GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

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TO: Zoning Commission of the District of Columbia

FROM: Ellen McCarthy
Director

DATE: August 18, 2005

SUBJECT: **Z.C. CASE NO. 05-16** – Request filed by Pillsbury Winthrop Shaw Pittman, LLP for a special exception for further processing for American University, proposed by American University at 4400 Massachusetts Avenue, N W

APPLICATION

This applicant proposes to increase the gross floor area of the Main Campus of American University by 2,137 square feet. This increase will result from connecting the Kogod School of Businesses building with the New Lecture Hall building. The building addition will be 27 feet, 7 75 inches in height and will be constructed in combination with the renovation of the New Lecture Hall

05-16
17

SUMMARY RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

BACKGROUND

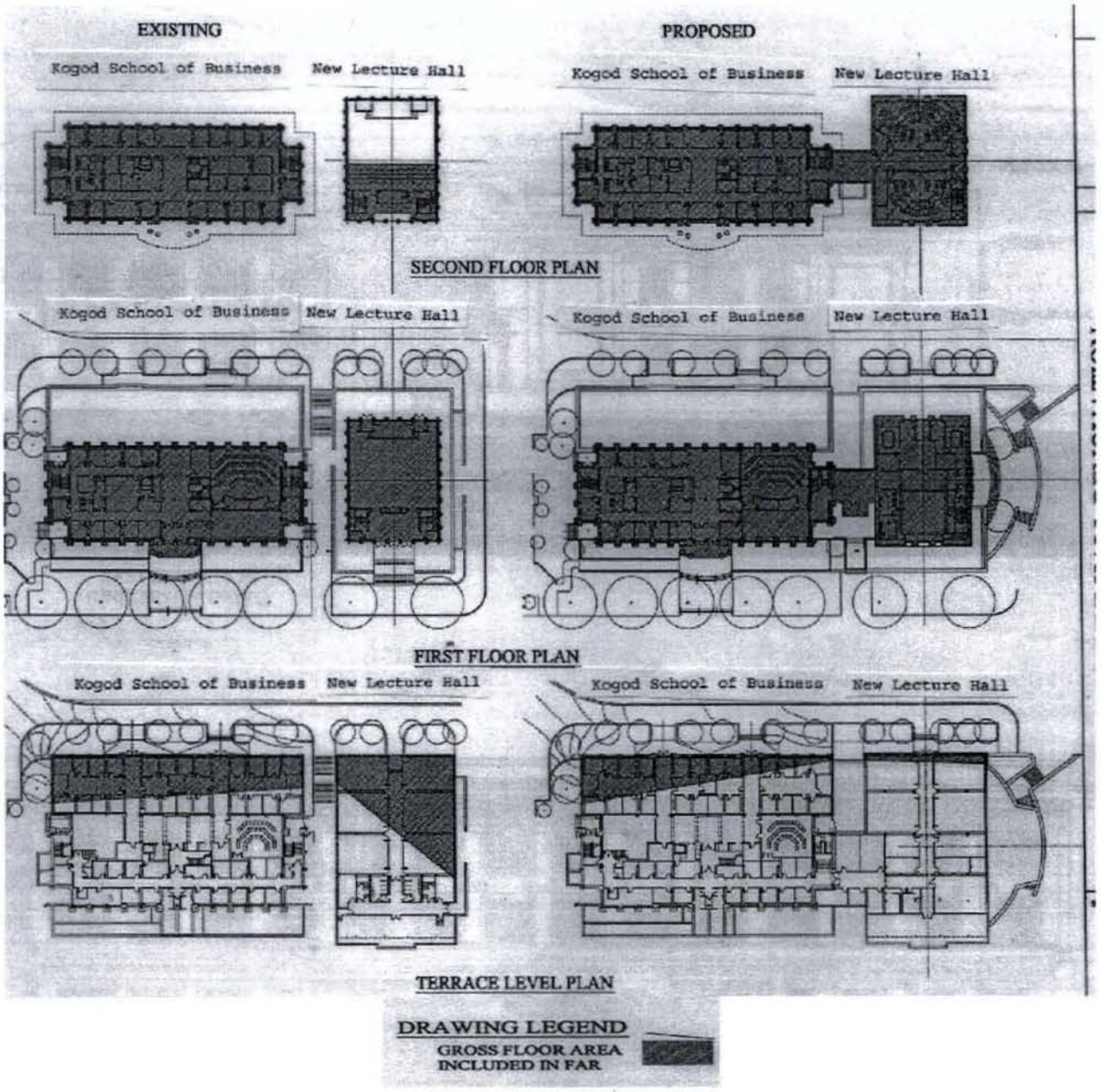
Zoning Commission Order No 949 approved the American University 2000 Campus Plan and three further processing requests on July 19, 2001, subject to 18 conditions (See Attachment No. 1) The further processing requests were for the construction of the Katzen Arts Center, an addition to the Mary Graydon Center and the enclosure of the driveway underneath the Butler Pavilion and Sports Center Complex. Zoning Commission Order No. 949A amended that approval through the addition of Condition No. 19 on April 30, 2002 (See Attachment No. 2)

