

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 06-43

As Secretary to the Commission, I hereby certify that on JUL 16 2007 copies of this Z.C. Order No. 06-43 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|---|
| 1. <i>D.C. Register</i> | 6. Councilmember Mary Cheh |
| 2. Paul Tummonds Jr., Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 7. Office of Planning (Harriet Tregoning) |
| 3. Rachel Thompson, Chair
ANC 3D
P.O. Box 40846
Washington, DC 20016 | 8. DDOT (Ken Laden) |
| 4. Commissioner Tom Smith
ANC/SMD 3D02
4601 Tilden Street, NW
Washington, DC 20016 | 9. Acting Zoning Administrator (Matt LeGrant) |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 10. Jill Stern, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 11. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY:


Sharon S. Schellin

Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 06-43

EXHIBIT NO. 21

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO. 06-43
EXHIBIT NO. 21

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



ZONING COMMISSION ORDER NO. 06-43

Z.C. Case No. 06-43

**(American University – Special Exception Application for Further Processing of an
Approved Campus Plan)**

March 15, 2007

Application of American University (hereinafter “AU” or “Applicant”), pursuant to 11 DCMR § 3104.1 and in accordance with § 210 requesting special exception approval for the further processing of an approved campus plan to permit the renovation of the existing McKinley Building. This renovation will allow the McKinley Building to become the new home to the School of Communication. The renovation will include the demolition and rebuilding of a portion of the building and includes the expansion of the building, primarily underground. The entire proposed renovation will result in approximately 3,152 square feet of new gross floor area.

HEARING DATE: March 15, 2007

DECISION DATE: March 15, 2007 (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 campus of AU is located 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 a college or university.

AU plans to renovate the McKinley Building so it may house the School of Communication. The three nationally-recognized academic programs that make up the School of Communication are Journalism, Public Communication, and Film and Media Arts, and each program shares, almost equally, approximately 900 undergraduate majors and 300 graduate students enrolled in the school. These programs are currently located among three non-contiguous buildings on the AU campus. The requested further

processing approval will allow students, faculty, and staff of the School of Communication to be consolidated. This proposal will provide flexible and contiguous space for faculty and staff offices; seminar rooms and classrooms; and specialized production, research, and office space. No increases in student enrollment or faculty levels are expected as a result of this application.

AU's Campus Plan was approved by the Zoning Commission on January 8, 2002 (Order No. 949), April 30, 2002 (Order No. 949-A), and October 17, 2005 (Order 949-B). No changes to the Campus Plan are proposed as part of this special exception application. The approved Campus Plan density of 0.59 FAR is within the permitted 1.8 FAR prescribed for the residentially-zoned campus. The additional square footage proposed by this application will have a negligible effect on the overall FAR for the campus.

The D.C. Office of Planning ("OP"), in a report dated February 26, 2007, concluded that the application is in conformance with the provisions of § 210. OP recommended approval of the application as submitted, subject to any recommendations from the District Department of Transportation ("DDOT") based on the conclusions of a traffic study that DDOT requested from the Applicant. DDOT, in a report dated March 15, 2007, recommended approval of the application and agreed with the Applicant's traffic analysis, prepared by the HNTB Corporation, which concluded that the project will not have a perceptible impact on traffic.

ANC 3D submitted a letter in support of the application, dated February 27, 2007, subject to five conditions. The Commission finds that the Applicant adequately addressed each of these conditions by providing the following information:

1. The Applicant submitted a document that outlined how it makes housing available for eighty-five percent of its full-time freshmen and sophomore students and for two-thirds of all full-time undergraduate students, consistent with the requirements of Condition No. 4 of Z.C. Order No. 949-B.
2. The Applicant agreed to expand the Liaison Committee to include the Chairpersons of both ANC 3C and 3F and to seek input on which additional community organizations should be represented at this group. The Applicant noted that this will be effective for the next Liaison Committee Meeting, expected to occur in late spring, 2007.
3. The Commission agrees that, due to the small size of the addition to the McKinley Building, the size of the proposed theater (approx. 200 seats – replacing a theater in the Mary Graydon Center that included 100 seats), the relocation of existing uses and programs from other buildings on the Main Campus, and the fact that no increases in the number of students or faculty

are proposed as a result of this project, it is not necessary to undertake a comprehensive traffic analysis for this application. The Commission notes that the HNTB Corporation, the Applicant's transportation consultant, concluded that a new traffic analysis is unwarranted because of traffic effects of the proposed addition to the McKinley Building will be minimal. The Commission also notes that DDOT agreed with this conclusion.

4. In regard to off-campus student conduct, the Applicant noted that it has an action plan in place that has proved effective in addressing off-campus student behavior. The Applicant further noted that it will work with affected ANCs and neighborhood groups to continue to improve the effectiveness of the plan and to improve communication about the plan.
5. In response to a proposed condition regarding dealing with off-campus fraternities, the Applicant noted that it provides fraternities opportunities for activity and living space within its residence halls. There are no off-campus fraternity houses sanctioned by AU or the fraternities' respective national organizations. The off-campus conduct of students who are members of fraternities is addressed by the Neighborhood Action Program. The Applicant also noted that it will help neighboring residents report violations to the appropriate District of Columbia authorities.

Based upon the record before it, 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 special exception 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 reports of OP and DDOT that the application satisfies the requirements of § 210. The Commission also notes and gives great weight to ANC 3D's conditioned support for AU's application. The Commission believes that the Applicant has adequately addressed all of the conditions proposed by ANC 3D.

It is, therefore, **ORDERED** that the further processing 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, Gregory N. Jeffries, John G. Parsons, Anthony J. Hood to approve; Michael Turnbull, 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: JUL 20 2007

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 § 3125.6, 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 § 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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.