

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

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

ANC 5A and 5C

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 "CUA" or the "University") request special exception relief for the further processing of the approved Campus Plan to permit the construction of a residence hall in the northeast corner of the University's Main Campus. The Main Campus 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

II. INTRODUCTORY STATEMENT

The Zoning Commission approved CUA's Campus Plan for the period 2002 through 2012 on May 23, 2003, through Zoning Commission Order No. 02-20. The Commission has approved several amendments to the Campus Plan; the most recent amendment was approved in January 2007. That amendment provided for establishing three additional dormitories in the northeast corner of the Main Campus. See Zoning Commission Order No. 06-39, a copy of

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.

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which is attached as Exhibit J. The University simultaneously filed a further processing application and secured approval for the construction of the first of the three buildings pursuant to Order No. 06-39. The University now files the instant further processing application to secure approval to construct the second of the three dormitories.

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 vested exclusively 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 Hall

CUA proposed a three-phased project for providing additional student housing on campus in connection with its amendment to the Campus Plan in 2007. The first phase, Building One, has been approved and is currently being constructed. CUA is now before the Commission for approval of the second phase, Building Two. Building Two will be adjacent to John McCormack Road to the east and Taylor Street to the north. The proposed siting of the building is strategic in improving the connection between the main campus and the Dufour Athletic Center located on the North Campus.

The building will have a height of 89 feet, including a 7 foot, 6 inch parapet. The building will be comprised of approximately 120,000 square feet and 382 beds. The ground floor will include student housing, as well as an office suite 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 on which the building fronts, allowing students to gather and relax.

During the 2007-2008 academic year, the University had an overall enrollment (including undergraduate and graduate students) of 6,440 students and provided approximately 2,204 beds

on campus for its students. The residence hall approved in Zoning Commission Case No. 06-39 is currently under construction and CUA anticipates that it will be open for the 2009-2010 academic year, providing an additional 402 beds on campus. The second residence hall, proposed herein, will provide an additional 382 beds once it is constructed, bringing the total for beds on-campus to 2,988. CUA anticipates that construction of the second phase will begin in Fall 2009.

While CUA is increasing the number of beds it provides on its Main Campus, it is phasing the 430 beds that currently exist in Conaty and Spellman residence halls on its South Campus. CUA believes that undergraduate student enrollment will be at an all-time high by the end of the decade, thus additional housing will be necessary to accommodate the influx of students. The residence hall being proposed herein will be used to primarily house the lower classmen in the residence halls on CUA's South Campus.

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 CUA'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)

CUA 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.

CUA 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)**

Noise

The proposed residence hall will be located on the Main Campus and will be adjacent to McCormack Road to the east, CUA's North Campus and Taylor Road to the north. It is located in the northeastern portion of the Main Campus. The residence hall will not have a detrimental effect on the neighborhoods to the east of the site, because the railroad tracks along the eastern border of the Campus 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 hall will be conveniently located near two major roads bordering the CUA Campus: Taylor Street and John McCormack Road. It is replacing existing facilities located on campus and will consolidate housing that is currently dispersed throughout CUA's Campus. No existing parking spaces will be displaced by the new dorm.

Student Enrollment

The total full time undergraduate enrollment projected for the Fall of 2008 is approximately 3,265. 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.

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 CUA'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, CUA 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, including the construction of the first of the three residence halls is .34. The proposed project will add approximately 120,000 square feet to campus development, increasing the FAR to .36.

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

As noted above, CUA's 2002-2012 Campus Plan was approved by the Zoning Commission on May 23, 2003, by Zoning Commission Order No. 02-20 and it was amended in January 2007 to account for the residence hall proposed herein. The amended Campus Plan states "CUA is proposing to construct three new dormitories in the northeastern portion of its Main Campus. This amended Campus Plan incorporates the new dormitories and provides for the relocation of the buildings currently existing on the proposed site." Amended Campus Plan

(2007), p. 1. The amended Campus Plan contemplated that the three residence halls would add approximately 325,000 square feet of development to the Main Campus, 250,000 square feet of which will be dedicated to the construction of the first two buildings. Amended Campus Plan, p. 29.

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)

CUA 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 Upper Northeast Area 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 .34 is within the permitted 1.8 FAR prescribed for the residentially zoned portions of the campus. The Project will add approximately 120,000 square feet of gross floor area to the campus, which will result in a new Campus FAR of .36, which remains within the permitted FAR.

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

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

VI. 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
- Exhibit J:** Zoning Commission Order 06-39

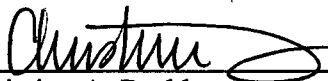
VIII. CONCLUSION

For the reasons stated above, the proposed residence hall satisfies the requirements for special exception in accordance with § 210 of the Zoning Regulations. Accordingly, CUA respectfully requests that the Commission approve this further processing application.

Respectfully submitted,

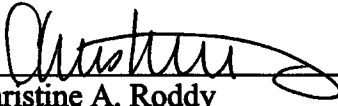
PILLSBURY WINTHROP SHAW PITTMAN, LLP

By: 
Allison C. Prince


Christine A. Roddy

Certificate of Service

I certify that I have sent the foregoing statement on April 24, 2008, via first class mail or hand delivery to the addresses listed below.


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