

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:

OP - KINGMAN & HERITAGE
ISLANDS

|| Case No. 07-20
||

Thursday,
October 11, 2007

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

The Public Hearing of Case No.
ZC 07-20 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, 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	

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

The transcript constitutes the
minutes from the Public Hearing held on
October 11, 2007.

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

2 6:39 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, October
7 11th, 2007.

8 My name is Carol Mitten and
9 joining me this evening are Vice Chairman
10 Anthony Hood and Commissioner Mike Turnbull.

11 The subject of this evening's
12 hearing is Zoning Commission Case Number 07-20
13 and this is a request by the Office of
14 Planning for a Map Amendment to zone Kingman
15 Island to W0 and Text Amendments Title 11 of
16 the District of Columbia Municipal Regulations
17 to allow an interruptive or nature center to
18 include a board dock as an accessory to the
19 immediate facility.

20 That opening remark doesn't match
21 what we have before us, but we'll sort that
22 out.

23 Notice of today's hearing was

1 published in the D.C. Register on August 17th,
2 2007. Copies of that hearing announcement are
3 available to you and they're in the -- on the
4 table by the door.

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1 the time limits for presentations if necessary
2 and notes that no time shall be ceded.

3 All persons appearing -- this is
4 not a contested case though. Right.

5 MS. SCHELLIN: No.

6 CHAIR MITTEN: Okay. Okay. Okay.

7 All persons appearing before the Commission
8 are to fill out two witness cards and they
9 look like this and the cards are also 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 have a seat at the table.

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1 pick up background noise.

16 Mrs. Schellin, anything?

17 MS. SCHELLIN: No.

18 CHAIR MITTEN: Okay. Then we're
19 ready to go to the report by the Office of
20 Planning. Ms. Thomas, good evening.

21 MS. THOMAS: Good evening, Madam
22 Chairman, Members of the Commission. I'm
23 Karen Thomas with the Office of Planning.

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The petitioner, now the Deputy Mayor's Office of Planning and Economic Development, has proposed the development of Kingman Island and the adjacent Heritage Island. Both islands are current unzoned and in support of the proposed development of a public nature center, the Office of Planning is recommending the approval of a map amendment for the islands to the W0 district and related minor text amendments to the Zone Regulations to accommodate the development of the education center.

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1 the building.

At this time, we have no major concerns or issues with the proposed design and we recommend that the Commission consider the WO District for both islands alone with the minor text amendments as consistent with the Comp Plan.

20 I'm prepared to answer any
21 questions that you may have and I'd just like
22 to recognize that we do have representatives
23 from the Deputy Mayor's Office to take any

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1 questions --

2 CHAIR MITTEN: Okay.

3 MS. THOMAS: -- related to the
4 design.

5 CHAIR MITTEN: Okay.

6 MS. THOMAS: And the architects as
7 well.

8 CHAIR MITTEN: Thank you. Just a
9 procedural question, do you have or Mrs.
10 Schellin, you have your supplemental report,
11 but the amendments that are included were not
12 advertized. So, has anybody talked to the
13 Attorney General's Office about whether or not
14 we need to re-advertise this?

15 MS. SCHELLIN: Actually, it was --
16 this was -- I think Office of Planning
17 actually spoke with OAG and I spoke with them,
18 too and this is the way that they suggested
19 that it be done.

20 CHAIR MITTEN: Okay. So, we don't
21 need to re-advertise.

22 MS. SCHELLIN: Do not.

23 CHAIR MITTEN: Okay. And let the

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1 record reflect that Commissioner Jeffries has
2 joined us. Okay.

3 So, just let me see if there's any
4 questions from the Commission. Anyone? Mr.
5 Turnbull?

6 COMMISSIONER TURNBULL: I just
7 wanted to maybe just clarify that in your
8 report on page one you talk about the
9 restoration of the island's wetland and
10 wildlife habitat.

11 Since the islands were
12 artificially created in 1916, are we going
13 back to some format from 1916? Whatever was
14 there or I mean what is the restoration of the
15 island to?

16 MS. THOMAS: Actually, I am not
17 too sure. I took this section from the plan,
18 from the Anacostia Waterfront Initiative.
19 That was sourced from their society on their
20 webpage. So, if --

21 MS. STEINGASSER: What it's
22 referring to is just bringing the wetlands
23 back to a functional efficiency. It's not to

1 replace the wetlands back to a 1916 landfill.

