

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin *h3*
Secretary to the ~~Zoning~~ Commission

Date: January 31, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D C Register* on February 9, 2007:

1. Z.C. Notice of Public Hearing (Case No. 06-36A); and
2. Z.C. Order No 06-39 (Case No. 06-39).

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Office of
Documents and
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Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 06-36A
EXHIBIT NO. 5

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ZONING COMMISSION
District of Columbia
CASE NO.06-36A
EXHIBIT NO.5

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, May 3, 2007, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**Case No. 06-36A (Petition to Amend the Zoning Map Regarding Squares 2676, 2677, 2684
from the R-5-B Zone District to the R-4 Zone District.)**

THIS CASE IS OF INTEREST TO ANC 1A

The Office of Planning, through a report dated January 17, 2007, requested an amendment to the Zoning Map to rezone various properties from the R-5-B Zone District to the R-4 Zone District. The Zoning Commission set down the case for the following squares and lots

| Square | Lots | Proposed Zone |
|--------------------|--|----------------------|
| Square 2676 | Lots 781, 785-794 | R-5-B to R-4 |
| Square 2677 | Lots 371-373, 427-432, 623-625, 646-652 | R-5-B to R-4 |
| Square 2684 | Lots 489-491, 553 | R-5-B to R-4 |

At a properly noticed special public meeting on January 17, 2007, the Zoning Commission set down the case for hearing. These properties are in close proximity to areas being considered for similar rezoning in Zoning Commission Case No 06-36. In order to avoid the needless repetition of testimony; all comments made at the February 8, 2007 hearing on case 06-36 will be incorporated into the record of this proceeding.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, D C Official Code § 6-641.01 *et seq*.)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D C 20001 Please include the number of the 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, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE 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 *DC 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 ANC 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.

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.