

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

APRIL 9, 2018

+ + + + +

The Regular Public Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., 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
- MICHAEL G. TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from
the Regular Meeting held on April 9, 2018.

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Adjourn	15

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

(6:32 p.m.)

1
2
3 CHAIRMAN HOOD: Okay, this Meeting will please
4 come to order. Good evening, ladies and gentlemen, this is
5 the Public Meeting of the Zoning Commission for the District
6 of Columbia.

7 My name is Anthony Hood, today's date is Monday
8 April 9, 2018. We're located today in the Jerrily R. Kress
9 Memorial Hearing Room. Joining me this evening are Vice Chair
10 Miller, Commissioner Shapiro, Commissioner May, and
11 Commissioner Turnbull.

12 We're also joined by the Office of Zoning Staff,
13 Ms. Sharon Schellin, as well as from the Office of the
14 Attorney General, Mr. Ritting; Office of Planning Staff, Ms.
15 Steingasser, Mr. Lawson, Mr. Jesick, and Ms. Vitale.

16 The caucus of today's Meeting agenda are available
17 to you and are located on the vent near the other door.

18 We do not take any public testimony at our
19 Meetings unless the Commission requests someone to come
20 forward.

21 Please be advised that this proceeding is being
22 recorded by a court reporter. It's also web-cast live.

23 Accordingly, we must ask that you refrain from any
24 disruptive noises or actions in the Hearing room, including
25 display of any signs or objects.

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1 Please turn off all electronic devices. Does the
2 Staff have any preliminary matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay, at this time, we will move
5 on with our agenda as its noted.

6 Okay, first we have Modification of Consequences,
7 our determination of scheduling in Zoning Commission Case
8 Number 12-15B, regarding the rest of the campus plan
9 Modification of Consequences of Parcel 141-69.

10 Does anyone believe that this is not a
11 Modification of Consequence? Not seeing anyone, Ms.
12 Schellin, I believe we could do with some scheduling?

13 MS. SCHELLIN: Yes, so the first thing is to make
14 sure that the Commission does in fact find the modification
15 of consequence and not a modification of significance, which
16 it sounds like you have, and if you there's anything
17 additional you want the Applicant to submit, then please let
18 us know.

19 And other than that, we'll set a schedule.

20 CHAIRMAN HOOD: Okay, is there any additional
21 information needed?

22 MS. SCHELLIN: Okay, then we will shoot for the
23 last Meeting of the month.

24 If we could have the parties, since you're not
25 looking for anything additional, if we could have the

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1 parties, which I believe might be, I'm not sure, I think the
2 ANC may be the only party in this case.

3 But we'll just give them as much time as possible,
4 since they've already been served also. But we'll leave the
5 record open for them to make a submission by 4/23 and then
6 put this on for 4/30.

7 CHAIRMAN HOOD: Okay, anything else, Ms. Schellin,
8 on that?

9 MS. SCHELLIN: No.

10 CHAIRMAN HOOD: All right, let's move to final
11 actions on Zoning Commission Case 17-24 Office of Planning
12 Map Amendment for Fort Grabel and at Reservation 412.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes, the proposed rulemaking at
15 Exhibit 18 was published on March 2. No comments were
16 received. We would ask the Commission to consider taking
17 final action this evening.

18 CHAIRMAN HOOD: Okay, Commissioners, as noted, we
19 have both the support of the National Park Service, as well
20 as DPR and as we've already mentioned, the National Capital
21 Planning Commission finds the map amendment is not
22 inconsistent with the plan.

23 Let me open for any questions or comments or
24 discussion? No concerns so somebody can make a motion?

25 COMMISSIONER MILLER: Mr. Chair, I would move that

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1 we take final action on Zoning Case Number 17-24, Office of
2 Planning Map Amendment for Fort Grabel at Reservation 412.

3 I'll ask for a second?

4 COMMISSIONER SHAPIRO: Second.

5 CHAIRMAN HOOD: It's been moved and properly
6 seconded. Any further discussion? All in favor?

7 (Chorus of aye.)

8 CHAIRMAN HOOD: Any opposition? Not hearing any,
9 Ms. Schellin, if you could please record the vote?

10 MS. SCHELLIN: Yes, Staff records the vote 5-0-0
11 to take final actions on Zoning Commission Case Number 17-24.

12 Commissioner Turnbull moving, Commissioner Shapiro
13 seconding, Commissioners Hood, May, and Miller in support.

14 CHAIRMAN HOOD: Okay, Zoning Commission 16-29,
15 Popular Point RBBR, LLC, 1st Stage PUD & Related Map
16 Amendment in Square 5860 and 5861. Ms. Schellin?

