

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

-----:

IN THE MATTER OF: :

:

Trustees of Harvard : Case No.

University - 1703 32nd : 10-13

Street, N.W. :

(Square 2155, Lot 812) :

-----:

Thursday, September 16, 2010

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

The Public Hearing of Case No. 10-13 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD SCHLATER	Vice Chairman
GREG SELFRIDGE	Commissioner
PETER MAY	Commissioner (NPS)
MICHAEL TURNBULL	FAIA, Commissioner

(AOC)

NEAL R. GROSS

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
ESTHER BUSHMAN General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS
TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Public Hearing held on September 16, 2010.

NEAL R. GROSS

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

TABLE OF CONTENTS

	<u>PAGE</u>
PRELIMINARY MATTERS	7
 <u>APPLICATION OF TRUSTEES FOR HARVARD</u>	
<u>UNIVERSITY:</u>	
<u>CASE NO. 10-13</u>	7
 NORMAN M. GLASGOW, JR., ESQ. CAROLYN BROWN, ESQ. Holland & Knight 2099 Pennsylvania Avenue, N.W. Suite 100 Washington, D.C. 20006 (202) 862-5990 (CB)	
 OFFICE OF PLANNING REPORT	 13
 <u>VOTE TO APPROVE APPLICATION:</u>	 15

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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, September
7 16, 2010.

8 My name is Anthony Hood. Joining
9 me are Vice Chairman Konrad Schlater,
10 Commissioners Selfridge, May, and Turnbull.
11 We are also joined by the Office of Zoning
12 staff, Ms. Sharon Schellin and Ms. Esther
13 Bushman. And also the -- okay. Well, the
14 Office of Attorney General I guess will join
15 us for the meeting. Office of Planning staff,
16 Ms. Steingasser and Ms. Thomas. Oh, I'm
17 sorry. And Mr. Bergstein has joined us.

18 This proceeding is being recorded
19 by a Court Reporter and is also webcast live.

20 Accordingly, we must ask you to refrain from
21 any disruptive noises or actions in the

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 hearing room.

2 The subject of this evening's
3 hearing is Zoning Commission Case Number 10-
4 13. This is a request by Harvard University
5 for special exception relief pursuant to 210
6 and 3104.1 of the Zoning Regulations for a 10-
7 year campus plan.

8 Notice of today's hearing was
9 published in the D.C. Register on June 4,
10 2010, and copies of that announcement are
11 available to my left on the wall near the
12 door.

13 The hearing will be conducted in
14 accordance with the provisions of 11 DCMR 3117
15 as follows: preliminary matters, applicant's
16 case, report of the Office of Planning, report
17 of other government agencies, if any, report
18 of Advisory Neighborhood Commission 2E,
19 organizations and persons in support,
20 organizations and persons in opposition,
21 rebuttal, and closing by the applicant.

NEAL R. GROSS

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

1 The following time constraints will
2 be maintained at this meeting. The applicant,
3 10 minutes, if needed; organizations, five
4 minutes; individuals, three minutes. The
5 Commission intends to adhere to the time
6 limits as strictly as possible in order to
7 hear the case in a reasonable period of time.

8 All persons appearing before the
9 Commission are to fill out two witness cards.

10 These cards are located to my left on the
11 table near the door.

12 When you are finished speaking,
13 please turn your microphone off, so that your
14 microphone is no longer picking up sound or
15 background noise.

16 The decision of the Commission in
17 this case must be based exclusively on the
18 public record. The staff will be available
19 throughout the hearing to discuss procedural
20 questions.

21 Please turn off all beepers and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 cell phones at this time, so as not to disrupt
2 these proceedings.

3 Would all individuals wishing to
4 testify please rise to take the oath. Ms.
5 Schellin, would you please administer the
6 oath.

7 MS. SCHELLIN: Yes. Please raise
8 your right hand.

9 (Whereupon, an oath was administered to all
10 persons wishing to testify.)

11 Thank you.

12 CHAIRMAN HOOD: Okay. We are also
13 joined by the -- by Mr. Travis Parker.

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

17 MS. SCHELLIN: Just to advise that
18 we have received the affidavit of maintenance,
19 and it is in order.

20 CHAIRMAN HOOD: Okay. Thank you,
21 Ms. Schellin.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Mr. Glasgow, if you would come --
2 oh, I'm sorry. Ms. Brown, if you can come
3 forward. I guess I'm just used to -- maybe
4 just because I -- well, anyway. All right.
5 Disregard it. I'm a little tired. I might
6 say anything, so forgive me.

