



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: November 10, 2011

SUBJECT: Case No. **ZC-11-07B:** Request for Further Processing of the 2011-2010 American University Campus Plan to allow the construction of a new Washington College of Law

I. SUMMARY RECOMMENDATION

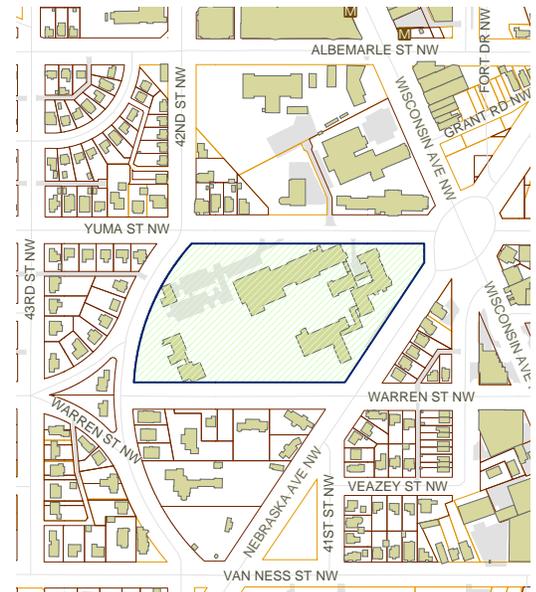
The Office of Planning recommends approval of the requested variance and further processing for the Washington College of Law at the Tenley Campus, subject to approval of the 2011 Campus Plan.

II. APPLICATION IN BRIEF

Location:	4340 Nebraska Avenue NW
Legal Description:	Square 1728, Lot 1
Ward/ ANC:	3E, 3F
Applicant:	American University (AU)
Zoning:	R-1-B
Proposal:	Application of the American University for further processing of the campus plan to allow demolition of existing structures and construction new buildings, to facilitate development of a new law school campus site at the Tenley Campus
Relief:	Special exception approval pursuant to 11 DCMR § 210, Colleges and Universities Variance approval pursuant to 11 DCMR § 3103

III. SITE AND SURROUNDING AREA

The proposed project would be located on the Tenley Campus of American University, an 8-acre site located at 4340 Nebraska Avenue NW. The site is bounded by Yuma Street (north), Nebraska Avenue (east), Warren Street (south), and 42nd Street (west). The Tenley Campus is the current home of the Washington Semester Program, including close to 500 residential beds, classrooms, and office space. The campus is located adjacent to Tenley Circle, just west of Wisconsin Ave, and one block south of the Tenleytown Metrorail station (Red Line). The campus is also well served by Metrobus and AU shuttle bus service. Institutional uses are located to the immediate north, including a church, private school, and convent to the north across Yuma Street. Retail and commercial uses are found nearby along Wisconsin Avenue. The remaining adjacent properties consist mainly of low density residential uses, primarily single family detached homes.



Five primary buildings are currently located on the Tenley campus. These structures comprise the former Immaculata School, purchased by AU in 1985 and subsequently adapted for University needs. The entire campus was recently designated as a historic district by the Historic Preservation Review Board on October 27, 2011. Most of the existing buildings are oriented toward Yuma Street and Nebraska Avenue, forming a U-shaped perimeter with a central courtyard and open space. Much of the western and southern portions of the site are unimproved, with the exception of Dunblane Hall. A significant change in grade exists on the campus, with the site elevation increasing by over 20 feet as one moves from the Nebraska Avenue border to the north and west sides of the property. Vehicular access to the site is provided via six existing curb cuts. Four vehicular curb cuts along Yuma street provide access to an existing surface parking lot and loading facilities. Two curb cuts along Nebraska Avenue currently access a vehicular driveway and drop-off/loading area.

AU Main Campus and other properties

The Main Campus, located at the convergence of Ward Circle, Massachusetts Ave, and Nebraska Avenue, includes three separate subareas. The “traditional campus,” where most of the university facilities are located, is a 59-acre area generally bounded by Massachusetts Avenue on the north, Nebraska Avenue on the east, Rockwood Parkway and residential development on the south, and University Avenue and residential development on the west. The area referred to as the East Campus is a second sub-area of the Main Campus, located at its eastern edge. This 8-acre area is bounded by Nebraska Avenue on the west, New Mexico Avenue on the south, and Massachusetts Avenue and Ward Circle on the east and north. Finally, the third subarea of the Main Campus is a narrow, L-shaped property located on the west side of Massachusetts Avenue. This part of the campus is improved with the Katzen Arts Center, Nebraska Hall residential building, and a surface parking lot, accessed from Nebraska Avenue. A 150-bed addition to Nebraska Hall is proposed for further processing as well. American University also owns several other commercially zoned properties in the vicinity, including a former office building at 4801 Massachusetts Ave and several properties on New Mexico and Wisconsin Avenues NW.

The Tenley Campus was indicated as the proposed future home for the Washington College of Law in the American University 2011 Campus Plan, which is currently before the Zoning Commission for review (ZC 11-07).

IV. 2011 CAMPUS PLAN

The American University 2011 Campus Plan includes over 900,000 square feet of new campus development projects over the next 10 years, nearly half of which is devoted to new or expanded student housing facilities. Proposed projects include the development of the East Campus site with new student housing and administrative offices, improvements to the gymnasium and sports complex, as well as several projects that were proposed in the 2000 Campus Plan. AU anticipates steady growth among its undergraduate population and moderate increases in the number of graduate students during this time frame. A summary of the projects being considered as part of the 2011 Campus Plan, including those being brought forth for further processing, can be found in an attached table (see Appendix A). The AU 2011 Campus Plan is currently being reviewed by the Zoning Commission.

V. PROPOSAL

This further processing request would allow the redevelopment of the Tenley Campus, which would include demolition of existing buildings and construction of new ones, to relocate the Washington College of Law. Project features are highlighted below:

- Washington College of Law
 - The proposed relocated Washington College of Law would accommodate up to 2,000 students and 500 faculty and staff members. Three of the existing buildings on site would be demolished (Congressional Hall, Federal Hall, and the Constitution Building) and the remaining structures (the chapel + Capital and Dunblane Halls), would undergo varying levels of renovation, primarily focused on the building interiors. In addition, two new structures would be constructed, with