17 MS. SCHELLIN: Yes, so at Exhibit 62 you have the
18 Applicant's response to the Commission's request for
19 additional information on the proffers relating to retail and
20 affordable housing.

21 The Commission also gave the Applicant and the
22 ANCs more time to address the monetary support for local
23 organizations, which the Applicant also addressed in their
24 Exhibit 62.

25 ANCs 8A and 8C responded at Exhibit 63 in the form

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1 of a draft community benefits agreement, which is only signed
2 by the ANCs.

3 The Applicant has not signed the CVA so I don't
4 know whether that means they've seen it, agreed to it, or
5 not, but it is a draft signed by just the ANCs.

6 So, we'd ask the Commission to consider final
7 action this evening.

8 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.

9 Commissioners, if I remember correctly, at the
10 Hearing the enthusiasm for this developer, and I don't know
11 if I went into that last time we took this into
12 consideration, was overwhelming. And I know that some things
13 are negotiable and people are trying to work certain things
14 out, but at this point, I am not sure I'm in agreement.

15 I'm not sure if the Applicant agrees to or if
16 they've even seen the submission by the two ANCs, the
17 benefits agreement that they've come up with.

18 So, I don't have any record saying that they've
19 seen it or any knowledge letting me know that they've seen
20 it, but I think that the increased proffer even without all
21 that, with the track record which we heard here, I think the
22 merits for that speak for itself.

23 I am in no way ready to hold this up. I will be
24 ready to move forward but let me open it up to hear from
25 others. Any other comments or questions? Vice Chair?

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1 COMMISSIONER MILLER: Thank you, Mr. Chairman.

2 Yes, I would agree with your comments and just
3 note that the Applicant has made the affordable housing
4 proffer more affordable than initially proposed relating to
5 units at 60 percent or 50 percent MFI, with a large number
6 of three-bedroom units.

7 So, I'm ready to move forward as well.

8 CHAIRMAN HOOD: Any other questions? Mr. Shapiro?

9 COMMISSIONER SHAPIRO: Mr. Chair, I concur with
10 you and Vice Chair Miller.

11 CHAIRMAN HOOD: Okay, and by no means will I ever
12 disregard anything the ANC does because, again, our job is
13 to reconcile the balance of the proffer with the relief
14 that's being requested.

15 And all of the other things that this Applicant
16 is doing I think is very commendable for this city, and I
17 would like to model behind that and make sure that we work
18 on the Committee as they're doing in this case.

19 Anything else? Any other comments? Somebody could
20 make a motion?

21 COMMISSIONER MILLER: Sure, Mr. Chairman.

22 I would move that the Zoning Commission take final
23 action on Case Number 16-29 Popular Point RBBR, LLC, 1st
24 Stage PUD and related map amendment at Square 5860 and 5861,
25 and ask for a second?

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1 COMMISSIONER SHAPIRO: Second.

2 CHAIRMAN HOOD: It's been moved and there's a
3 second. Any further discussion? All in favor?

4 (Chorus of aye.)

5 CHAIRMAN HOOD: Any opposition? Not hearing any,
6 Ms. Schellin, would you record the vote?

7 MS. SCHELLIN: Yes, sir. Staff records the vote
8 5-0-0 to approve final action on Zoning Commission Case
9 Number 16-29.

10 Commissioner Miller moving, Commissioner Shapiro
11 seconding, Commissioners Hood, May, and Turnbull in support.

12 CHAIRMAN HOOD: Okay, the next hearing action for
13 Zoning Commission Case Number 18-04, Office of Planning, text
14 amendment to Subtitle A, Sections 209.2 and 301.3,
15 construction and playing fields and accessory structures at
16 RFK.

17 Let me go to Ms. Vitale, and I know we have to do
18 a waiver. Or do we have to do the waiver? We can do it?
19 Okay, we'll do it all. Ms. Vitale?

20 MS. VITALE: Good evening, Mr. Chair, and Members
21 of the Commission, Elisa Vitale with the Office of Planning.

22 The Office of Planning recommends the Zoning
23 Commission set down for Public Hearing amendments to Subtitle
24 A, Sections 209 and 301 of the Zoning Regulations, as they
25 relate to restrictions on unzoned land and building permits.

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1 The proposed text amendment would facilitate
2 short-term improvements on the RFK Campus. Specifically, the
3 amendment would allow installation of three synthetic-turf
4 playing fields and construction of three accessory buildings
5 that would provide associated visitor, storage, and restroom
6 facilities.

7 The accessory buildings would each measure no more
8 than 1000 square feet in gross floor area and no more than
9 1 story or 20 feet in height.

