Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 04-10

As Secretary to the Commission, I herby certify that on AUG - 5 2004 copies of this Z.C. Order No. 04-10 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

2. Allison C. Prince, Esq.
   Shaw Pittman, LLP
   2300 N Street, N.W.
   Washington, D.C. 20037

3. Audrey Thompson, Chair
   ANC 4D
   143 Kennedy St., N.W.
   Washington, D.C. 20011

4. Norma Broadnax, Chair
   ANC 5A
   Slowe School Demountable
   14th & Irving Strs., N.E.
   Washington, D.C. 20017

5. James D. Berry, Jr., Chair
   ANC 5C
   680 Rhode Island Ave., N.E.
   Washington, D.C. 20002

6. Gottlieb Simon
   ANC
   1350 Pennsylvania Avenue, N.W.
   Washington, D.C. 20004

7. Councilmember Jack Evans

8. Office of Planning (Ellen McCarthy)

9. Ken Laden, DDOT

10. Zoning Administrator

11. Corporation Counsel (Alan Bergstein)

ATTESTED BY: Alberto P. Bastida

Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
CASE NO. 04-10
EXHIBIT NO. 22

ZONING COMMISSION
District of Columbia
CASE NO.04-10
EXHIBIT NO.22

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION ORDER NO. 04-10
(Special Exception to Approved Campus Plan & Further Processing – Catholic University)
Z.C. Case No. 04-10
June 28, 2004

Application No. 04-10 of The Catholic University of America (the "Applicant"), pursuant to 11 DCMR §§ 210 and 3035, for the renewal of the special exception approval for twenty-six (26) temporary housing units in the center of the campus, immediately west of the Centennial Village, an eight (8) building student housing complex, to provide housing for approximately ninety-six (96) students.

HEARING DATE: June 28, 2004

DECISION DATE: June 28, 2004 (Bench Decision)

SUMMARY ORDER

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

The Commission provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANC) 5C [and 5A] and to owners of property within 200 feet of the site.

The campus of The Catholic University of America is located within the jurisdiction of ANC 5A. The temporary housing units are located in ANC 5C. ANC 5A did not submit a report to the record; however, ANC 5C submitted a letter in support of the application.

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 universities. No party testified in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

Based upon the record before the Commission, 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.

It is therefore **ORDERED** that the application be **GRANTED** for an additional five (5) years.

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 final order on a special exception application for a university use. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: **4-0-1** (John G. Parsons, Anthony J. Hood, Kevin L. Hildebrand, and Gregory N. Jeffries to approve; Carol J. Mitten not present, not voting.)

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: AUG - 4 2004.

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 (10) DAYS AFTER IT BECOMES FINAL.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY

RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.

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Z.C. CASE NO.: 04-10

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