty for redevelopment.

23           Lastly, the current zoning is a barrier to  
24 redevelopment, and that is why we're here this evening. The  
25 existing MU-3 zoning on the front portion of the site

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

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

13           The Penn Avenue Corridor Plan sought to build upon  
14 the strengths of the site and the neighborhood, which  
15 include: an underutilized three and a half acre site,  
16 property along Pennsylvania Avenue -- one of the city's most  
17 important, great streets, but located in an area with limited  
18 commercial sites of size sufficient to accommodate large-  
19 footprint uses such as grocery stores, strong pent-up  
20 demographics and retail, and pent-up retail demand, location  
21 along two major arteries with substantial visibility and  
22 access, proximity to transit -- especially the Metro Extra  
23 Express Bus route on Pennsylvania Avenue.

24           The resulting vision in the Penn Avenue Corridor  
25 Plan is a modern-scale, walkable, mixed-use redevelopment of

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1 the site, featuring neighborhoods serving retail, office, and  
2 residential uses. Some excerpts of that plan are shown on  
3 the screen.

4 The proposed map amendment provides the  
5 opportunity to realize this vision, and make the site more  
6 consistent with the neighborhood, while bringing much-needed  
7 retail amenities to the area.

8 Since our purchase of the property in October  
9 2016, we have had numerous occasions to interact with the  
10 residents of the surrounding neighborhoods. This has been  
11 through formal presentations to the ANC and local civic  
12 associations in Hillcrest, Penn Branch, and Fort Dupont, but  
13 equally important have been the informal conversations with  
14 individual residents and stakeholders.

15 These conversations have happened before and after  
16 those meetings, at the open house and barbecue that we held  
17 at the site this past June, and over games of miniature golf  
18 and four square at the temporary play area currently  
19 installed on the underutilized surface parking lot.

20 In these conversations, we have received positive  
21 and instructive feedback, and overwhelming support for this  
22 project. But most of all, in those conversations, we are  
23 asked a simple question: What can I do to help? To which we  
24 reply, stay engaged.

25 The neighbors' voices are clear. They want to see

1 the vision for this property, set forth in both the comp plan  
2 and the Penn Avenue Corridor Plan implemented. This is  
3 evidenced by their, by the continued engagement of those  
4 neighbors, and by the care they take for their neighborhood.

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

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

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

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

21 As Chip mentioned, I will take a moment to address  
22 some of the specific letters that were submitted to the, to  
23 the record, some of which, as, as Chip noted, were submitted  
24 just in the last, in the last few hours.

25 Specifically, as Chip mentioned, a letter on

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1 behalf of Gwendolyn Rose submitted by Ms. Rones, and I, I  
2 will reiterate that there are no easements shown on our  
3 survey, and nothing that will impact the ability for Ms. Rose  
4 to develop her property, by this re-zoning.

5 And, and note that Ms. Rones was generally in  
6 support of the project, or of the re-zoning -- and similar  
7 comments go for, in response to letters from the Clements and  
8 the Joneses.

9 Ms. Gates submitted some commentary regarding  
10 consistency with the comprehensive plan, and as Mr. Dettman  
11 will testify shortly, there's nothing in our proposal here  
12 that is inconsistent with the comprehensive plan. To the  
13 contrary, the application is to bring the zone into  
14 consistency with the comprehensive plan, and similar  
15 conditions in neighborhood commercial centers exist  
16 throughout the city. And often times there is, in many  
17 cases, MU-4 directly adjacent to R-1-B -- including in Ms.  
18 Gates' own neighborhood.

19 And I will also note that this application is  
20 specific to this site. There is no, there's nothing in our  
21 application that suggests we are tearing down any existing  
22 buildings in the R-1-B, in the adjacent R-1-B zones of  
23 single-family homes.

24 In response to a letter from Ms. Graham, I, we'll  
25 simply note that we will comply with all applicable laws, as

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1 it relates -- and, and zoning regulations -- as it relates  
2 to parking. We will also be conducting a large tract review,  
3 as will be, typically be required for this, a project of this  
4 size.

5           And then in response to some specific comments  
6 from Ms. Laura Richards, who described some issues related  
7 to a, related to soil and water issues, specifically citing  
8 a retaining wall that -- while she notes is directly adjacent  
9 to this property -- it's actually more than 275 feet from our  
10 property, on the opposite side of O Street, behind homes on  
11 the opposite of O Street, and completely unrelated to our  
12 site.

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

20           And further note that existing, the current site  
21 exists as a large, impermeable surface parking lot that would  
22 be replaced by a building that conforms to far more onerous  
23 storm water management and permit regulations today.

24           And again, we have, we have performed geotechnical  
25 work on our site, and will design our building to comply with

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

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

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

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

19 Looking at the future land use map of the  
20 comprehensive plan, we are currently designated mixed-use,  
21 low density commercial, moderate density residential -- which  
22 a, a slide that's forthcoming will show how under the  
23 framework element of the comprehensive plan, the requested  
24 MU-4 zone is squarely consistent with the definition of the  
25 low density commercial designation.

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1           The generalized policy map, the subject property  
2 is designated two different things on the policy map. The  
3 first one is the neighborhood commercial center, which,  
4 neighborhood commercial centers are described as meeting the  
5 day to day needs of residents and workers in the adjacent  
6 neighborhood. They, they include both auto-oriented centers,  
7 and, and pedestrian-oriented shopping areas.

8           And the comprehensive plan specifically identifies  
9 the Penn Branch shopping center as being an example of a, a  
10 neighborhood commercial center.

11           The back side of the site, on the policy map, is  
12 identified as a neighborhood commercial area, which, the  
13 guiding philosophy of the neighborhood commercial areas is  
14 to conserve and enhance established neighborhoods, to limit  
15 development and redevelopment opportunities to, that do exist  
16 within the areas, and that the diversity of land uses and  
17 building types in these areas should be maintained, and new  
18 development alterations should be compatible with the  
19 existing scale and architecture of the surrounding area.

20           It specifically says that densities in  
21 neighborhood conservation areas are dictated or guided by the  
22 future land use map.

23           There is, there's been some mention already of  
24 the, the small area plan, where the subject property is  
25 located within the boundary of the Pennsylvania Avenue

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1 Southeast Corridor small area plan, and has been already  
2 mentioned.

3           The small area plan, with respect to sites that  
4 are located east of the river, does identify this area as a  
5 greater number of redevelopment opportunities in these sites  
6 east of the river, as well as there's significant unmet  
7 retail demand.

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

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

19           The predominant land use throughout the sub-area  
20 is residential, and it does go on to say: a change from the  
21 existing zoning for the subject property to moderate density  
22 at key nodes, including the subject property, will allow for  
23 a mix of uses needed to support the desired retail of the  
24 community.

25           And finally, it, it acknowledges that: analysis

1 shows that the current split zoning of the site, the MU-3,  
2 R-1-B split zoning, may create an impediment to  
3 redevelopment.

4 I wanted to take a second to show a, a comparison  
5 of the future land use map that existed in 2007, after the  
6 2006 comprehensive plan was adopted by the council, and show  
7 that the, the existing comprehensive plan and future land use  
8 map, as it exists today, does reflect the land use change,  
9 the future land use change that was recommended in the small  
10 area plan.

11 The small area plan came in 2008, adopted in 2008,  
12 and then there were some smaller subsequent amendments to the  
13 comprehensive plan in 2012, 2013 that incorporated the  
14 recommendation regarding land use on the subject property.

15 So just looking at a quick comparison of the  
16 existing and the proposed zoning, R-1-B and MU-3, under ZR-  
17 16, the R-1-B zone is intended to provide for areas  
18 predominantly developed with detached houses on, on  
19 moderately sized lots. And the MU-3 zone is intended to  
20 permit low density mixed-use development, and provide  
21 convenient retail and personal service establishments for the  
22 day to day needs of the local neighborhood.

23 Consistent with the moderate density designation  
24 that's recommended by the small area plan, and is now  
25 identified on the current mixed use, moderate density,

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1 residential, low density, commercial designation of the site,  
2 the requested MU-4 zone is intended to permit moderate  
3 density mixed-use development, provide facilities for  
4 shopping and business needs, housing, and mixed uses for a  
5 large segment of the district outside the core.

6 And notably, to be located in low and moderate  
7 density residential areas, with access to main roadways or  
8 rapid transit stops, and include office employment centers,  
9 shopping centers, and moderate bulk mixed use centers.

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

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

25 Looking at the standard of, of evaluation, it's

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1 here quoted before you. This is from the Zoning Enabling  
2 Act, and I, I won't read it. It's there for you to enjoy.  
3 But I'll be focused on showing that the proposed MU-4 zoning  
4 is, indeed, not inconsistent with the comprehensive plan.

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

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

17           And there's also guidance in the implementation  
18 element that talks about how the Zoning Commission and the  
19 BZA should go about looking at requests for changes in zoning  
20 or relief, as it relates to the comprehensive plan, and that  
21 those requests should be looked at in combination with the,  
22 the text and the maps of the comprehensive plan, again, as  
23 supplemented by the small area plans.

24           So looking at the, specifically with respect to  
25 the petition and its relationship to the elements of the comp

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1 plan. I've, we've, I've conducted an exhaustive review of  
2 the request, the petition, with respect to all of the  
3 elements of the comprehensive plan, and find overall that the  
4 petition is not inconsistent with the comprehensive plan.

5 But wanted to just quickly go through some of the  
6 elements that are most applicable to the petition, starting  
7 with the land use element, and that the petition is, is not  
8 inconsistent with this particular element, and specifically  
9 policies that relate to transportation-oriented development,  
10 and development along great streets, in-field development,  
11 and policies related to the importance of reinforcing DC's  
12 hierarchy of commercial centers, and the notion of fostering  
13 nodal development.

14 In terms of the transportation element, again,  
15 it's a, the petition is not inconsistent with the policies  
16 that promote transportation-oriented development, and with  
17 a policy that discourage auto-oriented uses, like drive-thrus  
18 along, with large surface lots along key avenues.

19 I'll go back.

20 The housing element. The petition is also not  
21 inconsistent with the policies for the housing element  
22 specific to policies related to private sector support to  
23 provide new housing, both market rate and affordable, to use  
24 underutilized land to the maximum extent possible to address  
25 the need for new housing, and to promote mixed use

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1 development, particularly in neighborhood commercial centers  
2 along main street corridors in and around Metrorail.

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

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

19           The project is also located in a policy-focused  
20 area of the area element, specifically the Pennsylvania  
21 Avenue Southeast Corridor policy focus area, and we're not  
22 inconsistent with the policies that relate to development  
23 along Pennsylvania Avenue, a great street, and neighborhood  
24 shopping improvement.

25           I mentioned that the property is designated as a

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1 neighborhood commercial center on, on a portion of the site  
2 along Pennsylvania Avenue, and on the backside, a, a  
3 neighborhood conservation area under the generalized policy  
4 map. And the map amendment will permit development that will  
5 help meet the day to day needs of residents and workers in  
6 the adjacent neighborhoods, while conserving and enhancing  
7 the surrounding established neighborhood.

8           And the height and density permitted under the MU-  
9 4 zone is consistent with the subject property's future land  
10 use designation.

11           Future land use, we're not inconsistent with the  
12 mixed use, low density commercial, moderate density  
13 residential designation. The MU-4, the former C-2-A zone is  
14 specified as corresponded to low density commercial land use.

15           And the MU-4 zone is specifically stated as being  
16 intended to permit moderate density mixed use development,  
17 provide facilities and shopping for business needs, housing,  
18 and mixed uses for large segments of the city outside the  
19 core, and to specifically be located in low and moderate  
20 density residential areas with access to main roadways and  
21 rapid transit stations.

22           The requested MU-4 zone, you can find, in, in  
23 terms of its relationship to the designations on the general,  
24 generalized policy map and the future land use map, you can  
25 find these types of relationships throughout the city.

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1 There, there are many more other examples, but I've provided  
2 three here -- one in Spring Valley, one in the Palisades, and  
3 one in Petworth.

4 The top row of maps, you can see the current  
5 zoning map. And you can see these areas are MU-4, how it  
6 relates to the underlying future land use map, and all of  
7 these areas are either just straight, low-density commercial.  
8 And the one in Petworth is, is the same, mixed use, moderate  
9 density residential, low density commercial as the subject  
10 property is.

11 And on the bottom, you can see that all three of  
12 these examples on the generalized policy map are identified  
13 as neighborhood commercial centers.

14 So to conclude, the map amendment is not  
15 inconsistent with the comprehensive plan, and will actually  
16 bring the subject property zoning more into conformance with  
17 the comprehensive plan.

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

25 It's also going to facilitate development that

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

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

14           And it'll also result in positive benefits. It's  
15 going to facilitate redevelopment of a significantly  
16 underutilized great street, site along a great street,  
17 substantially improve the existing site conditions, thereby  
18 enhancing the quality of the entire community, and promote  
19 efficient use of high-value land in a manner that is, that  
20 will enhance the city's image.

21           That concludes my presentation.

22           MR. GLASGOW: That concludes the Applicant's  
23 presentation. We're available for any questions. And I do  
24 note that we did have, in the exhibits, a listing of all the  
25 community outreach meetings that have been, that have

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1 occurred with respect to this site. And that was in Exhibit  
2 E.

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

6 Anybody? Mr. Turnbull?

7 MR. TURNBULL: Thank you, Mr. Chair. One of my  
8 concerns is the neighborhood conservation area aspect, and  
9 especially the O Street neighbors along there.

10 My feeling is, if you have a 50 foot high  
11 building, the shadow, if you do a shadow study of a 50 foot  
12 building on the site, all of those homes look like they're  
13 going to be in shade for most of the time in the morning.

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

18 I wonder if you could comment upon that.

19 MR. STARTT: Sure, and thank you for your question.  
20 I, I think the, the key thing to look at is, the small area  
21 plan actually contemplated height, a, a 65 foot height,  
22 measured from the lowest --

23 MR. TURNBULL: And you could --

24 MR. STARTT: -- lowest points --

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

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1           MR. STARTT: Sure, and, and certainly, you know,  
2 if we wanted to exceed 50 feet -- which, you know, right now  
3 is not our intent -- but then we'd be right back in front of  
4 this Commission with a, you know, a much more detailed plan  
5 of, of, you know, what the project would look like, and how  
6 we would mitigate those issues.

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

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

16          MR. STARTT: And as, as Mr. Dettman, Mr. Dettman  
17 pointed out, there's, you know, the, throughout the city,  
18 there is a very similar, a very similar set of conditions,  
19 where you have low density, R-1-B, single family zoning with  
20 a neighborhood commercial center adjacent that, that often,  
21 in many cases, in many respects, there's often, you know, far  
22 higher height in some cases throughout the city, where you  
23 have R-1-B adjacent not only to the C-2-A -- I'm sorry, MU-4  
24 -- but even higher densities.

25           And --

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

7 So I'm just concerned that this is, could be a  
8 towering structure, and really, really hurt these people.  
9 So I'm, I'm, I'm just concerned about this.

10 MR. GLASGOW: Mr. Dettman, I'd also like for you  
11 to testify with respect to the land use map, and the  
12 conservation areas, and what they do with respect to zoning,  
13 and how, that relationship between what a conservation area  
14 means, and the zoning that can apply to a conservation area.

15 MR. DETTMAN: Sure. So the, a neighborhood  
16 conservation area doesn't necessarily mean that you have to,  
17 you know, match, you know, what the exact future land use  
18 map, you know, says, or that if it's low density, it has to  
19 stay low density, it --

20 MR. TURNBULL: I understand that.

21 MR. DETTMAN: -- it talks about -- Yeah. So, so  
22 if we look at the future land use map, the moderate density  
23 residential, low density commercial, the, the old C-2-A, the,  
24 the requested MU-4 falls squarely within those definitions.

25 And so we'd say, okay, well, if it was re-zoned

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1 to be MU-4, then what does that mean for, you know, in terms  
2 of light, air, and views on, on neighboring properties? And  
3 as I've mentioned, there are examples all over the city that  
4 have MU-4 right up against R-1-B.

