

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:           :
                               :
ZONING MAP AMENDMENT AND    : ZC CASE NO.
RELATED TEXT AMENDMENT TO  : 10-22
ALLOW EXPANSION OF AN ICE  :
RINK & CONSTRUCTION OF A   :
YOUTH BASEBALL ACADEMY    :
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Thursday,
January 6, 2011

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

The Public Hearing of Case No. 10-22 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room, 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD W. SCHLATER	Vice Chairman
PETER G. MAY	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner FAIA, (AOC)
GARY SELFRIDGE	Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
ARLOVA JACKSON
MATT JESICK
JOEL LAWSON

This transcript constitutes the minutes from the Public Hearing held on January 6, 2011.

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

WELCOME:

Anthony Hood, Chairman 4

ZC CASE NO. 10-22 - ZONING MAP AMENDMENT AND
RELATED TEXT AMENDMENT TO ALLOW EXPANSION OF
AN ICE RINK & CONSTRUCTION OF A YOUTH
BASEBALL ACADEMY:..... 5

OFFICE OF PLANNING:

Arlova Jackson 8

Board Questions: 12

PERSONS/PARTIES IN SUPPORT:

Jared Kahn 14

Marlene Tannebaum 15

Motion To Approve ZC 10-22..... 26

VOTE: 5-0-0 To Approve ZC 10-22..... 27

ADJOURN:

Anthony Hood, Chairman 27

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

2 6:32 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the Public
5 Hearing of the Zoning Commission of the
6 District of Columbia for Thursday, January 6,
7 2011.

8 My name is Anthony Hood. Joining
9 me are Vice Chairman Konrad Schlater,
10 Commissioner May, Commissioner Selfridge and
11 Commissioner Turnbull.

12 We are also joined by the Office of
13 Zoning staff, Ms. Sharon Schellin and Ms.
14 Esther Bushman.

15 I'm going to ask the Office of
16 Planning, under the leadership of Ms.
17 Tregoning, if they could just introduce
18 themselves?

19 MS. STEINGASSER: Well, for the
20 first case, Ms. Tregoning is not sitting at
21 the dias. She will be here for the second
22 case.

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1 CHAIRMAN HOOD: Okay. Well, let me
2 do this. We are joined by the Office of
3 Planning staff, under the leadership, at this
4 point, of Mrs. Steingasser, Ms. Jackson, Mr.
5 Jesick and Mr. Lawson.

6 This proceeding is being recorded
7 by a Court Reporter and is also webcast live.

8 Accordingly, we must ask you to refrain from
9 any disruptive noises or actions in the
10 hearing room.

11 Tonight, there will be two
12 hearings. And the first comments will satisfy
13 the record for both hearings.

14 The subject of tonight's first
15 hearing is Case No. 10-22. It's a request by
16 the Office of Planning for a Text and Map
17 Amendment to the Zoning Regulations to allow
18 expansion of an ice rink and construction of a
19 youth baseball academy at Fort Dupont.

20 Notice of that hearing was
21 published in DC Register on November 19, 2010
22 and copies of that announcement are available

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1 to my left on the wall near the door.

2 The hearing will be conducted in
3 accordance with the provisions of 11 DCMR 3021
4 as follows: Preliminary matters, presentation
5 by the Office of Planning, reports of other
6 Government agencies, report of ANC-7A, in this
7 case, organizations and persons in support,
8 organizations and persons in opposition.

9 The following time constraints will
10 be maintained in this hearing: Organizations
11 five minutes, individuals three minutes.

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

19 All persons appearing before the
20 Commission are to fill out two witness cards.

21 These cards are located to my left on the
22 table near the door.

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1 Upon coming forward to speak to the
2 Commission, please, give both cards to the
3 reporter sitting to my right before taking a
4 seat at the table. When presenting
5 information to the Commission, please, turn on
6 and speak into the microphone, first, stating
7 your name and home address. When you are
8 finished speaking, please, turn your
9 microphone off, so that your microphone is no
10 longer picking up sound or background noise.

11 The decision of the Commission in
12 this case must be based exclusively on the
13 public record. To avoid any appearance to the
14 contrary, the Commission requests that persons
15 present not engage the Members of the
16 Commission in conversation during any recess
17 or at any time.

18 The staff will be available
19 throughout the hearing to discuss procedural
20 questions.

21 Please, turn off all beepers and
22 cell phones, at this time, so as not to

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1 disrupt these proceedings.

2 At this time, the Commission will
3 consider any preliminary matters.

4 Does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. We will go
8 straight to Ms. Jackson.

9 MS. JACKSON: Good evening, Chair
10 and Fellow Commissioners. For the record, my
11 name is Arlova Jackson with the Office of
12 Planning. The Map and Text Amendments before
13 you were requested by the Office of Planning
14 to allow the expansion of an ice arena and
15 construction of a youth baseball academy in
16 Fort Dupont Park.

17 The site is currently unzoned and
18 was recently approved for jurisdictional
19 transfer from the National Park Service to the
20 District of Columbia.

21 The site is currently improved with
22 the Fort Dupont Ice Arena, baseball and Multi-

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1 Purpose fields, basketball and tennis courts
2 and an open parking lot.

3 The proposed use of this site will
4 include an expansion of the ice arena and
5 construction of a new youth baseball academy
6 in partnership with the Washington National
7 Dream Foundation.

8 The proposed Map Amendment will
9 rezone the site to be wholly within the R-5-A
10 Zone and the proposed Text Amendment would
11 expand the list of allowed nonresidential uses
12 to include ice rinks and athletic facilities
13 as a matter-of-right.

14 The proposed Text would limit these
15 recreational facilities to locations that are
16 operated on District or federal lands approved
17 for jurisdictional transfer.

18 The proposed Text also included
19 operational limitations for signage, lighting
20 and scoreboard locations, so as not to
21 negatively impact surrounding parkland or
22 residential uses.

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1 However, we would like to propose a
2 change to the Text with regard to these
3 conditions in light of additional information
4 we received since setdown from the Washington
5 Nationals and the Deputy Mayor's Office.

6 Subsections 350.4(j)(4) and (j)(5)
7 suggest explicit limits on the types of
8 signage allowed on-site. However, we recently
9 learned that the District, the National Park
10 Service and the Washington Nationals have
11 already negotiated covenant for the use of the
12 site that address signage as well as other
13 commemorative structures.

14 So in order to eliminate confusion
15 and the potential for conflicting regulatory
16 controls, we would suggest removing those two
17 provisions altogether.

18 At setdown, the Commission raised
19 questions about the proposed structure for the
20 site and additional information has been
21 provided for your reference. While detailed
22 site and building plans are not available, the

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1 proposed baseball academy would be located
2 west of the existing parking lot, be anywhere
3 from 12 to 18,000 square feet in size and not
4 exceed 40 feet in height.

5 Given the existing site conditions
6 and maximum permitted development envelope for
7 public recreational uses in the R-5-A Zone,
8 the project would be modest in scale and
9 should not impact the character of the
10 surrounding area.

11 The 2006 Comprehensive Plan
12 designates the site for parks, recreation and
13 open space and property immediately adjacent
14 to the north, west and east is also within the
15 R-5-A Zone.

16 As such, the proposed Map and Text
17 Amendments are not inconsistent with the Comp
18 Plan and support policy objectives that
19 encourage the provision of youth recreational
20 services on National Park Service land and the
21 expansion of outdoor recreational activities
22 in the far northeast, southeast area.

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1 Thanks and I'll take any question
2 that you have, at this time.

3 CHAIRMAN HOOD: Okay. Thank you,
4 Ms. Jackson. I just have one question. Are
5 you asking us to take out the (j)? What were
6 those? What was that again?

7 MS. JACKSON: No. 4 and No. 5.

8 CHAIRMAN HOOD: Oh, 5. Okay.

9 MS. JACKSON: The two --

10 CHAIRMAN HOOD: Okay. The signage,
11 doing the signage. Okay. 4 and 5. Okay.
12 Thank you very much.

13 Commissioners, any questions of Ms.
14 Jackson? Vice Chairman?

15 VICE CHAIRMAN SCHLATER: Ms.
16 Jackson, do we know what the 16,000 square
17 foot facility is going to look like?

18 MS. JACKSON: The only information
19 that we have to date is a Site Plan that just
20 gives the rough location. I don't believe
21 that additional development of the design has
22 taken place, at this point.

