

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

**Application of President and Trustees of The
Catholic University of America**

ANC 5A and 5C

**Amendment to Campus
Plan and Further Processing Application**

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PRELIMINARY STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR Section 3104 and in accordance with Section 210 of the Zoning Regulations, the President and Trustees of The Catholic University of America (hereinafter "Catholic" or the "University") request to amend the Campus Plan approved in 2002 to locate the proposed student housing in the northeast corner of the Main Campus. Catholic also requests special exception approval for the further processing of the approved Campus Plan to permit the construction of the proposed student housing facilities and to allow the rooftop structures within the setback required by Section 400.7. Finally, Catholic seeks special exception approval to extend the use of the temporary housing units on campus through 2012.

This further processing application affects the University's Main Campus, which is bound by Taylor Street to the north, Harewood Road to the west, Michigan Avenue to the south and John McCormack Road to the east. This portion of the campus is located in the R-5-A Zone District.¹

¹ There are portions of the campus that are not located in the R-5-A Zone District: the South Campus, which is located south of Michigan Avenue, is partially located in the R-5-A, C-M-1, C-1 and R-4 Zone Districts; however, this application does not affect those portions of the campus

**ZONING COMMISSION
District of Columbia**
CASE NO. 06-39
EXHIBIT NO. 2

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II. INTRODUCTORY STATEMENT

The Zoning Commission approved Catholic's Campus Plan for the period 2002 through 2012 on May 23, 2003 through Zoning Commission Order No. 02-20. The Campus Plan contemplates demolition of existing dormitories located on Catholic's South Campus which are outdated and inefficient and it shows replacement dormitories on the University's Main Campus. Since approval of the Campus Plan, the Zoning Commission has approved an amendment to include newly acquired property west of the main campus within the boundaries of the Campus Plan. The Zoning Commission also extended the approved use of temporary housing units until April 2009 in Zoning Commission Order No. 04-10.

III. JURISDICTION OF THE COMMISSION

A. Jurisdiction to Hear Further Processing Applications

Effective December 8, 2000, the authority to hear and decide new campus plan and further processing applications became exclusively vested in the D.C. Zoning Commission (the "Commission") pursuant to 11 DCMR § 3035. Each case is processed and heard under the special exception provisions of § 210 of 11 DCMR.

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Commission must consider only whether the relevant conditions and special exception criteria have been met. If the applicant meets its burden, the Commission ordinarily must grant the application. *See First Baptist Church of Washington v. District of*

Columbia Board of Zoning Adjustment, 432 A.2d 965 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1978).

The D. C. Court of Appeals has reaffirmed the reviewing agency's jurisdiction and scope of review in campus plan cases and has made clear that in reaching its decision the reviewing agency may take into consideration such factors as institutional necessity. *See, e.g., Draude v. District of Columbia Board of Zoning Adjustment*, 582 A.2d 949, 955 (1990). Further, the Court has distinguished the broader public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

The Commission has jurisdiction to hear other special exception matters pursuant to Section 3104.5 of the Zoning Regulations.

IV. DESCRIPTION OF THE PROPOSED FACILITIES

A. Residence Halls

Catholic proposes a three-phased process for providing additional student housing on campus. The University currently has the capacity to provide housing for approximately 2,150 students. Existing student housing facilities need to be upgraded and expanded. The University currently relies on dormitories that need to be replaced or renovated including Conaty, Spellman, Spalding, Caldwell, and Seton Halls. It is also using temporary units to house 98 students until additional housing is provided on campus.

Undergraduate student enrollment has been steadily increasing since the 2000 academic year and Catholic anticipates that by the close of the decade, the freshman class will have approximately 900 students. To meet the need for additional housing, Catholic is proposing

construction of two additional residence halls in the northeast corner of the University's main campus.² This will allow demolition of the dormitories on the South Campus and removal of the temporary housing units. A net of approximately 307 new beds will be created through this proposal.

Though the Campus Plan contemplated the construction of new dormitories on the main campus, the proposed location of these dormitories has changed slightly. These residence halls will be located closer to the intersection of John McCormack Road and Taylor Street. Plans for the proposed residence halls are attached as Exhibit D.

The proposed housing will be adjacent to John McCormack Road to the east and Taylor Street to the north. It will displace several maintenance buildings which will be relocated to the northwest corner of the campus. The proposed site is strategic in improving the connection between the main campus and the Dufour Athletic Center located on the North Campus.

Once constructed, the three buildings will form a U-shape. Building 1, which is the western arm of the U will be constructed first. The northern building, Building 2, will be constructed second. Finally, Building 3, which is the eastern arm of the U will be constructed last. This further processing application only addresses the construction of Buildings 1 and 2; Building 3 is not included in this application.