5           The zoning regulations are, are established in  
6 order to provide -- in terms of light, air, and views --  
7 it's, it's all about light, air, and views to the actual  
8 property. And as Mr. Glasgow mentioned, to our knowledge,  
9 there are no, you know, easements to light, air, and views  
10 across the property.

11           And so if built within the matter of right  
12 parameters of the MU-4, including the required rear yard, and  
13 the height and whatnot, I think that would be what would be  
14 permissible throughout the city I you were to build for the,  
15 for an MU-4 adjacent to an R-1-B property.

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

24           There's also --

25           MR. TURNBULL: They're not entitled to light and

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1 air?

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

5 MR. TURNBULL: Right.

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

8 MR. TURNBULL: But --

9 MR. DETTMAN: -- adjacent --

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

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

14 MR. TURNBULL: Right.

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

17 MR. TURNBULL: Thank you very much.

18 MR. DETTMAN: -- property.

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

20 CHAIRMAN HOOD: Okay. Thank you. Any other  
21 questions? Mr. May.

22 COMMISSIONER MAY: So following up on Mr.  
23 Turnbull's line of questions. The, I think the sensitivity  
24 has to do with how this property backs up against the R-1-B,  
25 and how close it could actually be. And certainly, what we

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1 see in the small area plan seems to be sensitive to that,  
2 right? There's a certain amount of buffering, or whatever,  
3 that, along the, the property edge.

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

9 Furthermore, the, the height of the building could  
10 be measured from the highest point of the site, or the  
11 midpoint of the highest street facade, something like that,  
12 right?

13 So what's, you know, what could be a 50-foot  
14 building along Pennsylvania Avenue could be a lot higher  
15 above the ground on the, the northern side of the site,  
16 right? I mean, there's a fair amount of grade there, as you  
17 drop off from Pennsylvania Avenue, and you --

18 MR. GLASGOW: There --

19 COMMISSIONER MAY: -- go down Branch.

20 MR. GLASGOW: -- there is a grade change,  
21 Commissioner May, but we have also looked at having a  
22 situation where we potentially may have more than one  
23 building on the site, and if we do, that other building would  
24 be measured on the --

25 COMMISSIONER MAY: Right.

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1 MR. GLASGOW: -- midpoint on Branch Avenue.

2 COMMISSIONER MAY: Right. Well, potentially,  
3 right. You potentially could also design it very  
4 sensitively, so that it doesn't, you know, so that the, the  
5 bulk of the density of the, of the building is closer to  
6 Pennsylvania Avenue, and, and Branch Avenue, and, and away  
7 from the immediate neighbors. Potentially.

8 MR. GLASGOW: Yes. Yes.

9 COMMISSIONER MAY: But there's, we have no  
10 guarantee of that, because we're not looking at a PUD, we're  
11 not looking at a project. We're just looking at a map  
12 amendment.

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

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

23 MR. GLASGOW: Well, we --

24 COMMISSIONER MAY: -- that's really what we're most  
25 concerned about, is what's, what's the worst that could

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1 happen.

2 MR. GLASGOW: Well, we haven't done massing studies  
3 on the worst that could happen. We've done massing studies  
4 on who, what we believe would be the likely development that  
5 makes the most sense for this property, and the properties  
6 around.

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

12 But --

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

20 MR. GLASGOW: Well, I guess the, the potential  
21 worst case scenario would be that it's a 50, 50-foot building  
22 with a 12 foot rear yard. That's the potential on the worst  
23 case --

24 COMMISSIONER MAY: Right, 50 foot building measure  
25 from Pennsylvania Avenue.

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

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

12 MR. GLASGOW: No, I didn't say that it's not  
13 possible, but it's not, you have to use, at least have some  
14 look at what's most reasonable to be done, with respect to  
15 a site. And it's from, from --

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

19 MR. GLASGOW: Yeah.

20 COMMISSIONER MAY: -- circumstance, but everywhere  
21 else.

22 MR. STARTT: One thing I would, one thing I would  
23 add is that, you know, our, our key goals here are, we, we  
24 want to bring additional retail to the site, especially, we  
25 especially want to bring a grocery store to the site.

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1           And while this doesn't necessarily, you know,  
2 provide you the, maybe the comfort that you want from a worst  
3 case scenario standpoint, the, the, the reality is that any  
4 retailer that comes here is going to want visibility.  
5 They're going to want visibility from Pennsylvania Avenue and  
6 from Branch Avenue. And the only places that you're going  
7 to get that visibility is if you're fronting the building as  
8 close to the property line along Branch Avenue or  
9 Pennsylvania Avenue as, as you can. And that, that naturally  
10 gives you, you know, if you're doing a mixed use building,  
11 that's naturally, essentially putting the, you know, the  
12 residential above that, that retail, and that's, naturally,  
13 you know, concentrating the density away from the, the single  
14 family homes, and towards Pennsylvania Avenue and Branch  
15 Avenues.

16           And again, you know, that's not necessarily going  
17 to, you know, cover your worst case scenario, but as, as sort  
18 of a, a market reality of that, you know, that's most likely  
19 what is, most likely what will get built.

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

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

1 COMMISSIONER MAY: -- this horse.

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

9 COMMISSIONER MAY: Right --

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

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

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

20 When you look at MU-3 zoning, you have 1.2 FAR on,  
21 and that's with the IZ bonus -- whereas, with MU-4, you have  
22 3 FAR, and you have 1.5 FAR of residential, as opposed to  
23 just 0.2, given the development on the site, and what's  
24 likely to occur. So you will, you will end up with a  
25 minuscule amount, or possibly no residential, if you've got

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1 a, an M-3.

2 COMMISSIONER MAY: Mmhmm.

3 MR. GLASGOW: An MU-3.

4 COMMISSIONER MAY: Mmhmm.

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

7 COMMISSIONER MAY: Right.

8 MR. GLASGOW: -- provide the moderate density --

9 COMMISSIONER MAY: Right.

10 MR. GLASGOW: -- residential, because you won't  
11 have moderate density residential, in our view, if you've got  
12 --

13 COMMISSIONER MAY: Right.

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

15 COMMISSIONER MAY: So let me ask you this. I mean,  
16 given that there are certain sensitivities about it, and  
17 given the fact that you clearly didn't want to do it PUD, and  
18 there are other, probably good reasons why you wouldn't do  
19 it --

20 MR. GLASGOW: Right.

21 COMMISSIONER MAY: -- PUD. What about doing a  
22 custom zone in here? We've talked about, we talked about  
23 doing custom zones when we were doing the zoning regulations.  
24 And you could establish a custom zone that, that says that,  
25 you know, for the first two stories, you'd, you'd be set back

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1 a minimum of 15 feet, but anything above two stories, you'd  
2 be set back, you know, 50 --

3 MR. GLASGOW: I --

4 COMMISSIONER MAY: -- or 70 feet.

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

8 COMMISSIONER MAY: Mmhmm.

9 MR. GLASGOW: And we think that since we can  
10 proceed in this situation with a rulemaking, that that would  
11 be --

12 COMMISSIONER MAY: You can certainly apply.

13 MR. GLASGOW: Yes, we, we would rather have a, a  
14 rulemaking procedure --

15 COMMISSIONER MAY: I, I --

16 MR. GLASGOW: -- and there are a lot of --

17 (Simultaneous speaking.)

18 COMMISSIONER MAY: -- I understand that, but I  
19 mean, there are a lot of people in the audience today, and  
20 I think we have to understand and respect what, what some of  
21 their concerns --

22 MR. GLASGOW: Right.

23 COMMISSIONER MAY: -- are. So.

24 MR. GLASGOW: And it, it may be, also, that we  
25 could look at -- and I'm thinking about cases that were tried

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1 many years ago, that if there is a covenant put on the  
2 property, that can be taken into account by the, by the  
3 Zoning Commission.

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

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

7 COMMISSIONER MAY: Yeah.

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

11 COMMISSIONER MAY: Yeah.

12 MR. GLASGOW: -- Avenue and Potomac Avenue SE, when  
13 the --

14 COMMISSIONER MAY: Right.

15 MR. GLASGOW: -- after the --

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

21 MR. GLASGOW: All right.

22 CHAIRMAN HOOD: May I ask, who are your teams from  
23 the neighborhood? That's my standard question to everybody.  
24 So don't feel like I'm singling you out. But that's my  
25 standard question. Who are your teams in the neighborhood?

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1 From the neighborhood?

2 PARTICIPANT: Sir, repeat the question.

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

6 MR. STARTT: Specifically, our team here tonight,  
7 or our, our general, overall team?

8 CHAIRMAN HOOD: Your, your team --

9 MR. STARTT: So --

10 CHAIRMAN HOOD: -- whatever team you got.

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

14 CHAIRMAN HOOD: So, so let me answer for you. You  
15 don't have any, from your team on the, from the neighborhood.

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

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

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

19 CHAIRMAN HOOD: Okay.

20 MR. STARTT: -- our team --

21 CHAIRMAN HOOD: Okay.

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

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

25 MR. STARTT: No.

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1 CHAIRMAN HOOD: Okay. All right. That's the  
2 standard question I ask --

3 MR. STARTT: Okay.

4 CHAIRMAN HOOD: -- all developers and --

5 MR. STARTT: Okay.

6 CHAIRMAN HOOD: -- Applicants. I want to associate  
7 myself with the comments of my colleague, Commissioner May.  
8 Once we re-zone this thing, you know, you know, the, he was  
9 talking about a worst case scenario, and he was talking about  
10 a grocer coming in, and what they want to see.

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

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

23 So, and I, and I would, I would really, I don't  
24 know where my other colleagues are. But I would really like,  
25 I really like what Commissioner May said about the custom

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1 zone.

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

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

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

16 So anyway. And I'm looking forward to seeing that  
17 before, before at least this Commissioner moves forward.

18 MR. GLASGOW: Mr. --

19 CHAIRMAN HOOD: Vice Chair Miller?

20 MR. GLASGOW: Mr. --

21 CHAIRMAN HOOD: Yes.

22 MR. GLASGOW: -- Chairman. In doing that, if we  
23 are going to also be looking at potential certain parameters  
24 on the site, we'd like to be able to submit that also. Like  
25 as I was discussing with Commissioner May, if we were to say

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1 we will put a certain covenant for a setback, we'd like to  
2 be able to show what that does, also.

3 CHAIRMAN HOOD: What, I, I'm, I operate, and I'm  
4 hearing about a case that was done previously. Also, submit  
5 the track record on that case. I want to see what happened  
6 with that --

7 MR. GLASGOW: Mmhmm.

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

12 MR. GLASGOW: Right.

13 CHAIRMAN HOOD: -- on, actually, how it's actually  
14 working.

15 MR. GLASGOW: Right.

16 CHAIRMAN HOOD: So.

17 MR. GLASGOW: I think that, with respect to the  
18 case of many years ago, what ended up happening was the  
19 developers went bankrupt waiting for the Court of Appeals to  
20 decide the case. And the, and the Court of Appeals decided  
21 in their favor.

22 It was, my father ended up handling the case  
23 before the Court of Appeals. He was called up by Mayor  
24 Walter Washington to, to assist a minority development team.  
25 And they, they went bankrupt waiting for the Court of Appeals

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1 to decide in their favor that it was permitted --

2 CHAIRMAN HOOD: Mmhmm.

3 MR. GLASGOW: -- to have a covenant on the piece  
4 of property to restrict it, and that the Zoning Commission  
5 did not properly take that into account in that particular  
6 case.

7 CHAIRMAN HOOD: So, is that, is that the only case  
8 that we have, the only track record --

9 MR. GLASGOW: I think --

10 CHAIRMAN HOOD: -- case? Do we have one --

11 MR. GLASGOW: I think that that's the --

12 CHAIRMAN HOOD: -- in more recent days?

13 MR. GLASGOW: I'll take, I'll take a look --

14 CHAIRMAN HOOD: Yeah, let's --

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

16 CHAIRMAN HOOD: Let's see.

17 MR. GLASGOW: -- court opinion on that. On that --

18 CHAIRMAN HOOD: And see --

19 MR. GLASGOW: -- on that issue.

20 CHAIRMAN HOOD: -- probably back then, in those  
21 days, it, we put people on promised land, and it got tied up  
22 in court, and then, you know, it was just a waste of time --  
23 and like you say, they went bankrupt. We, we don't want that  
24 to happen here.

25 MR. GLASGOW: Right.

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1 CHAIRMAN HOOD: But we want to also make sure that  
2 what we put in place actually works.

3 MR. GLASGOW: Mmhmm.

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

10 MR. GLASGOW: Right, I think, I think that we can  
11 show that --

12 CHAIRMAN HOOD: Yeah.

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

16 CHAIRMAN HOOD: And, and let's make sure that we,  
17 we, we mirror a case that worked. We don't want to use that  
18 case, with the --

19 MR. GLASGOW: Yes.

20 CHAIRMAN HOOD: -- Walter Washington days, the late  
21 Walter Washington days, we don't want to use that case.  
22 Okay?

23 MR. GLASGOW: Yes.

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

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1 MR. GLASGOW: All right.

2 CHAIRMAN HOOD: Okay.

3 MR. GLASGOW: And I think the Commission did put  
4 some conditions on a map amendment off of Channing Place with  
5 Douglas Development.

6 CHAIRMAN HOOD: I think I remember that. I think  
7 I might have been around for that one.

8 MR. GLASGOW: Yes, you were.

9 COMMISSIONER MAY: Yes.

10 CHAIRMAN HOOD: Okay, so --

11 COMMISSIONER MAY: I remember --

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

15 MR. GLASGOW: It's being constructed right now.

16 CHAIRMAN HOOD: Yes. I know it is.

17 MR. GLASGOW: So.

18 CHAIRMAN HOOD: Okay. It looks good too. Okay,  
19 Vice Chair Miller?

20 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank  
21 you for your presentation, and I appreciate the comprehensive  
22 plan consistency argument, which I think was persuasive, at  
23 least to me.

24 So we're, you know, I, I agree with my colleagues  
25 who've, who've tried to, you know, we, this is a map

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1 amendment, and the Chairman has cautioned us against talking  
2 about a particular project.

3 But I, I'd like to know, what, what is the best  
4 case scenario? You know, we've been talking about the worst  
5 case scenario, and I'd like to see the buffering or covenants  
6 that might be able to guide against, or, or mitigate against  
7 any worst case scenario situations.

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

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

18 And, and what is the, what is, what is the vision  
19 for this site by the, by the Applicant? Just so I have a,  
20 a, a picture of that, even though we're not considering a  
21 particular project, it would be probably better if we had a  
22 PUD, where the community could weigh in, and we could do the  
23 mitigations, and do all that.

24 What, what is the vision for this site?

25 MR. STARTT: Sure. And, and I will say, we have

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1 shared some initial, some initial concepts with, with the  
2 neighborhood, in, in our various interactions with them, in  
3 the ANC presentation, and in our, in our open house, and  
4 other, and other venues. So we, we do have a, some general  
5 concepts in mind.

6 A lot of it hinges very much on, on, sort of, the  
7 outcome of this, of this application. But you know, first  
8 and foremost, as I, as I said, you know, we want to bring  
9 additional retail here. We want to bring additional retail  
10 amenities.

11 We are in the process now of performing some,  
12 some, or getting started on some renovations to the existing  
13 building. We have signed a new, a new anchor tenant for the  
14 lower level that, that will take the place of the space that  
15 the District government had occupied for, for some time, and  
16 that's a fitness use.

17 At, our number one, our number goal is to bring  
18 a grocery store here. We think that is the one thing that,  
19 that is lacking, and will be lacking at, at this site.

20 You know, you have an existing CVS, you have, you  
21 know, you have, you have a bank, and you have a dry cleaner,  
22 and so you have some, some good neighborhood-serving retail.  
23 We want to bring a grocery store, and we want to bring sit-  
24 down restaurants.

25 Those are our number, those are our, our top two

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1 goals. And then we want to do a mixed use project that has,  
2 that has mixed income housing.

3 The, you know, we've heard, as far as the housing  
4 program, we've sort of heard everything from, from the  
5 neighborhood, where, you know, obviously the city has a, has  
6 a, very much a strong need for additional affordable housing.

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

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

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

21 But oftentimes, you know, in situations like this,  
22 we need, we need flexibility. And that's, that's the reason  
23 we did not come in with a PUD, you know, especially when  
24 we're, when we're talking with, you know, grocers and  
25 retailers, and they have, they have the opportunity to, you

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1 know, locate a couple miles down the road, down Pennsylvania  
2 Avenue, in, in Prince George's County, and there's 10 sites  
3 there that they could go to.

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

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

16           And so, you know, just to, to summarize, you know,  
17 our vision is a, is very much in line with the vision that  
18 was, that was set forth in the small area plan and the comp  
19 plan, which is a, a moderate density neighborhood commercial  
20 center with a mix of uses, including mixed income  
21 residential.

22           VICE CHAIR MILLER: So I think the grocery store  
23 would be, under your ideal situation would be how much,  
24 approximately how many square feet, and, and how many units,  
25 just -- I mean, I know this is just a map amendment. But

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1 what are you, what are you, what is the vision for it? What,  
2 what, what, how much ground floor retail are you talking  
3 about, and how many units above are you talking about?

4 MR. STARTT: So, we, unfortunately, the, the site  
5 is just, despite being three and a half acres, the way the  
6 site is situated, and, and the slope, we can't quite  
7 accommodate, sort of a full-service, you know, 60,000 square-  
8 foot grocery store, as you would see at, at Skyland, or, you  
9 know, so --

10 VICE CHAIR MILLER: We've been waiting for that for  
11 a --

12 MR. STARTT: Fair enough.

13 VICE CHAIR MILLER: -- long time.

14 MR. STARTT: So it'd be a more, a more mid-range  
15 size grocery store, anywhere from, you know, on the low end,  
16 23,000 square feet up to, you know, 35,000 square feet. So  
17 there's, there's a lot of grocers that, that, that fit into  
18 that range.

19 You know, Harris Teeter can squeeze down to that  
20 size. Whole Foods. Giant and Safeway, maybe, I, I think  
21 that might be a little bit small for them. But, you know,  
22 Yes! Organic, Mom Organic, Meyer Organic Market - all those  
23 sort of fit in that, that small to medium size grocery store  
24 range.

25 And then, we want to, we want some additional in-

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1 line retail, just from a placemaking standpoint, and  
2 obviously, you know, the neighborhood really wants additional  
3 food service and sit-down restaurants, so we'd be looking at,  
4 you know, 5,000 to 10,000 square feet of in-line retail.

5 And then from a residential program, you know, we  
6 think somewhere, you know, preliminarily in the 100 to 150  
7 units or so.

8 VICE CHAIR MILLER: And this map amendment, would  
9 it, allow that, which --

10 MR. STARTT: Yes.

11 VICE CHAIR MILLER: -- the current zoning would not  
12 allow that.

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

19 VICE CHAIR MILLER: Okay. Thank you very much.

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

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

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1 a 32.

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

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

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

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

16 The grocery stores are going to want a minimum of  
17 18 to 20 feet. And so, when, when you factor in their height  
18 requirements, you know, you're, you're severely limiting the  
19 ability to develop residential on top.

20 You may be only be able, you may only be able to  
21 get one to two floors of residential on top, and so you're  
22 limiting to, in that case, probably, you know, 50 to 60 units  
23 - maybe 75, if you're really, if you're really sort of  
24 squeezing them in.

25 And in that case, you know, you, you are sort of

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1 pushing the limits of, you know, stretching your building out  
2 to every single setback, so that you can squeeze as much  
3 density into those two floors as, as possible.

4 And, you know, from, just a, you know, an  
5 affordable housing perspective, obviously, you know, you  
6 know, the sweet spot is, is, you know, certainly north of 50  
7 to 60 units, especially if you want to do mixed income.

8 CHAIRMAN HOOD: Okay. All right, any -- Thank you.  
9 Any other question up here? Mr. Turnbull?

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

13 I understand your concerns, and the flexibility  
14 that you need. And I, I appreciate that. But I also,  
15 Washington's a unique city. We have unique neighborhoods.  
16 And I hate to see people driven away from their homes because  
17 of a development that's too huge for them to live by. They  
18 may have some benefits, but.

19 So I, I'm concerned that we get one thing, but we  
20 lose another. So there's always a balance in zoning. We  
21 try, try to definitely balance the, what's going on in the  
22 city.

23 That's why I think, I'm looking at the, covenants  
24 might be an idea, or a special zone - some kind of fine-  
25 tuning to this, because right now I'm really concerned that

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1 just a straight MU-4 - and I appreciate, you're probably, you  
2 know, I know Jair Lynch is a - but we don't know. I mean,  
3 it's rolling the dice for us at this point in time, to know  
4 that we can say to the people in the neighborhood, yes,  
5 you're going to get something really worthwhile, and you're  
6 going to, you're going to appreciate it.

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

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

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

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

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

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1           The property has been the subject of both  
2 generalized - excuse me - generalized comprehensive plan  
3 planning, as well as detailed small area plan, planning.  
4 That small area plan was the subject of a lot of community  
5 involvement.

6           There was a lot of specific site discussion of  
7 this site plan. It was then adopted by the City Council.

8           The comprehensive plan was subsequently amended  
9 to reflect that, and then when we look now to the current  
10 status, we look to where is, the community is represented by  
11 the ANC, which continues to support this re-zoning. It's  
12 supported by the Councilmember, and it's supported by the  
13 Penn-Branch Citizens Civic Association.

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

16           I do want to add, though, that the Office of  
17 Planning does not support, and will not support covenants.  
18 Covenants require a recordation in the courts, as opposed to  
19 an amendment to the zoning regs, and it is, it, it does not  
20 achieve the purpose of transparency and predictability.

21           If we want to continue down the path of a  
22 customized zone, something akin to what we did with the, the  
23 C-2-B in the previous regs, where we made a C-2-B, where we  
24 adjusted just the height, but the densities remained the same  
25 - and we wanted to look at additional setbacks or measuring

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1 points - that's something OP would absolutely entertain, and  
2 that's what was expected when the Commission adopted the new  
3 regs, and this customized zone. And we could call it out by  
4 square, or something, that makes it specific.

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

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

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

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

19 COMMISSIONER MAY: Okay.

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

22 COMMISSIONER MAY: Yes.

23 MS. STEINGASSER: -- this, which is a map  
24 amendment.

25 COMMISSIONER MAY: Right. Okay. But if it's a

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1 text amendment, it's not, it would similarly not be a  
2 contested case. Right?

3 MS. STEINGASSER: I think we --

4 MR. GLASGOW: A, a text, text amendment would be  
5 a rulemaking.

6 MS. STEINGASSER: It would be --

7 COMMISSIONER MAY: A rulemaking, yes.

8 MR. GLASGOW: Right.

9 COMMISSIONER MAY: So it would be contested. Okay.  
10 All right.

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

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

18 COMMISSIONER HAMMOND: I, I have mine --

19 CHAIRMAN HOOD: Oh, Commissioner Hammond has.  
20 Excuse me. Okay.

21 COMMISSIONER HAMMOND: I have a --

22 CHAIRMAN HOOD: Okay. Commissioner Hammond, good  
23 evening. You may begin. Yes. Identify yourself.

24 COMMISSIONER HAMMOND: Good evening, Chairman Hood,  
25 Committee, and Ms. Schellin, I believe, Office of Zoning.

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1 Thank you for the opportunity to speak. I have  
2 been designated to speaking for the ANC. I'm the Treasurer  
3 for the ANC.

4 The ANC did submit its report to Ms. Schellin on  
5 the 23rd of, of last month, in regards to the position that  
6 we took. The position that we took, we passed a resolution  
7 to support the request for the Applicant for a change in the  
8 map amendments from a, from a MU-3 RIB, R-1-B, to a MU-4.  
9 And we did pass a resolution in a general meeting on June the  
10 15 2017 in that regard.

11 The vote was five, five-four, one opposing, with  
12 one vacancy on the Commission. So we, we did pass the  
13 resolution to that request.

14 CHAIRMAN HOOD: Okay. Are you finished, Mr.  
15 Hammond?

16 COMMISSIONER HAMMOND: I am finished. I just want,  
17 as a matter, as a matter of record, I just wanted to put on  
18 the record that we did support.

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

21 COMMISSIONER HAMMOND: Okay.

22 CHAIRMAN HOOD: But I do want to ask, the one, the  
23 one vote was against, was that, was that a single member  
24 district in that area of, of the project?

25 COMMISSIONER HAMMOND: I'm, no, I'm the

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1 Commissioner for that area.

2 CHAIRMAN HOOD: You're the Commissioner. Okay.

3 So --

4 COMMISSIONER HAMMOND: Yes.

5 CHAIRMAN HOOD: Okay. All right. All right, any  
6 other questions of Mr. Hammond? Vice Chair Miller.

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

10 COMMISSIONER HAMMOND: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

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

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

22 The Applicant said he was willing, or they were  
23 willing to work with that in that regard, to the, to the  
24 height problem, and possible, I guess you all call it, a  
25 shadow problem. So there was discussion about that.

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1           VICE CHAIR MILLER: I, I appreciate your response.  
2 And just based on our own interaction with that particular  
3 developer, I would say that they have, in the cases before  
4 us, of course they were PUD cases, they have worked with the  
5 community to try to mitigate potential adverse --

6           COMMISSIONER HAMMOND: Yes.

7           VICE CHAIR MILLER: -- impacts. So I would hope  
8 that that would, I would expect that that would be the case  
9 in this, in this situation as well.

10          CHAIRMAN HOOD: Well, thank you. I actually want  
11 to echo that, because I, I said that about them. We, we have  
12 a track record down here of people that, that are honest, and  
13 do what they say they're going to do. And I think this is  
14 one of those developers.

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

19          But I'm pretty sure that, from what I've seen from  
20 of this developer and, and one of two others, they have been  
21 very consistent to the residents of this city, and I don't  
22 expect any of that to change. But we want to make sure we  
23 do our due diligence.

24          But I want to thank you for all the hard work that  
25 you do, and, and the Chair, and, and the ANC, what you all

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1 do on behalf of your neighborhoods. So thank you very much.

2 COMMISSIONER HAMMOND: Well, thank you. We  
3 appreciate that.

4 CHAIRMAN HOOD: All right.

5 COMMISSIONER HAMMOND: Thank you.

6 CHAIRMAN HOOD: All right, now I'm going to persons  
7 in support. Is this all I have, is two, or does it go up?

8 Oh, I thought something was wrong with the --

9 Okay, so let's go with Donovan Anderson and Jimmie  
10 Williams. Jimmie, Jimmie Williams is the president of Penn-  
11 Branch Citizens Civic Association. Okay.

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

14 (Pause.)

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

17 MR. WILLIAMS: Combined them years ago.

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

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

24 Okay. So I will ask the questions at the proper  
25 time. I just was, I'd been, when I was reading, and I was

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1 just trying to figure out how that working, but I'll ask you  
2 that after you finish your testimony. I shouldn't have went  
3 there, then, wouldn't have got none of that started. So I'll  
4 blame myself for that one. Okay. You may begin.

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

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

12 I have lived in the Hillcrest section of  
13 Washington, DC for the past 15 years. I have seen the  
14 development that occurred in other sections of the city, and  
15 I'm here wondering when Ward 7 will be able to participate  
16 in the development of the city.

17 I fully support the project for the following  
18 reasons. For one, for speed. The map amendment process is  
19 substantially faster than a PUD. This process will get  
20 retailers to commit to the site faster. PUD can take  
21 multiple years to get approved.

22 The flexibility. Any change during the PUD  
23 process can be lengthy. Modifications to any part of the  
24 design or the development plan require, require close to  
25 restarting the entire process. With a map amendment process,

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1 the development can be nimble in response to market and  
2 tenant demands, rather than requiring extensive PUD  
3 alterations for any moving parts.

4 This goes along with the speed and ability to get  
5 the comment from retailers, and expedite their, their arrival  
6 to the community.

7 Thirdly, the certainty. Map amendments are not  
8 subject to the same appeals process as PUD. And I, the  
9 reason why I'm saying this is because I'm 40 years old. I  
10 live, I've lived in Hillcrest for the past 13 years, 13 to  
11 15 years. And I've seen what has, or is not going on at  
12 Skyline. And I'm hoping that, at 53, that I can be alive to  
13 enjoy what is going to happen at Penn-Branch. And that's one  
14 of the reasons why I support this.

15 I know that there are concerns by older residents  
16 that, there are concerns. But it is about time that we have  
17 the amenities in Ward 7, in Penn-Branch, that we require.  
18 There is nothing going on right there. And if the developer,  
19 who has approached the neighborhood, who has approached,  
20 spoken to everyone in the neighborhood to say, try to address  
21 your concerns.

22 We overwhelmingly, the Hillcrest listserv,  
23 everyone is excited about what is going on there. One of the  
24 things that was, was put out in the neighborhood, that they  
25 want to put up, Planet Fitness. Young, old, everyone is

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1 talking about the fact, that how they're looking forward to  
2 having a gym in the neighborhood.

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

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

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

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

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

24 Many of the residents express a strong desire to  
25 see major improvements or rebuilding of the property

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1 historically known as Penn-Branch Shopping Center, and most  
2 recently rebranded by the owners as Penn Hill.

3 Residents have long wanted a viable shopping  
4 center with a grocery store, retail shops, restaurants, and  
5 other conveniences that are walkable and available to nearby  
6 communities, as well as to the large number of commuters that  
7 pass through Pennsylvania Avenue daily.

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

13 The current outdated shopping center is not in  
14 keeping with similar malls that are of mixed use, and are  
15 being, both residential and retail in purpose, and support  
16 retail, and grocery store and restaurants within each  
17 development.

18 The current design is not feasible to attract the  
19 foot traffic, or the vehicular traffic, or layout needs for  
20 many quality merchants that we all want.

21 The community could benefit from a shopping center  
22 that includes a grocery store and retails that attracts both  
23 DC residents, and the many commuters that pass through our  
24 community, and spend their money outside of the District of  
25 Columbia. A remodeled shopping center with a new

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1 construction would create jobs, and give shoppers a venue to  
2 spend their dollars within the city.

3           Several members of the Penn-Branch Citizens Civic  
4 Association are also representatives that participate in the  
5 Pennsylvania Avenue East Development Committee, which was  
6 originated at, by concerned residents of Penn-Branch who  
7 expressed a strong desire to drive improvements of the Penn-  
8 Branch Shopping Center located at 3200 block of Pennsylvania  
9 Avenue SW.

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

15           In frustration, he said that he and his family had  
16 grown tired of waiting on change. With a year of this  
17 meeting that formed this group, the family moved out of Penn-  
18 Branch and into Maryland.

19           We strongly support the zoning amendment. We also  
20 acknowledge the concerns expressed by our residents that want  
21 to ensure that the projects does take some considerations.

22           For example, respecting the character of our  
23 community takes into consideration that residential uses are  
24 consistent with the resident, consistent with the development  
25 in Penn-Branch, and prefaced to attract market-rate renters,

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

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

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

16           As a community - and a majority of us - do  
17 strongly feel that such a project is long overdue. We need  
18 the development that will benefit our community, and we could  
19 bring quality stores, retail shops, offices that are all over  
20 this, growth, experiencing all over this city, and enhances  
21 our community that we see in other parts of DC.

22           We support and want Penn Hill to become a  
23 sustaining jewel east of river, or east end, whichever you  
24 prefer. We're long overdue for the development and the  
25 change.

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1           And as a petition submitted by the owners of Penn  
2 Hill, is a major catalyst for sustainable growth and  
3 development, and should be supported.

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

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

11           So, so I, I resonate, and I understand that as  
12 well, and, and those amenities are what, I'm sure, we, we  
13 talked about Skyline when we did it, what? Two years ago?  
14 Or whenever it was.

15           But I can understand wanting those kind of  
16 amenities to your neighborhood.

17           But let me, let me say something to you. Let me  
18 ask you a question. How does that work?

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

21           How do you work with both the Civic Association  
22 and the Citizens Association? At the same time? How does  
23 that work?

24           MR. WILLIAMS: Well, actually, I, well, it's been  
25 more than 20 years. It's actually Penn-Branch Citizens Civic

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1 Association. There's a history to that --

2 CHAIRMAN HOOD: Okay --

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

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

5 MR. WILLIAMS: -- along split --

6 (Simultaneous speaking.)

7 CHAIRMAN HOOD: -- come out --

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

9 CHAIRMAN HOOD: -- get the history. Okay. I'll  
10 have to come get the -- Any questions up here? Not to cut  
11 you off, but it was --

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

13 CHAIRMAN HOOD: -- when you said 20 years, oh, I  
14 have to come out and talk to you and get the history, because  
15 I would like to know the history.

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

18 (Laughter.)

19 CHAIRMAN HOOD: All right. Okay. Thank you both.  
20 We appreciate it. Anyone else in support? Okay, let's go  
21 to --

22 Oh, support? Okay. Come forward.

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

25 Any, anybody who supports what's, what we're, our

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1 action, re-zoning, tonight, please come forward so you can  
2 testify.

3 Now, let me ask this. Those who are in  
4 opposition, has every one signed up, signed on the kiosk?  
5 Okay, so if you can go to the kiosk, and, and sign up on the  
6 kiosk.

7 Ms. Schellin, could you, could you assist everyone  
8 who has not signed up on the kiosk? Because we only had four  
9 people.

10 Now, now this is if you, this is if you want to  
11 testify. This is only if you want to testify. You -- No.  
12 Okay, no.

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

19 Those cards are for the --

20 MS. SCHELLIN: The cards --

21 CHAIRMAN HOOD: -- court reporter.

22 MS. SCHELLIN: -- are for the court reporter. The  
23 kiosk there, that little computer, is where you register for  
24 us to call your name. But the cards, you have to fill out  
25 for the court reporter.

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

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

8           It's not working? Ms. Schellin, could you go?  
9 It's got to be working. It's brand new. Supposed to be  
10 working. Used to work. But --

11          Okay. Let's start, let's start with you, young  
12 lady.

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

18          CHAIRMAN HOOD: Okay. Thank you. Next?

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

22          My wife, who lived in the community many years  
23 ago, 40 years ago, experienced it as Safeway, said it wasn't  
24 something that she supported then. But then, she, when we  
25 moved back - and we moved back last year - my son then said,

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1 I want a place that I can walk to. He was excited about this  
2 endeavor. He's at school right now. He goes to Duke  
3 Ellington.

4 And one of the things that he expressed to me was  
5 that, I want a place where my friends can go to. And we feel  
6 this can be a place where his friends can go to.

7 CHAIRMAN HOOD: Let, let me just take a moment.  
8 If, if anyone is here with a young person - I saw some young  
9 people, and I, school is tomorrow, I believe. So I want to  
10 get the young people to, whether you're in support or not,  
11 I'm going out of order. If you have somebody, and you're  
12 here with a young person, I just want to take that one, I  
13 want you to come to the table now, because I know, I want to  
14 make sure that young person is alert tomorrow in class, and  
15 not doing what I used to do.

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

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

22 I'm a resident at 3610 Highwood Drive Southeast.  
23 I'm also the recording for the Penn-Branch Citizens Civic  
24 Association. I live on Highwood Drive with my daughter,  
25 Veronica Beverly, and my granddaughter, who were both here

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1 earlier this evening.

2 My daughter just turned 25 years old a couple of  
3 weeks ago. My granddaughter is almost 6.

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

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

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

18 Now that my daughter is grown, I feel like I've  
19 let her down. I feel like this community has let her down.  
20 I feel like the city has let her down by not allowing her to  
21 experience the thrill, the joy, pride, and fun of watching  
22 her neighborhood develop and thrive.

23 It's a shame that to see economic growth, we have  
24 to go outside of our neighborhood, outside of our community,  
25 like we did this weekend. To get ice cream, we have to go

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1 to Old Town. To have a sit-down dinner, we also went to Old  
2 Town, Virginia, to have a simply meal with our family, it,  
3 it's just ludicrous that we can't do that within our own  
4 community, except in our home.

5 To shop for healthy selections of food, we have  
6 to go outside of the community, to Whole Foods, to Wegmans,  
7 to Mom's over on New York Avenue.

8 Although collectively, we've let my daughter down,  
9 20 years later, let's not let my granddaughter down. I urge  
10 you to support the re-zoning request submitted by, by this  
11 company. My granddaughter deserves better.

12 CHAIRMAN HOOD: Thank you. Next.

13 MR. DELLING: Good evening, my name is Steven  
14 Delling. I'm the chair of the Pennsylvania Avenue East  
15 Economic Development Committee.

16 I think, really, this is all about unlocking  
17 potential. That corridor that the Penn-Branch Shopping  
18 Center lies on is really just one of several different sites  
19 that have been unrealized, that have not achieved their  
20 potential for years.

21 I remember looking for my first house in DC, when  
22 I first started shopping for a house when I was 22, and I  
23 looked at a number of different areas. I ended up settling  
24 in Petworth, and now, fast-forward 16 years in the future,  
25 coming back to that Penn-Branch area. I live in Fort Dupont

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1 Park, so I'm just a little ways up the road, up Pennsylvania  
2 Avenue.

3 It looks almost exactly the way I left it, or the  
4 way I saw it last 16 years ago. Now, I've only been in the  
5 neighborhood for two years, so I'm not going to try to claim  
6 that I've been there for years and years, and have seen the  
7 history firsthand. But our committee is made out of people  
8 who are residents in the area, residents from the various  
9 different neighborhoods that touch that corridor, and some  
10 have been there as long as 40 years.

11 And I've seen the history of failed attempts to  
12 kind of revitalize that area. So it really is a, kind of a,  
13 a thing of unlocking potential.

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

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

25 So to the extent that the map amendment that is

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

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

13           If you look at the bridge, as soon as you cross  
14 over into, what do we call it, east of the river, or Penn Ave  
15 east, it's just a significant drop-off from my neighboring  
16 community on the other side of the river. And that continues  
17 all the way up to Southern Avenue.

18           This is an area that has lagged behind the rest  
19 of the city by far. Where you see different neighborhoods  
20 have, have achieved a level of growth that has been  
21 beneficial to the people who live in that neighborhood,  
22 whether it's in, in northwest, on U Street, in Petworth. And  
23 these areas have achieved that growth in, in various ways,  
24 and have been beneficial to their community.

25           And so now we feel like I would be the same for

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1 us. So I think this community has a lot more to gain. And  
2 especially in the sense of the developer that we're working  
3 with.

4           Jair Lynch has been, from day one, very much  
5 willing to engage the community. They have taken the steps  
6 to go out and establish a, a weekend event, mini golf, like,  
7 a little game that happens on the weekends to - it's in the  
8 parking lot of the actual shopping center - to give a, a  
9 avenue for the community to actually engage with the  
10 organization, with the company, and provide their input.

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

15           So I understand there's a certain amount of trust,  
16 I think, which is a big issue, or a big concern, that has to  
17 be put into the developer. But I think the developer has  
18 done a good job of making sure that their intent has been  
19 very transparent, and made an attempt to engage with the  
20 community.

21           So I think it's something that we all want to see.  
22 So again, speaking on behalf of the Pennsylvania Avenue East  
23 Economic Development Committee, we are in full support of  
24 this map amendment.

25           CHAIRMAN HOOD: Okay. Thank you. Now, I, I took

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1 you out of turn. I'm not sure whether you're a proponent or  
2 opponent, but either way, you have a young person, so we're  
3 going to hear your testimony now.

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

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

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

21 While I will not be directly affected by the  
22 structure with respect to privacy issues, I am empathetic to  
23 the needs of my neighbors, and stand with them.

24 The new shops, however, will increase foot  
25 traffic, ambient noise, and parking. We do not currently

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1 have regional parking, but should this go forward, we as  
2 residents should have some form of a parking permit to  
3 distinguish us from the visitors.

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

8           With respect to land shift, my lot is adjacent to  
9 the churchyard, yet does not come within the affected area  
10 circled on the map. My property would most likely be  
11 affected by any land shift, as the area is populated by  
12 massive oak trees. Any shift in the churchyard could trigger  
13 the trees to fall, and would affect me, because the trees are  
14 tall enough to land on and damage my home. And how will you  
15 protect me and my family against that?

16           Lastly, while not related to the zoning itself,  
17 is the name change. I live in Penn-Branch, and not Penn  
18 Hill. While this may be a new project for you, this is not  
19 a new development. This is an established neighborhood, and  
20 it is where many of us have lived for decades. Please leave  
21 our history intact. And to step on people who have stated  
22 before, about the longevity of being in the neighborhood: my  
23 father was a World War II veteran. And he was from North  
24 Carolina, and when he and my mother settled in the District  
25 in 1947, they moved from northeast to southeast, and they

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1 settled in that area because it reminded them so much of  
2 their homes in North Carolina.

3           And my concern - even I was raised there, and my,  
4 I have my daughter here. I came a few years later, in 1970,  
5 but this is about as close as you can get to the suburbs  
6 while being inside the city.

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

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

21           You know, I do want progression, but I am  
22 concerned. Like you said, how, you know, what if it's the  
23 worst case scenario? How would that be affected, additional,  
24 with the foot traffic?

25           So, you know, because once people come in, and

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

10 CHAIRMAN HOOD: Okay. All right.

11 MS. GRAHAM: Thank you.

12 CHAIRMAN HOOD: Thank you very much. Let's just  
13 see if we have any questions. Hold, hold, hold the seat.  
14 Hold your seats --

15 MS. GRAHAM: Yes.

16 CHAIRMAN HOOD: -- for a minute. Any questions up  
17 here? Any comments? Okay. Thank you all. We appreciate  
18 your testimony.

19 Okay. Let me go to the persons in opposition.  
20 We've already heard from everyone who is in support, and some  
21 who, in part. Let me, okay. Julie Rones, Ms. Barbara  
22 Morgan, Gwendolyn, and Edwin -- Huh?

23 If I was able to finish, I was getting ready to  
24 say Gwendolyn and, but I wasn't able to finish. But that's  
25 fine.

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

3 We're missing somebody. Sharon, where'd I leave  
4 off? Now I need some help. Number seven? I've already  
5 called Sylvester Bush. I'm, I'm on number, I'm on Alberta  
6 Paul. Alberta. Is that, is that Ms. Paul, my president  
7 friend back there? Come on up, Ms. Paul.

8 (Laughter.)

9 I thought you was going to give your testimony  
10 from back there, but you going to come on up here. Okay.

11 All right. Let's go with Ms. Rones. You may  
12 begin.

13 Hold on a second, you, okay, well, why don't we  
14 do this. Okay, why don't we do this? Why don't we start to  
15 my left, your right, and we'll begin with, Mr. Jones?

16 MS. RONES: Okay. I'll forego the picture.

17 CHAIRMAN HOOD: Okay, we will start with you Ms.  
18 Rones.

19 MS. RONES: Okay. Very well. Thank you, Your  
20 Honor, Commissioner, Chairman, and Members of the Zoning  
21 Commission.

22 I am Julie Rones, here on behalf of Gwendolyn  
23 Rose, who owns continuous, contiguous lot 843 and 844 of  
24 square 5539. Lot 843 is within the 200 foot ambit of the  
25 proposed new building, or lots to be re-zoned.

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1           And I want to say that the Applicant, I thank them  
2 for quoting me. But I'd like to put things into context.  
3 In terms of the easement, I believe they opened up the door  
4 to, and they showed drawings, and talked about concepts.

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

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

16           She believes that this proceeding should have been  
17 a contested case, and objects to the public interest  
18 rulemaking. She also asserts that the Zoning Commission is  
19 constrained by the US Constitution and zoning rules 304.3 to  
20 approve the new building, or map change to allow it, because  
21 it would be an impermissible, inverse regulatory taking of  
22 Mrs. Rose's property without compensation by allowing an  
23 easement on her land.

24           And what she meant by an easement is that when you  
25 take the views, and you alter the views, that could very well

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1 diminish her property, the value of her property. The views  
2 - property, if you have property, you have to have views.  
3 And if there's something like the back of a building, at such  
4 a 50 to 65 foot height, that would interfere with that, and  
5 that that can be considered, we submit, a regulatory inverse  
6 taking without compensation, and we'd like to just make you  
7 cognizant that those are our concerns.

8           We are concerned about the taking, again, of that  
9 air, view, and light, and the fact that the privacy could be  
10 diminished. Mrs. Rose intends to build out her rear lot,  
11 843, which backs, would be where the building that, to be  
12 built, would overhang. And so if she builds single family  
13 homes as a matter of right, then that could alter what her  
14 plans are.

15           Who wants to be looking at the back of a building?  
16 That would alter her value. So in terms of easement, that's  
17 what is meant by easement - the, the shadow effect, looking  
18 at a back of a building. She fully supports a grocery and  
19 a restaurant, but not at her expense. Not at the value of  
20 her property.

21           CHAIRMAN HOOD: I'm going to need you to --

22           MS. RONES: I'm --

23           CHAIRMAN HOOD: -- give your closing thought  
24 please.

25           MS. RONES: Certainly. She reserves the right to

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1 appeal if approval is granted to the map amendment, to the  
2 extent that it may affect her property. Also, she requests  
3 the statutory community benefit of imposing a comprehensive  
4 watershed infrastructure improvement for the immediate  
5 affected area within the 200 foot ambit of the shopping  
6 center and buildings, and inclusive of the L Street wall, and  
7 to say that not only will the air and light be affected, but  
8 the underground also.

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

15           CHAIRMAN HOOD: Okay. Okay.

16           MS. RONES: Thank you, Your Honor.

17           CHAIRMAN HOOD: Thank you. All right, Ms. Morgan.

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

24           I, I really don't feel that, as far as building  
25 directly behind my house, to block my view, as far as the

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1 sunlight is concerned, and, and a lot of other things that  
2 I have concerns about.

3 Now, that shopping center, when I moved there, it  
4 was, Penn-Branch was a used car lot. We had a shop, we had  
5 the Safeway. As a matter of fact, we had three Safeways in  
6 that, in that community. They moved out.

7 The reason that we did not have what we, a Safeway  
8 there now, is because the structure, water was coming down  
9 in there. We had a one-stop government agency that was there  
10 also. They moved out.

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

16 I also want to say that people have sat here, and  
17 said that they held meetings. There was only one meeting  
18 held where the residents directly affected by the zoning,  
19 that's directly being the property, and that was held last  
20 Monday evening at Pennsylvania Avenue Baptist Church.

21 And this is when we got together. That's why they  
22 are here. We got together there, and we decided as a  
23 community, whatever happens, you going to see our faces.  
24 This is not the first time, but we going to be down here,  
25 because we want to make sure that our property is not damaged

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1 like the other property that's up on Mass and, on, on Alabama  
2 Avenue, where they build Rocket School direct behind those  
3 folks' property there, and they had termites, they've had  
4 mice, and everything.

5           So we want to make sure, and I want to make sure  
6 that my property at 3245 O Street is not impact by what they  
7 decide. And the other thing, that community is not Penn  
8 Hill. That has never come before the community. The name  
9 is Penn-Branch. And I will be willing to say that those of  
10 us who oppose, that we can get you 3000 signatures not to  
11 change it to Penn Hill.

12           CHAIRMAN HOOD: Thank you, Ms. Morgan. Gwendolyn  
13 and Edward Jones, I guess, Ms. Jones, you're going to go  
14 first.

15           MS. JONES: I'll go first.

16           CHAIRMAN HOOD: Okay. Mr. Jones knows what to do,  
17 he, okay.

18           (Laughter.)

19           MS. JONES: Good evening, Mr. Chairman, and members  
20 of the Commission. My name is Gwendolyn Jones. I oppose the  
21 zoning map amendment for square 5539, lots 835, 838, 839, and  
22 840, case number 17-11.