- frontage along Yuma Street and Nebraska Avenue. The entire campus would be dedicated to the law school and other administrative uses and existing residential facilities would be eliminated.
- Circulation
 - The existing site has six curb cuts, including four on Yuma Street and two on Nebraska Avenue. One curb cut would remain on each street frontage as part of this proposal. The existing surface parking lot would be retained and contain approximately 40-50 spaces, with access provided from Yuma Street. New facilities for interior bicycle storage would be created on the lower level of the Yuma Street building and exterior bicycle parking would be provided in two locations on site. Loading access would be provided utilizing the Yuma Street curb cut. New interior walking paths would also be created that would circle the campus.
 - Site and Building Design
 - The proposed improvements on the Tenley Campus have undergone design review by a variety of entities. A working group comprised of OP staff, local ANC representatives, and American University staff and consultants met on three occasions over several months to review and discuss conceptual design development of proposed campus buildings. In addition, the Historic Preservation Review Board (HPRB) met to discuss the proposal on October 27, 2011, in response to historic district and landmark designation applications for the site. The HPRB voted to approve the creation of a historic district for the entire Tenley Campus, with Capital Hall, Dunblane Hall, the chapel, and the interior open space that forms an academic courtyard between these structures as contributing features. The HPRB also reviewed and granted conceptual approval of the new building designs and proposed demolition of three non-contributing buildings.
 - Main features of the proposal include new entry courts and a tiered staircase to highlight the main entrance to the campus, to be located near the corner of Yuma Street and Nebraska Avenue. The existing Capital Hall building would remain, with two new buildings to be added along Yuma Street and Nebraska Avenue. An open, interior courtyard would provide a common gathering space for the campus, while maintaining the relationship between the remaining contributing structures on site. The proposed Yuma Street building would range in height from 3-4 stories and have a maximum building height of 59'. While it is a single building, its mass is proposed to be broken down into three smaller elements, with the upper level setback from the street, providing relief and variation in the Yuma Street façade. The new Nebraska Avenue building would be four stories and approximately 63' feet in height, with minimum setbacks ranging from 12.74' to 39.92' on Nebraska Avenue and Warren Streets, respectively. The Nebraska Avenue building would accommodate the law school library, classrooms and administrative space, and a proposed ceremonial courtroom. The existing wooded areas along the western edge of the campus would remain, as would many of the site's existing perimeter trees.
 - Sustainability
 - The proposed construction is being designed to meet or exceed LEED Gold standards. Examples of sustainable design principles include a commitment to encourage the use of alternative modes of transportation, evidenced by the creation of new interior and exterior bicycle storage facilities, shower facilities, and the allocation of funds to support the location of a new Capital Bikeshare station on site. Other features include the use of water efficient landscaping, improvements to indoor environmental quality via the use of low-emitting materials, and the use of recycled or local building materials. A draft LEED checklist has been provided for your reference.

VI. ZONING ANALYSIS

Per § 210, college and university uses are permitted in residential zones as a special exception, so long as there is an approved campus plan. This proposal meets nearly all of the applicable bulk and density requirements provided for in the campus plan, which differ in some instances from those established for the R-1-B zone. The table below summarizes selected development standards for the R-1-B zone and the allowances provided for university uses as part of an approved campus plan, as compared to the proposal.

Table 1 – Zoning Analysis of Proposal

	R-1-B	Campus Plan Standards	Proposal
Maximum Lot Occupancy	40%	60%	Compliant
Maximum Building Height	40’/3 stories	50’ or up to 90’ depending on setbacks provided	63’ for Nebraska Ave bldg.; 59’ for Yuma Street bldg.
Maximum FAR Total	n/a	1.8	n/a
Open Court	4’/ft.	4’/ft.	Compliant
Closed Court	350 sq. ft. min.	n/a	Compliant
Side Yard	8’	None required	Compliant
Rear Yard	25’	4’/ft.	Compliant
Roof Structures	Enclosing walls must be equal to height of structure; 1:1 setback requirement	n.a	Compliant
Parking	All Other Uses @ 1 space per 600 sq ft. of GFA= 184 spaces	n/a	400-450 spaces on site; 2,724 provided campus wide

VII. ZONING RELIEF REVIEW STANDARDS

The proposed Tenley Campus further processing request must meet the standards for review for university uses, the general special exception criteria, and variance criteria.

§ 210 Further Processing Standards

University uses are allowed within residential zones as a special exception, subject to the requirements of Section 210, addressed below.

210 COLLEGES AND UNIVERSITIES (R-1)

210.1 *Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of this section.*

The subject application is a request for further processing approval of the Tenley Campus Washington College of Law construction project. The proposed development site is located within the R-1-B zone.

Section 3104 authorizes the granting of special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board of Zoning Adjustment or Zoning Commission, *“the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title,...”*

The R-1 is a General Residence Zone “designed to protect quiet residential areas...with one-family detached dwellings...[and] to promote a suitable environment for family life”. R-1-B zones specifically permit have area requirements that permit buildings at a higher density.

210.2 *Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.*

Noise

The proposed buildings would be oriented towards the north and east, towards nearby institutional uses, a commercial corridor, and transportation networks. Classrooms are located primarily on the lower level and first floors of the new buildings with offices and administrative areas on upper floors. Open courtyards and gathering spaces are proposed to be located in the interior of the campus, and would be buffered from surrounding uses by new and existing buildings. A new, redefined entry to the campus would direct students and visitors to access the site along the street frontages that are farthest from the low-density, residential areas to the north, west, and south of the site, limiting the potential for noise impacts. Finally, the buildings are set back from the adjacent streets such that the closest residential properties are at least 112 feet away. Therefore, the proposed use should not create objectionable noise conditions.

Traffic, Parking, & Circulation

The Tenley Campus of American University is located adjacent to both principal arterial and connector streets as well as local roads. The site is also well served by public transit, including the Tenleytown Metrorail station at Wisconsin and Albemarle Streets NW, several Metrobus lines, and a university shuttle bus system.

The applicant proposes to significantly increase the capacity for bicycle parking, as well as provide shower facilities, as a means to encourage bicycle commuting. Forty new exterior bike spaces are proposed in two locations, along Yuma Street and Nebraska Avenue. AU also proposes to help manage transportation demand by including storage space for 100-125 bicycles and shower facilities on the lower level of the Yuma Street building. Finally, the applicant has also proposed to fund the location of a new Capital Bikeshare station on the Tenley Campus. OP suggests that the applicant increase the capacity for additional bicycle parking spaces on site, in locations that would be more easily accessible by short-term users who would prefer covered storage options.

Approximately 400-450 off-street parking spaces would be provided on site in both underground and surface facilities. The campus currently has six curb cuts, which would be reduced to two as part of the proposed project. The existing Yuma Street curb cut would continue to provide access to a surface parking lot with approximately 40-50 spaces and to loading berths for the site. A second curb cut on Nebraska Avenue would accommodate a drop-off area in front of the Nebraska Avenue building as well as access to the proposed 400-space underground parking garage.

Based on analysis of existing off-street parking demand and the peak anticipated usage of the campus, the applicant indicates that future parking demand for the law school could reach 450 parking spaces, assuming the existing parking ratios among students and faculty/staff would remain the same. OP supports AU and its efforts to mitigate its impact on traffic, parking, and circulation. The current Washington College of Law is located 9 blocks away from the nearest Metrorail station and is not as well served by Metrobus routes. In addition, the university has demonstrated that parking demand, campus-wide, has decreased while shuttle bus ridership has increased over the past several years. DDOT will provide a technical report and recommendation on AU’s transportation plan as a separate document.

Table 2- Comparison of existing and proposed Washington College of Law locations

	Approximate distance from Metro Rail	Number of bus routes w/in a block of the site
4801 Massachusetts Ave NW	1 mile	4 Metrobus routes + AU shuttle
Tenley Campus	1,000 feet	10 Metrobus routes + AU shuttle

With regard to parking impacts, nearby residents have expressed concerns about the proposal and its impact on the availability of on-street parking. Local residents have also indicated the current off-street parking policy is ineffective at discouraging AU students and faculty from driving or from parking on neighborhood streets. OP suggests that the applicant work with DDOT to establish a Residential Parking Permit (RPP) program or, alternatively a more robust campus parking policy that can better meet the needs of the university and the surrounding community.

Overall, the proposed relocation of the Washington College of Law to a transit-accessible site will provide greater opportunities for students and faculty to use other forms of transportation than a personal automobile.

