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January 26, 2007

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VIA HAND DELIVERY

Carol Mitten, Chairperson
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Zoning Commission Case No. 06-39, Summary Order

Dear Chairperson Mitten and Members of the Commission

Enclosed please find an original and twenty copies of The Catholic University of America's proposed Summary Order with regard to the above-referenced case. Please feel free to contact me with any questions.

Best regards,

Christine A. Roddy

Enclosures

cc Arthur Jackson, Office of Planning
ANC 5A
ANC 5C

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ZONING COMMISSION
District of Columbia

CASE NO. 06-39

EXHIBIT NO. 22

ZONING COMMISSION
District of Columbia
CASE NO. 06-39
EXHIBIT NO. 22

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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 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 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. 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 ANC 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 Zoning Commission Case No. 02-20, the approval of the 2002 Campus Plan, remain in force, as amended and supplemented by the conditions of Zoning Commission Case No. 04-25.
2. Condition number 5 of Zoning Commission 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, Anthony J. Hood , John G. Parsons, Gregory N. Jeffries, and Michael Turnbull 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: _____