

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:  Map Amendment	    Case No. 07-14A 
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Thursday,  
September 13, 2007

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 07-14A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001, Carol J. Mitten, Chair, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chair
ANTHONY J. HOOD	Vice Chair
GREGORY N. JEFFRIES	Commissioner
MICHAEL G. TURNBULL	FAIA, AOC
JOHN PARSONS	NPS

OFFICE OF ZONING STAFF PRESENT:

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SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Hearing held on September 13, 2007.

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

2 6:40 p.m.

3 CHAIR MITTEN: Good evening,  
4 ladies and gentlemen. This is a public  
5 hearing of the Zoning Commission of the  
6 District of Columbia for Thursday, September  
7 13th, 2007.

8 My name is Carol Mitten and  
9 joining me this evening are Vice Chairman  
10 Anthony Hood and Commissioners Mike Turnbull,  
11 John Parsons and Greg Jeffries.

12 The subject of this evening's  
13 hearing is Zoning Commission Case Number 07-  
14 14A. This is a request by the Office of  
15 Planning for Map Amendments to Title 11 of the  
16 District of Columbia Zoning Regulations to  
17 change the general industry which is the M  
18 Zone and Commercial Light Industrial C-M-2  
19 Zone designations for proposed lots 817 and 56  
20 in Square 3848 and lots 800, 801 and 802 in  
21 Square 3854 and change those zone designations  
22 to Commercial Business Center which is (C-2-  
23 B). The proposed amendment would make the

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1 zoning for these properties consistent with  
2 the Generalized Land-Use Map of the  
3 "Comprehensive Plan Amendment Act of 2006."

4 Notice of today's hearing was  
5 published in the D.C. Register on July 13th,  
6 2007 and copies of that hearing announcement  
7 are available to you and they're in the wall  
8 bin by the door.

9 This hearing will be conducted in  
10 accordance with the provisions of 11 DCMR  
11 Section 3021 and the order of procedure will  
12 be as follows. We'll have the -- take up any  
13 preliminary matters first. Then we'll have  
14 the presentation by the Office of Planning,  
15 reports by any other Government agencies,  
16 report by the affected Advisory Neighborhood  
17 Commission, organizations and persons in  
18 support and organizations and persons in  
19 opposition.

20 The following time constraints  
21 will be maintained in this hearing.  
22 Organizations will have five minutes and  
23 individuals will have three minutes. The

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1 Commission intends to adhere to these time  
2 limits as strictly as possible in order to  
3 hear the case in a reasonable period of time.  
4 The Commissioner reserves the right to change  
5 the time limits for presentations if necessary  
6 and notes that no time shall be ceded.

7 All persons appearing before the  
8 Commission are to fill out two witness cards.  
9 They look like this. The cards are on the  
10 table by the door. Upon coming forward to  
11 speak to the Commission, please give both  
12 cards to the reporter who's sitting to our  
13 right and then you can have a seat at the  
14 table.

15 Please be advised that the  
16 proceeding is being recorded by the Court  
17 Reporter and it's also being webcast live.  
18 Accordingly, we ask you to refrain from making  
19 any disruptive noises in the hearing room.

20 When presenting information to the  
21 Commission, you take a seat at the table and  
22 then turn on and speak into the microphone,  
23 first, stating your name and address. Then

1 when you're finished speaking, please turn the  
2 microphone off because they tend to pick up  
3 background noise.

4 The decision of the Commission in  
5 this case must be based on the public record  
6 and to avoid any appearance to the contrary,  
7 the Commission requests that persons present  
8 not engage the members of the Commission in  
9 conversation during a recess or at any other  
10 time.

11 If you have any questions during  
12 the hearing, you can direct those to Mrs.  
13 Schellin.

14 We ask you to turn off all beepers  
15 and cell phone so as not to disrupt the  
16 hearing and now, we'll take up any preliminary  
17 matters.

18 But, before we do that, I just  
19 want to clarify for people what this hearing  
20 is about and what it is not about. It is  
21 about a map amendment and when we do map  
22 amendments, the principal thing that we  
23 consider is whether the map amendment being

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1 proposed is consistent with the comprehensive  
2 plan as I stated in the opening statement.

3           Although sometimes a map amendment  
4 facilitates a particular project, there is no  
5 project before the Commission. So, we will  
6 not take testimony this evening about any  
7 specific projects. We will only take  
8 testimony about the consistency of the  
9 proposed map amendment with the comprehensive  
10 plan. So, if you start testifying about  
11 something that goes beyond the limitations  
12 that I just advised you of, I will interrupt  
13 you and I will ask you to direct your comments  
14 only to the matter before us. So, if I  
15 interrupt you, you've been fair warned. So,  
16 don't take it harshly.

17           Is there anyone else who has  
18 anything --

19           VICE CHAIR HOOD: Madam Chair,  
20 also in the spirit of your comments, as  
21 everyone knows, this is the ward in which I  
22 live in. I've been approached by a number of  
23 people, but everyone has been stopped in their

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1 tracks and I feel that I can continue to  
2 preside in this case.

3 CHAIR MITTEN: Thank you, Mr.  
4 Hood, and knowing you as we do, we're equally  
5 confident in your ability to do that.

6 So, any other preliminary matters,  
7 anyone? Okay.

8 Then we're ready to proceed and we  
9 will begin with the report by the Office of  
10 Planning. Mr. Jackson.

11 MR. JACKSON: Good evening, Madam  
12 Chair and members of the Commission.

13 My name's Arthur Jackson. I'm the  
14 Development Review Specialist in the District  
15 of Columbia Office of Planning and I will  
16 present a brief summary of the Office of  
17 Planning's report on this application.

18 Originally, Israel Manor, Inc.  
19 filed an application on behalf of Brentwood  
20 Outlets, LLC requesting the Zoning Commission  
21 to rezone an area of proposed lot 817 on  
22 Square 3848 for General Industrial M Zoning  
23 and Commercial Light Industrial which is known

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1 as C-M-2 zone districts to a commercial  
2 business center of C-2-B district. The stated  
3 purpose was to bring this property into  
4 conformance with the Generalized Land-Use Map  
5 in the Comprehensive Plan Amendment for -- Act  
6 for 2006.

7 In response to concerns expressed  
8 by the Zoning Commission, the Office of  
9 Planning compared the zoning pattern on  
10 surrounding properties south of Rhode Island  
11 Avenue, N.W. north of Brentwood Road and east  
12 of the railroad right of way with the current  
13 plan designations.

14 Based on this analysis, Office of  
15 Planning recommended that lot 56 on square  
16 3848 and lots 800, 801 and 802 on square 3854  
17 be included for consideration in this  
18 consistency case.

19 The current pattern of C-M-2 and M  
20 zones on the property only allows retail,  
21 commercial and manufacturing uses, but no new  
22 residential uses. However, the Generalized  
23 Land-Use Map and Comprehensive Plan adopted in

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1 2006 shows that the subject property within  
2 the Rhode Island Avenue land-use change area  
3 should be indicated for a pattern of mixed use  
4 consisting of residential and commercial and  
5 non-residential. The specific plan  
6 designation is for mixed use consisting of  
7 medium density residential and medium density  
8 commercial.

9 The propose C-2-B will allow a  
10 mixture of residential and commercial uses to  
11 a low to moderate density -- to a low to  
12 moderate density. This range of land uses  
13 allowed under the proposed zoned district  
14 would not be inconsistent with the new 2006  
15 Land-Use Policy Map designation.

16 The zoned district would also  
17 support a number of other policies in the  
18 plan.

19 Based on this information, the  
20 Office of Planning recommends Zoning  
21 Commission approval of the proposed  
22 consistency rezoning.

23 That concludes the summary of the

1 OP, Office of Planning, report.

2 CHAIR MITTEN: Thank you, Mr.  
3 Jackson.

4 Questions from the Commission for  
5 Mr. Jackson? Mr. Hood.

6 VICE CHAIR HOOD: Madam Chair.  
7 Thank you, Mr. Jackson.

8 Mr. Jackson, can you do me a favor  
9 and help me and also, I'm just going to do it  
10 this way. What is permitted in the M zone?  
11 What are some of the uses that are permitted  
12 in M zone C-M-1 and C-M-2?

13 MR. JACKSON: Well, as you said,  
14 the C-M-1 and C-M-2 are generally  
15 characterized as industrial zones. So, if you  
16 look through the list of uses, they include a  
17 lot of the uses that are allowed in commercial  
18 -- other commercial zones, the C zones, but  
19 they also include cart -- carting, express  
20 moving and hauling terminals or yards,  
21 commercial athletic fields, experimental  
22 research and testing laboratories,  
23 incinerators.

1                   VICE CHAIR HOOD: Mr. Jackson, I'm  
2 not going to have you read the whole list.

3                   For example, the way it's zoned  
4 now, a trash transfer station can go there.  
5 Am I correct?

6                   MR. JACKSON: Well, the C-M allows  
7 intermediate -- yes.

8                   VICE CHAIR HOOD: Okay. And I  
9 guess maybe, Madam Chair, I need to hear  
10 something. I've been out here nine years and  
11 this Commission -- and as Office of Planning  
12 knows, I have been fighting for at least my  
13 ward and other wards, well, especially my  
14 ward. I'm prejudiced a little bit. But, and  
15 my colleagues know, we have the most C-M-1, C-  
16 M-2 and M zoning and trying to make it either  
17 commercial or residential.