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1 VICE CHAIRMAN SCHLATER: Are we
2 sure that it is going to be limited to 16,000
3 square feet or is it possible it could be
4 40,000 square feet?

5 MS. JACKSON: The highest figure
6 that I have seen would be 18. It's usually 12
7 at the most 18,000.

8 VICE CHAIRMAN SCHLATER: Is it
9 possible to get a copy of these covenants that
10 speak to the exterior signage as well as the
11 commercial advertising sign?

12 MS. JACKSON: Sure.

13 VICE CHAIRMAN SCHLATER: That's
14 all, Mr. Chairman. Thank you.

15 CHAIRMAN HOOD: Any other
16 questions, Commissioners? Okay. We don't
17 have a report of the ANC in this case, 7A. Is
18 there anyone here representing the ANC-7A?
19 Not seeing anyone, do we have any
20 organizations or persons who would like to
21 testify in support? You can come forward.
22 And since there is one person, do we have any

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1 organizations or persons who would like to
2 testify in opposition?

3 Okay. Support. Come right up.
4 Are you coming up? Come up. Okay. So
5 everyone at the table is in support. Okay.
6 Is there anyone here that's in opposition to
7 this case? Okay. We will end on this note.
8 Thank you.

9 And we will start with the
10 gentleman to my right.

11 MR. KAHN: Thank you, Commissioner,
12 and good evening, Commissioner Hood and
13 Members of the Zoning Commission. I'm Jared
14 Kahn. I work as a project manager on the Fort
15 Dupont Project on behalf of the Deputy Mayor
16 of Planning and Economic Development.

17 I am here in support of the project
18 and, at this moment, I would like to offer if
19 you have any questions, I would be happy to
20 answer.

21 CHAIRMAN HOOD: I had a question
22 directed to me of who is the Deputy Mayor, but

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1 I'm not going to answer that question. I'm
2 definitely not going to answer that question.

3 Okay. Next.

4 MS. TANNEBAUM: Good evening. I'm
5 Marlene Tannebaum. I'm the Chair of the
6 Washington Nationals Dream Foundation and I'm
7 also here in support of the project. I would
8 be glad to read my statement and to answer any
9 questions.

10 CHAIRMAN HOOD: Okay.

11 MS. TANNEBAUM: The Foundation has
12 inherited the genuine commitment made by Major
13 League Baseball and the District of Columbia
14 almost five years ago to open a state of the
15 art baseball academy in the city.

16 In 2007, the city identified Fort
17 Dupont as the best site for the facility and
18 since then, the team, Mayor's Office, Council
19 of the District of Columbia, National Park
20 Service and National Capital Planning
21 Commission have labored to make this vision a
22 reality.

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1 With your approval of the Text
2 Amendment, we can break ground on the project
3 and have the first field ready late this
4 summer with an additional two fields and
5 academic building coming on-line in 2012.

6 Last year was a momentous period.
7 NPS signed an agreement whereby the city was
8 granted administrative control of 15 acres at
9 Fort Dupont for the purpose of expanding the
10 existing ice rink and constructing the
11 academy. The NCPC later granted approval for
12 the project.

13 The city finalized the agreement
14 with the team for a generous \$10.2 million
15 contribution to the project and signed a
16 ground lease for the property with the team,
17 both of which were approved unanimously by the
18 City Council.

19 As you can see, there has been
20 considerable consultation and dialogue among
21 the team and District and federal entities on
22 the project.

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1 The transfer of covenants, ground
2 lease and granted agreement and trying the
3 most progressive elements of design,
4 conservation, land use planning and
5 environmental protection. The path along the
6 way was not always direct and occasionally
7 there were differences of opinion that we had
8 to reconcile, but this wonderful federal/
9 District private sector project is moving
10 along because everyone involved never lost
11 sight of the basic goal providing a state of
12 the art recreation and academic facility to
13 under-served children in Ward 7 and 8.

14 Our new Mayor, Vincent Gray, has
15 provided wonderful leadership and advocacy for
16 this project since his service as Ward 7
17 Council Member.

18 MLB, Major League Baseball, has
19 facilitated similar academies in Harlem and
20 Compton, California and has two more underway
21 in Houston and Miami.

22 Our academy would assume

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1 characteristics from the existing facilities
2 and employ a somewhat unique blend of academic
3 instruction and baseball skills development.
4 In addition to reading comprehension and other
5 courses designed to supplement the regular
6 schoolwork, participants will receive
7 instruction in baseball and softball,
8 including coaching, umpiring, score keeping
9 and team organization.

10 We envision three fully equipped
11 fields, batting cages, bull pens, warm-up
12 pitching mounds and a 12 to 18,000 square foot
13 academic clubhouse for teaching and learning.

14 The academy's target audience will
15 be boys and girls in grades 2nd through 12th
16 from lower-income families in communities east
17 of the Anacostia River.

18 I'm sure you are aware of the very
19 sobering statistics that speak to the fact
20 that these young people need as much
21 additional encouragement and support as
22 possible to graduate from high school,

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1 equipped to be productive citizens.

2 The academy -- the academic
3 instruction at the facility as well as the
4 life skills developed there will be a valuable
5 asset to these young people and their
6 families.

7 The various underlying agreements
8 mandate the project comply with the Green
9 Building Act and Construction Pollution
10 Prevention Act. Environmental assessment was
11 conducted and put forth in a number of
12 mitigation efforts that were adopted.

13 We have worked closely with NPS to
14 ensure that construction and ongoing
15 operations do not conflict with other
16 activities at Fort Dupont, as a site designed
17 lends maximum community access to both the
18 academy and the rest of Fort Dupont Park.

19 As stipulated in the agreement, the
20 team will submit design documents to the city
21 for approval and both the city and NPS will
22 monitor the project for adherence to the

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1 ground lease, ground agreement and transfer
2 covenants.

3 I can also assure you that given
4 the affiliation of the academy with the
5 Washington Nationals and Major League
6 Baseball, the facility will be constructed and
7 operated in a first class manner that reflects
8 positively on professional baseball, the city,
9 my family and the citizens that we will be
10 serving.

11 For more than four -- three
12 decades, Washington was without a baseball
13 team. Therefore, it has been difficult for
14 generations of young people in the District to
15 develop an affinity for the sport of baseball.

16 The Washington Nationals have
17 dynamic community outreach programs that have
18 brought forth thousands of youth to the
19 baseball -- to the ballpark for baseball-
20 related instructions ranging in length from a
21 weekend morning to three full days.

22 As a result of these initiatives,

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1 we have seen the demand for more intensive
2 training firsthand and hope to offer these
3 resources at the academy.

4 In the meantime, we will continue
5 to distribute tens of thousands of tickets to
6 deserving young people to attend our games and
7 continue to dispatch players to community
8 events in Ward 7 and 8 and across the city.

9 We have donated thousands of books
10 to local schools and libraries and our players
11 have participated in community-based reading
12 programs.

13 However, we will not be able to
14 capitalize on these efforts without the
15 baseball academy at Fort Dupont where
16 deserving young people will be able to dream
17 big about playing baseball in the context of a
18 strong academic environment.

19 The academy will have the ongoing
20 support of the Major League Baseball, which
21 will allow us to attract donors and other
22 supporters who will continually enrich our

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1 program.

2 Of course, the Washington Nationals
3 will have a very close relationship with the
4 facility as well making available our players,
5 coaches, staff and executives for instruction
6 and other programming.

7 We have also committed \$3.5 million
8 to the project.

9 Please, ensure that the young
10 people in the District have their own field of
11 dreams in Fort Dupont. I hope you will
12 sustain this momentum by approving the Text
13 Amendment today. Thank you and we are happy
14 to answer any questions you may have.

15 CHAIRMAN HOOD: Thank you, Ms.
16 Tannebaum. Can we get a copy of your
17 testimony for the record when we finish? We
18 have it? Okay.

19 Mr. McCarthy?

20 MR. MCCARTHY: I have no additional
21 comments, Mr. Chairman.

22 CHAIRMAN HOOD: You're here in

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1 support though, right?