2 MS. THOMAS: Because it was --

3 MS. STEINGASSER: It's to bring --
4 the wetlands have evolved whether they were
5 manmade or naturally occurring.

6 COMMISSIONER TURNBULL: Okay.

7 MS. STEINGASSER: And we want to
8 bring them back to restore their efficiency.

9 MS. THOMAS: And I believe
10 generally it's a cleanup of the island as
11 such.

12 COMMISSIONER TURNBULL: My other
13 question then is that this is a nature center
14 and we're talking about ecology and the
15 environment and I'm just wondering what this
16 structure does to the river. It looks like
17 such a large and imposing structure on an
18 island. I'm just wondering from an ecological
19 standpoint how you look at this as being eco-
20 friendly or respecting the water line in the
21 river itself. I'm just curious. It looks a
22 little like a harsh thing jutting out into the
23 river. I'm just --

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1 MS. STEINGASSER: Well, it's
2 clearly a modern architectural style. I think
3 what's kind of misleading is that we've zoomed
4 in on the structure itself to show the details
5 of the architecture. It's actually an
6 incredibly environmental friendly building.
7 It's platinum. It's a very high -- is it
8 leaf.

9 MS. THOMAS: Yes.

MS. STEINGASSER: Platinum leaf.

The architects are here. They can talk to you about the various elements that bring this building into that standard. Some of the things are the floating docks. It does project out over the river as opposed to building onto the edge and damaging the edge and the wetlands.

18 I think during the public
19 testimony, they'll be happy to go into those
20 details.

1 I mean that's very, very -- I guess I'm just
2 looking at the philosophy of a structure, the
3 design of a structure as it meets the
4 environment and is trying to sort of enhance
5 and beautify or make you feel part of the
6 environment.

7 It seems like such a striking
8 structure that it seems to be in total
9 contrast to what it's goals are. I'm just
10 throwing out. I'm just a little bit concerned
11 that it's a very striking type of a structure.
12 That instead of either blending in or
13 respecting it, it's a very harsh structure to
14 -- you're trying to restore an island and I'm
15 just -- I guess I'm just a little bit struck
16 by the harshness as it meets the water's edge
17 a bit. I'm --

18 MS. STEINGASSER: Well, I don't
19 want to venture too far into the philosophy of
20 the design, but I think the idea is not to
21 have a building that blends into the
22 background, but to have a building that does
23 stand out and draw the visitor to the site.

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1 The island's been out there and accessible and
2 people don't particularly go there. So --

3 COMMISSIONER TURNBULL: Then we
4 have a conundrum. We have a conundrum here.

5 MS. STEINGASSER: I think we might
6 have --

14 MS. STEINGASSER: I guess I have
15 to respectfully disagree.

16 || COMMISSIONER TURNBULL: Okay.

1 know, an asonometric or various things that
2 really clearly give a little bit more context
3 could help. I'm just --

4 MS. STEINGASSER: Well, we could.
5 I respectfully point out the project itself is
6 not up for approval. It's just the text
7 amendment.

8 COMMISSIONER JEFFRIES: Right.

9 MS. STEINGASSER: But, everyone
10 you see in the audience represents either the
11 city or the architect and I'm sure they'd be
12 more than happy to --

13 COMMISSIONER JEFFRIES: Sure.

14 MS. STEINGASSER: -- discuss the
15 project and go through the philosophy and the
16 elements and address that --

17 COMMISSIONER JEFFRIES: Yes. No,
18 I was just in terms of, you know, some of the
19 comments that were offered by Commissioner
20 Turnbull. That, you know, because what you
21 said earlier in terms of what you're seeing
22 the actual perspective here, you know, might
23 somehow distort exactly, you know, what this

1 really looks like. So, anyway, thank you.

2 || CHAIR MITTEN: Mr. Hood.

3 VICE CHAIR HOOD: Madam Chair, I
4 -- looking back at this whole case of someone
5 who had the opportunity to spend the night, I
6 regressed a little bit.

7 CHAIR MITTEN: You mean spending
8 the night on Kingman Island.

9 VICE CHAIR HOOD: Spending the
10 night out there.

11 CHAIR MITTEN: Don't leave that
12 part out.

13 VICE CHAIR HOOD: Well, anyway.
14 It kind of reminded me of the iron candies in
15 the Gulf of Mexico of Eddie and his crew, but
16 anyway, my question is first of all, is this
17 going to be basically the only use as far as
18 -- and I'm not talking about the project and
19 I understand what you -- what we're here for,
20 but personally, I'm glad to see something's
21 going on because I was a small child at the
22 time when we used to utilize that site and
23 they've been talking about -- yes, and that

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1 was in the early '70s and here we are in 2007.

