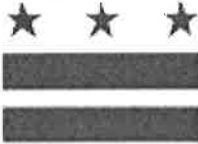


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 12-01B
Z.C. Case No. 12-01B
The Catholic University of America
(Amendment to and Further Processing of an Approved Campus Plan)
_____, 2019

Application of The Catholic University of America (University”), pursuant to Subtitles X and Z of the District of Columbia Zoning Regulations, to approve a modification of an approved Campus Plan, and special exception approval for further processing of a Campus Plan to permit construction of a dining hall on the University’s main campus.

HEARING DATE: May 20, 2019

DECISION DATE: May 20, 2019

SUMMARY ORDER

On March 12, 2019, the University filed this application requesting special exception approval for an amendment to its 2012-2027 Campus Plan (“Campus Plan”), approved in Zoning Commission Order No. 12-01 to allow for construction of a dining hall that is slightly larger and in a slightly different location than that specified in the original Campus Plan. The University seeks a modification of the Campus Plan and further processing approval for the replacement of Magner House (student housing) with a dining hall that was approved as part of the Campus Plan.

The Zoning Commission (“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, which is automatically a party to this application, and adjacent to ANCs 5B and 5E. Therefore, notice of the public hearing was provided by mail to ANCs 5A, 5B and 5E, and to owners of property within 200 feet of the University’s campus. The application was also referred to the Office of Planning (“OP”) and District Department of Transportation (“DDOT”) for review and report.

On March 28, 2019, a notice of public hearing on this application was published in the *D.C. Register*, and mailed to owners within 200 feet of the University’s campus.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, (“the ANC Act”) effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-

309.10(d)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. ANC 5A voted unanimously to support the application on a resolution at its regularly scheduled, duly noticed meeting on April 24, 2019, stating that it “determined the building will be an important addition to the campus and will fulfill a significant need and will not create any adverse impacts.” (Exhibit No. 20). ANC 5A submitted a resolution in support of the application dated May 16, 2019.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. OP submitted two written reports and in the second report recommended approval of the application. (Ex. 15, 18.) OP's first report requested additional renderings, a more detailed site and landscape plan, site sections where needed to understand grade alterations, and updated campus plan exhibits to better understand the amendments. At the hearing, OP testified that the University had addressed all of its concerns. The Commission has considered OP's recommendation in support of the application and agrees that approval is appropriate.

DDOT was notified of the Campus Plan modification and proposed dining hall. The dining hall does not include parking, therefore there are no changes to the conditions imposed by DDOT in Order Nos.12-01 and 12-01A.

Since no person requested to participate as a party in this proceeding and the ANC supported the application, a decision by the Commission to grant this application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and did not require the order to include findings of fact and conclusions of law. As directed by Subtitle X §§ 101.9 and 900, the Commission required the Applicant to satisfy the burden of proving the elements of Subtitle X § 901, which are necessary to establish the case for a special exception for a college or university.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to Subtitle X § 901 and Subtitle C § 714 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and that the requested relief will not tend to adversely affect the use of neighboring property as the record reflects no objections to the application. It is therefore, ORDERED that the application be GRANTED. All conditions of ZC Orders 12-01 and 12-01A remain in full force and effect.

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.

On May 20, 2019, upon the motion of 5.0, as seconded by _____, the Commission took FINAL ACTION to APPROVE this application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11-Z DCMR §604.9 this Order shall become final and effective upon publication in the *D.C. Register* on _____, 2019.

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING