

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF: :
: :
THE CATHOLIC UNIVERSITY OF AMERICA :
: Case
: No.
Campus Plan Amendment : 06-39
and Further Processing Application :
: :
:

Monday,
January 22, 2007

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

The Public Hearing of Case No.
06-39 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, Northwest, Washington, D.C., Carol J.
Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

ARTHUR JACKSON

This transcript constitutes the minutes from the Public Hearing held on January 22, 2007.

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VOTE ON Z.C. CASE NO. 06-39..... 25

Five to Zero to Zero - approved

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

6:34 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Monday, January 22nd, 2007. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Mike Turnbull and John Parsons.

The subject of this evening's hearing is Zoning Commission Case No. 06-39. And this is a request by Catholic University for special exception relief pursuant to Sections 210 and 3104.1 of the Zoning Regulations for approval to amend the campus plan to locate student housing in the northeast corner of the main campus.

The subject property is bounded by Taylor Street to the North, Harewood Road to the West, Michigan Avenue to the South and

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1 John McCormack Road to the East. And it's
2 known as Lots 44 and 45 in Square 3821 and
3 Parcel Lot 5 and Parcel 122, Lot 6 in Parcel
4 122 and Lot 70 and 71 in Parcel 122.

5 Notice of today's hearing was
6 published in the D.C. Register on September
7 15th, 2006, and copies of that hearing
8 announcement are available too and they are in
9 the wall bin by the door.

10 This hearing will be conducted in
11 accordance of the provisions of 11 DCMR,
12 Section 3117 and the order of procedure will
13 be as follows:

14 We'll take up any preliminary
15 matters. Then we'll have the presentation of
16 the Applicant's case, the report by the Office
17 of Planning, reports of any other Government
18 agencies, report by the affected Advisory
19 Neighborhood Commissions. In this case it's
20 5A and 5C. Organizations and persons in
21 support and organizations and persons in

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1 opposition.

2 All persons appearing before the
3 Commission are to fill out two witness cards
4 and they look like this. The cards are on the
5 table by the door. Upon coming forward to
6 speak to the Commission, we ask you to give
7 both cards to the reporter who is sitting to
8 our right.

9 Please be advised that this
10 proceeding is being recorded by the Court
11 Reporter and is also being webcast live.
12 Accordingly, we ask you to refrain from making
13 any disruptive noises in the hearing room.

14 When presenting information to the
15 Commission, we ask you to take a seat at the
16 table in front of us and then turn on and
17 speak into the microphone, first stating your
18 name and address. When you're finished
19 speaking, please turn the microphone off
20 because they tend to pick up background noise.

21 The decision of the Commission in

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1 this case must be based exclusively on the
2 public record and to avoid any appearance to
3 the contrary, the Commission requests that
4 persons present not engage the members of the
5 Commission in conversation during a recess or
6 at any other time. Mrs. Schellen and Ms.
7 Hanousek will be available throughout the
8 hearing to answer any procedural questions
9 that you might have.

10 I ask you to turn off all beepers
11 and cell phones so as not to disrupt the
12 hearing.

13 And I would now ask that anyone
14 who is planning on testifying this evening, if
15 you would rise now, raise your right hand and
16 direct your attention to Mrs. Schellin and she
17 will administer the oath.

18 SECRETARY SCHELLIN: Do you
19 solemnly swear or affirm that the testimony
20 you will give in this evening's proceeding
21 will be the truth, the whole truth and nothing

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1 but the truth?

2 Thank you.

3 CHAIRPERSON MITTEN: Any
4 preliminary matters, Mrs. Schellin:

5 SECRETARY SCHELLIN: Just to
6 advise that the Applicant has filed their
7 maintenance affidavit.

8 CHAIRPERSON MITTEN: Thank you.

9 Ms. Prince, any preliminary
10 matters?

11 MS. PRINCE: One please.

12 CHAIRPERSON MITTEN: Come forward.

13 MS. PRINCE: Good evening, Madam
14 Chair and Members of the Commission.

15 I'm Allison Prince with the law
16 firm of Pillsbury, Winthrop Shaw Pittman. I'm
17 here tonight with several representatives of
18 the University, as well as the project
19 architect for a further processing of an
20 approved campus plan and amendment to that
21 plan.

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1 Basically, Catholic is proposing
2 to construct ultimately three residential
3 buildings in an area of the campus that's
4 slightly east of the originally proposed
5 location.

6 In addition, they're seeking an
7 opportunity to extend permission to use
8 temporary housing units on the campus until
9 2012. The current expiration date is 2009.
10 And the reason for the extension is that it
11 will allow us to complete the dormitories
12 before we take the temporary housing out of
13 service.

14 As you've seen from all of our
15 filings, we believe the application is
16 complete in all respects. We are not aware of
17 any opposition whatsoever to the application.

18 We have the support of both affected Advisory
19 Neighborhood Commissions. That's 5C and 5A.
20 In addition, we have the support of two
21 immediately affected residential property

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1 owners. The Capuchin College, which is a
2 residential religious group that's directly to
3 the northeast of the subject site. And the
4 Washington Retreat House on Harewood Road.

5 We are more than prepared to walk
6 through all the drawings and we have our
7 traffic engineer here tonight as well. But if
8 the Commission would prepare to simply let us
9 entertain questions and we're happy to stand
10 on the record, whatever is your choice.

11 One final note. There is a sense
12 of urgency in terms of the timing for the
13 construction of the dorms in the spring, we
14 will be able to provide the beds one full
15 academic year sooner than if there's a delay
16 be it on the spring. So, we would appreciate
17 your consideration of that in this
18 application.

19 Okay. Thank you.

20 CHAIRPERSON MITTEN: Thank you.

21 We appreciate your offer to stand

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1 on the record and we will avail ourselves of
2 that. I think we'll just move into questions
3 right now. And I would note for the record
4 that Commissioner Jeffries has joined us.

5 Questions from the Commission?

6 Maybe it will be even shorter than
7 we thought.

8 Commissioner Turnbull.

9 COMMISSIONER TURNBULL: Yes.

10 Thank you, Madam Chair.

11 I just wanted to -- is it the
12 intent then that after the final phase of the
13 new dormitories are in place that all of the
14 temporary housing then is going to be removed?

15 MS. BUFFINGTON: Yes. It is.

16 COMMISSIONER TURNBULL: And that
17 property then would become?

18 MS. BUFFINGTON: It would actually
19 revert to its current -- they are actually
20 behind another college building and it will
21 just become green space on the campus.

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1 CHAIRPERSON MITTEN: I need you to
2 identify yourself for the record.

3 MS. BUFFINGTON: I'm sorry. I'm
4 Beth Buffington. I'm the Architect.

5 CHAIRPERSON MITTEN: Thank you.

6 COMMISSIONER TURNBULL: All right.
7 thank you.

8 CHAIRPERSON MITTEN: Anyone else?

9 I would like to just ask about and
10 I just have to confess. I don't remember what
11 we had talked about this with the -- when we
12 did the campus plan. But it's coming back to
13 mind in this context because it's a more
14 immediate issue.

15 On Exhibit 16 and it's talking
16 about site constraints. And it's talking
17 about the problematic relationship between the
18 area where the dormitories -- these three new
19 dormitories will be constructed. And I guess
20 it's the Field House or the Athletic Facility
21 to the north.

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1 What are we doing to improve --
2 what, if anything, are we doing to improve the
3 functional relationship between those two so
4 that students can get easy access across, I
5 guess, it's Taylor Street?

6 MR. PETCHIK: My name is Carl
7 Petchik. I am the Director of Facilities --

8 Okay. My name is Carl Petchik.
9 I'm Executive Director of Facilities at
10 Catholic University.

11 We are looking to tie the northern
12 corner, which is the Dufour Athletic Center,
13 and the norther corner of the campus.

14 The housing as proposed begins to
15 do that. The bridge recently has been rebuilt
16 over Taylor Street. It has reduced one bridge
17 abutment.

18 So we see opportunities to
19 increase landscaping and increase lighting
20 leading up to the new bridge and underneath
21 the new bridge, then picking it up over on the

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1 other side. We think this will improve
2 security throughout the entire area.

3 We also are pushing housing much
4 closer to the off ramp off of Taylor Street
5 that will increase activity in the area as
6 well as visual people coming down Hawaii
7 Avenue will be able to see the building.