2 So, I'm glad to see something's going on.

3 But, anyway, as far as the
4 restoration of what this is being used for and
5 I saw in your report, Ms. Thomas, where you
6 talked about tying up -- boats being tied up
7 and everything. What size are we looking at
8 and I'm just trying to figure out how all
9 that's going to work even with the project.
10 Because this is the first time I'm having a
11 chance to see the renderings in front of me.

12 How is all that going to work?
13 And I think in your report in the proposal
14 part, you mentioned about help to do away with
15 boat tie-ups and I'm not exactly sure where
16 that was.

17 MS. THOMAS: Well, typically in
18 these type of settings you have -- they use
19 typically mostly canoes to take people out
20 onto the river. It's not going to be like
21 heavy boats or --

22 VICE CHAIR HOOD: Okay.

23 MS. THOMAS: -- recreational-type

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1 boats. It's like canoes, kayaks-type of
2 things that they use in education and
3 interpretative centers to take people our
4 possibly for bird watching and just related to
5 nature watching on the whole.

6 VICE CHAIR HOOD: With this whole
7 restoration effort of the Anacostia River and
8 everything, will that -- if we limit
9 ourselves, will that -- because I know some
10 things are done on rigs, will that limit us --
11 would this impact any interference of being
12 able to have a boat to come through and do
13 some major work as far as the cleanup? Are we
14 limited?

15 MS. STEINGASSER: No, this center
16 will not interfere with the navigable waterway
17 element of anything that would need to come up
18 the river. I don't know how deep the river is
19 up here.

20 VICE CHAIR HOOD: Um-hum.

21 MS. STEINGASSER: Just how large a
22 boat could actually move it's way up, but
23 there's nothing about this structure that

would interfere with any efforts to continue to clean the river.

3 VICE CHAIR HOOD: Okay. Well,
4 after not seeing anything for awhile there,
5 I'm actually glad to see something moving
6 forward.

7 | Thank you, Madam Chair.

11 Is there any -- does this set a
12 precedent or for anything for structures
13 jutting into the waterfront then? Into the
14 river?

15 MS. STEINGASSER: Any other
16 structure that would be in the WO would have
17 to come before the Board of Zoning Adjustment
18 for a special exception. So, there would be
19 no matter of right structures that would be
20 able to project outside of this one.

21 || COMMISSIONER TURNBULL: Okay.

22 CHAIR MITTEN: I just have a
23 question or two about the ownership. I don't

1 know if -- you had attached to your report the
2 transfer jurisdiction and that doesn't
3 transfer ownership of the property, but it
4 also had conditions that weren't complied
5 with. So, is there something more that
6 transfers ownership to the District of
7 Columbia or what's the status of the
8 ownership?

9 MS. STEINGASSER: The ownership
10 and jurisdiction of the site is being
11 clarified. We're working both with NCPC and
12 with NPS to get that cleared up. There may be
13 additional Congressional action. I'm not
14 quite sure at this point. But, there's
15 nothing that would interfere with moving
16 forward with the zoning.

17 CHAIR MITTEN: The main reason I
18 ask is because we have had other circumstances
19 and I'm sure you will recall some of them
20 where we've tried to apply zoning to
21 Federally-owned property and they've resisted
22 that. So, maybe this is a good opportunity to
23 do it and then we'll have precedent for doing

1 it.

2 Not to say that it -- the property
3 if it's still in Federal ownership doesn't
4 becomes subject to it until it's --

5 MS. STEINGASSER: Right.

6 CHAIR MITTEN: -- put to private
7 use, but I just didn't know if they had any
8 objection because --

9 MS. STEINGASSER: They have not
10 and when Mr. Parsons sat as the Park Service
11 rep during set down, he, as you may recall,
12 was the one who made the motion to set it down
13 and was happy to see the project moving.

14 CHAIR MITTEN: Okay. Anybody
15 else?

16 VICE CHAIR HOOD: Ms. Steingasser,
17 you saying that gives me a real good
18 confidence level. You said Mr. Parsons made
19 the motion.

20 CHAIR MITTEN: Okay. Very good.
21 Thank you. Anybody from the Deputy Mayor's
22 Office who would like to speak? You're not
23 compelled to, but Mr. Turnbull might want to

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1 ask you a question or something. Your choice
2 entirely. He's like oh, should I or not?

3 I don't know if you've filled out
4 a witness card, but make sure you do before
5 you leave.

6 Turn the -- yes, there you go and
7 identify yourself for the record please.

8 MR. DIGGS: Hi. My name is Jimmy
9 Diggs. I'm with the Deputy Mayor's Office for
10 Planning and Economic Development. I'm also
11 the Project Management Manager on this
12 project.

13 CHAIR MITTEN: Okay. Did you just
14 want to respond to Commissioner Turnbull's
15 questions that you heard or did you want to
16 make a statement?

17 MR. DIGGS: Well, what I'd like to
18 do if we may, I'd like to bring up our
19 architects and maybe they can respond to any
20 questions they may have about that particular
21 building on the site.

22 CHAIR MITTEN: Okay. You might
23 have to coax them up by name. They don't seem

1 to want to --

2 MR. JUERGENSEN: Good evening.

3 Jay Juergensen. I'm also with the Deputy
4 Mayor's Office.

5 I believe that we have title to
6 the property. There are some issues related
7 to the transfer, to the conveyance that relate
8 to use of the property and performance of
9 certain aspects of the use of the property and
10 there are some revisions that need to be made
11 and we expect to be working in partnership
12 with the National Park Service to make those
13 changes. So, we don't expect that this should
14 be a complication in the development moving
15 forward.

16 CHAIR MITTEN: Okay.

17 MR. DIGGS: Also, I'd like to
18 introduce our architects, Studios
19 Architecture.

20 CHAIR MITTEN: Okay.

21 MR. DIGGS: And we have Marnique
22 Heath and also Nathan Minch.

23 CHAIR MITTEN: Okay. Have a seat

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1 at the table and I'm going to need each of you
2 to fill out the witness cards as well. Okay.
3 Oh, good. It helps if you give them to him
4 first because he's plotting his way through
5 the transcript.

6 Yes, move the boards. That would
7 be fine.

8 MS. HEATH: What we're showing
9 here is the site plan for both Kingman and
10 Heritage Island.

11 CHAIR MITTEN: Would you -- I
12 didn't catch your name again.

13 MS. HEATH: Oh, I'm sorry.
14 Marnique Heath.

15 CHAIR MITTEN: Okay. Great.
16 Thank you.

17 MS. HEATH: Sure. What we're
18 showing is the full island site plan.

19 CHAIR MITTEN: Um-hum.

20 MS. HEATH: It shows the extent
21 the master plan for the island for both
22 Heritage and Kingman and the red circle that's
23 on Kingman Island adjacent to Heritage and

1 adjacent to the bridge that comes from RFK
2 Stadium across Heritage Island and over to
3 Kingman is the site for the building.

4 The building is a much smaller
5 component of that circle which indicates the
6 site for the building.

7 We just wanted to give you a sense
8 of scale with respect to the rest of the
9 island development.

10 CHAIR MITTEN: Okay. And then
11 Commissioner Turnbull had -- I think he had a
12 philosophical question if I could maybe recast
13 the question which is if you're -- if the idea
14 is to protect and restore wetlands and this
15 natural environment, why would you introduce
16 something artificial like a building? Is that
17 fair to -- is that fair recasting of your
18 question?

19 COMMISSIONER TURNBULL: Well, I
20 think the building has so -- it's a dynamic
21 building. I mean it's a very -- I mean it's
22 a very engaging building and from a design, it
23 -- I just -- I'm just wondering from its

1 overall use as it's jutting into that -- I
2 guess it's the lake side of the river.

3 MS. HEATH: Correct. Yes, this is
4 Kingman Lake. There are really two answers to
5 your question.

6 The answer to why a building on
7 the island? The building is intended to be a
8 destination on the island and an orientation
9 device. It's a place for people to go to
10 learn about the natural habitats on the island
11 and to become oriented with those prior to
12 passing out onto the site.

13 The building is also nestled into
14 a hillside which you see on the east side of
15 the building. There are several -- there's a
16 lower level utility space and then the main
17 level of the building. Both nestled into a
18 hillside and then the building gradually rises
19 above the vegetation out of respect for the
20 edge of the water as it rises over the water's
21 edge on piers.

22 By moving from the forest over the
23 vegetation and out to the water's edge, you

1 allow users to experience the different
2 habitats and ecosystems on the island.

3 MS. SCHELLIN: Would you turn your
4 mike on?

5 COMMISSIONER TURNBULL: Can you go
6 back to the site plan?

7 MS. HEATH: Sure.

8 COMMISSIONER TURNBULL: Go one
9 step up to the blowup of the --

10 MS. HEATH: Of the city?

11 COMMISSIONER TURNBULL: No, of --
12 of the --

13 MS. HEATH: Oh. Oh, of the
14 building itself.

15 COMMISSIONER TURNBULL: The site
16 plan. Just there, yes. The bridge to cross
17 over from Heritage is the white up at the top
18 there?