Number of Students & Faculty/Student Housing

American University proposes a campus-wide maximum enrollment of 13,600, including the Law School population, subject to approval of the 2011 Campus Plan and proposed enrollment. This would include a total of 2,000 law school students and 500 faculty and staff members over the course of the next 10 years. The applicant anticipates that the highest number of people on campus at the same time would be approximately 950. While the number of students and faculty on campus is proposed to significantly increase, the use of the site would remain institutional, albeit for classrooms and administrative spaces instead of student housing beds. Further, AU has indicated that the peak usage of the site currently occurs at 11:00am on Wednesdays, outside of the peak transportation hours for the neighborhood, which are 7:45-8:45am and 5:15-6:15pm. To the extent possible, OP encourages AU to adjust class and activity schedules to times that do not coincide with the peak transportation usage hours for the neighborhood.

The proposed improvements include new, enhanced entry features along the north and east edges of the site, focusing and controlling access to the site closest to existing transportation networks and reducing the potential for users of the campus to travel further into the adjacent residential areas. The site would include an interior, open courtyard, buffered from surrounding uses by existing and proposed buildings and landscaping. Most of the larger classroom and meeting spaces are proposed to be located below grade or on the first level with offices and administrative spaces located above, lessening the potential for noise or related impacts as these spaces would be less likely to be occupied outside of typical business hours. For these reasons, and subject to DDOT support for the university's transportation demand management plan, OP finds that the proposed number of students and faculty should not create objectionable conditions for neighboring properties.

Other Objectionable Conditions

Special Events

Public comment on the AU 2011 Campus Plan included concerns regarding the number of special events and programs on campus. The current submittal includes a listing of special events and programs held at the existing law school over the past academic year, with a breakdown of their attendees. On average, there were less than 75 people in attendance per event, and nearly two thirds of the attendees were classified as "internal", or existing students, faculty, or staff. Even if those internal attendees were not already on campus, as current users of the facilities, they would be aware of the existing public transportation options and/or bicycle commuting facilities available to them. OP suggests that WCL staff work to educate potential attendees about the transportation options available to them at the Tenley campus, including access to transit and bicycle facilities, as a means to mitigate the potential for objectionable conditions for events that attract higher volumes of external attendees. In addition, AU has offered to assign a Washington College of Law staff member to serve as a point of contact for community members to help plan for and manage potential impacts of law school events and activities. Based on the information provided, OP is comfortable that these activities, which primarily attract existing law school students and faculty, should not create objectionable conditions for the neighborhood and recommends that a maximum number of events be established and incorporated into the order.

210.3 *In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the districts may be increased for specific buildings or structures; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District. In all other Residence Districts, similar bulk increases may also be permitted; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District. Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.*

The application would result in a campus-wide FAR of 0.9, less than the maximum 1.8 permitted.

210.4 *As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following:*

- (a) Buildings and parking and loading facilities;*
- (b) Screening, signs, streets, and public utility facilities;*
- (c) Athletic and other recreational facilities; and*
- (d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.*

The applicant has submitted plans, found in Exhibit A of their application, which describe the proposed building in detail. AU's full campus plan submittal, currently before the Zoning Commission for review, was filed on March 18, 2011.

210.5 *Within a reasonable distance of the college or university campus, and subject to compliance with § 210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.*

No interim use of land is proposed.

210.6 *When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.*

No major new building is proposed to be moved off-campus.

210.7 *In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.*

Relevant policies of the Comprehensive Plan are listed in Section VIII. Overall, the proposed project is not inconsistent with many policies and objectives of the Comprehensive Plan, subject to approval of the 2011 Campus Plan by the Zoning Commission.

210.8 *As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved.*

The application would result in a FAR of 0.9, less than the maximum 1.8 permitted.

210.9 *Before taking final action on an application for use as a college or university, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Transportation for review and written reports.*

OP anticipates that DDOT will submit formal comments under separate cover.

§ 3104 Special Exception Standards

The proposal, which would preserve existing historic resources and provide a new location for the Washington College of Law, would be in harmony with the general purpose and intent of the zoning regulations. The project would meet all use and bulk requirements for the R-1-B zone, as modified by the allowances provided for in the approved campus plan, with the exception of height for one structure, discussed below. The project should not adversely impact neighboring properties, given its site design, efforts made to encourage the use of public transit and bicycling, and the anticipated use of the site. The proposed building and site design has been granted conceptual approval by the Historic Preservation Review Board. The project would also reduce the number of curb cuts and provide off-street parking facilities commensurate with the anticipated parking demand, on a site well served by public transportation routes.

§ 3103 Variance Standards

1. Is the property unique due to:

- Exceptional narrowness, shallowness, or shape at the time of original zoning regulation adoption,
- Exceptional topographical conditions, or
- Other extraordinary or exceptional situation?

The American University Tenley Campus is located along both major and local roads and is surrounded by a mix of institutional and low-density residential uses. The site has an irregular, trapezoidal shape. The campus is adjacent to a major traffic and commercial corridor along Wisconsin Avenue at its northeast corner, while the remaining site boundaries abut either institutional uses or single-family detached residences. The site has a 26-foot change in grade on site, with its low points along the eastern boundary, near Tenley Circle and on Nebraska Avenue. The campus is improved with several mature trees along its southwestern border. The Tenley Campus was recently designated as a historic district and contains three contributing structures: the chapel, Capital Hall, and Dunblane Hall. As a result, future development of the campus should respect the existing character and prominence of the remaining historic structures, including preservation of the open, academic courtyard which provides an uninterrupted axis between them. All of these conditions create a set of exceptional conditions for the development of this site.

2. Does the uniqueness, in combination with the zoning regulations, result in a practical difficulty to the owner?

The applicant has requested relief from the building height requirement which requires setbacks equal to the distance representing the increase in building height over that allowed within the underlying zone. The R-1-B zone limits buildings to a maximum building height of 40' and the Yuma Street and Nebraska Avenue buildings, would be 59' and 63' in height, respectively. The site design has been modified since the initial submission and as a result, the Yuma Street building is proposed to have a 22' wide setback from the north property line, which would permit a 62' tall structure for university uses in this zone. Therefore, the 59' foot tall building proposed no longer requires zoning relief from this section. Further, the upper level of this building would be set back even

farther from Yuma Street, as it moves further west, closer to the existing single-family residences. The Nebraska Avenue building still requires zoning relief from this requirement, as its 12.24' setback would only permit a 52.24' tall building. As a result, strict compliance with the regulations would create a practical difficulty for the applicant to achieve its larger goals for preserving the historic character of the campus and relationships between existing and proposed buildings. Given the shape of the property, compliance with the setback requirement would require shifting the proposed building to the west, making it practically difficult to retain the width of the existing open courtyard. Alternatively, the easternmost 10 feet of this portion of the Nebraska Avenue building would have to be lowered by 11 feet to satisfy the setback requirement, potentially resulting in an undesirable façade condition and awkward floor plan for the upper levels.

3. Does granting the variance result in a substantial detriment to the public good or will it substantially impair the intent, purpose, and integrity of the zone plan?

The proposed buildings would meet the requirements of the R-1-B zone for college and university uses with one exception, for a small portion of a single structure. The proposed Nebraska Avenue building would be separated from the closest residential buildings by a 12.24' setback from the east property line and a 100' wide right of way. Shadow studies prepared by the applicant suggest that the proposal would not adversely impact the provision of light and air on adjacent properties. Existing and proposed trees along this edge of the property would also help shield views of the building from neighboring properties. The proposed use of the Nebraska Avenue building would primarily be for the law school library, which should not be disruptive to adjacent properties with regard to noise. The remainder of the building would have setbacks ranging from 39-58' from the south property line, well in excess of the stated requirements. As such, the proposal should not result in substantial detriment to the public good or impair the intent, purpose, or integrity of the zone plan. Given the historical significance of the campus, the contributing structures that would remain, and the physical relationship between these buildings, preservation of the existing academic courtyard and siting the bulk of the building's mass towards the north and east edges of the campus would be preferred over increasing the setback for the Nebraska Avenue building.

VIII. COMPREHENSIVE PLAN

The 2006 Comprehensive Plan Future Land Use Map identifies the American University campus as an Institutional Use, which includes "land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions." The residential neighborhoods surrounding the Tenley Campus are shown as low density to the immediate east, west, and south. More low-density residential uses are located north of the site along Yuma Street, as well as with institutional uses. A block east of the site is Wisconsin Avenue, which contains additional institutional uses, local public facilities, and low-moderate density commercial and mixed uses. Low density residential neighborhoods are generally defined by their building type, single-family detached, and lot characteristics, front, side, and rear yards. Low and moderate density commercial areas generally vary in terms of their scale and character; these shopping and service areas may support surrounding neighborhoods or have a broader market area. The local public facilities designation applies to land and facilities owned and occupied by District or local government agencies. Areas designated for institutional uses include land and facilities occupied and used by colleges and universities, private schools, and religious organizations.

The proposed development is located within the Rock Creek West Area of the Comprehensive Plan. Relevant policies of the Land Use, Education, Historic Preservation, and Rock Creek West Elements of the Plan include:

Policy LU-2.3.5: Institutional Uses

Recognize the importance of institutional uses, such as private schools, child care facilities, and similar uses, to the economy, character, history, and future of the District of Columbia. Ensure that when such uses are permitted in residential neighborhoods, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life. Encourage institutions and neighborhoods to work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion.

Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs

Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas.

Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities

Support ongoing efforts by colleges and universities to mitigate their traffic and parking impacts by promoting ridesharing, carpooling, shuttle service, bicycling, and other transportation demand management measures. The provision of adequate on-site parking for institutional uses also should be encouraged.

Policy HP-1.3.4: Historic District Designation

Use historic district designations as the means to recognize and preserve areas whose significance lies primarily in the character of the community as a whole, rather than in the separate distinction of individual structures. Ensure that the designation of historic districts involves a community process with full participation by affected Advisory Neighborhood Commissions, neighborhood organizations, property owners, businesses, and residents.

Policy HP-2.4.2: Adaptation of Historic Properties for Current Use

Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property.

Policy HP-2.4.3: Compatible Development

Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements, open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail.

Policy HP-2.5.6: Historic Open Space

Retain landscaped yards, gardens, estate grounds, and other significant areas of green space associated with historic landmarks whenever possible. If development is permitted, retain sufficient open space to protect the setting of the historic landmark and the integrity of the historic property. In historic districts, strive to maintain shared open space in the interior of blocks while balancing the need to accommodate reasonable expansion of residential buildings.

Policy RCW-1.1.8: Managing Institutional Land Uses

Manage institutional land uses in the Rock Creek West Planning Area in a way that ensures that their operations are harmonious with surrounding uses, that expansion is carefully controlled, and that potential adverse effects on neighboring properties are minimized. Ensure that any redevelopment of institutional land is compatible with the physical character of the community and is consistent with all provisions of the Comprehensive Plan and the underlying zoning rules and regulations. Densities and intensities of any future development on such sites should reflect surrounding land uses as well as infrastructure constraints and input from the local community.

Policy RCW-1.1.14: Bicycle Facilities

Improve facilities for bicyclists, to the extent feasible and consistent with traffic safety considerations, along Connecticut, Wisconsin, and Massachusetts Avenues, along MacArthur Boulevard, along Calvert Street (to Rock Creek Park), and at each of the Metrorail stations.

IX. AGENCY COMMENTS

The Metropolitan Police Department Second District representative submitted the following comments about the proposed project:

“While I have no technical expertise in the field of construction or environmental impact, I can make the following comments based on my interactions with citizens in and around the area and my attendance at various public meetings.

1. American University has an ongoing dialog with ANC 3D and 3E and has included these entities in their plans and the resultant effects of such expansion are currently being weighed.
2. American University has engaged in outreach with the local residents as it pertains to student conduct and off campus housing. Additional on campus housing as specified in these plans may serve to alleviate some of the issues.
3. The construction and permanent structures are south of Massachusetts Avenue, wholly on PSA 205, however residents and ANC leader have expressed reservation about the increase in population, noise and traffic affecting the areas north and south of Massachusetts Avenue.
4. American University has a substantial, well trained police department that works closely with the Metropolitan Police Department; as such this expansion plan does not represent any public safety concerns for this Official.
5. The community at large continues to express concerns over possible increases in population and traffic conjunction.
6. In a meeting with Council woman Eleanor Holmes-Norton the suggestion was made to look at the expansion plans in conjunction with the expansion plans of the Homeland Security Compound.
7. Residents are concerned about parking overflow and Residential Parking Restrictions as well”.

The Historic Preservation Office (HPO) staff has no objection to the proposed usage of the Tenley Campus for the Washington College of Law and supports the proposed conceptual design. Attached as Exhibit 5 are copies of HPO staff reports for the historic designation nomination for the campus and a review of the proposed construction and demolition on site.

No additional written comment was received from other District agencies. DDOT will submit a recommendation and report separately.

X. RECOMMENDATION

OP supports the applicant’s proposal to bring the Washington College of Law back onto campus, where its impacts can be better monitored and managed as part of the campus plan. OP finds that the proposal has been designed to lessen its impact on surrounding properties, and recommends approval of this further processing and variance request, subject to approval of the 2011 Campus Plan.