18                   I've been out here nine years and  
19 to see what I saw today, I will tell you I was  
20 appalled. I was appalled because we have  
21 enough of those uses in Ward 5 and I think to  
22 the Office of Planning I've made my case  
23 clear.

1                   So, to hear this case, tells me  
2                   and I wanted you to do that so we all can be  
3                   educated and know exactly what we're doing.  
4                   I'm not talking about a specific project. I'm  
5                   talking about what can actually go there and  
6                   what can go there now.

7                   I will tell you nine years. It's  
8                   almost like all that's being turned around.

9                   Thank you. Thank you, Madam  
10                  Chair.

11                  CHAIR MITTEN: Thank you. Just  
12                  maybe to round out your comments so, what  
13                  you're saying is that the Comprehensive Plan  
14                  was changed to facilitate the transition from  
15                  the industrial zones to commercial and  
16                  residential.

17                  VICE CHAIR HOOD: Thank you for  
18                  putting it eloquently.

19                  CHAIR MITTEN: Okay. I just  
20                  wanted to kind of round it out.

21                  VICE CHAIR HOOD: But, that's  
22                  exactly right. But, you know really where  
23                  I'm --

1 CHAIR MITTEN: Yes.

2 VICE CHAIR HOOD: And we are --  
3 this Zoning Commission, we have changed land  
4 use all over the city from changing industrial  
5 use, but what's going to wind up happening is  
6 Ward 5 is going to be ward that's going to  
7 have all those undesirable uses.

8 So, I don't know what the  
9 opposition is. I'm sorry.

10 CHAIR MITTEN: Okay. Thank you,  
11 Mr. Hood.

12  
13 Just to make it also perfectly  
14 clear for the record, Mr. Jackson, if you  
15 would, is the existing zoning consistent with  
16 the new land-use designation on the  
17 Comprehensive Land Map?

18 MR. JACKSON: No, it is not.

19 CHAIR MITTEN: Okay. Thank you.  
20 Any other questions from the Commission?  
21 Okay. Very good.

22 Is there anyone here representing  
23 any other Government agency? Okay.

1           Then I think we're ready for the  
2 report from ANC 5B. Although, we don't have  
3 in the record, unless we got it tonight, a  
4 letter authorizing a particular representative  
5 from the ANC. Do we have that? Did we get  
6 that tonight?

7           Okay. So, there's no one who's  
8 authorized to represent the ANC. So, if  
9 there's any testimony from individual  
10 commissioners, we'll just take that in the  
11 normal course of having individuals who  
12 testify. Unless anyone has a letter tonight  
13 authorizing them to speak on behalf of the  
14 ANC.

15           You need to come forward and get  
16 on the microphone is you would.

17           Would you state your name for the  
18 record please?

19           COMMISSIONER CHANDLER:

20           Commissioner Chandler, 5B 03.

21           CHAIR MITTEN: Okay. And did you  
22 have a letter authorizing you speak for the  
23 ANC?

1 COMMISSIONER CHANDLER: I'm the  
2 ANC that would -- that represents that  
3 community where they plan to rezone.

4 CHAIR MITTEN: The single member  
5 district.

6 COMMISSIONER CHANDLER: Single  
7 member district.

8 CHAIR MITTEN: Right. That  
9 doesn't authorize you to speak for the ANC as  
10 a whole.

11

12 COMMISSIONER CHANDLER: No. No.

13 CHAIR MITTEN: That's what I'm  
14 calling for right now.

15 COMMISSIONER CHANDLER: That's why  
16 I wanted to ask did you want -- yes, that  
17 letter. No, we don't have that letter.

18 CHAIR MITTEN: Okay. Great.

19 COMMISSIONER CHANDLER: Okay. So,  
20 that's why I just wanted to clear that up.

21 CHAIR MITTEN: Okay. Thank you  
22 very much.

23 COMMISSIONER CHANDLER: Thank you.

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1 CHAIR MITTEN: Thank you. I think  
2 maybe Mrs. Schellin went to get the sign-in  
3 sheet. So, if you just bear with me a minute  
4 and we'll see which folks have signed up to  
5 testify. I'm hoping that's what she went to  
6 do.

7 Well, let me -- let me just see --  
8 who's here to testify in support? Anybody  
9 who's here to testify in support? Okay.  
10 Well, since there's only a few hands up, why  
11 don't you all take seats at the table and we  
12 don't need the sign-in sheet perhaps for that.

13 Mr. Collins, would you like to go  
14 first?

15 MR. COLLINS: Yes, thank you.  
16 Good evening, Madam Chair, Members of the  
17 Board -- Commission. I'm sorry.

18 My name is Christopher Collins  
19 with the law firm of Holland & Knight.

20 With me this evening are Ms.  
21 Veronica Harrison, Chairman of the Board of  
22 Directors and Ms. Carrie Thornhill who is the  
23 Managing --

1 CHAIR MITTEN: I'm going to ask  
2 you to just stop for one second. Because to  
3 be fair to everybody, I need to put you on  
4 the clock. Although, I'm not sure I know how  
5 to work it. So, just bear with me. Okay.  
6 There you go. It takes a village to run a  
7 Zoning Commission here.

8 MR. COLLINS: Mr. Collins with  
9 Holland & Knight. With me is Ms. Veronica  
10 Harrison, Chairman of the Board of Directors  
11 of Israel Manor and Ms. Carrie Thornhill who's  
12 the Managing Director of Israel Manor. Also,  
13 Mr. Lawrence Cager who's a principal with  
14 Creative Capital.

15 Israel Manor as you may recall was  
16 the original applicant for rezoning of lot 817  
17 to make it consistent with the Comprehensive  
18 Plan. That's in Case 07-14. We have a  
19 statement that was filed in that case. We  
20 refiled it in 07-14A and that statement  
21 details with particularity why the rezoning is  
22 not only appropriate, but it's necessary and  
23 it's required by law.

1 D.C. Code Section 6-641.02 says  
2 that zoning maps shall not be inconsistent  
3 with the Comprehensive Plan. It's a  
4 requirement. It's not simply a discretionary  
5 act by the Zoning Commission. The existing M  
6 Zone which is principally the most of lot 817  
7 and C-M-2 somewhat, this 1½ acre site, is  
8 inconsistent with its medium density  
9 residential and medium density commercial  
10 land-use designation.

11 The proposed C-2-B zoning would  
12 allow a height and density that is consistent  
13 or more properly is not inconsistent with the  
14 Comprehensive Plan. The C-2-B zoning would  
15 also allow development of a lower height, less  
16 density and great setbacks than the existing  
17 industrial zoning and would allow residential  
18 use, but prohibit industrial uses that are  
19 presently allowed on the site.

20 Mr. Hood asked what is allowed in  
21 the C-M and M Zone. Just to clarify, the M  
22 Zone is the most dense zone, most intense  
23 zoning. That is a zone that prohibits use.

1 It allows uses, but it also prohibits uses.  
2 It's at the end of the spectrum if you will.  
3 It prohibits strip mining. It prohibits a  
4 settling manufacturer. It prohibits  
5 slaughterhouses, but not much else. Anything  
6 goes pretty much in the M Zone as you know,  
7 Mr. Hood.

8  
9 So, with that, I just want to make  
10 that statement. Also, at this time, just turn  
11 it over to Ms. Thornhill who has a few words  
12 on behalf Israel Manor and then Mr. Cager.

13 CHAIR MITTEN: Okay. And just to  
14 be clear, again, please don't testify about a  
15 particular project. That's all I ask. Thank  
16 you.

17 MS. THORNHILL: Madam Chair, our  
18 purpose for being here today is to speak in  
19 support of the Map Amendment and the rezoning.

20 As we have discussed with many in  
21 the community, we believe very strongly than  
22 this is zoning that is -- not only needs to be  
23 able to come in compliance with the

1 Comprehensive Plan, but begins to reduce and  
2 limit the kinds of uses that can occur in that  
3 community and that that is, in fact, just as  
4 Mr. Hood has indicated, the kind of thing that  
5 the community should want.

6 And we've tried to explain that in  
7 some of the proceedings that we have had and  
8 we want you to know that we've had a series of  
9 meetings with the community around the  
10 discussions regarding the rezoning. Because,  
11 as you know, we initiated Israel Manor.  
12 Initiated this process and we're pleased to  
13 know that the Office of Planning and the  
14 Zoning Commission have now made it a municipal  
15 zoning process.

16 And I think that all that I want  
17 to say at this point is that -- except that we  
18 would appreciate an expedited decision by this  
19 Zoning Commission as it is, in fact, a  
20 restricted action if you will. A matter that  
21 is decided by law and that we -- it would help  
22 to facilitate a project that Israel Manor,  
23 Inc. would like to do to support the needs of

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1 the seniors in Ward 5 in the Brentwood area.

2 CHAIR MITTEN: Thank you, Ms. --  
3 thank you, Ms. Thornhill.

4 Ms. Harrison, did you want to say  
5 anything further?

6 MS. HARRISON: I yield to Mr.  
7 Cager.

8 CHAIR MITTEN: Mr. Cager.

9 MR. CAGER: Thank you, Madam  
10 Chairman and Members of the Zoning Commission.

11 I would just reiterate what Ms.  
12 Thornhill requested. That we would like to  
13 request the Zoning Commission review this  
14 project and its request -- this request as  
15 expedited as possible so that Israel Manor,  
16 Inc. and its partners may continue its work  
17 with other D.C. Government agencies to  
18 facilitate other activities that would be  
19 beneficial to the community.

