

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

ARTHUR JACKSON

The transcript constitutes the minutes
from the Public Hearing held on December 13, 2012.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

T-A-B-L-E O-F C-O-N-T-E-N-T-S

INTRODUCTION:

Chairman Anthony J. Hood 4

PRELIMINARY MATTERS:

Ms. Schellin 6

PRESENTATION BY APPLICANT:

Christine Roddy 6

Cathy Wood 7

OFFICE OF PLANNING REPORT:

Arthur Jackson 13

VOTE:

Sharon Schellin 21

CLOSING:

Chairman Anthony J. Hood 61

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
11
12
13
14
15
16
17
18
19
20
21
22

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

6:31 p.m.

CHAIRMAN HOOD: Okay. Good evening, everyone. We're ready to get started. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, December 13, 2012. My name is Anthony Hood. Joining me this evening are Vice Chair Marcie Cohen -- we're glad to have her back -- Commissioner Rob Miller and Commissioner Mike Turnbull. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, and the Office of Planning, Mr. Jackson.

This proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case Number 06-39A. This is a request by Catholic University to amend their campus plan. Notice of today's hearing was published in DC Register on October 19, 2012. And

NEAL R. GROSS

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

1 copies of that announcement are available to my left
2 on the wall near the door. The hearing will be
3 conducted in accordance with the provisions of 11
4 DCMR 3117, as follows: preliminary matters,
5 Applicant's case, report of the Office of Planning,
6 Report of other Government agencies, report of
7 Advisory Neighborhood Commission 5A and 5C,
8 organizations and persons in support, organizations
9 and persons in opposition, rebuttal and closing by
10 the Applicant.

11 The following time constraints will be
12 maintained in this hearing. The Applicant will
13 have roughly eight to ten minutes; organizations
14 five minutes; individuals three minutes. Please
15 turn off all beepers and cell phones at this time,
16 so as not to disrupt these proceedings. Would all
17 individuals wishing to testify please rise to that
18 their oath. Ms. Schellin, would you please
19 administer the oath?

20 MS. SCHELLIN: Please raise your right
21 hand. Do you solemnly swear or affirm that the
22 testimony you will give today will be the truth,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 the whole truth, and nothing but the truth? Thank
2 you.

3 CHAIRMAN HOOD: At this time, the
4 Commission will consider any preliminary matters.

5 Does the Staff have any preliminary matters?

6 MS. SCHELLIN: Yes. The Applicant has
7 provided the affidavit of maintenance. It is in
8 order.

9 CHAIRMAN HOOD: Okay. Do we have any
10 experts? Okay. Okay. Well, Ms. Roddy, if you
11 want to begin, you can. The record, we think, is
12 complete. First, let me ask, is there anyone here
13 in opposition to this case? The record is complete
14 and I don't know if you need 15 minutes. But I will
15 stop talking so you can take the five minutes that
16 you probably may need.

17 MS. RODDY: Thank you. I think that
18 it will be only five minutes. Because we do believe
19 that the record is complete.

20 So we appreciate your time, this
21 evening. As you know, we were here earlier this
22 year for the 2012 Campus Plan. And so this evening

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 we are requesting a two-year extension for 26
2 temporary housing units that are commonly called
3 Curley Court. And we'd like to extend their use
4 through December 31, 2014.

5 And the Campus Plan calls for their
6 demolition. And we're not requesting any
7 modification of that. Ultimately, we are still
8 planning to demolish these, once there is available
9 housing on campus. But there has been a delay in
10 providing that available housing. So, with that,
11 I will turn to Ms. Wood, who is with me this evening.

12 And she can provide some more background on the
13 need for the extension.

14 MS. WOOD: Thank you. The --

15 CHAIRMAN HOOD: Do you want to turn
16 your mike on and make sure it is lit up.

17 MS. WOOD: Okay. Thanks.

18 CHAIRMAN HOOD: There you go.

19 MS. WOOD: The University has a total
20 of 2186 beds available for undergraduate students.

21 And this number includes the 96 beds that are in
22 the trailers or Curly Court. Our current occupancy

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 is 99 percent, or 2165 undergraduates who are living
2 on the campus. We require that freshmen and
3 sophomores live on campus and they also live in
4 single gender dormitories. We have approximately
5 3400 undergraduates, or 64 percent, living on
6 campus. Our goal is 70 percent of our undergraduate
7 populations need to live on campus, and we are below
8 that goal. Losing 96 beds, at this time, would be
9 difficult for us to absorb into our current housing
10 inventory. And it would push us further away from
11 the 70 percent goal.