19 MS. HEATH: Correct. And that's
20 an existing bridge.

21 COMMISSIONER TURNBULL: Okay.
22 It's a little -- this -- the one perspective
23 shows the relationship of the site a little

1 bit better I guess. The one over here on the
2 right sort of shows that it's almost like a
3 straight line, but this one does show that it
4 curves in to match the site plan here.

7 MS. HEATH: There are five
8 handicapped parking spaces.

12 MS. HEATH: Those are ramps that
13 are intended to allow all users whether
14 they're handicapped or not to be able to have
15 the same experience moving through the site --

16 COMMISSIONER TURNBULL: Oh, I see.

17 MS. HEATH: -- from the building.

18 COMMISSIONER TURNBULL: Okay.

19 MS. HEATH: You see one in the
20 rendered perspective --

31 COMMISSIONER TURNBULL: Um-hum.

22 MS. HEATH: -- of the north side
23 of the building that's at the entry and then

1 on the south rendering --

2 COMMISSIONER TURNBULL: Yes.

3 MS. HEATH: -- there's another
4 ramp.

5 COMMISSIONER TURNBULL: Okay.

6 Thank you.

7 MS. HEATH: Sure.

8 CHAIR MITTEN: I just have an
9 operational question. Is access to the whole
10 thing, you know, where you come over from the
11 mainland or whatever you would call it, is
12 that going to be controlled so that, you know,
13 in the dark people can't just wonder around by
14 themselves?

15 MS. HEATH: It will be. There
16 will be an operator for the center who will
17 determine what the hours of operation are for
18 the building.

19

20 CHAIR MITTEN: Um-hum.

21 MS. HEATH: But, there are gates
22 at RFK and at Benning Road that will prevent
23 people from coming onto the island when it's

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1 closed.

2 || CHAIR MITTEN: Okay.

3 MR. DIGGS: Yes, there are
4 currently gates there now to secure the site.
5 So, no one can actually get onto the site
6 without passing through the gates

7 CHAIR MITTEN: Okay. Anyone have
8 any other questions? Did you want to say
9 anything else or are you good?

10 || MR. DIGGS: No. No. No.

11 CHAIR MITTEN: Okay. Okay. Thank
12 you, all.

13 Is anyone here from the ANC?

18 || Okay. Just give me one second.

19 Okay. I think this is fairly straightforward
20 and I think that Commissioner Turnbull has
21 been satisfied with the answers to the
22 questions enough to move forward to taking a
23 vote this evening, proposed action this

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1 | evening.

2 And just maybe to round out the
3 conversation for Mr. Turnbull's benefit since
4 I don't think you were here when we put the W0
5 zoning -- when we created it, was that, you
6 know, there's been kind of a longstanding
7 advocacy by Mr. Parsons, who's not here, to
8 have an open-space zone that, you know,
9 basically would have -- that would have no
10 buildings or, you know, even fewer buildings
11 than or smaller buildings than would be
12 allowed here, less dense.

20 So, you know, the philosophy that
21 the W0 zone reflects is that a building, you
22 know, of some type and I appreciate the
23 distinctions that you were making about the --

1 you know, maybe the design of this, but then
2 I think in the larger context it's not as
3 maybe jarring as seeing this in a close-up
4 photo or something.

5 So, I just wanted to add that to
6 the conversation.

7 So, I'll move approval of Case
8 Number 07-20 as advertized and with the
9 additional amendments to 901.5(d) and 925.1
10 included in the OP Supplemental report.

11 VICE CHAIR HOOD: Second.

12 CHAIR MITTEN: Is there any
13 further discussion, deliberation, comments?

14 Then I'd ask for all those in
15 favor to please say aye.

16 (Ayes.)

17 CHAIR MITTEN: Any opposed?

18 Mrs. Schellin.

19 MS. SCHELLIN: Yes, staff records
20 the vote 4-0-1 to approve proposed action in
21 Zoning Commission Case Number 07-20.
22 Commissioner Mitten moving. Commissioner Hood
23 seconding. Commissioners Turnbull and

1 Jeffries in favor and Commissioner Parsons not
2 present not voting.

3 CHAIR MITTEN: Very good. Thank
4 you, all, very much. We're adjourned.

5 (Whereupon, the hearing was
6 concluded at 7:07 p.m.)

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