2 MR. McCARTHY: Yes.

3 CHAIRMAN HOOD: Okay. All right.
4 Okay. Any questions, colleagues? Any
5 questions? Okay. I want to thank you all for
6 your testimony. We greatly appreciate it.
7 Thank you.

8 Also, we received a letter from the
9 Honorable Mayor of the District of Columbia,
10 Vincent C. Gray, and that is provided for the
11 record in support.

12 Okay. Well, Commissioners, in
13 light of what we have asked for, I would
14 propose that we move as Proposed Action and I
15 think we have two actions on this, but I would
16 propose tonight that we move ahead, as was so
17 eloquently mentioned by Ms. Tannebaum. The
18 young folks in this city will benefit
19 tremendously.

20 And let me just open it up. Do any
21 of my colleagues have any reservations about
22 moving forward? Okay.

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1 I would move approval of Zoning
2 Commission Case No. 10-22, I wanted to make
3 sure I had the right one in front of me. It's
4 to approve a proposed Map Amendment from
5 unzoned to R-5-A for a 15 acre portion of Fort
6 Dupont Park and ask for a second.

7 VICE CHAIRMAN SCHLATER: Second.

8 CHAIRMAN HOOD: It's moved and
9 properly seconded. Any further discussion?
10 Are you ready for the question?

11 All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Not hearing any
14 opposition, Ms. Schellin, would you, please,
15 record the vote?

16 MS. SCHELLIN: Yes, sir. Staff
17 records the vote 5-0-0 to approve Proposed
18 Action in Zoning Commission Case No. 10-22.
19 Commissioner Hood moving, Commissioner May
20 seconding, Commissioners Turnbull, Schlater
21 and Selfridge in support.

22 CHAIRMAN HOOD: And I do want to

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1 read this for the record. I don't want to
2 make light of the Mayor's letter. He says "I
3 appreciate the Commission's ongoing work and
4 their approval in this zoning case, so that
5 the development of the youth baseball academy
6 can proceed forward. Sincerely, Vincent C.
7 Gray, Mayor of the District of Columbia."

8 Okay. Anything else, Ms. Schellin,
9 for this case?

10 MS. SCHELLIN: No, sir. We can
11 close this hearing out.

12 CHAIRMAN HOOD: Okay. We are going
13 to close this hearing out. And what I'm going
14 to do is to open the second one. I want to
15 thank everyone for their participation for the
16 first hearing.

17 MS. SCHELLIN: There is a Map and
18 Text Amendment.

19 CHAIRMAN HOOD: Okay. Well, I will
20 withdraw that motion and I move approval of
21 whatever was asked for, the Map and Text. I'm
22 sorry? As amended, okay.

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1 Why don't I let you make the
2 motion? Okay. I will move approval of the
3 Map and the Text, as amended, by the Office of
4 Planning. Is that sufficient, Ms.
5 Steingasser? Whatever gets it done. That's
6 what I want to do.

7 What do we need to do to get it
8 done? Okay. So I --

9 MS. STEINGASSER: It's a rare
10 moment for me.

11 CHAIRMAN HOOD: Okay. So I would
12 move approval of the Map and the Text, as
13 amended, by the Office of Planning in Zoning
14 Commission Case No. 10-22 and ask for a
15 second.

16 COMMISSIONER MAY: Second.

17 CHAIRMAN HOOD: It has been moved
18 and properly seconded. Are we right this
19 time? Any further questions? Any further
20 discussion? Are you ready for the question?

21 All those in favor?

22 ALL: Aye.

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1 CHAIRMAN HOOD: Not hearing any
2 opposition, Ms. Schellin, could you record
3 that vote?

4 MS. SCHELLIN: Yes. Again, staff
5 would record the vote 5-0-0 to approve
6 Proposed Action on Zoning Commission Case No.
7 10-22. Commissioner Hood moving, Commissioner
8 May seconding, Commissioners Turnbull,
9 Schlater and Selfridge in support.

10 CHAIRMAN HOOD: Okay. Thank you.

11 (Whereupon, the Public Hearing was
12 concluded at 6:52 p.m.)
13
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15
16
17
18
19

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