BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA

Application of the American University

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

Campus Plan Further Processing Application for Construction of the New School of International Service ("SIS") Building

2005 AUG 17 PM 3:07
GOVERNMENT OF THE DISTRICT OF COLUMBIA

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 the new School of International Service ("**SIS**") Building. The proposed new SIS Building will be located on AU's main campus along Nebraska Avenue on a portion of the campus that is presently used as a surface parking lot. No variances are requested in this application, and the requested special exception relief fully meets the requirements of the Zoning Regulations.

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 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

ZONING COMMISSION
CASE No. 05-27
EXHIBIT No. 8
ZONING COMMISSION
District of Columbia
CASE NO.05-27
EXHIBIT NO.8

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 NEW SIS BUILDING

SIS was founded in 1957 and has been headquartered in the same building since its inception. The current SIS enrollment includes approximately 1,150 undergraduate students and approximately 925 graduate students that are from approximately 150 countries. The existing SIS building includes approximately 11,586 square feet which is not sufficient to meet the programmatic and physical space needs of SIS. Currently, SIS faculty are spread throughout other buildings on the campus. The need for a new SIS building was identified in the 1989 Campus Plan but was never built. The 2000 Campus Plan once again noted the need for the development of a new SIS facility.

The proposed new SIS Building will allow the school to conduct virtually all of its activities in its own building, providing flexibility to better support its academic program. It will

also support the program by making available much higher quality facilities. These new facilities will help improve the school's competitive position among similar schools at other universities.

The building will contain eight classrooms, seven conference and meeting spaces, offices for the approximately 70 faculty and support staff, as well as informal gathering areas. It will be located along Nebraska Avenue at the approximate location of where New Mexico Avenue intersects Nebraska Avenue. That site currently is improved with a surface parking lot. During the Campus Plan process the Applicant anticipated the need to tear down the existing SIS building in order to construct the new SIS Building. As previously mentioned, the new SIS Building will be located on an existing surface parking lot adjacent to the existing SIS building. The surface parking lot provides approximately 75 parking spaces. The existing SIS building will be renovated and maintained for general university use as classrooms and offices.

As depicted in the plans, sections, and elevations attached as Exhibit A, the new SIS Building will include three floors above-grade (and a terrace level below-grade), will have a maximum building height of 48 feet, and will include approximately 65,400 square feet of gross floor area. Two levels of below-grade parking will provide approximately 300 parking spaces. The entrance to the parking garage will be from a curb cut on Nebraska Avenue that aligns with the existing New Mexico Avenue/Nebraska Avenue intersection. The entrance to the parking garage has been setback a considerable distance from Nebraska Avenue in order to prevent any adverse traffic impacts on Nebraska Avenue from cars waiting to enter the parking garage. No gate or ticket booth will impede cars from entering the parking structure in a timely and efficient manner.

The appearance of the new SIS Building along Nebraska Avenue will be reminiscent of

numerous existing buildings on Campus, with an updated architectural treatment. The façade will consist of precast concrete in a buff color with punched windows. The entrance to the parking garage on Nebraska Avenue will be visually buffered through landscaping and hardscape materials. The exterior of the new SIS Building facing the Campus Quadrangle will provide an open and inviting presence at this end of the Campus. The façade will include large glass windows showcasing a rounded entry rotunda. The building's interior includes a large glass enclosed atrium with numerous areas for student interaction and small group meetings. A café terrace will also be created at the ground floor in the area between the proposed SIS Building and the Bender Library.

