

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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-----:
IN THE MATTER OF: :
: Case No.
: 06-48
Text and Map Amendments :
Georgia Ave. Commercial Overlay :
-----:

Thursday,
October 25, 2007

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

The Public Hearing of Case No. 06-48 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Gregory Jeffries, Vice Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

GREGORY N. JEFFRIES Vice Chairman
CURTIS L. ETHERLY, JR. Commissioner
JOHN PARSONS Commissioner (NPS)
MICHAEL G. TURNBULL Commissioner (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
JENNIFER STEINGASSER

The transcript constitutes the minutes from
the Public Hearing held on October 25, 2007.

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A G E N D A

OPENING REMARKS

Gregory N. Jeffries, Chairman4

Z.C. CASE NO. 06-48

Text and Map Amendments to Establish and Map
the Georgia Avenue Commercial Overlay District
Stephen Mordfin. 7

WITNESSES

Council Member Jim Graham (Ward 1) . . . 20
Janisha Richardson ANC 1A-08 26
Danny Gonzalez ANC 1A-09 27

PERSONS IN SUPPORT

Clarence Moore 29
Cliff Valenti 32
Terra Weirich 36
Mary Pierre 38
Darren Jones 43
Howard Mayo 44
Jim Armstrong 46
Rob Lakritz 47
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Stephan Walker 54

VOTE BY COMMISSION TO APPROVE

4-0-1 65

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

6:36 p.m.

VICE CHAIRMAN JEFFRIES: Good

evening, ladies and gentlemen.

This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, October 25th, 2007.

My name is Greg Jeffries and joining me are Commissioners Curtis Etherly, John Parsons and Michael Turnbull. We're also joined by the Office of Zoning Staff Sharon Schellin.

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

The subject of this evening's hearing is Zoning Commission Case No. 06-48. This is request by the Office of Planning for text and map amendments to establish the Georgia Avenue Commercial Overlay District.

Notice of today's hearing was published in the D.C. Register on July 27, 2007

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1 and copies of that announcement are available to
2 my left on the wall near the door.

3 This hearing will be conducted in
4 accordance with the provisions of 11 DCMR,
5 Section 3021 as follows: (1) preliminary matters;
6 (2) presentation by the petition; (3) report of
7 other government agencies, if any; (4) reports of
8 ANC 4C and 1A; (5) organizations and persons in
9 support; (6) organizations and persons in
10 opposition.

11 The following time constraints will
12 be maintained in this hearing. Organizations
13 will be given five minutes and individuals will
14 be given three minutes.

15 The Commission intends to adhere to
16 these time limits as strictly as possible in
17 order to hear the case in a reasonable period of
18 time. The Commission reserves the right to
19 change the time limits for presentations, if
20 necessary, and notes that no time shall be ceded.

21 All persons appearing before the
22 Commission are to fill out two witness cards.

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1 These cards are located to my left on the table
2 near the door.

3 Upon coming forward to speak to the
4 Commission please give both cards to the reporter
5 sitting to my right before taking a seat at the
6 table.

7 When presenting information to the
8 Commission please turn on and speak into the
9 microphone, first stating your name and home
10 address. When you are finished speaking please
11 turn your microphone off so that your microphone
12 is no longer picking up sound or background
13 noise.

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

22 Please turn off all beepers and cell

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1 phones at this time so not to disrupt these
2 proceeding.

3 At this time the Commission will
4 consider any preliminary matters. Does the staff
5 have any preliminary matters?

6 Okay. So we can proceed with the
7 presentation by the petition which would be the
8 Office of Planning.

9 MR. MORDFIN: Good evening. I'm
10 Stephen Mordfin with the Office of Planning and
11 this petition is for the establishment of a
12 Commercial Overlay District to implement the
13 goals and objectives of the comprehensive plan
14 and the Georgia Avenue - Petworth Metro Station
15 area and corridor plan that was set down by the
16 Commission on December 11, 2006.

17 This overlay will allow existing
18 businesses and buildings to remain while
19 encouraging new desirable uses and the addition
20 of new buildings on underutilized or vacant
21 properties.

22 The boundaries of the overlay are

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1 all commercially zoned properties along Georgia
2 Avenue from Kenyon Street on the south to Varnum
3 Street on the north with the Georgia Avenue
4 Petworth Metro Station in the center. It only
5 includes commercially zoned properties, no
6 residentially zoned properties are included.

7 The central portion of the overlay
8 are approximately one-quarter mile north and
9 south of the Metro Station between Park Road and
10 Shepherd Street is zoned C-3-A. The remainder is
11 zoned C-2-A.

12 One of the objectives of the overlay
13 is to encourage mixed use development near the
14 Metro Station or the portion zoned C-3-A by
15 maximizing the opportunities of being located
16 within close proximity to a Metro Station but not
17 to rezone the entire corridor.

18 The existing underlying zone districts C-2-A and
19 C-3-A will remain.

20 One of the changes called for in the
21 Georgia Avenue plan is an improvement to the
22 types and the number of commercial services

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1 available to the community. To accomplish this,
2 an increase in the number of residents along the
3 corridor is proposed so as to increase demand for
4 retail services leading to an improved commercial
5 district.

6 This is accomplished by increasing
7 the lot occupancy of buildings to include
8 residential uses within the C-2-A from 60 percent
9 to 70 percent and by requiring that any
10 additional FAR and building height obtained
11 through the PUD process be used residentially
12 only.

13 The overlay also includes a list of
14 prohibited uses. The prohibited uses are
15 generally those that are more automobile than
16 pedestrian oriented and therefore do not
17 contribute toward the creation of a more
18 pedestrian friendly environment.

19 Prohibited uses include car washes,
20 auto repair garages, gas stations, liquor stores,
21 pawn shops, surface parking lots as the main use
22 of the property and any use that includes a drive

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1 through. Development of properties consisting of
2 12,000 square feet or more or building additions
3 on properties consisting of 12,000 square feet or
4 more are proposed to be permitted by special
5 exception.

6 As the large properties within the
7 corridor, this will allow for the Office of
8 Planning and for the public to review and comment
9 on these larger development projects to ensure
10 conformance with the design standards contained
11 within the overlay.

12 The overlay also includes a proposal
13 to reduce the minimize size of a PUD from 15,000
14 square feet in the C-2-A and C-3-A districts to
15 10,000 square feet. Reducing the minimum area
16 required for a PUD will make it easier to
17 assemble the minimum required amount of land
18 while encouraging the development of PUDs which
19 can be used to create high quality mixed use
20 developments.

21 Again, any additional floor area
22 acquired through the PUD process is recommended

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1 to be dedicated for residential use only in an
2 effort to increase the number of residents along
3 the corridor.

4 Designs standards proposed within
5 the overlay are for new buildings only and are
6 intended to encourage more pedestrian activity on
7 the street. These designs standards include such
8 things as requiring a minimum amount of
9 commercial space at the sidewalk level of any
10 proposed garages, requiring that at least half of
11 the street wall of new buildings be devoted to
12 building entrances or display windows and
13 requiring a minimum floor to ceiling height of 14
14 feet for street level storefronts.

15 Since the set down of this
16 application the Office of Planning has met with
17 the community twice and has made some minor
18 revisions to the proposed text for clarification
19 purposes. These include sections 1329.1 and 2
20 explaining that the overlays mapped in
21 combination with the underlying zoning districts
22 and not instead of them.

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1 Also, all uses permitted within the
2 underlying zone districts will continue to be
3 permitted except where otherwise prohibited by
4 the overlay.

5 The Office of Planning also combed
6 the proposed special exception requirements for
7 fast food restaurants together with the special
8 exception requirements from the design
9 requirements under one section and that is
10 Section 1330.

11 The Office of Planning recommends
12 the Commission adopt the map amendment and text
13 amendments for Case No. 06-48 as proposed by the
14 Office of Planning. Thank you

15 VICE CHAIRMAN JEFFRIES: Thank you
16 Mr. Mordfin. I'd like to ask any of the
17 commissioners if you have any questions for the
18 Office of Planning? Yes, Mr. Turnbull?

19 COMMISSIONER TURNBULL: Thank you
20 Mr. Chair. Mr. Mordfin, I was just curious, the
21 design requirements, there's 1328 the proposed
22 1328 design requirements; do you see in an

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1 overlay such as this something being developed
2 that's similar to the H Street design? I'm just
3 curious. I'm familiar with this and Chinatown,
4 there's various places that have more thorough
5 design requirements and I'm just wondering.
6 Nothing is mentioned in here but do you see that
7 being developed?

8 MR. MORDFIN: You mean further
9 developing the design requirements?

10 COMMISSIONER TURNBULL: Right.

11 MR. MORDFIN: Because these came
12 from the H Street, I didn't include all of the
13 design requirements that were in the H Street.
14 We thought that they were a little to restrictive
15 for Georgia Avenue and wanted to leave a little
16 more leeway for developers and for architects to
17 design different buildings within this corridor.

18 And so therefore we left out some of those
19 design requirements that are included in the H
20 Street which have to do with the windows and
21 things like that except for storefront windows
22 where we wanted you to be able to see through

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1 them so you could see what was being sold, to
2 hopefully encourage more creativity along Georgia
3 Avenue.

4 COMMISSIONER TURNBULL: Okay. All
5 right. Thank you.

6 VICE CHAIRMAN JEFFRIES: I do
7 have one question. In terms of the whole push
8 behind the overlay to create more housing, how
9 much housing are you projecting based on this
10 overlay? Do you have any level of projections on
11 how much housing can actually derive?

12 MR. MORDFIN: We did not determine
13 how many additional housing units this could
14 possibly create and it depends also a lot on the
15 types of units that are created, although most of
16 them will probably be apartments, the sizes of
17 the apartments would be affected by the size of
18 the building. That would play into it. So we
19 did not do that.

20 We just were trying to increase the
21 presence of residences there so we could increase
22 the amount of disposable income that could be

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1 spent on Georgia so that we would improve the
2 services there.

3 VICE CHAIRMAN JEFFRIES: Thank
4 you. Okay. And my other question was around the
5 PUD. Normally the PUD footprint is 15,000 square
6 feet but the Commission can actually, upon its
7 discretion, go all the way down to 7,500. Will
8 the same type of thing apply to this overlay? I
9 know we're starting at 10,000 as a minimum. I
10 mean do we have discretion to go lower?

11 MR. MORDFIN: What this would do is
12 the Commission could still reduce it by 50
13 percent so it could go down to 5,000.

14 VICE CHAIRMAN JEFFRIES: Okay.
15 Thank you very much. Any other questions?

16 COMMISSIONER ETHERLY: Just one
17 very brief question Mr. Chair. Thank you Mr.
18 Mordfin for your report. Very quickly, on the
19 aspect of prohibited uses, 1329.3(f) it
20 references as follows: liquor store or other
21 similar establishment which primarily sells
22 alcoholic drinks for off premises consumption.

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1 I'm going to presume for a moment that perhaps
2 this is an elementary question being that I'm the
3 newbie on the block but I wanted to ask if you
4 could speak a little bit to how that phrase
5 "primarily sells alcoholic drinks" is typically
6 interpreted.

7 During my time on the Board of
8 Zoning Adjustment we've dealt with a number of
9 instances not just in the liquor store realm but
10 also in other establishments, be they SOBE
11 establishments or even in the area of fast foods
12 where we get into kind of parsing out exactly
13 what kind of gets a particular operation over the
14 hump in terms of liquor store.

15 So when I see that adjective or that
16 descriptor, primarily I just want to be sure I'm
17 clear on what that typically is interpreted to
18 mean.

19 MR. MORDFIN: It's interpreted to
20 mean liquor stores. Unfortunately, within the
21 zoning regulations we don't use the term liquor
22 store. And rather than using the terms that are

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1 used in the zoning regs we wanted to make sure
2 that everybody would understand that what we did
3 mean is what everyone thinks of as a liquor
4 store.

5 And so through guidance from OAG we
6 put in liquor store and then included the rest of
7 this so that it would be understood that we mean
8 the liquor stores as they are permitted in the
9 zoning regs.

10 COMMISSIONER ETHERLY: Okay.

11 MR. MORDFIN: And kept the term.
12 Because the term, within the zoning regulations
13 right now is off premise alcoholic beverage sales
14 and with the remainder of that the words "or
15 other similar establishment" so all we did was
16 take off premises alcoholic beverage sales and
17 replace liquor store. The remainder of that is
18 the term that's used within the zoning
19 regulations.

20 COMMISSIONER ETHERLY: So the
21 language "which primarily sells alcoholic drinks
22 for off premises consumption," is that tracking

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1 language that's utilized elsewhere in the zoning
2 regs at this point

3 MR. MORDFIN: Yes.

4 COMMISSIONER ETHERLY: And how has
5 that been interpreted, that issue of primarily --
6 I'm just trying to get a sense of making sure
7 it's clear. I've seen cases where we end up
8 getting into literally litmus tests that sort out
9 how much of your floor space is actually
10 dedicated to liquor sales versus other sales and
11 all of that.

12 MR. MORDFIN: I think for that
13 we're going to have to speak with the zoning
14 administrator because they're the ones that--
15 they interpret the zoning regulations.