Building 1 will have a height of 73 feet, 8 inches. The roof top screen used to obscure the rooftop structures will reach a height of 88 feet. The building will be comprised of approximately 123,746 square feet and 398 beds. The ground floor will include student housing,

² Catholic's Campus Plan proposes the addition of three additional residence halls at this site, however, this further processing application addresses the construction of only two of the three buildings

as well as a study, lounge, contemplative space, and a suite for the Resident Director. Each floor will have dining and living areas as well as a kitchen and a suite reserved for the Resident Advisor. There will be an outdoor terrace and a terraced lawn for students to gather and relax.

B. Temporary Housing Units

Catholic seeks to renew the special exception approval for 26 temporary housing units in the center of the campus, immediately west of the Centennial Village to provide housing for approximately 96 students. The need for the additional student housing was included in both the 1990 and 2002 Campus Plans. The temporary housing units will continue to address the current need for housing until the new accommodations are built.

V. REQUESTED SPECIAL EXCEPTIONS

A. Compliance with Requirements of Section 210

In all respects, the requested special exception approval fully complies with §210 of the Zoning Regulations. The specific zoning requirements, and Catholic's satisfaction of those requirements, are addressed in detail below.

1. College or University which is an Academic Institution of Higher Learning (Subsection 210.1)

Catholic was formally established in 1884 as a center for graduate studies in theology. It became incorporated under the laws of the District of Columbia on April 21, 1887. In 1928, a special act of the Congress of the United States of America extended the University's authority. Catholic is fully accredited and authorized to confer degrees. The Zoning Commission and

Board of Zoning Adjustment have found in prior approvals that the Applicant qualifies as a University as defined in the Zoning Regulations.

**2. The Use is Located so that it is Not Likely to Become
Objectionable to Neighboring Property (Subsection 210.2)**

A. Residence Halls

Noise

The proposed residence halls will be located on the Main Campus and will be adjacent to McCormack Road to the east, Catholic's North Campus to the north, and Catholic's Main Campus. The residence halls will not have a detrimental effect on the neighborhoods to the east of the site, because they will be adjacent to the railroad tracks that trace the eastern border of the Campus, which will provide a natural buffer between the proposed use and the existing neighborhood.

Traffic

The proposed addition will not affect existing traffic on campus. The residence halls will be conveniently located near two major roads bordering the Catholic Campus: Taylor Street and John McCormack Road. They are replacing existing facilities located on campus and will consolidate housing that is currently dispersed throughout Catholic's Campus. While some parking spaces will be displaced by the new dorms, new parking spaces will be located elsewhere on the campus.

Student Enrollment

The total full time undergraduate enrollment projected for the Fall of 2006 is approximately 2,950. This is well below the enrollment cap of 7,500 approved in the 2002 Campus Plan. Freshmen and sophomores are required to live on campus; the new dorms will help provide improved accommodations and centralize student housing.

B. Temporary Housing Units

Noise

The temporary housing units are located in the interior of the campus. They have been in place since 1999 and have created no objectionable noise. The use itself generates little noise and the location of the units in the interior of the campus buffers the temporary housing units from neighboring properties.

Traffic

The temporary housing units do not have an impact on existing traffic or parking conditions on campus.

Student Enrollment

Catholic's enrollment has been steadily increasing over the past several years. In order to keep up with the increasing number of students, Catholic is proposing to construct permanent residential facilities for its students. Until those facilities are completed, Catholic requests approval to allow the continued use of temporary housing units to accommodate its students; otherwise, students would be forced to live off campus.

**3. Compliance with the Maximum Bulk Requirements
(Subsection 210.3)**

For colleges and universities located in residential districts, the maximum bulk normally applicable in zoning districts may be increased, provided the total bulk shall not exceed that prescribed for the R-5-B Zone District (1.8 FAR). As of Catholic's 2002 Campus Plan, the overall floor area ratio ("FAR") for the campus was well within the permitted boundaries under the Zoning Regulations. The Zoning Commission approved 735,500 square feet of development between 2002 and 2012, which would create a Campus density of .42 FAR, well within the 1.8 FAR permitted under the Zoning Regulations. In 2004, Catholic amended its Campus Plan to account for its purchase of 49 acres west of the Campus that would become the West Campus. With this acquisition, the Campus FAR was significantly reduced to .33. The current FAR of the Campus is .33. The proposed project will add approximately 250,000 square feet to campus development, increasing the FAR to .36. Once the dormitories on the South Campus are demolished, the density of the Campus will be reduced.

**4. Submission of a Plan for Developing the Campus as a Whole
(Subsection 210.4)**

As noted above, Catholic's 2002-2012 Campus Plan was approved by the Zoning Commission on May 23, 2003 by Zoning Commission Order No 02-20. The further processing application will require a revision of this Campus Plan to account for the new location for the proposed student housing. Catholic's 2002 Campus Plan provided for the proposed student housing; however, it anticipated placing the housing in the northern portion of the Campus, but closer to the center of the Campus rather than in the northeast corner of the Main Campus.