PROJECT DESCRIPTION

The applicant requests special exception approval for further processing under the approved Campus Plan to increase the gross floor area by 2,137 square feet. The proposed addition will connect the Kogod Business School building with the New Lecture Hall building, creating one building and filling in the existing area between the two buildings The façade of the New

ZONING COMMISSION
District of Columbia
CASE NO.05-16
EXHIBIT NO.17

Lecture Hall will be modified to match the Kogod Business School, including the addition of a penthouse enclosure that will be set back approximately 8 feet from the perimeter of the building.



EXISITNG & PROPOSED FLOOR PLANS

The existing New Lecture Hall is currently designed as a theater with a balcony on the second floor and classroom space in the basement. This hall is to be renovated, eliminating the balcony and converting it to classroom space through the addition of a floor. The combination of the renovation and the building addition will result in new breakout, seminar and classroom space totaling 3,972 square feet of floor area on the first and second floors. However, due to the change in finished grade between the two buildings, existing portions of the terrace level each building

with ceiling heights more than 4 feet above finished grade will become areas with ceiling heights less than 4 feet above the finished grade. As a result, 1,799 square feet of basement space will become cellar space, reducing the increase in gross floor area to 2,173 square feet

ZONING REGULATIONS

Section 210 of the Zoning Regulations, Colleges and Universities, sets forth the criteria required for approval of university uses within residential zone districts.

210 1 *Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of this section.*

The subject application requests special exception approval by the Zoning Commission to permit a building addition to connect two academic buildings for academic purposes on the Main Campus of American University within a residential zone district.

210.2 *Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions*

The proposed increase in gross floor area of 2,137 square feet will provide a physical connection between two existing academic buildings and accommodate the renovation of the New Lecture Hall. It will not result in an increase in the number of students, faculty or staff, noise, traffic or other objectionable conditions Therefore, the proposed building addition is not likely to become objectionable to neighboring property.

210.3 *In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the districts may be increased for specific buildings or structures; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District In all other Residence Districts, similar bulk increases may also be permitted, provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.*

The subject application proposes only a minor increase in FAR A 2,137 square foot increase in gross floor area will have a negligible effect on the existing FAR of 0.55, which is less than the maximum FAR permitted of 1 80.

210.4 *As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the Commission for its approval a plan for developing*

the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following.

(a) Buildings and parking and loading facilities,

(b) Screening, signs, streets, and public utility facilities,

(c) Athletic and other recreational facilities, and

(d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development

The 2000 Campus Plan, approved by Zoning Commission Orders 949 and 949A, includes a plan for all present and proposed improvements. The Kogod School of Business and the New Lecture Hall, including the area surrounding the two buildings, are recommend for the "academic" land use. No structure connecting the two buildings is proposed by the Campus Plan However, as location of the two buildings is recommended for academic use the application is consistent with the Plan At 2,137 square feet, the additional gross floor area is relatively minor in size and will have only a negligible effect on the existing overall campus FAR of 0.55. Therefore, although this specific building addition is not included within the Plan, it is consistent with the Plan because it is relatively small in size and it is an expansion of the academic use proposed for the Kogod School of Business building and the New Lecture Hall building

210 5 *Within a reasonable distance of the college or university campus, and subject to compliance with § 210 2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.*

The subject application does not propose interim use of land located off-campus

210 6 *When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Commission has approved an amendment to the campus plan applicable to the site, provided, that for this purpose a major new building is defined as one specifically identified in the campus plan*

No major new buildings are proposed to be moved off-campus as a result of this application.

210.7 *In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.*

The subject application is for an addition to the existing Kogod Business School and New Lecture Hall buildings, pursuant to the approved Campus Plan. The request is consistent

with the themes and provisions of the District Elements of the Comprehensive Plan, including the following

> *"Ward 3 has a variety of cultural resources, including colleges and universities, .." (§ 1400.2(c)(2))*
>
> *"Like many other areas, Ward 3 is primarily a residential sector of the District, rather than a center for commercial or industrial activity Because of this, Ward 3's role in contributing to the District's economic development is limited to*
>
> *Maintaining existing commercial and institutional uses,* (§ 1401 1(a)(1))
>
> *Carefully controlling infill development,* (§ 1401.1(a)(3))

The proposed addition of 2,137 square feet of gross floor area is consistent with the Comprehensive Plan in that it will maintain the low density residential neighborhood and will contribute toward maintaining American University as an institutional use in Ward 3 with a carefully controlled infill development.

210.8 *As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved*

The subject application contains documentation of the existing and proposed FARs for the campus as a whole. The existing and proposed FAR is 0.55, less than the maximum 1 80 permitted

	Academic/Administrative GFA	Residential/Campus Life/Athletic GFA	TOTAL GFA
GFA Proposed by Campus Plan	421,000	152,000	573,000
Maximum GFA Permitted by 2010	--	--	400,000
Previously Approved GFA	80,000	40,000	120,000
GFA Requested this application	2,137	0	2,137
Remainder of GFA Permitted by 2010	338,863	112,000	277,863

The 2000 Campus Plan also restricts the amount of additional gross floor area that may be added by 2010 to 400,000 square feet, although the Plan proposes 573,000 square feet The three further processing applications previously approved added 120,000 square feet to the Campus, as shown in the table above.

210 9 *Before taking final action on an application for use as a college or university, the Commission shall submit the application to the D C Office of Planning and the D C Department of Transportation for review and written reports*

The subject application was referred to the Office of Planning and the Department of Transportation for review and written reports The Department of Transportation informed the Office of Planning by telephone that they had no comments on the application

Based on the analysis above, the Office of Planning concludes that the subject application is in conformance with the provisions of the § 210

COMMUNITY COMMENTS

ANC 3D, at its regularly scheduled meeting of July 6, 2005, voted 7-0-0 "*to support the request of American University for a minor addition to the Kogod School of Business and the New Lecture Hall on the main campus* "

AGENCY COMMENTS

The **District Department of Transportation** informed the Office of Planning that it has no comments on the application.

The **Department of Fire and Emergency Medical Services** had no comment

Comments were also solicited from the **Department of Health** and the **Metropolitan Police Department,** but none were received.

RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant

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Attachment 1: Z.C. Order No. 949 Conditions of Approval

1. Approval of the Campus Plan shall be until August 15, 2011
2. The approved Campus Plan boundary shall be the Main and Tenley Campuses as shown in the American University 2000 Campus Plan and marked as Exhibits 7 and 7A in the record.
3. Student enrollment (headcount) over the life of the plan shall not exceed 10,600 students and the full-time equivalent shall not exceed 9,250 students The number of employees shall not exceed 2,200.
4. The Applicant shall maintain a supply of on-campus housing sufficient to make housing available for 85 percent of its full-time freshman and sophomore students (headcount) and for two-thirds of all full-time undergraduates (headcount)
5. Campus facilities built for instructional purposes (such as classrooms, laboratories, and conference rooms) may, from time to time, be used for conferences; however, any purpose-built conference facility proposed to be constructed by the Applicant on campus shall require amendment of the Campus Plan and specific approval of the conference-facility use through the special exception process
6. The University shall work with community representatives to form a Liaison Committee for the purpose of fostering consistent on-going communication between the University and the surrounding neighborhoods, discussing issues of mutual interest, and proposing solutions to problems that exist or arise in implementing the approved campus plan. It is recommended that the Liaison Committee be composed of an equal number of representatives of the University and the community and meet as necessary, but at least quarterly. Upon request, the University shall provide timely data relevant to campus plan issues to the Liaison Committee, provided that the data is not confidential or overly burdensome to produce.
7 The University shall adopt the following program regarding enforcement of student, faculty, staff, and vendor off-campus parking:
    (a) The University shall use its best efforts to require all students, faculty, staff, and vendors servicing the campus to park on the campus and shall prohibit, to the extent permitted by law, students, faculty, staff, and vendors from parking on the streets adjacent to and surrounding the campus. The University shall use its best efforts to cause other University-related vehicles to park on the campus. To accomplish these purposes, the University shall have in place a system of administrative actions, contract penalties, and fines (which may be adjusted from time to time as needed), and/or termination of contracts for violations.
    (b) Construction employees, contractors, and subcontractors shall by contract be prohibited from parking on residential streets, subject to contractual penalties or termination. Visitors to the campus, including attendees of all conferences, shall be encouraged to use on-campus parking and where feasible, notified in advance to do so.

(c) For conferences and large special events, the Applicant shall work with area institutions in order to provide additional parking as needed

8. In light of the Applicant's decision to allow students at the Tenley Campus to bring their vehicles to the campus, the Applicant shall designate at least 12 of the 76 existing parking spaces at the Tenley Campus for student use.

9 The University shall submit to the Commission, as a special exception, each individual request to construct a building or structure described in the Campus Plan. Along with each request, the University shall submit information as to how the particular building or structure complies with the Plan, as well as an updated traffic analysis and a report indicating the supply of on-campus housing, the number of full-time undergraduate students, and the number of full-time freshman and sophomore students

10 The Applicant shall not construct more than 400,000 square feet of new gross floor area during the term of this Campus Plan. Any further processing application for a project approved conceptually in this Campus Plan shall incorporate the following development guidelines and parameters:

(a) Project A·

(i) the building height shall not exceed 40 feet and its gross floor area shall not exceed 30,000 square feet·

(ii) the design shall be residential, rather than institutional, in character and scale;

(iii) the building shall relate to the existing topography to limit visibility impacts (e g., built into the hill between the Watkins and Kreeger buildings),

(iv) the Applicant shall provide ample landscape buffer, especially with respect to the residential area down the hill to the south;

(v) the Applicant shall implement a plan for lighting (interior and exterior) that reduces external visual impacts on neighborhood properties; and

(vi) noise-generating activities (e g , air conditioners) shall be enclosed or placed at the farthest point away from neighbors.

(b) Project B

(i) the building height shall not exceed 40 feet in height and its gross floor area shall not exceed 50,000 square feet,

(ii) the building design shall be residential, rather than institutional, in character;

(iii) the building shall use existing topography to limit visibility impacts (e g., built into the hill),

(iv) the Applicant shall provide ample landscape buffer, especially with respect to the houses along Rockwood Parkway, down the hill to the south;

(v) the Applicant shall implement a plan for lighting (interior and exterior) that reduces visual impacts; and

(vi) noise-generating activities (e g , air conditioners) shall be enclosed or placed at the farthest point away from neighbors

(c) Project C shall include no more than 250 new permanent bleacher seats, constructed on the ground and arranged horizontally in three rows facing the nearby residences

(d) Projects D and E:

(i) the height of the buildings shall not exceed 60 feet and gross floor area shall not exceed 100,000 square feet for Project D or 80,000 feet for Project E,

(ii) the buildings shall be set back from Nebraska Avenue the same distance as Hurst Hall;

(iii) the Applicant shall provide trees and softscape to enhance the special character of Nebraska Avenue;

(iv) the Applicant shall work with District of Columbia agencies. Neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provision for widening Nebraska Avenue, using the University's property, to add a fifth lane for turning movements; and

(v) the Applicant shall design ramps to the parking garage under each building to minimize their impact on Nebraska Avenue traffic from turning movements.

(e) Project F.

(i) the building height shall not exceed 60 feet and gross floor area shall not exceed 100,000 square feet;

(ii) the Applicant shall implement a plan for lighting (interior and exterior) that reduces visual impacts;

(iii) the Applicant shall provide ample buffering and vegetation;

(iv) noise-generating activities (e.g., air conditioners) shall be enclosed or placed at the farthest point away from the residential area on University Avenue and the adjacent areas, and

(v) the Applicant shall utilize a quality design that minimizes visual impacts from residential areas to the west.

