Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 05-16

As Secretary to the Zoning Commission, I hereby certify that on OCT 19 2005 copies of this Z C Order No 05-16 were mailed first class, postage prepaid or sent by inter-office government mail to the following

1 D.C Register

2 Allison C Prince, Esq
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N W
Washington, D.C 20037-1128

3 Alma Gates, Chair
ANC 3D
P O Box 40846 - Palisades Station
Washington, DC 20016

4 Commissioner Sara Shapley
ANC/SMD 3D02
4710 Upton Street, N W.
Washington, D C 20016

5 Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N W
Washington, D C 20004

6 Councilmember Kathleen Patterson

7 Office of Planning (Ellen McCarthy)

8. Ken Laden, DOT

9. Zoning Administrator

10. Julie Lee
General Counsel
941 North Capitol Street, N E
Suite 9400
Washington, D C 20002

11 Office of the Attorney General (Alan Bergstein, Esq)

ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Acting Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
CASE NO. 05-16
EXHIBIT NO. 21

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION



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.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: OCT 13 2005

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-