

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
4400 Massachusetts Avenue, NW	1600	1	R-5-A	Special Exception	210

Present use(s) of Property: **American University**

Proposed use(s) of Property: **American University**

Owner of Property: **American University**

Telephone No: **202-885-2744**

Address of Owner: **4400 Massachusetts Avenue, NW, Washington, DC, 20016**

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: **Application for special exception approval of a further processing application of an approved campus plan for the partial renovation and reconstruction of the McKinley Building as the new home for American University's School of Communication.**

Estimated construction cost

\$ N/A

Advisory Neighborhood Commission
Single-Member District(s)

ANC 3D

Date:

October 16, 2006

Signature:

Paul A. T. [Signature]
Applicant*

*** The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.**

**To be notified of hearing and decision:
(Owner or Authorized Agent*)**

Name: **Paul A. Tummonds, Jr., Pillsbury Winthrop Shaw Pittman, LLP**

Address: **2300 N St., NW, Washington, DC 20037**

Phone No.: **202-663-8873**

Fax No.: **202-663-8007**

E-Mail: **ZONING COMMISSION**

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

EXHIBIT NO. **4** **ZONING COMMISSION**

District of Columbia
CASE NO.06-43
EXHIBIT NO.4

06-43

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted. *Do not mail this form to the Board of Zoning Adjustment.*

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.
3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees (11 DCMR 3180).
4. **REQUIRED information to be submitted when making an application submission, includes *one (1) original and twenty (20) copies of the following (except for labels of which (1) original and (1) copy is required):***
 - A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)
 - C. A detailed statement of existing and intended use of such building or part of building.
 - D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - E. Three color photograph views of appropriate size, not-to-exceed 8½" x 11", showing pertinent features of the building and the property involved (front, rear and sides, if possible).
 - F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capitol Street, N.E., 1st Floor, Washington, D.C. 20002.)
 - G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.
 - H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provide a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7602.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
4400 Massachusetts Avenue, NW	1600	1	R-5-A	ANC 3D

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/> §3103.2 - Use Variance	<input type="checkbox"/> §3103.2 - Area Variance	<input checked="" type="checkbox"/> §3104.1 - Special Exception
Pursuant to Subsections			210

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

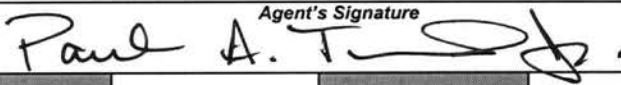
- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature		Owner's Name (Please Print)	
		Paul A. Timmonds, Jr.	
Date	10/16/06	D.C. Bar No.	452020
or		Architect	Registration No.

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

<input type="checkbox"/>	Accepted for filing.
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <input type="checkbox"/> DCMR Title 11 §3113.2; or <input type="checkbox"/> DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	
Jerrily R. Kress, FAIA – Director District of Columbia Office of Zoning		441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001 (202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov	

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	N/A	N/A	N/A	N/A	N/A
Lot Width (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Lot Occupancy (building area/lot area)	N/A	N/A	N/A	N/A	N/A
Floor Area Ratio (FAR) (floor area/lot area)	0.56	N/A	1.8 Total Campus	+3,152 SF 0.59	N/A
Parking Spaces (number)	N/A	N/A	N/A	N/A	N/A
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Side Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Court, Open (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., May 16, 2005

Plat for Building Permit of SQUARE 1600 LOT 1

Scale: 1 inch = 200 feet Recorded in Book 133 Page 12

Receipt No. 19452

Furnished to: PWSP

Robert F. Smith
Surveyor, D.C.