20 CHAIR MITTEN: Okay. Thank you,  
21 Mr. Cager.

22 MR. CAGER: Thank you, ma'am.

23 CHAIR MITTEN: Anyone have any

1 questions for this panel?

2 MR. COLLINS: If I may just finish  
3 up on that. I'd like to be specific about  
4 that. There is some funding that is in  
5 jeopardy if we do not get action.

6 CHAIR MITTEN: Mr. Collins, I just  
7 -- I really --

8 MR. COLLINS: I understand.

9 CHAIR MITTEN: -- I think it's in  
10 everyone's best interest that we not focus on  
11 a particular project.

12 MR. COLLINS: We just request  
13 respectfully your action at the quickest  
14 possible time.

15 CHAIR MITTEN: We understand.

16 MR. COLLINS: Thank you so much.

17 CHAIR MITTEN: Thank you. Okay.  
18 Thank you. No questions then from the panel.  
19 Thank you very much.

20 All right. Is there anyone else  
21 who would like to testify in support of the  
22 application? All right.

23 Now, I'm going to call names for

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1 those who have signed up to testify in  
2 opposition and again, I'm just going reiterate  
3 no testimony about a specific project and then  
4 if you hear that someone has expressed your  
5 concerns, then you can just endorse their  
6 comments because we try to eliminate redundant  
7 testimony to the greatest extent possible.

8 Mr. Buchanan, Gerri Williams, Pat  
9 Smith, Amanda Edwards.

10 Mr. Williams, why don't you go  
11 ahead? No, Mr. Buchanan, why don't you go  
12 ahead? It's Ms. Williams, Mr. Buchanan.

13 MR. BUCHANAN: Yes.

14 CHAIR MITTEN: Would you turn on  
15 the microphone?

16 MR. BUCHANAN: Yes.

17 CHAIR MITTEN: There you go.

18 MR. BUCHANAN: I guess I can't  
19 really testify based upon your earlier  
20 comment, but I'd like to say to Mr. Hood the  
21 M, C and -- to the M and C-M-2 current uses in  
22 that area are a bank, individual homes and  
23 grass. So, this area does not offend the way

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1 M and C-M-2 usually do.

2 As hateful as that zoning is to  
3 you, you might not be against that particular  
4 area.

5 My objection to C-2-B is it is  
6 just as wide open as any other. It just seems  
7 to allow almost everything except a high-rise  
8 condominium and high-rise office building and  
9 one of the -- the thing that we object to is  
10 the potential then for a so-called education  
11 facility which will be a day laborer site.  
12 Also known as -- originally as the Multi-  
13 cultural Training and Employment Center and  
14 not called --

15 CHAIR MITTEN: Would you speak --  
16 if you want to speak about a particular use --

17 MR. BUCHANAN: I'm sorry.

18 CHAIR MITTEN: -- speak  
19 generically about the use and not specifically  
20 about the use. Okay.

21 MR. BUCHANAN: Okay. I'm not sure  
22 I can really testify based on what you said  
23 earlier. So, I would rather just -- do you

1 want me to read my testimony?

2 CHAIR MITTEN: I want you to read  
3 your testimony only to the extent that it's  
4 consistent with my instruction.

5 MR. BUCHANAN: Okay. Let's see  
6 how far we'll go then.

7 Madam Chairman and Members of the  
8 Zoning Commission, my name is Williams  
9 Buchanan. I live at 1230 23rd Street, N.W.  
10 and I'm speaking against the zoning change on  
11 behalf of Defend D.C.

12 I will enter a statement on the  
13 legal ramifications and limit my testimony to  
14 the following. Defend D.C. opposes the change  
15 in zoning proposed in Case Number 07-14A.

16 The change in zoning from M and C-  
17 M-2 to C-2-B and by my reading, opens up the  
18 area to almost any use as a matter of right.  
19 The resulting mix would include the insertion  
20 of a day labor site. This site was originally  
21 sold as a \$500,000 Multi-cultural Training and  
22 Employment Center.

23 CHAIR MITTEN: Okay. That's out-

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1 of-bounds.

2 MR. BUCHANAN: Okay.

3 CHAIR MITTEN: So, just skip past  
4 that.

5 MR. BUCHANAN: The center is  
6 designed as a response to an invasion of  
7 undocumented workers --

8 CHAIR MITTEN: Keep skipping.

9 MR. BUCHANAN: Keep skipping.  
10 Okay. Since 1986, it has been a violation of  
11 Federal law to hire or harbor -- I got to skip  
12 again I guess.

13 CHAIR MITTEN: I know you can edit  
14 yourself.

15 MR. BUCHANAN: Okay. Let's see.  
16 I really don't see there's anything else I can  
17 really say that fits into things. So, I'll --

18 CHAIR MITTEN: Okay.

19 MR. BUCHANAN: -- I will just stop  
20 right here.

21 CHAIR MITTEN: Okay. Thank you.

22 MR. BUCHANAN: Thank you. Thank  
23 you.

1 CHAIR MITTEN: But, hold your seat  
2 because we're going to question the panel as  
3 a group.

4 MR. BUCHANAN: Okay.

5 CHAIR MITTEN: Ms. Williams.

6 MS. WILLIAMS: Good evening. My  
7 name is Gerri Williams and I live in Ward 5  
8 near the area being considered for rezoning  
9 along Rhode Island Avenue, N.E.

10 This area is the target for  
11 intense redevelopment and we are all too aware  
12 that the zoning can change the character of an  
13 area permanently.

14 The property under consideration  
15 directly adjoins an area used by dozens,  
16 sometimes hundreds of unregulated itinerant  
17 labors from outside of the community who  
18 solicit for day work.

19 CHAIR MITTEN: Ma'am, you have to  
20 tell me what that has to do with this  
21 rezoning.

22 MS. WILLIAMS: The reason is that  
23 rezoning that would allow the establishment of

1 any kind of day labor center or services for  
2 such work within another structure will have  
3 a huge negative impact for the District of  
4 Columbia which at this time does not have such  
5 a permanent work site.

6 As the neighboring states of  
7 Maryland and Virginia seek to crack down on  
8 this illegal practice, our neighborhoods  
9 already overburdened with unemployment and  
10 crimes will bear the brunt of the influx.

11 I will also mention that in  
12 community meetings I have attended on this  
13 issue, there has been vehement opposition from  
14 Ward 5 residents regarding such a possible day  
15 labor center.

16 CHAIR MITTEN: If I could just --  
17 I want to get a point of clarification.  
18 You're doing good talking about a specific use  
19 as opposed to a -- you know, a generic use,  
20 day labor. Okay. Day labor center as in  
21 educational use, but I want to clarify  
22 something with the Office of Planning.

23 Which is is such a use permitted

1 under the existing zoning?

2 MR. JACKSON: Yes.

3 CHAIR MITTEN: Okay. So, let's  
4 just be clear. The use that people are taking  
5 issue with in terms of day labor center as a  
6 use is permitted under the existing zoning.  
7 So, that's not helpful testimony for us.

8 So, if you have something else,  
9 we'd love to hear it.

10 MS. WILLIAMS: I guess during the  
11 next period if I could find out if this  
12 changed zoning would also permit this or would  
13 prohibit it. The establishment --

14 CHAIR MITTEN: That particular  
15 use?

16 MS. WILLIAMS: That particular  
17 use.

18 CHAIR MITTEN: Okay.

19 MS. WILLIAMS: I'll just wrap up.  
20 To my knowledge, there's been no survey  
21 undertaken asking for the input of residents,  
22 no studies of impact on the neighborhood,  
23 traffic issues, duplication of already

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1 existing services and no accounting for future  
2 cost to the taxpayers.

3 Rezoning then is premature until  
4 these minimal requirements have been met in my  
5 opinion.

6 Thank you.

7 CHAIR MITTEN: Okay. Thank you  
8 and Ms. Smith. Okay. I just take them in  
9 order as I call them up.

10 MS. SMITH: I'm Pat Smith and I'd  
11 like to address the Zoning Commission.

12 But, before I start, I thought I  
13 heard you say that under the present Zoning  
14 Commission certain things are already  
15 permitted.

16 CHAIR MITTEN: Under the current  
17 zoning that's in place now.

18 MS. SMITH: Current zoning that's  
19 in place now.

20

21 CHAIR MITTEN: Um-hum.

22 MS. SMITH: Okay. Well, I guess I  
23 have -- I don't have anything to say, but I

1 would like to add to what she has said.

2 I think that a study needs to be  
3 done and someone from the Zoning Commission  
4 needs to look at the area because -- and look  
5 at the total area of a two-to-three block  
6 radius of everything that is already proposed  
7 to go there and how congested it is going to  
8 be.

9 We have -- yes, they -- we have  
10 met with the Israel, Inc. No traffic impact  
11 study has been done. Nothing has been done to  
12 take on the needs of the area and it's going  
13 to be over congested. Even though they're --  
14 the projects that are planned, it's just going  
15 -- it's not going to be cohesive and I think  
16 that the Commission should take a look, a very  
17 good look before approving this at the total  
18 situation.

