

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: :

:

Howard University - : Case No.

Special Exception for : 20-08A

Interim University Use of :

the Washington Metropolitan:

School Building, 300 :

Bryant Street, NW, Square :

3069, Lots 67 and 856, :

Ward 1 :

-----:

MONDAY

DECEMBER 6, 2021

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The Public Hearing of Case No. 20-08A by the District of Columbia Zoning Commission convened via videoconference at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, Vice Chairperson
- PETER MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQ.
DENNIS LIU, ESQ

The transcript constitutes the minutes from the
Public Hearing held on December 6, 2021.

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

OPENING STATEMENT:
 Anthony Hood 4

PRESENTATION:
 Case Number: 20-08A - Howard University
 Special Exception for Interim University Use of the
 Washington Metropolitan School Building, 300 Bryant,
 Street, NW, (Square 3069, Lots 67 and 856, Ward 1 5

COMMENTS AND QUESTIONS:
 Commissioners 11

CLOSING REMARKS:
 Anthony Hood 19

ADJOURN:
 Anthony Hood 19

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is December the 6th, 2021, and we are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, Commissioner Shapiro, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be handling all of our virtual operations. Also, from our Office of Zoning Legal Division, we have Ms. Lovick and Mr. Liu.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are webcast live, Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of signup, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

When called, please state your name and home address before providing your testimony. When you are finished speaking,

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1 please mute your audio. If you experience difficulty accessing
2 Webex or with your telephone call-in, or have not signed up, then
3 please call our OZ hotline number at 202-727-5471. If you wish
4 to file written testimony or additional supporting documents
5 during the hearing, then please be prepared to describe and
6 discuss it at the time of your testimony.

7 The subject of tonight's case is Zoning Commission Case
8 No. 20-08A, and it's the Howard University Special Exception for
9 Interim University use of the Washington Metropolitan School
10 Building at Square 3069, Lots 67 and 856, 300 Bryant Street, N.W.

11 The hearing will be conducted in accordance with the
12 provisions of 11Z DCMR Chapter 4, as follows: Preliminary
13 matters, applicant's case -- the applicant has up to 60 minutes
14 -- report of the Office of Planning and District Department of
15 Transportation, report of other government agencies, and report
16 of the ANC, and then we'll have testimony of organizations and
17 individuals; organizations five minutes, and individuals three
18 minutes. And we will hear in the following order from those who
19 are in support, opposition, or undeclared, and then we'll have
20 rebuttal and closing by the applicant.

21 Again, the Office of Zoning hotline number is 202-727-
22 5471 for any concerns during this proceeding.

23 At this time, the Commission consider any preliminary
24 matters.

25 Does the staff have any preliminary matters?

1 MS. SCHELLIN: Just to advise that the applicant has
2 filed their affidavit of maintenance today. They are represented
3 by Cynthia Giordano, and the only other witness they have is
4 Derrek -- oops, I lost his name -- Niec-Williams. And we have
5 Maxine Brown Roberts from the Office of Planning. And other than
6 that, I do not see anyone from the ANC. And the case is ready
7 to move forward. No experts.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Let's bring everyone up. And I usually say -- when
10 we're in the hearing room, I usually say, "please mute your cell
11 phones," but I'll just make that applicable to me this time. So
12 I'm sorry about that.

13 Ms. Giordano, when you're ready, you may begin, once
14 your team gets up.

15 MS. GIORDANO: Good afternoon. This is Cynthia
16 Giordano representing Howard University in this matter. And we
17 only have one witness this evening, Derrek Niec-Williams, who's
18 in charge of campus planning. I know that you have met Mr.
19 Williams before, fairly recently, actually, with the campus plan
20 case. We are prepared to stand on the record, if that's
21 acceptable to the Commission. I think this is a fairly
22 straightforward matter. The record, from our standpoint, is
23 complete. And I think the only other housekeeping matter is that
24 the Office of Planning had recommended a term for this interim
25 use of the Washington Metropolitan School of four years, and we

1 are agreeable to that. That coincides with the lease that the
2 university has on the school.