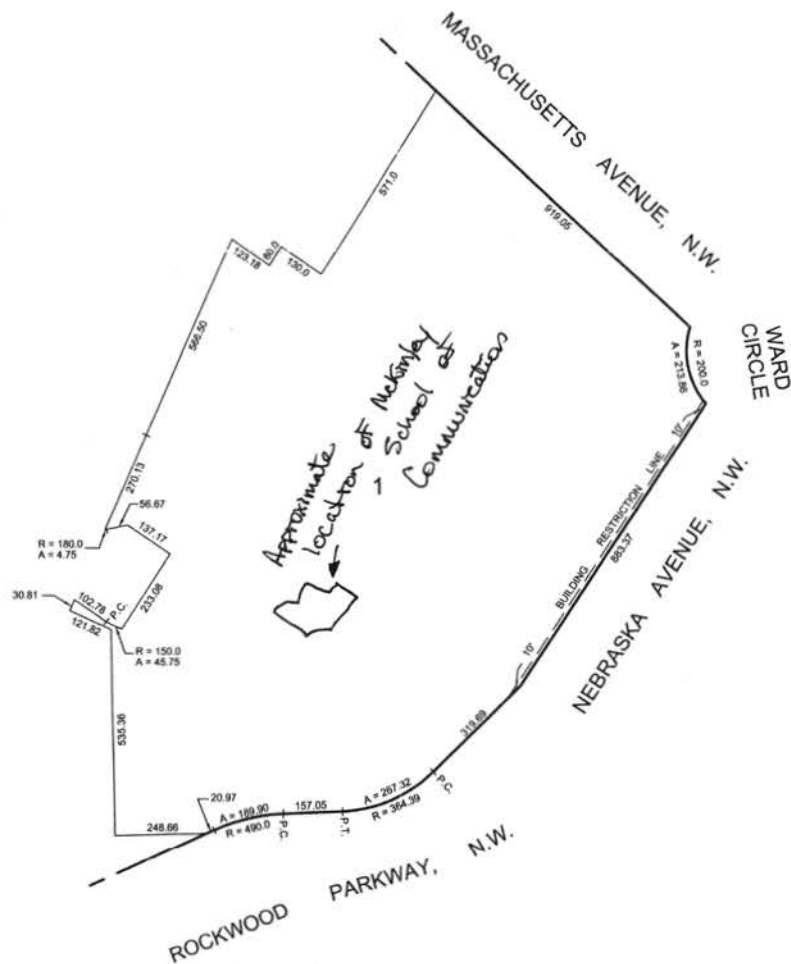
By: L.E.S. *AD*

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or both shown, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon are correct, and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be required in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rise of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or lots, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





AMERICAN UNIVERSITY

W A S H I N G T O N , D C

October 17, 2006

Zoning Commission
441 4th Street, NW
Room 210
Washington, DC 20001

Re: Further Processing Application For the Partial Renovation and
Reconstruction of the McKinley Building on the American University
Campus, 4400 Massachusetts Avenue, NW

Honorable Members of the Commission:

This is to authorize the law firm of Pillsbury Winthrop Shaw Pittman, LLP to represent us in all proceedings before the Zoning Commission concerning the above-referenced application.

Very truly yours,

Jorge J. Abud
Assistant Vice President of
Facilities and Administrative Services

STATEMENT OF EXISTING AND INTENDED USE

The American University campus will continue to be used as an educational institution with undergraduate and graduate programs and accessory uses thereto. The proposed renovation to the McKinley Building will be consistent with the Campus Plan as a whole and the designation of these buildings for academic/administrative use. The existing and proposed use falls within the higher education use category of Section 210 of the Zoning Regulations.

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

Application of American University

**Z.C. Case No. 06-
ANC 3D**

**Campus Plan Further Processing Application for
an Addition to the McKinley School of Communication**

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 renovation of the existing McKinley Building. The building currently houses the departments of Computer Science, Audio Technology, and Physics. This proposed 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 which is wood frame and whose floors do not align with the rest of the building. It also includes the expansion of the building, primarily underground. The entire proposed renovation will consist of approximately 3,152 square feet of new gross floor area.

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 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 (the “**Order**”) 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. On October 17, 2005, the Zoning Commission issued Order No. 949-B which reaffirmed its decision in Z.C. Order No. 949 Z.C. and Order No. 949-A not to adopt the recommendations of ANC’s 3D and 3E to require the University to use parking stickers as part of its off-campus parking enforcement program.

III. REQUESTED SPECIAL EXCEPTION - PROPOSED RENOVATION OF THE MCKINLEY BUILDING

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 in one central area. This will provide flexible and contiguous space for faculty and staff offices; seminar rooms and classrooms; specialized production, research, and office space. No increase in student

enrollment or faculty levels are expected as a result of this application.

In addition, the renovation is needed to meet the needs of the academic programs, including a soundstage for film, video and photography production, a converged newsroom, machine and storage room, and a green room to accompany the newsroom (the “Project”). A map of the AU Campus (showing the location of the McKinley Building), plans, and elevations of the Project are attached as Exhibit A. The Project will add approximately 3,152 square feet of new gross floor area to the existing structure. Essential to the renovation of the McKinley Building will be the blending of two overriding themes: honoring education through preservation of the building’s magnificent historical façade and celebrating free expression – past and future – through a renovation providing light, transparency, and openness that supports creative and productive activity. Given the speed and unpredictability with which technology changes, all classrooms, studios, offices, and labs will be designed with maximum flexibility in mind, so that new technology can be quickly and effectively incorporated with minimal cost and renovation. In addition, a new entrance will be created so that students will be able to access the new School of Communication through the Friedheim quad.

IV. 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 renovation and 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 3,152 square feet of new gross floor area to the overall Campus Plan by renovating the existing McKinley Building to include additional public, educational, student, faculty and 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 campus FAR is 0.56, 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 64,305 square feet of academic/administrative space as a result of the demolition of several facilities, the construction of the Katzen Arts Center. The previously approved additions to the Mary Graydon Center, addition to the Kogod School of Business and the construction of the new School of International Service will add another 107,573 square feet, when completed. If these projects are constructed to their approved area, the total net increase would be 171,878 square feet of gross floor area.

During the preparation of this application, the Applicant became aware that the Campus Plan's calculation of the existing FAR does not include the McKinley Building's attic. The existing attic accounts for 9,695 square feet of gross floor area of the McKinley Building. Therefore, even with the addition of 12,847 ($3,152 + 9,695$) square feet of gross floor area to the campus, the total FAR of the campus will be 0.59.

**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 special exception 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 approved Campus Plan FAR of 0.59 is within the permitted 1.8 FAR prescribed for the residentially zoned 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)**

It is the Applicant's understanding that this application will be referred to the Office of Planning and District Department of Transportation for their review and report.

V. COMPLIANCE WITH ZONING COMMISSION ORDER NO. 949-B

Condition No. 17 of Order No. 949 provides, in part:

No special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has consistently remained in substantial compliance with Conditions 1 through 16 set forth in this Order.

As set forth below, AU has consistently remained in substantial compliance with these conditions.

Condition No. 1 – Approval of the Campus Plan shall be until August 15, 2011.

The approved Campus Plan is still in effect.

Condition No. 2 – The approved Campus Plan boundary shall be as shown in the approved Campus Plan.

The proposed special exception application does not seek any amendment to the approved Campus Plan boundaries.

Condition No. 3 – The maximum student enrollment (headcount) shall not exceed 10,600 students and the full-time equivalent shall not exceed 9,250 students. The number of employees shall not exceed 2,200.

Student enrollment headcount as of Fall of 2006 was 9,805 and 8,707 full time equivalent. The faculty and staff population headcount is 1,662.

Condition No. 4 – AU shall maintain a supply of on-campus housing sufficient to make housing available for 85% of its full-time freshman and sophomore students (headcount) and for two-thirds of all full-time undergraduates (headcount).

AU currently has an on-campus housing supply of approximately 3,400 student beds. In the Fall of 2006, AU enrolled 2,996 full-time freshman and sophomore students and 5,534 full-time undergraduates. AU therefore has on-campus housing available for 100% of its freshmen and sophomores and 61% of all undergraduates. AU has for many years been able to provide housing for all undergraduate students that requested housing. This has been accomplished by converting double rooms to triple rooms in dormitories on campus, when necessary, and

increasing its housing supply by leasing the Park Bethesda apartment building for use as student housing. Park Bethesda is located at 5325 Westbard Avenue in Bethesda, Maryland – approximately 2 miles from the AU main campus. Park Bethesda provides approximately 580 beds for primarily juniors and seniors. A free shuttle bus runs between Park Bethesda and main campus every 30 minutes. Although Park Bethesda is not located on campus, it provides additional housing for AU undergraduates and reduces the likelihood of students living in the neighborhoods surrounding the AU campus. With the lease of Park Bethesda, AU has created a more attractive option for upper classmen that will encourage them to seek university-owned housing. If the 580 beds available in Park Bethesda are counted as on-campus housing available to undergraduates, AU has the ability to house more than 67% of its undergraduates in university operated housing. Therefore, the Applicant believes that it is in substantial compliance with this condition.

Condition No. 5 – Campus Facilities built for instructional purposes may, from time to time, be used for conferences.

AU presents several high profile public programs, networking receptions, and alumni events each year, from American forums and Center for Social Media events, to screening and presentation in the Wechsler Theater, to gallery exhibits of student and faculty work. The renovation of the McKinley Building will remain flexible to accommodate these events. These special programs will remain important to AU, as outlets to faculty for research and scholarly and professional development, as conduits for public service to the various disciplines, and as vehicles for public outreach and development of AU's reputation and standing within the media community.

Condition No. 6 – The University shall work with community representatives to form a Liaison Committee for the purpose of fostering consistent on-going communication between the University and the surrounding neighborhoods.

Since the adoption of the Campus Plan, the Applicant has held quarterly meetings with the Neighborhood Liaison Committee. In the last year, the meetings took place on September 21, 2006; April 26, 2006; January 23, 2006; and September 27, 2005.

Condition No. 7 – The University shall adopt a program regarding enforcement of student, faculty, staff and vendor off-campus parking.

AU has adopted the required program regarding enforcement of student, faculty, staff, and vendor off-campus parking.

Condition No. 8 – The Applicant shall designate at least 12 of the 76 existing parking spaces at the Tenley Campus for student use.

AU has designated 12 of the 76 existing parking spaces at the Tenley Campus for student use.

Condition No. 9 – The Applicant shall submit each individual request to construct a building described in the Campus Plan to the Zoning Commission as a special exception. The University shall submit information as to how the structure complies with the Plan, an updated traffic analysis, a report indicating the supply of on-campus housing, the number of undergraduate students, and the number of full-time freshman and sophomore students.

The Applicant has submitted the present request to construct the Project to the Zoning Commission as a special exception. The Campus Plan designates the use of the McKinley building as academic/administrative space. The Project is consistent with this use of the buildings. Due to the small amount of gross floor area that is included in this Project and the fact that there will be no additional students or faculty added as a result of this project, the Applicant does not believe that is necessary to prepare a traffic analysis for this application as there will be no additional traffic created by the Project. The issue of housing supplied by the Applicant for its undergraduate students, and the number of undergraduate students (including freshman and sophomore students) is addressed above.

Condition No. 10 – The Applicant shall not construct more than 400,000 square feet of new gross floor area during the term of this Campus Plan.

As previously noted, a net of approximately 171,878 square feet of new gross floor area has been added or approved for addition to the Campus since 2000. This renovation consists of only 3,152 square feet of new gross floor area. AU is also willing to count the McKinley Building attic area towards the 400,000 square foot cap. Therefore, with the approval of this application, AU will have requested approval of 184,725 square feet of gross floor area, well within the 400,000 square feet of new gross floor area permitted during the term of this Campus Plan.

Condition No. 11 – The University shall implement its “Neighborhood Action Program” to address off-campus conduct by students living in neighborhoods adjacent to the campus.

AU has implemented its Neighborhood Action Program to address off-campus conduct by students living in neighborhoods adjacent to the campus.

Condition No. 12 – The Applicant shall direct its students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker if eligible to do so. The Applicant shall withhold parking privileges from students who do not comply with D.C. registration requirements.

AU has complied with this requirement.

Condition No. 13 – The University shall adopt a Campus Lighting Plan.

AU has adopted and followed the approved Campus Lighting Plan.

Condition No. 14 – The University shall implement a Campus Landscape Plan that includes landscaping the interior ring road and the Katzen Arts Center. The University shall maintain all of the landscaped areas.

AU has implemented and followed the approved Campus Landscape Plan and all landscaping has been well-maintained to present an attractive and healthy appearance.

Condition No. 15 – Special Events held on the University’s athletic fields on the western edge of the campus are subject to certain conditions.

The University has complied with all requirements for special events on the athletic fields. There has been only one special event each year in 2004, 2005, and 2006.

Condition No. 16 – The University shall provide notification to the D.C. Department of Health, the Army Corps of Engineers (Baltimore Office), and the U.S. Environmental Protection Agency, Region 3 each time that the University files a permit application for ground clearance, excavation, or other major construction that would implicate remedial work performed at or around the campus by the Army Corps of Engineers.

The University has satisfied this condition and will make the appropriate notifications for this project.

VI. WITNESS

The following witnesses are expected to testify at the public hearing on behalf of the Applicant:

- 1) Representative of the Applicant; and
- 2) Project Architect.

VII. EXHIBITS

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

Exhibit B: Photos of the McKinley Building.

Exhibit C: Name and mailing addresses of the owners of all property within 200 feet in all directions from all boundaries of the McKinley Building involved in the application.

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 special exception application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP

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

By Kate Myers*
Kate Myers*
Associate

* Not licensed to practice in Washington, D.C.; licensed in the State of New York and supervised by members of the District of Columbia bar.