

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Zoning
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9 PUBLIC HEARING OF THE OFFICE OF ZONING
10 CASE 11-15D
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13 6:30 P.M. to 6:41 P.M.
14 Monday, May 21, 2015
15

16 441 4th Street, N.W.
17 Jerrily R. Kress Memorial Room
18 Second Floor Hearing Room, Suite 220-South
19 Washington, D.C. 20001
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2 Board Members:

3 ANTHONY HOOD, Chairman

4 MARCIE COHEN

5 PETER MAY

6 ROBERT MILLER

7 MICHAEL TURNBULL

8

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 MAXINE BROWN-ROBERTS

13

14

15 District Department of Transportation

16 ANNA CHAMBERLIN

17 JONATHAN ROGERS

18

19 Office of Zoning

20 SHARON SCHELLIN, Secretary to the Board

21

22 Other

23 Leila Batties

24 Anthony Freeman

1 Maybelle Bennett

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C O N T E N T S

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7 Introductory Remarks

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8 Conclusion of Meeting

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P R O C E E D I N G S

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CHAIRPERSON HOOD: Good evening, ladies
and gentlemen. This is a public hearing of the
Zoning Commission for the District of Columbia.
Today's date is Thursday, May 21, 2015. My name
is Anthony Hood. Joining me are Vice Chair Marcie
Cohen, Commissioners Miller, Commissioner May, and
Commissioner Turnbull.

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We are also joined by the Office of Zoning
staff, Ms. Sharon Schellin, and the Office of
Planning staff, Ms Steingasser, Ms. Brown-Roberts,
the District Department of Transportation, Ms.
Chamberlin and Mr. Rogers.

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This proceeding is being recorded by a
court reporter and is also Webcast live.

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Accordingly, we must ask you to refrain
from any disruptive noise or actions in the
hearing room. Notice of today's hearing was
published in the D.C. Register, and copies of that
announcement are available to my left on the wall

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1 near the door.

2 The hearing will be conducted in
3 accordance with Provisions of 11 DCMR 3117 as
4 follows: preliminary matters to applicant's case,
5 report of the Office of Planning, reports of other
6 government agencies, organizations and persons in
7 support, organizations and persons in opposition,
8 rebuttal, and closing by the applicant.

9 The following time constraints will be
10 maintained in this meeting. The applicant has
11 asked for up to 20 minutes, I don't think we need
12 20 minutes, maybe 10, organizations 5 minutes, and
13 individuals 3 minutes.

14 The Commission intends to adhere to the
15 time limits as strictly as possible in order to
16 hear the case in a reasonable period of time.

17 All persons appearing before the
18 Commission are to fill out two witness cards.

19 Please turn off all beepers and cell
20 phones at this time so as not to disrupt these
21 proceedings. The staff will be available
22 throughout the hearing to discuss procedural
23 questions.

24 Would all individuals wishing to testify

1 please rise and take the oath. Ms. Schellin,
2 would you please administer the oath.

3 MS. SCHELLIN: Yes, please raise your
4 right hand. Do you solemnly swear and affirm the
5 testimony you will give this evening will be the
6 truth, the whole truth, and nothing but the truth?
7 Thank you.

8 CHAIRMAN HOOD: Again, we do have two
9 cases tonight. Our first case is Case #11-15D,
10 and I would ask Ms. Batties if you would come
11 forward and bring all the presenters that are
12 going to present in this case. I do not think
13 this case should tarry us too long, because I
14 think this is pretty straightforward. So, if you
15 want to do a presentation, if you could just hit
16 the highlights. Do we have any preliminary
17 matters? Okay. Microphone isn't on? Okay, I'm
18 on that.

19 MS. BATTIES: Good evening Mr. Chair and
20 members of the Board, Leila Batties with the Law
21 Firm of Holland & Knight on behalf of the
22 Applicant, Howard University. We actually are
23 prepared to rest on the record this evening for
24 this particular case and address any questions

1 that you may have. Actually, if you guys want to
2 go ahead and introduce yourself and your positions
3 with Howard University.

4 MR. FREEMAN: Sure. Good evening, Mr.
5 Chair, members of the Committee. My name is
6 Anthony Freeman. I am the Real Estate Executive
7 for Howard University responsible for portfolio
8 management and development of the entire
9 portfolio. I am glad to be here this evening.