3 CHAIRPERSON HOOD: Thank you, Ms. Giordano. Let's just
4 do a five-minute presentation for the public's benefit, so
5 they'll know what we're talking about.

6 MS. GIORDANO: Okay.

7 CHAIRPERSON HOOD: Because we do have people who look.
8 And I'm sure Mr. Niec-Williams has a five-minute presentation
9 that I'm sure he -- I don't want to spoil what his preparation
10 is --

11 MS. GIORDANO: Okay.

12 CHAIRPERSON HOOD: -- let's just give him five minutes.
13 Okay.

14 MS. GIORDANO: Derrek, did you want to go ahead, or do
15 you want me to?

16 MR. NIEC-WILLIAMS: Absolutely. I can go ahead.

17 Thank you so much Commissioner Hood. Just to introduce
18 myself. I'm Derrek Niec-Williams. I'm the Executive Director
19 for Campus Planning, Architecture and Development at my beloved
20 alma mater, Howard University. My work address is 2244 10th
21 Street, Northwest, Suite 223. And the amendment -- the action
22 that we have forth before the Commission today, as mentioned
23 before, is for interim university use of the Washington
24 Metropolitan School Building for a period of four years.

25 CHAIRPERSON HOOD: Let me just interrupt, Mr. Niec-

1 Williams. And I do -- I remember you told me you work very hard
2 at your alma mater -- somebody who works very hard, so I want to
3 make sure I call you Mr. Niec-Williams. But can you -- is it
4 possible you can turn your camera on, or is that an issue. If
5 that's an issue --

6 MR. NIEC-WILLIAMS: Oh, that's not a problem. Oh,
7 okay. I see the video option just came up. Let me -- you guys
8 see me okay?

9 CHAIRPERSON HOOD: Oh, there you go. There you go.
10 Now you can go. Okay.

11 MR. NIEC-WILLIAMS: Excellent. All right. Apologies
12 for that. So hello everyone. Again, Derrek Niec-Williams, and
13 again, we're talking about the interim university use of
14 Washington Metropolitan School building. The university did
15 conduct an extensive, about five or six-month, citywide search
16 to house the university's Cathy Hughes School of Communications.
17 And, upon an extensive search, the academic leadership preferred
18 this option, the Washington Metropolitan School building,
19 primarily due to its close proximity to the central campus. It's
20 roughly one block from the current location in the C.B. Powell
21 Building, and so it is minimally impactful to the transportation
22 and general student life on campus, considering the number of
23 undergraduate students that are served by this program.

24 So overall, you know, it's a fairly straightforward
25 action, and we meet all the applicable standards. However, it

1 | does fall just outside of our campus boundary. However, it is
2 | directly adjacent to our campus boundary and is bordered by a
3 | couple of residence halls right now. So as it stands, we do
4 | require this interim university use in order to memorialize and
5 | occupy the facility. And it's important to also note that it is
6 | a vacant -- currently vacant public school facility that the city
7 | did not have any immediate plans for reoccupancy within that
8 | four-year term.

9 | So upon further discussion and securing the support of
10 | the various civic associations, as well as the ANC, you know, we
11 | received a lot of positive feedback from the fact that an
12 | otherwise vacant building will be returned to a beneficial and,
13 | in fact, educational use, which is synergistic with its intended
14 | function. In addition to that, the university does plan on making
15 | a series of phased improvements to the existing building,
16 | including issues of ADA accessibility, vertical transportation,
17 | HVAC, et cetera, in the building. So we will return the facility
18 | back at the end of the lease term in much better condition than
19 | it currently is. So that was also, I think, a selling point from
20 | folks in the community.

21 | So to that point, in summary, this initiative really
22 | does, again, return this vacant DCPS facility into a beneficial
23 | educational use, while incurring additional investment in the
24 | city's infrastructure. So we did secure the support of the
25 | LeDroit Park Civic Association as well as the Pleasant Plains

1 Civic Association. And we also presented and secured a vote from
2 -- a positive vote from the Zoning Preservation and Development
3 Committee of ANC 1B, and then most recently, on Thursday of last
4 week, the 2nd, we received the unanimous vote of support from ANC
5 1B at-large. So with that, just open up for any questions.

