**BEFORE THE ZONING COMMISSION**
**OF THE DISTRICT OF COLUMBIA**

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**Application of the American University**

**Z.C. Case No. 05-____**
**ANC 3D**

**Campus Plan Further Processing Application**
**for a Minor Addition to the Kogod School of Business**

## PRELIMINARY STATEMENT OF THE APPLICANT

## I.

## NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR § 3104 and in accordance with §210 of the Zoning Regulations, American University (hereinafter "**AU**" or "**Applicant**") requests special exception approval for the further processing of an approved Campus Plan to permit the construction of a minor addition to the existing Kogod School of Business. The proposed addition will connect the Kogod School of Business and the adjacent New Lecture Hall so that they may be used as a single integrated facility. The connection will occur at a terrace level, and the first and second floors of both buildings. The entire proposed addition only consists of approximately 2,173 square feet of gross floor area.

No variances are requested in this application, and the requested special exception relief fully meets the requirements of the Zoning Regulations. Due to the minor nature of this addition, AU respectfully requests that the Commission expedite its consideration of this application.

## II. HISTORY AND STATUS OF THE CAMPUS PLAN

AU submitted its proposed Campus Plan for the period 2000 through 2011 (the "**Campus Plan**") to the DC Board of Zoning Adjustment on August 24, 2000. Thereafter, responsibility for the review and approval of campus plans and further processing applications was transferred

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to the DC Zoning Commission ("**Commission**"). The Zoning Commission approved the Campus Plan and three further processing applications (the construction of the Katzen Arts Center, an addition to the Mary Graydon Center, and the enclosure of the campus road under Butler Pavilion) on January 8, 2002 pursuant to Z.C. Order No. 949. On April 30, 2002, the Zoning Commission issued Order No. 949-A which restated the Commission's intent that the bleacher seats approved in the Campus Plan were to face the athletic fields, and adopted a new condition of approval that included certain commitments of AU that were offered during the public hearing process that were not included in Order No. 949.

Subsequently, the Commission's approval of the Campus Plan was appealed to the DC Court of Appeals. The Court of Appeals upheld the Commission's approval of the Campus Plan as rational, supported by substantial evidence in the record, and compliant with legal requirements in all but one respect. The Court of Appeals remanded the case to allow the Commission to articulate with particularity its reasons for declining to follow the recommendation of ANC 3E and ANC 3D that AU be required to place parking stickers in all AU-related vehicles.

## III.
## REQUESTED SPECIAL EXCEPTION - PROPOSED ADDITION TO KOGOD SCHOOL OF BUSINESS

AU plans to construct a minor addition to connect the Kogod School of Business to the New Lecture Hall and add new classrooms on the second floor of the New Lecture Hall (the "**Project**"). A map of the AU Campus (showing the location of the Kogod School of Business and the New Lecture Hall), plans, and elevations of the Project are attached as Exhibit A. The Project will add approximately 2,173 square feet of gross floor area to the combined area of the two existing structures. The requested further processing approval will allow students, faculty,

and staff of the business school to travel from the Kogod School of Business to the New Lecture Hall without being exposed to the elements. It will also provide new lobbies and a lounge for students, faculty, and staff, as well as new classrooms on the second floor of the existing New Lecture Hall building. In addition, a new entrance will be created at the north end of the New Lecture Hall Building.

## IV.

## JURISDICTION OF THE COMMISSION

Effective December 8, 2000, the authority to hear and decide new campus plan and further processing applications became exclusively vested in the Zoning Commission pursuant to 11 DCMR § 3035. Each case is processed and heard under the special exception provisions of §210 of the Zoning Regulations. Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Commission must consider only whether the relevant conditions and special exception criteria have been met. If the applicant meets its burden, the Commission ordinarily must grant the application . *See First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment,* 432 A.2d 965 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment,* 305 A.2d 516, 518 (1978).

In recent decisions, the DC Court of Appeals has reaffirmed the Commission's jurisdiction and scope of review in campus plan cases and has made clear that in reaching its decision the Commission may take into consideration such factors as institutional necessity. *See, e.g., Draude v. District of Columbia Board of Zoning Adjustment,* 582 A.2d 949, 955 (1990). Further, the Court of Appeals has distinguished the broader public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

## V.

## COMPLIANCE WITH THE REQUIREMENTS OF §210

In all respects, the requested special exception fully complies with §210 of the Zoning Regulations. The specific zoning requirements are addressed in detail below.

### A. College or University Which is an Academic Institution of Higher Learning (Subsection 210.1)

AU was chartered by an Act of Congress in 1893 and founded under the auspices of the United Methodist Church. AU's use of the property qualifies as a college or university use in accordance with §210 of the Zoning Regulations.

### B. The Use is Located so that it is Not Likely to Become Objectionable to Neighboring Property (Subsection 210.2)

The Project is a minor addition that will have virtually no impact on neighboring properties and will not cause objectionable noise, traffic, number of students, or other objectionable conditions. The Project will add only 2,173 square feet of gross floor area to the overall Campus Plan by connecting two adjacent buildings that are both currently used as academic/administrative space. Furthermore, it will be used by existing AU students, and will not generate a significant amount of traffic. It will generate no additional noise. No other changes to existing campus uses or facilities or to the campus boundaries are proposed, nor is AU proposing any changes to its enrollment or staff numbers.

### C. Compliance with the Maximum Bulk Requirements (Subsection 210.3)

AU's overall FAR is 0.55, which is well below the 1.8 FAR permitted under the Zoning Regulations. It should be noted that since the AU Campus Plan was approved, AU has added a net of approximately 6,059 square feet of academic/administrative space as a result of the demolition of several facilities and the construction of the Katzen Arts Center. Therefore, even

with the addition of 2,173 square feet of gross floor area proposed in this further processing application, the FAR will remain 0.55.

**D. Submission of a Plan for Developing the Campus as a Whole (Subsection 210.4)**

As noted above, AU's Campus Plan was approved by the Zoning Commission on January 8, 2002 and April 30, 2002. No changes to the Campus Plan are proposed as part of this amendment application.

**E. No Interim Use of Land is Proposed (Subsection 210.5)**

No interim use of land is requested as part of this campus plan.

**F. No New Use Sought for Approved Site of Buildings Moved Off Campus (Subsection 210.6)**

AU does not seek approval for any use of a previously approved building site and thus complies with this section.

**G. Compliance with the Policies of the District Elements of the Comprehensive Plan (Subsection 210.7)**

The Project is not inconsistent with the policies of the District Elements of the Comprehensive Plan. The Project will further the goals and objectives of the Ward 3 Element of the Comprehensive Plan by enhancing educational facilities in the Ward without adversely impacting adjacent residential areas.

**H. The Proposed Buildings Are within the Floor Area Limit for the Campus as a Whole (Subsection 210.8)**

The existing Campus Plan FAR of 0.55 is within the permitted 1.8 FAR prescribed for the residentially zoned portions of the campus. As noted above, the additional square footage proposed by this application will have a negligible effect on the overall FAR for the campus.

## I. Referral to the District of Columbia Office of Planning and the District of Columbia Department of Public Works (Subsection 210.9)

This application will be referred to the Office of Planning and DDOT for their review and report.

## VI.
## EXHIBITS

Exhibit A: Campus Map and Plans/Elevations of the Project.

## VII.

## WITNESSES

1. Representative of AU.

2. Representative of architect, Hartman-Cox Architects.

## VIII.
## CONCLUSION

For the reasons stated above, this application meets the special exception requirements and carries out the city's and the community's objectives for AU's campus. Accordingly, it is respectfully requested that the Commission approve the application.

Respectfully submitted,

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By _____
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