

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15519 of the President and Directors of Georgetown College, pursuant to 11 DCMR 3108.1, for special exceptions under Sections 211 and 400.8 for further processing of an approved campus plan to construct a medical research facility and to allow a penthouse which does not meet the setback requirements in an R-3 District at premises 3800 Reservoir Road, N.W., (Square 1321, Lot 817).

HEARING DATE: June 26, 1991
DECISION DATE: July 24, 1991

FINDINGS OF FACT:

1. The subject property is located on the Georgetown University campus which contains approximately 104 acres of land and is roughly bounded by Reservoir Road to the north, Glover-Archbold Park on the west, Canal Road on the south, and 35th and 36th Streets on the east. The campus is zoned C-1 and R-3. The site of the proposed facility is located within the medical center campus in the northwest section of the university campus. The main academic portion of the university campus is located in the southeast portion of the campus.

2. The applicant is seeking a special exception for further processing under an approved campus plan to allow for the construction of a new medical research building on the medical center campus. The location, height and bulk of the medical research building corresponds to the information presented by the University in its 1989 Bicentennial Campus Plan.

3. Section 211 of the Zoning Regulations provides that a college or university which 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, is permitted as a special exception in a residential district, provided that:

- a. Such use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions;
- b. In R-1, R-2, R-3, R-4, R-5-A and R-5-B Districts, the maximum bulk requirements normally applicable in such districts may be increased for specific buildings or structures provided 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;

- c. The applicant shall submit to the Board a plan for developing the campus as a whole, showing the present location, height and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and loading facilities, screening, signs, streets, and public utility facilities, and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development;
- d. Within a reasonable distance of the college or university campus, the Board may also permit the interim use of land or improved property with any use which the Board may determine as a proper college or university function; and
- e. Before taking final action on an application for such use, the Board shall have submitted the application to the District of Columbia Office of Planning and the District of Columbia Department of Public Works for review and report.

4. This request for special exception is submitted pursuant to the Georgetown University Bicentennial Campus Plan reviewed and approved by the Board in BZA Application No. 14302, Order dated October 12, 1990. The instant application is the third project submitted for approval under the approved Bicentennial Campus Plan.

5. Georgetown University is located in an urban setting composed of residential, institutional and commercial uses. Georgetown University is also located within the Georgetown Historic District and the Commission of Fine Arts has architectural review authority for specific building projects. The site which is the subject of this application is located on the Medical Center campus.

- 6. In this case, there are four issues presented for review:
 - a. Is the Medical Research Building designed to meet the University's needs for enhanced research facilities for its existing programs?
 - b. Will the Medical Research Building further the academic mission of the University and the needs of the hospital?
 - c. Does the project meet the requirements of the Zoning Regulations in that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions?

- d. Will the penthouse, as designed, impair the light and air of adjacent structures?

7. The recently adopted Bicentennial Campus Plan was approved after participation by the University and the community in a comprehensive planning process and an extended public hearing process. The approved Bicentennial Campus Plan identifies the proposed medical research building as a "priority project". The proposed building is proposed to address the University's critical need for consolidated, modernized and well-located research laboratories, classrooms, and administrative and storage space. Currently, the University's research activities are conducted in several, inadequate locations including the Medical-Dental Building and the Preclinical Sciences Building. Given the existing crowded conditions and the increasing levels of grant funding, there is a great and immediate need for additional classrooms, storage, meeting areas and laboratories. Further, the University's plan to address the overcrowded laboratory conditions have been viewed favorably by the Medical School accreditation authorities.

8. The proposed medical research building will promote the University's academic mission by enhancing the existing research facilities and the University's potential to become a leading catalyst in the field of biomedical knowledge. The project will further the growth of basic neuroscientific research in the areas of Anatomy and Cell Biology, Pharmacology, Biochemistry and Physiology and other areas of medical research including Physiology, Electrophysiology, Molecular Biology, Biochemistry and Pathology.

9. The proposed building is intended to fulfill the clearly stated goals of the Medical Center as set forth in the Campus Plan. These goals include stimulating and intensifying inquiries in the basic and clinical sciences, attaining excellence in the education of physicians, nurses and biomedical scientists, and bringing the most sophisticated technologies to patient care. The new facility will also enable the University to attract high level researchers and to secure the grant funding that is critical to the operation of all medical schools due to their capital intensive nature.

