

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----X

IN THE MATTER OF:

HOWARD UNIVERSITY - SPECIAL Case No.
EXCEPTION FOR LOT 53 IN 11-15C
SQUARE 417

-----X

Monday,
June 2, 2014

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C. 20001

The Public Hearing of Case No. 11-15C 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, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
PETER MAY, Commissioner (NPS)

NEAL R. GROSS

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

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on June 2, 2014.

NEAL R. GROSS

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

(202) 234-4433

www.nealrgross.com

TABLE OF CONTENTS

	<u>PAGE</u>
Preliminary Matters	4
Presentation by Applicant	5
Government Reports	13
Vote on Motion to Approve	17

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

2 (6:30 p.m.)

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is a meeting -- a
5 hearing for the Zoning Commission for public
6 hearing of Zoning Commission Case Number
7 11-15C. This is a Howard University special
8 exception for interim use at Square 417.

9 My name is Anthony Hood. Joining
10 me are Vice Chair Cohen, Commissioner May,
11 Commissioner Turnbull, and Commissioner
12 Miller. We are also joined by the Office of
13 Planning staff, Ms. Sharon Schellin. Also,
14 the Office of -- no, I'm sorry, the Office of
15 Zoning staff, Ms. Sharon Schellin; and the
16 Office of Planning staff, Ms. Brown-Roberts.

17 If you want to know when this was
18 filed with the office, you can check the record.
19 Those dates will be in the record.

20 Again, we will begin our hearing
21 this evening with any preliminary matters.

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 Does the staff have any preliminary matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: Do we need to swear
4 any witnesses in?

5 MS. SCHELLIN: Yes.

6 CHAIRMAN HOOD: Okay. Will all
7 witnesses needing to be -- who need to be sworn
8 in, if you can rise, so you can take the oath.
9 Ms. Schellin, would you please administer the
10 oath.

11 MS. SCHELLIN: Yes. Please raise
12 your right hand.

13 (Oath administered)

14 Thank you.

15 CHAIRMAN HOOD: Okay. Ms.
16 Schellin, do we have any other preliminary
17 matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: Okay. Mr.
20 Freeman, if you could begin. We can see you
21 have some experts?

NEAL R. GROSS

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

1 MR. FREEMAN: Actually, we don=t
2 have any experts tonight. Ms. Smith is going
3 to be our main witness. But seated to my left,
4 Ms. Jessica Bloomfield, is going to present
5 this case on behalf of the applicant tonight.

6 CHAIRMAN HOOD: I really think this
7 case -- unless my colleagues object, I really
8 think this case is sufficient. I think the
9 record is complete. I don=t know if we need any
10 testimony, unless you just want to -- I don=t
11 want to spoil you from -- people love -- they
12 always say how much they are grateful and how
13 much -- it=s a pleasure to be in front of us.
14 I don=t ever believe that, but I don=t want you
15 to feel that we are depriving you. We don=t
16 want to deprive you of your testimony.

17 MS. BLOOMFIELD: It=s a pleasure
18 for you to just let us rest on the record.

19 CHAIRMAN HOOD: Oh. So you=ve
20 been talking to Mr. Freeman. Okay. All
21 right. So they have requested to rest on the

NEAL R. GROSS

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

1 record. Could you identify yourself? I know
2 he did.

3 MS. BLOOMFIELD: Yeah. I=m
4 Jessica Bloomfield from Holland & Knight.

5 CHAIRMAN HOOD: Okay. Ms.
6 Bloomfield. Okay. So the applicant has
7 requested to rest on the record.

8 Did we have anyone here from ANC 1B?
9 Okay. Let=s go to the Office of Planning. Are
10 you hear from 1B? Okay. We=re going to --
11 okay. If you have some testimony, we=ll get to
12 that point. We have an order, and we=ll get to
13 that point where you=ll be able to testify.

14 Okay. Ms. Brown-Roberts?

15 MS. BROWN-ROBERTS: Yes. Good
16 afternoon, Mr. Chairman. Good evening, Mr.
17 Chairman, and members of the Commission. We
18 also rest on the record. We have nothing else
19 to add to our report that was submitted. Thank
20 you, Mr. Chairman.

21 CHAIRMAN HOOD: Okay. Thank you.

NEAL R. GROSS

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

1 We have a question for Office of Planning.
2 Vice Chair Cohen?

3 VICE CHAIR COHEN: No. It=s
4 actually of the applicant. I was just curious
5 when the building was built. Does anybody
6 know?

7 MR. FREEMAN: Commissioner Cohen,
8 we believe it was built in approximately -- I
9 do not know for sure.

10 VICE CHAIR COHEN: Okay. I guess
11 what I was trying to determine is it was built
12 as a nursing home, and yet it was changed -- its
13 use to offices. And I was wondering when all
14 of that happened as well.