23           My home is on the 3200 block of O Street  
24 Southeast, and directly adjacent to lot, to the lot 840. Re-  
25 zoning of these lots directly impact my property and the

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1 quality of life for my family.

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

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

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

18 As a native Washingtonian, I value my home, and  
19 my, and I have remained in the city that I love. My home is  
20 an investment, and life insurance for my children. If the  
21 value of my home is jeopardized by construction, or the cost  
22 of structural repairs post-construction, what happens to my  
23 investment? What happens to the security of my family?

24 Please be sensitive to the preservation of the  
25 unique character of my neighborhood, and maintain the family

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1 strengths of my community. I urge you to oppose the proposed  
2 map amendment. This property should remain zoned as-is.  
3 Those wishing to build apartments and additional commercial  
4 structures have many alternatives in the Penn-Branch  
5 neighborhood from which to choose.

6 The petitioner does not live on the 3200 block of  
7 O Street, nor does Jair Lynch Real Estate Partners, nor does  
8 the ANC Commissioner, nor does the Civic Association  
9 president. I live, and am raising my family, on the 3200  
10 block of O Street.

11 I don't have lobbyists. I don't have lawyers.  
12 And I don't have a marketing research company. But I do have  
13 you, the DC Zoning Commission. I respectfully request your  
14 support in opposition to the map amendment requested in  
15 zoning case 17-11. Thank you.

16 CHAIRMAN HOOD: Okay. Thank you. Mr. Jones.

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

19 (Laughter.)

20 But I will try. We have the only children on O  
21 Street, I do believe, that live behind this shopping center.  
22 Their future will be directly impacted by what is done behind  
23 our house.

24 Right now, I don't know of any study that has been  
25 done on the sub-strata. I have a neighbor who tells me he

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1 used to fish behind my house. We're told there are hot  
2 springs. And they're talking about going down, what, 30  
3 feet, and then up?

4 What effect is that going to have on our property?  
5 See, this is not Highwood. This is not the surrounding  
6 areas, where the ANC dude lives.

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

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

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

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

24 And I'm all for my children having, owning  
25 property that is worth something that they may be able to

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1 hand on to their children, as often, that doesn't happen in  
2 our community. It's not very often that we get to have  
3 something to hand down to those who are coming behind us.

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

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

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

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

21 My decision is based on the following  
22 considerations, and supported by the district's comprehensive  
23 plan, including policy LU-2.1.5, policy LU-2.3.2, policy LU  
24 2.4.5, policy LU-2.4.6, policy UD-2.2.7, policy FNS-1.1.1,  
25 and policy FNS-2.6.1.

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1 Re-zoning to MU-4, and the planned residential  
2 structure, would infringe upon my property, my air and light  
3 blockage rights, impairment of my views, and my privacy  
4 rights from having residents of the structure peering in and  
5 on my family, imposing unreasonable noise, and destroying  
6 peaceful enjoyment of our property and the neighborhood,  
7 which is pursuant to the Commission's rule 11 DCMR, subtitle  
8 A, subsection 304.4.

9 My property and the reasonable enjoyment of my  
10 home is currently impacted by rainwater runoff, ponding,  
11 flooding, structural shifting of walls, and impacted, and  
12 shifting of our floors. We also suffer with early morning  
13 trash pickup, trash from patrons in the existing dumpsters,  
14 which fall not only along the wall that's the, the cinder  
15 block wall that's located to the rear of our properties, but  
16 filters over into our rear yards.

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

24 The developer should prepare a comprehensive plan  
25 to address the underground pipes, underground streams, water

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1 and sewer, and any new infractions the upgrade and/or  
2 expansion would impact the abutting property owners.

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

7 CHAIRMAN HOOD: Okay.

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

9 CHAIRMAN HOOD: Could I get your --

10 MS. HUGHES: -- opportunity --

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

13 MS. HUGHES: Oh.

14 CHAIRMAN HOOD: -- was, but it, but it rang --

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

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

18 MS. HUGHES: Well, I've, well I'd like to thank,  
19 first of all, Ms. Sharon over there for spending so much time  
20 with me today on the phone. And I also would like to thank  
21 --

22 CHAIRMAN HOOD: Is that why I couldn't get you  
23 today?

24 (Laughter.)

25 Okay.

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1 MCHAIRMAN HOOD: I would also like to take this  
2 opportunity to offer comments to the presumed, to thank the  
3 Zoning Commission for this opportunity to make my comments,  
4 as well as make one other comment.

5 I only received notice of this proposed zoning  
6 change mid-August. I was not aware of any meetings. I have  
7 Mr. Donovan, I put a call into him. I never received a  
8 return phone call. So as a property owner who is directly  
9 impacted by this project, or proposed zoning change, I urge  
10 you to vote no. Thank you.

11 CHAIRMAN HOOD: Thank you. Next.

12 MR. BUSH: Good evening. I'd like to thank the  
13 Zoning Commission for, for having us. My name is Sylvester  
14 Bush, and I reside at 3342 Highwood Drive Southeast.  
15 Although I do not live on O Street, I live in the community,  
16 and, and what impacts my neighbors impacts me also, because  
17 if they hurt, I hurt, and that's what community's about.

18 And, and so, we all agree, I mean, you, even those  
19 that are for this project agree that we want a thriving,  
20 bustling shopping center with restaurants, a grocery chain,  
21 and retail, but not at any cost. Okay, you know, we're  
22 concerned about the adequate infrastructure, vehicular  
23 traffic, but again, not at any cost.

24 You know, they, they have vision, however they are  
25 not bound by it. So if they get to change to MU-4, there is,

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1 and they, people have said they're upright, they're honest  
2 people. But there are not bound by what they tell us. They  
3 can change that at will. I mean, because that's what it  
4 means, you know, they can do it however they want to do. And  
5 they're going to do what's advantageous to them, and not for  
6 us.

7           The proposed re-zoning, MU, to MU-4, is  
8 inconsistent with the Pennsylvania Avenue East small area  
9 plan for the following reasons: the height. The small area  
10 plan calls for a maximum of 50 feet, and that's measured from  
11 the lowest point. Okay, and so the 2008 SAP was drafted  
12 before ZR-2016 authorized habitable penthouses.

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

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

23           Next, the, the setbacks and lot occupancies  
24 allowed on the MU-4 conflict with the guiding philosophy of  
25 the neighborhood conservation area. The required setback for

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

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

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

18 CHAIRMAN HOOD: Okay. Thank you. Next. Ms.  
19 Richards.

20 MS. RICHARDS: Thank you. I respectfully request  
21 five minutes, since I'm testifying on behalf of an, an  
22 organization, the O Street Neighbors and Friends. They're  
23 an unincorporated association formed to combat this  
24 particular, or at least to make its voice heard on this  
25 particular zoning proposal.

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

5           And that is the height. The, the neighbors did  
6 work hard to get comments made to the small area plan seeking  
7 50 feet, and that's in the notes to the appendix. And also,  
8 it's, it's in the, the small area plan was amended to state  
9 that there would be a, all heights would be measured from the  
10 lowest points. And those comments were made before the City  
11 Council, and that's why those amendments and footnotes are  
12 added to the small area plans, reflecting that testimony of  
13 the neighbors. And we, we put those in there, our insistence  
14 for such a time as this.

15           Second, this is going to be a 65 foot building.  
16 It says 50 feet, but that, the, that pre-dates ZR-16, with  
17 a habitable penthouse. Under MU-4 and ZR-16, you can have  
18 a, you have 50 feet with the Z, with the OZ, IZ bonus, you  
19 get to go up to, well you still get 50 feet, but you get up,  
20 a 15-foot penthouse by virtue of the MU-4. MU-3 wouldn't  
21 have it.

22           So that means you can have a 9 to 10 foot high  
23 habitable penthouse, and then you get your stub, mechanical  
24 penthouse above that. So we're really talking about a 60  
25 foot building here, of habitable space. And that's, that's

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1 just not what the neighbors bargained for at all, when we  
2 went to a lot of effort to get a customized small area plan.

3 And that was never made clear. I mean, the,  
4 throughout this proceeding, at every meeting I've been to,  
5 the Applicant represented, we're going to build a 50 feet,  
6 50 feet. They never stuck in, oh, and by the way, we're  
7 going to have a 15 foot penthouse with habitable space.

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

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

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

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

23 OP clarifies that the intent of the proposed land  
24 use recommendations for the Penn-Branch Shopping Center  
25 opportunity site is to support additional low density retail

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1 and residential development along Pennsylvania Avenue that  
2 is consistent with other low-moderate density opportunities.

3 But it, notice, support additional low density  
4 retail and residential. Now, maybe that's a, you know, that,  
5 I know the land use map says moderate density residential,  
6 and it's striped with low density commercial. But this is  
7 text in the small area plan specifically clarifying OP's  
8 intent, and that was the language adopted by the Council.

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

12 But let's, let's get back to what, the setbacks  
13 and lot occupancy allowed under MU-4 conflict with the  
14 guiding philosophy of neighborhood conservation areas -- and  
15 you've heard quite a bit about that.

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

23 Okay. Now, I have, like, submitted a, sections  
24 of map here so that you will see. There's nothing in the  
25 neighborhood that's built at that kind of lot occupancy.

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1 It's just not there. A 75 percent lot occupancy is going to  
2 dramatically, dramatically change the character of this kind  
3 of major intersection. And 65 feet as well, you know, with  
4 the penthouse. Too much.

5           So I will, like, go ahead and say, and you've  
6 heard. So I cannot add to the O Street neighbors elegant  
7 testimony about, you know, this looming tower, except to say  
8 let's make clear that, the, they sit down, there is a  
9 retaining wall between their back yards and the shopping  
10 center parking lot, and they actually sit below the shopping  
11 center. So not only is it a 65 foot building on the, perched  
12 on the edge of the property line practically, 15 feet - but  
13 when you look at how far down their lots are, that, that  
14 building's going to loom even taller over them.

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

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

23           CHAIRMAN HOOD: Ms. Richards, I'm going to need  
24 your --

25           MS. RICHARDS: -- over --

1 CHAIRMAN HOOD: -- I'm going to need your closing  
2 thought.

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

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

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

19 CHAIRMAN HOOD: Okay.

20 MS. RICHARDS: Mmhmm.

21 CHAIRMAN HOOD: Thank you very much. Let me go to  
22 Ms. Alberta Paul.

23 MS. PAUL: Good evening. My name is Alberta Paul,  
24 and I reside at 3721 Carpenter Street Southeast, and I thank  
25 you for this opportunity to present comments regarding the

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1 re-zoning of the rear parking lot of the Penn-Branch Shopping  
2 Center, known in this case as 3200 Pennsylvania Avenue, PJV,  
3 LLC, case number 17-11.

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

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

14           As the developer moves through this city, a  
15 courtesy dialogue must occur when they feel changes in the  
16 name of a given community will make significant impact on  
17 their intended economic goal. No such dialogue occurred in  
18 this instance.

19           Good consensus and dialogue could have resulted  
20 in a shift of the name, such as Penn-Branch Shopping on the  
21 Hill. Residents merely were alerted to this change by the  
22 flyers, the filer's website, and literature that became  
23 available shortly after the requests for zoning changes were  
24 made to this body.

25           To understand the concerns of this community, the

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1 Zoning Commission must travel to this beautiful community,  
2 and see why resident businesses alike would like you to see  
3 before you make a decision.

4 A traffic safety plan integrated into the approval  
5 process now, showing not only how the consumers would get in  
6 and out of this center front and rear, but how delivery  
7 trucks would be handled front and rear to mitigate traffic  
8 congestion in this small center.

9 Architectural restrictions that could be imposed  
10 should be included that make it mandatory that the design for  
11 the non-blockage of existing views be spared the total site  
12 of the rear of the buildings by not exceeding the community's  
13 desired height restrictions.

14 Usage of brick, stone, or some form of masonry on  
15 the outer components of the proposed building would be in  
16 keeping with the existing structures and the immediate  
17 community once height restrictions are approved.

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

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1 safety for all of them.

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

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

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

19           Using the government owned land that abuts the  
20 current ramp, which is estimated as three to five feet to the  
21 west of the parking lot, in the middle of the parking lot,  
22 should be given to them, that moves that, that would move  
23 that, that would allow them to have a wider ramp to let 18-  
24 wheelers who would be delivering goods to these new retail  
25 businesses in the back and the front a proper place to come

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1 in, so they all don't come in off of Branch Avenue, thus  
2 increasing noise on O Street. In closing --

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

4 MS. PAUL: The, in closing --

5 CHAIRMAN HOOD: There you go.

6 MS. PAUL: -- the proposed --

7 (Laughter.)

8 CHAIRMAN HOOD: You good, you, you good.

9 MS. PAUL: In closing, the proposal is stymied with  
10 assumptions that should never be made by a community, and  
11 should be replete with designs and conditional acts, or  
12 amendments to current zoning, that show a developer truly  
13 knows the community in which he or she will be building.

14 We have seen past acts, bad acts throughout the  
15 city, where the community stayed silent, and now those  
16 communities have half-filled condo buildings with an average  
17 45 percent occupancy, where no amenities are by the intended  
18 by the end users.

19 After the line for name changes, height changes,  
20 and no parking accommodation or traffic analysis, the  
21 communities end up with nothing.

22 This community desires growth, accepts change, but  
23 all change must come with dialogue and honest sharing of  
24 plans that we all can compromise on, and make this a win-win  
25 for all. Thank you.

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1 CHAIRMAN HOOD: Thank you. Colleagues, any  
2 questions or comments?

3 COMMISSIONER MAY: I --

4 CHAIRMAN HOOD: Oh, Commissioner May.

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

9 You need to have your microphone on, and close.

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

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

14 MS. RICHARDS: Okay --

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

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

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

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

23 COMMISSIONER MAY: Yeah. Okay. So, and you  
24 suggested that a, a custom neighborhood commercial zone might  
25 be a solution. Is that something that you suggested to

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1 anybody else during the process?

2 MS. RICHARDS: I have suggested it to a number of  
3 my neighbors. I have raised a number of concerns with, I,  
4 I raised --

5 COMMISSIONER MAY: Did you suggest --

6 MS. RICHARDS: -- a number of questions --

7 COMMISSIONER MAY: -- to the Applicant, or to the  
8 Office of Planning?

9 MS. RICHARDS: I submitted a 20 questions to be  
10 submitted to the Applicant through the ANC. And those were,  
11 those questions went to the Applicant. And --

12 COMMISSIONER MAY: And, and that included, would  
13 they consider doing a neighborhood commercial custom --

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

15 COMMISSIONER MAY: -- zone.

16 MS. RICHARDS: -- it included that exactly, but it  
17 included enough stuff that was close to it. I don't know if  
18 I used that exact, those exact --

19 COMMISSIONER MAY: Right.

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

21 COMMISSIONER MAY: Okay.

22 MS. RICHARDS: Mmhmm.

23 COMMISSIONER MAY: Thank you.

24 CHAIRMAN HOOD: Any other questions? Okay, I just  
25 have a few comments. I want to ask Ms. Rones and Ms.

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1 Richards, if you could supply me with the right to have a  
2 view, I've always been told, and I've been advised over the  
3 years I've been here, the Supreme Court says you don't buy  
4 a view. So you all - and I'm, Ms. Richards, I don't know if  
5 you testified to that, but I know you do a lot of research.

6 MS. RICHARDS: Mmhmm.

7 CHAIRMAN HOOD: But Ms. Rones, you actually  
8 mentioned that as well. So if you could just provide me that  
9 for the record, where it says reverse of what the Supreme  
10 Court is saying, as far as the view. As far as where you buy  
11 a view, because we do stuff all over this city, and that's  
12 what I've, always hear, when we're blocking views, that you  
13 don't have a right, you don't buy a view. You buy a, a  
14 property, or a house, but you don't buy the view.

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

17 Ms. Richards, if you could help out with that,  
18 that'd, I would appreciate it as well -- if, if you could  
19 find it.