10. Upon its completion; approximately 139 existing University employees will occupy the proposed building. Based on projected increases in annual grant funding, it is anticipated that the building will be fully occupied within five years of its completion. The size of the proposed building will accommodate the University's existing critical space needs and projected growth.

11. There will be no increase in the number of students as a result of this project. The new building is intended to relieve currently overcrowded conditions and not to accommodate an increased number of students.

12. The University has a reputation for excellence in medical research which enables the University to attract federal and private grants to fund a broad range of programs. Some of these programs enable Georgetown to have very direct impacts on the community. For example, the University participates in the training of high school science teachers, provides extensive services to the mentally retarded and disabled adults and children and provides supportive service programs for the elderly, among other activities. These aspects of University's research program directly benefit the community.

13. The Medical Center research conducted at the University provides tangible public benefits by advancing the understanding of diseases and their treatment. The research that is conducted at the University encompasses a broad range of areas that have a direct and positive effect on health issues, some of which greatly affect the Washington community. Researchers at Georgetown study the basic mechanisms of disease and practical treatments for disease, with a concentration on four main areas: cancer, heart disease, nervous system diseases and diseases affecting infants and children.

14. A portion of the new building will include space for the Fidia Georgetown Institute for the Neurosciences ("FGIN"), a public not-for-profit medical research organization. This research institute has been located on campus since 1985 and is presently located in the Medical-Dental building. It will be housed in the eastern wing of the new medical research building. The University's advanced study of the complex functions of the brain at the FGIN has had an impact on treatments for stroke, Parkinson's disease, muscular dystrophy, multiple sclerosis and Alzheimer's disease. The University's research efforts, particularly with respect to neurological diseases have, significant and direct benefits to the community.

15. The proposed medical research building will be located in the northwestern quadrant of the campus, a location previously approved by the Board. The proposed site currently contains a 150-space parking lot. The new building will be well removed from neighboring residential properties and will be located approximately 500 feet from Reservoir Road. In addition, the building will be set back from the adjacent Glover Archbold Park a total of 60 feet. This setback distance was approved in concept in the Campus Plan. The building entrance will relate to the entry level to the Medical-Dental, Basic Sciences and other buildings on the Medical Center campus. The entrance level is located at the same elevation as the athletic field immediately behind the site. The building is located so as not to have any objectionable impact on the surrounding area.

16. The project will involve the construction of a low,

vegetation-covered retaining wall in the landscaped buffer area between the existing roadway and the park. The existing roadway will be realigned and lowered slightly and substantial landscaping will be added to enhance the existing buffer.

17. The proposed Medical Research building is designed to include laboratories and classrooms, in addition to space devoted to elevators, corridors, storage and other support functions. Under the original plan, the building height was 84 feet and the total height was 93.5 feet, inclusive of the penthouse. As originally proposed, the building contained six stories and a total of 190,000 square feet including above and below grade space and total gross floor area of 160,000 square feet.

18. The proposed structure has been designed to be compatible with both the traditional style of architecture on the campus and the more modern additions to the Medical Center campus. The contextual design and brick and pre-cast materials specifically relate to the Medical-Dental Building while respecting the Basic Sciences Building. The roof design is consistent with the roof design of both the Medial-Dental Building and Healy Hall. The Georgetown effect of the design of the building necessary for compatibility of design with existing architecture on campus results in the elimination of the penthouse setback on two ends of the building necessitating Board approval of special exception relief. The penthouse extends only 3.5 feet above the roofline, significantly lower than the 18.5 foot height allowed under the Zoning Regulations. The granting of requested special exception relief will not impair light and air to adjacent properties, all of which are owned by the University.

19. The applicant presented extensive exhibits, including photographs and site line studies, demonstrating that the building will not be visible from nearby roadways and properties, including Glover Archbold Park and Reservoir Road, nor from George Washington Parkway. The topography of the campus and the existing tree coverage on and adjacent to the campus significantly diminish the visibility of the building from surrounding properties.

20. The proposed Medical Research building will not create an increase in the noise levels of the Medical Center campus. The use of the building as a research facility is an inherently quiet operation.

