

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 :
Community Three Development :
Zoning Map Amendment : Case No.
: 18-01
:
-----:

Thursday,
June 7, 2018

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

The Public Hearing of Case No. 18-01 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, 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

OFFICE OF PLANNING STAFF PRESENT:

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

The transcript constitutes the minutes from
the Public Hearing held on June 7, 2018.

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Okay. Good evening, ladies and
4 gentlemen. This is the public hearing of the Zoning
5 Commission for the District of Columbia. Today's date is
6 June 7, 2018. My name is Anthony Hood. We're located in
7 Jerrily R. Kress Memorial Hearing Room.

8 Joining me this evening are Vice Chair Miller,
9 Commissioner Shapiro, Commissioner May, and Commissioner
10 Turnbull. We're also joined by the Office of Zoning Staff,
11 Ms. Sharon Schellin, as well as the Office of Planning Staff,
12 Mr. Jesick. Oh, and Ms. Lawson. I mean, I'm sorry, I'm
13 sorry, Ms. Steingasser.

14 (Laughter.)

15 CHAIRMAN HOOD: This proceeding is being recorded
16 by a court reporter. It's also webcast live. Accordingly,
17 we must ask you to refrain from disruptive noises or actions
18 in the hearing room, including display of any signs or
19 objects.

20 Notice of today's hearing was published in the
21 D.C. Register and copies of that announcement are available
22 to my left, on the wall near the door.

23 The hearing will be conducted in accordance with
24 Revisions of 11 DCMR Chapter 5, as follows: Preliminary
25 Matters; Presentation by the Petitioner in this case; Report

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1 of the Office -- and also, we have a Report of the Office of
2 Planning; Reports of Other Government Agencies; Report of the
3 ANC, Organizations, and Persons in Support; Organizations and
4 Persons in Opposition; Organizations and Persons Undeclared.

5 The Petitioner has up to 60 minutes.
6 Organizations, five minutes. Individuals, three minutes. The
7 Commission reserves the right to change the time limits for
8 presentations if necessary. Notice that no time shall be
9 ceded.

10 The Staff will be available throughout the hearing
11 to discuss procedural questions. Please turn off all
12 electronic devices at this time so as not to disrupt these
13 proceedings.

14 At this time, the Commission will settle any
15 preliminary matters. Does the Staff have any preliminary
16 matters?

17 MS. SCHELLIN: None, other than the Petitioner has
18 proffered one expert witness, John Torties (phonetic), that
19 -- are you still proffering?

20 MR. KADLECEK: Yes, he's running late. But at this
21 point, I don't think it's necessary to proffer him as an
22 expert. So, we can withdraw that request.

23 MS. SCHELLIN: Okay.

24 CHAIRMAN HOOD: Okay.

25 MS. SCHELLIN: No other.

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1 CHAIRMAN HOOD: No other? Okay. Mr. Kadlecak, I
2 think we have -- the record is complete, unless you want to
3 -- I don't think we need a full presentation, unless you just
4 want to say a few words. However you want to do it, I'll
5 turn it over to you. I won't tell you how to do it.

6 MR. KADLECEK: Thank you, Chair. And good evening,
7 Members of the Commission. We are comfortable standing on
8 the record, we believe the record is full. We have DDOT and
9 the Office of Planning's support.

10 The only thing I want to mention is that we're
11 aware that the ANC hasn't filed a letter yet. They're
12 actually voting tonight at their meeting. Because of a
13 hearing or the timing issue, they weren't able to take it up
14 until their meeting tonight.

15 But other than that, we just request that the
16 Commission leave the record open so that the ANC can submit
17 a letter. But other than that, we are happy to answer
18 questions. Thank you.

19 CHAIRMAN HOOD: Okay. Commission, any questions
20 up here? Comments? All right, not seeing any. Again, ANC
21 1B is having their hearing tonight, I mean, having their
22 meeting tonight and they will be submitting something. I
23 think we will leave the record open for that, if there are
24 no objections.

