

**ZONING COMMISSION CASE NO. 11-07- AMERICAN UNIVERSITY CAMPUS
PLAN AND FURTHER PROCESSING APPLICATIONS
CLOSING STATEMENT OF THE APPLICANT
NOVEMBER 7, 2011**

I. Introduction

I would like to thank the Zoning Commissioners, the Office of Zoning Staff, the representatives of the Office of Planning and Department of Transportation, ANC Commissioners, representatives of the Party Opponents, and residents of the surrounding communities, for your time and attention to this important case. This has been a long and contentious case, but it has always been civil and respectful of people's opinions. This public process has effectively allowed concerns and issues regarding AU's Campus Plan and Further Processing applications to be properly reviewed and analyzed, which will allow your decision to be made on a fair and thorough examination of the relevant zoning issues.

For the last 24+ months, since we started the community dialogue process for the 2011 Campus Plan in July 2009, AU has sought to understand, balance and respect competing multiple neighborhood and other stakeholder interests in the evolution of its Campus Plan for the period of 2011-2020 and the Further Processing Applications for the development of the East Campus and additions to the Mary Graydon Center and Nebraska Hall. AU's proposal reflects its commitment to reasonably incorporate the concerns of its adjacent private and institutional property owners and community representatives. AU has taken its responsibilities and commitments outlined in the Zoning Commission's approval of the 2001 Campus Plan seriously, and has always sought to be a responsive and respectful member of the neighborhood and surrounding community.

II. Standard of Review

The two seminal DC Court of Appeals cases which address the appropriate standard of review that the Zoning Commission should engage in with regard to Campus Plan and Further Processing cases are the Glenbrook Road Association vs. the BZA (which addressed the Order approving the 1987-2000 AU Campus Plan - decided in 1992) and the Citizens Association of Georgetown vs. the BZA (decided in 2003). The Glenbrook Road and the Citizens Association of Georgetown cases both note that uses of land for educational purposes are highly favored, and that it has long been recognized that universities serve the public welfare and morals in important ways. The Court of Appeals in the Glenbrook Road case went further to state “a university – even a law school – is not to be presumed, for purposes of the Zoning Regulations, to be the land use equivalent of the bubonic plague.”

These cases establish the standard that the responsibility of the Zoning Commission is to determine whether a reasonable accommodation has been made between the University and the neighbors which does not interfere with the legitimate interests of the latter, or the legally protected interests of the former. American University has made reasonable accommodations to address the concerns that have been raised regarding the Campus Plan and the Further Processing application for the East Campus.

The University has made the following reasonable accommodations in response to issues and concerns raised by ANC 3D, ANC 3E, ANC 3F, and the Party Opponents:

Enrollment – AU has agreed to an overall cap of 13,600 students, using OP’s definition that any student – undergraduate, graduate, or other – who enrolls in at least one class at any of the properties that are included in the Campus Plan – will be counted. Within this overall cap,

the university has agreed to an enrollment cap of 2,000 Washington College of Law students at the Tenley Campus.

Housing – American University has agreed to make university provided housing available to 67% of its undergraduate students, as requested by OP. In addition, and in order to meet this commitment, AU moved forward with a Further Processing application on the North Hall site, a site that all parties agree is appropriate for student housing earlier than it initially anticipated and with a number of beds (360) that was considerably larger than what was initially anticipated (200 beds) for this site.

University Operations and Mitigation of Impacts– The Applicant continues to take seriously complaints about the use of Jacobs Field. AU is proposing 14 conditions that will guide future use of Jacobs Field and mitigate any objectionable impacts that the appropriate use of Jacobs Field will have on any nearby property owner. AU has also proposed a series of new measures that will guide and help the university better manage off-campus student behavior and supplements the Neighborhood Action Plan that was created in the last Campus Plan. AU also proposed a series of conditions that will guide the use of the East Campus.

East Campus – AU initially proposed a series of residential buildings on the East Campus that included approximately 1,000 beds. As a result of concerns raised by adjacent communities, the initial Campus Plan application filed on March 18, 2011 reduced the number of beds on the East Campus to 770. Thereafter, again in response to issues and concerns raised by the adjacent community and in consultation with the Office of Planning, AU further reduced the number of proposed beds on the East Campus to 590 beds. The number of beds proposed on the East Campus has been reduced by over 40% from the university’s original proposal and the amount of building square footage was reduced by approximately 18%.

In response to concerns from the Westover Place community, AU also increased the setbacks from the Westover property line to the proposed residential buildings to a distance of at least 100 feet. The residential buildings were reoriented, so that no windows from residential units will face the Westover Place property line. AU also agreed to prohibit freshmen from living on East Campus. In our post-hearing submission, we will address the issues raised by the Commission at the November 3rd hearing [and this evening] regarding the proposed landscaped buffer.

In response to concerns regarding impacts on traffic, AU agreed to the removal of a proposed right-in/right-out vehicular entrance/exit to Massachusetts Avenue, the retention of the existing right-in/right-out vehicular entrance/exit to Nebraska Avenue, and the installation of a mid-block signalized cross-walk to allow pedestrians to cross Nebraska Avenue between the intersections of New Mexico and Nebraska Avenue and Massachusetts Avenue and Ward Circle.

III. Conclusion

Throughout this Campus Plan and Further Processing application process, AU has made a priority of balancing the needs of the university with the concerns of the neighboring property owners. The changes that were made by AU to the Campus Plan and the East Campus Further Processing application are exactly the type of accommodations that are called for by the DC Court of Appeals. It is through this understanding and balancing of the needs of all parties that AU has satisfied the objectionable impact standards of Section 210 of the Zoning Regulations.

All of the issues relevant to the Zoning Commission's review of the Campus Plan and Further Processing applications have been extensively analyzed and discussed by the Applicant, the Office of Planning, DDOT and the Parties. With the submission of the post-hearing materials that were discussed on November 7th and this evening, the record will be complete. This case is ready for the Zoning Commission's deliberation and decision.

We ask that you approve the American University's Campus Plan for the period from 2011-2020 and that you approve the Further Processing applications for the development of the East Campus (as proposed by American University) and the additions to the Mary Graydon Center and Nebraska Hall.