MICHIGAN PARK CITIZENS ASSOCIATION

Washington, D.C.

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April 28, 2005

Carol J Mitten, Chairperson
Jerrily R Kress, Director
Clifford Moy, Acting Secretary
Zoning Commission
441 4th Street, NW.
Washington, DC 20001

RE: Case No. 04-25 - Catholic U Campus Plan Amendments

Gentlepersons:

The Michigan Park Citizens Association respectfully submits the following proposed findings of fact, conclusions of law, and draft order language.

The April 14 hearing helped elucidate the issues surrounding Catholic U's short-term plans for the newly acquired land it wishes to add to its campus, but the Association remains concerned about the following three issues:

- student safety due to the proposed trailer park's isolation
- potential eyesore to the public from the proposed trailer park
- impact of the waste processing facility

STUDENT SAFETY

Findings of Fact

- Students would be subject to serious threat to life, limb, and property in the proposed trailer park.
- The proposed trailer park is sufficiently isolated that students would face an actual and perceived serious danger from the criminal element which could readily gain undetected access to the trailers to rape occupants, steal property especially during times when students are away such as Spring Break, etc.

ZONING COMMISSION
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- The University's dismissal of these dangers because the security office is in the Leahy Building on the east side of Harewood Road is not supported by fact because the security office is not on the side of the Leahy Building that faces the proposed trailer park and because the University's Exhibit 18A1 shows a substantial grove of trees between Harewood Road and the trailer park which might obscure a sufficient view of the trailers.
- The fence surrounding the property can readily be scaled by a criminal of reasonable agility.
- The trailer park's relative isolation is a major security hazard per se.
- Students would consequently be less likely to consent to living under such conditions, even temporarily, and more likely to move off campus.
- An insecure trailer park is likely to attract the criminal element to the area during which time they might prey on others in the neighborhood as well.

Conclusions of Law

- Threats to student safety is likely to be objectionable not only to students as residents of campus plan areas but to nearby neighborhoods in which they might seek short-term housing they might be likely to overcrowd, especially on a short-term basis, rather than live in a trailer park without adequate security.
- Student safety is a proper subject for a campus plan proceeding.
- Universities as a matter of law have a higher obligation to provide on-campus safety than other commercial entities. Examples are successful lawsuits against universities for on-campus rapes and campus installation of emergency security telephones.

Draft Order Language

- The campus plan amendment will be conditioned upon the Catholic University providing a

permanent, high-level of security for the trailer park during all times students and/or their possessions occupy the trailers. The University may fulfill this requirement by stationing 24/7 on-site security personnel at the trailer park or operating security cameras that monitor all trailer park locations without seeing inside trailers (to protect student privacy concerns) if the University provides 24/7 security personnel to monitor the videos produced by the cameras.

APPROPRIATE BUFFERING

Findings of Fact

- The University plans to have no more than nine trailers each housing four students (as the existing trailers on the main campus now do).
- The trailers are temporary for use as turn-around space while dorms are reconfigured.
- By claiming that the trailer park could be adequately monitored for safety purposes from the other side of Harewood Road the University impaled itself in a dilemma by conceding that at least parts of the trailer park, if not enough to assure security, would be visible from public space.

Conclusions of Law

- A trailer park visible from public space is likely to be objectionable.

Draft Order Language

- The University will provide appropriate buffering to assure that the trailer park is not visible from public space or other private property.
- There will be no more than nine trailers each housing four students.
- In order to assure the trailers are truly temporary, the University will report to the Commission each year on the anticipated time-frame the trailers are expected to remain.

WASTE PROCESSING FACILITY

Findings of Fact

- One of the uses for the facility in the northwest corner of the site will be for processing waste materials.
- Trucks carrying waste materials will be crossing Harewood Road to access this facility
- Waste might include recyclables, furniture and furniture parts, scrap building materials, and biomass (compost).

Conclusions of Law

- Waste-bearing trucks on Harewood Road that previously did not is likely to be objectionable.
- Waste material processing close to non-University private property is likely to be objectionable.

Draft Order Language

- The University will provide appropriate buffering to assure that the waste processing facility is not visible from public space or other private property.
- The University will assure that noise from the waste processing facility cannot be heard beyond the campus property.
- The University will assure that odors from the waste processing facility cannot be sensed beyond the campus property.

Respectfully submitted,

Dino Drudi

Dino Drudi, Secretary