25 Let's go to the Office of planning. Ms.

1 Steingasser, Mr. Jesick?

2 MR. JESICK: Thank you, Mr. Chairman and Members
3 of the Commission. The Office of Planning is also happy to
4 rest on the record in support of the application. It is not
5 inconsistent with the Comprehensive Plan and, therefore, we
6 recommend approval. Thank you.

7 CHAIRMAN HOOD: Okay. Any question of the Office
8 of Planning?

9 VICE CHAIR MILLER: I just have one question.

10 CHAIRMAN HOOD: Sure.

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
12 either the Applicant or the -- and I know they ask this at
13 sat down, so I apologize, I just can't remember what the
14 response was.

15 So, there are 40 residential units, which is a
16 good thing, and 12 of them, which is 30 percent, are
17 affordable housing, as I understand it, and half are at 50
18 percent AMI and half of them are at 80 percent AMI.

19 And I know this has been done in conjunction with
20 a development agreement with the City and an RFP and Council
21 approval of the disposition. I'm just -- I just had a
22 question about the AMI levels.

23 I thought, and maybe this predates, because this
24 project has been going on for a while, I thought the
25 disposition law was amended to require not just the 30

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1 percent set-aside, but I thought there were lower levels, I
2 thought it was like ten percent at 30 percent AMI and ten
3 percent at 50 and maybe ten at the 80.

4 Do you know, does anybody know the answer to the
5 question of whether the new law applied to this particular
6 project? So, it's 50 and 80, and we know under our IZ -- so
7 that's a much higher set-aside than what IZ would -- because
8 30 percent set-aside.

9 But if it was all rental, it would be all 60
10 percent AMI. Do you know if the residential is contemplated
11 for this project as condo or -- and I know we're doing a
12 rulemaking and it's a map amendment, but there's obviously
13 a project that this is facilitation. So, I think we can talk
14 about it. Do you know if it's rental or condo or it's not
15 known at this time?

16 MR. EPSTEIN: This is Grant Epstein with Community
17 Three. It's actually been designed as both. We have some
18 time until we have to decide. But we've made sure that it
19 could be either/or, depending upon what the market can bear
20 at that time. The disposition decided or stated which the
21 AMI levels were, and I don't know if it's changed since then.

22 VICE CHAIR MILLER: Right. Okay. All right, thank
23 you. I'm glad it's moving forward finally, this project, for
24 the Grimke School and the African American Museum.

25 CHAIRMAN HOOD: Okay. Any other questions up here?

1 Comments? Okay. Again, we will be expecting the ANC report,
2 we will leave the record open for that.

3 Do we have any organizations -- oh, does the
4 Applicant have any questions of the Office of Planning? Wait
5 a minute, this is not a -- this is a rulemaking, I don't need
6 -- yes, I did Office of Planning already. Do you have any
7 questions of the Office of Planning?

8 MR. KADLECEK: No, thank you.

9 CHAIRMAN HOOD: Okay. Again, we talked about the
10 ANC report. Organizations or Persons in support?
11 Organizations or Persons in opposition? Organizations or
12 Persons who are undeclared?

13 Okay. At this time, are there any follow-up
14 questions or comments? It's just -- Ms. Schellin, how many
15 votes is this?

16 MS. SCHELLIN: It's a map amendment, two.

17 CHAIRMAN HOOD: Okay. I think, for me, the record
18 is complete. I don't see why we would -- the ANC is voting
19 and we have changed our minds once we got comments. But Mr.
20 Kadlecek, can you tell me what you think the ANC -- I'm sure
21 you've been out there and --

22 MR. KADLECEK: Mr. Epstein has been before them
23 many times, I'll let him address that.

24 MR. EPSTEIN: Yes, we've actually presented maybe
25 a dozen times to this ANC, two times specifically on this

1 topic, one in December and then, one at their last meeting.
2 Both of those times were at the Economic Development
3 Committee.

4 At the last Economic Development Committee
5 meeting, they held a vote unanimously to send a letter to the
6 full ANC in support.

7 CHAIRMAN HOOD: And this is Chairman Turner's, he's
8 the Chair of the ANC, right?

9 MR. EPSTEIN: I believe so, yes.

10 CHAIRMAN HOOD: Okay. Yes, 1B.

11 COMMISSIONER SHAPIRO: Yes, and many --

12 CHAIRMAN HOOD: Yes?

13 COMMISSIONER SHAPIRO: -- how many members are the
14 full ANC and how many members are on that Committee?

15 MR. EPSTEIN: I'm not sure how many members are on
16 the full ANC. And I'm not sure how many are on the
17 Committee.

18 COMMISSIONER SHAPIRO: I'm just trying to get a
19 flavor of how representative that was.

20 MR. EPSTEIN: I think there are five on the
21 Economic Development Committee, I'm not 100 percent sure.

22 COMMISSIONER SHAPIRO: Okay, I won't hold you to
23 it.

24 MR. EPSTEIN: Okay.

25 COMMISSIONER SHAPIRO: Thank you.

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1 MR. EPSTEIN: Thanks.

2 CHAIRMAN HOOD: Okay. And they usually follow the
3 lead of their Chair for the most -- I mean, their Committee
4 for the most part. Vice Chair, you had something?

5 VICE CHAIR MILLER: Thank you, Mr. Chair. I just
6 had one quick question. Did this have to go through historic
7 preservation process and did it have an HPRB hearing?

8 MR. EPSTEIN: Yes, it had an HPRB hearing two
9 months ago and was approved for concept approval.

10 VICE CHAIR MILLER: And did the ANC testify --

11 MR. EPSTEIN: They did.

12 VICE CHAIR MILLER: -- in support of it at the --
13 or submit testimony in support of it?

14 MR. EPSTEIN: They did.

15 VICE CHAIR MILLER: Okay, thanks.

16 CHAIRMAN HOOD: Okay. I think this record is
17 complete, for the most part, other than getting the final
18 letter from the ANC. It sounds like that hopefully will come
19 back favorable. If not, we will deal with it at that time.

20 I am prepared to take a vote tonight and we will
21 do another vote after we have the full file, so we can get
22 our information in from the ANC. Any objections? Somebody
23 like to make a motion? Vice Chair Miller?

24 VICE CHAIR MILLER: Mr. Chairman, I would move that
25 the Zoning Commission take proposed action on Zoning

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1 Commission Case Number 18-01, Grimke School Rezoning,
2 proposed zoning map amendment from RF-1 to ARTS-2 for the
3 Grimke School property at 1925 Vermont Avenue Northwest,
4 Square 361, Lot 827, and ask for a second.

5 COMMISSIONER SHAPIRO: Second.

6 CHAIRMAN HOOD: It's been moved and properly
7 second. Any discussion? I'll just say that this shows that
8 the Applicant has done due diligence in working with the
9 community, because a lot of things were taken care of. And
10 again, we'll still look for the ANC.

11 So, a lot of work has been put into this and I
12 wanted to make sure I put that on the record. And I think
13 the record speaks for itself. And I also want to identify
14 exactly the comments that I made.

15 Any further discussion? All in favor?

16 (Chorus of ayes.)

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

19 MS. SCHELLIN: Yes. Staff records the vote 5-0-0
20 to approve proposed action in Zoning Commission Case Number
21 18-01. Commissioner Miller, Commissioner Shapiro seconding,
22 Commissioners Hood, May, and Turnbull in support.

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

25 MS. SCHELLIN: Not that I know of.

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1 VICE CHAIR MILLER: Would it jinx it to say, we're
2 off the red? I just jinxed it.

3 CHAIRMAN HOOD: You just messed us up. Oh, my
4 goodness. All right. So, with that in mind, I thank
5 everyone for their participation tonight and this hearing is
6 adjourned.

(Whereupon, the above-entitled matter went off the record at 6:41 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Community Three Development

Before: DCZC

Date: 06-07-18

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.

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