16 COMMISSIONER ETHERLY: Okay.

17 MR. MORDFIN: And find out just how
18 they are interpreting that.

19 COMMISSIONER ETHERLY: Okay.
20 Excellent. Thank you. Thank you Mr. Chair.

21 VICE CHAIRMAN JEFFRIES: Any other
22 questions from the Commission? Okay. We've been

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1 joined by Council Member Jim Graham, it's
2 customary for the Commission to allow council
3 members that come before the hearing to speak.
4 Would you like to step forward?

5 COUNCIL MEMBER GRAHAM: Thank you
6 very much Commissioners. I'm very pleased to be
7 here. I'm here tonight along with a great many
8 people from the Ward that I'm privileged to
9 represent in support of the Office of Planning's
10 proposal to create a Georgia Avenue overlay.
11 And I have a brief statement if I may be
12 permitted to make it at this point.

13 Georgia Avenue has long been left
14 behind in the economic development that has
15 benefitted so much else in the District of
16 Columbia.

17 The Georgia Avenue corridor contains
18 a high proportion of commercial vacancies due to
19 outdated commercial spaces and insufficient
20 population. Therefore, population density in the
21 vicinity of the Metro Station at Georgia and New
22 Hampshire should be increased to support

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1 commercial activity.

2 Vacant and underused properties
3 should be developed. The overlay should
4 encourage additional residential uses and
5 improved commercial uses and provide common
6 design standards and set guidelines for
7 development review.

8 The overlay should improve the
9 pedestrian experience on the avenue. There
10 should be more openness between the pedestrians
11 and buildings, direct access into individual
12 businesses, minimization of solid walls and
13 vehicular access across sidewalks.

14 And here is part of the key to what
15 you're considering tonight. As the largest
16 buildings have a greater potential to negative
17 affect residential uses, special exception
18 reviews should be used to ameliorate any adverse
19 impacts. Therefore, Lots of 12,00 square feet or
20 more, which could also result from the
21 consolidation of smaller Lots, should have
22 additional review from the Office of Planning and

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1 the public that is provided through the special
2 exception process.

3 Noise associated with the operation
4 of a proposed use shall not -- and should not --
5 significantly affect adjacent or nearby
6 residences. Each building on a Lot that fronts
7 on Georgia Avenue Northwest shall devote not less
8 than 50 percent of the surface area of the street
9 wall at the ground level to entrances to
10 commercial uses or to the building and to display
11 windows having clear glass. I just drove by the
12 CVS just a couple of blocks from here and what a
13 pleasure it was to see a CVS with large glass
14 windows rather than looking like a fortress.
15 That's the type of feeling we want on Georgia
16 Avenue.

17 The ground floor level of each
18 building or building addition should have a
19 uniform minimum clear floor to ceiling height to
20 14 feet, and the following businesses should be
21 prohibited within the Georgia Avenue overlay.
22 Automobile and truck sales, automobile laundry,

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1 boat or marine sales, gasoline service stations,
2 liquor stores or other similar establishments
3 which primarily sell alcoholic drinks for off
4 premises consumption, pawn shops, repair garages,
5 storage facilities and any use that includes a
6 drive through.

7 I want to conclude by saying how
8 much I appreciate and how much I support the
9 proposal by the Office of Planning and I want to
10 come here tonight in strong support of that
11 proposal and I hope that the Georgia Avenue
12 overlay will be affirmatively approved and put
13 into place by this distinguished Commission. So I
14 thank you all very much.

15 VICE CHAIRMAN JEFFRIES: Thank you
16 very much Council Member Graham. Do any of the
17 commissioners have any questions for the council
18 member?

19 COMMISSIONER ETHERLY: Very
20 quickly, Mr. Chair. Thank you very much Council
21 Member Graham for your testimony. You had the
22 opportunity to hear a little bit of my exchange

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1 with the Office of Planning around that issue of
2 liquor stores which I agree most certainly
3 belongs in that list of prohibited uses.

4 But not to digress to much,
5 especially with your experience in the ABC realm,
6 on that issue of primarily sells alcoholic
7 drinks, what would be your sense of how
8 conceivably you would like to see that
9 interpreted? This I know is a very sticky
10 wicket in a lot of other parts of our city,
11 Georgia Avenue most certainly notwithstanding,
12 but I just want to be sure that we have it right
13 in terms of the interpretation for that
14 provision.

15 COUNCIL MEMBER GRAHAM: I
16 appreciate it. By the way, congratulations Mr.
17 Etherly.

18 COMMISSIONER ETHERLY: Thank you
19 sir.

20 COUNCIL MEMBER GRAHAM: We're
21 delighted to see you as a member of the
22 Commission here.

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1 If I may be permitted to ponder that
2 question and I'd be glad to get back to you on
3 that issue.

4 COMMISSIONER ETHERLY: I'd
5 appreciate it. Your expertise in that area is
6 very, very well documented.

7 COUNCIL MEMBER GRAHAM: I wouldn't
8 want to curbstone anything quite that important.

9 COMMISSIONER ETHERLY: Thank you.
10 And thank you, Mr. Chair.

11 VICE CHAIRMAN JEFFRIES: Any other
12 questions? Okay. Council Member Graham, thank
13 you for coming down this evening.

14 Okay. Next we are looking at
15 reports from other governmental agencies and I
16 don't think we have any do we? Okay. So we're
17 going to move on to our next section, report
18 from ANCs 4C or 1A. Do we have anyone here
19 representing those? Yes? Thank you.

20 Now I have to ask first, have you
21 been duly authorized by your ANC to speak and do
22 you have any documentation to that effect?

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1 MS. RICHARDSON: Yes, I do.

2 VICE CHAIRMAN JEFFRIES: Could you
3 hand it to Ms. Schellin. Thank you. Okay. Ms.
4 Richardson, you can proceed. Thank you.

5 MS. RICHARDSON: Okay. Thank you.
6 My name is Janisha Richardson, I reside at 766A
7 Princeton Place, N.W., Washington, D.C. 20010. I
8 am also the Advisory Neighborhood Commissioner
9 for 1A-08.

10 At our last meeting on October 10th
11 we passed a resolution titled "Advisory
12 Neighborhood Commission 1A Resolution on the
13 Georgia Avenue Zoning Overlay."