10 MS. BENNETT: Good evening, Chairman Hood
11 and members of the Commission. My name is
12 Maybelle Taylor-Bennett. I am Director of the
13 Howard University Community Association.

14 CHAIRMAN HOOD: Okay, so you are going to
15 rest on the record?

16 MS. BATTIES: Yes.

17 CHAIRMAN HOOD: Okay. Let's see.
18 Colleagues, any questions up here? Mr. Turnbull.

19 COMMISSIONER TURNBULL: Yes, I just have
20 one question. You want to have these certain lots
21 excluded from Square 2882, but you are not
22 divesting yourself of the property?

23 MS. BATTIES: That's correct.

24 COMMISSIONER TURNBULL: You are still

1 retaining ownership of the property, it is just
2 that you don't want them in the Campus plan.

3 MS. BATTIES: That's correct.

4 COMMISSIONER TURNBULL: As part of your
5 partnership.

6 MS. BATTIES: They are going to be
7 redeveloped as part of a larger project. And,
8 really, Mr. Turnbull, the larger project requires
9 a rezoning of the entire parcel, and the zoning
10 regulations don't really contemplate University,
11 non-University uses, and Campus Master Plan.

12 COMMISSIONER TURNBULL: I can get into
13 some of the other questions in the next case
14 regarding the property and the ownership and
15 recording of the property in the next phase.

16 MS. BATTIES: Okay.

17 CHAIRMAN HOOD: Any other questions up
18 here? Commissioner May.

19 COMMISSIONER MAY: Yeah, there was one
20 concern that was raised in one of the letters; I
21 can't remember honestly whether it was one of the
22 neighborhood associations or one of the ANCs, but
23 it had to do with the University's maintenance of
24 particular property that had been included in the

1 Campus Plan, and they were concerned that nothing
2 had happened there, so maybe you want to address
3 that issue.

4 MS. BATTIES: Ms. Bennet, you want to
5 address that issue?

6 MS. BENNETT: Yes, Mr. May, that was a
7 letter from the LeDroit Park Civic Association,
8 and they were concerned about the Mary Church
9 Terrell House, which we have been in the process
10 of restoring, and we've spent a considerable
11 amount of money to upgrade the masonry skin of the
12 building, and then 2008 hit, and we have not been
13 able to be successful in raising money since then.

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15 In the Campus Master Plan that was
16 recently approved, we mentioned, because we knew
17 the Commission was going to be interested in what
18 other properties we owned that fell outside of the
19 Campus Plan boundaries, we mentioned that
20 building, and we talked about how we had intended
21 to finish the restoration of it and repurpose it.

22 But, those efforts have not been completed as
23 yet. So, we haven't had a chance to do that now.
24 The other thing that did happen was that was not

1 made a condition of the approval of the plan.

2 COMMISSIONER MAY: Is there anything that
3 you can say that would actually give comfort to
4 the LeDroit Park Citizens' Association, because
5 all you have essentially said is that, yes, they
6 are correct, that you haven't been able to fix it.

7 MS. BENNETT: That's right, and if you
8 notice in the letter what they said was they
9 wanted to have an opportunity to meet with the
10 University's leadership, which they did in the
11 month of February, this past February.

12 COMMISSIONER MAY: Okay.

13 MS. BENNETT: Most of - much of the
14 leadership of the Civic Association actually met
15 face-to-face with the President, who indicated
16 that he was interested in trying to restore the
17 building, but that he was concerned about its
18 current programming and that he wanted us to go
19 back to the drawing board with respect to that.
20 We will be working with neighbors in the LeDroit
21 Park Civic Association and the Real Estate
22 Executive to figure out how we actually get that
23 building restored at this point.

24 COMMISSIONER MAY: Okay, thank you.

1 CHAIRMAN HOOD: Any other questions?
2 Commissioner Miller.

3 COMMISSIONER MILLER: Thank you, Mr.
4 Chairman. The mixed use building is going to have
5 319 residential units, 59 of which are going to be
6 set aside, I think, for Howard graduate students
7 and faculty...