8 We think this increased visual
9 activity and then pedestrian activity both
10 will liven that corner up and make it a much
11 safer corner for everyone who uses it.

12 CHAIRPERSON MITTEN: Okay. That's
13 certainly the sense you get from the two
14 letters we have on the record that they're
15 looking forward to that.

16 Thank you.

17 MR. PETCHIK: You're welcome.

18 CHAIRPERSON MITTEN: Anyone else
19 have questions?

20 VICE CHAIRMAN HOOD: Madam Chair,
21 I wasn't going to ask a question but since you

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1 talked about that relationship with Dufour
2 Student Athletic Facility.

3 You all have a neighbor down the
4 street which is a transfer station, Fort
5 Totten. I mean there's a lot of action going
6 on as far as trucks coming in and out of
7 there. I guess they go east and west on
8 Taylor Street. But they have to circle around
9 that little circular area depending on which
10 way they enter into the Fort Totten Metro.

11 Has that been -- I mean Fort
12 Totten Transfer Station. Has that been taken
13 under consideration, some kind of traffic
14 mitigation to help offset the way those trucks
15 and cars come around through there as far as
16 safety for your students?

17 MR. PETCHIK: Yes, sir. We have.
18 There is actually, when they reconstructed,
19 there are now islands there so the trucks can
20 make a safer turn in both directions. And
21 basically the islands have been extended out

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1 as part of the Taylor Street Bridge. So,
2 that's been improved and with the removing of
3 one of the abutments. They had two little
4 arches. Now they have one big one. You have
5 a better visual appearance to the entire
6 bridge that you can see now traffic coming and
7 going.

8 VICE CHAIRMAN HOOD: I mean, as
9 far as people. I'm up there quite frequently.

10 And I'm just curious will I have to pay
11 attention next time to the improvement. I
12 just want to make sure that, you know, that we
13 protect those students that are maybe crossing
14 to go over to the athletic facility, whatever.

15 But, I don't know, but if you feel confident
16 that it is secure enough, then I'll take your
17 word for it.

18 MR. PETCHIK: Well, we're going
19 other measures too. Right now we have --
20 we've increased our security on campus. We
21 now put a special police unit down there with

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1 the flashing lights and that also helps to
2 reduce the traffic. It makes trucks stop as
3 well as the people. So, we have a much better
4 slow down and stop. And we're looking at what
5 we can do to actually the street. But that's
6 a project in the making.

7 VICE CHAIRMAN HOOD: Okay.

8 MR. PETCHIK: We haven't come to
9 anything yet, but we agree with you.

10 VICE CHAIRMAN HOOD: Well, I know
11 DDOT fully supports it. But I would like just
12 to ask you all to look at those traffic
13 mitigations. I'm not necessarily talking
14 about crime here. I'm talking about the
15 traffic mitigations where people coming in and
16 out, especially using the Fort Totten Transfer
17 Station.

18 MR. PETCHIK: Yes, sir. We will.

19 VICE CHAIRMAN HOOD: Okay. Thank
20 you.

21 Thank you, Madam Chair.

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1 CHAIRPERSON MITTEN: Anyone else?
2 Commissioner Parsons.

3 COMMISSIONER PARSONS: I wanted to
4 ask about these parking structures as to --
5 are they below grade the proposed parking
6 structures? Or are they going to be above
7 grade facilities?

8 MS. BUFFINGTON: It's all on grade
9 parking. There's no proposed parking
10 structure.

11 COMMISSIONER PARSONS: Well, I
12 don't see a page number. I'll hold it up in
13 the master plan that you submitted. This says
14 Exhibit 14, Master Plan Highlights. And
15 there's two structures called for under -- I
16 think they're called Proposed Parking
17 Structures. That one there and then one --

18 MS. BUFFINGTON: That's part of
19 the master plan that's not being affected by
20 this project. Those are long range.

21 COMMISSIONER PARSONS: so, these

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1 were part of the 2002 approved plan. But I
2 was just inquiring as to whether they are
3 below grade or above grade?

4 MS. PRINCE: Those are above grade
5 parking structures.

6 COMMISSIONER PARSONS: I see.

7 MS. PRINCE: pardon me. Are you
8 looking at Exhibit 14?

9 COMMISSIONER PARSONS: Yes.

10 MS. PRINCE: Okay. Carl is
11 clarifying that the parking structures that
12 you're asking about are below grade
13 structures.