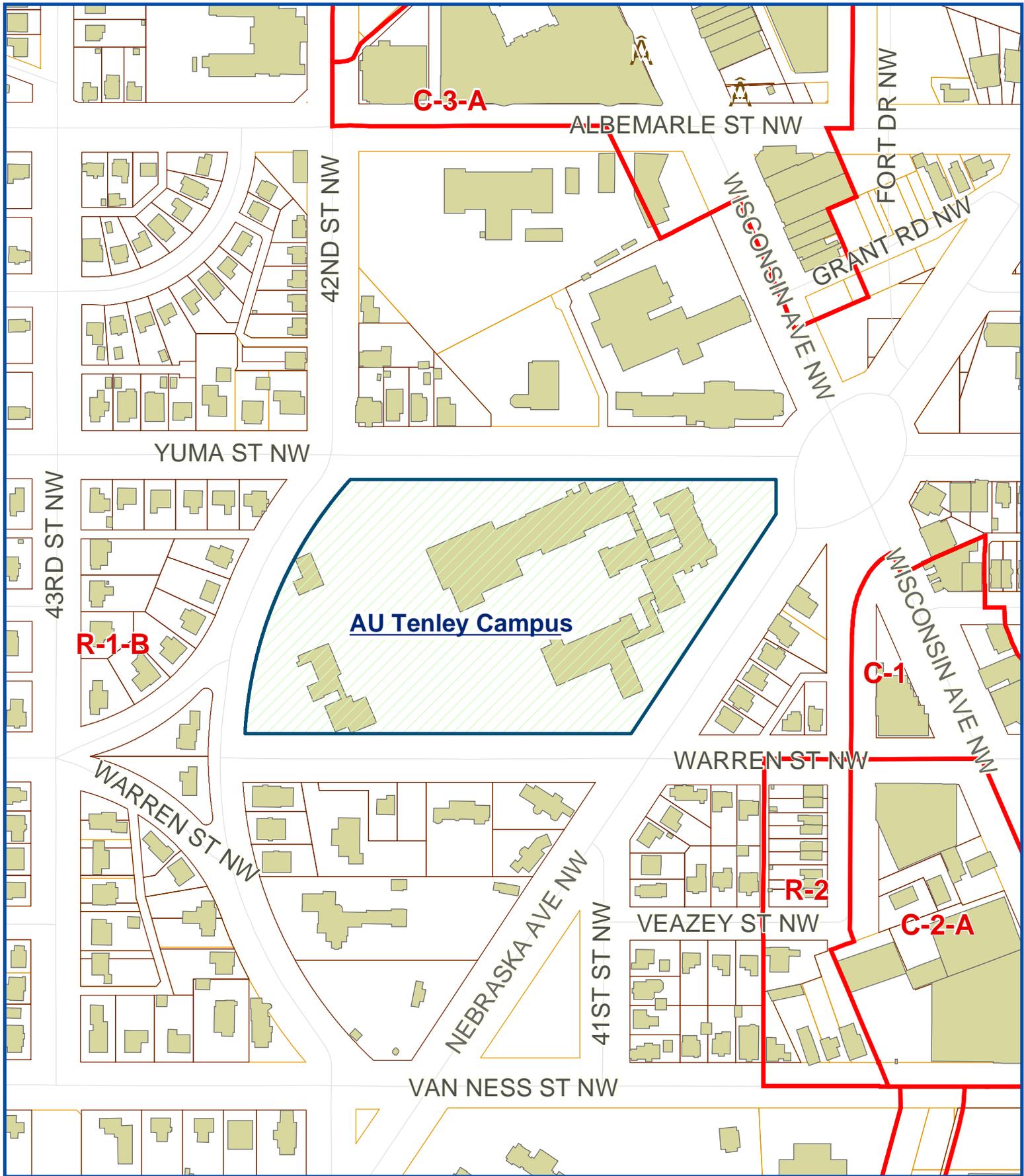
JS/ayj
Case Manager: Arlova Y. Jackson

Attachments:

- Appendix A - Summary of 2011 Campus Plan Development Projects
- Exhibit 1 – Location Map
- Exhibit 2 – Aerial Photograph
- Exhibit 3 – 2006 Comprehensive Plan – Future Land Use Map
- Exhibit 4 – 2006 Comprehensive Plan - Generalized Policy Map
- Exhibit 5 – Historic Preservation Office Staff Reports

Appendix A - Summary of 2011 Campus Plan Development Projects

2011 Campus Plan Projects	Description	Size (sq. ft.)	Building Height	Number of beds	Parking
Beeghly	Expansion of chemistry building to consolidate related departments in one facility	60,000	5 stories – 75'		
South Hall	New residence hall	110,000	6 stories – 62'	200	
Multipurpose Gymnasium and Sports Center Annex Replacement	Addition to existing athletic facilities; connects to existing Sports Center	Gym 25,000 Sports Annex 36,000	1 story – 24' 3 stories – 36'		
Reeves Field Bleachers	Bleacher seating for 2,000 with storage space below; requires demolition of the Osborn building	6,000	15'		
Kay Spiritual Life Center	Expansion of existing interfaith religious center	5,000	15'		
Butler Tunnel Enclosure	Enclosure of existing roadway under the Sports Center Garage for use as a student activity space	20,000	20'		
Sub-Total		262,000		200	
Further Processing Projects					
Nebraska Hall Addition	New apartment-style units for an existing residence hall	50,000	3 stories – 40'	150	40 bike spaces
Mary Graydon Addition	Expansion of dining hall and student activity space	20,000	4 stories – 60'		
East Campus	Construction of six new buildings on an existing surface parking lot. Proposal includes residential, retail, academic, and administrative space, underground parking, interior green space, and a landscaped buffer along its eastern border.	<u>Residential</u> Building 1 – 78,350 Building 2 – 44,100 Building 3 – 51,500 <u>Academic/Admin.</u> Building 4 – 24,000 Building 5 – 53,210 Building 6 – 17,700 <u>Retail</u> Building 1 – 9,100 Building 2 – 4,900 Building 5 – 3,020 <i>Total – 268,860</i>	6 stories – 64' 5 stories – 54' 5 stories – 54' 2 stories – 32' 4 stories – 54' 2 stories – 35'	274 140 176 <i>Total - 590</i>	400 Total: 150 below grade; 250 surface parking lot 200 bike spaces
North Hall (ZC 11-07A)	New residence hall and fitness center	110,000; including a 6K fitness center	8 stories – 81'8"	360	45 bike spaces
Washington College of Law (ZC 11-07B)	Relocation of Law School to the Tenley Campus; retention of Capital and Dunblane Halls	244,000	4 stories		440-450 Total: 400 below grade; 40-50 surface parking lot; 100 -125 bike spaces
TOTAL		954,860		1300	840-850



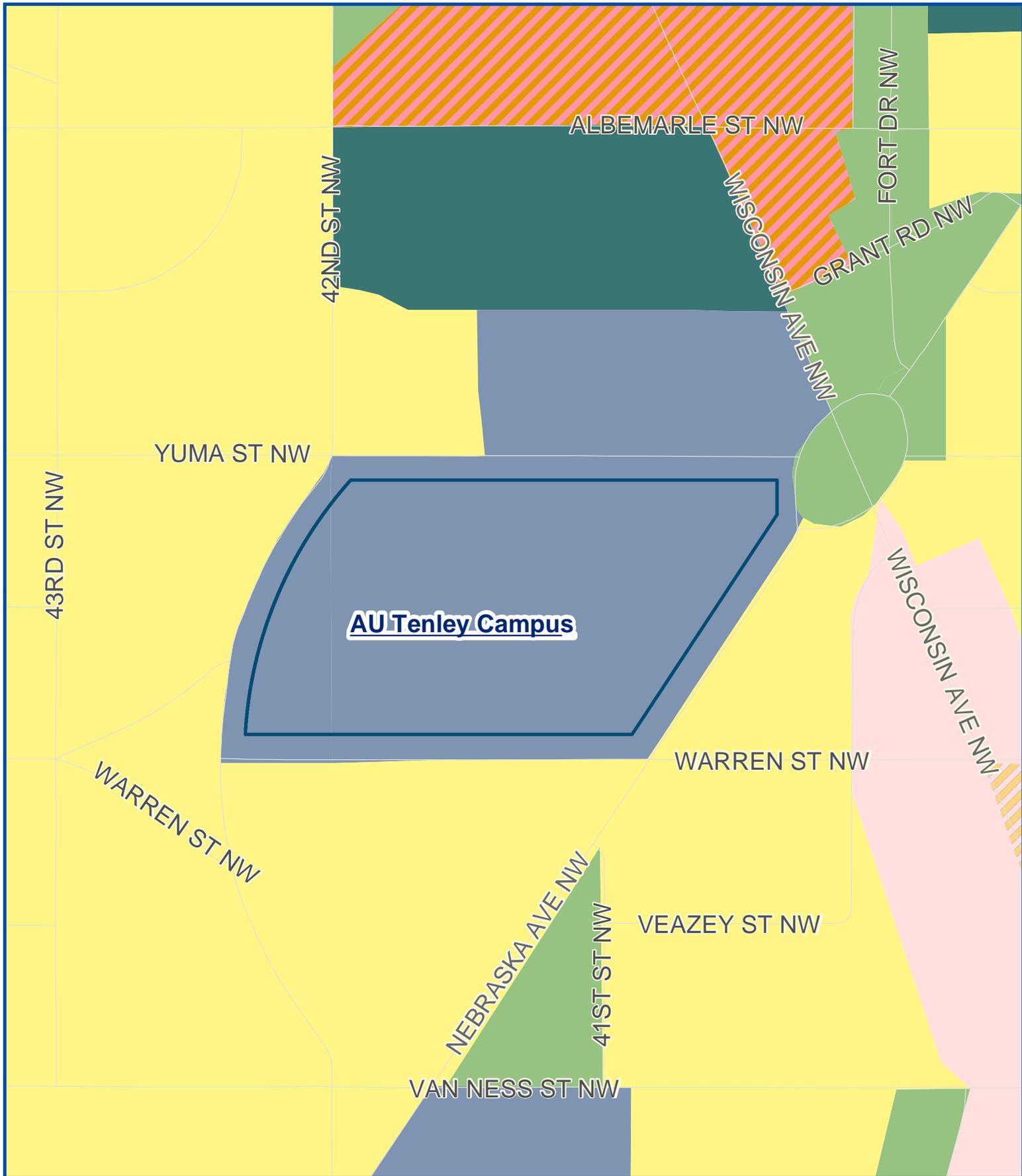
**ZC 11-07B - American University - Tenley Campus
Exhibit 1- Location Map**