The proposed new SIS Building will also provide numerous environmentally sensitive features, including:

- The collection and storage of rainwater from the roof into a cistern for landscape irrigation use;
- The potential for future generation of renewable energy on site with roof mounted thin film photovoltaics;
- The optimization of window and skylight locations to bring daylight deep into the building, reducing the need for artificial lighting;
- The connection of indoor and exterior landscaping using similar plantings and water elements;
- The provision of fresh air into offices through the use of operable windows, the creation of natural air flows within the building using ventilated skylights and mechanical penthouses; and
- An extensive vegetated roof, which slows stormwater runoff and provides thermal insulation for the 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 (D.C. 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 proposed new SIS Building will not cause objectionable conditions to neighboring properties related to noise, traffic, number of students or other objectionable conditions. The location of the new SIS Building is not near any residential properties, and no student enrollment increase will directly result from this application. In fact, the proposed new SIS Building is considerably smaller than what the 2000 Campus Plan approved for this use. As noted above, the new SIS Building will have a maximum building height of 48 feet and a maximum gross floor area of approximately 65,400 square feet. The 2000 Campus Plan approved a building with a maximum height of 60 feet and a maximum gross floor area of 100,000 square feet. The new SIS Building will maintain the same significant setback from Nebraska Avenue as the current buildings on AU's main campus.

The Applicant has engaged the HNTB Corporation to be the traffic and parking consultant for this project. Attached as Exhibit B, is an Executive Summary of the Transportation Analysis of the SIS Parking Facility, Future Conditions Assessment. Based on studies of existing traffic operations on streets surrounding AU and parking behavior at AU lots, HNTB concludes that development of the new SIS Building at this location will produce no significant change on surrounding traffic operations. HNTB determined that, with the increase of parking spaces on the AU Campus, no increase in pressure on off-campus parking is anticipated. HNTB also noted that, with proper site design, the new SIS Building and its parking facilities will not interfere with pedestrians crossing Nebraska Avenue.

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 2000 AU Campus Plan was approved, AU has

added a net of approximately 46,059 square feet of academic/administrative space as a result of the demolition of several facilities and the construction of the Katzen Arts Center[1]. The addition of 65,400 square feet of gross floor area proposed in this further processing application, will increase the total FAR of the Campus to 0.57.

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 application. The approved Campus Plan referred to the new SIS Building as "Project D". The Campus Plan included the following conditions/guidelines for the development of the new SIS Building:

- The height of the building should not exceed 60 feet and the gross floor area should not exceed 100,00 square feet;
- The building should be setback from Nebraska Avenue the same distance as Hurst Hall;
- The Applicant shall provide trees and softscape to enhance the special character of Nebraska Avenue;
- The Applicant shall work with D.C. 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 provisions for widening Nebraska Avenue, using AU's property, to add a fifth lane for turning movements; and
- The Applicant shall design ramps to the parking garage under the building to minimize the impact on Nebraska Avenue traffic from turning movements created as a result of this project.

The Applicant has designed the new SIS Building based on the pertinent conditions/ guidelines noted above. The Applicant will continue to work with D.C. Agencies, neighboring property owners and the community to determine whether it is beneficial to widen Nebraska

[1] AU currently has a further processing application pending with the Zoning Commission for a minor addition to the Kogod School of Business. This minor addition includes only 2,173 square feet and has only a negligible impact on the total FAR of the AU Campus.

Avenue.

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 new 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 increase the overall FAR for the campus to only 0.57.

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: Plans/elevations/sections of the new SIS Building.

Exhibit B: Executive Summary of the Transportation Analysis of the SIS Parking Facility, Future Conditions Assessment, prepared by HNTB Corporation.

VII.

WITNESSES

1. Representative of AU.

2. Representative of architect, Quinn Evans Architects.

3. Representative of landscape architect, EDAW

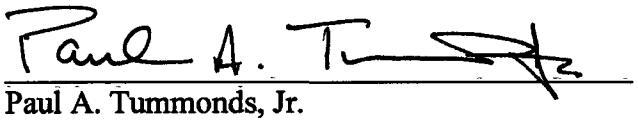
4. Representative of traffic and parking consultant, HNTB Corporation.

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.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP

By 

Paul A. Tummonds, Jr.
Land Use Counsel for American University

Document #: 1490038 v.2