19 I know you're just looking at it  
20 from the standpoint of how maps are laid out  
21 and what the area is zoned for, but no one  
22 here has expressed everything that is going  
23 into that small area.

1                   Now, we're not to mention  
2 projects, but the Rhode Island Avenue Metro is  
3 there. What? I guess it's less than 500  
4 feet. They have a project that's going up  
5 there as you may be aware of.

6                   CHAIR MITTEN: Actually, we  
7 approved it.

8                   MS. SMITH: Okay. And we're --  
9 you know, that's good.

10                  VICE CHAIR HOOD: Took a long time  
11 to approve it, but we eventually approved it.

12                  MS. SMITH: Took a long time.  
13 Okay. So, that small area is only like within  
14 a small block.

15                  CHAIR MITTEN: Um-hum.

16                  MS. SMITH: And it does impact  
17 some residents who are here now and I feel  
18 that really if someone from the Commission  
19 that really -- that's astute and that knows  
20 the impact of all of this on a small area.  
21 I'm not saying -- don't rubber stamp.

22                         It's not going to work because you  
23 approved this for Metro, this project for

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1 Metro. Well, right across the street, they're  
2 going to other projects. Maybe not others,  
3 but one project that may be undesirable for  
4 Metro for that project.

5 It's going to be too many people  
6 in one area.

7 CHAIR MITTEN: That's going to  
8 have to be your closing thought.

9 MS. SMITH: All right.

10 CHAIR MITTEN: Thank you. And I  
11 should tell people if you have written  
12 testimony, you can turn it in tonight. We're  
13 probably leave the record open for just a  
14 short period of time if anybody didn't bring  
15 copies tonight that they wanted to share.

16 MS. SMITH: Can we submit one  
17 later? I'm sorry I just --

18 CHAIR MITTEN: Just we'll tell you  
19 at the end when we're going to close the  
20 record and Ms. Edwards.

21 MS. BOONE EDWARDS: My name is  
22 Amanda Boone Edwards and I live within  
23 probably a block of several projects that are

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1 intended for the immediate area.

2 I understand the need for  
3 consistency on maps or whatever it is you all  
4 are trying to deal with. I understand that,  
5 but -- and still you need to remember that  
6 outside of these maps are people, residents,  
7 who have to deal with whatever is going to  
8 show up once you rezone.

9 That's going to be my problem. I  
10 already have several issues with the projects  
11 that are in my neighborhood that are not good  
12 neighbors.

13 The reasoning behind this rezoning  
14 request isn't just about rezoning for the sake  
15 of rezoning. There's something behind it and  
16 I think that we all need to try and look at  
17 that.

18 I know we cannot get specific  
19 today, but there's a reason behind everything.

20 Manor, Inc. or whatever they are  
21 didn't just decide out of the kindness of  
22 their hearts to request rezoning. Trust me.

23 So, I need -- I think you just

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1 need to look at the issue more than as  
2 consistency for the city because it isn't  
3 consistent period. Even if you rezone it, it  
4 will not be consistent. Region 5, Ward 5 will  
5 continue to be a dumping zone for the  
6 remainder of the city.

7 I am a taxpayer. I would like to  
8 be treated just as well as those who live in  
9 other wards of the city period.

10 So, I am totally against this  
11 rezoning no matter what the issue is behind it  
12 because it will not be fair and I will be made  
13 to pay the consequences when this rezoning is  
14 done and these projects are put in place.

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

17 CHAIR MITTEN: Thank you very  
18 much. Questions for the panel?

19 Where any of you involved --

20 VICE CHAIR HOOD: Madam Chair, you  
21 know --

22 CHAIR MITTEN: Oh. Oh, I'm sorry.

23 VICE CHAIR HOOD: -- since I was

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1 addressed and I'm not going to do this all  
2 night.

3 Ms. Williams, you mentioned about  
4 what is existing.

5 CHAIR MITTEN: It's actually Mr.  
6 Buchanan. I messed it up when I first  
7 introduced.

8 VICE CHAIR HOOD: Okay. I'm  
9 sorry.

10 CHAIR MITTEN: It's Mr. Buchanan.

11 VICE CHAIR HOOD: Mr. Buchanan.

12 MR. BUCHANAN: Yes.

13 VICE CHAIR HOOD: Don't let that  
14 happen again. No, I'm just -- Mr. Buchanan --  
15 am I echoing. Okay.

16 Mr. Buchanan, you mentioned what  
17 already exists there now.

18 MR. BUCHANAN: Yes.

19 VICE CHAIR HOOD: I understand  
20 what exists there now and I also know what  
21 we've been doing all over the city and I also  
22 know what we've done in the other parts of the  
23 city as you so eloquently stated which opens

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1 our ward up to be able to have some of those  
2 uses. I understand that.

3 I'm not sure all of what was  
4 driven about -- I understand -- I understand  
5 the issues. I'll just leave it at that.

6 But, there are some other uses  
7 that can go there, Mr. Buchanan, to where you  
8 won't see that open space.

9 I live need transfer station.  
10 Actually, that's one of the reasons I got on  
11 the Zoning Commission in 1998 against the  
12 transfer station. When I open my windows, I'm  
13 just like you. When I open my windows, I  
14 couldn't open. I didn't want to have anyone  
15 to my house. So, understand me. I know as  
16 far as I'm concerned of how we're moving.

17 I understand the issues, but I can  
18 also understand what can go there now and let  
19 me -- we don't even have to have a forum.  
20 They don't even have to come down here and see  
21 us.

22 Open space now. Something  
23 undesirable tomorrow. It doesn't matter.

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1           And I know we're not suppose to  
2 talk about other projects, but I don't usually  
3 -- I'm a Commissioner. I don't usually follow  
4 the rules and I -- unless the Chair -- I don't  
5 usually the rules on this.

6           This Commission worked real hard  
7 on Rhode Island Avenue. We held it up. Some  
8 of my colleagues, I'll say me, held it up for  
9 reasons. I'm not trying to say me per se, but  
10 I know what the issues are. I live in Ward 5  
11 and when it comes to Ward 5, I'm protective to  
12 some degree and I'm just -- again, I'm taken  
13 back by us coming down here against -- and you  
14 know what? We're against it.

15           But, I've sat here. I'm here when  
16 you all are at home. I sat here and I watch  
17 people all over this city come down here to  
18 get rid of C-M-1, C-M-2 and M Zones and Office  
19 of Planning will tell you. I pause. Say hey,  
20 wait a minute. If we -- everybody is getting  
21 rid of it, where are those undesirable uses  
22 going?

23           I've been down here. I've seen it

1 and now all of my neighbors, some friends of  
2 mine, Ms. Frazer and others, but now, they're  
3 down here -- well, I don't know why you're  
4 down here, Ms. Frazer. I didn't mean to call  
5 you out, but --

6 CHAIR MITTEN: Okay. I'm fine.

7 VICE CHAIR HOOD: Hold on. Hold  
8 on. Let me finish, Madam Chair, because this  
9 is important and you've been -- you've sat  
10 here those nights when I've been here and I'm  
11 not grandstanding. I'm telling you this is a  
12 serious issue.

13 It's fine when we -- and I've had  
14 -- my colleagues, it's fine when we do other  
15 wards, but I just don't understand it. I  
16 don't understand now that we're doing our ward  
17 to get rid of some of those M uses, I mean  
18 those industrial uses, why it's an issue and  
19 I understand the concerns and we did do a  
20 traffic study on some of those other projects.  
21 We did.

22 So, but anyway, you know what?  
23 I'm not going to belabor the point. I'm going

1 to hear from the residents and I'm going to be  
2 quiet. Thank you.

3 CHAIR MITTEN: Thank you, Mr.  
4 Hood.

5 MR. BUCHANAN: Can I -- can I say  
6 something?

7 CHAIR MITTEN: He didn't ask you a  
8 question. So, I think it's best that we --

9 MR. BUCHANAN: Okay.

10 CHAIR MITTEN: -- not let you  
11 respond.

12 Let me ask you. Were any of you  
13 involved in the Comprehensive Plan rewrite  
14 that went on in 2006 for your area?

15 MR. BUCHANAN: No.

16 CHAIR MITTEN: Anybody involved in  
17 that? Given that as we've heard from Mr.  
18 Jackson and also from Mr. Collins that the  
19 existing zoning is not consistent with the  
20 Comprehensive Plan Map designation and we are  
21 as Mr. Collins said, we know it well, required  
22 by law that zoning not be inconsistent, but  
23 there are other -- there are other zones that

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1 perhaps could be considered consistent. Do  
2 any of you have an alternative proposal for us  
3 to consider? Anybody have an alternative?  
4 Okay.

5 MR. BUCHANAN: I would just like  
6 to ask. I'm sure Mr. Jackson knows the Zoning  
7 Regulations far better than I do. I've read  
8 M and C-M-2 and I didn't find an educational  
9 facility permitted there and I'm wondering --  
10 I hope he doesn't mean that he thinks a day  
11 labor center for people who are not authorized  
12 to work here and to be matched with people who  
13 are not allowed to hire them would be a  
14 legitimate use of any project in this city.

15 CHAIR MITTEN: Okay. Thank you.

16 MR. BUCHANAN: Okay.

17 CHAIR MITTEN: Thanks. Okay.

18 Thanks to the panel.

19 We're ready for the next panel. I  
20 have David it looks like Pinkner. No. Okay.  
21 Sorry. Are you sure you don't want to  
22 testify? You're a citizen. You can. Okay.

23 Karl Rudder, Patricia Gray, Ruth

1 Wilson. We'll have a panel of three and then  
2 we'll see who else we have.

3 Mr. Rudder, why don't you go  
4 ahead. Did you all turn in your witness card?  
5 Okay. Thank you. Turn on the microphone for  
6 me and go right ahead. No, push the button in  
7 the base. There you go.

8 MR. RUDDER: I take it's on now.  
9 Yes.

10 CHAIR MITTEN: Yes.

11 MR. RUDDER: All right. Well,  
12 thank you, Chairman Mitten.

13 In respect to the limitations of  
14 testimony as you've made very clear in what  
15 you will accept today at this hearing and  
16 respect to Commissioner Hood and the comments  
17 that he's made, I only want to take an  
18 opportunity as the -- you know, as a resident  
19 of Ward 5 that I'm very sensitive to the fact  
20 that as your summary indicates that these lots  
21 are inconsistent with the District's elements  
22 of the Comprehensive Plan and there are very  
23 many other elements that need to be considered

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1 as others have testified before me that I'm  
2 asking you to seriously consider.

3 This is not just a simple yes or  
4 no zoning issue. This is far more  
5 socioeconomic, politically involved and I  
6 would stress that you do take care and  
7 consider other factors especially the fact  
8 that it's inconsistent. As I understand,  
9 inconsistent means inconsistent. It does not  
10 follow the plan for the benefit of the  
11 community or am I wrong in assuming that?

12 CHAIR MITTEN: There's something  
13 very -- there's -- the Comprehensive Plan as  
14 you know -- I usually depart this way, but I  
15 think people could benefit from maybe a little  
16 bit more information.

17 The Comprehensive Plan has many  
18 parts as you just expressed. It concerns  
19 socioeconomic types of things, education,  
20 transportation.

21 MR. RUDDER: Um-hum.

22 CHAIR MITTEN: Just different  
23 kinds of public facilities and so on.

1 MR. RUDDER: But, these particular  
2 lots that are in question though are  
3 inconsistent with the District elements of  
4 Comprehensive Plan.

5 CHAIR MITTEN: And I'll get to  
6 that in a second. One of the first things  
7 that we have to consider before we consider  
8 all of these other elements of the  
9 Comprehensive Plan is whether the zone itself,  
10 the zoning category that is placed on a piece  
11 of property is consistent or inconsistent with  
12 a generalized land-use map that says this is  
13 where we want to have certain kinds of uses in  
14 certain kinds of densities. So, certain areas  
15 that are -- you know, like Capitol Hill for  
16 instance is zoned in those -- all those areas  
17 where you see row houses, that's zoned for,  
18 you know, moderate density residential and  
19 with -- if it's shown on the land-use map for  
20 moderate density resident, we have a couple of  
21 different zones that we could select from that  
22 would be not inconsistent with that.

23 In this case, we have direction

1 from the Generalized Land-Use Map that is part  
2 of the Comprehensive Plan that says industrial  
3 -- industrial zoning is not consistent. So,  
4 you have to change it and the question is  
5 change it to what? Something to be consistent  
6 with the designation and what's been proposed  
7 is C-2-B and that is considered to be  
8 consistent.

9 That's why I asked earlier if  
10 someone has an alternative zoning category for  
11 us to consider that is consistent with  
12 whatever the land-use designation is right now  
13 which is a combination of mixed-use medium  
14 density residential and medium density  
15 commercial, then we'd love to hear it.

16 But, the proposal before us is  
17 consistent with that designation.

18 MR. RUDDER: I understood from the  
19 beginning of you asking Mr. Jackson that it  
20 was some element of inconsistency involved.

21 CHAIR MITTEN: The existing zoning  
22 is inconsistent. So, we have to change it.

23 MR. RUDDER: So --

1 CHAIR MITTEN: We're compelled to  
2 change it. So, it's a --

3 MR. RUDDER: Why?

4 CHAIR MITTEN: Because of the --  
5 because the Comprehensive Plan tells us we  
6 must. It's a policy statement from the  
7 Government that guides our work here.

8 MR. RUDDER: So, there's really no  
9 point in us coming here then because you've  
10 already made the decision then.

11 CHAIR MITTEN: No, but much of the  
12 work was done through the Comprehensive Plan  
13 that said that there would be a change from  
14 the -- that dictated a change from industrial  
15 zoning.

16 What's really causing people a  
17 problem, and Mr. Hood knows this from a -- he  
18 understands the implications because he's been  
19 up here more, you have M and C-M-2 zoned land  
20 that's not -- that doesn't have industrial  
21 uses. It has other things as Mr. Buchanan  
22 testified. It has a bank and it has some  
23 houses and it has open space, but it doesn't

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1 have to stay that way. It could be -- it  
2 could be a trash transfer station or it could  
3 be something quite offensive and it could be  
4 put there and there would be no public forum  
5 for you people to come and complain because it  
6 would be a matter-of-right use in an M or C-M-  
7 2 zone.

8 The Comprehensive Plan doesn't  
9 want that to happen. It's for your own  
10 protection. You don't feel like you're being  
11 protected because you're going to lose uses  
12 that you think are perfectly fine, but those  
13 could disappear tomorrow if someone wanted to  
14 use the land more intensely under the existing  
15 zoning.

16 So, that's what this -- that's in  
17 part what this action is about. Is really --  
18 you know, I know it doesn't feel like it, but  
19 you're being protected from something that  
20 could be far worse than what's there and the  
21 policy statement that has been made through  
22 the Comprehensive Plan and the Generalized  
23 Land-Use Map reflects the fact that this is

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1 approximate to a Metro Station.

2 MR. RUDDER: Let me end my comment  
3 by --

4 CHAIR MITTEN: Okay.

5 MR. RUDDER: -- stating that I do  
6 think this is a very much more comprehensive  
7 issue -- complex issue than just yea or nay  
8 and in due respect, the community should and  
9 the public -- the community of the District of  
10 Columbia should be much better informed on all  
11 the factors and involved. Because just as you  
12 made mention of a waste management center,  
13 right down the street there is one already  
14 that never was. It's already out of the zone.  
15 It's been there for years threatening our  
16 environment and you're aware of that and I'm  
17 not going to indulge into that because you  
18 already told me I can't. But --

19 CHAIR MITTEN: Mr. Rudder, you are  
20 -- you've been a very good witness though  
21 because you compelled me to try and educate  
22 the audience. So.

23 MR. RUDDER: Well, I haven't been

1 a school teacher all these years for nothing.

2

3 CHAIR MITTEN: Okay.

4 MR. RUDDER: Thank you.

5 CHAIR MITTEN: Okay. Thank you.

6 Ms. Gray. Ms. Gray.

7 MS. GRAY: Yes.

8 CHAIR MITTEN: Okay.

9 MS. GRAY: Here I am. What I  
10 don't understand is, I'm trying to get it  
11 straight in my head, all right, since we can't  
12 -- we can't -- what they -- you want to change  
13 the zone because they want to put a certain  
14 place there.

15 CHAIR MITTEN: No, that might be  
16 why they made the application, but what's  
17 before us is an application to change the zone  
18 and what -- the only thing that we're  
19 concerned about is is that proposal consistent  
20 with the comprehensive plan?

21 MS. GRAY: Well, I don't -- I  
22 don't know too much about the comprehensive  
23 plan. What I do know is that most of the

1 citizens in Ward 5 don't want you to change  
2 the zone.

3           You don't live there. So, you  
4 don't know how it feels. If they have their  
5 way, they're going to put something behind my  
6 house I don't want back there and if they have  
7 their way, they're going to put something over  
8 there on the shopping center that should not  
9 be there that people going to end up probably  
10 getting hurt since 2:00 in the morning you can  
11 see people coming Home Depot stealing carrying  
12 the stuff in carts. So, they're going to put  
13 some posts there that's not really able --

14           CHAIR MITTEN: Okay. Now, you're  
15 getting into --

16           MS. GRAY: Well, okay. They're  
17 going to put some -- something's going to be  
18 there that's not going to be able to take care  
19 of themselves. I don't think it should be  
20 changed because of safety. That's one of the  
21 reasons. Safety for certain people.

22           Number two, I don't think it  
23 should be changed because I don't think, let

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1 me see, I'm going to say any church. Okay.  
2 I won't call no names. I don't think any  
3 church has the right to do whatever they want  
4 to do like some churches do do. I think it's  
5 wrong. I don't think that nobody has the  
6 right to tear down houses in my neighborhood  
7 on the street that I live in -- I live on and  
8 after they tear the house down because I won't  
9 sell my house to them, then they go out there  
10 and dig a big puddle, fill it up with a little  
11 water and got mosquitos biting me up and I got  
12 to complain. This is what I'm talking about.

13 Now, I don't have a problem with  
14 you building anything on my street. I love  
15 it since they done tore down three or four  
16 houses and it's only two left. It looks  
17 terrible. One side look nice. The other side  
18 look terrible.

19 CHAIR MITTEN: What street do you  
20 live on?

21 MS. GRAY: I live on 12th Street,  
22 N.E. and since you all are the Zoning  
23 Committee sitting up here, I thing you all

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1 should do something about it.

