

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

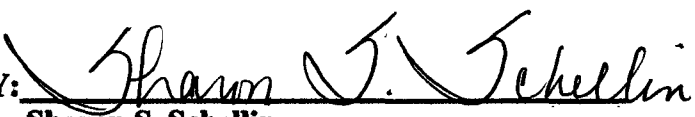


Z.C. CASE NO.: 06-42

As Secretary to the Commission, I hereby certify that on JUL 16 2007 copies of this Z.C. Order No. 06-42 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|--|
| 1. <i>D.C. Register</i> | 6. Councilmember Harry Thomas, Jr. |
| 2. Maureen E. Dwyer, Esq.
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Washington, D.C. 20037-1128 | 7. Office of Planning (Harriet Tregoning) |
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| 4. Commissioner Silas H. Grant, Jr.
ANC/SMD 5C09
2830 6th Street NE
Washington, DC 20017 | 9. Acting Zoning Administrator (Matt LeGrant) |
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| | 11. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

COMMISSION
District of Columbia
CASE NO. 06-42
EXHIBIT NO. 20

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COMMISSION
District of Columbia
CASE NO.06-42
EXHIBIT NO.20

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-42**

Z.C. Case No. 06-42

Trinity (Washington) University – Campus Plan

February 5, 2007

Application No. 06-42 of Trinity (Washington) University (the “Applicant” or “University”), pursuant to 11 DCMR § 3104 and in accordance with § 210 for special exception approval of an application for further processing of an updated Campus Plan for a period of ten (10) years on the University’s campus located in Ward 5 in Northeast Washington, D.C.

Trinity’s Campus is located in the R-5-A Zone District and is comprised of Lot 2 in Square 3548, Parcel 120/33, and Parcel 120/34.

HEARING DATE: February 5, 2007

DECISION DATE: February 5, 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 Commission (“ANC”) 5C, and to owners of property within 200 feet of the site. The campus of Trinity University is located within the jurisdiction of ANC 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 26, 2007, concluded that the application was generally in conformance with the provisions of § 210 and recommended further clarification of the location, bulk, and use of any future buildings in the potential investment area of the east campus, especially those containing non-university investment uses. The District Department of Transportation, in a report dated January 24, 2007, stated that it had no objection to the proposal so long as Trinity implements certain measures to improve internal vehicular circulation. ANC 5C submitted a letter in support of the application dated January 17, 2007.

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 Campus Plan can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that approving the Campus Plan 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 5C to support the University's Campus Plan. The Commission further notes that it takes no position on the proposed investment area of the eastern portion of Trinity's campus.

It is, therefore, **ORDERED** that the Campus Plan be **GRANTED** subject to the following conditions:

1. Approval of the Trinity (Washington) University Campus Plan shall be for a period of ten years beginning on the effective date of this Order.
2. The total existing and proposed gross floor area for the campus shall be no more than 1,171,600 square feet.
3. The total floor area ratio for the campus shall be a maximum of .72.
4. There shall be a minimum of 376 parking spaces located on the campus.
5. Trinity shall work with the Department of Transportation to provide for an entrance warning sign, east of the proposed gate entrance off Franklin Street, to provide notice to west bound traffic at such time as the Franklin Street gate is opened.
6. Trinity shall continue to publicize to likely attendees the availability of its shuttle service between the campus and the Brookland/Catholic University Metrorail Station prior to major events.
7. Trinity shall continue its use of traffic control support (at major access points to the campus) by the Metropolitan Police Department during major events that would utilize most of the capacity of the proposed campus. Examples of such events include commencement and major athletic events.
8. Trinity shall provide parking spaces for at least 20 bicycles located near building entrances for use by students and staff.
9. Trinity shall continue its contingency plans for the use of off-site parking, such as the Washington Hospital Center, and identify other potential sites, for unusual situations

where modal choices of event attendees are likely to result in excessive parking demand.

10. Trinity shall submit to the Historic Preservation Office (“HPO”) and the Zoning Commission a historic preservation element to the Campus Plan within one year of the effective date of this Order. As part of the historic preservation element, and in order to create a body of information about the buildings on its campus, the University shall:

- Identify those buildings on the Campus that are 50 years old or older.
- Collect information from its archives about those buildings 50 years old or older. This information shall include information about architects and builders, historic photographs and drawings, and any other available information about the possible architectural and historical significance of these buildings.
- Write a description of the significant relationships among the architects and builders responsible for buildings 50 years old or older, the University, and the Catholic Church.
- Provide a copy of the above information to HPO staff and meet with HPO staff to review the above information and determine which, if any, buildings 50 years old or older potentially meet the criteria for designation as District of Columbia landmarks.

The University shall use the collected information and determinations of HPO staff as planning tools when it moves forward with construction/development planning in the future. The University shall consult with the HPO prior to undertaking any significant exterior alterations to buildings that may be eligible for landmark status. The University shall afford the HPO a reasonable opportunity to comment on the proposed alterations. The University may consult with the HPO to determine what types of exterior alterations require such consultation.

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 G. 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: JUL 20 2007

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.