Legend

- Zoning Districts
- Record Lots
- Metro Station Entrances
- Tax Lots
- Buildings
- Street Centerlines



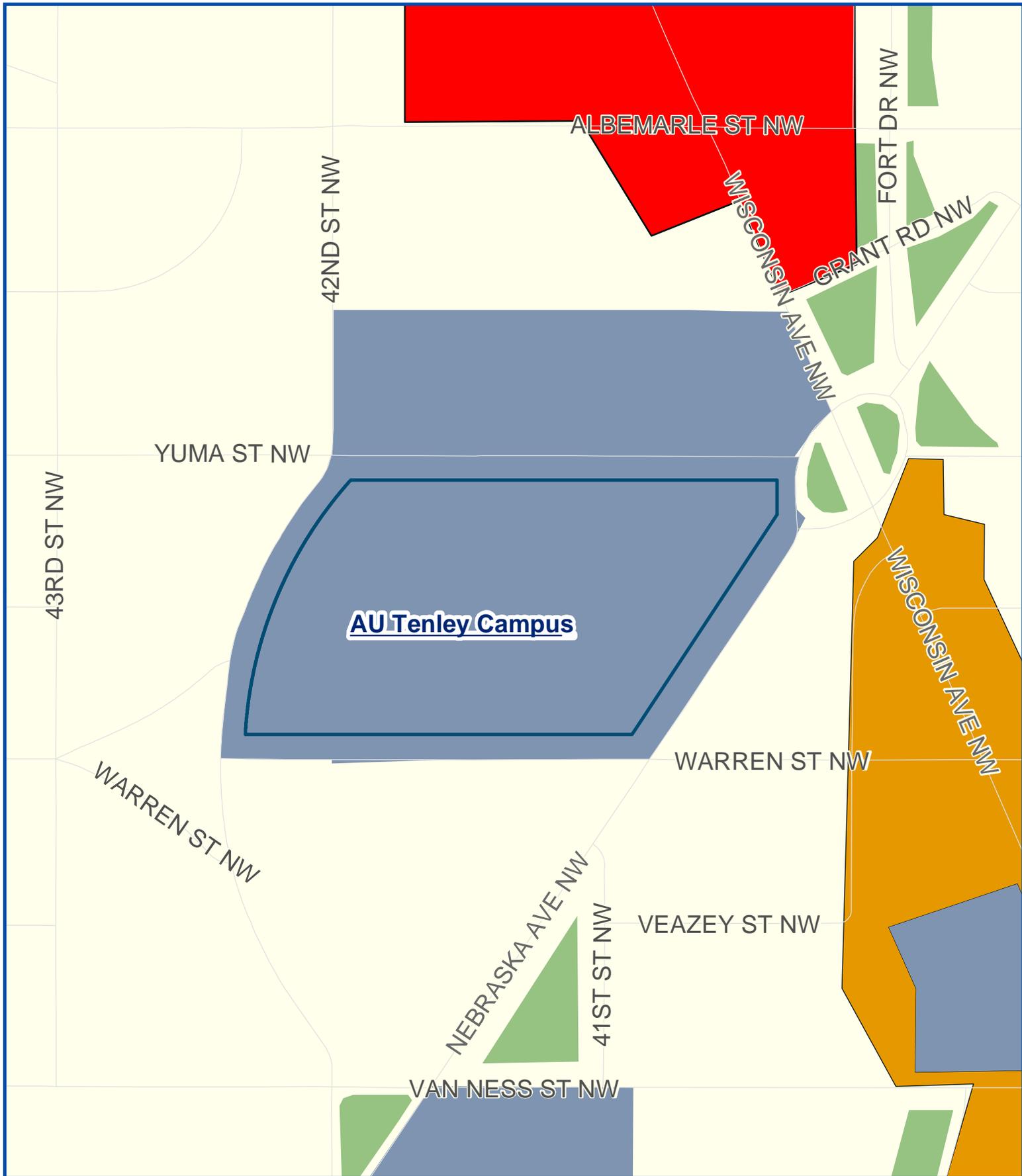
**ZC 11-07B - American University - Tenley Campus
Exhibit 2- Aerial Photograph (2010)**



Legend

- Residential-Low Density (RLD)
- Institutional (INST)
- Local Public Facilities (LPUB)
- CMOD, RMED
- Commercial-LowDensity (CLD)
- CLD, RMOD
- Parks, Recreation, and Open Space (PROS)

ZC 11-07B - American University - Tenley Campus
Exhibit 3- 2006 Comprehensive Plan
Future Land Use Map



Legend

- Institutional Uses
- Neighborhood Conservation Areas
- Main Street Mixed Use Corridors
- Multi-Neighborhood Centers
- Parks

ZC 11-07B - American University - Tenley Campus
Exhibit 4- 2006 Comprehensive Plan
Generalized Policy Map

HISTORIC PRESERVATION REVIEW BOARD

Historic Landmark Designation Case No. 11-08

Immaculata Seminary
4340 Nebraska Avenue, NW
Entire Square 1728 (presently Lot 1)

Meeting Date: October 27, 2011
Applicant: Tenleytown Historical Society
Owner: The American University
Affected ANCs: ANC 3E
Staff Reviewer: Tim Dennee

After careful consideration, staff recommends that the Historic Preservation Review Board designate Immaculata Seminary, 4340 Nebraska Avenue, NW, a historic district to be entered in the D.C. Inventory of Historic Sites, with revisions made to the nomination to reflect the recommendations below regarding contributing and non-contributing resources. It is further recommended that the application be forwarded to the National Park Service for listing in the National Register of Historic Places as a historic district.