6 MS. GIORDANO: If I could just add a couple of comments
7 to Derrek's testimony. The zoning regulations permit, as a matter
8 of right, a use of a vacant public -- DC public school building
9 for certain uses, including community colleges and art schools.
10 And we're not exactly either one of those, but -- and that's why
11 we're here. But, obviously, the zoning regulations have a
12 specific intent and purpose to reoccupy these buildings.

13 CHAIRPERSON HOOD: Okay. Thank you very much. I
14 appreciate -- we appreciate your testimony and very succinct and
15 to the point.

16 Mr. Niec-Williams, as you already mentioned, the
17 LeDroit Civic Association supports with a caveat, I think,
18 something about a playground. I think all that -- whatever was
19 in there, everybody supports, the letter of support from Pleasant
20 Plains. But I did not see, Ms. Giordano, I may be overlooking
21 it. I've read it somewhere that Chairman Turner had supported,
22 ANC 1B, but I don't see the letter.

23 MS. GIORDANO: Right. I didn't see it either today,
24 and we have a call in to Mr. Turner about that. But I think it's
25 probably due to the fact, as Derrek indicated, that they just

1 took the vote last Thursday.

2 CHAIRPERSON HOOD: Okay. Okay. So I think we will -
3 - for the record, we will leave it open for him, if he wants --
4 if he chooses to submit it. Because I'm sure if Chairman Turner
5 had a problem, I know he would be here. So obviously, as you
6 all have mentioned, they have supported this.

7 All right. Let me open it up to any questions or
8 comments.

9 Commissioner May?

10 COMMISSIONER MAY: Yes, it's a very minor point, but I
11 saw a reference in, I thought in the letters from the community
12 groups reference to a five-year lease, not a four-year lease.

13 MR. NIEC-WILLIAMS: That's correct. I believe at the
14 time, because the lease negotiations were ongoing, as we were
15 going through community negotiation process. Yeah, at the time,
16 I believe it was contemplated a five-year -- for a five-year
17 period. However, the lease itself, as it stands in its current
18 state, is for a four-year period. So we would be simply
19 requesting that four-year period. Although we are glad to see
20 that the community is supportive of a five-year period as well.

21 COMMISSIONER MAY: Yeah, who knows, you might need an
22 extension, right? You never know. The -- and then there was
23 another reference to the -- in one of the letters at least, I
24 think, to the playing fields, in addition to the basketball
25 courts. And I know that the playing fields are not on the table

1 here, but I'm curious about, you know, are those operated by DPR
2 at this point, or, I guess, I assume they are. Is that still
3 the case that nothing changes there?

4 MR. NIEC-WILLIAMS: So the facility is under the
5 purview of DGS, right.

6 COMMISSIONER MAY: Yeah.

7 MR. NIEC-WILLIAMS: And so, I think that some of the
8 commentary that was received from the community, just
9 incidentally, about the environment, because they had some
10 questions about hours of operation, the state of the facilities,
11 when they could expect some sort of upgrade or improvements to
12 be made by the District. And so, while the university remains
13 supportive, the subject premises are, you know, are adjacent, but
14 outside of the leased premises. And so, again, you know, the
15 university is supportive overall of some of the community's
16 concerns about, you know, use of open green space and community
17 space in the neighborhood, but it's not entirely under our control
18 at this point.

19 COMMISSIONER MAY: Right. And I understood that. I
20 was just curious about what the state of it was. So if you don't
21 know, that's fine.

22 MS. GIORDANO: If I could add, the basketball court
23 itself, pursuant to the transfer of jurisdiction from the federal
24 government to the city, indicated that that should be retained
25 in recreational use.

1 COMMISSIONER MAY: Uh-huh, right. I got that too.

2 Thank you.

3 MS. GIORDANO: You're welcome.

4 COMMISSIONER MAY: That's it.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: I have no questions, Mr. Chair.

8 CHAIRPERSON HOOD: All right.

9 Commissioner Imamura?

10 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
11 think this is pretty straightforward. It's almost a typical
12 swing space project. So I'm just glad that they have a vacant
13 building that's found reuse and purpose, and that there's a phased
14 approach to return the building in good repair. So that's all
15 that I have, Mr. Chair.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. chairman. No
19 questions.

20 Just thank you, Ms. Giordano, and Mr. Niec-Williams for
21 your presentation and bringing this forward and using -- putting
22 a vacant property to productive use. You know, even on an interim
23 basis, that's important for the community. Thank you.

24 COMMISSIONER HOOD: And I have no questions. If the
25 newest commissioner says it's pretty straightforward, I'm not

1 going to go behind him and ask any questions.

2 So let's see. Ms. Schellin, do we have anyone from the
3 ANC who may have some --

4 MS. SCHELLIN: I do not see anyone from the ANC.

5 CHAIRPERSON HOOD: Okay.

6 Let's go to the Office of Planning report. Ms. Brown-
7 Roberts?

8 MS. BROWN-ROBERTS: Good evening, Mr. Chairman, and
9 members of the Commission. My name is Maxine Brown-Roberts,
10 representing the Office of Planning on Zoning Commission Case
11 20-08A. The -- I think OP will stand on the record of our
12 submitted report, which recommends approval of the special
13 exception, in that the proposal will not negatively impact the
14 surrounding uses or the neighborhood, and will not have any
15 negative impacts due to noise, the traffic or any other objectible
16 impacts.

17 The proposal would not be inconsistent with the
18 Comprehensive Plan maps, which recommend institutional uses for
19 the property, and, therefore, we recommend approval of the
20 special exception for interim university use for a period of four
21 years after the granting of the C of O. Thank you, Mr. Chairman,
22 and I will be available for questions.

23 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts. Let's
24 see if we have any questions or comments.

25 Commissioner May? None.

1 Commissioner Shapiro? None.

2 Commissioner Imamura? None.

3 Vice Chair Miller? None.

4 Anthony Hood, none.

5 Thank you very much. Let's see if you have any cross-
6 examination -- I mean any questions, Ms. Giordano of the applicant
7 (indiscernible)?

8 MS. GIORDANO: No questions.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 And also, I will note that I did call for the ANC, and
11 we don't believe that they are in attendance. And that would be
12 ANC 1B.

13 So thank you, Ms. Brown-Roberts.

14 Okay. Next, we will have other government reports. Do
15 we have any other government reports that I may have left -- I
16 don't see any. Somebody can flag me if they do. District
17 Department of Transportation.

18 Ms. Schellin, we don't have anyone from DDOT as well?

19 MS. SCHELLIN: I do not see anybody from DDOT.

20 CHAIRPERSON HOOD: Okay.

21 Report of the ANC. I think we've been verbally told
22 that they have -- ANC 1B supports it, but I don't know if -- the
23 full ANC and their subcommittee both we were verbally told they
24 support it.

25 Ms. Schellin, do we have anyone who will testify in

1 support, opposition, or undeclared? Persons or organizations?

2 MS. SCHELLIN: No one registered to testify in any
3 category.

4 CHAIRPERSON HOOD: Okay.

5 Ms. Giordano, do you any rebuttal or any closing?

6 MS. GIORDANO: I just have a question, in terms of
7 leaving the record open for the ANC. I guess that means you
8 can't really take a vote on this until the record is closed. So
9 I'm wondering how much time we need to leave the record open for.

10 CHAIRPERSON HOOD: This is a one vote case, I believe.
11 Oh, I finally got that right.

12 Ms. Schellin, could you work on some timing for us,
13 unless somebody else has some follow up questions?

14 Ms. Schellin, can we work on some time?

15 Commissioner Shapiro first.

16 COMMISSIONER SHAPIRO: Yeah, Mr. Chair, I'm just
17 curious about how our -- just to help us make our decision around
18 this.

19 MS. SCHELLIN: I'm sorry. It's hard to hear you, Mr.
20 Shapiro. I know the court reporter is having issues if you're
21 not closer.

22 COMMISSIONER SHAPIRO: How's this, better?

23 MS. SCHELLIN: Yes.

24 COMMISSIONER SHAPIRO: I'm curious about whether our
25 timing, how that might affect your all's process related to the

1 use of this space, assuming we're moving forward.

2 So Mr. Niec-Williams, is there some -- is there a reason
3 why you would want us to move quicker than slower?

4 MS. GIORDANO: I think that if -- I'm not -- Mr. Niec-
5 Williams, sorry, but I don't think that timing is a problem. Any
6 timing is a problem, right? He's shaking his head. Thanks.

7 MR. NIEC-WILLIAMS: No. No problem. I agree with
8 counsel.

9 COMMISSIONER MAY: Thank you, Mr. Chair.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Okay, Ms. Schellin, if we can work on some dates?

12 MS. SCHELLIN: In that case, we could put it on for the
13 first meeting in January, which is the 13th.

14 And, Ms. Giordano, if you want to work with the ANC,
15 and see if they could submit -- since it sounds like they've
16 already taken a vote, so it's just a matter of submitting their
17 report. If they could submit their report say by the 10th of
18 January, then we can put it on for the January 13th agenda for
19 final action.

20 MS. GIORDANO: Okay.

21 MS. SCHELLIN: If you could provide -- I'm going to ask
22 the Commission -- a summary order. Is that okay? Everybody's
23 shaking their heads yes.

24 CHAIRPERSON HOOD: Definitely a summary order in this
25 case.

1 MS. SCHELLIN: Summary order?

2 CHAIRPERSON HOOD: Yes.

3 MS. SCHELLIN: Okay.

4 CHAIRPERSON HOOD: Commissioner May has a question.

5 MS. GIORDANO: The 10th as well, or?

6 MS. SCHELLIN: Well, the sooner, the better. That
7 helps our legal division --

8 MS. GIORDANO: Okay.

9 MS. SCHELLIN: -- to get going.

10 MS. GIORDANO: All right.

11 MS. SCHELLIN: So if you could do that within two
12 weeks.

13 MS. GIORDANO: Okay.

14 MS. SCHELLIN: I know you won't have the ANC
15 information, unless they submit it earlier, but that can always
16 be plugged in by our worthy attorneys.

17 MS. GIORDANO: Okay. Will do.

18 COMMISSIONER MAY: Ms. Schellin, is there a reason why
19 we can't take this up at the meeting next week?

20 MS. SCHELLIN: I think it's a matter of not knowing
21 whether the ANC can provide the report or not. Not knowing, and
22 since timing's not an issue, that's the --

23 MR. NIEC-WILLIAMS: As a sidebar, I'll offer that I
24 just got a text message from the committee chair that they're
25 going to make sure to submit them -- the letter, no later than

1 tomorrow.

2 MS. SCHELLIN: Oh.

3 MS. GIORDANO: Oh.

4 MS. SCHELLIN: Well then in that case, if they submit
5 it, then we can put it on for next Thursday.

6 MS. GIORDANO: Okay.

7 COMMISSIONER MAY: All right.

8 CHAIRPERSON HOOD: Thank you, Commissioner May.

9 A lot of times, I -- when we get to the point of getting
10 ready to do some of the suggestions you make, I wonder. But I
11 think this one will work in your favor, unless we don't have a
12 report on the 16th. This one will work for you. All right.

13 So Ms. Schellin, do we have anything else?

14 MS. SCHELLIN: Nothing else. We'll put it on for next
15 week. I haven't finalized the agenda yet.

16 CHAIRPERSON HOOD: Okay, great.

17 Again, thank you.

18 MS. GIORDANO: Thank you.

19 CHAIRPERSON HOOD: Okay. Commissioners, any follow up
20 questions or comments before we close out?

21 (No audible response.)

22 Okay. I want to thank you, Ms. Giordano, and Mr. Niec-
23 Williams, thank you very much and Howard University. Keep doing
24 the great job you all are doing.

25 So with that, this hearing is adjourned. Goodnight.

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MS. GIORDANO: Thank you very much.

MR. NIEC-WILLIAMS: Good night everyone.

(Whereupon the above-entitled matter went off the record at 4:20 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: Public Hearing

Before: DCZC

Date: 12-06-21

Place: Videoconference

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