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MEMORANDUM

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2005 FEB -2 PM 12: 43

TO: Sharon Schellin

FROM: Allison C. Prince

DATE: February 2, 2005

RE: Case No. 04-25
Catholic University of America – West Campus

Attached is the draft Zoning Commission hearing notice regarding the above-referenced application.

This is to confirm that the Applicant's initial filing can be considered the pre-hearing statement required by 11 DCMR § 3013.1 and that all other requirements of § 3013 have been satisfied.

If you have any questions, please feel free to call me at (202)663-8853 or Diana Herndon at (202)663-8885.

ZONING COMMISSION
District of Columbia
CASE NO. 04-25
EXHIBIT NO. 9

ZONING COMMISSION
District of Columbia
CASE NO.04-25
EXHIBIT NO.9

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC HEARING

TIME AND PLACE: **_____ 2005 @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04 - 25 (The Catholic University of America – West Campus). Application for a Special Exception under the Campus Plan Provisions of the Zoning Regulations at 11 DCMR §§ 3104 and 210 for modification and further processing of the University's Campus Plan, and a related Zoning Map Amendment in accordance with § 102 of the Zoning Regulations. The Subject Property is located immediately west of the Catholic University main campus (Parcel No. 121/29). In accordance with § 102 of the District of Columbia Zoning Regulations, the zoning map amendment request is being heard and decided by the Zoning Commission. In accordance with §§ 210 and 3104 of the Zoning Regulations the campus plan modification and further processing requests will be simultaneously heard with the map amendment request and will be decided by the Zoning Commission following the rules of the Board of Zoning Adjustment at 11 DCMR 3100 *et seq.*

This case is of interest to Advisory Neighborhood Commissions 5A and 5C.

On September 29, 2004, the Office of Zoning received an application from The Catholic University of America (the "Applicant"), requesting modification and further processing under the University's Campus Plan to include the West Campus within its boundaries and make viable use of the property. The Applicant also requests a corresponding amendment to the Zoning Map of the District of Columbia for the unzoned property.

The property that is the subject of this application consists of approximately 49 acres of land at the eastern boundary of the US Soldiers' and Airmen's Home, and is located to the west of the University's main campus. The site is bounded by North Capitol Street to the west, Irving Street to the southwest, Michigan Avenue to the south, Harewood Road, N.E. to the east, and the Pope John Paul II Cultural Center to the north. The Applicant plans to use the parcel for a pavilion for outdoor performances and event field, an unpaved cross-country track, an environmental research area, two areas of spiritual repose, a maintenance truck and material storage structure, and temporary housing units.

The Property is currently unzoned. The Applicant requests a Zoning Map amendment to the R-5-A District for the Subject Property to accommodate the proposed uses and the inclusion of the West Campus into the University's Campus Plan.

A college campus in the R-5-A Zone District is permitted a maximum FAR of 1.8. The maximum height for an institutional structure is 90 feet, subject to certain setbacks. Pursuant to

Section 210.3, the development parameters are further prescribed by the 2002 Campus Plan approved by the Zoning Commission in Order 02-02. All planned construction within the new West Campus falls within these limitations and meets the requirements for site coverage and yard setbacks.

The Applicant contends that the proposed uses, and change in zoning is consistent with the Catholic University Campus Plan and is not inconsistent with the *Comprehensive Plan for the National Capital.* The architects for the Applicant are Leo A. Daly Architects; the land use counsel are Allison C. Prince and Heidi Sachs of Shaw Pittman, LLP.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Official Code §§ 6-641.01 to 6-641.15 (2001) (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. and 1999 Supp.)).

This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Interested persons or representatives of organizations will be heard at the public hearing. **Any person who desires to participate as a party in this case must so request, and must comply with the provisions of 11 DCMR § 3022.3**. A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, the following information**:

(a) The person's name and address;

(b) A request to appear and participate as a party;

(c) Whether the person will appear as a proponent or opponent of the application;

(d) Whether the person will appear through legal counsel and, if so, the name and address of the legal counsel;

(e) A list of witnesses who will testify on the person's behalf; and

(f) A written statement setting forth why the person should be granted party status, including reference to the following:

(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;

(2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee;

(3) The distance between the person's property and the property that is the subject of the application before the Commission;

(4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property, if the action requested of the Commission is approved or denied; and

(5) An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.

2. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes of qualifications of the proposed experts.

3. The total amount of time that will be required to present the case.

The applicant shall also submit the information cited above. To the extent that the information is not contained in the applicant's pre-hearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 14 days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC), pursuant to DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

1. Applicant..... 60 minutes
2. Other Parties.....15 minutes
3. Organizations..... 5 minutes
4. Individuals..... 3 minutes

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, GREGORY N. JEFFRIES, KEVIN HILDEBRAND ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY _____, AICP, SECRETARY TO THE ZONING COMMISSION.