7 (Laughter)

8 Okay. Ms. Brown?

9 MS. BROWN: Good evening. Carolyn
10 Brown with the law firm of Holland & Knight
11 here on behalf of the applicant. Chip Glasgow
12 from our office is also here, and Mr. Jan
13 Ziolkowski of the Dumbarton Oaks Research
14 Library and Collection.

15 I believe there is one other
16 preliminary matter. We had requested a waiver
17 to accept our prehearing statement a day late.

18 CHAIRMAN HOOD: Okay. Let's see.
19 I may have missed that. Do you know what
20 exhibit that is? Exhibit 20, okay. The one-
21 day delay? That's probably why I missed it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Let's -- Commissioners, any
2 problems with one day?

3 (No response)

4 Okay. I don't think we need to do
5 a vote. We have accepted it.

6 MS. BROWN: Thank you.

7 CHAIRMAN HOOD: You may begin.

8 MS. BROWN: Members of the
9 Commission, good evening. We are prepared to
10 stand on the record for this case, with one
11 minor clarification. In our prehearing
12 statement, we indicated that the majority of
13 the fellows reside on campus. Actually, they
14 normally reside off campus in an apartment
15 building on 30th Street, but it is within four
16 blocks. And occasionally they will stay on
17 campus, but the majority of the time they are
18 on 30th Street, again, three to four blocks
19 away, within walking distance.

20 And with that clarification, we are
21 prepared to stand on the record.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. Ms. Brown,
2 let me just ask, was that conveyed to the ANC?
3 Because I notice they have a letter here of
4 support.

5 MS. BROWN: Yes. The ANC is aware
6 of it, and we have communicated with the
7 Office of Planning about it as well.

8 CHAIRMAN HOOD: Okay. Okay. Thank
9 you very much, Ms. Brown.

10 Commissioners, they have elected to
11 stand on the record, which I think is wise. I
12 think the record is pretty complete. I don't
13 think this is a whole lot to grapple with.
14 They only asked for a few minor things. I see
15 it as a few minor things.

16 But before we go into too much, let
17 me open it up for any questions. Mr.
18 Turnbull?

19 COMMISSIONER TURNBULL: I just have
20 one question. What is actually in the Fellows
21 Building on F Street? I take it it's not a

NEAL R. GROSS

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

1 residence then.

2 MR. ZIOLKOWSKI: My name is Jan
3 Ziolkowski, and I am the Director of Dumbarton
4 Oaks. The Fellows -- what was formerly called
5 the Fellows Building is now called the Guest
6 House to acknowledge what has been the reality
7 for years, that it is used for short-term
8 guests mainly, and then occasionally fellows
9 are there for a term. No fellows are there
10 for the year at this point.

11 COMMISSIONER TURNBULL: Okay. So
12 they mainly live off campus, then. Just
13 reinforcing what you said.

14 MS. BROWN: That's correct.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 CHAIRMAN HOOD: Any other --
18 Commissioner May?

19 COMMISSIONER MAY: Yes. Do the
20 fellows generally have cars? And if they do,
21 do they park on campus or --

NEAL R. GROSS

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

1 MR. ZIOLKOWSKI: The fellows are
2 strongly discouraged from bringing cars, and
3 this is my fourth year. There have never been
4 more than three with a vehicle, and typically
5 there is just one or two. And there are five
6 spaces that -- there are five spaces that they
7 are eligible to use behind the apartment
8 building where they stay.

9 COMMISSIONER MAY: So they never
10 have any need -- I mean, they never wind up on
11 the street parking or any of that?

12 MR. ZIOLKOWSKI: There has never
13 been a case of street parking, of which I am
14 aware, in the years I have been there.

15 COMMISSIONER MAY: Okay. And I
16 guess that's about it. Thanks.

17 CHAIRMAN HOOD: Any other
18 questions?

19 (No response)

20 Ms. Brown, the additional staff now
21 has been taken off, right? We are not asking

NEAL R. GROSS

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

1 for additional staff.

2 MS. BROWN: That's correct. We
3 went back through the records of the 2000
4 campus plan and discovered that it would --
5 139 had already been discussed, so we have
6 asked for a condition in the order clarifying
7 that that is the number of staff and
8 employees.

9 CHAIRMAN HOOD: 139?

10 MS. BROWN: Yes. I believe it is
11 the same conditions that you will find in the
12 Office of Planning report.

13 CHAIRMAN HOOD: Okay. All right.
14 Any other questions?

15 (No response)

16 Okay. Do we have anyone here from
17 ANC-2E?

18 (No response)

19 Okay. Let's go to the -- you all
20 can just hold your seats. Let's go to the
21 report of the Office of Planning. Ms. Thomas?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. THOMAS: Good evening, Mr.
2 Chair, members of the Commission. The Office
3 of Planning is standing on the record tonight
4 with respect to the recommendation of approval
5 in this case, and I would be happy to take any
6 questions.

7 Thank you.

8 CHAIRMAN HOOD: Thank you very
9 much, Ms. Thomas. Commissioners, any
10 questions of Ms. Thomas? Any questions?

11 (No response)

12 Okay. Thank you very much.

13 Again, there is no one here from
14 ANC-2E. Does the applicant have any cross-
15 examination?

16 MS. BROWN: No, sir.

17 CHAIRMAN HOOD: Okay. I wouldn't
18 either, actually.

19 Let's see. Report of other
20 government agencies? Report of Advisory
21 Neighborhood Commission 2E? We do have a

NEAL R. GROSS

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

1 letter. We do have a letter. I must have
2 been doing a lot of yelling. I can't seem to
3 get my voice.

4 But, anyway, we had a -- we do have
5 a letter that says, "Now, therefore, be it
6 resolved that Advisory Neighborhood Commission
7 2E recommends approval of the 10-year campus
8 plan renewal application of the Trustees for
9 Harvard University and Dumbarton Oaks in
10 Zoning Commission Case Number 10-13." And
11 this comes from the Chairman of the -- is this
12 the Chairman? Okay. Mr. Ron Lewis.

13 "Be it further resolved that ANC-2E
14 authorizes Commissioners Eason, Solomon,
15 Lewis, Golds, Starrels, Birch, or any one of
16 them, to represent the ANC-2E on this matter
17 before the Zoning Commission." So, okay, got
18 all those bases covered. So that's a letter
19 of support.

20 Do we have any person who is here
21 -- organization or person who would like to

NEAL R. GROSS

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

1 testify in support? Any organization or
2 person who would like to testify in
3 opposition?

4 (No response)

5 Ms. Brown, do you have any closing
6 remarks?

7 MS. BROWN: Only that we believe we
8 have demonstrated through the record that we
9 meet the standard for special exception relief
10 for renewal of the campus plan. We would ask
11 for your approval, and, if you are so
12 inclined, a decision this evening.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, would you like to move forward?
15 Okay. Would somebody like to make a motion?

16 COMMISSIONER MAY: I would move
17 approval of Zoning Commission Case Number 10-
18 13, Harvard University 10-year campus plan.

19 CHAIRMAN HOOD: Okay. It has been
20 moved. Can we get a second?

21 COMMISSIONER TURNBULL: Second.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: Moved and properly
2 seconded. Any further discussion?

3 (No response)

4 Are you ready for the question?
5 All those in favor, aye.

6 (Chorus of ayes)

7 Not hearing any opposition, Ms.
8 Schellin, would you please record the vote?

9 MS. SCHELLIN: Yes, sir. Staff
10 would record the vote five to zero to zero to
11 approve Zoning Commission Case Number 10-13,
12 and this is final action. Commissioner May
13 moving, Commissioner Turnbull seconding,
14 Commissioners Hood, Selfridge, and Schlater in
15 support.

16 CHAIRMAN HOOD: Okay. Thank you
17 very much. Do we have anything else before us
18 for this hearing?

19 MS. SCHELLIN: Not for this case.

20 CHAIRMAN HOOD: Okay. We will be
21 back I guess in two minutes. I guess it will

NEAL R. GROSS

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

1 take the Office of Planning a few minutes to
2 set up. Already set up? Okay. So we will go
3 right into our meeting.

4 I want to thank you all for your
5 participation tonight, and this hearing is
6 adjourned.

7 (Whereupon, at 6:43 p.m., the proceedings in
8 the foregoing matter were
9 adjourned.)

10

11

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701