

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :
 : Case No.
 The Catholic University of : 12-01B
 America - Amendment to and :
 Further Processing The :
 Catholic University of :
 America Campus Plan. :
 :
 :
 ----- :

Monday,
May 20, 2019

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

The Public Hearing of Case No. 12-01B 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, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation

MATT JESICK

JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on May 20, 2019.

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CONTENTS

	Page
Preliminary Matters	4
Zoning Commission case 12-01B By Ms. Allison Prince	6
Presentation by Applicant	6
Presentation by Office of Planning	15
Report of Other Government Agencies	16
Report of the ANC, Organizations, and Persons in Support	16
Organizations and Persons in Opposition	16
Rebuttal	16
Closing by Applicant	17

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

(6:41 p.m.)

1
2
3 CHAIRMAN HOOD: Okay we're ready to get started.
4 Good evening ladies and gentlemen. This is a public hearing
5 of the Zoning Commission for the District of Columbia.
6 Today's date is May 20th, 2019. My name is Anthony Hood.
7 We're located in the Jerrily R. Kress Memorial Hearing Room.

8 Joining me this evening are Vice Chair Miller,
9 Commissioner Shapiro, Commissioner May and Commissioner
10 Turnbull. We're also joined by the Office of Zoning Staff,
11 Ms. Sharon Schellin, Office of Attorney General, Ms. Cain,
12 Office of Planning, Ms. Steingasser, Mr. Lawson and Mr.
13 Jesick.

14 This proceeding is being recorded by a Court
15 Reporter, it is also webcast live. Again, notice of today's
16 hearing were published in the DC Register and copies of that
17 announcement will be available to my left, on the wall, near
18 the door.

19 The hearing will be conducted with Provisions of
20 11 DCMR Chapter 4 as follows: Preliminary Matters,
21 Applicant's Case, Report of the Office of Planning, Report
22 of the Other Government Agencies, Report of the Advisory
23 Neighborhood Commission, Organizations and Persons in
24 Support, Organizations and Persons in Opposition, Rebuttal,
25 and Closing by the Applicant.

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1 The following time constraints will be maintained
2 in this meeting: Applicant has up to 60 minutes, but I
3 believe we will ask that you stand on the record and we would
4 be better advised, I think it would be more efficient if we
5 asked our questions. Organizations five minutes, individuals
6 three minutes.

7 Please turn off all electronic devices at this
8 time so as not to disrupt these proceedings. Would all
9 individuals wishing to testify please rise to take the oath.
10 Ms. Schellin would you please administer the oath?

11 MS. SCHELLIN: Yes. Do you solemnly swear or
12 affirm the testimony you'll give this evening will be the
13 truth, the whole truth and nothing but the truth?

14 (Witnesses sworn.)

15 MS. SCHELLIN: Thank you.

16 CHAIRMAN HOOD: Okay. At this time, the
17 Commission will consider any preliminary matters. Does the
18 Staff have any preliminary matters?

19 MS. SCHELLIN: Just to accept their expert
20 witnesses. You just have the one. Is that correct? Yes.

21 MS. PRINCE: Correct.

22 CHAIRMAN HOOD: Okay. And I believe that's Mr.
23 Bell. Certainly, he's no stranger.

24 MS. PRINCE: Yes, and he's been here many times.

25 CHAIRMAN HOOD: He's been previously accepted.

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1 So any objections to continue that status? Okay. So we will
2 continue that. Anything else, Ms. Schellin?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay, Ms. Prince, if you could
5 just identify everyone who's at the table, or you all can
6 introduce yourselves and then we'll go from there.

7 MS. PRINCE: Certainly. Allison Prince at
8 Goulston & Storrs. I'm here with Matt Bell of Perkins
9 Eastman and Debra Nauta-Rodriguez of Catholic University.
10 She's the Vice President for Facilities --

11 (Simultaneous speaking)

12 MS. PRINCE: Associate Vice President, I just
13 promoted her. Associate Vice President for Facilities
14 Planning and Management at Catholic U and she's been there
15 a little less than a year, came from the Smithsonian.

16 CHAIRMAN HOOD: Oh, okay. Welcome. How am I
17 going to welcome you to Catholic University, well I'm over
18 in the area sometimes, so.

19 MS. PRINCE: Yes, you are.

20 CHAIRMAN HOOD: Anyway, welcome to your new
21 position. Okay. So Ms. Prince, is there anything you want
22 to tell us or would you like for us to just ask our
23 questions? Do you have any --

24 MS. PRINCE: You can just ask questions. I did
25 want to explain that pages one through twelve of the set of

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1 plans that you have before you and that are already also in
2 the PowerPoint are to clarify and address some issues that
3 the Office of Planning raised.

4 The Office of Planning had concerns that the
5 originally-filed plans were not detailed enough and needed
6 further explanation about the approach to the orientation of
7 the building and some other matters. So we covered all that
8 in the additional drawings, and Office of Planning had a
9 chance to see them before today, but you did not.

10 CHAIRMAN HOOD: All right. Thank you all very
11 much. Thank you Ms. Prince. Okay, Commissioners, any
12 questions? First, let me ask. Is there anyone here who's
13 in opposition of this case? I certainly didn't see anything
14 in the record. Do you know of any opposition?

15 MS. PRINCE: No known opposition.

16 CHAIRMAN HOOD: Okay.

17 MS. PRINCE: Unanimous support of the ANC.

18 CHAIRMAN HOOD: Yes.

19 MS. PRINCE: We went twice.

20 CHAIRMAN HOOD: Okay. All right. Commissioners,
21 any questions? Mr. Turnbull?

22 COMMISSIONER TURNBULL: I guess the biggest
23 question, you've addressed it. But I'm not sure how OP's
24 responding is that they had, on Sheet 101C of Exhibit, this
25 goes back into 12B, now looks like, this is the first time

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1 I've seen this revised 101C, so could you go through the
2 changes on the record to show what you are modifying from
3 OP's comments?

4 MS. PRINCE: Are you referring to the areas of
5 flexibility?

6 COMMISSIONER TURNBULL: Yes, I --

7 MS. PRINCE: Oh, yes.

8 COMMISSIONER TURNBULL: Yes, basically, I mean,
9 these are the comments on the old 101C, and you've got porch
10 may increase in size or be ten percent variability --

11 MR. BELL: Oh, yes.

12 COMMISSIONER TURNBULL: -- overall square. It's
13 all those comments that were there before. It looks like
14 you've modified some of them. You're still asking for some
15 --

16 MS. PRINCE: Correct.

17 COMMISSIONER TURNBULL: -- flexibility.

18 MS. PRINCE: Would you like to walk through --

19 MR. BELL: Yes, certainly. That is correct.
20 We're asking for a little amount of flexibility here. We are
21 still in DD. Actually, we just finished SD and we're going
22 into DD on this project. So as you all know, you know,
23 things can shift a little bit when you start to look at
24 utilities and pathways and adjacent buildings and things.

25 So we've asked for a little bit of flexibility of

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1 five feet in any direction. This building sits on a
2 hillside, so pushing it back in the hill costs more money.

3 Pulling it out, there's some limits relative to
4 retaining walls we're trying not to build. So we're still
5 studying that. It's more, the five feet is more this way.
6 It's not going to move very much side to side, but we're
7 trying to minimize the amount of retaining walls we build.

8 Variability in the overall square footage. We're
9 still working out the precise food service program. We are
10 designing for 500 seats. We did make a design change in food
11 service. Consultant is still sort of working on the
12 specifics of actual equipment that's going to be in there.
13 So that is one thing we're asking for there relative to the
14 square footage.

15 And we're still programming the lower level of the
16 building. So that could shrink or whatever there, which is
17 underneath the dining level.

18 The exterior loggia, flexibility modified loggia,
19 the issue there is we don't have a hundred percent agreed
20 upon price yet. So we have looked at alternatives whereby
21 the loggia might be more balconies and less of an arcade.
22 Or we might have the three arches in the middle and balconies
23 on either side.

24 We're putting it out there, we don't want to do
25 that necessarily, we think that this is the best design, but

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1 we've got to get to a price the University can build and
2 still have it look like a Neo-Gothic, Collegiate-Gothic
3 building.

4 So those are sketches we have made that might be
5 on the table. We don't think they'll have to be there, but
6 that might be one thing we'll have to look it. So we just
7 put it in there as a kind of cautionary note.

8 And the loading dock, we're still working out the
9 final orientation of it. It sits in its current location to
10 work with the loading dock of the Physics Building and the
11 Pryzbyla Hall Building next door. So those are really the
12 things we're looking for.

13 COMMISSIONER TURNBULL: So the exterior loggia on
14 both sides of the central --

15 MR. BELL: Well what we would do probably is keep
16 the middle arch and the arches on either side if we had to,
17 to make it symmetrical. And then we might have, if we
18 couldn't, if it was a cost-saving measure to eliminate the
19 three other arches on each side, we would have balconies
20 there or some slightly different design. I don't think we're
21 going to have to get to that, but we're looking for that
22 flexibility --

23 COMMISSIONER TURNBULL: Okay.

24 MR. BELL: -- just in case Manhattan Construction
25 puts it on the table and says this is something we should

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1 look at.

2 COMMISSIONER TURNBULL: I think the design looks
3 very good right now.

4 MR. BELL: Thank you. We do too and this is what
5 we're shooting for.

6 COMMISSIONER TURNBULL: Okay. Thank you.

7 CHAIRMAN HOOD: Okay. Any other questions?
8 Comments?

9 (Simultaneous speaking)

10 COMMISSIONER MAY: Okay. In the pre-hearing
11 statement, and maybe I didn't fully understand it, there were
12 many, many words about the TDM plan and what you've done and
13 what you haven't done, and the reporting that you have done
14 and haven't done --

15 MS. PRINCE: Yes.

16 COMMISSIONER MAY: -- but it didn't seem like you
17 were doing 100 percent perfectly at this point. Did I read
18 that wrong?

19 MS. PRINCE: We're 100 percent perfect now.

20 COMMISSIONER MAY: Oh.

21 MS. PRINCE: There was a delay in the production
22 of the --

23 COMMISSIONER MAY: The report?

24 MS. PRINCE: -- very, very detailed report.

25 COMMISSIONER MAY: Yes, okay.

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1 MS. PRINCE: And that's completed and has been
2 submitted to DDOT as of today.

3 COMMISSIONER MAY: Right.

4 MS. PRINCE: There was a substantial delay on
5 that. The survey that was done in connection with that
6 report, that was critical to the report, took a lot longer
7 to do than they anticipated, didn't get enough survey
8 results, held up the survey longer, and now, they have a very
9 robust report that I'm happy to share with you, if you'd like
10 to see it.

11 COMMISSIONER MAY: I don't think we necessarily
12 need to see that, but I kind of wanted to have DDOT's opinion
13 on that --

14 MS. PRINCE: Yes.

15 COMMISSIONER MAY: -- and I don't even see a DDOT
16 report.

17 MS. PRINCE: DDOT, Jonathan Rogers, and perhaps
18 Matt Jesick can address this as well, but Jonathan Rogers --

19 COMMISSIONER MAY: Oh.

20 MS. PRINCE: -- indicated earlier that, because
21 there's no parking in the dining hall, DDOT wouldn't be
22 weighing in on the application.

23 COMMISSIONER MAY: But I think we kind of want to
24 know whether you're living up to the obligations under the
25 original campus plan --

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1 MS. PRINCE: Yes.

2 COMMISSIONER MAY: -- which is what I would want
3 to have DDOT weighing in on --

4 MS. PRINCE: Yes.

5 COMMISSIONER MAY: -- since this is an area of
6 their expertise.

7 MS. PRINCE: Yes.

8 COMMISSIONER MAY: I mean, it's fortunate you got
9 the plan in today --

10 MS. PRINCE: Yes.

11 COMMISSIONER MAY: -- it would have been good if
12 it was in, you know, a month ago so that they could have
13 opined on that.

14 MS. PRINCE: Yes. It's a very, very detailed plan
15 and the University has been busy installing all the bike
16 racks, getting in the Capital Bikeshare, doing everything
17 because we knew we didn't want to come here today without
18 everything having been done. But I understand your point.

19 COMMISSIONER MAY: Yes. I appreciate the fact
20 that it's done, you know, it is kind of like, get it done at
21 the very last minute, so. All right. I'll stop on that.

22 CHAIRMAN HOOD: Okay. Any further questions? All
23 right. Again, I don't see anyone from ANC 5A here so, with
24 that, let's go to the Office of Planning and, well the Office
25 of Planning.

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1 MR. JESICK: Thank you, Mr. Chairman and members
2 of the Commission. The Office of Planning viewed this
3 proposed Campus Plan Amendment as a significant change to the
4 approved Campus Plan, but we felt that the applicant had met
5 the review criteria of Subtitle X Section 101, and therefore,
6 we can recommend approval of the application.

7 We appreciate the applicant narrowing down the
8 areas of flexibility for the building and so we can also
9 recommend approval of the further processing. Thank you.

10 CHAIRMAN HOOD: Okay. Thank you. Do we have any
11 questions of Mr. Jesick, Office of Planning? Okay. Pretty
12 straightforward. Does the applicant have any questions or
13 cross of --

14 MS. PRINCE: No cross.

15 CHAIRMAN HOOD: Again, I don't see 5A. So let's
16 go to Report of Other Government Agencies. I don't think we,
17 do we have any that I may have missed? Anyway.

