Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: August 26, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on September 5, 2003:

1. Z.C. Order No. 02-32 (Z.C. Case No. 02-32);
2. Z.C. Order No. 02-39 (Z.C. Case No. 02-39);
3. Z.C. Order No. 02-41 (Z.C. Case No. 02-41);
4. Z.C. Order No. 02-51 (871-B) (Z.C. Case No. 02-51); and
5. Z.C. Order No. 03-02 (Z.C. Case No. 03-02).

Received By

8/27/03
Date

Attachments

ZONING COMMISSION
District of Columbia
Case 02-32
Exhibit 58

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ZONING COMMISSION
District of Columbia
CASE NO.02-32
EXHIBIT NO.58

ZONING COMMISSION ORDER NO. 02-32
Case No. 02-32
(Georgetown University Campus Plan – Further Processing of Performing Arts Center)
April 14, 2003

This case is an application by the President and Directors of Georgetown College, also known as Georgetown University ("Applicant" or "University"), requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for further processing of the University's approved campus plan to allow construction and use of the proposed Performing Arts Center. In accordance with § 210 of the Zoning Regulations, this case is being heard and decided by the Zoning Commission using the rules of the Board of Zoning Adjustment at 11 DCMR § 3100, *et. seq.* The specific request is for the renovation and enlargement of the existing Ryan Administration Building to convert it to a Performing Arts Center (the "Center").

HEARING DATE: January 16, 2003

DECISION DATES: February 24, 2003 and April 14, 2003

FINDINGS OF FACT

1. Advisory Neighborhood Commission ("ANC") 2E was a party in this proceeding. The Commission also granted party status to the Citizens Association of Georgetown, the Burleith Citizens Association, and Cloisters in Georgetown, Inc.

2. Pursuant to Commission practices relating to campus plans, this application was not accompanied by a self-certification form or memorandum from the Zoning Administrator certifying the required zoning relief.

3. The University's current adopted campus plan, for the period 2000 to 2010, shows the location, height, and bulk of all present and proposed improvements as required by 11 DCMR § 210.4. The Board of Zoning Adjustment ("BZA") conditionally approved the plan by BZA Order No. 16566 (March 29, 2001), as modified by subsequent Orders 16566A, 16566B, and 16566C. The Application is the first request for further processing under the approved 2000-2010 Campus Plan.

The Applicant's Case

4. The University's architect presented the site and building plans and described the functional areas and design features, including exterior materials samples, of the

proposed Center. He also presented the planning benefits and zoning compliance information regarding the Center.

5. The site of the Center consists of the existing Ryan Administration Building and a small adjacent parcel of vacant land to the west of the Ryan Building. The two-story Ryan Building is of masonry construction and has an existing gross floor area of 20,302 square feet. Currently, one (1) floor is vacant and one (1) floor is occupied by Student Financial Affairs. This site is located in the south-central part of the Main Campus, south of the Jesuit Cemetery, north of Healy Hall and the Old North buildings, west of Copley Hall, and east of Harbin Hall.

6. The proposed new, 230-seat proscenium theater will be constructed into the slope of the vacant parcel to accommodate the audience chamber as it inclines down from the lobby to the stage level. Patrons of this theater and the Studio Theater will enter the new lobby, which will be at the main level of the Ryan Building. The height of the lobby will rise up to the roof trusses and restore the height of the original gymnasium.

7. The stage level, one (1) floor down from the lobby, will accommodate a variety of other functions and spaces, including the Studio Theater of 80 to 100 seats, the scene shop, the costume shop, the theater program's academic offices, and public restrooms. This level will be served by a large service elevator that descends to the basement; the basement will have two (2) large rehearsal rooms, the student lounge, and dressing rooms. The slope of the site will permit a large cellar, proposed to be used for storage and mechanical equipment. The Center is designed for theater arts and not musical performances.

8. In appearance, the proposed new addition will build on important elements of the Ryan Building. The material is brick, which is the predominant building material on campus. Stone courses and recessed brick panels are motifs taken from the Ryan Building. Very large window areas, similar to Ryan, are also used extensively. The sloping site will permit construction of the new theater and its stage house at a lower level than the fronting street, thereby minimizing the apparent size of the stage house. The use of the sloping site will also minimize the extent of excavation required.

9. As requested by the Commission, the Applicant submitted a landscape plan as part of its post-hearing submission dated February 6, 2003.

10. The Director of the University's Theater Program discussed the numerous benefits of the new Center, which will serve as the education center for campus theater, including instruction in theater arts and stagecraft (lighting, technical and set design, costume design, etc.). Academic ensembles will be offered to complement work in the classroom. According to the Applicant, the Center will be an essential creative space and a major step toward expanding arts education opportunities for undergraduate students, and will strengthen the Arts Department with improved teaching, rehearsal space, and campus performance space.

11. The Applicant testified that the principal physical planning goal was to centralize in one (1) well-designed facility the various teaching and small performance venues that are

now scattered around the main campus. The proposed facility helps carry out five (5) of the University's six (6) goals from the Campus Plan for new space planning by: (a) co-locating programs the operations of which are physically separated because of lack of space; (b) creating functionally appropriate space; (c) creating sufficient space to meet current needs and alleviate overcrowding; (d) increasing space devoted to student activities and campus life; and (e) renovating existing spaces to meet user needs. (Campus Plan, p. 13.)

12. The "Land Use Plan" of the Campus Plan designates the existing Ryan Building and adjacent land as Site AA-5 for future "Academic/Administration" use. The site is further designated for a "Future Academic Addition" (Campus Plan, p. 16), with a projected building height of seventy-five (75) feet, building coverage of 16,400 square feet, and gross floor area of 55,300 square feet. The proposed renovation and enlargement of the Ryan Building will result in a building height of three (3) stories and sixty-one (61) feet, and gross floor area of 39,600 square feet. The Center is an academic addition, and the requested height and bulk are within the limits established in the Campus Plan.

13. The Applicant's main campus is designated as "Institutional" on the Generalized Land Use Map of the Land Use Element of the Comprehensive Plan. The Institutional designation substantially coincides with the campus plan boundaries. The proposed use is part of the institution of the University and is not inconsistent with the Comprehensive Plan.

14. The Commission finds that the proposed Center is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions for the following reasons.

    (a) The facility will not generate significant additional activity, because nearly all of the programs and performances that will take place in the Center already occur somewhere else on the campus.

    (b) Many performances will occur during daytime hours, with participation and attendance substantially by students and faculty already on the campus, so that there will be very limited vehicular travel to attend performances. Condition No. 12 of the approved Campus Plan order requires that events at the Center be "for purposes related to the University or the community, and not for non-University events whose primary purpose is revenue generation."

    (c) The programs and performances will provide additional on-campus activities for students, helping to make them somewhat less dependent on cultural and entertainment venues off campus.

    (d) The location of the Center in the interior of the campus means that external effects on nearby neighborhood residents will be minimized. Evening performances will generate a very limited number of non-University attendees arriving by automobile – primarily family members of student participants. To avoid parking or traffic problems, the University is required by the Campus Plan to provide

campus personnel as necessary to direct visitors to campus parking areas at the Southwest Quadrangle and the Leavey Center.

(e) The University is also required by the approved Campus Plan to avoid scheduling events in the Center that attract visitors to the campus between the peak traffic times of 7:00-9:00 a.m. and 4:00-7:00 p.m. All "weekday and evening performances at the Performing Arts Center" expected to draw more than 100 visitors must begin at 7:00 p.m. or later. Because of the limited audience capacity of the proposed facility, traffic and overspill parking effects on the surrounding neighborhood will be minor.

(f) The design of the new building will enhance the visual quality of the campus for University students, faculty, and staff as well as visitors to the campus.

(g) Construction of the proposed facility will require little excavation because of the sloping site, and the University will require contractors to follow the same trucking routing plan that was developed for the much larger Southwest Quadrangle project.

15. In accordance with 11 DCMR § 210.8, the Applicant demonstrated that the proposed building is within the floor area ratio ("FAR") limit for the campus as a whole. The campus is located in the R-3 and C-1 Zone Districts and, therefore, has a maximum permitted density of 1.8 FAR. The existing campus gross floor area is 4,906,634 square feet, or 1.12 FAR. With the addition of 19,298 square feet of gross floor area of the planned Center, the total will be 4,925,932 square feet, or 1.13 FAR. The proposed total density of 1.13 FAR is less than both the 1.8 FAR permitted under the Zoning Regulations and the 1.41 FAR anticipated in the approved Campus Plan.

Report of the Office of Planning

16. By report dated November 25, 2002, and through testimony at the public hearing, the Office of Planning ("OP") recommended approval of the Application. The OP report supported the consolidation on campus of performing arts functions and the planning rationale for the project, and commented favorably on the "innovative" design combining adaptive reuse and new construction down the slope of the expansion site, noting the "high quality of the site plan and architecture as proposed." The Office of Planning reviewed the criteria for approval in 11 DCMR § 210 and in the campus plan and concluded that the application complied with the relevant standards.

Reports of Other Government Agencies

17. Georgetown University is located in the Old Georgetown Historic District and is, therefore, subject to design review by the Old Georgetown Board (appointed by the U.S. Commission of Fine Arts) and the Commission of Fine Arts. The University's architects presented the plans to the Old Georgetown Board on July 8, 2002, and to the Commission of Fine Arts on July 18, 2002. The Commission of Fine Arts granted concept design

approval at its meeting and by letter dated August 5, 2002, a copy of which the Applicant submitted to the record of this case.

Advisory Neighborhood Commission 2E

18. At its regular public meeting held October 29, 2002, ANC 2E voted unanimously to support the Zoning Commission's approval of the proposed Performing Arts Center.

Persons in Support

19. The Commission heard testimony and received letters in support of the Application from persons including two (2) Georgetown University students who stated that the Center would enhance opportunities for students on the campus.

Parties and Persons in Opposition

20. The Citizens Association of Georgetown and the Burleith Citizens Association both indicated their support for the proposed Center but objected to the Application on the ground that the Applicant was not in substantial compliance with the conditions of approval of the Campus Plan.

21. The Commission received a letter from a person in opposition to the Application, citing adverse impacts such as student misconduct on residential property in neighborhoods near the campus.

Compliance with Campus Plan Conditions

22. Pursuant to Condition No. 19 of the approved Campus Plan, the Applicant testified that the University had consistently remained in substantial compliance with all conditions of approval of the Campus Plan. The Applicant submitted as part of its Pre-Hearing Submission a detailed ten- (10) page document explaining and documenting its full compliance with the conditions. The University submitted additional evidence of compliance and rebuttal statements in response to written submissions by the Citizens Association of Georgetown and the Burleith Citizens Association.

23. The parties in opposition contended that the Applicant was not in compliance with all conditions of approval of the campus plan. In particular, the parties in opposition argued that the University was not in compliance with Condition No. 2, concerning the enrollment cap for undergraduate students; Condition No. 3, regarding off-campus student housing; Condition No. 9, regarding reports by the University concerning student misconduct; and Condition No. 14, concerning vehicles owned or operated by students.

24. With regard to Condition No. 2, the University claimed compliance with the enrollment cap because its average enrollment for academic year 2002/2003 was 5,460, below the cap of 5,627 established in the Campus Plan. The Applicant acknowledged that its fall semester enrollment (5,754) had exceeded the cap, but noted that the spring semester

enrollment (5,166) was below the cap and contended that the University has consistently averaged its fall and spring enrollment in reporting its undergraduate population.

25. The Commission finds that the University's spring semester enrollment was below the cap established in the Campus Plan and that the Applicant is, therefore, in substantial compliance with Condition No. 2 for purposes of this further processing application.

26. The Commission does not agree with the Applicant that the use of average enrollment during an academic year is appropriate for purposes of determining compliance with the cap on undergraduate enrollment established in the Campus Plan. With respect to further processing applications that may be filed in the future, the Commission will not assess compliance with the enrollment cap on the basis of an average of the fall and spring semesters of an academic year, but will consider the enrollment cap to be the maximum permitted enrollment of undergraduate students at any given time during the academic year.

27. With regard to Condition No. 3, the parties in opposition argued that the University was not in compliance with a provision allegedly requiring revocation of off-campus housing privileges in case of student misconduct. The University testified that the sanction of revoking off-campus housing is contained in the Student Code of Conduct, and that at least one student with discipline problems had been required to return to live on campus since approval of the Campus Plan.

28. The Commission finds that the University is substantially in compliance with Condition No. 3. The Commission is not persuaded that the University is required to revoke off-campus housing privileges in cases of student misconduct; rather, requiring a student to live in an on-campus dormitory is one sanction that may be imposed by the University.

29. With regard to Condition No. 9, the University testified that quarterly reports are provided that indicate, in aggregate form, information including the number of complaints of student misconduct received on its hotline and the sanctions given as a result. The University asserted that Condition No. 9 applies only to students living off-campus, and that the aggregate information was sufficiently detailed.

30. The Commission finds that the University is substantially in compliance with Condition No. 9. The Commission concurs with the University that Condition No. 9 is applicable only to complaints of student misconduct associated with off-campus housing, which has the greatest potential adverse impact on the neighboring communities in the vicinity of the campus. The Commission also concurs that the information should be reported in aggregate form, which is more useful in assessing potential adverse impacts and appropriate in light of student privacy concerns.

31. With regard to Condition No. 14, the University asserted that its full compliance was demonstrated by its submissions of November 21, 2002 and February 6, 2003, which explained how the University has collected and maintained the required registration information; has properly directed and educated students as to their vehicle registration obligations; has consulted with the Department of Motor Vehicles; grants parking

privileges only to students who have medical conditions that require that accommodation; and makes failure to comply with D.C. vehicle registration laws a violation of its student code of conduct.

32. By letter dated April 7, 2003, Jacqueline Stanley, Administrator of the Customer Services Administration at the Department of Motor Vehicles ("DMV"), described meetings between representatives of DMV and the University to discuss steps taken by the University to comply with Condition No. 14. The DMV letter concluded that the University's handling of vehicle registration compliance issues was appropriate, and indicated that DMV would continue to work with the University to inform students who live in the District of Columbia of their obligation to register their vehicle or, if allowed, to obtain a reciprocity sticker.

33. Based on the information submitted by the Applicant and by DMV, the Commission finds that the University is substantially in compliance with Condition No. 14.

34. The Commission finds that the Applicant has satisfied its burden of proving substantial compliance with Conditions No. 1 through 18 of the approved Campus Plan.

CONCLUSIONS OF LAW

The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104 of the Zoning Regulations, for further processing of its approved campus plan to allow construction and use of the proposed Performing Arts Center. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to certain conditions specified in § 210. D.C. Official Code § 6-641.07(g)(2) (2001), 11 DCMR § 3104.1.

Based on the Findings of Fact above, the Commission approves the requested special exception for the Performing Arts Center. The project is consistent with the Applicant's use of its property for university purposes, is consistent with the Zoning Regulations and Map, and will not tend to adversely affect the use of neighboring property. The record reflects no objections to the Performing Arts Center itself, and the Commission gives great weight to the recommendations of approval from the Office of Planning and the affected ANC.

The Commission is not persuaded by the parties in opposition that consideration of the Application should be postponed. Rather, the Applicant has satisfied its burden of proving that the University has remained in substantial compliance with all conditions of approval of its Campus Plan.

The Performing Arts Center shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 3A and 27 of the record, as modified by the guidelines, conditions, and standards of this order.

Accordingly, it is ordered that this application is **GRANTED**.

VOTE: **5-0-0** (Carol J. Mitten, Anthony J. Hood, James H. Hannaham, John G. Parsons, and Peter G. May (by absentee vote) to approve the application).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of 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 § 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 § 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 BY THE COMMISSION.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL

MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.