8 MS. BENNETT: And staff.

9 COMMISSIONER MILLER: And staff. So,
10 clearly the 59 of the 319 is a kind of, kind of a
11 University use, but the whole property, the
12 overwhelming majority, almost 80%, is not set
13 aside. Does, I guess I have a question of Office
14 of Planning, at what point does it become a
15 University use? Does our action just determine
16 whether it is University use or not? Does Howard
17 have a right to ask for more set aside in the
18 future if the need arises?

19 MS. BENNETT: You're looking at the wrong
20 person, Mr. Miller.

21 MR. FREEMAN: We settled that 59 units as
22 the ceiling for the program.

23 COMMISSIONER MILLER: Okay.

24 MR. FREEMAN: But, obviously, we would

1 love to have our faculty and staff be good
2 residents of the building, even above the 59
3 units.

4 COMMISSIONER MILLER: Right, there is
5 nothing that precludes them from applying for one
6 of the rooms, for one of the units. Okay, thank
7 you.

8 CHAIRMAN HOOD: Okay, any other questions
9 up here? Is there anyone here representing ANC1B?
10 Okay, let's go to the Office of Planning and
11 DDOT.

12 COMMISSIONER TURNBULL: Mr. Chair, I
13 wonder if I could just add to what Commissioner
14 Miller just asked in that, it's, I think the
15 agreement is no less than 59 units. I don't see
16 anywhere that it says there is a max of 59 units.
17 I guess we need the Office of Planning to respond
18 to Commissioner Miller's question then.

19 CHAIRMAN HOOD: Alright, let's go to the
20 Office of Planning, Ms. Steingasser, and then
21 we'll go to the District Department of
22 Transportation.

23 MS. BROWN-ROBERTS: Good evening, Mr.
24 Chairman, and members of the Commission. Maxine

1 Brown-Robert from the Office of Planning. I think
2 we're going to stand on the record too, but I'll
3 address the question that the Commissioner has
4 asked regarding the units for the University that
5 are going to be on the other case. The property
6 is going to be rezoned to C2B zone, and Campus
7 Plan Regulations do not apply to the C2B District,
8 and they are asking for that conversion in the
9 other case. Therefore, we didn't after -- with
10 this amendment, we wouldn't consider it a
11 University use; I think that's an agreement that
12 is part of that PUD.

13 CHAIRMAN HOOD: Any other questions or
14 comments? Again, I'm not seeing anyone here from
15 ANC1B. Oh, I'm sorry, let's go to DDOT. I'm
16 sorry. I was about to move on. [laughing]

17 MR. ROGERS: Good evening, DDOT stands on
18 the record.

19 CHAIRMAN HOOD: Okay, any questions of
20 DDOT? Okay, does the Applicant have any questions
21 of either Office of Planning or DDOT?

22 MS. BATTIES: No, we don't.

23 CHAIRMAN HOOD: Again, I'm not seeing
24 anyone here from ANC1B. Their letter is Exhibit

1 12 in this record, and it goes on to say that its
2 regularly scheduled meeting, which was postponed
3 due to inclement weather -- let's see if can get
4 right to -- Advisory Neighborhood Commission 1B
5 voted unanimously with 10-0 to support Howard
6 University Central Campus Plan Amendment in this
7 Case 11-15D. And, then it goes on to talk about
8 some of the other issues they had. I think this
9 letter could probably go for both cases, and I
10 will just leave it at that. But, this letter for
11 this particular case is in unanimous support.
12 Okay, any organizations or persons who are here in
13 support who would like to testify? Any
14 organizations or persons who are here in
15 opposition who would like to testify? Okay, if
16 you have any rebuttal, Ms. Batties, if not you can
17 give us your closing.

18 MS. BATTIES: Just in closing, we
19 respectfully request the Commission's support of
20 the application. Thank you.

21 CHAIRMAN HOOD: Okay, anything else, Ms.
22 Schellin, that we need to do for this case?

23 MS. SCHELLIN: No sir, we will put it on
24 for action when the final action is taken on 14-

1 21.

2 CHAIRMAN HOOD: Okay, so with that, I will
3 close this hearing and open up the next hearing,
4 which is -- give me one second -- okay.

5 [this hearing ends - continued to next]

6 [off record]

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