10 The amendment would allow this construction to be
11 completed on unzoned land and would provide for the issuance
12 of necessary building permits.

13 Events D.C. is also proposing a 6000-square-foot
14 unenclosed pavilion and the proposed text amendment would
15 require Zoning Commission design review of the pavilion
16 structure.

17 The proposed text amendment would allow for the
18 conversion of obsolete surface parking lots to community-
19 serving recreational facilities. The proposed field use and
20 accessory buildings would not be inconsistent with the
21 comprehensive plan and with further objectives for park,
22 recreation and open space, and Capitol Hill.

23 I'd also like to note that as a result of
24 conversations with OAG, we are no longer proposing to include
25 the text changes that related to water tower at St.

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1 Elizabeth's.

2 This concludes my report and I'm happy to answer
3 any questions. Thank you.

4 CHAIRMAN HOOD: Thank you, Ms. Vitale, let's see
5 if we have any questions or comments.

6 Commissioner May?

7 COMMISSIONER MAY: A few things. So, first of
8 all, I just want to say how great it is to see this project
9 moving forward.

10 It's been in discussions for a couple of years and
11 it's been something that we wanted to do and see happen in
12 the Park Service for a really long time because there's just
13 so much parking out there.

14 And it would be great to put it into better use.

15 So, it's very exciting from our perspective to see
16 this happening and I'm glad that Events D.C. is moving
17 forward with it and that the Office of Planning is supporting
18 it.

19 I would also note that the Commission of Fine Arts
20 and CPC have both already reviewed the concept and have given
21 their approvals to it. So, I think it's moving along well.

22 I did have one question which is that the plan
23 calls for synthetic turf fields and I recall that there had
24 been a moratorium on synthetic turf fields in the District
25 for at least DPR fields.

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1 And I'm wondering if that has changed or whether
2 Events D.C. is not subject to that or not thinking about
3 that.

4 I'm just curious, do we know anything?

5 MS. VITALE: I can't answer that right now but
6 I'll certainly check with DPR and have a response for you
7 later.

8 COMMISSIONER MAY: Okay, thank you. I mean not
9 that it really makes that much difference from a zoning
10 perspective, but I'm just curious about it. So, thank you.

11 CHAIRMAN HOOD: Any other questions or comments?
12 Okay, so we have a request for waiver for late filing as well
13 as the set-down.

14 So, we can get a motion to include both unless we
15 want to go in another direction.

16 COMMISSIONER MAY: I'm happy to make a motion.

17 I would move that we set down Zoning Commission
18 case -- sorry, we waive into the record the Office of
19 Planning's report and set down Zoning Commission Case 18-04
20 OP text amendment to Subtitle A, Sections 209.2 and 301.3
21 regarding construction of playing fields and accessory
22 structures at RFK.

23 I'm trying to make this as long as possible to
24 drag out the length of the Meeting.

25 CHAIRMAN HOOD: Okay, it's been moved. Second?

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1 He wants to drag out the Meeting, we can just wait about ten
2 minutes and do the final vote now.

3 COMMISSIONER MILLER: Second.

4 CHAIRMAN HOOD: Any further discussion? All in
5 favor?

6 (Simultaneous Speaking.)

7 COMMISSIONER SHAPIRO: Is there anything that we
8 need to change based upon what OP is taking out?

9 COMMISSIONER MAY: No, I think what we want to do
10 is give OP and OAG flexibility to adjust the text.

11 MR. RITTING: Yes, the text that we advertise,
12 we'll take out the reference to the water tower.

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

14 CHAIRMAN HOOD: Okay, any further discussion? All
15 in favor?

16 (Chorus of aye.)

17 CHAIRMAN HOOD: Any opposition? Not hearing any,
18 Ms. Schellin, please record the vote?

19 MS. SCHELLIN: The Staff records the vote 5-0-0
20 to set down Zoning Commission Case Number 18-04 as rule-
21 making case. Commissioner May moving, Commissioner Miller
22 seconding, Commissioners Hood, Shapiro, and Turnbull in
23 support.

24 CHAIRMAN HOOD: Okay, do we have anything else,
25 Ms. Schellin?

1 MS. SCHELLIN: No, sir.

2 CHAIRMAN HOOD: Okay, does Office of Planning have
3 anything?

4 Okay, I want to thank everyone for their
5 participation in this Meeting tonight, and this Meeting is
6 adjourned.

7 (Whereupon, the above-entitled matter went off the
8 record at 6:45 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DCZC

Date: 04-09-18

Place: Washington, DC

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



Court Reporter

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