2 And I tell you something else.  
3 When they have meetings up there in the  
4 neighborhood, I should see some of you all  
5 there not this man all the time. Some more of  
6 you all should come out there and talk to us  
7 so we can understand what's going on and then  
8 you won't be so ignorant when you come down  
9 here.

10 CHAIR MITTEN: Is there anything  
11 else you'd like talk about?

12 MS. GRAY: I done said enough.

13 CHAIR MITTEN: I believe you did.  
14 Thank you. Ms. Wilson.

15 MS. WILSON: Is this on? Is this  
16 on?

17 CHAIR MITTEN: No, it's not.  
18 Would you mind shutting off your microphone,  
19 Ms. Gray?

20 MS. WILSON: My name is Ruth J.  
21 Wilson. I'm the senior member and I've lived  
22 in this neighborhood for 52 years. A former  
23 classroom teacher and reading specialist and

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1 before I make any presentation, I always do my  
2 homework like I make my students do.

3 So, the first thing I try to do,  
4 for a whole week, I've been trying to find a  
5 copy of this Comprehensive Plan, Comprehensive  
6 Amendment Act of 2006 and I even asked the  
7 young lady over here Ms. Thornhill on Saturday  
8 at a meeting that Harry Thomas had did she  
9 know where I could locate it. Why should I  
10 talk about something if I don't know the  
11 details.

12 I spent considerable time talking  
13 on the telephone. Called the National Capital  
14 Planning Commission 442-7600 and 442-7000 and  
15 Ms. Glenn's answering service came on. She  
16 never called me back. To this exact minute,  
17 nobody has told me about where I could locate  
18 it until you young ladies told us at the  
19 beginning where it was.

20 But, how do you expect us to speak  
21 to something that we don't know about. I've  
22 lived in that neighborhood and I fought a  
23 waste and transfer station and people must

1 have no brains to think about putting anything  
2 in the vicinity of the smell, any particular  
3 -- rats, possums running day and night over  
4 passed where they want to put this -- what is  
5 it?

6 CHAIR MITTEN: We don't want you  
7 to testify about what it is.

8 MS. WILSON: What I mean -- what  
9 I'm saying is I'm trying to be nice, but the  
10 rats run and now, I have humpback flies in my  
11 house in my refrigerator. I can't eat. I  
12 can't sleep because they bite and that nasty  
13 waste and transfer station is sitting down  
14 there and now, they're talking about putting  
15 something over there. Something like a  
16 cultural center. For what? There's no  
17 culture in my neighborhood.

18 You know, you, ladies and  
19 gentlemen, must come and see what we have  
20 suffered with. I'm a citizen of the United  
21 States. I have civil rights. I have civil  
22 rights and I also have other rights under the  
23 Constitution of the United States of America.

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1                   What can we do? We can sue.

2                   CHAIR MITTEN: Thank you, Ms. --

3                   MS. WILSON: We don't need it over  
4 there and anyone with a brain of sense in  
5 their head would not even ask for anything  
6 over there. All they have to do is come over  
7 there at night and see the rats.

8                   CHAIR MITTEN: Your time is up,  
9 Ms. Wilson.

10                  MS. WILSON: Is full of rats.

11                  CHAIR MITTEN: Thank you. Any  
12 questions for the panel.

13                  VICE CHAIR HOOD: I just want to  
14 compare to the young lady and I can't think of  
15 her name here.

16                  CHAIR MITTEN: Ms. Gray.

17                  VICE CHAIR HOOD: Ms. Gray, I just  
18 want to say normally I go to a lot of meetings  
19 in the ward and normally I don't go to some  
20 meetings that pertain to zoning issues because  
21 I think where the rubber meets the road is  
22 down here and I specifically do not make any  
23 of Council Member Thomas' meetings on any of

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1 those issues. Because when they come here, I  
2 think this is where the rubber meets the road.

3 So, you know, you kind of said  
4 about our ignorance about not coming to  
5 meetings, but the law states that we cannot  
6 have any outside communication and I didn't  
7 disclose earlier about any particular text  
8 amendment, map amendment, contested case or  
9 anything.

10 So, that's why you don't see us at  
11 certain meetings. We pick and choose which  
12 ones we can go to because we have decisions to  
13 make down here.

14 It's not we're ignorant. It's  
15 just that we know the rules.

16 MS. WILSON: Yes, I never really  
17 called you -- I said you don't show up --

18 CHAIR MITTEN: Well, we won't get  
19 into what we were called because we don't  
20 carry grudges that way. Thank you.

21 Okay. Thanks to the panel. Thank  
22 you very much.

23 Mr. Muhammad. Is he still here?

1 Okay. I think it's Endura Govan. Something  
2 like that. Sorry. I'm sure I didn't  
3 pronounce it right and Commissioner Chandler.

4 Mr. Muhammad, if you're ready, why  
5 don't you go ahead. You need to turn the mike  
6 on for me though. Yes.

7 MR. MUHAMMAD: I want to take this  
8 moment to thank everyone for this meeting. I  
9 can only imagine and venture to imagine what  
10 would be the situation and consequences that  
11 the community would be experiencing without  
12 this meeting. I would say very dire.

13 Now, I want to -- I want to take a  
14 jab at this from a different perspective  
15 without knowledge of the Comprehensive Map and  
16 the other information.

17 I want to approach it from the  
18 perspective -- I hear the term citizen. I  
19 want to digress. My understanding when they  
20 approach -- when it comes to black folks in  
21 the Constitution, citizen is with a little c  
22 not the capital C. I think that suggests  
23 black folks are of little importance.

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1           But, I want to approach this from  
2 a point of human rights as laid out by the  
3 United Nations which the United States is a  
4 charter -- is a member and the D.C. human  
5 rights is patterned after the United Nations'  
6 human right and human rights deal with  
7 conditions of slavery, involuntary servitude,  
8 living in conditions of fear, suffering, being  
9 deprived, not having real access to the  
10 communities which -- where the population live  
11 and my understanding, these are suppose to be  
12 the principles of democracy which is taken  
13 from ancient principles of majority consensus.

14           What I'm seeing here is a  
15 neighborhood or if we could say a community,  
16 if we could call it a community, that has  
17 really no input or voice. So, we're talking  
18 -- but I understand too when big business  
19 speaks, the community is oftentimes of little  
20 significance.

21           I'm seeing individuals here in  
22 this community which I'm not a part of this  
23 community, the immediate area, but I live in

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1 D.C. But, I see throughout D.C. the black  
2 population being herded and corralled as  
3 cattle, as cattle and animals. I want to make  
4 that a part of the record and I see a  
5 concerted, consistent effort to eliminate the  
6 black population.

7 And I see -- when we're speaking  
8 of the -- certain acts 2006, well, let's go to  
9 a point of cause and effect. How did we  
10 arrive at this act of 2006? What was the  
11 Comprehensive Plan when the black population  
12 was nearly 80 percent and it was dumb down to  
13 50 percent or more now.

14 CHAIR MITTEN: Mr. Muhammad, I  
15 need you to give me your closing thought.  
16 You're out of time.

17 MR. MUHAMMAD: My closing thought  
18 is that when the people refuse to stand and  
19 organize and unite, the worse is yet to come.  
20 Thank you.

21 CHAIR MITTEN: Thank you, Mr.  
22 Muhammad. Ma'am, I'm not going to  
23 mispronounce your name again. So. Would you

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1 turn it on -- turn the mike on? I'm sorry.

2 There.

3 MS. GOVAN: My name is Endura  
4 Govan. I live at 1005 Rhode Island Avenue,  
5 N.E.

6 CHAIR MITTEN: Turn it back on if  
7 you want to continue testifying please.

8 MS. GOVAN: Yes. We are I guess  
9 in a peculiar situation. We do want to see  
10 change for the good in our neighborhood. Yet,  
11 we understand that a zoning change could open  
12 the floodgate for whatever. We welcome  
13 change, but the only thing we can go by now is  
14 what is currently at that site and it's come  
15 with some pretty ugly repercussions that we've  
16 been just told to deal with.

17 So, I don't know at this point  
18 what could be suggested. I know we can't  
19 speak to particular projects, but there's so  
20 much opposition here tonight because our  
21 meetings with Israel Manor were their proposed  
22 projects. We don't know of anything else.

23 So, the two -- the plots are being

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1 considered for rezoning are properties that  
2 they will control and they have made it clear  
3 what they will put on those properties.

4 CHAIR MITTEN: I understand.

5 MS. GOVAN: Right. So, I don't  
6 think my community is resisting change.  
7 Definitely, Mr. Hood, we don't want what we  
8 are currently getting.

9 Yes, we don't want to approve  
10 zoning at the risk of welcoming just anything  
11 in our neighborhood. We want to make sure  
12 it's something that we can live with. As you  
13 heard from the people, some people lived here  
14 half a century and we feel like we're on the  
15 outside looking in. That it's not inclusive.  
16 We want to be a part of the change and I don't  
17 it starts with zoning.

18 I don't know if there are  
19 anythings that could be suggested that could  
20 assure us that once the zoning is changed that  
21 we then have a further voice with what happens  
22 on those properties and I think that could be  
23 some of the big issues. Because if we see,

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1 you know, we're constantly having to deal with  
2 the banks and deal with the shopping center  
3 owners on the issues of just protecting  
4 pedestrians as they cross the street, so, if  
5 minute details like that have not been paid  
6 attention to for years, we are a little scared  
7 of what's coming down the road when our voice  
8 has now already been heard.