15 MR. FREEMAN: The office use was
16 first permitted in 2004 pursuant to Zoning
17 Commission Order 04-20.

18 VICE CHAIR COHEN: And do you
19 recall why it needed to change use?

20 MR. FREEMAN: Let me let Ms. Smith
21 answer that question.

NEAL R. GROSS

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

1 VICE CHAIR COHEN: Thank you.

2 MS. SMITH: The university
3 purchased these buildings -- this building and
4 a number of other ones maybe the -- that same
5 year, earlier, and they did not have a use for
6 a nursing home, but they did need it for
7 additional office space.

8 VICE CHAIR COHEN: So they bought
9 it from someone who had built it as a nursing
10 home, is that correct?

11 MS. SMITH: That=s correct.

12 VICE CHAIR COHEN: I guess, you
13 know, the point that I=m getting at is that I
14 don=t understand how it -- something that was
15 built as a nursing home could have been changed
16 from, you know, one use to the other. But that
17 happened in 2004 way before my time. And I
18 guess you came back for one five-year extension
19 and now you want 10, is that correct?

20 MR. FREEMAN: The initial
21 approval, 04-20, was for a five-year term.

NEAL R. GROSS

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

1 That has expired, so we are now asking for a
2 10-year turn for the new uses.

3 VICE CHAIR COHEN: So what will the
4 eventual use be in the -- after 10 years? Does
5 the university have a plan for that?

6 MR. FREEMAN: We'll have Ms. Gina
7 Merritt, who is the real estate coordinator for
8 the university, answer that question.

9 MS. MERRITT: The university's
10 plan is to redevelop the property. That
11 property actually, along with CVS, which they
12 own -- that's on the corner of Florida Avenue
13 -- we are considering partnering with a
14 developer to redevelop it into something that
15 looks like Progression Place across the street.

16 VICE CHAIR COHEN: Okay. And this
17 is for the Office of Planning. Do you think a
18 10-year timeframe is a necessity, or, you know,
19 it's -- I mean, it just seems to always delay
20 the, you know, final outcome of a project.

21 MS. BROWN-ROBERTS: We have

NEAL R. GROSS

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

1 considered doing a shorter time period, but I
2 don=t think we could come up with a
3 justification, a real justification as to why,
4 you know, not 10 years, although -- but we have
5 met with the applicant concerning this project,
6 and projects that may come for the
7 redevelopment of the site. So we have some
8 comfort in knowing that there are ongoing talks
9 to redevelop the property. So that was why we
10 agreed with the 10 years.

11 VICE CHAIR COHEN: Thank you.

12 CHAIRMAN HOOD: Any other
13 questions? Okay. Not seeing or hearing
14 anyone --

15 COMMISSIONER TURNBULL: Mr. Chair,
16 questions for Office of Planning?

17 CHAIRMAN HOOD: Yes. Office of
18 Planning.

19 COMMISSIONER TURNBULL: Okay.
20 No.

21 CHAIRMAN HOOD: Did you have any

NEAL R. GROSS

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

1 for the applicant, Mr. Turnbull? Because we
2 went through that. Did you have any?

3 COMMISSIONER TURNBULL: Yes.

4 CHAIRMAN HOOD: You did have some
5 for the applicant?

6 COMMISSIONER TURNBULL: I just had
7 one or two.

8 CHAIRMAN HOOD: Okay. Yeah.

9 COMMISSIONER TURNBULL: On the
10 dining facilities that are in the building,
11 that are projected, there is dining now.

12 MS. SMITH: Yes.

13 COMMISSIONER TURNBULL: And the
14 dining in the building that will be continued
15 is only for the staff in the building, not
16 students coming in.

17 MS. SMITH: It=s for staff in the
18 building, but we also use it as an ancillary
19 kitchen that helps for catering. The dining
20 itself is for the people in the building.

21 COMMISSIONER TURNBULL: That=s

NEAL R. GROSS

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

1 right. But that=s why I wanted to be clear on
2 that. There is no, really, students coming in
3 to dine in the facility. That all of the
4 catering for students is leaving by vans going
5 to whatever other buildings you need.

6 MS. SMITH: That=s correct.

7 COMMISSIONER TURNBULL: Okay.

8 Thank you.

9 CHAIRMAN HOOD: Okay. Thank you.
10 Office of Planning, we do have a recommendation
11 from the District Department of
12 Transportation. DDOT has reviewed the
13 applicant=s request and determined, based on
14 the information provided, that the proposal
15 would have no adverse impacts on the District=s
16 transportation network. DDOT has no objection
17 to the approval of the request of the special
18 exception.

19 Okay. Any other government
20 agencies have responded? I will tell you that
21 the ANCs -- we have plenty of -- I=m doing

NEAL R. GROSS

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

1 government agencies first. The ANC, Advisory
2 Neighborhood Commission, 1B has supported
3 this. We have a letter from Chairman Turner.