12 The trailers on Curly Court are 100
13 percent occupied. And they continue to be in high
14 demand. They're designed for upper classmen.
15 They have kitchens and little suite like suites and
16 common areas. We, at Catholic, have a strong desire
17 that our undergraduates live on campus. So we know
18 that we have an immediate need for additional beds.

19
20 Additional housing for students was a
21 high priority in the design of the 2010 master --
22 2012 master plan. The plan reflects both short term

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 and long term increases to our housing supply, along
2 with the realignment of the type of housing required
3 to maintain our competitive advantage. Our short
4 term plan, which I define as five years, is to build
5 two 200 bed resident halls, located off of John
6 McCormick Road. This plan is consistent and in
7 accordance with the approved 2012 Master Plan. Our
8 immediate need is to build the first resident hall,
9 which will replace the 96 trailer beds, and also
10 give us an additional 104 beds.

11 The building style is designed to house
12 upper classmen, again with suites and common areas.

13 Planning and design of the building is well under
14 way. We are finishing the evaluation of financing
15 options and are actively fund raising, specifically
16 for this building. Our goal is to have the building
17 completed within two years. But this is contingent
18 on meeting our financial obligations.

19 The extension for trailers will give
20 us the time we need to finish the planning and pull
21 together the fund raising and the financing, and
22 to construct the building. Keeping the 96 students

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 on the main campus is something that we're also
2 planning for. Until we can expand the number of
3 beds on campus, we continue to double up beds. Our
4 single rooms are double beds; our doubles are
5 triples; and our triples are quads. This isn't the
6 most desirable thing. But -- and it could, and
7 probably does impact the ability for students to
8 want to stay on campus.

9 We have discussed the extension of the
10 permits for the trailers with the community, and
11 have the written support of ANC 5-C. We also have
12 an e-mail from Commissioner Sandra Washington,
13 concurring with ANC 5-C's support of the
14 continuation of the trailers on campus. Thank you
15 for your consideration.

16 MS. RODDY: And I think that that's our
17 presentation for this evening.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Thank you, very much. You're well under the five
20 minute mark. We appreciate it. Vice Chair, did
21 you have some questions?

22 VICE CHAIR COHEN: I just actually have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 one question. Why doesn't the university bond --
2 issue bonds for these dormitories?

3 MS. WOOD: That is an option that we
4 have. But we have to be cautious of our bond
5 covenants. We currently have \$109 million of debt
6 out there, and we do have pretty stringent bond
7 covenants. And, until we get some fund raising,
8 I'm a little concerned, from the financial
9 perspective, about going out and getting additional
10 debt. Because we have to really watch that bond
11 covenant. We're -- we have some bond capacity.
12 But again, I don't want to put the organization in
13 an at-risk position with the debt covenants.

14 CHAIRMAN HOOD: Any other --
15 Commissioner Miller?

16 COMMISSIONER MILLER: Thank you, Mr.
17 Chairman. Is the two years realistic? This has
18 had a number of extensions in the past. I mean,
19 I know you want to obviously do it and you've been
20 wanting to do it for a long time. I guess, where
21 are you in your fund raising for -- and then you
22 have to go further processing through the Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 Commission?

2 MS. WOOD: Yes.

3 COMMISSIONER MILLER: So is the two
4 year time -- I guess the first question is, is the
5 two year time limit realistic?

6 MS. WOOD: It has to be realistic.
7 We've done a lot of work, already. I mean, right
8 now, if you look at what we have completed, we have
9 multiple options on financing. We have multiple
10 cultivation and ask out for potential donors.
11 We're just waiting to hear back from them. There's
12 a big interest in this from our Board of Trustees.

13 And also, we've done a lot of work, well in advance
14 of the -- for the design and just planning for this.

15 It's critical to us because, you know, we -- we
16 want our students on campus. It's critical to the
17 educational environment. And our President and our
18 Board of Trustees is like you have to make this
19 happen. So we want it to happen; we're committed
20 to making it happen. I can't sit here and say to
21 you in two years, we'll have the dorm. In two years,
22 we're going to have something, though.

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 COMMISSIONER MILLER: And the two-year
2 window -- maybe the two-year window versus a three
3 one maybe will help with your fund raising, in terms
4 of the urgency?