9 So, we welcome suggestions as to  
10 what we can do to ensure that whatever is put  
11 up on those properties are something that's  
12 going to benefit the neighborhood, that will  
13 be inclusive to preexisting conditions for the  
14 residents, the youth, the seniors that  
15 currently live in the area.

16 CHAIR MITTEN: Thank you.  
17 Commissioner Chandler.

18 COMMISSIONER CHANDLER: I thank  
19 you for allowing us to speak and I thank you  
20 for having this time.

21 I think the matters at hand are  
22 quite -- are very -- it's a very touchy  
23 situation because we are not allowed to

1 address certain issues. So, I'd like to just  
2 say as a Commissioner that's represents my  
3 community, there's a strong cry of opposition  
4 because we are very, very concerned with the  
5 application at hand.

6 We asked during meetings could  
7 they step back, could more studies be done and  
8 they -- and we've stressed that during various  
9 meetings. There was no consistency between  
10 the two projects such as the Rhode Island  
11 Avenue -- can I state that?

12 CHAIR MITTEN: Well, I wish you'd  
13 focus your comments on the consistency of the  
14 proposal --

15 COMMISSIONER CHANDLER: Okay. Of  
16 the proposal.

17 CHAIR MITTEN: -- and the  
18 Comprehensive Plan.

19 COMMISSIONER CHANDLER: Okay. Of  
20 the Comprehensive Plan. We ask --

21 CHAIR MITTEN: The proposed Map  
22 Amendment.

23 COMMISSIONER CHANDLER: Right. We

1 asked that could they -- could the project be  
2 stepped back at the time -- at the time it was  
3 presented the first time. Then during their  
4 various meetings, that kept coming out. There  
5 was not enough information that was given to  
6 the community to follow to fully look at what  
7 was going on.

8 CHAIR MITTEN: And are you  
9 speaking of the Map Amendment or are you --

10

11 COMMISSIONER CHANDLER: Of the Map  
12 Amendment, of the consistency program.  
13 Because no one signed it.

14 I made several calls. I made  
15 calls all around. I even called this office  
16 and just asked and they were like -- no one  
17 called me back. So, I mean reaching out.  
18 Maybe, you know, I didn't specifically leave  
19 Commissioner Chandler. I just left my first  
20 name and my last name, but I never got a call  
21 back and I called down along with Ruth Wilson.

22 We made several calls and we  
23 couldn't get enough information and it's a

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1 major concern because we feel like there is --  
2 with the entity involved and the application  
3 itself, there is -- there's -- there's an  
4 issue of mistrust. There is not a working  
5 relationship with the community. So, the  
6 community is -- fears this project. The fears  
7 of what's coming if this is allowed to move  
8 forth at this particular time.

9 We asked could there be more  
10 community meetings, could more things be  
11 stressed, could you listen to the voices,  
12 could you bring in community leaders, could  
13 you ask what would we like to see, could we  
14 work together on what we could see if it came  
15 into this progress?

16 Many of the people with the 2000  
17 -- and unfortunately, I was not aware of the  
18 2000 study as a citizen. I wasn't the acting  
19 commissioner at that time. So, I wasn't even  
20 aware of that.

21 So, these are concerns that we  
22 have reached out. We have tried to call and  
23 made various -- and they fell upon deaf ears.

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1 So, I mean, there's -- there's an issue of  
2 things that are not connecting and I'm fearful  
3 of what will happen with future projects  
4 proposed in this area if this is allowed to go  
5 on. The application -- if the application is  
6 allowed to proceed.

7 CHAIR MITTEN: The application's  
8 for a Map Amendment.

9  
10 COMMISSIONER CHANDLER: For a Map  
11 Amendment, but we are very concerned of the  
12 entities involved.

13 There are four proposed -- can I  
14 speak to that? Well, I'm not going to mention  
15 anything.

16 CHAIR MITTEN: Thank you.

17 COMMISSIONER CHANDLER: There are  
18 four proposed sites in that following three-  
19 block radius. That small area cannot sustain  
20 what is happening.

21 CHAIR MITTEN: Okay. I need you  
22 to wrap it up. Do you have anything else?

23 COMMISSIONER CHANDLER: Okay.

1 But, we just feel like we're being consumed  
2 and we're being closed in and our quality of  
3 life is being affected and we ask that -- what  
4 happened -- why not green space? Why can't we  
5 have green space?

6 CHAIR MITTEN: Okay. That will  
7 have to be your closing thought. Now, we'll  
8 have some questions.

9 When did you go on the ANC?

10 COMMISSIONER CHANDLER: I was  
11 sworn in --

12 CHAIR MITTEN: You just shut it  
13 off.

14 COMMISSIONER CHANDLER: Hello?

15 CHAIR MITTEN: Yes.

16 COMMISSIONER CHANDLER: I was  
17 sworn in January this year.

18 CHAIR MITTEN: January of this  
19 year. Okay.

20 Have you had any presentations in  
21 your community about the Map Amendment per se  
22 not some project that will result from the Map  
23 Amendment?

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1 COMMISSIONER CHANDLER: No.

2 CHAIR MITTEN: Okay. Okay. Mr.  
3 Hood.

4 VICE CHAIR HOOD: Madam Chair.

5 Commissioner Chandler, let me  
6 first ask you why do we not have a letter from  
7 Advisory Neighborhood 5B on their position?  
8 Of the whole commission.

9 COMMISSIONER CHANDLER: Because to  
10 my understanding, we respect the wishes of the  
11 ANC impacted by that area and I submitted a  
12 letter of opposition in representing my  
13 community and that's how we try to look at  
14 issues.

15 VICE CHAIR HOOD: Let me explain  
16 to you what the law states so you understand.

17 What happens is in order to get  
18 great weight in front of this Commission, you  
19 need a letter whether you're in opposition and  
20 the ANC respects the single member district  
21 person I'm sure.

22 But, what happens is your letter,  
23 and this is to help you not to admonish you,

1 your letter carries great weight with this  
2 Commission when it's the vote of the full  
3 Commission and that's the law.

4 Okay. Single member districts do  
5 not get --

6 COMMISSIONER CHANDLER: Okay.  
7 Okay. To speak to that in honesty, our last  
8 meeting we could not bring this matter up  
9 because we -- we couldn't vote on it because  
10 we didn't have a quorum and that was only last  
11 week. That was our first meeting. We have  
12 been --

13 VICE CHAIR HOOD: So, you tried.  
14 Okay. That's --

15 COMMISSIONER CHANDLER: I reached  
16 out and I reached out at the last meeting.  
17 So, I could not get a letter because I was  
18 concerned about coming here. That's why I  
19 wanted to address because I was unclear on why  
20 there wasn't a letter and that I wanted to  
21 speak to just my letter, but I was -- we were  
22 a little confused at how it was presented.

23 VICE CHAIR HOOD: Right.

1 COMMISSIONER CHANDLER: And we  
2 didn't -- we couldn't vote on anything.

3 VICE CHAIR HOOD: Let me say this.

4 COMMISSIONER CHANDLER: We  
5 couldn't vote on any old business or new  
6 business because we didn't have a quorum.

7 VICE CHAIR HOOD: So, let say I  
8 live in the ward. I've watched you work. I  
9 know you're trying. I know you're a new  
10 commissioner and I applaud your efforts and I  
11 said that because I want to make sure that  
12 when you come down in front of this  
13 Commission, you have great weight. I mean my  
14 neighborhood has great weight like all the  
15 other neighborhoods have great weight.

16 So, that's just -- the other thing  
17 is the Comprehensive Plan. When they did the  
18 Amendment Act, and this is for everybody, when  
19 they did the Amendment Act, the Office of  
20 Planning reached out to the whole city. This  
21 is -- I've never seen this done and I think it  
22 started with Andy Altmann. They reached out  
23 to the whole city and I've been on a number of

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1 Comprehensive Plan Task Forces especially in  
2 the Barry days, but -- Mr. Barry days, no,  
3 Mayor Marion Barry days, but -- former. But,  
4 anyway, he'll say once the Mayor always the  
5 Mayor.

6 But, anyway, this Office of  
7 Planning, this last Comprehensive Plan Task  
8 Force process was so open this last time.  
9 I've never seen it done that way in my tenure  
10 here in Washington, D.C. and I was born and  
11 raised here and born and raised in Ward 5.  
12 But, I think the Office of Planning and Ms.  
13 Steingasser, you can tell me how many -- and  
14 -- and how many times did you meet at  
15 McKinley, how many times did you come to  
16 Washington Center of Aging, how did many times  
17 did you all do all of this to get input?  
18 Because what's in the Comprehensive Plan is  
19 what came from citizens.

20 About how many did you do? I  
21 can't remember.

22 MS. STEINGASSER: We did over 100  
23 community outreach meetings.

1 VICE CHAIR HOOD: Was it just Ward  
2 5?

3 MS. STEINGASSER: Throughout the  
4 city.

5 VICE CHAIR HOOD: Throughout the  
6 city. Okay.

7 COMMISSIONER CHANDLER: Can I say  
8 something?

9 VICE CHAIR HOOD: Well, I just --  
10 that wasn't directed just to you.

11 COMMISSIONER CHANDLER: No, I just  
12 -- but --

13 VICE CHAIR HOOD: That was to  
14 everybody.

15 COMMISSIONER CHANDLER: May I say  
16 this? Unfortunately, the communication --  
17 there's something lacking.

18 We have a council person who sends  
19 out things in our area and my neighbor across  
20 the street will receive a letter and as the  
21 ANC, I'm across the street and I won't receive  
22 a letter and I ask -- I go -- we go around  
23 when meetings are being held from Office of

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1 Planning, from various -- HUD or anything,  
2 open meetings. The letters are not getting  
3 out there and letters are not getting to the  
4 community and that's a -- that's misleading  
5 and it's concerning because I have to make  
6 phone calls.