21. The applicant's traffic expert testified that the project will have no adverse impact on traffic conditions in the area. Initially, the project will involve the relocation of the employees who already work on the Medical Center campus and who currently use Reservoir Road, therefore, there will be no change in existing traffic patterns. The parking that now takes place on the site of the proposed building will be shifted to the Leavey Center, which

is designed to accommodate valet parking. The additional 130-140 employees who will be phased into the new building over the five year period following construction will generate approximately 94 cars assuming a continuation of the University's Transportation Management Program. The long-range parking needs of the facility will be met through the construction of one of the parking garages that is indicated in Exhibit 13 of the recently approved Campus Plan or through surface parking locations on campus. When fully occupied, the new building will produce no more than a minor, if any, increase in traffic levels on Reservoir Road and will have no adverse traffic impacts on traffic and parking on the campus or in the surrounding area.

22. The Office of Planning (OP), by memorandum dated June 19, 1991, recommended conditional approval of the application. The OP was of the opinion that the proposed building will be in compliance with the provisions set forth in Section 211 of 11 DCMR and that the applicant has met the burden of proof relative to the request for a special exception from the provisions of Sub-section 400.8 of 11 DCMR. OP recommended that approval of the application be subject to the conditions that the project must comply with all requirements under the D.C. Environmental Policy Act and that the construction shall be in accordance with the plans on file, with flexibility to make any design changes required by the Commission of Fine Arts. In addition, OP recommended as a condition that the University must continue to work with the surrounding community to address the ongoing parking and traffic issues.

23. The Department of Public Works (DPW), by report dated June 19, 1991, indicated that it has no objection to the proposal. DPW stated that the proposed valet parking arrangement will adequately address the issue of traffic and parking impacts on and around the campus on an inter basis. DPW noted that the approved Campus Plan includes future garage locations which will address the long-range parking needs of the University.

24. Advisory Neighborhood Commission (ANC) 2E, by letter dated June 18, 1991 and through testimony at the public hearing, voted to oppose the application on the grounds that the building will have a negative impact on parking in the surrounding neighborhood. The ANC expressed concerns about the impact of the building on the adjacent park and the need for an environmental impact statement. ANC 2E also objected to the size of the building in relation to the needs of the University.

25. Advisory Neighborhood Commission (ANC) 3B, by letter dated June 19, 1991, stated its opposition to the proposal on the grounds that the building is too large in relation to the neighboring buildings and because of its negative visual impacts on Glover Archbold Park. ANC 3B expressed its willingness to consider a modified proposal addressing these concerns.

26. In its letter, dated June 12, 1991, AND 3D recommended the Board should not grant the requested relief until such time as the applicant submits a full Environmental Impact Statement (EIS) to appropriate federal and local agencies to address the impact of the proposal on the community and Glover Archbold Park. The ANC also recommended that the Department of Consumer and Regulatory Affairs require such EIS pursuant to its review of the Screening Statement.

27. The record contains several letters in support of the application from area residents and local associations and organizations. Several area residents testified at the public hearing in support of the application. The support is generally summarized as follows:

- a. The proposed building has been designed so as to have no negative external impacts on the surrounding neighborhood.
- b. The siting and design of the proposed building are sensitive to its relationship to Glover Archbold Park and will be barely visible from the park and other neighboring properties.
- c. There will be no adverse impact on the community as a result of traffic.
- d. The proposal facility will satisfy the University's need from additional space, which will in turn enhance the University's reputation with respect to medical research, enabling the University to attract much needed research funding to continue its research programs.

28. There were no letters of opposition of record and no area residents testified at the public hearing in opposition to the application.

29. At the conclusion of the public hearing, the Board left the record open to receive submissions from the applicant exploring the feasibility of removing three stories of the building to minimize its impact on the nearby parkland and detailing the University's existing and proposed program for the handling of hazardous wastes.

30. By post-hearing submissions submitted on July 11 and July 12, 1991, the applicant indicated that it had studied several redesign options in addition to reducing the height of the building, including moving the entire building to the east, restudying the design of the upper stories, and changing the color of the building materials. The applicant's proposal provided for the removal of one full story of the building. In order to

maintain the approximately 160,000 square feet of gross floor area necessary to support the projected medical research facility, the applicant proposed to partially recoup the floor space lost by the reduction in height by extending the building to the northwest and by increasing the below grade space. The proposed revision results in a one-to-one setback from the park to the main cornice level at 59.5 feet.

