

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 06-39
Z.C. Case No. 06-39
(Catholic University of America – Construction of New Residence Hall and
Amendment to an Approved Campus Plan)
January 22, 2007

Application No. 06-39 of the President and Trustees of The Catholic University of America (the “Applicant”), pursuant to 11 DCMR § 3104 and in accordance with § 210 for special exception approval of an application for further processing of an approved Campus Plan to permit the construction of a new residence hall, relief from the rooftop structure requirements, and to extend the use of temporary housing units on the University’s Main Campus through 2012. The Applicant also amended the approved Campus Plan to provide for the location of the proposed residential use.

HEARING DATE: January 22, 2007

DECISION DATE: January 22, 2007 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Zoning Commission (“Commission”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commissions (“ANC”) 5A and 5C, and to owners of property within 200 feet of the site. The campus of Catholic University is located within the jurisdiction of ANC 5A and 5C.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for a college or university.

The D.C. Office of Planning, in a report dated January 10, 2007, which was submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the application as submitted. The District Department of Transportation, in a report dated January 12, 2007, stated that it had no objection to the proposal. ANC 5A submitted a resolution in support of the application dated November 29, 2006. ANC 5C submitted a resolution in support of the application

dated December 29, 2006. Additional letters of support were submitted into the record, including one from Capuchin College dated November 26, 2006, and another from the Washington Retreat House dated November 9, 2006.

Based upon the record before it, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes, and gives great weight to, the recommendation of the Office of Planning that the application satisfies the requirements of § 210. The Commission notes, and gives great weight to, the recommendation of ANCs 5A and 5C to support the University's efforts to locate residential facilities for its students on campus.

It is, therefore, **ORDERED** that the further processing application and amendment to the 2002 Campus Plan be **GRANTED** subject to the following conditions:

1. The conditions of Z.C. Case No. 02-20, the approval of the 2002 Campus Plan, remain in force, as amended and supplemented by the conditions of Z.C. Case No. 04-25.
2. Condition number 5 of Z.C. Case No. 04-25 shall be amended to permit the use of the temporary housing units through the year 2012.

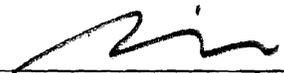
Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 5-0-0 (Carol J. Mitten, Michael Turnbull, Anthony J. Hood, John G. Parsons, and Gregory N. Jeffries to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: JAN 3 1 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 06-39

As Secretary to the Commission, I hereby certify that on FEB - 1 2007 copies of this Z.C. Order No. 06-39 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|---|
| 1. D.C. Register | 8. ANC/SMD 5C10 - Vacant |
| 2. Allison Allison C. Prince, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 9. Commissioner Derrick Holloway
ANC/SMD 5C12
4430 1st Street, NE
Washington, DC 20011 |
| 3. Franklyn Malone, Chair
ANC 5A
1322 Irving Streets, NE
Washington, DC 20017 | 10. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 4. Diane Barnes, Chair
ANC 5C
140 Bates Street, NW
Washington, DC 20001 | 11. Councilmember Harry Thomas, Jr.
(Ward 5) |
| 5. Commissioner Joe Johnson
ANC/SMD 5A05
1347 Webster Street NE
Washington, DC 20017 | 12. Office of Planning (Ellen McCarthy) |
| 6. Commissioner Mary M. Baird Currie
ANC/SMD 5A06
1120 Michigan Ave. NE
Washington, DC 20017 | 13. DDOT (Ken Laden) |
| 7. Commissioner Silas H. Grant, Jr.
ANC/SMD 5C09
2830 6th Street NE
Washington, DC 20017 | 14. Zoning Administrator (Bill Crews) |
| | 15. Jill Stern, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 16. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov