Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

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

FROM: Sharon S Schellin
Acting Secretary to the Zoning Commission

DATE: October 13, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on October 21, 2005

1 Z C. Notice of Filing (Case No 05-33),
2 Z C Order No. 05-16 (Case No 05-16),
3 Z C Order No. 04-37 (Case No 04-37); and
4 Z C Notice of Final Rulemaking & Z.C. Order No 04-16 (Case No. 04-16)

The Final Rulemaking is also included on the enclosed diskette

Attachments

2005 OCT 13 PM 12:09

Office of Documents and Administrative Issuances

BZA
Case No. 05-16
Exhibit No. 20

ZONING COMMISSION
District of Columbia
CASE NO.05-16
EXHIBIT NO.20

ZONING COMMISSION ORDER NO. 05-16
Z.C. Case No. 05-16
(American University – Addition to the Kogod School of Business & New Lecture Hall Special - Exception & Further Processing Pursuant to An Approved Campus Plan)
September 1, 2005

Application No 05-16 of American University (the "Applicant"), pursuant to §§ 3104 1 and 210 for special exception approval of a further processing application of an approved campus plan for an addition, consisting of approximately 2,173 square feet of gross floor area, to the Kogod School of Business and the New Lecture Hall on the Main Campus of American University in the R-5-A District at premises 4400 Massachusetts Avenue, N W (Lot 1 in Square 1600)

HEARING DATE: September 1, 2005

DECISION DATE: September 1, 2005 (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, by mail to Advisory Neighborhood Commission ("ANC") 3D, and to owners of property within 200 feet of the site The Main Campus of American University is located solely within the jurisdiction of ANC 3D.

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 college or university use in the R-5-A District No person or party testified in opposition to the application at the public hearing and there was no evidence in the record of any opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party

The DC Office of Planning, in a report dated August 18, 2005 and submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the application ANC 3D submitted a letter to the Zoning Commission, dated July 25, 2005, supporting the application as the proposed addition would serve university space

needs, is in keeping with the approved Campus Plan, does not include a request for additional students, and will not cause an increase in campus related traffic

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 as being 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 the use of neighboring property in accordance with the Zoning Regulations and Map The Commission notes, and gives great weight to, the recommendation of the Office of Planning that the application satisfies the requirements of § 210 The Commission notes, and gives great weight to, the recommendation of ANC 3D that the proposed application will not adversely affect the use of neighboring property as the proposed building addition is located on the interior of the campus, and the application does not propose an increase in student enrollment, nor its it likely to increase campus related traffic on adjacent streets

Accordingly, it is **ORDERED** that the application be **GRANTED.**

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 4-0-1 (Carol J Mitten, Anthony J Hood, Kevin L. Hildebrand, and John G Parsons to approve, Gregory N Jeffries, having not participated, not voting)

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

FINAL DATE OF 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

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