31. With regard to the issue of height, the Board finds that although the University's posthearing submission is responsive, the building needs to be further reduced by one additional floor on the wing that faces Glover Archbold Park, leaving the balance of the building at the height proposed. With this height reduction on the portion of the building facing the park, the design more closely achieves a one to one setback from and minimizes any visual impacts on the park. The Board further finds that the applicant needs flexibility to make further design, footprint, height and material changes to address any recommendations made by the Old Georgetown Board of the Commission of Fine Arts.

32. The University submitted a detailed explanation of its existing program for the handling of hazardous wastes. The University noted that the new building will not result in the production of any new types of waste. The University stated, and the Board finds, that the existing program complies fully with all applicable local and federal regulations and programs governing the storage, handling and disposal of hazardous wastes. All hazardous wastes are stored in special drum containers in the areas designated in the Campus Plan. Only those personnel trained in hazardous waste handling and emergency response are allowed to manage the waste. The Board finds, consistent with the University's submission, that the proposed project will involve the continued implementation of the existing program and will not result in any adverse impacts related to hazardous wastes.

33. The Board is required by statute to give "great weight" to the issues and concerns raised by ANC 2E, 3B and 3D as those are reduced to writing and in resolution form. In addressing the ANC concerns, the Board makes the following findings:

- a. As to whether the building is appropriate in size, the Board is persuaded by the testimony of University representatives that given the current growth in research funding and the existing overcrowded conditions, the University has established a need for a building of this size on its Medical Center campus and notes that it is anticipated that the building will be fully occupied within five years of completion. In its decision to reduce the height of the building on the side facing the park, the Board has addressed the size issue as it relates to any impact on the park. The Board finds that

a building with a gross floor area of 160,000 square feet, in addition to the below grade storage and support space areas, is consistent with the square footage projections contained in the Campus Plan.

- b. As to whether an Environmental Impact Statement should be filed in connection with the project, the Board finds that the University has agreed to comply fully with the Environmental Policy Act and that any decision as to whether an EIS is required is up to DCRA.
- c. As to whether the project will have any negative impact on existing traffic conditions on campus, the Board is persuaded by the expert testimony of the University's traffic consultant and DPW which indicated that the parking needs generated by the project can be addressed adequately through valet parking in the Leavey Center and, over the long term, through the construction of a new parking garage or through surface parking lots. The Board is also persuaded that the construction of the new building will have only a minimal, if any, impact on existing traffic on Reservoir Road.
- d. As to whether the building will have an adverse impact on the Glover Archbold Park, the Board is persuaded based on the numerous exhibits in the record, the removal of one story proposed in the applicant's post-hearing submission and the removal of a second story on the western wing, that the building will not have an adverse impact on the park. The Board finds that given the height reduction on the wing facing the park, a one to one setback has been achieved, and the Board has no objection to an extension of the building to recoup space lost by this height reduction. The Board concludes that with the height reduction, the revised design directly responds to previously stated concerns about impacts on the park.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking special exception relief, the granting of which requires compliance with requirements of Sections 211, 400.8 and 3108.1 of the Zoning Regulations and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property. The Board concludes that the University has met its burden of proof and that the use is so located as not likely to become objectionable because of noise, traffic, number of

students or other objectionable conditions. The Board concludes that the penthouse special exception relief is appropriate.

The Board further concludes that, as hereinafter conditioned, the project is not likely to adversely impact adjacent or nearby properties. Accordingly, it is hereby **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

- a. The footprint of the building shall be as shown on the plat marked as Exhibit No. 47B of the record. Any changes to the penthouse design to accommodate the change in the footprint of the structure are included in the Board's approval.
- b. The height of the building shall be as shown on the elevation marked as Exhibit No. 47A of the record, except that the height of the western wing of the building shall be reduced by one story.
- c. The applicant shall have the flexibility to make minor modifications to the design of the building as necessary to comply with recommendations of the Commission on Fine Arts and the Old Georgetown Board. The applicant shall also have the flexibility to modify the interior of the building to address its programmatic needs.
- d. The project shall comply with all the applicable provisions of the D.C. Environmental Policy Act.
- e. The applicant shall continue to work with the community in an effort to alleviate concerns regarding ongoing traffic and parking issues as set forth in the campus plan.

VOTE: 4-0 (John G. Parsons, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

AUG 23 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15519Order/SS/bhs