14 Whereas Georgia Avenue was rezoned
15 from C-2-A to C-3-A in 1994, Case 94-11Z,
16 allowing dense development and a wider variety of
17 types of uses, and whereas an additional layer of
18 review is needed to encourage smart growth and
19 preservation of Georgia Avenue's commercial
20 corridor starting at Kenyon Street and running
21 northward to Varnum Street, and whereas the
22 Georgia Avenue Commercial Overlay District Case

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1 06-48 provides for an additional layer of zoning
2 approval and public input for many types of
3 development project and provides developers and
4 businesses with framework for standards and
5 expectations, and whereas the comprehensive plan
6 specifically recommends the creation of a
7 Commercial Overlay District MC-2.1, 201 on
8 Georgia Avenue, therefore resolved Advisory
9 Neighborhood Commission 1A supports the Georgia
10 Avenue Zoning Overlay brought forth by the Office
11 of Planning, and further resolved recommends that
12 the Georgia Avenue Zoning Overlay be amended to
13 require commercial development with street access
14 for all large scale development.

15 And further resolved, ANC 1A
16 appoints Commissioner Janisha Richardson to
17 represent ANC 1A at the hearing for zoning Case
18 06-48. Signed by our Chair, Dottie Lovewade, and
19 our Secretary Alex Hogan on October 10, 2007.

20 VICE CHAIRMAN JEFFRIES: Thank you
21 Commissioner Richardson. Okay.

22 MR. GONZALEZ: My name is Donny

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1 Gonzalez. I reside at 618 Keefer Place, N.W.
2 I'm also the Advisory Neighborhood Commissioner
3 of 1A-09.

4 VICE CHAIRMAN JEFFRIES: Normally
5 we would only at this particular part in our
6 hearings allow for the individual from the
7 Commission who's authorized to speak for the
8 entire Commission to speak, but you're here so go
9 right ahead.

10 MR. GONZALEZ: And I won't add too
11 much. I just wanted to come on the record and
12 say that I was 100 percent in support of the
13 Overlay.

14 VICE CHAIRMAN JEFFRIES: Okay.
15 Great. Thank you very much. Commissioners, any
16 questions for ANC? Anyone? Okay. Thank you
17 very much for coming down.

18 So we don't have anyone here
19 representing ANC 4C? No takers? No takers.
20 Okay. So we're going to move now to
21 organizations and persons in support and I have a
22 list of those individuals and organizations that

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1 are here speaking and the good news is that
2 everybody seems to be in support.

3 I'll start from the list and then
4 afterwards anyone else who didn't sign the list
5 who would like to come up and speak you'll be
6 invited to come up. Okay? Let's start off with
7 Clarence Buddy Moore, Georgia Avenue
8 Redevelopment Defense Squad. Cliff Valentine or
9 Valenti, president of United Neighborhood
10 Coalition. Valenti, I'm sorry.

11 Terra Weirich, resident. And then
12 Mary?

13 MS. PIERRE: Pierre.

14 VICE CHAIRMAN JEFFRIES: Pierre,
15 I'm sorry. If the four of you can come down that
16 would be great. We'll have each of you speak
17 and then afterwards the Commission will then ask
18 you questions as a panel. Okay? So Mr. Moore
19 if you can start?

20 MR. MOORE: Thank you Mr. Chairman
21 and Members of the Zoning Commission. I am
22 Clarence Buddy Moore and I reside at 506 Park

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1 Road, N.W., Washington D.C. 20010.

2 Thank you for holding this hearing
3 today. I am a member of the Georgia Avenue
4 Redevelopment Defense Squad, better known, as
5 GARDS. GARDS, which consists of residents within
6 the Georgia Avenue corridor, also known as
7 Parkview, was organized in 2006. The goal of
8 GARDS is to monitor the future development and
9 future maintenance of mid-Georgia Avenue.

10 On behalf of GARDS, I urge members
11 of the Zoning Commission to approve the Georgia
12 Avenue Commercial Overlay District request as
13 presented by the D.C. Office of Planning.

14 We feel that our request is a simple
15 one because the overlay is what Parkview
16 residents desire and deserve.

17 Over the past six months, GARDS
18 members have visited merchants who are currently
19 located within mid-Georgia Avenue to ascertain
20 the business owners' perspectives concerning the
21 future of Georgia Avenue. We found that the
22 overwhelming majority of merchants were opposed

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1 to the construction of large commercial
2 structures on Georgia Avenue.

3 We also found that merchants enjoyed
4 interfacing with surrounding neighborhood
5 residents which accounted for most of their
6 repeat business.

7 While merchants were dissatisfied
8 with the current streetscape and overall
9 conditions that currently exist on Georgia
10 Avenue, such as loitering, panhandling, fencing
11 stolen merchandise, littering, illegal drug
12 sales, etc., we found that Georgia Avenue
13 merchants were indeed satisfied with the quote
14 "small town atmosphere" end of quote of the
15 neighborhood.

16 GARDS' members have also
17 communicated randomly with more than 300 Parkview
18 residents and we found that all residents were in
19 favor of a revitalized Georgia Avenue that has a
20 neighborhood character and will be pedestrian
21 friendly.

22 We envision a Georgia Avenue that

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1 will be respected by all and will provide the
2 amenities our residents deserve. We believe that
3 Parkview residents should be able to shop where
4 we live.

5 GARDS members are convinced that the
6 Georgia Avenue Overlay District would allow mid-
7 Georgia Avenue to be developed in a manner that
8 would be satisfactory to the current merchants,
9 consistent with the comprehensive plan and would
10 gratify residents of the surrounding
11 neighborhood.

12 On behalf of GARDS and residents of
13 the Parkview community, I again appeal to the
14 Zoning Commission to approve the Georgia Avenue
15 Commercial Overlay District as proposed by the
16 D.C. Office of Planning. Thank you.

17 VICE CHAIRMAN JEFFRIES: Thank you
18 Mr. Moore. Mr. Valenti?

19 MR. VALENTI: Hi, my name is Cliff
20 Valenti. I live at 3648 Park Place, N.W. in
21 Washington, D.C. I'm the president of
22 Parkview's United Neighborhood Coalition.

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1 Thank you for considering this
2 important proposal for Georgia Avenue. The
3 United Neighborhood Coalition is extremely
4 excited and supportive of the Georgia Avenue
5 Commercial Overlay District.

6 It has been a topic of several
7 meetings and we have talked to the business
8 owners on Georgia Avenue, many of whom are
9 members, and marched door to door to discuss the
10 proposal with members of our community.

11 The support for this case is
12 overwhelming. In any April of 1995 when the map
13 amendment on this section of Georgia Avenue was
14 approved in 94-11-Z, residents expressed a deep
15 concern about the change from C-2-A zoning to C-
16 3-A. Even the ANC testified in opposition of
17 this change.

18 Residents were assured that through
19 the use of an overlay district we could have
20 relevant input in standards assigned to
21 development that would occur in the C-3-A area.
22 Unfortunately, efforts fizzled out in early 2000

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1 to complete and implement the overlay.