Background

The Immaculata Seminary was founded in 1904, as the Seminary of Our Lady Immaculate, by the Roman Catholic teaching order the Sisters of Providence. Opened in 1905, the first building, an imposing, Baroque, stonemasonry, school/residence edifice on a prominence over Wisconsin Avenue, signaled a departure from the principally small, and usually frame, rural, residential buildings that had preceded it in the neighborhood. The building was also the first step, beyond a small parish church and school, toward the creation of a Catholic institutional enclave that ultimately comprised a new, enlarged Saint Ann's Church, Saint Ann's Academy, the Convent of Bon Secours,¹ the home of the former Archbishop of Washington—and a much expanded Immaculata. These coalesced with other Tenleytown churches and public schools to create a still-larger constellation of institutions around this section of Wisconsin Avenue.

Cardinal Gibbons of the Baltimore Archdiocese pushed for the establishment of a “select school for girls” in Washington that would also accept out-of-town students. His influence, and that of his cousins, both influential Sisters of Providence, resulted in the establishment of Immaculata at Tenleytown, in preference to an expansion of Saint Cecelia's school at Upshur Street and Connecticut Avenue. The school soon drew “young ladies” from out of state, extolling to their parents the virtues of the school's architecture and facilities, its extensive grounds and landscaping, the views from its elevated site, the educational and cultural advantages of its

¹ Bon Secours was designated a landmark in 2004.

proximity to downtown Washington—and the benign supervision and “training in the social virtues” of the Sisters of Providence.

The campus’s original “fine expanse of park and meadow” suggests the still-rural state of the Tenleytown area and the fact that the school stood on the remnant of an old farm or estate. Dunblane or Dunblane was the estate of Clement Smith, a wealthy Georgetown merchant. In 1818, he purchased the 55-acre parcel, part of the Stoddert and Addison’s eighteenth-century “Friendship” tract. The Dunblane house, a cubic, Greek-Revival-style cottage, is thought to have been constructed *circa* 1839, the year of Smith’s death, by a new owner, John Mason, of the prominent Virginia family. From 1885 to about 1890, the property was the club and starting place for the Dunblane Hunt, a society fox hunt that met twice a week in season. By this time, the house had received a north wing.² Dunblane is a rare country house of this period and style surviving in the District of Columbia. Comparable rural estate houses of the period include the landmarked Greek-Revival Brooks Mansion, and Gothic-Revival Lincoln Cottage.

Dunblane was soon put to educational use by the Sisters of Providence. In 1914, Dunblane, “an old mansion of historical interest, located on the crest of Mount Marian, [had] been entirely remodeled and fitted up for the exclusive use of the Preparatory Department... [with a] homelike living room, cheerful recreation-halls and class-rooms, bright, airy dormitories, and individual bed rooms, thoroughly appointed lavatories and lockers... [l]arge sunny verandas and extensive playgrounds...” An L-shaped rear addition was added as the school expanded in the 1930s, followed by a Modern 1974 addition, which is arguably a separate building, attached by a hyphen.

As the school’s promotional materials indicate, the original Immaculata building, now Capital Hall, was sited not only to dominate the view from Wisconsin Avenue, but also to leave much of the remaining parcel open for landscape and play fields. Subsequent development was clustered compactly, slowly rolling out into a typical campus form, with the sole, major accessory structure, a 1921 garage, placed discretely in a back corner of the property off a service drive. The principal elements guiding the form and orientation of the complex were the course of Wisconsin Avenue and a perpendicular cross axis, the old carriage drive and allée leading to Dunblane house. This driveway, which appears in late-nineteenth-century maps terminating in a circle in front of the cottage, became the entrance to Capital Hall, which was erected straight across and on center with the road. The driveway remained the principal pedestrian path connecting to what became Dunblane Hall. Even after its disappearance, it remains the axis along which the campus quad is aligned.

The school’s first major expansion came in 1921, with the construction of an emulative wing to the original Immaculata Seminary building (now Capital Hall) that doubled its dormitory space. Just as important was the erection of a new, freestanding Italian Romanesque chapel. Like many of its Italian forebears, this building has a modest brick exterior that opens to a beautiful interior. The chapel was a space central to the life of a resident religious community and to a traditional Catholic education, as evidenced by the fact that such an edifice was even constructed while a diocesan parish church stood only across the street. A later link from Capital Hall clumsily

² In recent years, the house’s north wing was gutted by fire and reconstructed. The main block and the school wings remained.

attaches to the center of one of chapel's fronts, done for reasons of convenience of passage and privacy, largely for aging, resident nuns.

Later years and period of significance

A construction campaign of 1955-1956 doubled the volume of the school's buildings, and these new structures—including a gymnasium and administrative, classroom, dining and dormitory space—clearly illustrate the expansion of the institution at that time and a dedication to its perpetuation. Yet, only a couple of years after their completion, Immaculata ceased its founding mission of boarding school and became principally a local, college-preparatory school. Marian (now Congressional) Hall, with its residential space, may be seen in retrospect as something of a miscalculation, although it again has a dormitory use. With the exception of a few decorative flourishes, such as the tiled entrance to Loretta (now Federal) Hall, these nondescript, Modernist structures relate little to the architecture of the earlier buildings. Their principal formal contribution to the campus lies in helping to tie together the new and old functionally and spatially by defining a quadrangle, which can be viewed and accessed through connecting hyphens.

While these 1955 buildings bound the quad, they are as much part of the larger landscape that surrounds them; the orientation and arrangement of the buildings follows the old Dunblane driveway axis that runs through the center of the quad. But their construction, and the new circulation paths around and between them, were responsible for wiping out the old Dunblane driveway/path itself and the vestiges of the allée, and reorienting arrival and circulation to Yuma Street and Nebraska Avenue and away from the traditional entrance, Capital Hall. This resulted in the removal, too, of the direct drive to Capital Hall's front door and de-emphasized it as a public entrance. This building campaign created a compatible orientation of buildings and a quad within a larger landscape, with views available into it through the lobbies and links of the Modern buildings. But this building campaign also has to be acknowledged for the degree to which it altered the campus's architectural character and the understanding of and flow through the historic landscape.

For these reasons, it is recommended that Immaculata Seminary's period of significance extend from 1904—the date of the founding and commencement of construction—to 1954, the year prior to the 1955 building campaign and shortly before the cessation of boarding, a half century representing the founding era and early growth of the institution.

Significance

Immaculata Seminary merits designation as locally significant under National Register Criterion A and District of Columbia Criterion B for "history," having been a major institution in Tenleytown; an example of the seminary model of boarding school for young ladies founded under religious auspices; and an elite Catholic secondary school and junior college. It further merits designation under these criteria for having preserved Dunblane house as a remnant of the Dumblane estate, illustrating the development of Tenleytown from rural section to suburb and cluster of institutional uses.

Immaculata is also eligible under National Register Criterion C and D.C. Criterion D for "architecture and urbanism," with its Baroque central building long a visual landmark above

Wisconsin Avenue and Tenley Circle and its Italian chapel set in a broad, campus landscape. The campus was arranged on formal principles that predated and overrode the orientation of the imposed suburban street grid. It also acknowledged the historic estate house at the western extreme of the property. Dunblane house is important itself as a rare surviving example of an antebellum country house in Washington and a still rarer Greek-Revival example.