4 He goes on to say, ADuring its
5 regular meeting on May 1st, 2014, at a duly
6 noticed meeting with a quorum of seven
7 Commissioners present, ANC 1B voted seven to
8 zero.@ That is behind Tab E from the
9 applicant=s submissions.

10 Also, the single-member district,
11 ANC 1B01, from Mr. Marc Morgan, in support.
12 Also from Westminster Neighborhood
13 Association, also from the Georgia Avenue
14 Community Development Task, also from the
15 District of Columbia Public Schools, Cleveland
16 Elementary School. Also we have from Mr. Alex
17 Padro, ANC 6E01, which is right across the
18 street. It=s adjacent to the property.

19 Also, we have a letter from Rebirth
20 Restoration, which is in support. Also, Shaw
21 Main Street, which is in support. And I think

NEAL R. GROSS

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

1 I have covered them all.

2 Again, I want to commend Howard
3 University. We do a lot of things dealing with
4 campuses. I know Ms. Bennett -- is Ms. Bennett
5 still there? She might have had her hand in
6 this. But I can tell you that when you get all
7 that support, this is one thing that I've seen
8 constantly since I've been here now with Howard
9 University, a lot of support. So I want to
10 commend you all on what you're doing and keep
11 up the good work.

12 Any other questions or comments,
13 colleagues? Okay. Commissioner Miller?

14 COMMISSIONER MILLER: Thank you.
15 Thank you, Mr. Chairman. So in the materials
16 it says that you had -- the applicant expects
17 that the food and catering service would
18 generate approximately five to ten delivery
19 trips per day. Are there current trips,
20 delivery trips from the caterer, food
21 operations? Or, I mean, is it --

NEAL R. GROSS

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

1 MS. SMITH: Yes. There are
2 current trips that would go from that operation
3 to the main campus primarily, and to the
4 hospital, Howard University Hospital.

5 COMMISSIONER MILLER: But this
6 would be an expanded catering service, or is it
7 actually happening right now and this is --
8 we're kind of ratifying what is happening
9 already?

10 MS. SMITH: The latter. It's
11 happening now, and we are ratifying it. We
12 have our business license to continue in that
13 operation.

14 COMMISSIONER MILLER: Okay. So
15 you expect it to be about the same level of
16 activity that is currently happening there
17 daily now?

18 MS. SMITH: Yes, I do.

19 COMMISSIONER MILLER: Okay.
20 Thank you very much.

21 CHAIRMAN HOOD: Thank you. Okay.

NEAL R. GROSS

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

1 Do we have any organizations or persons who are
2 here who would like to testify in support? Any
3 organizations or persons who would like to
4 testify in opposition? Sir, did you have
5 something you want to add? If you can come up
6 and introduce yourself?

7 PARTICIPANT: (Inaudible comment
8 from an unmiked location.)

9 CHAIRMAN HOOD: Okay. You might
10 want to check with the organization. Or you
11 can talk to the applicant right after this is
12 over, because, as you=ve heard, there=s a lot
13 of support. So I know that they=ve done a lot
14 of work in getting to the community groups. So
15 you might want to work with -- talk to them or
16 check with one of your ANC Commissioners.
17 Okay?

18 All right. Commissioners, what is
19 your pleasure?

20 COMMISSIONER MAY: Mr. Chairman,
21 can I make a motion?

NEAL R. GROSS

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

1 CHAIRMAN HOOD: Sure.

2 COMMISSIONER MAY: I=d like to move
3 that we approve Zoning Commission Case Number
4 11-15C, Howard University special exception
5 for interim university use at Square 417.

6 COMMISSIONER MILLER: Second.

7 CHAIRMAN HOOD: Okay. It has been
8 moved and properly seconded. Any further
9 discussion? All those in favor?

10 (Chorus of ayes)

11 Not hearing any opposition, Ms.
12 Schellin, would you please record the vote.

13 MS. SCHELLIN: Yes, sir. Staff
14 records the vote five to zero to zero to approve
15 final action of Zoning Commission Case Number
16 11-15C, Commissioner May moving, Commissioner
17 Miller seconding, Commissioners Hood, Cohen,
18 and Turnbull in support.

19 CHAIRMAN HOOD: Okay. Anything
20 else, Ms. Schellin?

21 MS. SCHELLIN: If I could just ask

NEAL R. GROSS

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

1 the attorneys -- Jessica -- I'm sorry --
2 Bloomfield, did I get it right? And Mr.
3 Freeman to provide draft findings of fact,
4 conclusions of law, or a summary order, if the
5 Commission would deem appropriate. Summary
6 order? Okay.

7 So just a summary order. Then
8 we're good.

9 CHAIRMAN HOOD: Okay. All right.
10 I want to thank everyone for their
11 participation tonight. And, again, Howard
12 University, keep up the good work.

13 With that, this hearing is
14 adjourned.

15 (Whereupon, the above-entitled
16 matter went off the record at 6:43 p.m.)
17
18
19
20
21

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
2
3
4
5
6
7
8
9
10