2 These efforts were re-energized
3 almost two years ago and now the neighborhood is
4 in agreement. The neighborhood's enthusiasm is
5 amplified by recommendations in the comprehensive
6 plan's mid-city elements and specifically
7 recommends implementation of an overlay district
8 in the Georgia Avenue corridor.

9 The comprehensive plan also
10 recognizes the need for revitalization along
11 this corridor. When you compare the original
12 intent of the zoning change back in 1995 to the
13 type of development that has occurred on Georgia
14 Avenue, there seems to be a disconnect. In fact,
15 looking south of the Georgia Avenue - Petworth
16 Metro Station, you can see the effect of the
17 zoning changes resulted in a net loss of
18 neighborhood serving retail and residential uses.

19 The Georgia Avenue Corridor Plan put
20 together by the Office of Planning and residents
21 of the community, along with the Great Streets
22 Initiative, also tried to right this wrong. But

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1 the Overlay District provides the opportunity to
2 fuse all these elements together into one
3 consistent plan.

4 Residents of the community feel
5 their ideas are well represented by this plan.
6 They have, however, expressed that they would
7 like to see a clause added requiring the ground
8 floor of any development over 10,000 square feet
9 be required to have a commercial use unless
10 otherwise approved.

11 They also express that they would
12 like to see Section 1329.2 modified to read
13 construction of a building on a lot that has
14 10,000 square feet of land use area instead of
15 12,000 be reviewed via special exception.

16 While we would like to see these
17 items added, we believe the Office of Planning
18 has done a great job on this proposal. Parkview
19 is a neighborhood where nearly 50 percent of its
20 residents are senior citizens. Some of thee
21 residents have fought for a brighter safer
22 neighborhood for more than 30 years. Other

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1 residents are newer, attracted by the
2 opportunities the area provides.

3 The Georgia Avenue Overlay District
4 affirms the many years of civic pride, positive
5 growth and revitalization our community has
6 fought for. I urge you to support the overlay
7 district.

8 VICE CHAIRMAN JEFFRIES: Thank you.
9 Next we have -- you have to say your last name.

10 MS. WEIRICH: Weirich. Terra
11 Weirich. Thank you. I'm Terra Weirich, I live at
12 607 Lamont Street, N.W. and I'm here for the same
13 reason as a lot of my neighbors. I moved to the
14 neighborhood because I could see the potential in
15 Georgia Avenue and this is a really exciting
16 night for us to start implementing some of the
17 zoning that will help us achieve that greatness.

18 I think we all envision a mix of
19 shops and restaurants and housing that create a
20 vibrant mixed use pedestrian friendly corridor.

21 We think the overlay will build a
22 successful business core that's high quality,

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1 pedestrian friendly and will attract residents
2 to fill units above the retail.

3 The retail requirements include lots
4 of display windows, buildings built right up to
5 the sidewalk, tall ceilings, rear or underground
6 parking and security grills that still allow for
7 the light to get into the spaces.

8 The overlay also gives residents the
9 very important ability to influence large
10 developments, those on parcels over 12,000 square
11 feet, that seek to move into our neighborhood. A
12 similar clause is in the Macomb-Wisconsin Overlay
13 and helps those residents to achieve compatible
14 uses and revitalization in their area.

15 And this is a cause that I, along
16 with my fellow residents, consider crucial to the
17 overlay, as this section of Georgia Avenue is
18 fragile, 30 to 35 percent of the stores are
19 sitting vacant and there are literally liquor
20 stores on every block, and also a large strip
21 club.

22 I attended a Georgia Avenue retail

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1 forum a couple of nights ago and heard a lot of
2 the great that ideas that developers, planning
3 professionals and residents have for the corridor
4 and tonight we need you, the Zoning Commission,
5 to give is the foundation to carry out those
6 ideas. I urge you to vote in favor of the
7 Georgia Avenue Overlay.

8 VICE CHAIRMAN JEFFRIES: Thank you
9 very much. And Ms. Pierre?

10 MS. PIERRE: Good evening. My name
11 is Mary Pierre, I live on 602 Newton Place, N.W.
12 and I've been a resident for 20 years.

13 Living on the 600 blocks of Newton
14 Place, N.W. is not a luxury for me but a
15 necessity. My income is very low. This hot spot
16 is the most neglected part of the city, and
17 because of this is now a high crime environment.

18 Look at what exists today. The
19 liquor stores on every block, a strip club and
20 an increase in other stores that sell alcohol.
21 Because of this neglect, the people that are
22 affected most is our children and seniors.

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1 Just take a drive through the area
2 on Georgia Avenue one day and you will see the
3 dangers that exist. Imagine a child growing up
4 in this environment, waking up in the morning to
5 go to school and having to walk through trash,
6 condoms and dirty needles just to get an
7 education.

8 I feel that the Georgia Avenue
9 Overlay is a chance for us to say yes, we care.

10 And yes to positive change in our environment.

11 Residents need control where we can
12 be able to begin to revitalize our neighborhood
13 to make it a safe place so that anyone can walk
14 across Georgia Avenue to go to the store or to
15 church without fear.

16 I plead to you, the members of the
17 D.C. Zoning Commission, to approve the Georgia
18 Avenue Overlay.

19 It is true that we have been
20 promised many things concerning Georgia Avenue in
21 the past and as of today nothing has come of it.

22 Please approve the overlay as proposed by the

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1 D.C. Office of Planning. Thank you.

2 VICE CHAIRMAN JEFFRIES: Thank you
3 very much. Any questions from this panel
4 Commissioners?

5 COMMISSIONER PARSONS: Actually, I
6 wanted to ask the Office of Planning their
7 reaction to Mr. Valenti's suggestion that we drop
8 to 10,000 square feet instead of the 12,000
9 square feet that's in the proposal.

10 MR. MORDFIN: Actually, we had
11 started off at 10,000 square feet and after a
12 meeting with the community at Parkview Elementary
13 School they had expressed concern that they
14 thought 10,000 was too small and they wanted it
15 raised to 12,000.

16 And so in response to the request
17 from the community we increased it to 12,000 for
18 the special exceptions.

19 COMMISSIONER PARSONS: Thank you.

20 VICE CHAIRMAN JEFFRIES: Any other
21 questions?

22 COMMISSIONER TURNBULL: Thank you,

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1 Mr. Chair. I guess I wanted to focus a question
2 back to the Office of Planning also, based upon
3 the panel. Mr. Moore was very concerned about
4 large commercial structures on Georgia Avenue, he
5 talked about small town atmosphere and
6 neighborhood character.