Landmark vs. historic district designation

Whether a property should best be considered a landmark or a historic district is a function of considerations such as size (i.e., land area), number of constituent resources, and the historical relationship between these resources. Guidance provided by the National Register suggests that campuses should generally be considered districts, although there are smaller campuses that consist of little more than a central building or two and surrounding space. In the present instance, a district better accommodates the different origins and ages of the major contributing elements of Immaculata, in a manner similar to the often varied neighborhood historic districts. Although owned by the school for a century and repurposed as a classroom, dormitory, and administrative building, Dunblane house has its own additional and distinct story and significance, much as the springhouse or dairy does on the campus of the recently designation Marjorie Webster School. Based upon the National Register guidance and comparable listings in the D.C. Inventory of Historic Sites, staff recommends that the property be designated as an historic district rather than as the landmark proposed.

Contributing and noncontributing buildings

The historic district should be designated with the following three buildings considered to contribute to its historic character: the original Immaculata Seminary, i.e., Capital Hall, including its 1921 rear wing; the 1921 Chapel; and Dunblane. The three 1955 buildings should be considered *non-contributing*, as beyond the campus's period of significance and representing a phase of school expansion distinctly different architecturally and functionally from the founding era. The 1921 garage should also be considered non-contributing because an addition has considerably altered it and diminished its integrity, nearly doubling its size and closing its original vehicular openings. The sense of clustering campus buildings surrounded by and enclosing landscape, as well as the site's traditional orientation of, and relationship between, buildings should also be maintained and preserved.

This property has not been surveyed archaeologically. Its historic use as an estate and likely prehistoric occupation, because of its elevation and proximity to historic water courses, suggest that there is real potential for the presence of archaeological resources. A significant portion of the site appears to have been little disturbed by construction in the past century.

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	4340 Nebraska Avenue, NW	X	Agenda
Landmark/District:	Immaculata Seminary		Consent Calendar
Meeting Date:	October 27, 2011	X	Concept Review
H.P.A. Number:	11-467	X	Alteration
Staff Reviewer:	Steve Callcott	X	New Construction
			Demolition
			Subdivision

SmithGroup Architects (David King and Tom Butcavage), representing American University's Washington School of Law, seeks concept review for renovation, alterations and new construction at the former Immaculata Seminary campus.

Property Description

The Immaculata Seminary was created on what was part of the early nineteenth-century Dunblane estate. In the early twentieth century, the Sisters of Providence of St. Mary of the Woods, a Catholic order, purchased the property to establish the Immaculata Seminary school for girls, and constructed an imposing school building (Capital Hall) facing Tenley Circle in 1904. The land between the new school and Dunblane was used as a recreational play area, with the former carriage drive retained as a walk and visual axis between the house and the school. During the 1920s, the school grew with the construction of a chapel and a dormitory wing to Capital Hall, and a garage and laundry building to Dunblane. In the mid 1950s, the campus was further enlarged by the construction of three buildings that surrounded the campus's lawn to form a central quad. A one-story addition was added to Dunblane in 1974. The complex served Immaculata from the school's opening in 1905 until it closed in 1986, when the property was sold to American University.

As detailed more fully in the HPO's evaluation of the nomination, the property is eligible for designation as an historic district. The Dunblane house (c. 1839), Capital Hall (1904, with a 1919 addition), the Chapel (1921), the site – the lawn in front of Capital Hall and the central quad with its axial relationship between these buildings -- are contributing to the character of the historic district. The 1950s buildings are non-contributing.

Proposal

The project will include renovation of the campus' flagship building, Capital Hall, for use as administrative offices, rehabilitation of the Chapel as a moot courtroom, demolition of the existing 1950s dorm and gymnasium buildings, and construction of approximately 240,000 square feet of additions to the rear and sides of Capital Hall along Nebraska Avenue and Yuma Street for classrooms, faculty offices, law clinics, a library, and student support spaces. Like the 1950s buildings, the new construction will be organized on the site to reinforce the central quadrangle and to retain the central axis formed by the

contributing historic buildings. The project will include significant site improvements, including regrading of the lawn in front of Capital Hall, tree retention and renewal of plantings in the central quad, and creation of a walk around the perimeter of the site with improved plantings. At this time, no specific treatment or use has been developed for Dunblane (1839) or the area immediately surrounding it at the western end of the property. The applicants' submission includes a more detailed description of the project.

Community Participation

At the request of ANC 3E and Councilmember Cheh, the Office of Planning facilitated a series of community meetings over the summer with AU representatives and their design team to discuss and provide input on the development of the design. In addition to Office of Planning and HPO staff, ANC 3E invited members of the Tenley Campus Neighborhood Association and Ward 3 Vision; the Tenleytown Historical Society (the applicant for the designation) and other community representatives also participated.

The purpose of the meetings was to ensure an open dialogue between the many stakeholders and to arrive at an appropriate balance between a variety of planning, preservation and programmatic goals. At the first meeting, the group identified and generally agreed upon the principles that they were interested in seeing embodied in the project. The design principles and goals included: 1) Maximizing connectivity to transit and Metro; 2) Retaining and restoring Dunblane and Capital Hall; 3) Ensuring that the new construction was compatible with the historic buildings, campus and neighborhood; 4) Achieving the School of Law's program in a building that embodied excellence in design and sustainability; 5) Locating building density closest to Metro, Wisconsin Avenue and Nebraska Avenue while minimizing building presence on Yuma and the western end of the campus around Dunblane; 6) Achieving the proper balance between encouraging density and discouraging sprawl with retaining and enhancing the classic characteristics of a college campus; 7) Ensuring porosity – the ability for the public to see and move through the site; and 8) Achieving superior public spaces, including using the front lawn in front of Capital Hall for a more public use, minimizing impervious surfaces, and maximizing tree canopy.

Evaluation

The concept proposal is the result of a process of redesign and refinement undertaken in response to the design principles and feedback gathered at the community meetings. The process has resulted in a project that is compatible with and enhances the historic character of the site, provides for the school's desired expansion, is respectful to the surrounding community, and substantively addresses the publicly-identified design goals.

When initially submitted to the Office of Planning, the proposal called for a large, single building in the center of the quad and no specific commitment that Dunblane would be retained. The new construction was out of scale with the site's historic buildings and the neighborhood, and ignored the organizing principles and landscape that give the site definition as a campus.

As redesigned, the project now retains the significant historic buildings on the site, sensitively adapts and reuses those buildings for new uses, retains and reinforces the central quadrangle as an open and accessible public space, preserves the majority of mature trees and the natural topography of the site, and results in significant improvements to the front lawn and perimeter of the site that will increase opportunities for public access and enjoyment. The new construction has been massed and broken down in scale to ensure compatibility with the historic buildings on the site, and to respect the scale of the abutting residential and institutional buildings, while also being concentrated at the eastern end of the site, closest to Metro and a respectful distance from Dunblane. While the precise design vocabulary, detailing and material palette of the additions is still being refined, that which has been developed exhibits variety and richness, appropriately presenting a more monumental scale at the public entrances to the campus on Wisconsin and Nebraska Avenues, and a smaller, more human sense of scale facing the residential neighborhood and within the quadrangle.

While the project does not address or propose a reuse for Dunblane, the applicants have agreed in principle to its retention and rehabilitation. The house has been subjected to a variety of alterations, additions and a major fire, but absent an identified program or use, the applicants have not yet undertaken an evaluation of the property or developed a proposed treatment. Conceptual plans for the building will be forwarded to the HPRB when developed.

The HPO recommends that the Board approve the conceptual design as consistent with the purposes of the preservation act.