7 If a neighbor will call me and say  
8 are you aware of this meeting, I said I didn't  
9 receive anything. I will call and  
10 unfortunately, it falls on deaf ears. We will  
11 make calls. We will call. We will try to  
12 call each other and unfortunately, there is  
13 some kind of disconnect in our society or in  
14 some of these agencies where some of the  
15 information is not getting filtrated.

16 VICE CHAIR HOOD: Okay. All  
17 right. Thank you.

18 COMMISSIONER CHANDLER: Um-hum.  
19 Thank you.

20 VICE CHAIR HOOD: Thank you.

21 CHAIR MITTEN: Anyone else?

22 Anyone else? Okay. Thank you, Commissioner  
23 Chandler.

1           Anyone else who'd like to testify  
2           in opposition? Sir, please have a seat at the  
3           table. Turn your cards in if you have them to  
4           the court reporter over there with his hand  
5           up.

6           MR. HALL: My name is LeRoy Hall.  
7           I lived in Ward 5 Brooklyn. I'm on the edge  
8           of Brooklyn. I'm at Brentwood and Brooklyn  
9           and I see all the activities and that's why  
10          I'm here.

11          The way I understand it you're  
12          saying that the Comprehensive Plan was done  
13          and you're trying to protect us because at the  
14          present time anything could go there. Is that  
15          true? Is that what you --

16          CHAIR MITTEN: Anything that's  
17          permitted in the M or C-M-2 Zones which tend  
18          to be undesirable uses. They don't have --

19          MR. HALL: Like strip clubs or --

20          CHAIR MITTEN: Strip clubs --

21          MR. HALL: Anything undesirable.

22          CHAIR MITTEN: Okay. If you --

23          MR. HALL: Would that be anything

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1 that the community deems undesirable?

2 CHAIR MITTEN: It's industrial-  
3 type uses. Warehouses --

4 VICE CHAIR HOOD: Trash transfer  
5 stations.

6 CHAIR MITTEN: Yes.

7 MR. HALL: Yes. Okay. Industrial  
8 undesirable things.

9 CHAIR MITTEN: Right.

10 MR. HALL: Not entertainment? In  
11 other words, strip clubs wouldn't come under  
12 industrial.

13 CHAIR MITTEN: Strip clubs --  
14 well, I don't know what the rules are. I've  
15 lost track of the strip club issue.

16 MR. HALL: Okay. Well, anyway --

17 MS. STEINGASSER: I do not believe  
18 that adult entertainment is a permitted use by  
19 right or special exception in industrial  
20 zones.

21 CHAIR MITTEN: Industrial zones.  
22 Okay. Right.

23

1 MR. HALL: Um-hum.

2 CHAIR MITTEN: So, that wouldn't  
3 be permitted in any case.

4 MR. HALL: Okay. The reason we  
5 don't know what's happening with the  
6 Comprehensive Plan even though a hundred  
7 meetings have been done over the city is that  
8 some people get the information and some don't  
9 get it and usually, these plans -- I've seen  
10 some plans and they're confusing and something  
11 already drawn up and nice pictures and all of  
12 that and if you don't see a -- if you don't  
13 understand all the pictures, that's a problem.  
14 Showing people plans if they're not engineers  
15 and draftsmen, sometimes doesn't make any  
16 sense in the first place.

17 Well, anyway, what I'm saying is  
18 that the community has to be the final judge  
19 on anything that goes in. So, the zoning  
20 should be consistent with whatever the  
21 community wants. Now, regardless of what the  
22 Comprehensive Plan says now and what it may be  
23 changed to if it's rezoned, it still would

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1       come down to a majority community input which  
2       is what you would have in a democracy.

3               So, if you don't have a majority  
4       saying something, then really nothing should  
5       go forward.

6               Now, I've had some experience with  
7       the Office of Planning on some other issues  
8       and as a matter of fact, the Department of  
9       Transportation and I can that a lot of things  
10      are being facilitating for developers rather  
11      than caring about the needs and the desires of  
12      the community.

13              So, anything -- any agency of the  
14      D.C. Government must function according to the  
15      majority will of the citizens who are  
16      according to the dictionary the final  
17      authority in a democracy.

18              Now, I know that democracy is  
19      probably becoming passé in this country and  
20      particularly on the local level, but as long  
21      as it's still considered a democracy, we  
22      should be consulted fully and a majority  
23      should vote of the community and then any

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1 project can go forward and if a majority  
2 hasn't done that then nothing should be going  
3 forward.

4 CHAIR MITTEN: Thank you, Mr.  
5 Hall.

6 MR. HALL: Thanks.

7 CHAIR MITTEN: Any questions for  
8 Mr. Hall? Anybody have any questions? Okay.  
9 Thank you very much.

10 Okay. We're going to need to take  
11 just a real quick recess before we decide  
12 about closing the record.

13 VICE CHAIR HOOD: Can I just ask a  
14 question of the Office of Planning? And  
15 again, I know we weren't suppose to do this,  
16 but I'm doing it anyway.

17 I've heard the citizens loud and  
18 clear. I'm sure my colleagues have. We've  
19 all heard them. There's some other things  
20 that potentially may be coming down the pipe.

21  
22 Will it -- coming from this  
23 Commission possibly? Will they have another

1 bite at the apple is what I'm asking?

2 MR. JACKSON: Well, there are two  
3 categories of uses that are allowed in the --  
4 of course, the C Zones. One would be matter  
5 of right uses and those would be the ones that  
6 require additional relief. Either a special  
7 exception or a planned development.

8 The matter of fact uses would not  
9 come back before you unless they need the  
10 relief.

11 VICE CHAIR HOOD: Well, yes, I  
12 understand that, but okay. You probably  
13 answered my question, but I probably wasn't  
14 fast enough to catch it. But --

15 CHAIR MITTEN: Do you anticipate  
16 that there would be another application that  
17 would follow on this one for these same  
18 properties?

19 MR. JACKSON: Well, we have not  
20 seen any --

21

22 CHAIR MITTEN: Okay.

23 MR. JACKSON: -- proposals.

1 VICE CHAIR HOOD: Okay.

2 MR. JACKSON: To date.

3 VICE CHAIR HOOD: All right. All  
4 right. Thank you.

5 CHAIR MITTEN: Okay. We're just  
6 going to take a three-minute recess. You  
7 might want to hold your seats while we're  
8 gone.

9 (Whereupon, at 7:50 p.m., off the  
10 record until 7:58 p.m.)

11 CHAIR MITTEN: Okay. We're back  
12 on the record now.

13 We have a question for the Office  
14 of Planning which is are there other zoned  
15 categories that are potentially consistent  
16 with the medium density residential/medium  
17 density commercial land-use designation on the  
18 Generalized Land-Use Map?

19 MS. STEINGASSER: I believe C-3-A  
20 is also a medium density zone and it is also  
21 present in the neighborhood.

22 CHAIR MITTEN: Okay. And C-3-A  
23 relative to C-2-B? I know I should -- I used

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1 to be a little bit more conversant on these  
2 and what is relative on each of the -- the  
3 intensity on the -- on the two  
4 residential/nonresidential by comparison with  
5 C-2-B?

6 MS. STEINGASSER: Oh, here we go.  
7 The C-2-B would allow a maximum FAR of 3.5 of  
8 which the nonresidential, the commercial  
9 component --

10 CHAIR MITTEN: Um-hum.

11 MS. STEINGASSER: --is limited to  
12 1.5.

13 CHAIR MITTEN: Okay.

14 MS. STEINGASSER: So, that gives a  
15 low to moderate commercial density in a -- in  
16 a medium residential.

17 CHAIR MITTEN: Okay.

18 MS. STEINGASSER: The C-3-A is  
19 medium bulk. It allows a 4 FAR of which the  
20 commercial is actually higher. It's allowed  
21 to be at 2.5 nonresidential.

22 CHAIR MITTEN: Okay. Okay. And  
23 the heights in each?

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1 MS. STEINGASSER: Both of these  
2 allow a 65-foot height.

3 CHAIR MITTEN: Okay. As I said  
4 earlier, we'll have the record open for  
5 another week and so, the record will be open  
6 until September 20th.

7 So, if any of you have written  
8 testimony that you read tonight that you  
9 wanted to submit or if any of your neighbors  
10 have testimony that they'd like to submit,  
11 they can do that up until 3:00 next door in  
12 the Office of Zoning by a week from tonight.

13 So, I thank you all for your  
14 participation this evening and we will put  
15 this on our agenda for our October meeting for  
16 a decision and you're welcome to come back and  
17 observe our deliberation. We don't allow  
18 public testimony at our decision meetings  
19 unless we specifically ask someone to come  
20 forward, but, we invite your further interest.

21 Thank you. We're adjourned.

22 October 15th, 6:30 p.m.

23 (Whereupon, at 8:01 p.m., the

1 hearing was concluded.)

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