7 Now we're encouraging more density
8 near the Metro Station and I wonder how to
9 relieve his concerns how this process is going to
10 reflect what he feels necessary?

11 MS. STEINGASSER: Part of the basis
12 behind our requirement for special exception
13 review is that there is a public process to look
14 at the bigger buildings, that adjacency of the
15 larger commercial up against the type of
16 residential can be evaluated and the building can
17 be reviewed in that context. It was in response
18 to that very concern of how that commercial
19 corridor interacts with that residential.

20 COMMISSIONER TURNBULL: And I guess
21 well that gets back to my previous question about
22 the design standards trying to reflect the

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1 neighborhood quality. Do you still feel that
2 we're covered sufficiently?

3 MS. STEINGASSER: It was never out
4 intent that the design standards become
5 architectural design standards to dictate one
6 style.

7 COMMISSIONER TURNBULL: Well I'm
8 thinking of massing or whatever that might affect
9 the sense of scale in the area.

10 MS. STEINGASSER: Well that would
11 certainly be something that would be reviewed
12 through the special exception but we felt those
13 were fairly well covered in here.

14 COMMISSIONER TURNBULL: Okay.
15 Thank you.

16 VICE CHAIRMAN JEFFRIES: Any more
17 questions for the panel by the Commissioners?
18 Okay. Thank you very much for coming down this
19 evening.

20 Commissioner Gonzalez, if you'd like
21 to come back up? You're fine? Okay. Great.

22 How about Darren Jones with the

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1 Pleasant Plains Civic Association? Howard Mayo?

2 Okay. Jim Armstrong? Okay. That's it for now
3 and so Mr. Jones, you're going to get five
4 minutes. You're representing your organization.

5 MR. JONES: Good evening. My name
6 is Darren Jones, I'm the president of Pleasant
7 Plains Civic Association. I live at 767 Columbia
8 Road, N.W. I want to be very brief, I think you
9 all got the statement from the Pleasant Plains
10 Civic Association saying that we are totally in
11 support of the Commercial Overlay District on
12 Georgia Avenue.

13 I have lived in the Georgia Avenue
14 corridor all of my life, which is 47 years.
15 We've been waiting at least that long for Georgia
16 Avenue to be redeveloped. My mother has lived in
17 the corridor for 55 years.

18 So we met as a civic association, we
19 voted unanimously to approve the overlay district
20 and I am here tonight simply to say that I
21 support it individually and that the civic
22 association supports it 100 percent. Thank you.

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1 VICE CHAIRMAN JEFFRIES: Thank you.

2 Okay. Next Mr. Mayo?

3 MR. MAYO: Good evening Members of
4 the Zoning Commission. My name is Howard Mayo. I
5 live in the 700 block of Quebec Place, N.W. I am
6 also a native Washingtonian, lived here all my
7 life.

8 I'm exciting about the overlay. I
9 get a good positive feeling about it. My wife
10 and I have raised four daughters. We have made
11 some sacrifices to take them to schools outside
12 of our initial neighborhood, and to see something
13 like this coming to Georgia Avenue it's a good
14 feeling.

15 In regards to I think some mention
16 of the different heights and so forth of the
17 buildings, that I think is something that needs
18 to be taken a look at.

19 Mr. Valenti who is our president, I
20 am the vice president of UNC, and there's a new
21 school, a charter school, which is a positive
22 thing that's happening on Georgia Avenue. The

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1 building itself is a little higher scale than the
2 normal skyline. However, it is a positive
3 attribute to Georgia Avenue.

4 I'd just like to say I'm excited
5 about what's happening on Georgia Avenue. My
6 feeling has always been that I'm a taxpayer of
7 Washington, D.C. My taxes pay for every single
8 corner of this city with no exception. And so
9 with that idea in mind, I would just like to say
10 that it's a good thing that the city is putting
11 some money on Georgia Avenue at this particular
12 time. Late may it be, but we're glad to see it
13 coming. Thank you.

14 VICE CHAIRMAN JEFFRIES: Thank you.

15 Mr. Armstrong?

16 MR. AMSTRONG: Thank very much. I
17 may have misunderstood process. I had submitted
18 some comments for your consideration, hadn't
19 intended to speak tonight. And so I guess I'd
20 like to say two things.

21 First of all, as a relatively new
22 resident of Parkview, I feel in the debt of the

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1 folks who've been working for 30 and 40 and 50
2 years to develop the neighborhood to the place
3 it's at today. I appreciate your attention to
4 the comments they've submitted and I hope that
5 you find that you can support adoption of this
6 proposal this evening. Thank you very much.

7 VICE CHAIRMAN JEFFRIES: Thank you.
8 Any questions from the Commission? Thank you
9 for coming down. Is there anyone else here this
10 evening who did not sign the list who would like
11 to come up and speak as a proponent? Please come
12 down. You have filled out card? You need to
13 give the court reporter your card before you come
14 to the desk.

15 Anyone else? There's room. What's your
16 name? Just come down. Come down. Mr. Walker
17 do you have a card?

18 You can proceed.

19 MR. LAKRITZ: Thanks Commissioner
20 Jeffries and thank you to rest of the commission.
21 My name is Rob Lakritz. I'm one of the owners of
22 Lakritz-Adler Development and this is my partner

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1 Josh Adler. And we want to testify very
2 strongly in support of the overlay as a
3 development company who has invested a great deal
4 of energy, effort and resources into this part of
5 the corridor.

6 Five years ago we made a decision to
7 come up to Georgia Avenue, I myself am a resident
8 of the Georgia Avenue corridor and I live at 4326
9 8th Street. We made a decision to open the first
10 sit-down restaurant in a long time in response to
11 many of the members of the community who are
12 behind me, and we congratulate the Office of
13 Planning and Council Member Graham for working
14 very hard to jumpstart development.

15 One of the things that we've talked
16 about in the past, and many of the community know
17 this, is that we've a couple of additional ideas
18 that could help incentivize development, and we
19 know this first hand being property owners
20 within the overlay. And my partner Josh would
21 like to talk about some of those.

22 MR. ADLER: My name's Josh Adler,

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1 the other half of Lakritz-Adler Development and
2 we support the goals and expressions of the
3 overlay and we would like to suggest some
4 potential enhancements as the expressed goals of
5 the overlay in terms of greater and better retail
6 development and residential and commercial
7 development of the overlay.

8 Right now there aren't actually any
9 incentives or actually any text within the
10 overlay that would serve to incentivize the sort
11 of development that is described as being
12 described in the overlay. There are only
13 prohibitions against undesirable development but
14 there's nothing to actually help the desirable
15 development and we have a few ideas about that.
16 I'm sure there are many more but we would think
17 it would be helpful to have carrots as well as
18 sticks in the context of the Georgia Avenue
19 Overlay.