14 COMMISSIONER PARSONS: Oh, good.
15 That's the right answer. Thank you.

16 MR. PETCHIK: We're looking at
17 them because we want to create the feeling of
18 a court at that particular place and there's
19 enough elevation to do that. But that's long
20 term in 2012.

21 COMMISSIONER PARSONS: Okay.

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1 MS. PRINCE: That is noted on the
2 drawing right where the Harewood road location
3 is. They are indicated as below grade.

4 COMMISSIONER PARSONS: Thank you.

5 CHAIRPERSON MITTEN: Okay. I
6 think that's it for our questions.

7 Thank you very much.

8 MS. PRINCE: Thank you.

9 CHAIRPERSON MITTEN: Now, we're
10 ready for Mr. Jackson.

11 How are you doing tonight?

12 MR. JACKSON: Hi, Madam Chair and
13 Members of the Commission.

14 My name is Arthur Jackson, D.C.
15 Office of Planning. I will briefly summarize
16 the Office of Planning Report.

17 You have a report before you and
18 at this point I think we'll stand on the
19 record. We essentially do support this
20 application in that we think we meets all the
21 standard requirements for approval. And the

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1 Applicant has answered most of our questions
2 with regard to the proposal.

3 We note that they did modify the
4 original application to reduce it from three
5 buildings to one in the short term. Two
6 buildings to one in the term of the current
7 campus plan. And also note that we did
8 circulate this proposal to the D.C. agencies
9 for comment and did receive some comments from
10 the Department of Transportation in that they
11 expressed no concerns about the proposal.

12 So, at that point, that concludes
13 our brief summary and we are available to
14 answer questions.

15 CHAIRPERSON MITTEN: Thank you.
16 Any questions for Mr. Jackson?
17 Anyone have any questions for Mr.
18 Jackson?

19 Ms. Prince, any questions?

20 Okay.

21 And as Mr. Jackson noted, we do

1 have a DDOT Report in the record that's in
2 support. And do we have anyone here
3 representing either ANC 5A or 5C that would
4 like to make a report?

5 Okay. I know that we have one of
6 those ANC -- a letter from one of those ANCs
7 in the record. 5A. I don't believe we have
8 5C.

9 Did you have something from 5C,
10 Ms. Prince?

11 MS. PRINCE: I do have a letter
12 from 5C and I'd be happy to submit it for the
13 record. I thought it had made its way into
14 the record, perhaps not.

15 CHAIRPERSON MITTEN: Okay. Just
16 for housekeeping purposes.

17 Anyone who would like to testify
18 in support?

19 Anyone who would like to testify
20 in support?

21 Anyone who would like to testify

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1 in opposition?

2 Anyone who would like to testify
3 in opposition?

4 Okay. Ms Prince, I'll let you
5 have the final word and in anticipation of
6 your question. Yes. We're prepared to do a
7 bench decision.

8 MS. PRINCE: Thank you for your
9 time this evening. I will continue to stand
10 on the record in the comments this evening.

11 CHAIRPERSON MITTEN: Okay. Thank
12 you.

13 I think the record is complete and
14 I think as Ms. Prince noted when we began,
15 there is no opposition to this. We have the
16 support of the Office of Planning and the
17 support of the Department of Transportation
18 and I would move approval in Zoning Commission
19 Case No. 06-39.

20 COMMISSIONER TURNBULL: Second.

21 CHAIRPERSON MITTEN: Thank you,

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Mr. Turnbull.

Is there any discussion?

All those in favor, please say
aye.

(AYES)

CHAIRPERSON MITTEN: Those
opposed, please say no.

Mrs. Schellen?

SECRETARY SCHELLIN: Yes.

Staff would record the vote five
to zero to zero to approved Zoning Commission
Case No. 06-39. Commissioner Mitten moving,
Commissioner Turnbull seconding.
Commissioners Hood, Jeffries and Parsons in
favor.

CHAIRPERSON MITTEN: Thank you
very much.

Thank you. And if you wouldn't
mind just submitting that letter for the
record and we'll accept that.

Thank you very much.

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(Whereupon, the above matter was
concluded at 6:50 p.m.)

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