(f) Project H:

(i) the garage façade shall be constructed of a material that complements the design of adjacent buildings;

(ii) the Applicant shall implement a plan for lighting (interior and exterior) that reduces visual impacts, and

(iii) the Applicant shall allow use of the Sports Center garage for parking until an equal number of parking spaces are constructed and open to cars elsewhere on campus.

(g) Project J

(i) the building height shall not exceed 25 feet and gross floor area shall not exceed 10,000 square feet,

(ii) the Applicant shall utilize a high-quality building design that complements the Massachusetts Avenue corridor, and

(iii) the Applicant shall improve the landscape setting.

(h) Project K:

(i) The building height shall not exceed 20 feet and gross floor area shall not exceed 15,000 square feet;
(ii) the building design shall preserve the scale of the President's Office Building,
(iii) the integrity of the existing topography shall be protected,
(iv) the visual quality of the President's Office Building and setting shall not be adversely affected; and
(v) the project shall be designed with consideration of the Massachusetts Avenue visual corridor

(i) Project M (on Tenley Campus):
(i) The building height shall not exceed 40 feet and the building shall contain a maximum of 75 000 square feet of gross floor area;
(ii) The building shall include residential use and shall provide housing for a maximum of 200 students,
(iii) The underground parking garage shall contain a maximum of 200 parking spaces to supplement 25 surface parking spaces,
(iv) At least 34 parking spaces of the 225 spaces shall be designated for use by students residing at the Tenley Campus;
(v) The building shall be residential, rather than institutional, in design character,
(vi) The Applicant shall provide ample landscape buffer with open space,
(vii) The Applicant shall implement a plan for lighting (interior and exterior) that reduces visual impacts: and
(viii) Noise-generating activities (e g., air conditioners) shall be enclosed or placed at the farthest point away from neighbors

11 The University shall implement its "Neighborhood Action Program" to address off- campus conduct by students living in neighborhoods adjacent to the campus. This program shall include the following

(a) The University shall promote its "Good Neighbor Guidelines" through student workshops sponsored by the Off-Campus Housing Office.

(b) The University shall publicize its 24-hour crime reporting system, which includes a Crime Tips Hotline, a Public Safety non-emergency line, a Public Safety emergency line, and the phone number of the Dean of Students Office.

(c) Subject to applicable laws, in situations where a student's misconduct poses a substantial danger to themselves or others, or there is a violation of District of Columbia or federal law, the University shall seek to charge students under its Student Conduct Code. In all other cases, the University shall investigate and address student misconduct through procedures described in its Neighborhood Action Program, which include receiving and investigating complaints from neighbors, identifying whether the residents of particular property are university students; meeting with residents and informing them of University policies, Student Conduct Code violations, and legal consequences of such behavior; and contacting neighbors periodically to determine the status of the situation.

12 The Applicant shall direct its students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker if eligible to do so The Applicant shall direct its students to provide proof of compliance with D C registration requirements, if applicable, and shall withhold parking privileges from students who do not comply with D.C. registration requirements. Failure to abide by District law concerning registration of student vehicles shall constitute a violation of the Student Conduct Code.

13. The University shall adopt the following Campus Lighting Plan

(a) All new outdoor lighting fixtures shall be designed, located, and installed so as to avoid the extension of spotlights beyond the boundaries of the campus.

(b) All lighting fixtures installed inside new campus buildings shall be equipped with motion sensors that turn the lights off when not in use, except for lighting fixtures installed in common areas or in other locations where constant lighting is needed for security or other reasons.

(c) Spotlights and outdoor lighting, both new and existing, shall be directed inward, downward, and away from the campus perimeter, and shielded when necessary to avoid lighting on the outside of the perimeter, to avoid objectionable impacts on neighboring property

(d) Energy-efficient lighting shall be used to illuminate roadways, parking lots, pedestrian walkways, and building exits, in order to achieve legitimate security requirements. Such lighting shall be shielded to prevent spotlights from extending beyond the campus boundary.

(e) Additional landscape screening shall be installed along the west elevation of the Watkins Building to further buffer those views.