18 Let's go to the Advisory Neighborhood Commission.
19 We do have a report that came in and says, I'm just going to
20 read the last line. This is from Chairman Edwards.
21 Therefore, be it resolved that Advisory Neighborhood
22 Commission 5A voted 6-0-0 to support Zoning Commission Case
23 Number 12-01B, and that's dated May the 16th, and that's from
24 the Chairman.

25 And it's already been noted, Ms. Prince said that

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1 the applicant has been out to this agency twice. Okay?

2 Okay, do we have any organizations or persons who
3 are here in support? Any organizations or persons who are
4 here in opposition? Okay.

5 I'm certain we don't have any rebuttal, but before
6 we go to closing, let me just state that it looks like, with
7 the exception of the few questions that my colleagues asked,
8 that this applicant has done, or Catholic University has done
9 a stellar job in working with the community and working with
10 all parties involved to get this moving.

11 So this is not a case where the Commission just
12 rubber stamped, because that's what I hear all the time, I
13 think this is just a case where the applicant has done its
14 due diligence. And I want to put that on the record for
15 anyone who may read it at a later point. Okay, so Ms.
16 Prince, do you have any rebuttal or closing?

17 MS. PRINCE: Just in closing, we'd really
18 appreciate your action on the application as soon as you can.

19 CHAIRMAN HOOD: All right. Commissioners, I'm not
20 sure, did anybody ask anything? I know we, I think those
21 were clarified.

22 COMMISSIONER MAY: I mean, I would have liked to
23 have seen DDOT's endorsement of where they are in the TDM
24 plan and how they're managing things overall, but since they
25 just got their detailed report today, I don't expect that we

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1 would get a report back from them for like another month.

2 So I don't think that's worthwhile. I would just
3 say that the next time around, when, regardless of whether
4 the further processing involves parking, that we would want
5 to have a report from DDOT indicating that they agree that
6 the University is doing the things that they are obligated
7 to do under the original Zoning Order.

8 Everything else you reported on, fine and that's
9 the one area where it's something that we would look for
10 confirmation.

11 MS. PRINCE: Yes.

12 COMMISSIONER MAY: I'm happy to put that off until
13 the next further processing case.

14 CHAIRMAN HOOD: Okay. Does everybody agree with
15 that, or should we hold this off and get a letter, something
16 from DDOT?

17 COMMISSIONER TURNBULL: I'm fine, Mr. Chairman.

18 CHAIRMAN HOOD: Okay. So we're all fine in this
19 case? Okay. All right. As Commission May said, we'll look
20 for it the next time, and we can do things a little earlier.
21 All right. So with that, any other questions or follow-up
22 comments? Ms. Prince, did you finish your closing?

23 MS. PRINCE: I finished my closing.

24 CHAIRMAN HOOD: All right. So I think this is a
25 flavor ripe for us to go ahead and dispose of tonight. Help

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1 free up our docket. I think this is a perfect case where I
2 think we can vote for it because I think the merits of this
3 case definitely dictate that. So I would ascertain we ask
4 for a motion from someone.

5 VICE CHAIR MILLER: Mr. Chairman, I would move
6 that the Zoning Commission take action on, to approve Zoning
7 Commission Case Number 12-01B, Catholic University's Campus
8 Plan Amendment and further processing for a new dining hall
9 and ask for a second.

10 COMMISSIONER TURNBULL: Second.

11 CHAIRMAN HOOD: Okay, it's been moved and properly
12 seconded. Any further discussion? All in favor, aye?

13 (Chorus of ayes.)

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

16 MS. SCHELLIN: Yes. Staff records the vote 5-0-0
17 to approve final action Zoning Commission Case Number 12-01B.
18 Commissioner Miller moving, Commissioner Shapiro seconding,
19 Commissioners Hood, Turnbull and May in support. If we could
20 just ask the applicant to send us a draft order to upload
21 that in IZIS and send a Word version to me, that would be
22 great.

23 MS. PRINCE: Will do.

24 CHAIRMAN HOOD: All right. Do we have anything
25 else before us? All right. I want to thank everyone for

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1 their participation, and this hearing is adjourned.

2 MS. PRINCE: Thank you.

3 (Whereupon, the hearing in the above-entitled
4 matter went off the record at 6:56 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC Zoning Commission

Date: 05-20-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

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