5 MS. WOOD: It -- it definitely is --
6 we've talked to -- we just had a board meeting on
7 Monday. And we did a lot of discussion about the
8 need for this building and the impact that it has
9 on our undergraduate students for them not to be
10 on campus. And, you know, there seems to be a buzz.

11 And I think that everybody understands. Our
12 retention has improved, which is very significant.

13 We went from 80 percent return rate for freshmen
14 to sophomores, to 84. And that's because we're
15 doing the right things for undergraduates. So we
16 need to continue that and we need to have the
17 amenities that the students want, to stay on campus.

18 And actually, to stay at CUA. So it is -- it's
19 very critical for what we're trying to do.

20 It supports our strategic plan. So I
21 think that the focus and there's a heightened --
22 I don't want to call it an anxiety, but it's -- we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 need to have this done.

2 COMMISSIONER MILLER: Thank you.

3 CHAIRMAN HOOD: Okay. Commissioner
4 Turnbull?

5 COMMISSIONER TURNBULL: Thank you, Mr.
6 Chair. Just following up on Commissioner Miller's
7 question. These were originally authorized by the
8 Board of Zoning Adjustment in 1999.

9 MS. WOOD: Yes.

10 COMMISSIONER TURNBULL: And I think
11 what his concern is and my concern is that, in 214,
12 are we going to be looking at another request for
13 an extension, which I think, for us, I think I would
14 find it -- I would be very hard put. I understand
15 -- I mean, we're going through tight times,
16 financially. I know that fund raising is
17 difficult. But I also know that sometimes, even
18 like up on Capitol Hill, we find things that are
19 -- people grow accustomed to having things around.
20 And we've -- what's sometimes temporary, 15 years
21 later becomes almost semi-permanent. Are we -- can
22 we be assured that two years from now, we've seen

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 the end of these?

2 MS. WOOD: I will assure that I will
3 not be back, asking for an extension on the trailers.
4 They are an eyesore. They're an embarrassment.
5 I think we have a picture of what they look like.
6 They're in the middle of campus --

7 COMMISSIONER TURNBULL: Right.

8 MS. WOOD: -- next to a very old,
9 beautiful building. It's, frankly, kind of
10 embarrassing that we have a trailer park, and that's
11 what we have, on our campus.

12 COMMISSIONER TURNBULL: Right. Even
13 though they're very popular with the students.

14 MS. WOOD: Yes. Unfortunately, they
15 are. I don't understand that. But, you know,
16 there's some other things that go into this. And
17 we have a lot of maintenance costs that go in with
18 the trailers because they are very expensive.
19 That's a waste of money. We need to put that money
20 toward a new building. So I will not be back. And
21 I know that our President talks about when are we
22 going to get rid of those trailers. It really is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 getting to the point that they are temporary and
2 it's a bit of an embarrassment for us.

3 COMMISSIONER TURNBULL: Okay.

4 MS. WOOD: You have a beautiful campus.

5 We have this wonderful master plan. We have
6 beautiful buildings. And you walk and you turn the
7 corner and there you see the trailers.

8 COMMISSIONER TURNBULL: Okay. Thank
9 you.

10 CHAIRMAN HOOD: I would just echo the
11 comments of both of my colleagues. I was more in
12 tune of giving more time. Because, when I look at
13 the 2000 -- I've been sitting here looking at all
14 the Zoning Commission actions, and I think I've been
15 here for every last one of them and possibly the
16 one in 1999.

17 COMMISSIONER MILLER: And you're not
18 temporary.

19 CHAIRMAN HOOD: Yes. So I don't know.

20 I just would probably want to see. And it goes
21 back to the original question of Commissioner
22 Miller. You know, normally, this Commission will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 be willing to extend. But I don't know what all
2 we have to go through. But if December 2014 keeps
3 you to your deadline and you'll be able to do what
4 you need to do, we'll stick with it.

5 MS. WOOD: Yes.

6 CHAIRMAN HOOD: But I think, from where
7 I'm coming from, and from what I'm hearing, is if
8 it's not doable, I think it would be -- do we tack
9 another year on? And I know that wasn't vetted
10 through all of the approvals of the Board and the
11 ANC Commissioners. But just trying to be
12 accommodating. So anyway, enough said. 2014, it
13 will get done?

14 MS. WOOD: We would want it to be done.
15 Yes. I have to have it done. Let me put it to
16 you that way. And what I get concerned about, you
17 know, if we prolong that, having this deadline and
18 saying that we cannot go back kind of gives some
19 incentives to make it happen.