The 2002 Campus Plan states that "[n]ew residence halls are envisioned for the northern portion of the campus near the existing residence halls. The residence halls would be provided

through either new construction near Flather Hall, and/or the renovation of Marist and/or O'Boyle Halls or the demolition and replacement of those buildings with new residential structures." Campus Plan 2002, p. 44. In all, the Campus Plan contemplated 735,500 square feet additional construction on Campus. The Zoning Commission acknowledged and did not object to this proposal in paragraphs 5 and 23 of its Findings of Fact.

While the substance of Catholic's proposal remains the same, the actual location of the proposed housing will be to the northeast of Marist Hall, at the corner of John McCormack Road and Taylor Street. The new location for the structures will better serve the University students as it provides an improved gateway to the North Campus and the DuFour Athletic Center.

5. No Interim Use of Land is Proposed (Subsection 210.5)

No interim use of land is requested as a result of this special exception application.

6. No New Use Sought for Approved Site of Buildings Moved Off Campus (Subsection 210.6)

Catholic does not seek approval for any new use of a previously approved building site and thus complies with this section.

7. Compliance with the Policies of the District Elements of the Comprehensive Plan (Subsection 210.7)

The Project is not inconsistent with the policies of the District Elements of the Comprehensive Plan. The Project will further the goals and objectives of the Ward 5 Element of the Comprehensive Plan by enhancing educational facilities in the ward without adversely impacting adjacent residential areas. It will also stabilize and preserve quality neighborhoods and community input in the campus planning process.

8. The Proposed Buildings Are within the Floor Area Limit for the Campus as a Whole (Subsection 210.8)

The existing Campus Plan FAR of .33 is within the permitted 1.8 FAR prescribed for the residentially zoned portions of the campus. The Project will add approximately 250,000 square feet of gross floor area to the campus, which will result in a new Campus FAR of .36.

9. Referral to the District of Columbia Office of Planning and the District of Columbia Department of Public Works (Subsection 210.9)

Catholic will forward a copy of the application to the Office of Planning and DDOT for their review and report.

B. Compliance with Requirements of Section 411.11

Catholic is also seeking special exception relief pursuant to Sections 3104.5 and 411.11 from 11 DCMR Section 400.7 because the structures are not sufficiently set back from the edge of the roof. In order to obtain relief, the special exception must be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and must not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. 11 DCMR § 3104.1.

1. The Requested Relief is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The general purpose and intent of the zoning regulations and zoning maps is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare. 11 DCMR § 101.1. Specifically, the requested relief must take into consideration the character of the respective districts as well as the suitability of each district for the uses permitted; and must be designed to encourage the stability of districts and of land values. Id. at § 101.2. The relevant

sections of the Zoning Regulations provide guidelines, which are described in more detail below, by which to evaluate whether a special exception should be granted.

Pursuant to 11 DCMR Section 400.7, all elevator penthouses must be set back from all exterior walls a distance at least equal to its height above the roof. The Zoning Regulations further provide, however, that “[w]here impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the ... location, design, number, and all other aspects of such structure..., even if such structures do not meet the normal setback requirements...; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.” 11 DCMR § 411.11.

The building’s “z-shape” design makes it difficult to set the elevator overrun back from the rooftop edges by the required amount. The elevators are located in the center of the building to conveniently provide access to both wings of the structure. This places the elevator overrun on the “zig-zag” portion of the roof, which is also the most narrow portion of the roof; thus, Catholic is only able to set the penthouse approximately 8 feet from the edge of the exterior walls. Requiring a 18’6” setback would require shifting the interior location of the elevators and would disrupt the overall layout of the building.

B. The Requested Relief Will Not Adversely Affect the Use of Neighboring Property

The reduced setback from the edge of the building will not adversely affect neighboring properties. The penthouse will be no taller than 18’6” feet tall, which is permitted by the Zoning

Regulations. The penthouse will still be setback nearly 8 feet feet, though it will not be set back its entire height. Moreover, the structure is located on the interior of Catholic's campus and will be shielded from adjacent properties. These considerations diminish the possibility that they will have an adverse effect on neighboring properties.

VI. WITNESSES

1. Representatives of The Catholic University of America
2. Representative of Project Architect

VII. EXHIBITS IN SUPPORT OF APPLICATION

- Exhibit A:** Application
- Exhibit B:** Zoning Self-Certification Form
- Exhibit C:** Agent Authorization Letter
- Exhibit D:** Plans for proposed dormitories
- Exhibit E:** Photographs
- Exhibit F:** Surveyor's plat
- Exhibit G:** Sanborn plats
- Exhibit H:** Excerpt from Zoning Map
- Exhibit I:** Property owner's list

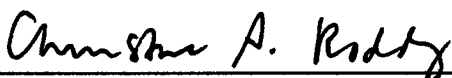
VIII. CONCLUSION

For the reasons stated above, the proposed residence halls and temporary housing units satisfy the requirements for special exception in accordance with § 210 of the Zoning Regulations. Accordingly, Catholic respectfully requests that the Commission approve this special exception application and approve the amendment to the Campus Plan.

Respectfully submitted,

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