20 MS. RICHARDS: Not a problem, sir.

21 CHAIRMAN HOOD: Okay. I was going to ask a  
22 question about the ANC meeting, but I didn't make my notes  
23 right. Let me, Penn Hill, Penn, Penn-Branch. I think, I  
24 think when you change the names of neighborhoods, I would  
25 concur. I'm not sure what's all on going on there, because

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1 this is a re-zoning case for us. So I'm sure, I would, I  
2 would encourage the Applicant, whatever they decide to do,  
3 if, if it goes forward, to make sure they collaborate with  
4 the community about names.

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

8 (Laughter.)

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

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

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

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

23 So whatever project, if there is a, there, there  
24 are some other write-offs besides the Zoning Commission doing  
25 it. Basically, what we are just doing is looking at a re-

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1 zoning. Okay? All right.

2 And that's all I have.

3 So if I can get that, Ms., the information about  
4 the view, buying a view, I would, I would greatly appreciate  
5 that.

6 Any other questions up here.

7 Hold on a second. Vice Chair?

8 VICE CHAIR MILLER: Thank you, Mr., thank you, Mr.  
9 Chairman. Thank you each for your testimony. And yeah,  
10 it's, it's, it's a little bit frustrating, because we're  
11 dealing with a re-zoning, and you're talking about what  
12 impact a particular development might have.

13 And there will be permitting review agencies,  
14 including the Energy and Department, Energy Environment  
15 Department, and DCRA, that will have to review all that, and,  
16 and Water and Sewer, and, and, and the Applicant would want  
17 this to be a successful project, too. They don't want it to  
18 sink into the ground, or into the water.

19 I'm old enough to vaguely remember, I think in the  
20 Wilson building, approving the appropriation for the, for the  
21 O Street retaining wall back in 1979 or '80. So the, is it  
22 the same wall, or did it have to be rebuilt?

23 Okay. Yeah. So then, there is a, there's an  
24 issue there, and the developer would want the project to be  
25 successful, and not sink into the ground there. And the, the

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1 district permitting agencies are going to have to -- but  
2 we're not, we're not, we're just looking at a map amendment,  
3 so it's, it's, it's a little frustrating.

4           But I understand the concern that you have. I  
5 think we may need to, if we haven't already requested it, in  
6 terms of, if we, if it isn't already in the record, maybe a,  
7 a shadow study that shows what the map amendment would allow  
8 with, either by right, or with the, with the, with the  
9 penthouse on, that's allowed by right, what that would,  
10 effect that would have on the, on the properties adjacent.  
11 It'd be useful, maybe, for us to have that from the Applicant  
12 in this case. So I think that's, that would, that's, I'm  
13 glad that people have brought that up before us. So we'll,  
14 we'll look at those issues, and the other issues that you've  
15 raised. So thank you for coming.

16           Yes, Mr. Jones.

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

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

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

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

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

9 MR. JONES: Oh! Okay.

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

11 MR. JONES: Oh, exactly.

12 CHAIRMAN HOOD: I got a job too.

13 MR. JONES: I get it.

14 CHAIRMAN HOOD: So --

15 MR. JONES: I get it.

16 (Laughter.)

17 I get it.

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

19 MR. JONES: Right.

20 CHAIRMAN HOOD: I, I do work.

21 MR. JONES: Exactly. Well, and, and I'm not --

22 CHAIRMAN HOOD: And this is additional --

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

25 CHAIRMAN HOOD: Right, and, and we appreciate the

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1 question. I'm going to let my colleagues comment, but yes.  
2 A lot of things come into fact, than what we do. But there  
3 are different avenues. As we mentioned, we have other  
4 agencies who are the subject matter experts on those.

5 We basically deal with the land use, how the land  
6 is going to be used. Now, if some other factors come into  
7 play that pull away from that, then that's dealt with at that  
8 time. But I'm sure that I'm going to let my good friend over  
9 to my right, or whoever else, to chime in on that. But  
10 that's my answer.

11 COMMISSIONER MAY: No, I, I, I think you hit the  
12 nail on the head. There are other agencies that are  
13 responsible for some of those other concerns.

14 The topography is a factor when you consider  
15 zoning, just because that has, that affects how you measure  
16 the height of buildings. If you're on a sloped street, you  
17 know, where do you set the height of measuring the building?  
18 That's about the extent of it.

19 CHAIRMAN HOOD: Mr., yes?

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

22 COMMISSIONER MAY: Can you state your name again?  
23 I --

24 MR. BUSH: I'm sorry, Sylvester Bush. But if, if  
25 zoning is the first phase, because the other agencies will

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1 not get involved until it's zoned. It's got to be zoned  
2 first, okay? And then after it's a zone, that means then it  
3 can be built on.

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

6 CHAIRMAN HOOD: Mmhmm.

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

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

12 MR. BUSH: Right.

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

17 As you heard my colleagues ask --

18 MR. BUSH: Right.

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

20 MR. BUSH: Right.

21 CHAIRMAN HOOD: Now, you all may have discussed  
22 development, the Applicant may have told you, particularly,  
23 something, what they're thinking, what they're visioning,  
24 envisioning. But from our standpoint, we have to deal with  
25 just a re-zoning.

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1           That's why you heard us ask for the worst case  
2 scenario --

3           MR. BUSH: Okay.

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

6           MR. BUSH: Now, okay.

7           CHAIRMAN HOOD: So that's the way we have to do  
8 that. This is not a PUD, where we can go in and say, we, you  
9 can't go back but so far, you can't go high but so far, you  
10 can't do this, there, there's, there are certain requirements  
11 for each zone.

12          MR. BUSH: Right.

13          CHAIRMAN HOOD: Okay?

14          MR. BUSH: No, I --

15          CHAIRMAN HOOD: So --

16          MR. BUSH: -- I guess I, the point I was trying to  
17 make was, the fact is that if, if it's not re-zoned, you  
18 would never get to the --

19          CHAIRMAN HOOD: I, I know where you going with  
20 that.

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

23          CHAIRMAN HOOD: Because then we won't have to go  
24 any further.

25          MR. BUSH: Right.

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

3 (Laughter.)

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

5 MR. BUSH: I'm --

6 CHAIRMAN HOOD: -- leave it at that.

7 MR. BUSH: Thank you, sir.

8 CHAIRMAN HOOD: Because I, I, I've been here long  
9 enough sometime to be, I have to be very careful of what,  
10 because I've done it in my neighborhood. I have to be  
11 careful of what I ask for, because I got it. Okay.

12 All right, any other questions up here?

13 All right, so if I could just get that, I think  
14 I just asked for one thing. Okay. Thank you very much.  
15 Thank you all. We appreciate your testimony.

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

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

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

25 Okay, turn your mic on so we can get --

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1 MS. DEAN: Okay.

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

3 MS. DEAN: Yes.

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

8 REV. HAYNES: Good evening, gentlemen. My name is  
9 Alton Haynes. I live at 3027 Nash Place Southeast for well  
10 over the last 40 years. I'm just a couple of steps south of  
11 70.

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

20 Being a pastor in that neighborhood, I'm a little  
21 concerned that you had a couple of people in here speak  
22 tonight, stating they're representing the neighborhood, and  
23 I'm totally confused, because the only meeting I know about  
24 was the meeting that they held at Pennsylvania Avenue Baptist  
25 Church here a couple of weeks ago. I haven't received

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1 anything at my house, or anything else concerning the project  
2 that they was intending.

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

11 And I want to leave something with you that my 23  
12 year old grandchildren said, once they went over there, and  
13 got that free ice cream. They said, you know, granddaddy,  
14 this is, this is interesting. We getting some free ice  
15 cream. Don't nothing come free 'round here.

16 And so, I'm going to leave you with that thought,  
17 and the thought that not one religious person was represented  
18 in here tonight. And sitting all the way back there in the  
19 back, I noticed after the people that, two people that was  
20 representing, supposedly representing the neighborhood,  
21 they're not even interested enough to stay. They're gone.

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

25 CHAIRMAN HOOD: Thank you. And you said you're a

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1 minister. Are, are you a minister?

2 REV. HAYNES: Yes, I am.

3 CHAIRMAN HOOD: You said, okay --

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

6 CHAIRMAN HOOD: Okay.

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

9 CHAIRMAN HOOD: And what's your church again? I'm  
10 just --

11 REV. HAYNES: Faith's Shepherd Baptist --

12 CHAIRMAN HOOD: Yes, sir.

13 REV. HAYNES: -- Church.

14 CHAIRMAN HOOD: Okay.

15 REV. HAYNES: 3233 E Street. We built it about two  
16 years ago.

17 CHAIRMAN HOOD: Okay.

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

20 CHAIRMAN HOOD: Okay.

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

22 CHAIRMAN HOOD: We --

23 REV. HAYNES: -- with dirt.

24 CHAIRMAN HOOD: -- we, we, we may have some  
25 questions. I just wanted to know, I wanted to get that in,

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1 sometime I sidebar, but I just want to know what church.  
2 Okay. Next.

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

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

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

16 I know we're not here to basically talk about the  
17 water problems, but we do know that by constructing, that  
18 things like that can impact the neighborhood. I'm here to  
19 say that, you know, I'm opposed simply because I've seen,  
20 I've seen the destruction of peoples' basements myself, and  
21 I also know that by building that structure higher than it  
22 needs to be, will definitely impact their homes.

23 And I came in support of my neighbor. We have a  
24 closely knit community, and I felt that, you know, that I  
25 might be able to help by presenting my own testimony. And

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1 that's why I'm here today.

2 CHAIRMAN HOOD: Thank you. Next.

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

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

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

11 I found out through my neighbor, Ms. Morgan, and  
12 my first thought was, it's time for me to put my house on the  
13 market, because I've been through that before in DC, with  
14 them re-zoning the, the area over there, or the rec center  
15 on East Capitol Street. And at that time, I was the  
16 president of the homeowner's association, and I knew the  
17 impact that it had with the homes that was right up against  
18 the property.

19 The re-zoning would definitely impact my property,  
20 because my back is facing the shopping center. And with the,  
21 my concern in the, is the residential part of it, because the  
22 privacy will be gone. I would lose the privacy. I do have  
23 a child in the neighborhood. I know some people think that  
24 there, there's not a lot of children in the neighborhood, but  
25 there really are.

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1           And right now, and I can sit out back of my house,  
2 and I might see people here and there, but I'm really  
3 concerned about, with me having a child, the danger of me  
4 being able to keep things in my backyard. I now, I have to  
5 install a camera, because if you talking about building  
6 homes, apartments, or condos, that they could directly  
7 impact, look down into what we have. And then the foot  
8 traffic.

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

14           CHAIRMAN HOOD: Thank you. Next.

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

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

25           And so we're talking about the quality of air and

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

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

13           So with that said, I would like to keep my  
14 privacy, air, you know, and light, and somewhere where my  
15 family is, in our front living room, we have the light of the  
16 day, play around with my kids, and that would have a huge  
17 impact on us.

18           So with that, I would hope that you would vote  
19 against re-zoning, this re-zoning authorization.

20           CHAIRMAN HOOD: Thank you. Next.

21           MS. DEAN: Good evening. My name is Marla Dean,  
22 and I live at 3240 O Street. And I support the refurbishing  
23 of the current building. In fact, I would like to move my  
24 organization, Bright Beginnings there. So totally support  
25 that.

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1           What I do not support is the fact that they have  
2 not engaged the community as they say they have. In fact,  
3 I have spoken on many occasions, as one of the younger -- so-  
4 called younger -- residents of O Street. Which means -- I'm  
5 48, so I'm not that young -- but I've said that many of my  
6 residents, my neighbors, are ill, and they cannot come to  
7 these meetings.

8           And so, if you don't have a meeting right on our  
9 block, and if you don't knock on the door, and you don't let  
10 them know, then you are not engaging them. In fact, Ms.  
11 Morgan and I, and Ms. Richards met with our ANC Chair, and  
12 we wanted to see the resolution, and Mr. Hammond would not  
13 even let us see the resolution to even know what they were  
14 agreeing to.

15           Furthermore, we said this same comment. I do,  
16 because I go to many meetings, and said the same thing to the  
17 Penn-Branch Civic Association. I have letters from my  
18 elderly residents on my block, all in opposition - because  
19 they can't come out.

20           Ms. Kane had her daughter, who's here from  
21 Atlanta, who brought her here. But most of my neighbors are  
22 not mobile, and can't come out - and I've expressed this to  
23 Jair Lynch, I've expressed it to Penn-Branch Civic  
24 Association, and I've expressed this to Mr. Hammond, none of  
25 which heard it, and came here and misrepresented what they

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1 say about O Street.

2           They do not speak for O Street. You can see O  
3 Street is here, and we do not support this at all.

4           CHAIRMAN HOOD: Thank you. Next.

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

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

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

19           But a residential building, I -- I am definitely  
20 opposed to it, because it will add more traffic to this  
21 lovely neighborhood, and more traffic, more trash, and the  
22 air quality will -- will be terrible. So we have signed  
23 letters that definitely talk about all of these things, and  
24 that's why I'm here.

25           CHAIRMAN HOOD: Thank you. Sure.

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1           REV. HAYNES: Sir, I want to ask you to -- if you  
2 would be kind enough, this Commission, to delay the vote.  
3 I'm all for economic development and all, but delay the vote  
4 until I can get the community -- the religious community  
5 involved.

6           You've got over nine churches within the area that  
7 you're talking about building something, and -- and nobody  
8 in the religious community knows about this.

9           I don't even believe the pastor of Pennsylvania  
10 Avenue Baptist Church knows. They just allowed them to hold  
11 the ANC meetings and all that. I don't think -- he probably  
12 doesn't even know about this shopping center that they are  
13 talking about.

14           And what I would like to do is bring it before the  
15 Ministers Conference, especially for --

16           CHAIRMAN HOOD: The Baptist Ministers Conference?

17           REV. HAYNES: Yes.

18           CHAIRMAN HOOD: Okay.

19           REV. HAYNES: Especially --

20           CHAIRMAN HOOD: I've actually been to speak to the  
21 Baptist Ministers Conference. I'll let you know I'm a  
22 deacon, so I've -- I've talked to ministers. I know Kendrick  
23 Curry.

24           REV. HAYNES: Yes.

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

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1 REV. HAYNES: Floyd --

2 CHAIRMAN HOOD: Yeah, I know --

3 REV. HAYNES: Okay. Okay.

4 CHAIRMAN HOOD: -- all of them.

5 REV. HAYNES: All right.

6 CHAIRMAN HOOD: I've been there, I've talked to  
7 them, I've worked with them. If we go down that route, which  
8 -- I'm actually going to tell you, I've been invited to bring  
9 the Office of Zoning, at some point in time, I think Durant,  
10 or -- but anyway, I've been invited, at some point in time,  
11 to come out and talk to the ministers about --

12 REV. HAYNES: I only want those churches in -- in  
13 that particular --

14 CHAIRMAN HOOD: You want to seclude it to -- but  
15 you said the Ministers Conference --

16 REV. HAYNES: But you see --

17 CHAIRMAN HOOD: You -- you want them to come over  
18 --

19 REV. HAYNES: -- all of them are part of the  
20 Ministers Conference.

21 CHAIRMAN HOOD: Right --

22 REV. HAYNES: I -- I just want to include those  
23 churches are -- that are in that area --

24 CHAIRMAN HOOD: On this -- on just this topic?

25 REV. HAYNES: Yes, yes.

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1 CHAIRMAN HOOD: Okay.

2 REV. HAYNES: Yeah, that's what I'm talking about.

3 CHAIRMAN HOOD: Okay, because they, they want to  
4 hear --

5 REV. HAYNES: Not the whole --

6 CHAIRMAN HOOD: -- the whole thing --

7 REV. HAYNES: -- not the whole thing --

8 CHAIRMAN HOOD: They want to hear the whole thing.

9 REV. HAYNES: Right, no, no. Not the whole thing  
10 --

11 CHAIRMAN HOOD: Okay. All right.

12 REV. HAYNES: -- but just those pastors that are  
13 in that immediate area, right.

14 CHAIRMAN HOOD: Okay. Well, I would, I would  
15 suggest -- let me just say this, Reverend. I would suggest  
16 that you work with the Applicant on this, depending upon --  
17 I don't know which way the Commission's going, or what we're  
18 going to do, or what we're going to ask for at this point.  
19 I do know there will be some time, maybe Mr. Lynch can come  
20 out and talk to the Ministers Conference. You all meet on  
21 Mondays, right?

22 REV. HAYNES: Every Monday --

23 CHAIRMAN HOOD: Make sure you invite him to when  
24 you all eat the food too now. Don't just have him come out  
25 for the meeting.

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1 (Laughter.)

2 CHAIRMAN HOOD: See, I know about all that. Okay,  
3 but let me -- let me, seriously -- on a serious note, let me  
4 go back to you, young lady.

5 With all due respect, though, Pastor, I'm serious  
6 about that.

7 Let me ask you this, you said East Capitol Street,  
8 the re-zoning, and I was around for that. And --

9 MS. MAY: Yes.

10 CHAIRMAN HOOD: -- I just kind of want to know,  
11 what -- what were the drawbacks? Was it a re-zoning, or was  
12 that a PUD that didn't get done?

13 MS. MAY: They were trying to re-zone it to -- the  
14 tenants' center to a rec -- they wanted it to be a rec  
15 center, to re-zone it to a recreation center. They wanted --  
16 it's a tenants' center, a private tenants' center, on W --

17 CHAIRMAN HOOD: Are we talking --

18 MS. MAY: -- Washington, it's an education  
19 foundation.

20 CHAIRMAN HOOD: Okay.

21 MS. MAY: So the initial thing, it's a rec -- they  
22 zoned it to a rec center, but it's actually a tenants'  
23 center. They have the rec center right beside it, Benning  
24 Stoddert Rec Center. And we came -- I came down and  
25 testified --

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1 CHAIRMAN HOOD: Hold on a second. I -- the reason  
2 I'm asking, because I always -- I'm always interested in  
3 things that we do, and the outcomes. And when somebody tells  
4 me something that, especially I've been involved with, or  
5 we've been involved with, you -- can you add some light,  
6 because I don't remember that one.

7 COMMISSIONER MAY: You know, it might have been a  
8 BZA case.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER MAY: I don't remember the case.

11 CHAIRMAN HOOD: Okay, well, hopefully it was --

12 COMMISSIONER MAY: But this is, I mean, it's the  
13 Benning Stoddert Rec Center, and they build a tenants'  
14 education facility, so --

15 MS. MAY: The tenants' center, right, but that's,  
16 so they was re-zoning --

17 COMMISSIONER MAY: Yes.

18 MS. MAY: -- the rec center --

19 COMMISSIONER MAY: Yes, it's --

20 MS. MAY: -- stayed there, but they were supposed  
21 to re-zone for the tenants' center to -- they wanted to --  
22 they was expanding --

23 COMMISSIONER MAY: Yes.

24 MS. MAY: -- the size of the building, but they  
25 wanted it to --

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1 COMMISSIONER MAY: Right.

2 MS. MAY: -- be --

3 CHAIRMAN HOOD: So that was a BZA --

4 COMMISSIONER MAY: So I -- it might have been a  
5 Board of Zoning Adjustment case --

6 CHAIRMAN HOOD: Right.

7 COMMISSIONER MAY: -- which is a -- some level of  
8 relief for the zoning regulations, but it's not actually re-  
9 zoning the property. But any case, it's -- from your  
10 perspective, I don't think that makes a difference. It's  
11 just sort of --

12 CHAIRMAN HOOD: Right, right, but when she said 58  
13 --

14 COMMISSIONER MAY: From our perspective, it's  
15 different.

16 CHAIRMAN HOOD: I thought she was talking 58 for  
17 the East Capitol, and that's --

18 COMMISSIONER MAY: Yeah.

19 MS. MAY: No, it's the second --

20 CHAIRMAN HOOD: -- that was in front of us.

21 MS. MAY: I think this is 2 Stoddert Place --

22 CHAIRMAN HOOD: Stoddert, okay. Okay.

23 MS. MAY: -- that's the address. Yes.

24 CHAIRMAN HOOD: But I'm always interested to know  
25 what really, really, really happens. But in that case, that

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1 was a BZA case. I thought it was the 58th and East Capitol,  
2 which I was going to have some heartburn.

3 It was another case -- and I still have some.  
4 There's another case that I want to -- you said something --  
5 you have those -- you have some letters. Are those different  
6 than the letters that we already have?

7 MS. DEAN: These are all the letters that were  
8 emailed around 3:00 today.

9 CHAIRMAN HOOD: Oh, so --

10 MS. DEAN: These were all the --

11 CHAIRMAN HOOD: So we already have them? We have  
12 them. Okay. So we have them.

13 MS. DEAN: Okay, but I just want to let you know  
14 who they come from. They come from my --

15 CHAIRMAN HOOD: Yes. I got you.

16 MS. DEAN: -- neighbors who are elderly, who are  
17 not able to come --

18 CHAIRMAN HOOD: I got you, and I appreciate you  
19 doing that. Okay.

20 MS. DEAN: Yes.

21 MS. MORGAN: May I -- may I say something, in back  
22 --

23 CHAIRMAN HOOD: Ms. -- Ms. Morgan, Ms. Morgan, now,  
24 you know -- Ms. Morgan, now, come on.

25 (Laughter.)

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1 CHAIRMAN HOOD: I'll tell you, we was almost  
2 towards the end.

3 (Laughter.)

4 MS. MORGAN: I -- I just wanted to say something,  
5 in --

6 CHAIRMAN HOOD: Ms. Morgan, Ms. Morgan. Ms. Morgan  
7 --

8 MS. MORGAN: -- in reference to --

9 CHAIRMAN HOOD: Ms. Morgan, could you do me --

10 MS. MORGAN: -- the church --

11 CHAIRMAN HOOD: Ms. Morgan, can you do me a favor?

12 MS. MORGAN: Yes.

13 CHAIRMAN HOOD: Can you whisper it in somebody's  
14 ear? Because you've --

15 MS. MORGAN: Okay.

16 CHAIRMAN HOOD: -- left the table, and let them  
17 tell me.

18 REV. HAYNES: She said the pastor of Pennsylvania  
19 Avenue Baptist Church is with us, and that he knows about it,  
20 so.

21 CHAIRMAN HOOD: Dr. Curry.

22 REV. HAYNES: Yes, Dr. Curry.

23 CHAIRMAN HOOD: All right. All right.

24 MS. MAY: May I make one more comment?

25 CHAIRMAN HOOD: Sure. Might as well. Ms. Morgan

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1 came up and did what she wanted to do, so you can go.

2 (Laughter.)

3 MS. MAY: I attend Southeast Christian Fellowship,  
4 which is on Branch and Q Street, and I did notify someone in  
5 the church to let them know this was going on. They had no  
6 idea. But of course, I forgot the date. So that's why they  
7 don't have representation today.

8 CHAIRMAN HOOD: Okay. Okay. Well, I'm sure there  
9 will be some time for you to do what you're trying to do and  
10 work with Mr. -- the Applicant, and those. Okay, let's --

11 MS. KANE: I would -- I would like to add to that.  
12 I -- I know the former pastor of Southeast Community Church.  
13 And they had a significant water problem a few years ago.

14 MS. MAY: Yes.

15 CHAIRMAN HOOD: Okay. Okay. I -- I think -- I  
16 think we get it. And I think everybody gets it. I think we  
17 -- we're all on the same page. So to see how we move forward  
18 is what this Commission's going to have to deal with. Any  
19 other questions --

20 MS. DEAN: Could I just say one last thing, please?  
21 If you do a customized zone, this will force Jair Lynch to  
22 really engage with the people who are most impacted, and they  
23 have not done that. I've been at many meetings, and there  
24 are many representations, and they've changed from meeting  
25 to meeting. And so, I -- you don't know where they land, and

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1 I even know Mr. Tate. I am his former English teacher for  
2 ninth grade. And so -- and I'd said to him that, you know,  
3 you need to be honest with the residents of our community.

4 CHAIRMAN HOOD: Who is Mr. Tate?

5 MS. DEAN: He's from Jair Lynch.

6 CHAIRMAN HOOD: You were his English teacher?

7 MS. DEAN: Yes, I was.

8 CHAIRMAN HOOD: Oh, well, you weren't mine too,  
9 were you? No, I'm just playing.

10 (Laughter.)

11 CHAIRMAN HOOD: I'm just playing.

12 MS. DEAN: So -- but if you do that, then that will  
13 give an honest opportunity for our community, meaning O  
14 Street, to really engage with them. We do want some  
15 amenities. We do want certain things. But we do not want  
16 what is being forced upon us.

17 CHAIRMAN HOOD: Okay. I think he heard that.

18 MS. DEAN: Yes.

19 CHAIRMAN HOOD: I don't think I need to repeat  
20 that. They heard that.

21 (Laughter.)

22 CHAIRMAN HOOD: Okay. Anything else up here?  
23 Okay. I want to thank you all. We appreciate it.

24 All right. I have some undeclared. Okay. Okay.  
25 Ms. Robin Marlin, undeclared, okay. Is anybody else

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1 undeclared?

2           Okay, Ms. Marlin, you're the Chair there. Are you  
3 speaking individually, or as the Chair of the ANC, or how are  
4 you doing it?

5           MS. MARLIN: I'm speaking as an individual.

6           CHAIRMAN HOOD: Individual, okay. You may begin.

7           MS. MARLIN: I'm speaking as an individual,  
8 Commissioner.

9           CHAIRMAN HOOD: Okay.

10          MS. MARLIN: First of all, let me just say, I've  
11 sat here, and I've listened to a lot of discussion about the  
12 project. And the one thing that troubled me as I listened  
13 was that there's a lot of division, and we should be excited  
14 about having a shopping center coming to our community. We  
15 should be looking forward to it, and welcoming it. But I do  
16 understand everyone's position.

17          But I want to be clear about the ANC, because I  
18 sat here, and I heard things about the ANC that I absolutely  
19 -- I don't want to say disgust me, but it's unfair.

20          The ANC commissioners work full-time. I work a  
21 full-time job. Most of us do. And then we try to, in our  
22 spare time, and I use a lot of that, to serve our  
23 constituents.

24          So for anyone to appear here and tell you that  
25 we're speaking for them, or trying to represent their

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1 thoughts, or what they should have on their street is just  
2 not true. And I want to be clear about that.

3 As Chair, since you mentioned that, if a  
4 constituent in 7B had a concern, they could have reached out  
5 to the Chair. We have seven commissioners, and they could  
6 have reached out to any one of us if they felt the single  
7 member district commissioner was not representing them the  
8 way they wanted to be represented.

9 On your first panel, you had four opponents out  
10 of the eight that sat at this table, that are well-ingrained  
11 in the Penn-Branch community in that neighborhood. Four of  
12 them, I talk with on a regular basis, and consider them not  
13 only constituents, but friends. And they could have  
14 certainly rallied the people on O Street the way they've  
15 done here.

16 The ANC is open to everyone. The ANC holds  
17 monthly meetings -- excuse me. The place and the time is  
18 publicized. One leader on O Street, who I have the utmost  
19 respect for, knows that the ANC meets monthly. And  
20 certainly, these individuals could have come to us, and let  
21 us know what their feelings were -- just like those that were  
22 in favor of the project came to us.

23 It just really shocked me to have this many people  
24 come in opposition. I sympathize with what they're saying,  
25 because actually, when the developer came to our executive

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1 meeting, I questioned the map amendment -- why not a PUD?

2           And the same explanation that was given here by  
3 one of the representatives is, well, it takes too much time.  
4 But the ANC is -- just like your body, we're composed of --  
5 at that time, we had six representatives. And I understand  
6 that one of the individuals at this table, the leader on O  
7 Street, reached out to one commissioner. We've got six, and  
8 she could have done that.

9           To come here to voice that, when she well knows  
10 that there's an ANC body that could support them, is really  
11 disappointing for me. And I wanted to put that on record.

12           I'm open for questions.

13           CHAIRMAN HOOD: Okay. Thank you. So, let's see  
14 what -- are you two undeclared too?

15           MS. FRAZIER: No, we're in opposition.

16           CHAIRMAN HOOD: You're in opposition. Is there  
17 anyone else who'd like to testify? Okay. Let's go -- let's  
18 start with -- go ahead.

19           MS. FRAZIER: My name is Sharon Frazier, and I'm  
20 a -- my late husband purchased our home 34 years ago on O  
21 Street. I'm directly behind the shopping center.

22           I just wanted to go on record that I agree with  
23 all the residents that have spoken on O Street, who oppose  
24 the re-zoning. I adamantly oppose the re-zoning.

25           I do understand that that shopping center needs

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1 improvement, but the building of housing behind our homes,  
2 I -- I fear will directly impact us. I have -- I support a  
3 geological study if it has or hasn't been done, because I --  
4 I have a drainage area behind my home, a sewer drainage area,  
5 I have water problems, and I've also had to shore up the back  
6 of my home. I'm very concerned about building behind the --  
7 the shopping center.

8           Again, I -- I request that you all do not approve  
9 the re-zoning plan that has been put forth. Thank you.

10           CHAIRMAN HOOD: Thank you. Next.

11           MS. LOVELACE: My name is Clarissa Lovelace. I  
12 live on O Street at 3219. I'm the next door neighbor to  
13 Julie Rones and to Sharon Frazier.

14           I deal with water problems too. My property would  
15 be directly affected by the building of a new structure.  
16 Every home on O Street, on both sides of the street, are  
17 already in a fragile state from the building of the O Street  
18 wall, twice, and the building of the wall that's behind our  
19 properties.

20           We can't take too much more without having  
21 structural damage to our properties. I am opposed to the  
22 building of a new structure on the Penn-Branch property.

23           I do agree that the existing structure needs to  
24 be upgraded. I -- I think we all agree with that. But  
25 that's as far as it should go. Our properties will not take

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1 another pounding from all the heavy equipment that they use,  
2 and the digging, and the pounding.

3 And -- and not only do we go through something  
4 physically, our properties take a beating, too. And that's  
5 all I have to say. Thank you.

6 CHAIRMAN HOOD: I want to thank all of you. Let's  
7 see if we have any questions up here. Any questions? Okay.  
8 Thank you all very much. We appreciate it.

9 Okay, Ms. Schellin, we --

10 MS. SCHELLIN: Need to schedule some dates?

11 CHAIRMAN HOOD: Yes, but let me -- let me see, do  
12 we -- Commissioners, do we have any wrap-up comments?

13 I've heard a -- I've heard a lot of - and I'm not  
14 typically, I want -- I've heard a lot of conversation about  
15 having conversations with the community. On one  
16 circumstance, I hear that it was done, on the other one, it  
17 hasn't been done to a certain point, with certain neighbors,  
18 who are probably most impacted. That's -- that's the way  
19 I've resolved all this in my process and in my thinking.

20 So I'm going to ask, even as we move forward, when  
21 we come up with some dates, that we be cognizant of allowing  
22 time for them to maybe have some continued conversations with  
23 -- with the community, because at the end of the day, that  
24 community's going to be there, whatever goes on on that  
25 property, if it's a re-zoning, or whatever. Continue to have

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1 -- keep having those conversations.

2           And I want to make sure, Ms. Schellin, that we  
3 allow enough time for those conversations to be had.

4           Now, some of the things that are not within our  
5 jurisdiction -- probably shouldn't have said that, because  
6 that will be brought up to me again, that I always say it's  
7 not in our jurisdiction -- but legally, some things are not  
8 within our jurisdiction. And there are other government  
9 agencies, as we mentioned earlier, will be the ones who look  
10 at some these things.

11           The Zoning Commission is not the all, with-all,  
12 or the end-all. There are other sign-offs that have to  
13 happen on all projects in this city. Again, we just deal  
14 with the land use.

15           So I just want to make sure, Ms. Schellin, that  
16 we allow enough time for this Applicant to go back out, and  
17 have some conversation, especially with O Street, and -- and  
18 even at that, look at some of the comments that we have made  
19 up here about the specialized zoning, and some other comments  
20 that we threw out there.

21           So I want to make sure that whatever time we put  
22 out there, we allow for that. I don't know if my colleagues  
23 are in tune with that, or if they'd like to go in another  
24 direction, but let me hear from you. Mr. Turnbull.