20 CHAIRMAN HOOD: Okay. So, if you have
21 a plan B, then plan A was never going to work to
22 begin with?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 MS. WOOD: Yes.

2 CHAIRMAN HOOD: Okay. I got you.
3 Okay. Any other questions or comments? Okay.
4 And again, we don't have anyone here from either
5 ANC 5-A or 5-C. Report of other Government agency
6 -- oh, I'm sorry. Let me go to the report of the
7 Office of Planning. Mr. Jackson?

8 MR. JACKSON: Good evening, Mr.
9 Chairman and members of the Commission. My name
10 is Arthur -- well, you've already introduced me.
11 Before you, you have the Office of Planning's
12 report on this application.

13 Briefly, we support the application and
14 we are very supportive of an additional two years,
15 through December 31, 2014, for the University to
16 continue this temporary housing. And we welcome
17 the comments made in the original presentation, that
18 they are committed to make this happen. That
19 summarizes the Office of Planning's report and we
20 will be able to answer questions.

21 CHAIRMAN HOOD: Thank you, Mr.
22 Jackson. And I found the report to be very helpful

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 and very well done. So Commissioners, any
2 questions of Mr. Jackson? Anybody? Okay. Thank
3 you, very much. Does the Applicant have any cross
4 examination of the Office of Planning?

5 MS. RODDY: No, I do not.

6 CHAIRMAN HOOD: Okay. And then we
7 also have the DDOT report, which says that they have
8 no objection to the requested extension. Do we have
9 any other Government agencies response that I may
10 have missed? Okay. The ANC report, as I already
11 mentioned, Commissioner Sandy Washington from ANC
12 5-A has sent an e-mail endorsing, I guess, the same
13 thing as 5-C. That's an Individual Single Member
14 District, not from a full ANC. But we do have a
15 letter from Chairman Edwards, which mentions the
16 endorsement of the two year extension, and he's in
17 5-C. He's the Chairman of ANC 5-C. So that's
18 accorded great weight. And I don't need to read
19 the letter because we have it in our Exhibit 5.

20 Okay. Next, Is there anyone here who
21 would like to testify -- any organization or person
22 who would like to testify in support? Any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 organization or person who would like to testify
2 in opposition? Ms. Roddy, do you have any rebuttal?

3 MS. RODDY: No.

4 CHAIRMAN HOOD: Do you have any
5 closing?

6 MS. RODDY: Just we appreciate your
7 time tonight. And, if it's appropriate, we would
8 ask for a bench decision this evening.

9 CHAIRMAN HOOD: Okay. Do we want to
10 put this off?

11 VICE CHAIR COHEN: No.

12 CHAIRMAN HOOD: Oh, okay. I knew that
13 was going to be the answer. Because if I didn't
14 know that was going to be the answer, I wouldn't
15 have asked that question. Okay. Commissioner
16 Miller?

17 COMMISSIONER MILLER: I move to
18 approve -- Mr. Chairman, thank you. I move approval
19 of Zoning Commission Case Number 06-39A, for the
20 processing for the Catholic University of America
21 2002 Campus Plan, 400 Michigan Avenue NE, square
22 3821, lots 44 and 45.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

VICE CHAIR COHEN: I will second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion? Are you ready for the question? All those in favor, aye.

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you please record the vote?

MS. SCHELLIN: Yes. Staff records the vote four to zero to one to approve final action on Zoning Commission Case Number 06-39A, Commissioner Miller moving; Commissioner Cohen seconding; Commissioners Hood and Turnbull in support; Commissioner May not present, not voting.

And I'm assuming that they are going to do a summary order if you guys are okay with that?

CHAIRMAN HOOD: Yes. Yes. I think a summary order. Yes.

MS. SCHELLIN: By the 7th of January?

CHAIRMAN HOOD: Yes.

MS. SCHELLIN: Okay.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: And, Ms. Schellin, do
2 we have anything else?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Then I think we're off
5 until next year, right?

6 MS. SCHELLIN: You're off until next
7 year.

8 CHAIRMAN HOOD: Okay. Everyone enjoy
9 the holiday season and be careful. And I want to
10 thank everyone for their participation tonight in
11 this hearing. And this hearing is adjourned.

12 (Whereupon, the hearing was adjourned
13 at 6:49 p.m.)

14

15

16

17

18

19

20

21

22

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com