

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-10

As Secretary to the Commission, I hereby certify that on **JAN 27 2009** copies of this Z.C. Order No. 08-10 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|--|
| 1. <i>D.C. Register</i> | 8. Commissioner Timothy W. Day
5C10
3205 7th St NE
Washington, DC 20017 |
| 2. Phil Feola, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 9. Commissioner Ronnie Edwards
5C11
122 Michiga Avenue, NE, #L24
Washington, DC 20017 |
| 3. Angel Alston, Chair
ANC 5A
1322 Irving Street, NE
Washington, DC 20017 | 10. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 4. Anita Bonds, Chair
ANC 5C
P.O. Box 77761
Washington, DC 20013 | 11. Councilmember Harry Thomas, Jr. |
| 5. Commissioner Sandi Washington
5A01
32 Buchanan St NE
Washington, DC 20011 | 12. Office of Planning (Harriet Tregoning) |
| 6. Commissioner Mary Currie
5A06
1120 Michigan Ave. NE
Washington, DC 20017 | 13. DDOT (Karina Ricks) |
| 7. Commissioner Don Padou
5A07
1335 Lawrence Street NE
Washington, DC 20017 | 14. Zoning Administrator (Matthew LeGrant) |
| | 15. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 16. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

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

ZONING COMMISSION
District of Columbia

CASE NO. 08-10

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.08-10
EXHIBIT NO.17

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-10**

Z.C. Case No. 08-10

**(The Catholic University of America – Further Processing of an Approved Campus Plan
for the Construction of a New Residence Hall)**

July 7, 2008

Application No. 08-10 of the President and Trustees of the Catholic University of America (the “Applicant”), was filed and approved 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.

HEARING DATE: July 7, 2008

DECISION DATE: July 7, 2008 (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* on May 9, 2008 (55 DCR 5438), and by mail to Advisory Neighborhood Commissions (“ANCs”) 5A and 5C and to owners of property within 200 feet of the site. The campus of Catholic University is located within the boundaries 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 use in a Residence zone district.

The Office of Planning, in a report dated June 20, 2008 that was submitted into the record, concluded that the application was in conformance with the provisions of § 210 and recommended approval of the application as submitted. According to testimony presented by the Applicant and the Office of Planning at the hearing, both ANC 5C and ANC 5A supported the application.

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 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

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcz@dc.gov

Web Site: www.dcoz.dc.gov

the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission gives great weight to the recommendation of the Office of Planning that the application satisfies the requirements of § 210. The Commission is unable to give great weight to the issues and concerns of the affected ANCs, which did not submit a written report in this case.

It is, therefore, **ORDERED** that the further processing application is **GRANTED** subject to the following conditions:

1. The conditions of Zoning Commission Order No. 02-20, the approval of the 2002 Campus Plan, remain in force, as amended and supplemented by the conditions of Zoning Commission Order No. 04-25.
2. The Applicant shall have the flexibility to modify the design of the residence hall wall ends to incorporate additional detailing, materials, and/or color palette.

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 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Michael G. Turnbull, and Peter G. May to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY:


RICHARD S. NERO, JR.
ACTING DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: **JAN 23 2009**

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.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., ("ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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 THAT 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.