20 Three ideas that we'd like to
21 suggest specifically. The first is parking
22 requirements. The C-3-A and C-2-A zones have

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1 some of the toughest, actually I think the
2 toughest, parking requirements of any commercial
3 zone in the city. And the overlay has a lot of
4 text in it talking about how much we want to
5 encourage a pedestrian environment, especially in
6 the immediate area of the Metro and, of course,
7 it prohibits parking next to and in front of
8 buildings. There's all sorts of elements that
9 make it harder to build parking or operate cars
10 in the area of the overlay.

11 But nothing's been done with the
12 extremely onerous parking requirements of the C-
13 3-A and C-2-A zones which is one space per 300
14 square feet of retail after the first 3,000 of
15 retail and, in fact, if you have a mixed use
16 building with retail and office, the exemption is
17 much lower because you have to blend the 2,000
18 square feet for the office component.

19 So what we would suggest is at least
20 in a quarter mile radius of the Metro, eliminate
21 the parking requirements. If the objective here
22 is to encourage a pedestrian environment we

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1 shouldn't have the greatest car requirements and
2 parking requirements of any commercial zone in
3 the city within the area where we're trying to
4 encourage pedestrian activity. Or at least
5 eliminate the parking requirements up to the
6 12,000 square foot lot size where special
7 exceptions are now going to be required in any
8 case.

9 If you're going to have to go to the
10 BZA anyway, well you can raise the parking issue,
11 but if the idea here is to make it easier to do
12 retail development, at least up to the 12,000
13 square foot lot size within a quarter mile of the
14 Metro we would suggest just eliminating the
15 parking requirements for retail and commercial
16 uses.

17 The second suggestion we'd like to
18 make is for some method for expedited BZA and, if
19 possible, building permit approval within the
20 overlay. And we know, of course, all around the
21 city everyone would like to see that and it's got
22 its own issues.

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1 But if we're now going to be forcing
2 most development projects within the overlay
3 through one reason or another with this overlay
4 text to go to BZA, you know, going to BZA which
5 adds about eight months to the ordinary approval
6 process for a project in Washington, D.C. today -
7 - and that's assuming of course that you get
8 approved the first time through -- is a huge
9 burden, especially on smaller development
10 projects where it represents an enormous
11 additional cost and really makes the difference,
12 I mean being-- versus even a special exception
13 and that extra eight months and the time even
14 more than the legal cost which the legal cost is
15 considerable, has an enormous impact on the
16 feasibility of most small and medium size
17 projects in D.C.

18 And so if there's some way to
19 expedite the BZA review and also separately DCRA
20 permit review process for new projects within the
21 overlay that would be a huge benefit to
22 encouraging projects and development and speeding

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1 development in the overlay that everyone says
2 they want to see, given that most new projects in
3 this overlay text, even if the lots are under
4 12,000 square feet are probably going to require
5 a special exception at least.

6 And the third item we want to bring
7 up is Ms. Weirich mentioned earlier that about
8 35 percent of the properties within the overlay
9 are vacant buildings, and that is a huge concern
10 of ours as well.

11 It would be great if the overlay had
12 some sort of improved tools for the city to
13 expedite the condemnation and higher taxation of
14 vacant properties.

15 VICE CHAIRMAN JEFFRIES: Mr. Adler,
16 you should finish up.

17 MR. ADLER: Okay. Thanks. That's
18 the third point that we wanted to make is let's
19 get straight to that problem which is if there's
20 too many vacancies, let's get those properties
21 away from the people who are sitting on them
22 vacant and get them into productive use, and the

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1 overlay could include more effective tools for
2 the mayor and the council to do that.

3 VICE CHAIRMAN JEFFRIES: Thank you.

4 Next? Mr. Walker?

5 MR. WALKER: Thanks. Good evening.

6 My name is Stephan Walker, I'm a resident of 705
7 Otis Place, N.W.

8 I certainly support and agree with
9 all of the comments of my neighbors and friends
10 that have been made previously. I think it is
11 extremely important that the overlay and various
12 other tools such as the overlay be put in place
13 to afford the structure whereby individuals,
14 community groups have an opportunity to
15 participate in the review process.

16 I think that is critical to the
17 whole idea, particularly to the extent that we
18 live in the District of Columbia which I
19 sometimes refer to as a plantation vis a vis the
20 relationship with the Congress and the like.

21 We need elements of government such
22 as this so as to encourage and ensure the right

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1 and participation of individuals, particularly
2 with respect to things like future development of
3 Georgia Avenue.

4 Georgia Avenue is extremely critical
5 and this is a critical time for this
6 neighborhood. To the extent that there's the
7 prospect of positive development along Georgia
8 Avenue that supports the greater prospect of
9 positive redevelopment and improvement within our
10 community.

11 So I ask that you be aware of those
12 concerns as well. Get right to the bone. Be
13 aware of those concerns and give favorable
14 consideration to the overlay as at least a
15 minimal initial step. Okay. Thank you.

16 VICE CHAIRMAN JEFFRIES: Thank you
17 Mr Walker. Any questions from the Commission?

18 COMMISSIONER TURNBULL: Thank you
19 Mr. Chair. I just was thinking that maybe the
20 Office of Planning could comment on the three
21 incentives that were proposed.

22 VICE CHAIRMAN JEFFRIES: Yes, I

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1 wanted to go there. I mean I think at least two
2 of the things that were brought up by Mr. Adler
3 really are not in the jurisdiction of this
4 Commission. But particularly with
5 the first one that the Office of Planning could
6 speak on this whole notion of the parking. Thank
7 you.

8 MS. STEINGASSER: We currently have
9 a consultant under contract and they are
10 reviewing all of the parking standards and we've
11 asked for a specific focus on the Metro stations
12 including areas where there's been up zoning in
13 the past ten, 20 years to get that incentive,
14 because we also agree that some of these areas
15 are way over parked and the requirement
16 financially on the lower areas can be very, very
17 expensive.

18 VICE CHAIRMAN JEFFRIES: And one of
19 the things that you should note, at least with
20 this Commission, you know, we're very concerned
21 about over parking, particularly close to transit
22 oriented developments I mean because it really

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1 diminishes the whole point of having the Metro
2 station and having built up density.

3 So when we have a PUD that comes
4 before us that's within striking distance of a
5 Metro station we are typically pretty harsh with
6 the applicant if we find that they're over
7 parking because obviously everyone understands
8 that there's a serious vehicular abundance
9 problem in this town and that we need to really
10 start to address it. So I'm happy to hear that
11 the Office of Planning has hired someone to
12 really take a look at that.

13 MR. LAKRITZ: I just wanted to say
14 one thing which is news from the field which
15 supports what you're saying. We've had a number
16 of discussions, many of the members of the
17 community here know about this, with some
18 national retail chains for a drug store
19 convenience store, and we have really persuaded
20 them over the last few years, the development
21 community in total, particularly in D.C., that
22 around Metro stations their traditional suburban

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1 models of having drive throughs and lots of
2 parking just isn't going to work in the city.

3 And they understand that and I think
4 that's a very positive development that I know
5 Council Member Graham and the Mayor have really
6 pushed with the retailers.

7 VICE CHAIRMAN JEFFRIES: Yes, and
8 Council Member Graham in particular, I mean he's
9 been at this one on 14th Street for the longest
10 time dealing with the retailers and really trying
11 to get them to sort of shift their paradigm in
12 terms of the urban context and sort of how things
13 should work.

14 So, yes, that is something that I
15 think there is a lot of push here to really
16 continue that whole drive to attract more
17 retailers and make certain that they understand
18 it's a different context than the suburban model.

19 And I wanted to ask the Office of
20 Planning this whole notion of just the
21 infrastructure, the street, DDOT, has DDOT at all
22 weighed in on this overlay? Or would they

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1 normally weigh in?

2 MS. STEINGASSER: They would weigh
3 if they had issues. It's been circulating out
4 there for about a year now and we've not heard
5 anything from them on this particular overlay.

6 VICE CHAIRMAN JEFFRIES: Okay. Any
7 questions from the Commission for this panel?
8 Anything? Okay. Thank you very much, thank you
9 for coming down.

10 One other question for the Office of
11 Planning, could you just walk us through a
12 little bit about developer participation in the
13 creation of the overlay?

14 MR. MORDFIN: This started, it's
15 been a couple of years at least. Initially what
16 we did was we met with all of the groups that we
17 could find along Georgia Avenue within this
18 overlay. We met with homeowners, we met with
19 property owners, we met with business owners, we
20 met in people's houses and people's stores to
21 find out what it is that they were looking for.

22 We did initially put together a list

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1 of what we thought should be included in it and
2 after meeting with them we would revise that
3 list, including things that they were looking
4 for, taking out things that they did not want
5 included in there.

6 And through that whole process we
7 created what is the overlay that is there today.

8 And then we had the bigger meetings at Parkview
9 Elementary School where the whole community came
10 out and we presented pretty much what this is but
11 made changes based on the comments that we heard
12 from them to try and tally this overlay to what
13 the community was really looking for for Georgia
14 Avenue.

15 VICE CHAIRMAN JEFFRIES: But then
16 if you can dovetail that with developer
17 participation based on those community comments?

18 MR. MORDFIN: Well we also met with
19 developers. All the different groups that wanted
20 to participate we met with them. We spent an
21 entire winter meeting with all different kinds of
22 groups to find out what it is that they were

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1 looking for.

2 We did also have some developers
3 that we met with and got feedback from them on
4 what the effects that this would have on these
5 properties.

6 VICE CHAIRMAN JEFFRIES: Okay. I
7 just wanted to just make certain for the record
8 we could state that there was considerable
9 developer participation in some of the creation
10 of this overlay.

11 MR. MORDFIN: Yes.

12 VICE CHAIRMAN JEFFRIES: Okay. Thank
13 you very much.

14 Next, organizations and persons in
15 opposition to the overlay? Is anyone here in
16 opposition? No one is here in opposition.
17 That's a good thing. Okay. Thank you very much.

18 Listen, can you just bear with me
19 for one second. I'm going to huddle the
20 Commission.

21 (Commission Aside)

22 VICE CHAIRMAN JEFFRIES: Thank you

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1 very much. Listen, obviously you know there is
2 overwhelming support for this overlay. Based on
3 the comments of the Commission and the excellent
4 work by the Office of Planning I believe this
5 Commission is ready to make a bench decision
6 tonight on this overlay.

7 And so I make a motion that we
8 approve Case No. 06-48 Test and Map Amendment to
9 Establish and Map the Georgia Avenue Commercial
10 Overlay District and the language that's going to
11 be set forth for that overlay can be found in the
12 October 12, 2007 Office of Planning Report dated
13 October 12, 2007, and I ask for a second.

14 COMMISSIONER TURNBULL: Second.

15 VICE CHAIRMAN JEFFRIES: Thank you.

16 Any comments?

17 COMMISSIONER ETHERLY: Mr. Chair,
18 I'm in full support of the motion so I will not
19 speak at length on this. I would perhaps during
20 the public comment phase of this, again should
21 the motion move forward successfully and I have
22 no reason to believe that it won't, I would

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1 definitely like to invite either the Office of
2 the Zoning Administrator, my exchange with
3 Council Member Graham, his expertise could be
4 very helpful just on further fine tuning of that
5 language, if necessary, regarding the prohibited
6 use of liquor store.

7 Again, my concern there, and I most
8 certainly don't want to hold us up here tonight,
9 my concern is simply making sure that we don't
10 get into issues where if you have an operation
11 that has 49 percent of its floor space or 49
12 percent of its inventory non-liquor, or let's say
13 49 percent of its inventory is liquor, does that
14 necessarily not make it a liquor store?

15 Again, these may be issues that the
16 Office of Planning and the Zoning Administrator
17 are already intimately familiar with. I just
18 want to make sure we don't create any little
19 loophole there that allows operations to kind of
20 get through a crack there.

21 But I don't want to hold us up tonight
22 so I just wanted to highlight that. Thank you.

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1 VICE CHAIRMAN JEFFRIES: Thank you.
2 And I believe we thought that was a very good
3 catch on your part as it relates to particularly
4 liquor stores.

5 So a motion has been made and duly
6 second. All in favor say aye.

7 (Chorus of ayes)

8 Opposed? Okay. Ms. Schellin?

9 SECRETARY SCHELLIN: Yes. Staff
10 records the vote 4-0-1 to approve proposed action
11 in Zoning Commission Case No. 06-48, Commissioner
12 Jeffries moving, Commissioner Turnbull seconding,
13 Commissioners Etherly and Parsons in favor.
14 Commissioner Hood not present and not voting.

15 VICE CHAIRMAN JEFFRIES: Thank you
16 very much Ms. Schellin. And I appreciate every
17 one, this Commission appreciates every one for
18 coming out tonight. Appreciate your comments and
19 look forward to a great Georgia Avenue. Good
20 night.

21 (Appause)

22 (Whereupon, the above-entitled

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1 hearing went off the record at 7:37 p.m.)

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