

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
 IN THE MATTER OF: :
 :
 Text Amendment to Subtitle K, : Case No.
 Chapter 5, to the Use : 20-04
 Requirements of the Capitol :
 Gateway Zone :
 -----:

Monday,
May 4, 2020

Video Teleconference

The Public Hearing of Case No. 20-04 by the District of Columbia Zoning Commission convened at 4:18 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
 PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
MATT JESICK
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

The transcript constitutes the minutes from
the Public Hearing held on May 4, 2020.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case Number: 20-04

Case Name: Text Amendment re; Capitol
Gateway Zone (2nd Case)

Result: The hearing for this case concluded
with the Commission take proposed
action to approve it by a vote of
5-0-0 (May/Turnbull)

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

4:18 p.m.

1
2
3 CHAIRMAN HOOD: Good afternoon ladies and
4 gentlemen. This is a public hearing for the Zoning
5 Commission for the District Columbia. My name is Anthony
6 Hood.

7 Joining me is Vice Chair Miller, Mr. Shapiro, May,
8 and Turnbull. We are also joined by the Office of Zoning
9 Staff Ms. Sharon Schellin, as well as Mr. Paul Young who will
10 be handling all of our virtual activities.

11 Notice of this hearing was published in the DC
12 Register. The hearing will be conducted in accordance with
13 the provisions of 11 Z DCMR Chapter 5 as follows; preliminary
14 matters, presentation, in this case by the Office of
15 Planning, report of other government agencies, report of the
16 ANC, and testimony of organizations and individuals.

17 Organizations will have five minutes and
18 individuals will have three minutes. We will hear them in
19 the order of in support, opposition, undeclared depending
20 upon how many people we have.

21 With that, let me turn it over to Ms. Schellin.
22 I will again ask that those who may speak if they can first
23 identify yourself and the agency for which you work. Then
24 the same for those residents who may be speaking, witnesses
25 testifying.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Let me turn it over to Ms. Schellin. Do we have
2 any preliminary matters?

3 MS. SCHELLIN: No preliminary matters.

4 CHAIRMAN HOOD: Mr. Shapiro, can you hear me
5 better?

6 COMMISSIONER SHAPIRO: Yes, sir. I hear you quite
7 well.

8 CHAIRPERSON HOOD: Okay, good.

9 With that, I will turn it over to Mr. Jesick.

10 MR. JESICK: Thank you, Mr. Chairman, and members
11 of the Commission. My name is Matt Jesick and this is Case
12 20-04, which is a text amendment to the Capitol Gateway Zone
13 in order to require preferred uses on Potomac Avenue SW.

14 I put a vicinity map on the screen just for
15 reference. Can everyone see the screen? Great. OP brought
16 this text amendment forward to require preferred uses on
17 Potomac Avenue, an important connector between the baseball
18 stadium and the soccer stadium, and also between Southeast
19 and Southwest generally. We wanted to encourage uses that
20 activate that street.

21 In doing so we understood that some of the blocks
22 on Potomac Avenue were very deep so requiring what had been
23 standard, which is half an FAR of preferred uses on the
24 ground floor could result in very deep retail or very deep
25 preferred uses. We wanted to provide some flexibility to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 property owners and, therefore, it changed from the half FAR
2 requirement to a 75-foot minimum depth of use requirement.

3 The Commission had asked OP to address the ANC
4 comments which were entered into the record. We had spoken
5 with Commissioner Kramer last week and we understand the
6 ANC's concerns about neighborhood serving uses and the need
7 for those uses, you know, how a growing neighborhood needs
8 everyday uses, especially in the future as the neighborhood
9 will continue to grow.

10 Because this text amendment is so targeted, we're
11 not sure that it can address all the neighborhood concerns,
12 but OP would be happy to take more of a comprehensive look
13 at that issue throughout the CG Zone as a future text
14 amendment case.

15 That concludes my testimony for Case 20-04, the
16 Capitol Gateway text amendment. I would be happy to take any
17 additional questions. Thank you.

18 CHAIRPERSON HOOD: Thank you, Mr. Jesick. Thank
19 you for responding to the Commission's letter of recognition.
20 I think they put some good ideas out there. I'm glad that
21 we will continue to look at that and see --

22 (Telephonic interference)

23 CHAIRPERSON HOOD: Let me see if there are any
24 questions or comments.

25 Commissioner May.

1 COMMISSIONER MAY: I do not have any questions.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Commissioner Shapiro.