(f) Lighting at the rear of the Katzen Arts Center shall be minimized due to the absence of access points and shall be shielded downward, consistent with minimum requirements of security

14. The University shall implement the landscape plans submitted as Exhibits 93, 129, 151, and 213, including the proposed landscaping surrounding the interior ring road and the Katzen Arts Center. The University shall maintain all of the landscaped areas of the campus

15. To the extent that the University's athletic fields on the western edge of the campus are used for special events, such as graduation, homecoming, picnics, receptions, or charitable events, the special events shall be conditioned as follows.
(a) Number of events. The number of special events requiring sound amplification systems shall be limited to 12 per calendar year, unless an additional number is approved by the Liaison Committee. The University shall provide neighboring property owners with telephone numbers to reach appropriate representatives of its Public Safety Department, or the Dean of Students Office, to address concerns regarding noise and activity on the intramural athletic field.
(b) Notice The University shall use its best efforts to provide written, fax, or e-mail notice of special events - as far in advance as possible, but at least 30 days prior to an event - to residents in the vicinity of the athletic fields, to residents on Woodway Lane and University Avenue, and to any other residents who request notice or whose names are supplied to the University by the Liaison Committee

Events not requiring notice include intercollegiate or intramural sports events, informal athletic events, or similar recreational activities so long as such activities involve and are for the benefit of student teams or other groups of the University
(c) The University shall use its best efforts to avoid scheduling a special event for a date on which a neighbor has informed the University in advance that the neighbor is planning a party or other important occasion
(d) Guidelines: The University shall use its best efforts to observe the following guidelines relating to special events on the athletic fields:

(i)Special events will be conducted between the hours of 8:00 a.m. and dusk,

(ii)Sound amplification at special events produced by public address systems, loudspeakers, bullhorns, musical amplifiers, or other similar devices for the intensification of sound shall not be permitted unreasonably to interfere with or disturb neighbors' enjoyment of their property or with the University's academic or administrative activities;

(iii)Vehicles essential for servicing the special events may park in the western parking area closest to the field, but only if other parking locations are not feasible, and in no event shall service vehicles park next to adjacent residences,

(iv)If an unauthorized special event (an event not scheduled by the University) occurs, neighbors may contact the designated University staff contact person, and

(v)Guidelines shall be provided to, and made part of, any arrangement between the University and the organization sponsoring the special event or the department or student group sponsoring the event.

16 At the time the University files a permit application with the Department of Consumer and Regulatory Affairs for ground clearance, excavation, or other major construction that would implicate remedial work performed at or around the campus by the Army Corps of Engineers, the University shall provide notification to the D C Department of Health, the Army Corps of Engineers (Baltimore Office), and the U.S. Environmental Protection Agency, Region 3, that the University intends to undertake such activities.

17. No special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has consistently remained in substantial compliance with Conditions 1 through 16 set forth in this Order Any violation of a condition of this Order shall be grounds for the denial or revocation of any building permit or certificate of occupancy applied for by, or issued to, the University for any University building or use approved under this plan, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Official Code §§ 2-1801.01 to 2-1803.03 (2001)

18. The Applicant shall prepare a revised campus plan that is consistent with this Order, accompanied by a table of changes that lists each page on which a change appears and describes each change. The Applicant shall submit an original and 10 copies of the revised plan to the Commission no later than 90 days from the effective date of this Order, and shall, on the same day, serve a copy of the revised plan and table of changes on each party to this proceeding. Each party

shall have 30 days in which to submit to the Commission, and to serve on all other parties, its comments on the Applicant's proposed changes Comments on the revisions shall be strictly limited to whether the revisions correctly and clearly reflect the Order. After review of the Applicant's proposed revised plan and the parties' comments, the Commission shall determine whether further proceedings are warranted or shall certify the revised plan as the approved campus plan The revised plan shall be deemed approved 60 days after submission, absent action by the Commission before that date. Copies of the approved plan shall be maintained in the Office of Zoning and the Office of the Zoning Administrator.

Attachment 2: Z.C. Order No. 949A Conditions of Approval

19 The University (a) shall install a chain barrier closing the western campus road to vehicular traffic, with the exception of vehicles that need access for emergency or maintenance purposes, until the western road is removed, as shown in the Campus Plan, (b) shall not install gate controls at the entrances of parking garages with vehicular access from Massachusetts or Nebraska Avenue, (c) shall maintain the perimeter fence and gates adjoining the residential neighborhoods, and (d) shall continue to provide access cards for neighboring residents in accordance with the procedure implemented pursuant to the 1989 Campus Plan