25           MR. TURNBULL: I think, no, Mr. Chair, I -- I agree

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1 with you. I -- I think what -- what's troubling in a way is  
2 that the zoning process is not easily understood by everybody  
3 -- the Zoning Commission, what we do, or how you do it. And  
4 I think even a lot of people don't understand the ANC process  
5 at times. I think a lot of people in the -- in the  
6 neighborhood don't understand it.

7           So -- and I think when we get into something like  
8 this, which is a -- a map amendment with -- with some up-  
9 zoning, and I think there's a lot -- a lot of confusion comes  
10 out of it, and a lot of people don't understand. And I think  
11 that's when you get to a situation where you've sort of got  
12 to go the extra measure, and do exactly what you said.

13           I think there's got to be a little bit more  
14 outreach, and communication, and dialogue, and just sit down,  
15 people talking over the issues, and -- and going through it  
16 all, because it's -- I mean, when you have this many people  
17 who are on O Street that come before us that are really  
18 troubled, I -- you wonder where it broke down. And I'm not  
19 sure. I'm not blaming anybody. But somehow, something broke  
20 down in the process of meeting and understanding.

21           And I think that's got to be patched up. I think,  
22 somehow, there's got to be communication, and some -- there's  
23 got to be some working between the Proponent, the Applicant,  
24 and -- and the community. I think we've got to really -- and  
25 the ANC. I think somehow, we've got to pull together, and

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1 try to bring this back into a more manageable form, so that  
2 everybody understands. And hopefully, we can get some  
3 concurrence on -- and going forward.

4 CHAIRMAN HOOD: Any other comments? Commissioner  
5 May.

6 COMMISSIONER MAY: Yeah, I -- I do think that there  
7 is a -- that it would be smart, at this moment, to just take  
8 a little bit more time, and have some further conversations  
9 between the Applicant and the community, because I think that  
10 there's - I mean, we see -- we heard assurances from the  
11 developer that their -- or the Applicant that they -- they  
12 plan to develop something that is sensitive to the context.

13 The, you know, the problem is that we -- when we  
14 do a map amendment, we don't really have any guarantee of  
15 that, because we can't see exactly what's being developed.

16 But it seems to me that there is, certainly given  
17 the size of the property, and the way it is placed, that  
18 there is an opportunity to -- to re-zone it, to redevelop it,  
19 and to do something that is still quite sensitive to the  
20 abutting neighbors.

21 And I'm not sure how the Applicant can communicate  
22 that to the -- the abutting neighbors, and at the same time  
23 give us the guarantees that -- that we think we'd want to  
24 see, in terms of, you know, assurances that the worst  
25 possible scenario will not happen.

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1 But I think there is room for it, somehow. I'm  
2 not sure what the right zoning solution is at this moment,  
3 but I think that taking a little bit more time for the  
4 Applicant to have further discussions with the community, and  
5 with the Office of Planning, would make sense.

6 CHAIRMAN HOOD: Okay. Vice Chair Miller.

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah,  
8 I would agree with my colleagues. Can I ask the Office of  
9 Planning, would this -- if we did a map -- if we did the map  
10 amendment, would this project go through a large track review  
11 process, which would involve more engagement by your office  
12 with the community to try to work with the developer to  
13 mitigate height and other setback issues, or --

14 MS. STEINGASSER: No, the -- the large track review  
15 is a non-binding pre-permit review. So it's circulated  
16 amongst the community and the various city agencies to look  
17 at issues that they'll be looking at as part of the building  
18 permit and construction --

19 VICE CHAIR MILLER: Would this --

20 MS. STEINGASSER: -- review.

21 VICE CHAIR MILLER: -- be subject to large track  
22 review?

23 MS. STEINGASSER: Yes.

24 VICE CHAIR MILLER: It would be.

25 MS. STEINGASSER: Depending on the size, yes.

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1 VICE CHAIR MILLER: So there would be that --

2 MS. STEINGASSER: There -- there would, but as far  
3 as establishing any additional setbacks that would be  
4 required, that would not be part of that.

5 VICE CHAIR MILLER: It -- it wouldn't be required.

6 MS. STEINGASSER: No.

7 VICE CHAIR MILLER: It would be just, you're  
8 encouraging, and seeing if --

9 MS. STEINGASSER: Right.

10 VICE CHAIR MILLER: -- they do it. I -- I mean,  
11 I think in retrospect, this probably should have been a PUD.  
12 I think that would have just allowed us to -- the city's  
13 going to do, wanted, and I think the community has wanted  
14 this property redeveloped and upgraded for decades. And we  
15 have a -- a very progressive developer, who is committed to  
16 -- to doing that finally, and we don't want to lose that  
17 opportunity, and I don't want to cause something that would  
18 delay it.

19 So yes, I would -- I would encourage the developer  
20 to work with the community to see if they can assuage the  
21 concerns that have been raised.

22 I did -- I think I did request, if we didn't have  
23 in the record, a shadow study from the Applicant that  
24 compared what the matter of right currently would cause for  
25 the adjacent properties, and what the -- what the proposed

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1 map amendment massing would cause.

2 CHAIRMAN HOOD: Worst case scenario.

3 VICE CHAIR MILLER: What?

4 CHAIRMAN HOOD: We all -- we all want that.

5 VICE CHAIR MILLER: Yes. That's the worst case  
6 scenario. Right. Of course, I did ask the question about  
7 the best case scenario, which I think is what everybody  
8 really wants out of this project, which is the grocery store,  
9 and I think we do need residential development there to  
10 support the -- the upgrading of the commercial. That's what  
11 happens, and I think it's consistent with the comprehensive  
12 plan designation, and the small area plan. So I guess that's  
13 my ambiguous comments. Mr. Chairman?

14 CHAIRMAN HOOD: Okay. I think -- I think, as we've  
15 stated -- and I know we've been joined by others at the time  
16 -- and I think a number of us have stated that this Applicant  
17 has been -- been one that you can trust, one of maybe three  
18 or four across the city that you can really trust.

19 But still, this re-zoning, after we do it -- it's  
20 -- that's the end of it. It's out of our hands.

21 But I see the Chair asking, and I -- and I have  
22 to be fair. The Chair is asking to come back and say  
23 something. So Ms. Morgan, I'm going to have to rescind my  
24 comment as a result of what the -- whatever the Vice Chair --  
25 so if you want to come back, Ms. Morgan, and say something

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1 and the Chair come back and say -- these are the last two.

2           If you -- if you really have to, you can come back  
3 and say something. I'll give you a minute and a half. So  
4 that mean you going to take three.

5           MS. MARLIN: Okay, so I just wanted to say, since  
6 you didn't have questions for me, I was going to address some  
7 -- some of the comments that were made.

8           But I think if the Applicant would move away from  
9 concentrating so much on the Office of Planning, which I  
10 really have no faith in as a Commissioner, and directing  
11 projects that are really favorable for communities. I think  
12 if they would concentrate on what the residents want, versus  
13 this continuation of pushing what the Office of Planning says  
14 is a small amendment, says this, the text amendment says  
15 this.

16           I think they need to back up, and think about what  
17 the residents want. I heard you say that, you know, this is  
18 for -- for the community, for us. But they, I think -- and  
19 the presentation that they gave here about the -- the  
20 comprehensive plan, was very comprehensive.

21           I'd never seen anything like that. And they came  
22 to our exec meeting, and that wasn't presented to us. And  
23 I think they need to move away from -- it infuriates me when  
24 someone says, well, if you don't do this, you're not going  
25 to get that, telling us that, well, if you don't go with

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1 this, the map amendment, then we're going to -- you know,  
2 we're going to move away, because people are not going to  
3 wait for development to come. I get that.

4 Now, the last person who said that to me was  
5 Council Member Brazil. If you want Skyland, you better go  
6 my route or no route - and he's gone. So I just think they  
7 need to refocus on the community, on us, and then come to you  
8 all for the zoning issues.

9 CHAIRMAN HOOD: Okay.

10 MS. MARLIN: Don't bombard us with that. I think  
11 they need to focus on the community.

12 CHAIRMAN HOOD: Okay. Ms. Morgan.

13 MS. MORGAN: Thank you.

14 CHAIRMAN HOOD: You got back to the table anyway,  
15 didn't you?

16 MS. MORGAN: Yes. I just want to say that I -- I  
17 want it to be fair all the way around, and that is -- what  
18 we did a week or so ago, the people on O Street, and those  
19 that are surrounding, we had a meeting. The -- before, the  
20 ANC did not come to us on O Street as a community --  
21 individually, but they should have sat down with us, and  
22 discussed that plan with us. It did not happen.

23 We got together on O Street after we saw what was  
24 coming down the pipe. Now, we are not against progress. But  
25 we are the homeowners that will be directly affected by --

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1 don't anybody else that's -- that's been to this table,  
2 except those that are in opposition -- live directly behind  
3 the shopping center.

4 Sure, they have come to us individually.

5 CHAIRMAN HOOD: Okay.

6 MS. MORGAN: And when you say individually, it's  
7 not collectively.

8 CHAIRMAN HOOD: Here's what I'm going to do.  
9 Here's what I want to do, Ms. Morgan, and Chairperson --

10 MS. MORGAN: And the same with the ANC --

11 CHAIRMAN HOOD: And --

12 MS. MORGAN: -- I went to that meeting --

13 CHAIRMAN HOOD: I -- I know you did --

14 MS. MORGAN: -- and that's when the resolution was  
15 passed.

16 CHAIRMAN HOOD: I believe you were there. But  
17 here's what I'm going to do. You all have a chance -- Ms.  
18 Marlin, Ms. Morgan, you all are leaders in this -- leaders  
19 in Ward 7 for years. For years. All right, Mr. -- and Mr.  
20 Hammond as well.

21 So you all have a chance now, to forget about what  
22 happened back there --

23 MS. MORGAN: In June.

24 CHAIRMAN HOOD: -- and move forward. I heard a  
25 sermon yesterday, where he said some people are still mad

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1 with people that they've been mad with for 15 years, and  
2 those people are dead, and they still mad with them.

3           So let's leave all that back there, and let's move  
4 forward, because I know the work that both of you all do.  
5 You all have done some great work, including Mr. Hammond.  
6 And I know what you all do as communities. I've -- I've been  
7 out there. I've been in Ward 7.

8           So let's -- let's work, move forward - and I'm not  
9 trying to lecture you, because you -- you -- help raise you,  
10 my neighbor at one time years ago.

11           So I'm not trying to lecture you. I'm just trying  
12 to make sure we come -- because I can tell you what. If we  
13 did it in Georgetown, we made them come together in  
14 Georgetown, they can come together in Ward 7, as well as any  
15 other part of the city.

16           I know it can be done. This commission has seen  
17 it done. Working with the Applicant, you -- you actually  
18 have a pretty good -- I will say this. I don't know how it's  
19 going to end up. But I think you have a pretty good  
20 developer.

21           So you all can continue to work together as a  
22 community, let's work on it, and see what we can come up  
23 with. See how we can deal with this re-zoning issue, and  
24 what we need to do.

25           So I'm putting it back on you all. You all gave

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1 it to us, now I'm giving it back to you. Okay.

2 MS. MARLIN: And we could give it back to you in  
3 the end.

4 CHAIRMAN HOOD: Yeah, I'm sure you are, Ms.  
5 Marlin.

6 (Laughter.)

7 CHAIRMAN HOOD: I'll probably get it right back.  
8 Okay, so, so let's move in that fashion. You all --

9 MS. MARLIN: Thank you.

10 CHAIRMAN HOOD: -- have worked well together. So  
11 continue that. All right. All right. So let's allow a  
12 little more time. Not too much time to -- where they go over  
13 to Prince George's County.

14 But I want you also to know that I talk to people  
15 in Prince George's County as well. And they had their own  
16 Giant Food Stores that don't happen over there. So it  
17 happens everywhere.

18 So let's give them just a little more time.

19 MS. SCHELLIN: How about four weeks?

20 CHAIRMAN HOOD: What were we going to give them at  
21 first?

22 MS. SCHELLIN: Two.

23 CHAIRMAN HOOD: How much time? It's, it's --

24 MS. SCHELLIN: Typically, typical --

25 CHAIRMAN HOOD: -- is two, is three weeks --

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1 MS. SCHELLIN: -- is two weeks.

2 CHAIRMAN HOOD: -- enough time for everybody --

3 MS. SCHELLIN: So four weeks --

4 CHAIRMAN HOOD: Is three weeks enough time for  
5 everybody to come together? Ms. -- Okay, I -- I heard four.

6 MS. SCHELLIN: Okay.

7 CHAIRMAN HOOD: Is four weeks enough time -- four,  
8 okay.

9 MS. SCHELLIN: Okay.

10 CHAIRMAN HOOD: Everybody, we agree --

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: -- to four. I'm going -- I'm just  
13 going to look at these two that agree with four.

14 MS. SCHELLIN: So the Applicant would make those  
15 submissions that the Commission asked for, as well as Ms.  
16 Richards and Ms. Rones -- I don't know if she's still here,  
17 I don't think I see her. If someone knows her, maybe they  
18 could let her know.

19 They would need to make their submissions, also,  
20 for the two documents. Do you want to give them four weeks  
21 to make that submission, or that they need -- that you asked  
22 for?

23 CHAIRMAN HOOD: For --

24 MS. SCHELLIN: On the --

25 CHAIRMAN HOOD: For my, what I asked for, about the

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1 view?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: I could get that in a week. That  
4 shouldn't take --

5 MS. SCHELLIN: Okay.

6 CHAIRMAN HOOD: -- that long.

7 MS. SCHELLIN: So Ms. Richards and Ms. Rones --

8 CHAIRMAN HOOD: Or two weeks. That shouldn't take  
9 long.

10 MS. SCHELLIN: -- could make their submissions,  
11 then, in two weeks, which would be the 16th of October.

12 Okay, and then the Applicant would make its  
13 submission by 3:00 pm on October 30th.

14 And then the ANC -- well actually, the ANC is not  
15 a party, so there would be no response other than maybe OP,  
16 if they want to respond to it -- unless you want a response  
17 from the ANC regarding the follow-up meeting. That might be  
18 appropriate or not.

19 CHAIRMAN HOOD: Yeah, yeah, why, why don't we do  
20 that.

21 MS. SCHELLIN: Just the ANC?

22 CHAIRMAN HOOD: Yeah.

23 MS. SCHELLIN: Okay.

24 CHAIRMAN HOOD: Just the ANC.

25 MS. SCHELLIN: So the ANC could provide a response

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1 regarding the meeting by November 6, 3:00 pm.

2 And then we could put this on for November 13, the  
3 first meeting in November.

4 CHAIRMAN HOOD: Now, Ms. Richards, did you have  
5 something else you wanted to add, or could you come to the  
6 mic, so we can make sure we get it on the record? And then  
7 we're going to close after that point. If you could just  
8 wait until you come to the mic.

9 MS. RICHARDS: Mr. Chairman, I was going to address  
10 the time limit, but you have cleared that up with  
11 Commissioner Hammond, so I have nothing further to add.

12 I will approach Ms. Schellin after the meeting,  
13 and ask her to review the exact terms of what you asked for  
14 Julie and me, to make sure --

15 CHAIRMAN HOOD: Okay.

16 MS. RICHARDS: -- there's no confusion.

17 CHAIRMAN HOOD: Okay, sounds good. Thank you very  
18 much.

19 Okay, anything else, Ms. Schellin?

20 MS. SCHELLIN: No, sir.

21 CHAIRMAN HOOD: All right, I want to thank everyone  
22 for their participation tonight. And believe it or not, pro  
23 or con, these make for better situations for the best  
24 interest of the city for all of us. And that's what I  
25 believe, and that's what I've experienced in my 20 years of

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1 being down here.

2 With that, this hearing is adjourned.

3 (Whereupon, the above-entitled matter went off the  
4 record at 9:44 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 3200 Penn Ave PJV, LLC

Before: DC Zoning Commission

Date: 10-02-17

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

  
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Court Reporter

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