4 COMMISSIONER SHAPIRO: No, Mr. Chair.

5 Mr. Jesick, with your response to the ANC's
6 concerns I'm fine.

7 CHAIRPERSON HOOD: Commissioner Turnbull.

8 COMMISSIONER TURNBULL: I just have one question
9 for Mr. Jesick.

10 Does the -- I'm fine with everything except are
11 we in any way diminishing views to the river, to the
12 Anacostia? Is this taking away plazas or not allowing or not
13 requiring them? Are we still going to be able to keep -- try
14 to keep views toward the Anacostia?

15 MR. JESICK: Yes, I don't think this would impact
16 views. I think your primary views would be down Half Street,
17 for example, and also in this vicinity looking out towards
18 the Frederick Douglass Bridge.

19 I don't know unless, you know, some property owner
20 were to put a plaza right on the corner. I think your
21 primary view is going to be right down the right-of-way so
22 I'm not sure that taking away the plazas would impact views
23 towards the rivers.

24 COMMISSIONER TURNBULL: Okay. Thank you.

25 CHAIRPERSON HOOD: Vice Chair Miller.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'm
2 sorry. Please remind me, Mr. Jesick, what you said in
3 response to the ANC concerns. I had missed the ANC letter
4 so I was looking it up when you first mentioned it and then
5 I missed what your response was. If you could just repeat
6 that quickly.

7 MR. JESICK: Sure. We spoke with Commissioner
8 Kramer last week and she expressed the neighborhood feels
9 like they need more neighborhood services, both local retail,
10 but also your everyday services. We certainly understand
11 that concern.

12 I think because this text amendment is so
13 targeted, I'm not sure that it could address those concerns
14 but we would be happy to take a more comprehensive look in
15 the future throughout the whole CG zone as a future text
16 amendment.

17 VICE CHAIR MILLER: Okay, yeah. Well, I'm
18 satisfied with that response and I think it's a useful
19 comment but the ANC and it's a useful response by you. I
20 hadn't realized the other categories like urgent care
21 facility that might be subject to a 25 percent limitation.

22 I think I've expressed before that financial
23 services are necessarily considered a preferred use because
24 they often do deaden. I know we have in my neighborhood two
25 overlays --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I guess they're not called overlays zones anymore.

2 The one closest to me on Wisconsin and Macomb the
3 banks -- the two banks that take up a lot of linear frontage
4 are just totally dead, even when I've gone into them myself.
5 Then there's another one that is just an ATM window, I think,
6 which doesn't deaden the space because it doesn't take up too
7 much linear frontage.

8 Anyway, when you look at that whole issue of the
9 preferred uses and what you want to encourage and not
10 encourage that enliven neighborhoods, the financial services
11 are certainly needed in certain areas of the city that are
12 under-served of those types of services. The banks that have
13 a lot of space that deaden and don't enliven the area like
14 other preferred and activating uses. I appreciate you
15 looking at that aspect as well when you look at it. Thank
16 you.

17 MR. JESICK: Thank you, yes. We'll definitely
18 keep that in mind as we take that broader look.

19 VICE CHAIR MILLER: Thank you.

20 CHAIRPERSON HOOD: Okay. I didn't see in the
21 record any other reports from any other government agencies.
22 We already spoke about the ANC letter and we spoke enough
23 about that. We appreciate the work that the ANC
24 Commissioners have done. What I'll do now again is turn this
25 over to Ms. Schellin.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Ms. Schellin, you're on mute.

2 MS. SCHELLIN: I forget. Paul keeps putting me
3 on mute.

4 So we have Ms. Kramer in the audience to speak.
5 She is by phone so if we could just take her microphone off.

6 Ms. Kramer, if you would just identify yourself
7 and then you can give your testimony.

8 MS. KRAMER: Thank you. I was trying to be on the
9 video but apparently it didn't work. I apologize.

10 The testimony. You have a letter from our chair
11 Gail Fast. Can you hear me?

12 CHAIRPERSON HOOD: Yes, we can hear you Ms.
13 Kramer.

14 MS. KRAMER: All right. This is the result of a
15 regularly scheduled and noticed meeting with a quorum present
16 which authorized me to speak. I am the ANC Commissioner for
17 ANC 6D05 and the testimony from our ANC is as follows:

18 ANC 6D understands the proposed amendment changing
19 designated use categories to preferred uses which emphasizes
20 ground floor retail, services and restaurants. Section 509.2
21 lists those preferred uses: animal sales, care, and boarding;
22 arts, design, and creation; eating and drinking;
23 entertainment; retail; and service, general or financial.

24 The new designation is consistent both with the
25 First and Half Street SE designation and the Buzzard Point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 vision framework which envisions Potomac Avenue be a lively
2 corridor connecting the Nationals and Audi stadia.

3 6D also understands that the 75 foot minimum depth
4 requirements in 509.3(b), instead of the current 0.5 FAR
5 requirement for buildings on Potomac Avenue is intended to
6 improve opportunities for smaller retailers or services in
7 the ground floor spaces.

8 However, designating the 75 foot as the minimum
9 may not have the desired effect since it would still
10 accommodate the large retailers within either that 75 feet
11 or larger ground retail space.

12 Smaller spaces are becoming increasingly critical
13 to serve the new community emerging at Buzzard Point. There
14 will be more than a thousand new residential units coming
15 online as early as this summer. We have yet to see any basic
16 services such as a pharmacy, shoemaker, hair salon, walk-in
17 clinic, or such occupy any of those new commercial spaces
18 associated with these buildings.

19 Designating the 75 feet as a maximum might be a
20 more useful tool to encourage neighborhood services in new
21 commercial spaces. We also understand the maximum 25 percent
22 limitation for general or financial services, Section
23 509.3(c) is intended to discourage the uses that require
24 large spaces but only limited hours of operation, as some of
25 the Commissioners have already spoken, such as is typical for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 banks that don't enliven the streetscape many more hours of
2 the day.

3 We question whether the limitation might also
4 limit prospects for an urgent care facility, for example,
5 which is sorely needed for this emerging community. ANC 6D
6 is very cognizant that we are building a community from
7 scratch in Buzzard Point and look to many of these new ground
8 floor spaces to serve both the residents and visitors alike.

9 We hope the restricts you intend to put in place
10 with these text amendments will support services needed by
11 the thousands who will be living in the area, as well as
12 those visiting its waterfront, sports and entertainment
13 events and the many restaurants that are already expected as
14 the new community emerges.

15 While ANC 6D supports in general the intent of the
16 proposed amendments, we've offered these cautions for the
17 Zoning Commission to consider as they seek also to balance
18 the needs of new visitors and the extraordinary increase in
19 new residents at Buzzard Point and near Southeast when they
20 complete their redevelopment plans.

21 We also request that our comments be given great
22 weight under District law. Thanks. That's our testimony and
23 I would be happy to entertain questions.

24 CHAIRPERSON HOOD: Thank you very much,
25 Commissioner Kramer. I think you've heard us, the mood to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 your letter in our discussion. We really appreciate the time
2 and the thought put into this and I think you've heard the
3 commitment from the Office of Planning that they will
4 continue to look at this and be able to bring something
5 quickly so we can have something in place. I appreciate the
6 thought from ANC 6D and what you all have done, especially
7 during the times that we are living in at this moment.

8 Let me see if my colleagues have any questions or
9 comments.

10 Commissioner May.

11 COMMISSIONER MAY: I do not have any questions.
12 Well, actually I do have a question.

13 Commissioner Kramer, you've heard what OP had to
14 say today. Is that all good from your perspective?

15 MS. KRAMER: Well, I think what's a little bit
16 troubling is that we are not suggesting that all of the
17 spaces be neighborhood serving. What we're suggesting is
18 we're trying to deal with two separate sets of demands and
19 that they can be -- there needs to be a balance between them
20 so we can serve both purposes.

21 The other thing we're emphasizing is the fact that
22 we are struggling as every building develops. This is my SMD
23 in particular. As every building develops, or comes online,
24 we are seeing none of these services.

25 We are developing a huge number, or we're creating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a huge number of new users, if you will, to the area, both
2 visitors and residents. So far we've gotten nothing in terms
3 of services that they will need. These are thousands of
4 people, not sort of hundreds or fewer. It's a balance I
5 think is what I'm trying to say that the ANC is looking for,
6 not one or the other.

7 COMMISSIONER MAY: Right. I mean, my impression
8 is that's what OP was striving for as well and certainly I
9 would think this Commission would want to see. You want to
10 have the right incentives to have the kind of retail that
11 enlivens the street, but also the kind of retail that serves
12 the neighbors because there's going to be a huge influx of
13 new neighbors, not to mention the existing neighbors who need
14 services.

15 That's it for my questions, Mr. Chairman.

16 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
17 May.

18 Commissioner Shapiro.

19 COMMISSIONER SHAPIRO: No questions, Mr. Chair.
20 I would just like to thank the Commissioner for her
21 thoughtful comments and the ANC's thoughtful comments.

22 CHAIRPERSON HOOD: All right, thank you.

23 Commissioner Turnbull.

24 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
25 also would like to thank the Commissioner for her comments.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 She brings up a good point. With this ground-serving retail
2 there's only so many restaurants you can have.
3 You're going to need some other services that are going to
4 support the people who are going to be living here. I think
5 -- I'm not sure whether we need to tweak the language or
6 what, but I think she does bring up a very good point.

7 CHAIRPERSON HOOD: Okay.

8 Vice Chair Miller.

9 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
10 thank you, Commissioner Kramer, for your comments which
11 Office of Planning and the Commission will be looking to
12 address as we go forward in the future.

13 CHAIRPERSON HOOD: What I think -- I don't have
14 a problem moving forward. I think, as I mentioned earlier,
15 you've brought up a lot of good points that's already been
16 alluded to by my colleagues.

17 I would hope, Mr. Jesick, that you and me sooner
18 rather than later try to deal with this and see how we can
19 accommodate the uses for the neighborhood. I think that's
20 critical. I would not have a problem moving forward with the
21 commitment that the Office of Planning, and I'm sure they
22 will, will continue to look at that and work with that
23 Commission and those neighbors to make sure that they get
24 some real benefits there. Any other questions or
25 comments? All right. Do we have any other government

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reports? Okay.

2 Any other witnesses, Ms. Schellin? Anybody else
3 sign up?

4 MS. SCHELLIN: Let me double check to make sure.
5 No, sir.

6 CHAIRPERSON HOOD: All right. Let me see what my
7 colleagues think. I think with the discussion, and we
8 appreciate the thoughtful comments of ANC 6D, Commissioner
9 Kramer. Thank you for taking the time to come down -- well,
10 not come down. To be able to come on and give us the views
11 of the community. We appreciate that. I think the
12 commitment from Mr. Jesick gives me a comfort level.

13 Let me hear from others. Okay. It looks like I
14 got the thumbs up. Would somebody like to make a motion?

15 COMMISSIONER MAY: Sure, Mr. Chairman. I'll move
16 that the Commission take proposed action to approve Zoning
17 Commission Case 20-04, Office of Planning Text Amendment
18 Subtitle K, Capitol Gateway preferred uses.

19 COMMISSIONER TURNBULL: Second.

20 CHAIRPERSON HOOD: Okay. It's been moved and
21 properly seconded. Any further discussion?

22 Ms. Schellin, can you do a roll call vote?

23 MS. SCHELLIN: Yes, sir.

24 Commissioner May.

25 COMMISSIONER MAY: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Yes.

3 MS. SCHELLIN: Commissioner Hood.

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Miller.

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN: The vote is 5-0-0 to approve
10 proposed action in Zoning Commission Case No. 20-04.

11 CHAIRPERSON HOOD: Let me also thank those who
12 have worked with the Office of the Attorney General and the
13 Office of Planning and all those who worked on this. We
14 really appreciate the work that went into this.

15 Mr. Jesick, we look forward to seeing the
16 responses as we move forward.

17 Ms. Schellin, do we have anything else before us?

18 MS. SCHELLIN: No, sir.

19 CHAIRPERSON HOOD: Does anybody else have any
20 closing comments before we adjourn? All right. I want to
21 thank everyone for their participation tonight. This virtual
22 meeting is adjourned.

23 (Whereupon, the above-entitled matter went off the
24 record at 4:38 p.m.)

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Case No 20-04

Before: DCZC

Date: 05-04-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701